

**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)
)
Respondent:)
)
Mr. Timothy P. Tyler, PS)
Tyler Surveying & Mapping)
240 Skyline Dr Ste 3000)
Conway, AR 72032-2810)
)
)

Case #2009-24

DISMISSAL ORDER

The Arkansas Board of Licensure for Professional Engineers and Professional Surveyors (hereinafter "the Board") registered a complaint on July 24, 2009, charging Timothy P. Tyler (PS #1243, hereinafter "Tyler") with violation of Arkansas Code Annotated §17-48-102(b)(1)(A)(i) (misconduct in the practice of surveying).

After considering all evidence presented, the Board issues the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Tyler is now, and was at all times relevant to the complaint, a Professional Surveyor licensee of the Board, and the Board has jurisdiction over his conduct.
2. Paul Timbers (hereinafter "Timbers") retained Tyler to perform a survey of three parcels he held in Faulkner County. Timbers signed a work order authorizing the survey.
3. On December 1, 2008, Tyler provided to Timbers a set of drawings depicting the three parcel outlines and dimensions, without seals, title blocks, or other information. The drawings were accompanied by a bill for \$5,742.50 for the work.

4. Timbers informed Tyler that he did not consider the documents to be the survey he requested.

5. On June 1, 2009, Tyler provided to Timbers a survey that met his needs. The plats were accompanied by a bill for \$9,533.75 for the work.

6. Timbers submitted a complaint alleging the above facts constitute misconduct by Tyler.


CONCLUSIONS OF LAW


The allegations against Tyler do not amount to misconduct, but rather a dispute between the parties regarding the meaning of their contract. As a result, the matter is outside the jurisdiction of the Board.

ORDER

Based upon these Findings and Conclusions, the complaint against Tyler is dismissed.

ORDERED this 12th day of July, 2010.



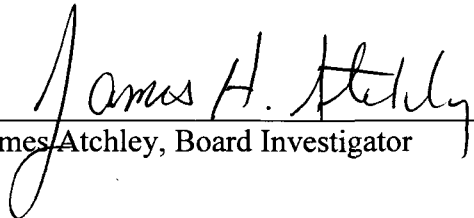
Frank Vozel, Board President


CERTIFICATE OF SERVICE

I, James Atchley, Investigator of 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 mailing a copy of same by first class mail on this 12th day of July, 2010, to:

Mr. Timothy P. Tyler, PS
Tyler Surveying & Mapping
240 Skyline Dr Ste 3000
Conway, AR 72032-2810

Mr. William C. Adkisson
Graddy & Adkisson, LLP
P.O. Box 996
Conway, AR 72033



James Atchley, Board Investigator