

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

**ARKANSAS STATE BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND PROFESSIONAL
LAND SURVEYORS**

COMPLAINANT

Case #2009-27 and Case #2011-09

**RAYBURN GAIL LINDSEY and
DESIGN TECH ASSOCIATES**

RESPONDENTS

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

A hearing on the above-referenced matter was held before the Arkansas Board of Licensure for Professional Engineers and Professional Surveyors (“the Board”) on March 13, 2012, at the office of the Board, 623 Woodlane Drive, Little Rock, Arkansas. Rayburn Gail Lindsey and Design Tech Associates, hereinafter referred to as “Respondents,” appeared in person before the Board. The Board was represented by Assistant Attorney General Brandon Robinson. On the basis of the testimony and other evidence presented, the Board makes the following findings of fact, conclusions of law, and order.

FINDINGS OF FACT

FF1. Respondent Lindsey is an architect licensed in Arkansas. Lindsey has never held licensure as a Professional Engineer in Arkansas.

FF2. Respondent Lindsey’s firm, Design Tech Associates has never held a valid Certificate of Authorization to offer or provide engineering services in Arkansas.

FF3. A set of plans to construct a union hall for the International Brotherhood of Electrical Workers was submitted for code review to the City of Jonesboro on September 29, 2009.

FF4. Jonesboro is located in Craighead County and the union hall is a public building or structure because it is intended for public use.

FF5. The set of plans submitted to the City of Jonesboro was sealed by Lindsey and used the title block for his firm, wherein civil, electrical, structural, mechanical, and plumbing engineering design was depicted on some of the plan sheets.

FF6. The civil and electrical plan sheets were sealed by appropriately licensed Professional Engineers. The plan sheets depicting structural, mechanical, and plumbing engineering work were not.

FF7. All of the engineering design work depicted on the plan sheets for the union hall was not incidental to the practice of architecture.

FF8. The engineering design work depicted on the structural plan sheets for the union hall were required to be designed by a professional engineer regardless of whether it was or could be considered as incidental to the practice of architecture.

CONCLUSIONS OF LAW

CL1. Respondent Lindsey's conduct as outlined in paragraphs FF1-FF8 constitutes one count of practicing or offering to practice engineering in Arkansas, within the meaning of Arkansas Code Annotated §17-30-101(4)(B)(i), without licensure by the Board, in violation of Arkansas Code Annotated §17-30-301.


CL2. The conduct of Respondent Design Tech Associates as outlined in paragraphs FF1-FF8 constitutes one count of providing or offering to provide engineering services without a valid Certificate of Authorization, in violation of Arkansas Code Annotated §17-30-303.

ORDER

The Respondents are ordered to pay a \$500.00 civil penalty for each of the two above counts the Board found Respondents to be in violation of, for a total penalty of \$1,000.00. Payment of the civil penalty shall be made to the Board within fifty (50) days of service of this Order.

This Findings of Fact, Conclusions of Law, and Order constitutes the final written decision of the Board in this matter. In accordance with Arkansas Code Annotated § 25-15-212, the Respondents may petition for judicial review of the final written decision by filing a petition in the Circuit Court in the county in which they reside or do business or in the Circuit Court of Pulaski County within thirty days after service of the final order.

Dated this 6th day of April, 2012.

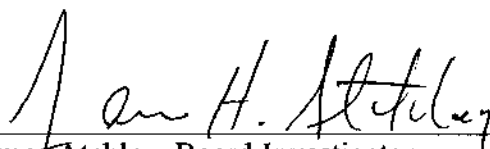


Steve Haralson, Executive Director
Arkansas Board of Licensure for Professional
Engineers and Professional Surveyors

Certificate of Service

I, James Atchley, Board Investigator of the Arkansas Board of Licensure for Professional Engineers and Professional Surveyors, do hereby swear and affirm that a true and correct copy of the above was sent by U.S. Mail to the following addresses with proper postage affixed on this 6th day of April, 2012.


Mr. Rayburn Gail Lindsey
Design Tech Associates
318 Greene Road #792
Paragould, AR 72450



James Atchley, Board Investigator
 Arkansas Board of Licensure for Professional
 Engineers and Professional Surveyors

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

Postage	\$ 65
Certified Fee	295
Return Receipt Fee (Endorsement Required)	235
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 595

Postmark: 

Sent To: _____
 Street, Apt. No., or PO Box No. _____
 City, State, ZIP+4 _____
Lindsey

7002 0510 0001 8880 1733

1. Article Addressed to:

Mr. Rayburn Gail Lindsey
Design Tech Associates
318 Greene Road #792
Paragould, AR 72450

2. Article Number
 (Transfer from service label) 7002 0510 0001 8880 1733

3. Service Type


<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee) Yes No

5. Agent Agent Addressee

6. Recipient by Printed Name Rayburn Lindsey

7. Date of Delivery 4-7-12

8. Signature 

9. Is delivery address different from item 1? (if YES, enter delivery address below:) Yes No

RECD APR 10 2012

PS Form 3811, August 2001

24CFR1-08-P-4081