

**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 #2008-37
)	
Respondent:)	
)	
Mr. Mark J. Breen, PS)	
Mark J Breen Land Surveying)	
PO Box 1743)	
Greenwood, AR 72936-1743)	
)	
)	

DISCIPLINARY HEARING

On March 8, 2010, the Board of Licensure for Professional Engineers and Professional Surveyors (hereinafter “the Board”) held a formal hearing to consider the 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. The Board has jurisdiction over the Respondent and the subject matter of this complaint.
2. John and Darcy Williams (“Williams”) wanted a copy of the survey of some real property in which they had an interest. The property was surveyed in September of 2002.
3. Upon finding there was no survey plat of the property on file in the County Clerk's office, they contacted the Respondent who had performed the survey and asked for a copy. The Respondent told Williams that the survey did not have to be filed, and refused to provide a copy.

4. When Williams contacted the Board for assistance, it was discovered that the Respondent had also failed to file the plat with the office of the State Surveyor.

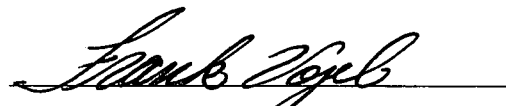
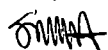
CONCLUSIONS OF LAW

The conduct of the Respondent, as outlined in the Findings of Fact above, constitutes one violation of Article 14.A.5 of the Rules of the Board (failing to file a survey plat with the State Surveyor, in violation of the Arkansas Minimum Standards for Property Boundary Surveys and Plats).

ORDER

Based on these Findings and Conclusions, the Respondent shall pay to the Board a civil penalty of \$100 for the violation described in the Conclusions of Law above within 50 days of the service of this Order.

ORDERED this 23rd day of April, 2010.


Frank Vozel, 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.