

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

IN THE MATTER OF TERRY ALLEN GILMORE, P.L.S. #1413

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

On September 23, 2003, the Arkansas Board of Registration for Professional Engineers and Land Surveyors (hereinafter "the Board") held a formal hearing to consider the above-referenced matter charging Terry Allen Gilmore, (hereinafter "Respondent") with violations of the following laws and regulations governing the practice of professional engineering in the State of Arkansas: Ark. Code Ann. §17-48-205 and Ark. Code Ann. 17-48-102 (b)(1) through (3). The Respondent appeared in person after receiving proper notice. Based upon all evidence presented, the Board makes the following Findings of Fact and Conclusions of Law and Order:

Findings of Fact

1. Respondent was a registered professional land surveyor in the State of Arkansas during all relevant times mentioned herein.
2. On or about March 24, 2001, Respondent completed a survey on real property located in Horseshoe Bend, Arkansas for David and Evelyn Choate. (See Exhibit "A")
3. Respondent was given a check for the deposit on March 24, 2001 and the final payment was made on March 31, 2001. (See Exhibit "B")
4. Respondent advised the Choates that a plat of the survey would be filed and a copy would be forwarded to them within 90 days. The Choates made several telephone calls to Respondent about the plat and received no response. The Choates did not receive the plat within 90 days but received the plat two years and four months later. In 2002, the Choates wanted to begin the process to sell the subject property but could not due to Respondent's failure to file the plat with Sharp County.

5. Mrs. Choate contacted Sharp County Courthouse and was advised as of June 9, 2003, the survey had not been filed. On July 16, 2003, the Board received the instant complaint from the Choates. On July 18, 2003, Respondent delivered the plat of the survey to the Choates. Respondent listed the date of the subject survey as July 14, 2003.

6. The plat of the survey was filed with Sharp County Courthouse on September 12, 2003. (See Exhibit "C")

Conclusions of Law

1. Respondent's conduct in the Findings of Facts is gross negligence and misconduct and constitutes one violation of Ark. Code Ann. §17-48-102(b) through (3).

2. Respondent's conduct in the Findings of Facts is gross negligence and misconduct and constitutes one violations of Ark. Code Ann. § 17-48-205.

ORDER

1. Pursuant to Ark. Code Ann. §17-48-102 (b) through (3), Respondent shall pay a \$25.00 civil penalty for each violation for a total of \$50.00.

2. Pursuant to Ark. Code Ann. § 17-48-205, Respondent's license shall be revoked as of the effective date of this Order.

IT IS SO ORDERED.

This Order may be appealed within thirty (30) days of service upon the Respondent as specified in the Arkansas Administrative Procedure Act, Ark. Code Ann. §25-15-201, *et seq.*

Arkansas Board of Registration for Professional
Engineers and Land Surveyors

BY:



JIM ENGSTROM, President

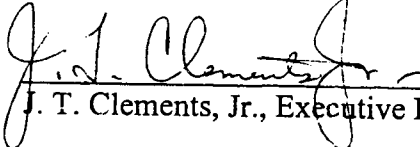
Date

10/2/03

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 by mailing a copy of same, by certified mail, with return receipt requested and postage prepaid, on this 8th day of October, 2003, to:

Mr. Terry Allen Gilmore
Rt. 2 Box 121A
Sallisaw, OK 74955



J. T. Clements, Jr., Executive Director