

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

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

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

On January 10, 2006, the Arkansas Board of Registration for Professional Engineers and Land Surveyors (hereinafter "the Board") held a hearing on the Show Cause Order and Notice of Hearing charging Cary D. Metz, PS #1368 (hereinafter "Respondent") with failing to comply with the provisions of his Consent Agreement signed and dated April 25, 2005. Respondent was directed to appear and show cause why he failed to comply with the terms and conditions of said Consent Agreement and the subsequent Orders of the Board. The Respondent appeared in person after receiving proper service of the Order and Notice of Hearing and acknowledged waiving his right to counsel. Based upon the evidence presented, the Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

These Orders are based upon the following findings of facts:


1. The Board has the power to take disciplinary action against a licensee who fails or refuses to comply with any laws relating to any rules or regulations of the Board. A.C.A. §17-48-101, *et. seq.*
2. Respondent signed a Consent Agreement and the Board subsequently issued an Order, effective April 25, 2005, in which he agreed to pay the Board a Civil Penalty of \$1,500.00 within six (6) months of the date of the Order.
3. In said Consent Agreement and Order, Respondent further agreed 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 the Order.
4. As of January 10, 2006, Respondent had not submitted any payments as agreed and was in violation of the Board's Order. Further, many of the surveys submitted to the State Surveyor have not been in compliance with the Minimum Standards as demonstrated by reviews by the State Surveyor of surveys for Tarply and Deminy.
 5. Respondent's failure to perform the work in accordance with the Minimum Standards constituted violations of Ark. Code Ann. §17-48-102(b)(1) through (3), and, therefore, constituted a violation of the provisions of Respondent's probation under the Order dated April 25, 2005, noted above.

ORDER

IT IS THEREFORE ORDERED that:

1. The Respondent's Professional Surveyor's license #1368 be, and hereby is, revoked.
2. The Civil Penalty of \$1,500.00 imposed by the Order dated April 25, 2005 is hereby rescinded.
3. This Order may be appealed within thirty (30) days of service upon the Respondent as specified in the Arkansas Administrative Procedures Act, Ark. Code Ann. §25-15-201, *et. seq.*



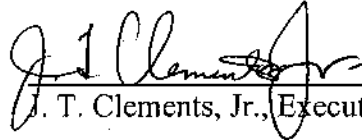
Ivan Hoffman, President

Date 4/03/06

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 3RD day of April, 2006 to:

Mr. Cary D. Metz,
92 Bailey Loop Rd.
Russellville, AR 72802



J. T. Clements, Jr., Executive Director