

**BEFORE THE ARKANSAS STATE BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS**

In the Matter of David C. Wilbourn, PE 6441
Case #2024-17

CONSENT ORDER

The Arkansas State Board of Licensure for Professional Engineers & Professional Surveyors ("Board") and David C. Wilbourn ("Respondent") acknowledge the existence of controversy regarding whether Respondent has violated the Board's statutes and/or rules. The parties desire to avoid the uncertainties and costs of disputed and protracted administrative adjudication and litigation and enter into a Consent Order to resolve the pending controversy.

Respondent hereby represents and agrees:

- A. Respondent, having read the proposed Consent Order, acknowledges that he has the right to consult with counsel and approves this Consent Order on his own volition and without any reliance upon any representations by the Board or any officer, employee, agent or other representative thereof, other than as expressly set forth herein.
- B. Upon entry of this Consent Order, Respondent hereby waives any further procedural steps including, without limitation, the right to a hearing and all rights to seek judicial review or to otherwise challenge or contest the validity of this Consent Order.
- C. Respondent acknowledges that this agreement is subject to approval by the Board.

- D. Furthermore, Respondent agrees that should this Consent Order not be approved by the Board, the presentation and consideration of this Consent Order by the Board shall not unfairly or illegally prejudice the Board or any of its members or Respondent from further participation, consideration, or resolution of the matters involved herein at any subsequent hearing.
- E. Respondent and the Board expressly acknowledge that this is an attempt to settle and resolve disputed claims and, should the Board decline to approve the Consent Order, neither Respondent nor the Board will have been deemed to waive any and all claims, rights or causes of action that either may have.
- F. Respondent understands and agrees that approval and entry of this Consent Order shall not preclude additional proceedings by the Board against Respondent for acts or omissions not specifically addressed herein.
- G. Respondent understands and acknowledges that this Consent Order and the Board's records concerning this matter are public records and available to the public pursuant to the Freedom of Information Act, Ark. Code Ann. §§ 25-19-101, et seq.
- H. This agreement shall not become a valid and enforceable order of this Board unless and until accepted and approved by the Board at an official meeting and executed by the Board's President or the President's designee.

FINDINGS OF FACT

1. On June 17, 1986, Respondent was issued a Professional Engineering license 6441 and was so licensed until December 31, 2021, when his licensed was placed on non-renewed status.
2. On July 9, 2024, Respondent's application for reinstatement was presented to the Board. Respondent's application stated he performed engineering projects as a consultant for the City of Lonoke and the City of Benton. The Board voted to defer the PE application and refer the matter to the Complaint Committee for investigation into the practice of engineering without a license.
3. On July 10, 2024, Heather Richardson, the Director for the Board filed a complaint against Respondent for the practice of engineering without a license.
4. While Respondent's licensed was non-renewed, he conducted consulting services for the City of Benton to assist with an ARDOT permit for a striping project.
5. The Respondent also conducted consulting work for the City of Lonoke in reviewing storm damage repair plans.
6. All of the Respondent's work was completed under RVW, Inc an Arkansas company that does not have a Certificate of Authorization (COA) with the Board.
7. The work conducted by Respondent for the City of Benton and the City of Lonoke constituted the practice of engineering.

8. On July 19, 2024, in Respondent's answer to the Complaint, he admitted to performing engineering in Arkansas without an active Professional Engineer license or COA.

CONCLUSIONS OF LAW

1. Respondent's actions as described in Findings of Fact paragraph 4, 7, & 8 constitutes a violation of Article 16(A)(6) of the Rules of the Board as well as a violation of Arkansas Code Annotated § 17-30-301.
2. Respondent's actions as described in Findings of Fact paragraph 5, 7, & 8 constitutes a violation of Article 16(A)(6) of the Rules of the Board as well as a violation of Arkansas Code Annotated § 17-30-301.
3. Respondent's actions as described in Findings of Facts paragraph 6 constitutes a violation of Arkansas Code Annotated § 17-30-301(4).

ORDER

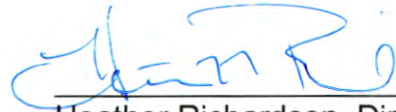
For the violations found by the Board and described herein, the Board imposes the following penalties:

- A. For the violation described in paragraph one of the Conclusion of Law, Respondent shall pay a monetary penalty of \$1,250.00.
- B. For the violation described in paragraph two of the Conclusion of law, Respondent shall pay a monetary penalty of \$1,250.00.
- C. For the violation described in paragraph three of the Conclusion of law, Respondent shall pay a monetary penalty of \$500.00.
- D. Payment of the penalty shall be made within thirty (30) days from entry of this Order.

E. Upon the Respondent's payment of the civil penalty, the Reinstatement Application will be reviewed and upon finding that the Reinstatement Application meets the Rules of the Board, Respondent will be approved for Reinstatement of his Professional Engineer license 6441.

9/10/2024

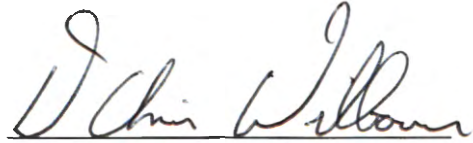
Date



Heather Richardson, Director
Arkansas State Board of Licensure
for Professional Engineers &
Professional Surveyors

9/11/2024

Date



David C. Wilbourn
Respondent