

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

**IN THE MATTER OF BARTLEY MCMILLEN  
Complaint #17-004**

**CONSENT ORDER**

The Arkansas State Board of Licensure for Professional Engineers & Professional Surveyors ("Board") set a hearing for January 9, 2018, to determine whether Bartley McMillen ("Respondent") has violated the Board's statutes and/or rules. Now the Board and Respondent willingly enter into a Consent Order to resolve the pending controversy.

Whereas, Respondent hereby represents and agrees:

- A. Respondent, having read the proposed Consent Order, acknowledges that he has consulted with counsel and now enters into 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. 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 agrees that the Board will review and determine whether to approve this Consent Order. 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 from further participation, consideration or resolution of the matters involved herein at any subsequent hearing.

- D. 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.
- E. 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.*
- F. 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 ~~Chair~~<sup>President</sup> of the Board.

#### **FINDINGS OF FACT**

- 1. Respondent is licensed by the Board as a Professional Surveyor.
- 2. On or about May 16, 2017, Respondent pled guilty to conspiracy to distribute hydrocodone without an effective prescription, a felony, in the United States District Court, Eastern District of Arkansas.

#### **CONCLUSIONS OF LAW**

- 3. Respondent's actions, as set forth in paragraph 2, constitute a violation of the following:
  - A. Ark. Code Ann. § 17-48-205(a)(2)(A), and
  - B. Board Rule 14.2(A)(3).

ORDER

Respondent's license shall be suspended for a period of five (5) years, beginning on the date this Consent Order is accepted by the Board. Once the five (5) year suspension period ends, Respondent may apply to the Board for reinstatement of his original license (#1430), which the Board may grant in its discretion after a hearing.

1-12-18  
Date

Scott D. Bennett  
Scott Bennett, ~~Chair~~ President  
Arkansas State Board of Licensure for  
Professional Engineers & Professional  
Surveyors

1-4-18  
Date

Bartley McMiller  
Bartley McMiller  
Respondent

1-4-18  
Date

James Hensley  
James Hensley  
Attorney for Respondent