Why Do We Have a Board of Registration?
Willard Reese, P.E., President

From time to time, after spending a few hours working on an application to sit for an examination, an applicant may wonder, “Why do I have to go through all this red tape; and why do we even have a Board of Registration anyway?”

The answer to those questions is found in the first two paragraphs of Article 1 of the Rules of the Board of Registration for Professional Engineers and Land Surveyors. These say that, “In order to safeguard the life, health and property and to promote the public welfare, the practice of engineering and surveying in the State of Arkansas is subject to regulation.” Those paragraphs sum up the reason why the General Assembly of the State of Arkansas, with the concurrence of the Governor, in a process that can be traced all the way back to 1925, has seen fit to pass laws regulating who can and cannot call themselves engineers and land surveyors in the state of Arkansas. The state agency that is charged with enforcing those laws is the Board of Registration. It exists to license and police the professions of land surveying and engineering. In short we have a Board of Registration because the work done by the professionals licensed by the Board is too important to go unregulated.

With that understanding in mind, look at what the Board of Registration does. About half its time is taken up reviewing the applications of people who want to become either land surveyors or engineers. This is the process, familiar to registrants, of applying to “take the exam”. That application is more than a request to take the exam, it is a summary of how well an applicant has met the requirements set by law and the rules in terms of education and experience. If found qualified, an applicant is permitted to take the examination. Upon passing the examination the applicant is registered at the appropriate professional level.

The Board also has an important function as the gatekeeper for engineers or land surveyors who have been licensed in another state who wish to practice in Arkansas. The Board requires these individuals to file applications which contain the same information required from applicants for initial licensing. To be granted an Arkansas license, a land surveyor or engineer coming from another state must show that they meet the requirements of the state of Arkansas.

In addition, the Board at every meeting reviews cases where someone has been accused of violating the laws or rules governing the practice of engineering or surveying in the state. In such cases, the Board acts in a quasi-judicial manner, voting to either dismiss the charges, accept a Consent Agreement or “hear” the case at an Administrative Hearing.

Finally, the Board administers the requirement that land surveyors and engineers maintain professional competency by completing professional development hours each year.

Each of these functions contribute to the Board’s Mission Statement which is to “protect the life, health, safety and welfare of the public by licensing of individuals providing Engineering and Land Surveying services in the State of Arkansas.” That is a valuable reason for having a Board of Registration for Professional Engineers and Land Surveyors.

The immediate Past President’s Notes
Bob Walters, P.E.

This past year has been a busy one for the Board. With the help of our Legislature, provisions were made to transition our Executive Director from a part-time position to a full-time position. We have also been able to hire additional staff for the office. These changes will help the Board process your renewals and other business in a more timely manner and allow more expeditious investigation and processing of complaints.

With the results of the recent exams in, it is good to see that our pass rates are in line with the national averages. Congratulations to all the new engineer and land surveyor registrants.

At the national level, the debate continues over what the appropriate educational and experience requirements should be for professional registration. The Board continues to be involved with NCEES activities related to testing and registration requirements and will take as active a role as possible in these discussions.
THE DIRECTORS CORNER
by J.T. Clements, Jr.

What a difference a year makes! Last year at this time, we were in the midst of rule changes, preparing our operating budget, and getting ready for the upcoming legislative session. All of the above are now behind us. The rules became effective on October 11, 2002, our budget was approved as Act 99 of 2003 on February 10, 2003 and the general session of the Legislature finally ended in April 2003.

We have adjusted to the changes and are pushing forward under the direction of the Board. We don’t stop often enough to thank the Board for the work that they do. They meet at least six and often eight or more times each year to address issues which have an impact upon your practice. Each time they meet, they bring their stacks of “home work” such as applications, action items from the National Council, Committee reports, and always with other agenda items which have been presented to them by you and others. They work hard for you.

I remind you that our newsletter is posted on the website when it is sent to the printer and for this reason, many of you will read this before the Board participates in the Annual meeting of the National Council in Baltimore, Maryland, August 12-16, 2003, and others will receive it in the mail while we are at the meeting.

I look forward to another year of serving you and the Board as a full-time Executive Director. One of the first steps in this different capacity is that of getting out this issue of the newsletter after too long a silence. Complaints are another item which are being worked more intensely with the aid of Ms. Melissa Gieber as a Complaints Coordinator/Investigator in a part-time position. I am pleased to announce that Ms. Nancy Tell Hall has become a full-time, permanent employee. She and Virginia Davis, along with some upgrades in our software system, have shortened the time for renewing and reissuing your annual renewals. Ms. Linda Stone, our Assistant Executive Director, continues to manage our business processes and as a result, we are better able to serve you. Please feel free to call us if you have any question or need assistance. Thank you.

What's Happening at the National Council of Examiners for Engineers and Surveyors (NCEES)

Exams – October 2003:

- Will be the last administration of the Manufacturing Engineer Exam.
- Will be the last administration of the Structural II Exam as separate AM & PM exams. Beginning in April 2004, it will be graded as an eight hour exam, pass or fail (those who need either the AM or PM portion to complete the Structural II, contact the Board for additional information).

