

**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

COMPLAINT #2014-07

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

RESPONDENT

ORDER

On March 10, 2015, the Board of Licensure for Professional Engineers and Professional Surveyors (“Board”) held an administrative hearing to consider whether Viiram McKenney (“Respondent”) was in violation of the Surveying laws or rules of the Board. Respondent appeared in person and the Board was represented by Assistant Attorney General, Sara Farris. Finding proper notice had been given, and after considering all evidence presented, the Board issues the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. The Respondent has obtained licensure as a Professional Surveyor from the Board, and the Board has jurisdiction over his conduct.
2. As described in more detail below, Respondent surveyed and filed complete surveys for Ivan and Lou Meek in 1989, Warren Blackstone 2006, Gary Fancher 2012 and Howard West 2014, establishing the common corner for Section 27, Section 28, Section 33

and Section 34 Township 16 North, Range 24 West (referred to hereinafter as the Common Corner).

3. In July 1989, the Respondent conducted a survey located in Section 28, Township 16 North, Range 24 West for Ivan and Lou Meek. The survey plat "ties" the survey to the Common Corner which for this survey is represented to be a Testimony corner established by Gary Fancher.

4. In April 2006, the Respondent conducted a survey located in Section 33, Township 16 North, Range 24 West for Warren Blackstone. As part of this survey, the Respondent conducted a section breakdown of Section 33 and calculated the Common Corner at a location that was 119.76 feet south from the Testimony corner in the Respondents 1989 survey of Section 28 described in A3.

5. In February 2012, the Respondent conducted a survey located in Section 28, Township 16 North, Range 24 West for Gary Fancher. The survey plat shows quarter section and boundary lines measured from the Common Corner as the Testimony corner used in the 1989 survey for Meek and 119.76 feet from the calculated corner in the 2006 survey for Blackstone. Respondent went back and used the 1989 Common Corner instead of the 2006 Common Corner.

6. In January 2014, the Respondent conducted a survey located in Section 27, Township 16 North, Range 24 West for Howard West. The survey plat shows quarter section and boundary lines referenced from the Common Corner as calculated in the 2006 survey for Blackstone resulting in different quarter corners and lines than shown on the 2012 survey for Gary Fancher. The Common Corner for this survey was 119.76 feet south from the Testimony corner shown to be the Common Corner in the Respondents

1989 and 2012 surveys. Respondent at this time used the Common Corner established by the 2006 survey.

7. Respondent has established two different Common Corners for the four parcels of land described above in A2-A6.

CONCLUSIONS OF LAW

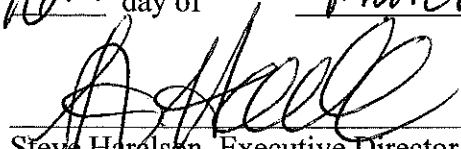
1. The conduct of the Respondent, as outlined in the Findings of Fact above constitutes one count of negligence in violation of Arkansas Code Annotated §17-48-205(a)(1) (B).

ORDER

As a sanction for the violation listed in the Conclusions of law above, Respondent shall receive a Letter of Reprimand.

Pursuant to the Arkansas Code Annotated § 25-15-212, Respondent may appeal the Board's decision and this order by filing a petition for judicial review of this decision by filing a petition in the Circuit Court in the county in which he resides or in the Circuit Court of Pulaski County within thirty days after service of this Order.

IT IS SO ORDERED this 16th day of March, 2015.



Steve Haralson, Executive Director
Arkansas Board of Licensure for Professional
Engineers and Professional Surveyors

CERTIFICATE OF SERVICE

I, Heather N. Richardson, Chief 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 foregoing by mailing a copy of same, by certified mail, with return receipt requested and postage prepaid, on this 16th day of March, 2015, to:

Viiram McKenney
Center Point Surveying
1358 Madison 3700
Pettigrew, AR 72752



Heather N. Richardson, Chief Investigator