

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

**Case #2008-32, in the matter of Donald Sheffer:**

**COMPLAINT**

The Arkansas Board of Registration for Professional Engineers and Land Surveyors (hereinafter "the Board") registered a complaint on September 1, 2008, charging Donald E. Sheffer (AR-PS #993, hereinafter "Sheffer") with violation of Arkansas Code Annotated §17-48-102. Specifically, the complaint alleges Sheffer was negligent and/or incompetent in the practice of surveying, and that he conspired with another surveyor to cover his error.

**FINDINGS OF FACT**

1. Sheffer 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 in Monroe County, AR, adjoining a farming parcel. Adjacent to the common property boundary there are two outbuildings.
3. Sheffer did the survey of the Complainant's property prior to the sale. The outbuildings were constructed after the sale of the property.
4. The farmer owning the adjoining parcel has claimed the outbuildings are on his side of the common boundary. Another surveyor (Robert Bannerman, AR-PS #1512) was engaged to do a subsequent survey which indicates there may in fact be an encroachment by the outbuildings.
5. The Complainant covertly observed Bannerman and Sheffer in conversation at a local Wal-Mart and concluded they were in collusion.
6. Bannerman and Sheffer each deny knowing the other in sworn statements.
7. The survey and plat produced by Sheffer was examined and found to be in compliance with the "Arkansas Minimum Standards for Property Boundary Surveys and Plats."

**CONCLUSIONS OF LAW**

Upon review of the evidence in its possession, the Board finds no evidence of negligence or incompetence on the part of Sheffer, or that Sheffer's actions as described in the Findings of Fact

constitute a violation of the statutes or rules governing the Arkansas Board of Registration for Professional Engineers and Land Surveyors.

**ORDER**

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

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

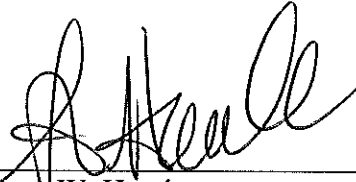
  
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William E. Ruck, President

**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. Donald E. Sheffer, PS 993  
Delta Survey Co Inc  
PO Drawer 747  
Brinkley, AR 72021-0747



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Steve W. Haralson  
Executive Director