

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

**Case #2008-39, in the matter of James Higby:**

**COMPLAINT**

The Arkansas Board of Registration for Professional Engineers and Land Surveyors (hereinafter "the Board") received a complaint on October 10, 2008, charging James E. Higby (AR-PS #1364, hereinafter "Higby") with violation of Arkansas Code Annotated 17-48-102. Specifically, Higby is charged with gross negligence and/or incompetence in the practice of surveying.

**FINDINGS OF FACT**

1. Higby is a Professional Surveyor in Arkansas, and the Board has jurisdiction over his conduct and the subject matter of this complaint.
2. The Complainant owns a parcel of real property within or adjacent to the Ozark National Forest, near Ozone, AR.
3. In 2003, Higby was retained by the husband of the Complainant, Mr. Leonard Adams, to survey a portion of his property. The survey was to be used in some type of litigation Mr. Adams had going on with his neighbors.
4. The survey did not come out as Mr. Adams thought it should, and he brought a complaint against Higby (#2005-13). Apparently, the discrepancy between Mr. Adams' conception of his property and the survey was substantial, leaving one of his property lines around 300 feet further east than he thought it should be.
5. The Board found no cause for action against Higby in that matter, and complaint #2005-13 was dismissed.
6. Mr. Adams passed on sometime after that ruling, and his spouse Wilma Adams has again brought a complaint against Higby over the same issues.

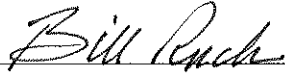
**CONCLUSIONS OF LAW**

Upon review of the evidence in its possession, the Board finds that no new issues were raised over the previous complaint, and no new evidence was provided or uncovered. The issues of the complaint having been decided, the Board declined to consider the same allegations again.

ORDER

Based on these findings, the complaint against Higby is dismissed without further action by the Board.

SO ORDERED this 9<sup>th</sup> day of June, 2009

A handwritten signature in cursive script that reads "Bill Ruck". The signature is written in black ink and is positioned above a horizontal line.

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William E. Ruck, President

**CERTIFICATE OF SERVICE**

I, Steve W. Haralson, 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 the same by first class mail with postage prepaid, on this 17<sup>th</sup> day of June, 2009, to:

Mr. James E. Higby, PS 1364  
Cornerstone Land Surveying, Inc  
1403 W Taylor Street  
Clarksville, AR 72830-3347



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Steve W. Haralson  
Executive Director