

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

Complainant:)	
)	
Arkansas State Board of Licensure for)	
Professional Engineers and Professional)	
Land Surveyors)	
)	Case #2008-38
)	
Respondent:)	
)	
Mr. John C. Williams, PS)	
Williams Land Surveying)	
6518 Michigan Ave)	
Benton, AR 72019-9759)	
)	

DISCIPLINARY HEARING

On October 20, 2009, the Board of Registration for Professional Engineers and Land Surveyors (hereinafter “the Board”) held a formal hearing to consider the above-referenced matter. Finding proper notice had been given the Respondent, the Board, after considering all evidence presented, issues the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. At the time of the complaint, Williams was a registered Professional Surveyor in Arkansas, and the Board had jurisdiction over Williams and the subject matter of the complaint.

2. On December 18, 2008, Williams was served with a *Subpoena Duces Tecum* by the Board which required him to produce “All final survey plats produced by you, or other

persons under your supervision, from January 1, 2006, until the date of service of this Order." Williams actually accepted service on December 30, 2008.

3. In response to the inquiry described in Item #2, Williams submitted 25 plats bearing his seal and signature. Of the 25 plats, ten were for lots in platted subdivisions, and would not be required to be filed with the State Surveyor. The remaining fifteen plats were not filed with the State Surveyor.

These plats constitute evidence of fifteen violations of Section 3, Paragraph 3.3, and Item C-2 of the Arkansas Minimum Standards for Property Boundary Surveys and Plats, entitled "Publication of Results." Failure to adhere to these standards is a violation of Article 14.A.5 of the Rules of the Board.

4. The 25 plats described in Item #3 constitute evidence of 25 violations of Article 12.B.2 of the Rules of the Board (fixing his seal and signature to plats not personally prepared or prepared by persons under his direct personal supervision).

5. The Board staff discussed the case with the State Surveyor on October 1, 2008. Mr. Everett Rowland on that date produced eleven survey plats bearing Williams' seal and signature which he obtained from a title company, and which had not been filed with the State Surveyor's office.

These plats constitute evidence of eleven violations of Section 3, Paragraph 3.3, and Item C-2 of the Arkansas Minimum Standards for Property Boundary Surveys and Plats, entitled "Publication of Results." Failure to adhere to these standards is a violation of Article 14.A.5 of the Rules of the Board.

6. On May 28, 2009, during a meeting of the Complaint Committee of the Board, the State Surveyor (Mr. Everett Rowland) produced sixteen survey plats which he obtained

from the Drew County Circuit Clerk, and which had not been filed with the State Surveyor's office.

These plats constitute evidence of sixteen violations of Section 3, Paragraph 3.3, and Item C-2 of the Arkansas Minimum Standards for Property Boundary Surveys and Plats, entitled "Publication of Results." Failure to adhere to these standards is a violation of Article 14.A.5 of the Rules of the Board.

7. The plats referenced in Item 5 and Item 6 above were not submitted in compliance with the subpoena described in Item 2, and they constitute evidence of one violation of Article I.H. of the Rules of Professional Conduct (failure to comply with a lawful subpoena of the Board). Failure to adhere to the Rules of Professional Conduct is a violation of Article 14.A.4 of the Rules of the Board.

CONCLUSIONS OF LAW

The conduct of Williams, as set forth above in the Findings of Fact, constitutes

1. 41 violations of Section 3, Paragraph 3.3, and Item C-2 of the Arkansas Minimum Standards for Property Boundary Surveys and Plats, entitled "Publication of Results." Failure to adhere to these standards is a violation of Article 14.A.5 of the Rules of the Board.

2. One violation of Article I.H. of the Rules of Professional Conduct (failure to comply with a lawful subpoena of the Board). Failure to adhere to the Rules of Professional Conduct is a violation of Article 14.A.4 of the Rules of the Board.

3. 25 violations of Article 12.B.2 of the Rules of the Board (fixing his seal and signature to plats not personally prepared or prepared by persons under his direct personal supervision).

ORDER

Based on these Findings and Conclusions, it is ordered that Williams pay to the Board a civil penalty of \$4,100 for the violations described in Item 1 of the Conclusions of Law and \$1,000 for the violation described in Item 2 of the Conclusions of Law, both penalties payable within 50 days of the service of this Order.

In addition, for the violations described in Item 3 of the Conclusions of Law, the Board chose to exact no penalty, but it is ordered that Williams' license be formally reprimanded.

SO ORDERED this 19th day of January, 2010.



Tom Webb, Board President

APPEALS

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

CERTIFICATE OF SERVICE

I, Steve W. Haralson, Executive Director of the Arkansas Board of Licensure for Professional Engineers and Professional Surveyors, do hereby certify that I have served a copy of the attached order by mailing copies of same, by first class mail and certified mail, with return receipt requested and postage prepaid, on this 20th day of January, 2010, to:

Mr. John C. Williams, PS
Williams Land Surveying
6518 Michigan Ave
Benton, AR 72019-9759



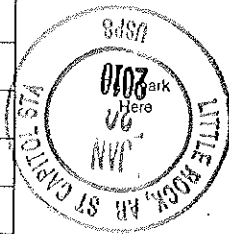
Steve W. Haralson
Executive Director

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<p>1. Article Addressed to:</p> <p align="center">Mr. John C. Williams, PS Williams Land Surveying 6518 Michigan Ave Benton, AR 72019-9759</p>		<p>A. Signature x <i>Becky Williams</i></p> <p>B. Received by (Printed Name) <i>Becky Williams</i></p> <p>C. Date of Delivery <i>1/20/10</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>	
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