

**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 #2008-29
)	
Respondent:)	
)	
Buckley D. Blew, PS)	
Blew & Associates)	
2434 East Joyce, Suite 2)	
Fayetteville, AR 72703)	
)	
)	

DISMISSAL ORDER

The Arkansas Board of Licensure for Professional Engineers and Professional Surveyors (hereinafter "the Board") recorded a complaint on September 3, 2008, charging Buckley D. Blew (AR-PS #1532, hereinafter "Blew") with violation of Article I.D of the Rules of Professional Conduct (produced a plat which deliberately misled the Benton County Planning Commission about roads, property lines, and access easements), and violation of Section 3.1 of the Minimum Standards for Boundary Surveys (failure to conduct proper research of adjacent property surveys).

FINDINGS OF FACT

1. Michael and Peggy Lee owned a parcel of land outside the incorporated boundary of Rogers, AR.
2. Blew was retained to produce a plat of a subdivision for an adjoining landowner.
3. Blew represented the plat before the Benton County Planning Commission, and a part of his representation was that access to the subdivision was by prescriptive easement.

4. The Planning Commission approved the plat, and upon learning of that approval, the Lees brought a protest, pointing out that they had not agreed to the easement depicted on the plat, and that neither a surveyor nor the Planning Commission could create an easement by prescription.

5. The Planning Commission took notice of the Lees' argument and conceded that it had no authority to decide whether Blew was correct or not, but refused to rescind their approval. The Lees subsequently brought their complaint before the Board.

6. Further investigation into the matter by the Board led Blew to provide plats of earlier surveys of the parcels adjoining the subdivision, and it is quite clear that easements did exist and were shown on the earlier plats.

CONCLUSIONS OF LAW

Upon review of the evidence in its possession, the Board finds the conduct by Blew described in the Findings of Fact does not warrant further investigation or disciplinary action.

The Board, however, is concerned that Blew may have made statements during a public meeting which were not based on a complete understanding of the underlying boundary law regarding prescriptive easements, and therefore asked that the letter notifying Blew of dismissal of the action provide him with an explanation.

ORDER

Based on these findings, the complaint against Blew is dismissed without further action by the Board, and a letter of explanation will be issued by the Executive Director.

SO ORDERED this 23rd day of April, 2010

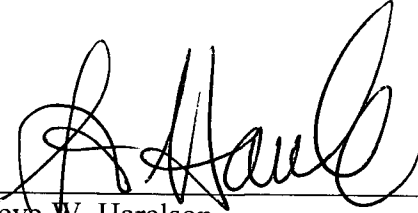


Frank Vozel, Board President


CERTIFICATE OF SERVICE

I, Steve W. Haralson, Executive Director of the Arkansas State Board of Licensure for Professional Engineers and Professional 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 on this 4th day of May, 2010, to:

Mr. Buckley D. Blew, PS
Blew & Associates
2434 East Joyce, Suite 2
Fayetteville, AR 72703



Steve W. Haralson
Executive Director