

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

**Complainant:**

Arkansas State Board of Licensure for  
Professional Engineers and Professional  
Surveyors

**Case #2010-09**

**Respondent:**

Mr. Timothy P. Tyler, PS  
Tyler Surveying & Mapping  
240 Skyline Dr Ste 3000  
Conway, AR 72032-2810

**DISMISSAL ORDER**

The Arkansas Board of Licensure for Professional Engineers and Professional Surveyors (hereinafter "the Board") registered a complaint on April 14, 2010, charging Timothy P. Tyler (PS #1243, hereinafter "Tyler") with violation of Arkansas Code Annotated §17-48-102(b)(1)(A)(i) (misconduct in the practice of surveying).

After considering all evidence presented, the Board issues the following Findings of Fact, Conclusions of Law, and Order:

**FINDINGS OF FACT**

1. Tyler is now, and was at all times relevant to the complaint, a Professional Surveyor licensee of the Board, and the Board has jurisdiction over his conduct.
2. Danny Been (hereinafter "Been") is a real estate broker who got quotes from Tyler and other firms to provide a survey and flood elevation certificate on some property. Been had also previously ordered surveys and flood elevation certificates on other properties.
3. According to Been, the price quoted by Tyler was substantially lower than the other quotes and he ordered the survey and flood elevation certificate from Tyler.

4. Tyler, however, performed and furnished only the flood elevation certificate but not the survey claiming that only the certificate was included in the quote to Been.

5. Been brought this complaint alleging misconduct by Tyler in failing to provide the survey.

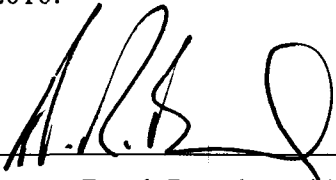

### CONCLUSIONS OF LAW

The allegations against Tyler do not amount to misconduct, but rather a dispute between the parties regarding the meaning of their contract. As a result, the matter is outside the jurisdiction of the Board.

### ORDER

Based upon these Findings and Conclusions, the complaint against Tyler is dismissed.

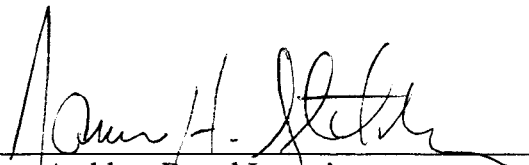
ORDERED this 30<sup>th</sup> day of November, 2010.

  
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Tommy Bond, Board President  


**CERTIFICATE OF SERVICE**

I, James Atchley, Investigator of the Arkansas State Board of Licensure for Professional Engineers and Professional Surveyors, do hereby certify that I have served a copy of the attached order by mailing a copy of same, by first class mail on this 30<sup>th</sup> day of November, 2010, to:

Timothy P. Tyler, PS  
Tim Tyler Surveying & Mapping, Inc  
240 Skyline Drive, Suite 3000  
Conway, AR 72058

  
James Atchley, Board Investigator