

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

**IN THE MATTER OF JAMES L. BUTLER, PS #261**

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

On October 17, 2006, the Arkansas Board of Registration for Professional Engineers and Land Surveyors (hereinafter "the Board") held a hearing on the Order and Notice of Hearing charging James L. Butler, PS #261 (hereinafter "Respondent") with failing to comply with the provisions of the laws governing the practice of professional surveying in the state of Arkansas, A.C.A. §17-48-101 et seq., and the Arkansas Minimum Standards for Property Boundary Surveys and Plats Standards of Practice No. 1, Revised March 14, 1996. The Respondent did not appear in person after receiving proper service of the Order and Notice of Hearing. After consideration of all evidence and testimony presented at the hearing, the Board makes the following Findings of Fact and Conclusions of Law:

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

These Orders are based upon the following findings of facts:

1. Respondent is Professional Surveyor #261 in the State of Arkansas.
2. Respondent's license lapsed on June 30, 2003.
3. 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.
4. On July 11, 2005, Respondent completed a survey on land located in Pulaski County for Ronald J. & Brenda West (Ricky Atwood, buyer) (attachment 1). The survey contains the following alleged 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>Alleged Deficiency</u>	<u>Violates Standard #</u>
no ties to control	3.3.A.2.
no monument accessories shown	3.3.A.2.
no surveyor's basis for acceptance shown	3.3.A.2.
no record title lines	3.3.A.3.
no possession lines	3.3.A.3.
no encroachments	3.3.A.3.
no description of monuments found	3.3.A.4.
no description of monuments set	3.3.A.4.
no point of beginning shown on plat layout	3.3.A.5.
no basis of direction	3.3.A.8.
no bar scale	3.3.A.9.
no legend	3.3.A.10.
not filed with County records	3.3.C.1.
not filed with State Surveyor's office	3.3.C.2.

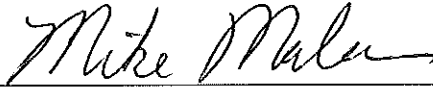
5. Respondent's failure to perform the work in accordance with the Minimum Standards constituted fourteen (14) violations of Ark. Code Ann. §17-48-102(b)(1) through (3) and under this law the Board is authorized to prescribe appropriate discipline or penalties in this matter.

ORDER

IT IS THEREFORE ORDERED:

- (1) That respondent shall pay a civil penalty of \$100 for each of the fourteen (14) violations found, for a total of \$1,400.00 payable within sixty (60) days, from the date of issuance of this Order;
- (2) That we issue a notice to Cease and Desist immediately from surveying; and
- (3) That he must complete an application with the required number of Professional Development Hours (PDH's) before he may resume surveying.

This Order may be appealed within thirty (30) days of service upon the Respondent as specified in the Arkansas Administrative Procedure Act, Ark. Code Ann. §25-15-201, *et seq.*




Mike Marlar, President

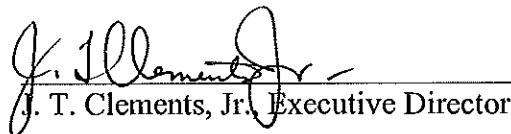
Date 12/5/06

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 5<sup>th</sup> day of ~~November~~, 2006 to:

December,  


Mr. James L. Butler, PS #261  
5323 J.F. Kennedy Blvd.  
North Little Rock, AR 72116

  
J. T. Clements, Jr., Executive Director