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ARKANSAS

State Board of Registration for Professional Engineers and Land Surveyors

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May, 1990

NEWSLETTER

First Edition

PRESIDENT CUMMINGS' REMARKS

A goal of the Arkansas Board of Registration is to provide the opportunity for each member of the engineering and land surveying professions to become more familiar with the activities of the Board. This is the first issue of a semi-annual publication to provide information on current issues and activities of the Board which may directly affect registrants. We hope that you will find this newsletter publication to be both useful and worthwhile.

The Arkansas Board of Registration for Professional Engineers and Land Surveyors is charged with the responsibility to safeguard life, health and property and to promote the public welfare through regulation of the practice of engineering and land surveying. In our State of Arkansas, and in all other states and territories of the United States, the practice of engineering and land surveying is a privilege and not a right, and each registrant has a responsibility to preserve that right by practicing in accordance with local, state and federal laws and the Rules of the Board.

The Board of Registration is comprised of nine (9) members appointed by the Governor. Seven (7) members are Professional Engineers and at least one (1) of the professional members must be a Registered Land Surveyor. The other two (2) members of the Board are consumer members, one of which must be 60 years of age or older. The present Board Members are interested, dedicated and very capable. We are fortunate that many persons involved in engineering and land surveying are dedicated to the profession to the extent that service in professional and technical organizations is approached as a responsibility to the profession.

As a member of the National Council of Examiners for Engineering and Surveying (NCEES), the Arkansas Board of Registration is one (1) of 67-member boards. As a member of NCEES, the Board has an opportunity to provide input regarding structure, policy and format for both the Fundamentals and the Principals and Practice Examinations. The Arkansas Board is assigned to the Southern Zone, which is comprised of twelve (12) states and two (2) U.S. Territories. Only through the combined effort, expertise and resources of the 67-member boards, is the Council able to provide standardized testing for engineering and surveying applicants.

The Staff of the Arkansas Board of Registration consists of Billy M. Cline, P.E., R.L.S., Executive Director; Kathryn B. Pickens, Assistant Executive Director; Cecilia Rankin, Secretary; and George Harper, Legal Counsel. Mr. Cline has been the Executive Director for just over a year and under his leadership the efforts of the Board have been more efficient and better coordinated. We are fortunate to have such a dedicated staff. There will be an opportunity in future newsletters to become better acquainted with these individuals.

The purpose of the newsletter is to provide registered engineers and surveyors with more information about the activities of the Board. We can accomplish this goal only if you will take the time to provide us with your suggestions regarding how the newsletter may be improved. We look forward to hearing from you.

ATTORNEY GENERAL'S OPINION

The Board requested an opinion from Attorney General Steve Clark on two (2) items relating to engineers. Attorney General Clark gave us opinion No. 89-215 on the items as follows:

1. A.C.A. §22-9-101 provides for having a Registered Engineer on all public works projects over \$25,000.00. Would this apply to school districts even though they had retained a Registered Architect on the project? The opinion states the answer to your question is generally yes, unless the school district project does not involve engineering or is "planned and executed according to plans and specifications furnished by authorized state agencies", A.C.A. §22-9-101(c). These appear to be the only exceptions to the requirement under subsection (a) of §22-9-101 pertaining to the supervision of a Registered Professional Engineer which states: Neither the state nor any township, county, city, town, village or other political subdivision of the state shall engage in the construction of any public works involving engineering for which the plans, specifications and estimates have not been made by and the construction executed under the supervision of a Registered Professional Engineer, licensed to practice under the laws of Arkansas.

The retention of a Registered Architect on the project would not, as a general matter, appear to create an exception to this requirement.

2. A.C.A. §17-27-203(a)(3) states that the Board shall require that all plans, specifications, plats and reports issued by an Engineer shall be stamped with a seal of a design authorized by the Board. Does state law provide an exemption from A.C.A. §17-27-203(a)(3) for Registered Engineers who are employed by the State or any of its agencies, i.e., State Universities, State Highway Department, State Building Services, etc.?

The opinion states our research does not reveal a general exception from this requirement for persons employed by the State or its agencies.

