

**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 #2010-12

Respondent:

Gene Charles Viiram McKenney, PS
Center Point Surveying
1358 Madison 3700
Pettigrew, AR 72752-8509

DISMISSAL ORDER

On July 29, 2010, The Arkansas Board of Licensure for Professional Engineers and Professional Surveyors (hereinafter the "Board) served Gene Charles Viiram McKenney (hereinafter "McKenney") with a notice of hearing ordering that he appear and show cause why his license should not be revoked. This action was initiated because the Board had earlier received a copy of a "Judgment and Disposition Order" dated December 9, 2009 indicating that McKenney had pled guilty to a felony offense in apparent violation of A.C.A. § 17-48-205.

Subsequent inquiry and fact investigation in preparation for the hearing on this matter revealed that the Trial Judge suspended imposition of sentence and placed McKenney on probation in the criminal case pursuant to Arkansas Code Annotated §16-93-301 et set. and that Section 16-93-303(c) prohibited the Board from considering McKenney's negotiated plea as a plea of guilt by operation of law so long as McKenney complies with the restrictions and obligation of his probation throughout the duration of the probationary period.

As a result, there will be no present hearing on this matter and, accordingly, no findings of fact nor conclusions of law to accompany this dismissal order.

ORDER

Due to the circumstances of McKenney's plea of guilt and the operation of Arkansas law, this matter will be dismissed at this time. Dismissal is, however, without prejudice and the Board reserves the right to seek other charges against McKenney and/or subsequently file the same action should sentence be later imposed.

SO ORDERED this 29th day of October, 2010



Board President JMM/ST

APPEALS

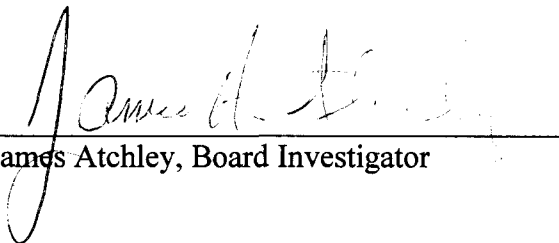
This Order may be appealed within thirty (30) days of service upon the Respondent, as specified in the Arkansas Administrative Procedures Act, according to the provisions of Arkansas Code Annotated §25-15-212.

CERTIFICATE OF SERVICE

I, James Atchley, investigator for 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 first class mail on this 28th day of October, 2010, to:

Mr. Gene Charles Viiram McKenney, PS
Center Point Surveying
1358 Madison 3700
Pettigrew, AR 72752-8509

Mr. Joel Huggins
Huggins & Huggins, P.A.
801 East Emma Ave
Springdale, AR 72764


James Atchley, Board Investigator