

**BEFORE THE ARKANSAS STATE BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS**

**ARKANSAS STATE BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND PROFESSIONAL
LAND SURVEYORS**

COMPLAINANT

Case #2011-03

TERRY McKINNEY

RESPONDENT

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER**

On May 10, 2011, the Board of Licensure for Professional Engineers and Professional Surveyors (hereinafter “the Board”) held an administrative hearing to consider whether Terry McKinney was in violation of A.C.A. §17-30-101 *et seq.* or rules of the Board. Respondent McKinney appeared in person and was represented by Brent D. Houston, Benton City Attorney. The Board was represented by Assistant Attorney General Mandy Abernethy. 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. McKinney does not now, nor has he ever, held licensure as a Professional Engineer in Arkansas.
2. McKinney is the utility manager for the City of Benton, AR.
3. The City of Benton was acquiring certain property by eminent domain for utility improvements, and on March 3, 2010, as a part of that civil proceeding, McKinney provided a sworn affidavit in which he claimed to be an engineer.

CONCLUSIONS OF LAW

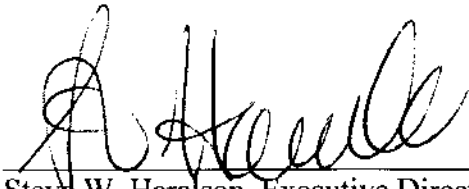
4. Respondent's conduct constitutes one count of practicing or offering to practice engineering as defined by Arkansas Code Annotated §17-30-101(4)(B)(ii) in violation of Arkansas Code Annotated §17-30-301.

ORDER

Based on these Findings and Conclusions, Respondent Terry McKinney shall pay to the Board a civil penalty of one hundred dollars (\$100) for the violation described in the Conclusions of Law above. Payment must be submitted within fifty (50) days of the service of this Order.

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

IT IS SO ORDERED this 20th day of July, 2011.



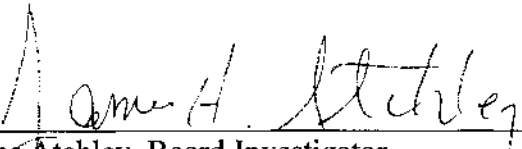
Steve W. Haralson, Executive Director
Arkansas Board of Licensure for Professional
Engineers and Professional Surveyors

Certificate of Service

I, James Atchley, Board Investigator of the Arkansas Board of Licensure for Professional Engineers and Professional Surveyors, do hereby swear and affirm that a true and correct copy of the above was sent by U.S. Mail to the following address with proper postage affixed on this 20th day of July, 2011:

Terry McKinney
City of Benton Utility Manager
114 South East Street
Benton, AR 72015

Brent D. Houston
Benton City Attorney
Jensen Young & Houston, PLLC
1230 Ferguson Drive
P.O. Box 1500
Benton, Arkansas 72018



James Atchley, Board Investigator
Arkansas Board of Licensure for Professional
Engineers and Professional Surveyors