ACT 616 of 1989

Act 616 enacted by the 1989 General Assembly provides certain procedures for the state and political subdivisions to use in the procurement of certain professional services. The Act is as follows:

Section 1. It is the policy of the State of Arkansas and political subdivisions that the state and political subdivisions shall negotiate contracts for legal, architectural, engineering and land surveying services on the basis of demonstrated competence and qualifications for the type of services required and at fair and reasonable prices and to prohibit the use of competitive bidding for the procurement of professional services.

Section 2. In the procurement of legal, architectural, engineering or land surveying services, the political subdivision which utilizes such services shall encourage firms engaged in the lawful practice of these professions to submit annual statements of qualifications and performance

data to the political subdivision. The political subdivision shall evaluate current statements of qualifications and performance data of firms on file whenever a project requiring professional services from a lawyer, architect, engineer or land surveyor is proposed. The political subdivision shall not use competitive bidding for the procurement of professional services of a lawyer, architect, engineer or land surveyor.

Section 3. In evaluating the qualifications of each firm, the political subdivision shall consider:

- (a) The specialized experience and technical competence of the firm with respect to the type of professional service required;
- (b) The capacity and capability of the firm to perform the work in question, including specialized services, within the time limitations fixed for the completion of the project;
- (c) The past record of performance of the firm with respect to such factors as control of costs, quality of work and ability to meet schedules and deadlines; and
- (d) The firm's proximity to and familiarity with the area in which the project is located.

Section 4. The political subdivision shall select three qualified firms. The political subdivision shall then select the firm considered the best qualified and capable of performing the desired work and negotiate a contract for the project with the firm selected.

Section 5.

- (a) For the basis of negotiations, the political subdivision and the selected firm shall jointly prepare a detailed, written description of the scope of the proposed services.
- (b) If the political subdivision is unable to negotiate a satisfactory contract with the firm selected, negotiations with that firm shall be terminated. The political subdivision shall then undertake negotiations with another of the qualified firms selected. If there is a failing of accord with the second firm, negotiations with such firm shall be terminated. The political subdivision shall undertake negotiations with the third qualified firm.
- (c) If the political subdivision is unable to negotiate a contract with any of the selected firms, the agency shall re-evaluate the necessary legal, architectural, engineering or land surveying services, including the scope and reasonable fee requirements, again compile a list of qualified firms and proceed in accordance with the provisions of this act.

Any Registered Engineer or Land Surveyor violating this Act could be subject to disciplinary action by the State Board of Registration for Professional Engineers and Land Surveyors.

Approved Engineering Programs

Accreditation Board for Engineering and Technology (ABET) is the national organization that accredits engineering and technology programs across the United States. The following engineering programs are approved in

(continued on page 3)

Approved Engineering Programs (con't. from p-2)

Arkansas along with the date of original approval:

- Arkansas State University;
 - Agricultural Engineering, 1979 (Bachelor's Degree)
 - Engineering, 1987 (Bachelor's Degree)
- Arkansas Tech University;
 - Engineering, 1989 (Bachelor's Degree)
- University of Arkansas at Fayetteville;
 - Agricultural Engineering, 1955 (Bachelor's Degree)
 - Chemical Engineering, 1952 (Bachelor's Degree)
 - Civil Engineering, 1936 (Bachelor's Degree)
 - Electrical Engineering, 1936 (Bachelor's Degree)
 - Industrial Engineering, 1955 (Bachelor's Degree)
 - Mechanical Engineering, 1936 (Bachelor's Degree)

The following Engineering Technology programs are approved in Arkansas along with the date of original approval: University of Arkansas at Little Rock;

- Computer Engineering Technology, 1989 (Baccalaureate Program)
- Construction Engineering Technology, 1989 (Associate Degree)
- Construction Engineering Technology, 1989 (Baccalaureate Program)
- Electronics Engineering Technology, 1985 (Associate Degree)
- Electronics Engineering Technology, 1985 (Baccalaureate Program)
- Manufacturing Engineering Technology, 1989 (Baccalaureate Program)
- Mechanical Engineering Technology, 1989 (Associate Degree)
- Mechanical Engineering Technology, 1989 (Baccalaureate Program)

Disciplinary Actions

The following represents disciplinary action taken by the Board since January 1, 1990.

Although every effort is made to ensure that the information is correct, before making decisions based upon this information, please check with the Board Office. The listing may not reflect a change occurring near or following the publication date. Furthermore, the listing does not reflect pending appeals for rehearing.

