The Arkansas State Board of Licensure for Professional Engineers & Professional Surveyors ("Board") set a hearing for January 9, 2018, to determine whether Bartley McMillen ("Respondent") has violated the Board’s statutes and/or rules. Now the Board and Respondent willingly enter into a Consent Order to resolve the pending controversy.

Whereas, Respondent hereby represents and agrees:

A. Respondent, having read the proposed Consent Order, acknowledges that he has consulted with counsel and now enters into this Consent Order on his own volition and without any reliance upon any representations by the Board or any officer, employee, agent or other representative thereof, other than as expressly set forth herein.

B. Respondent hereby waives any further procedural steps including, without limitation, the right to a hearing and all rights to seek judicial review or to otherwise challenge or contest the validity of this Consent Order.

C. Respondent agrees that the Board will review and determine whether to approve this Consent Order. Furthermore, Respondent agrees that should this Consent Order not be approved by the Board, the presentation and consideration of this Consent Order by the Board shall not unfairly or illegally prejudice the Board or
any of its members from further participation, consideration or resolution of the
matters involved herein at any subsequent hearing.

D. Respondent understands and agrees that approval and entry of this Consent
Order shall not preclude additional proceedings by the Board against
Respondent for acts or omissions not specifically addressed herein.

E. Respondent understands and acknowledges that this Consent Order and the
Board's records concerning this matter are public records and available to the
et seq.

F. This agreement shall not become a valid and enforceable order of this Board
unless and until accepted and approved by the Board at an official meeting and
executed by the Chair of the Board.

FINDINGS OF FACT

1. Respondent is licensed by the Board as a Professional Surveyor.

2. On or about May 16, 2017, Respondent pled guilty to conspiracy to distribute
hydrocodone without an effective prescription, a felony, in the United States
District Court, Eastern District of Arkansas.

CONCLUSIONS OF LAW

3. Respondent's actions, as set forth in paragraph 2, constitute a violation of the
following:

A. Ark. Code Ann. § 17-48-205(a)(2)(A), and

B. Board Rule 14.2(A)(3).
ORDER

Respondent's license shall be suspended for a period of five (5) years, beginning on the date this Consent Order is accepted by the Board. Once the five (5) year suspension period ends, Respondent may apply to the Board for reinstatement of his original license (#1430), which the Board may grant in its discretion after a hearing.

1-12-18
Date

Scott Bennett, Chair
Arkansas State Board of Licensure for Professional Engineers & Professional Surveys

1-4-18
Date

Bartley McMillen
Respondent

1-4-18
Date

James Hensley
Attorney for Respondent