

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

IN THE MATTER OF TIMOTHY P. TYLER, PLS #1243

CONSENT AGREEMENT

A complaint charging TIMOTHY P. TYLER, PLS #1243 (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 Professional Land Surveyor #1243 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, provide for the protection of the public by requiring certain actions on the part of a surveyor.
3. On August 8, 2003, Respondent completed a survey on land located in Faulkner County for C. Reed & Janice Martin (attachment 1). The survey contains the following alleged deficiencies and corresponding violations of the Arkansas Minimum Standards for Property Boundary Surveys and Plats Standards of Practice No. 1, Revised March 14, 1996:

Alleged DeficiencyViolates Standard #

no procedural techniques using B.L.M.	3.2 C
no boundaries with distance and direction	3.3 A1
no ties to corners	3.3 A2
no monument accessories	3.3 A2
no surveyor's basis for acceptance	3.3 A2
no point of beginning in tract description	3.3 A5
no point of beginning shown on plat layout	3.3 A5
no basis of direction	3.3 A8
no surveyor's seal	3.3 A12
no surveyor's signature	3.3 A12
no acreage shown in each quarter-quarter section	3.3 A14
not filed in State Surveyor's Office	3.3 C2

4. Respondent's violations of the Arkansas Minimum Standards for Property Boundary Surveys and Plats Standards of Practice No. 1, Revised March 14, 1996, constitute twelve (12) violations. It also constitutes a violation of Ark. Code Ann. §17-48-102(b)(1) through (3), which gives the Board the authority to assess a civil penalty of \$25 to \$2,000 against any professional land surveyor who is found guilty of any gross negligence, competence, or misconduct.

CONCLUSIONS OF LAW

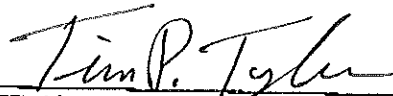
The actions cited in the Findings of Fact constitute the violation of Arkansas Board of Registration for Professional Engineers and Land Surveyors Rules, Article 16.A and Arkansas Minimum Standards §3.3 C.

CONSENT

1. Respondent admits four (4) of the allegations contained in the Board's Findings of Fact and Conclusions of Law and offers to pay to the Board within thirty (30) days of the Board's acceptance of this Consent Agreement a civil penalty of a total of Five Hundred dollars (\$500.00).
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. If not accepted by the Board, this offer shall be null and void and the matter shall be scheduled by the Board for full hearing.
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 acknowledges that he the right to consult legal counsel prior to entering this Consent Agreement and has either done so or hereby waives doing so.

REC'D OCT 28 2004

6. Respondent understands that this Consent Agreement will be presented to the Board on October 19, 2004, and is effective upon signatures of the proper parties to this Agreement

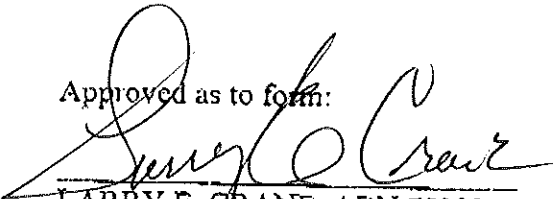

TIMOTHY P. TYLER, RESPONDENT

Dated: 10-14-04


KEN COTTER, PRESIDENT

Dated: 11/9/04

Approved as to form:


LARRY E. CRANE, ABN 75023
Assistant Attorney General
323 Center Street
Little Rock, AR 72201
501-682-8122

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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. Respondent's offer to admit guilt in connection with four (4) violations of the Rules and law pertaining to this Board is accepted.
2. It is ordered that Respondent pay a civil penalty of \$500.00, to be paid in full thirty (30) days from the effective date of this Consent Agreement.

ARKANSAS STATE BOARD OF REGISTRATION FOR PROFESSIONAL
ENGINEERS AND LAND SURVEYORS

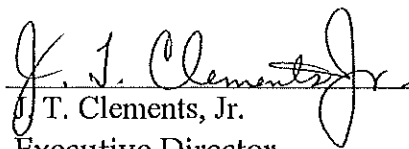
BY: 

KEN COTTER, President
Dated: 11/9/04 _____

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 10th day of November, 2004, to:

Mr. Timothy P. Tyler, PLS #1243
Timothy Tyler Surveying & Mapping
240 Hwy 65 N
Conway, AR 72032-3503



J. T. Clements, Jr.
Executive Director