

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

In the Matter of Cody Aaron Broadhead
Case #2023-25

CONSENT ORDER

The Arkansas State Board of Licensure for Professional Engineers & Professional Surveyors (“Board”) and Cody Aaron Broadhead (“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 December 12, 2023, Respondent's Professional Engineer application was received by the Board. Respondent's application stated he performed engineering in the state of Arkansas without the supervision of an Arkansas Licensed Professional Engineer.
- 2. On December 20, 2023, Heather Richardson, the Director for the Board filed a complaint against Respondent for unlicensed practice.

3. According to Respondent's application, "I have performed Engineering work on Merit's Fayetteville natural gas assets, near Searcy, AR. I would be the first Merit PE to apply for an AR PE License."

CONCLUSIONS OF LAW

4. Respondent's actions as described in Findings of Fact paragraph 3 constitutes a violation of Article 16(A)(1) of the Rules of the Board as well as a violation of Arkansas Code Annotated § 17-30-102(b)(1)

ORDER

THEREFORE, IT IS SO AGREED AND ORDERED THAT:

1. Respondent agrees, and the Board so orders, that for the violation described above, the Respondent is fined a civil penalty of \$1000 to be paid within thirty (30) days of service of this Order.
2. Upon the Respondent's payment of the civil penalty levied herein, the Application of Respondent will be reviewed and that upon a finding that he meets all qualifications required by the Rules, Respondent will be approved for licensure in accordance with Board process and procedure.

IT IS FURTHER ORDERED that the Board shall retain jurisdiction of this matter for purposes of implementing and enforcing this Consent Order.

IT IS SO ORDERED this 14 day of May, 202~~3~~⁴.

[signature page to follow]

L. Cline

**Murry Cline Chairman of the Arkansas State Board
of Licensure for Professional Engineers and
Professional Surveyors**

5/14/24

Date

Heather Richardson

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

3/20/24

Date

Cody A. Broadhead

Cody Aaron Broadhead
Respondent