

COPY

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

IN THE MATTER OF FRED P. DUNN, PLS # 1289

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

On February 17, 2004, the Arkansas Board of Registration for Professional Engineers and Land Surveyors (hereinafter "the Board") held a hearing on the Show Cause Order and Notice of Hearing charging Fred P. Dunn, PLS #1289 (hereinafter "Respondent") with failing to comply with the provisions of his Consent Agreement signed and dated February 28, 2002. Respondent was directed to appear and show cause why he failed to comply with the terms and conditions of said Consent Agreement and the subsequent Orders of the Board. The Respondent appeared in person after receiving proper service of the Order and Notice of Hearing and acknowledged waiving his right to counsel. Based upon the evidence presented, the Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

These Orders are based upon the following findings of facts:

1. The Board has the power to take disciplinary action against a licensee who fails or refuses to comply with any laws relating to any rules or regulations of the Board. A.C.A. §17-48-101, *et. seq.*
2. Respondent signed a Consent Agreement and the Board subsequently issued an Order, effective June 7, 2002, agreeing to refund \$1,250.00 to Mr. John McFall (complainant) within two months of the date of the Order. Respondent further agreed to pay the Board an administrative fee of \$1,750.00 within four months of the date of the Order.

ATTACHMENT "1"

3. In said Consent Agreement, Respondent agreed to be placed on a probationary status with the Board for a period of one year. Respondent further agreed that upon being found guilty of a violation for actions during such probationary period his license would be revoked.
4. As of February 18, 2003, Respondent had not made any payments and a Show Cause Order and Notice of Hearing was issued by the Board.
5. On March 12, 2003, the Board held a hearing on the Show Cause Order and Notice of Hearing and issued a subsequent Order which directed that the Respondent comply with the original Order except that he be given sixty (60) days from the date of the effective date to make full and complete payment and except that the probationary period be extended to one year from the effective date of the Order which was March 31, 2003.
6. Respondent made full payment on May 12, 2003.
7. In September of 2002, Lonnie and Julie Smith contracted Respondent to complete a survey on their property located in Van Buren County, Arkansas. On August 4, 2003, Respondent filed a plat of the Smith property with the court clerk of Van Buren County. Said survey was issued and generally contains 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 ("Minimum Standards"):

<u>Alleged Deficiency</u>	<u>Violates Standard #</u>
no sufficient ties to section and/or quarter sections	3.2
no monumentation at corners	3.2
no type of monument marked with registration numbers	3.2

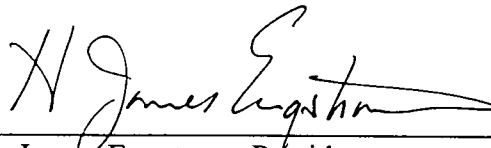
no monument accessories shown 3.2
no publication of ties to corners 3.3
no distribution of plats to state surveyor's office 3.14

8. Respondent's failure to perform the work in accordance with the Minimum Standards constituted violations of Ark. Code Ann. §17-48-102(b)(1) through (3), and, therefore, constituted a violation of the provisions of Respondent's probation under the Orders dated June 7, 2002 and March 31, 2003, noted above.

ORDER

IT IS THEREFORE ORDERED that the Respondent's Professional Land Surveyor's license #1289 be, and hereby is, revoked as required by prior orders dated June 7, 2002 and March 31, 2003.

This Order may be appealed within thirty (30) days of service upon the Respondent as specified in the Arkansas Administrative Procedures Act, Ark. Code Ann. §25-15-201, *et. seq.*



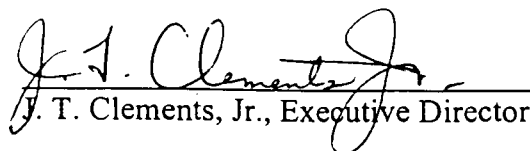
H. James Engstrom, President
Arkansas Board of Registration for Professional
Engineers and Land Surveyors

Date 3/1/04

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 1st day of ~~February~~
MARCH, 2004 to:

Mr. Fred P. Dunn
7928 Hwy 66
Timbo, AR 72680



J. T. Clements, Jr., Executive Director