

**BEFORE THE ARKANSAS BOARD OF REGISTRATION FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

IN THE MATTER OF DANIEL IVY, PLS # 1036

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

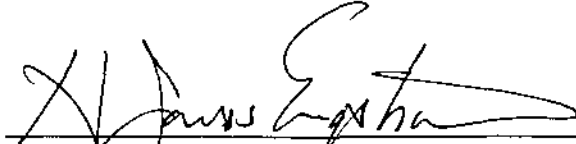
The Arkansas Board of Registration for Professional Engineers and Land Surveyors (“the Board”) determined that there was sufficient evidence to charge Mr. Daniel Ivy PLS # 1036, hereinafter referred to as “Respondent,” with a violation of the following laws governing the practice of professional surveying in the state of Arkansas: Ark. Code Ann. §17-48-101 *et. seq.* These charges were based upon the following facts and allegations:

1. Respondent is a licensed surveyor in the State of Arkansas.
2. In May 2003, Respondent was hired by Mr. Scott Demaree to complete a survey on his property in Hot Springs Village, Arkansas. At this time Respondent stated he would complete the survey within two weeks. In July 2003 Respondent had failed to complete the survey and refused to return Mr. Demaree’s phone calls. Mr. Demaree notified Respondent that his services were terminated for failing to complete the survey as stated and his lack of professionalism.
3. Respondent’s failure to perform the work as contracted would constitute a violation of Ark. Code Ann. §17-48-101 *et. seq.* It would also constitute a violation of Ark. Code Ann. §17-48-102(b)(1) through (3), which gives the Board the authority to assess a civil penalty of \$25 to \$2,000 against any professional land surveyor who is found guilty of any gross negligence, competence, or misconduct.
4. The matter came on for hearing April 6, 2004, and Respondent appeared through his attorney, Brian W. Albright

CONCLUSIONS OF LAW

After full hearing, the Board has determined that the above-noted allegations were unfounded and that Respondent did not violate the above-noted statutory provisions. Therefore, the charges against Respondent should be, and hereby are, dismissed.

IT IS SO ORDERED.


H. James Engstrom, President
Arkansas Board of Registration for Professional
Engineers and Land Surveyors

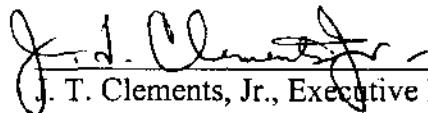
Date 5/11/04

CERTIFICATE OF SERVICE

I, J. T. Clements, Jr., Executive Director of the Arkansas State Board of Registration for Professional Engineers and Land Surveyors, do hereby certify that I have served a copy of the foregoing order by mailing a copy of same, by certified mail, with return receipt requested and postage prepaid, on this 18TH day of May, 2004 to:

Mr. Daniel Ivy
726 Forest Lane
Benton, AR 72015

Mr. Brian W. Albright, Attorney
626 Malvern Ave.
Hot Springs, AR 71901
BY REGULAR MAIL


J. T. Clements, Jr., Executive Director