

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

**IN THE MATTER OF FRANK BLEW, PS #56**

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

A complaint charging Frank Blew, PS #56, hereinafter referred to as "Respondent," with a violation of the following laws governing the practice of professional surveying in the state of Arkansas: Ark. Code Ann. §17-48-101 *et. seq.*, and Arkansas Minimum Standards for Property Boundary Surveys and Plats Standards of Practice No. 1, Revised March 14, 1996, was filed with the Board of Registration for Professional Engineers and Land Surveyors ("Board"). After service of the Order and Notice of hearing upon Respondent, a hearing was held by the Board on May 9, 2006. The Respondent failed to appear and the hearing proceeded in his absence.

**FINDINGS OF FACT and CONCLUSIONS of LAW**

The charges were based upon the following facts and allegations, which at hearing were determined to be true:

1. Respondent is Professional Surveyor #56 in the State of Arkansas.
2. The Arkansas Minimum Standards for Property Boundary Surveys and Plats Standards of Practice No. 1, Revised March 14, 1996, provide for the protection of the public by requiring certain actions on the part of a surveyor.
3. On March 15, 2004, Respondent completed a survey for Brad Wetzel (attachment 1 to the Order and Notice of Hearing). The survey contains the following deficiencies and corresponding violations of the Arkansas Minimum Standards for Property Boundary Surveys and Plats Standards of Practice No. 1, Revised March 14, 1996:

<u>Deficiency</u>	<u>Violations</u>
<b>3.2 Field Work</b>	
.. C. Procedural techniques using B.L.M. procedures	<u>X</u>
<b>3.3 Publication of Results.</b>	
.. A. Preparation of plats	
... 2. Ties to control	<u>X</u>
..... * monument accessories	<u>X</u>
..... * surveyor's basis for acceptance	<u>X</u>
... 3. Record title lines	<u>X</u>
..... * Possession lines	<u>X</u>
..... * Encroachments	<u>X</u>
... 4. Description of monuments	
..... * Found	<u>X</u>
..... * Set	<u>X</u>
... 5. Point of Beginning	
..... * Shown on plat layout	<u>X</u>
... 8. North arrow	
..... * basis of direction	<u>X</u>
.. C. Distribution of plats (within 30 days of completion)	
... 2. State Surveyor's office	<u>X</u>

4. Respondent submitted a resurvey dated April 21, 2006, of the tract which contains four (4) violations of the Minimum Standards, namely:

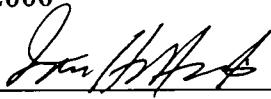
<u>Deficiency</u>	<u>Violations</u>
<b>3.3 Publication of Results.</b>	
.. A. Preparation of plats	
... 3. Record title lines	<u>X</u>
<i>(deeds referenced-none labeled as "record" title)</i>	
... 4. Description of monuments	
..... * Found	<u>X</u>
<i>(3/15/04 monuments not removed. Not shown on plat)</i>	
<b>3.3 Publication of Results.</b>	
.. B. Revision of plats	<u>X</u>
<i>(no book/page reference or indication of portions revised)</i>	
.. C. Distribution of plats (within 30 days of completion)	
... 3. Client	<u>X</u>

**ORDER**

After review of the facts, evidence and law as set out above, the Board hereby finds that Respondent's actions as set forth above constitute twelve (12) violations of the Arkansas Minimum Standards for Property Boundary Surveys and Plats Standards of Practice No. 1, Revised March 14, 1996. They also constitute twelve (12) violations of Ark. Code Ann. §17-48-102(b)(1) through (3), which gives the Board the authority to assess a civil penalty of \$25 to \$2,000 against any professional land surveyor who is found guilty of any gross negligence, incompetence, or misconduct. Therefore, Respondent is ordered and directed to:

- (1) Present to the State Surveyor for review within sixty (60) days a survey correcting the violations noted above on the resurvey dated April 21, 2006;
- (2) File for record the original survey dated March 15, 2004 and the corrected survey after approval by the State Surveyor; and
- (3) Pay a civil penalty to the Board in the amount of Fifty Dollars (\$50.00) for each violation, for a total penalty of Six Hundred Dollars (\$600.00), to be paid to the Board within sixty (60) days from the date of this Order.

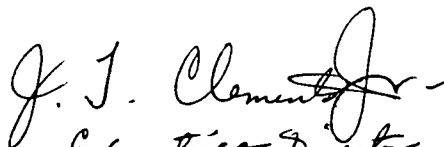
IT IS SO ORDERED this 29<sup>th</sup> day of May, 2006

  
\_\_\_\_\_  
Ivan Hoffman, Jr., President

**CERTIFICATE OF SERVICE**

I, J. T. Clements, Jr., 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 same, by certified mail, with return receipt requested and postage prepaid, on this 20<sup>th</sup> day of May, 2006 to:

Mr. Frank Blew, Jr., PS 56  
Blew and Associates  
2363 Winwood Dr.  
Fayetteville, AR 72703-4146

  
\_\_\_\_\_  
Executive Director