

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

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

AMENDED CONSENT ORDER

The Arkansas State Board of Licensure for Professional Engineers & Professional Surveyors (“Board”) and Bartley McMillen (“Respondent”) enter into this Amended Consent Order as a final disposition of the matter described herein in lieu of a formal hearing and in the interest of a prompt and speedy settlement consistent with the public interest, statutory requirements, and the responsibilities of the Board. The Respondent does not contest the entry of the following Findings of Fact, Conclusions of Law, and Order:

Whereas, Respondent hereby represents and agrees:

- A. Respondent, having read the proposed Amended Consent Order, acknowledges that he has consulted with counsel and now enters into this Amended 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 Amended Consent Order.
- C. Respondent agrees that the Board will review and determine whether to approve this Amended Consent Order. Furthermore, Respondent agrees that should this

Amended Consent Order not be approved by the Board, the presentation and consideration of this Amended 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 Amended 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 Amended 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 President 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.
- 3. On January 12, 2018, the parties entered into a Consent Order in which Respondent agreed to a suspension of his license in accordance with the terms described therein.

4. On January 22, 2018, Respondent was sentenced to twenty (20) months in prison. See attached documentation.

CONCLUSIONS OF LAW

5. Respondent's actions, as set forth in paragraph 2 and 4, constitute a violation of the following:

- A. Ark. Code Ann. § 17-48-205(a)(2)(A), and
- B. Board Rules, Article 14(A)(3).

ORDER

Respondent's license is hereby revoked.

IT IS SO ORDERED.

3-13-2018

Date

2-12-14

Date



Scott Bennett, President
Arkansas State Board of Licensure for
Professional Engineers & Professional
Surveyors



Bentley McMillen
Respondent



James Hensley
Attorney for Respondent