Annual meeting Hot buttons:

- Limit the types of hand held calculators in the exam room to the following models; TI series 30, HP9G, HP9S, HP32S, and HP32SII, beginning April 2004.
- Revise model Laws & Rules for Professional Surveyors.
- Establish the definition of Model Law Engineer – Structural
- Establishment of a Unique National numbering system for all NCEES examination applicants.
- ADA requests must be submitted in a timely manner (about 60 days before the exam date). Late requests will be considered for the next exam.
- Proper use of seals (includes digital format).

PAKS:

- A “PAKS” questionnaire for the Principals and Practice of Land Surveying exam was mailed to Land Surveyors in all Jurisdictions. Fifty-five Arkansas PLS registrants received the questionnaire. We need a good response to this survey!
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DISCIPLINARY ACTIONS
taken by the Board since October 2001

1. 12/18/01 – In the matter of Dan Stowers, non-registrant, charged with the preparation and design of multiple drawings and placing them in the public domain without the review and seal by a professional structural engineer and without a signed and sealed seismic statement. The Board accepted a Consent Agreement which acknowledges the violation and imposes a civil penalty of $4,000.

2. 02/22/02 – In the matter of Donald Sheffer, PLS # 993, charged with multiple violations of the Minimum Standards. The Board accepted a Consent Agreement which contained an admission of guilt, Respondent assessed a civil penalty of $3,000 and be placed on probation for a period of six (6) months, during which, all surveys must be submitted to the State Surveyor’s Office for review.

3. 05/13/02 – In the matter of Dan Ivy, PLS # 1036, charged with failure to perform work as contracted in a timely manner, A.C.A. §17-48-102 (b)(1) through (3). The Board accepted a Consent Agreement which contained an admission of guilt, acknowledges that the Respondent had previously refunded the clients $600 fee and Respondent agreed to the issuance of letter of caution in lieu of a civil penalty.

4. 07/30/02 – In the matter of Waste Services, Inc., non-registrant, charged with offering to practice engineering without being registered by the Board, A.C.A. §17-30-303. The Board accepted a Consent Agreement which contained an admission of guilt, Respondent was assessed a civil penalty of $1,000 and ordered to eradicate its errors by withdrawing all advertisements offering engineering services.

5. 07/30/02 – In the matter of John T. Bates, d/b/a Bates Engineering, non-registrant, charged with offering to practice engineering without being registered by the Board, A.C.A. § 17-30-303. The Board accepted a Consent Agreement which contained an admission of guilt and Respondent was assessed a civil penalty of $500.

6. 08/29/02 – In the matter of James C. Frazier, Jr. PLS # 86, charged with multiple violations of the Minimum Standards. The Board ordered the Respondent to prepare and file, with the County clerk and State Surveyor’s Office, a corrected plat which complies with all Minimum Standards. No civil penalty was assessed.

7. 09/10/02 – In the matter of Martin & Blackwell, L.L.C., non-registrant, charged with offering engineering services and design without being registered by the Board, A.C.A. § 17-30-303. The Board accepted a Consent Agreement which contained an admission of guilt and Respondent was assessed a civil penalty of $1,000.

8. 09/12/02 – In the matter of Kenneth D. Lynch, PLS # 1129, charged with multiple violations of the Minimum Standards. The Board accepted a Consent Agreement which contained an admission of guilt, Respondent agreed to prepare a corrected and complete plat of survey for the client and furnish a copy to the State Land Surveyor, Respondent was assessed a civil penalty of $550 and ordered to serve a six (6) month probation period, during which, all surveys must be submitted to the State Surveyor’s Office for review.

9. 10/31/02 – In the matter of William Grant Brawner, PLS # 1198, charged with multiple violations of the Minimum Standards. The Board accepted a Consent Agreement in which the Respondent was assessed a civil penalty of $400 and ordered to serve a six (6) month probation period, during which, all surveys must be submitted to the State Surveyor’s Office for review.

10. 10/31/02 – In the matter of Paxton Singleton, PLS # 1402, charged with violating the Code of Professional Conduct. The Board accepted a Consent Agreement which contained an admission of guilt, The Board ordered a letter of caution be issued and Respondent was assessed a civil penalty of $4,500.

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DISCIPLINARY ACTIONS Continued

11. 03/31/03 – In the matter of William W. Hope Jr., non-registrant, charged with offering to practice engineering and land surveying without being registered by the Board. The Board accepted a Consent Agreement which contained an acknowledgement of responsibility; Respondent was assessed a civil penalty of $2,000 and ordered to eradicate its errors by requesting that the advertisements be withdrawn.

12. 03/31/03 – In the matter of Terry Gilmore, PLS # 1413, charged with violating the Code of Professional Conduct. The Board ordered a letter of reprimand be issued, no civil penalty was assessed.

13. 05/22/03 – In the matter of David L. Carpenter, PLS # 846, charged with not filing plats in a timely manner. The Board accepted a Consent Agreement which contained an admission of guilt, Respondent was assessed a civil penalty of $2,500, ordered to serve a one (1) year probation, such probation will require a strict compliance with Article 16(A) and it was ordered that any future late filings shall constitute an automatic $100 sanction per instance.

14. 07/22/03 – In the matter of Michael W. Webb, non-registrant, charged with practicing or offering to practice engineering without being registered by the Board. The Board accepted a Consent Agreement which contained an admission of guilt and Respondent was assessed a civil penalty of $3,000.

Downloadable Roster of Registrants now available!

You may view the rosters on our website and now for a fee, you may download them in electronic format! Visit www.state.ar.us/pels/ for further information.