

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

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

COMPLAINANT

Case #2015-10

DANIEL MCCARTHY, PE 16876

RESPONDENT

CONSENT AGREEMENT AND ORDER

The Arkansas Board of Licensure for Professional Engineers and Professional Surveyors (hereinafter “the Board”) and Daniel McCarthy, (hereinafter “Respondent”) agree as follows in full settlement of the charges in this matter.

ALLEGATIONS OF FACT

A1. On July 11, 2015 Respondent McCarthy applied for PE-C licensure via the PELS website. Respondent paid the application fee of \$200 and the temporary license fee of \$150. Respondent McCarthy failed to provide the Board with the required education verification, work history, and exam verification.

A2. On July 14, 2015 Respondent McCarthy provided engineering services for Little Rock Wastewater.

A3. On September 18, 2015 Respondent’s Temporary Permit application was denied by the Executive Director due to Respondent’s application being incomplete as well as Respondent indicating that he had completed engineering work prior to the Temporary Permit being issued.

A4. On September 21, 2015, Respondent submitted a letter to the Board at the request of the Executive Director explaining the situation and the Respondent's misinterpretation of the process for obtaining a Temporary Permit.

A5. On September 22, 2015 Respondent completed the missing requirements on his application for licensure.

A6. On November 10, 2015 Respondent was granted comity licensure AR #16876 by the full Board

A7. On November 16, 2015 the Executive Director filed a complaint against the Respondent.

A8. On December 3, the Respondent submitted the requested answer to the complaint, reiterating the Respondent's apologies for the misunderstanding the Temporary permit application process.

CHARGES

C1. If proven true, the conduct of the Respondent, as set forth above in the Allegations of Fact, constitutes one count of the unlicensed practice, or offer to practice, engineering in Arkansas, in violation of Article 1.A of the Rules of the Board.

CONSENT AGREEMENT

In the interest of a prompt and speedy settlement, consistent with the public interest and the responsibilities of the Board, the undersigned parties enter into this Consent Agreement as a final disposition of these matters presently before the Board.

1. The Respondent has been advised by legal counsel and has chosen to proceed with the understanding that the facts and conduct described above in the Allegations of Fact are admitted.

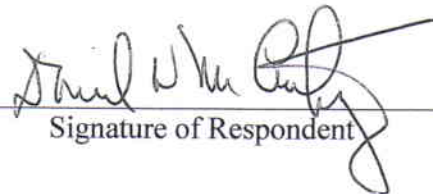
2. In lieu of a formal hearing, the Respondent agrees to the following Order and waives all rights to a hearing, appeal or judicial review relating to the Order or charges. Respondent acknowledges that this Consent Agreement and Order are not effective until accepted by the full Board.

3. The Respondent understands that all investigative materials prepared or received by the Board concerning these allegations and all notices and pleadings relating thereto may be retained in the Board's file concerning this matter.

ORDER

For the violation described above, the Respondent shall pay to the Board a civil penalty of Five Hundred (\$500) dollars. The total civil penalty shall be paid to the Board within Thirty (30) days of service of this Order.

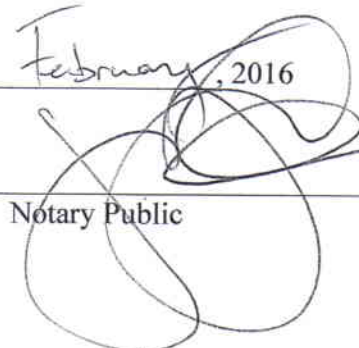
AGREED TO BY:



Signature of Respondent

Sworn to and subscribed before me this 22 day of February, 2016


JOSHUA J. WHALEN
NOTARY PUBLIC-NOTARY SEAL
STATE OF MISSOURI
JACKSON COUNTY
MY COMMISSION EXPIRES 4/28/2019
COMMISSION # 18096048



Notary Public

My commission expires: 4/20/19

AGREED TO AND ORDERED BY:



Heather Richardson, Executive Director
Arkansas Board of Licensure for Professional
Engineers and Professional Surveyors