

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

IN THE MATTER OF CARY D. METZ, PLS #1368

CONSENT AGREEMENT

A complaint charging Cary D. Metz, PLS #1368 (hereinafter "Respondent"), with violations of the statute governing registered Land Surveyors in the State of Arkansas has been received by the Arkansas Board of Registration for Professional Engineers and Land Surveyors (hereinafter "the Board"). In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements and the responsibilities of the Board, the undersigned parties enter into this Consent Agreement as a final disposition of matters presently before the Board.

Based upon the evidence before it, the Board makes the following Findings of Fact and Conclusions of Law:

1. Respondent is a licensed surveyor in the State of Arkansas.
2. The Arkansas Minimum Standards for Property Boundary Surveys and Plats Standards of Practice No. 1, Revised March 14, 1996, (hereafter "Minimum Standards") provide for the protection of the public by requiring certain actions on the part of a surveyor and violation of those standards constitutes a violation of the provisions of A.C.A. Section 17-48-101, *et seq.*

3. On twelve (12) separate occasions set out in the Order and Notice, Respondent provided service as a licensed land surveyor to members of the public that resulted in production of the plats attached as attachments to the Order and Notice of Hearing in this matter. Said plats contained a substantial number of violations of the Minimum Standards.

4. Respondent has, in correspondence before the Board, admitted the above-noted violations of the Minimum Standards.

CONCLUSIONS OF LAW

The actions cited in the Findings of Fact constitute the violation of Arkansas Board of Registration for Professional Engineers and Land Surveyors Rules, Article 16.A, A.C.A. Section 17-48-101, *et seq.*, and the Arkansas Minimum Standards.

III. Consent

1. Respondent admits the allegations contained in the Board's Findings of Fact and Conclusions of Law.

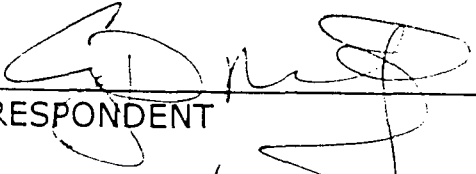
2. In lieu of a formal hearing on these issues, Respondent agrees to issuance of the attached Order and waives all rights to a hearing, appeal or judicial review relating to the Order.

3. Respondent understands that all investigative materials prepared or received by the Board concerning these violations and all notices

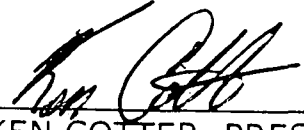
and pleadings relating thereto may be retained in the Board's file concerning these matters.

4. Respondent understands that those admissions are conclusive evidence of a prior violation of the rules and regulations governing registered land surveyors in the State and may be used for purposes of determining sanctions in any future disciplinary matter.

5. Respondent understands that this Consent Agreement was accepted by the Board on March 8, 2005, and is effective upon signatures of the proper parties to this Agreement.



RESPONDENT
Dated: 04/12/2005



KEN COTTER, PRESIDENT
Dated: 4/25/05

**BEFORE THE ARKANSAS BOARD OF REGISTRATION FOR
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IN THE MATTER OF CARY D. METZ, PLS #1368

ORDER

In view of the Findings of Fact, Conclusions of Law and the Consent of the Respondent as stated in the Consent Agreement filed herein, the Board hereby issues the following Order:

1. It is ordered that Respondent pay a civil penalty of \$1,500, to be paid in full no later than six (6) months from the effective date of this Consent Agreement.

2. Further, Respondent is directed to present to the State Surveyor for review for compliance with Minimum Standards, prior to filing, any plats which should ultimately be required to be filed with the State Surveyor for a period of six (6) months from the date of this Order. The State Surveyor is directed to report to the Board any failure of Respondent to comply with this requirement.

ARKANSAS STATE BOARD OF REGISTRATION FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

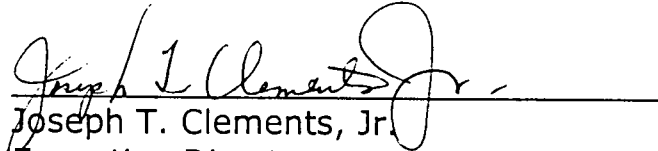
BY: 
KEN COTTER, President

Dated: 4/25/2005

CERTIFICATE OF SERVICE

I, Joseph T. Clements, 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, by certified mail, with return receipt requested and postage prepaid, on this 2nd day of May, 2005, to:

Cary D. Metz, PLS #1368
92 Bailey Loop Rd.
Russellville, AR 72802



Joseph T. Clements, Jr.
Executive Director