

**BEFORE THE ARKANSAS BOARD OF REGISTRATION FOR  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

**IN THE MATTER OF JAMES R. COLE, PS #526**

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

A complaint charging James R. Cole, PS #526, hereinafter referred to as "Respondent," with a violation of the following laws governing the practice of professional surveying in the state of Arkansas: Ark. Code Ann. §17-48-101*et. seq.*, and Arkansas Minimum Standards for Property Boundary Surveys and Plats Standards of Practice No. 1, Revised March 14, 1996, was filed with the Board of Registration for Professional Engineers and Land Surveyors ("Board"). After service of the Order and Notice of hearing upon Respondent, a hearing was held by the Board on May 9, 2006. The Respondent failed to appear and the hearing proceeded in his absence.

**FINDINGS OF FACT and CONCLUSIONS OF LAW**

The charges were based upon the following facts and allegations, which at hearing were determined to be true:

1. Respondent is Professional Surveyor #526 in the State of Arkansas. The Arkansas Minimum Standards for Property Boundary Surveys and Plats Standards of Practice No. 1, Revised March 14, 1996, provide for the protection of the public by requiring certain actions on the part of a surveyor.

2. On June 23, 2004, and August 8, 2005, Respondent completed surveys for Mike Dewberry and Michael Hunt, respectively (attachments 1 & 2 to the Order and Notice). The surveys contain the following deficiencies and corresponding violations of the Arkansas Minimum Standards for Property Boundary Surveys and Plats Standards of Practice No. 1, Revised March 14, 1996:

<u>Deficiency</u>	<u>Violations</u>	
	Dewberry	Hunt
<b>2.2 Closure ratio within limits (plat / field work)</b>		<u>X</u>
<b>3.3 Publication of Results.</b>		
.. <b>A. Preparation of plats</b>		
... <b>1. Boundaries with distances and directions</b>		<u>X</u>
... <b>2. Ties to control</b>	<u>X</u>	<u>X</u>
..... * monument accessories	<u>X</u>	
..... * surveyor's basis for acceptance	<u>X</u>	<u>X</u>
... <b>3. Record title lines</b>	<u>X</u>	<u>X</u>
..... * Possession lines	<u>X</u>	<u>X</u>
..... * Encroachments	<u>X</u>	
... <b>4. Description of monuments</b>		<u>X</u>
..... * Found	<u>X</u>	<u>X</u>
... <b>5. Point of Beginning</b>		
..... * Shown on plat layout	<u>X</u>	
..... <b>7. Business address of surveyor</b>		<u>X</u>
..... <b>8. North arrow</b>		<u>X</u>
..... * basis of direction		<u>X</u>
..... <b>9. Bar scale</b>	<u>X</u>	<u>X</u>
..... <b>10. Legend</b>	<u>X</u>	<u>X</u>
..... <b>11. Tract description</b>		<u>X</u>
.. <b>C. Distribution of plats (within 30 days of completion)</b>		
... <b>1. County records</b>	<u>X</u>	
... <b>2. State Surveyor's office</b>	<u>X</u>	

## ORDER

After review of the facts, evidence and law as set out above, the Board hereby finds that Respondent's actions constitute twenty-five (25) violations of the Arkansas Minimum Standards for Property Boundary Surveys and Plats Standards of Practice No. 1, Revised March 14, 1996. They also constitute twenty-five (25) violations of Ark. Code Ann. §17-48-102(b)(1) through (3), which gives the Board the authority to assess a civil penalty of \$25 to \$2,000 against any professional land surveyor who is found guilty of any gross negligence, incompetence, or misconduct. Therefore, (1) Respondent's license is placed on indefinite suspension;

(2) Letters shall be sent by the Executive Director to the County Judge and Circuit Clerk of Sevier County advising them of the suspension of respondent's license;

(3) That reinstatement of Respondent's license shall be subject to providing evidence of completion of fifteen (15) hours of continuing professional continuing education; and

(4) That all surveys completed by Respondent after 1982 and prior to the date of this order shall be filed with the respective counties where the lands are situated.

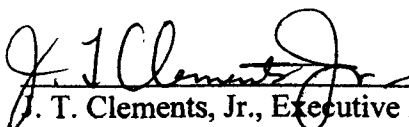
IT IS SO ORDERED this 29<sup>th</sup> day of May, 2006

  
Ivan Hoffman, Jr., President

## CERTIFICATE OF SERVICE

I, J. T. Clements, Jr., Executive Director of the Arkansas State Board of Registration for Professional Engineers and Land Surveyors, do hereby certify that I have served a copy of the foregoing order by mailing a copy of same, by certified mail, with return receipt requested and postage prepaid, on this 30<sup>th</sup> day of May, 2006 to:

Mr. James R. Cole, PS 526  
PO Box 836  
DeQueen, AR 71832

  
J. T. Clements, Jr., Executive Director