Two engineers were reported for soliciting projects in violation of the Rules of Professional Conduct. After extensive investigation, the Board dismissed the complaint as not having sufficient evidence to prove violation of the Rules of Professional Conduct.

Five firms were reported for having the word engineer in their company name without having a Professional Engineer on staff. Four of the firms voluntarily changed their company subject. The fifth firm was found to have a Professional Engineer on their staff and were therefore in compliance with the state law.

Three Professional Land Surveyors are under investigation at this time for failing to meet the minimum standards or for presenting erroneous surveys.

The investigation has been completed on three Professional Land Surveyors. All three of these were charged with violating the minimum standards or of presenting erroneous surveys to their clients. The Board has scheduled a disciplinary hearing against these three surveyors for June 19, 1990.

Linville Goodman, R.L.S. # 709
Green Forrest, Arkansas

On March 13, 1990, the Board entered into a consent decree with Mr. Goodman and assessed a \$500.00 fine along with one years probation during which Mr. Goodman must submit all surveys to the Board for review.

Mr. Goodman was charged with violating minimum standards along with surveying on a lapsed license and not filing surveys with the county and state.

Complaints come to the Board from all sources including the general public and other registrants. In addition, the Board may initiate investigations on its own. Complaints may be against registrants or non-registrants who are practicing illegally.

Although complaints must be in writing, those with questions should feel free to call the Executive Director for more information as to procedures and jurisdiction.

Registrants are encouraged to become familiar with the law, Rules of the Board and the Rules of Professional Conduct.

Recent Registrants

The following individuals completed the exam process and have been licensed since January 1, 1990.

Professional Engineers:

- Darrell Baker — Amarillo, TX
- Melinda Kay Beavers — Bryant, AR
- Danny Roe Bennett — Little Rock, AR
- Terry Alan Bewley — Little Rock, AR
- Brooks Van Booher — Little Rock, AR
- Mark Jeffrey Brady — Little Rock, AR
- James Richard Brown — Little Rock, AR
- Waymon Darrell Burnett — Mabelvale, AR
- Gregory Lee Burrows — Ft. Smith, AR
- Michael Lee Core — Little Rock, AR
- Michael Brian Cotton — Benton, AR
- Ralph Crumpton — State Univeristy, AR
- Tony George Dib — Little Rock, AR
- John English — College Station, TX
- John T. Fitzpatrick — N. Little Rock, AR
- Jeffrey James Formica — Ft. Smith, AR

Professional Land Surveyors:

- Gene Buescher — Springdale, AR
- Hurley Clinton — Sheridan, AR
- Robert Green — Rison, AR

Notice - Notice - Notice

The Arkansas Minimum Standards for Property Boundary Surveys and Plats was adopted June 30, 1982 by the State Surveyor's Office. The State Board of Registration for Professional Engineers and Land Surveyors is charged with the enforcement of these by Act 458 of 1973.

If you have any questions on these or need copies of these standards, please call either the Board Office or State Surveyor's Office.

Important Board Dates

June 19, 1990	Board Disciplinary Hearing
June 28, 1990	Land Surveyors Committee Meeting
June 29, 1990	Board Meeting
July 1, 1990	Deadline for Renewing Land Surveyor License
August 1, 1990	Deadline for Submitting Applications for October Exam
August 1 - 4, 1990	Annual Meeting NCEES, Milwaukee, Wisconsin
October 26, 1990	Fall Exams, Both Fundamentals & Principle & Practice for Engineers and Land Surveyors

Please Take Note

Apparently, many of our registrants have been relying upon the Arkansas Society of Professional Engineers, Arkansas Society of Professional Surveyors and other organizations to forward their address change notifications to the Board of Registration. As a matter of policy, the Board must receive address change notifications in writing directly from the registrant. No other notifications of address change will be accepted. If your address on this mailing is incorrect, please complete the following and mail to the Board Office at P.O. Box 2541, Little Rock, Arkansas 72203.

Please Type or Print Clearly

NAME _____
ADDRESS _____
CITY _____
STATE _____
ZIP _____
SOCIAL SECURITY NO. _____
PE/LS LICENSE NO. _____
SIGNATURE _____

**ARKANSAS STATE BOARD OF
REGISTRATION FOR PROFESSIONAL
ENGINEERS AND LAND SURVEYORS**
P.O. BOX 2541
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