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 #2009-24
)  )

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

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 _24h_ 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