

**BEFORE THE ARKANSAS STATE BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS**

**ARKANSAS STATE BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND PROFESSIONAL
LAND SURVEYORS**

COMPLAINANT

Case #2011-04

JAMES W. COOK, PS

RESPONDENT

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

A hearing on the above-referenced matter was held before the Arkansas Board of Licensure for Professional Engineers and Professional Surveyors ("the Board") on July 10, 2012, at the office of the Board, 623 Woodlane Drive, Little Rock, Arkansas.

James W. Cook (AR-PS #43, hereinafter "Cook") did not appear before the Board and was not represented. The Board was represented by Assistant Attorney General Brandon Robinson.

On the basis of the testimony and other evidence presented during the hearing, the Board makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

F1. Cook was a Professional Surveyor in Arkansas until June 30, 2011, when he allowed his license to lapse.

F2. At all times relevant to this matter, Cook was licensed as a Professional Surveyor in Arkansas and the Board has jurisdiction over his conduct.

F3. Cook was retained by a client to perform a survey of a parcel of land lying partly in IZARD County, Arkansas, and partly in FULTON County, Arkansas.

F4. Cook completed the survey on January 2011. Cook agreed to provide another copy of the plat to his client, which the client would file in Fulton County.

F5. After completing the field work, Cook was paid for the survey. Cook did, however, deliver the plat to the client.

F6. The client brought a complaint against Cook before the Board regarding his failure to deliver the plat

F7. During the course of the investigation of this complaint, it was found that Cook had not filed the plat with the State Surveyor.

F8. The Board requested information from Cook about his filing practices and copies of any unfiled plats, but Cook ignored the Board's request and failed to provide the documents.

CONCLUSIONS OF LAW

C1. Cook's conduct as outlined in paragraphs F1-F8 constitutes one count of failure to file a plat with the State Surveyor within thirty (30) days after being paid for the survey, or after the plat is completed, whichever event occurs last, in violation of Arkansas Code Annotated §17-48-106(a)(2).

C2. Cook's conduct as outlined in paragraphs F1-F8, constitutes one count of failing to provide, within thirty (30) days, information requested by the Board as a result of a formal or informal complaint to the Board that would indicate a violation of the Rules or statutes of the Board, in violation of Arkansas Code Annotated §17-48-205(a)(1)(E).


ORDER

1. For the violation described in paragraph C1 of the Conclusions of Law, Cook shall pay a civil penalty of \$50 to the Board within fifty (50) days of the date this Order is served.

2. For the violation described in paragraph C2 of the Conclusions of Law, Cook's Professional Surveyor license shall be revoked immediately upon service of this Order.

These Findings of Fact, Conclusions of Law, and Order constitute the final written decision of the Board in this matter. This Order may be appealed within thirty days (30) days of service, as specified in the Arkansas Administrative Procedures Act, according to provisions of Arkansas Code Annotated §25-15-212.

Dated this 10th day of September, 2012.

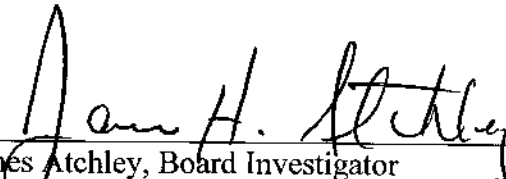


Steve Haralson, Executive Director
Arkansas Board of Licensure for Professional
Engineers and Professional Surveyors

Certificate of Service

I, James Atchley, Investigator of the Arkansas Board of Licensure for Professional Engineers and Professional Surveyors, do hereby swear and affirm that a true and correct copy of the attached was sent by U.S. Mail to the following addresses with proper postage affixed on this 10th day of September, 2012, to:.


Mr. James W. Cook, PS
10027 Arkansas 56 Highway
Wideman, AR 72585


James Atchley, Board Investigator
Arkansas Board of Licensure for Professional
Engineers and Professional Surveyors

1. Article Addressed to:
Mr. James W. Cook, PS
10027 Arkansas 56 Highway
Wideman, AR 72585

2. Article Number 7002 0510 0001 8880 1603
(Transfer from service label) Domestic Return Receipt ZACPR1-03-P-4001

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
 Restricted Delivery? (Extra Fee) Yes

A. Signature
X  Agent

B. Received by (Printed Name) James W. Cook
C. Date of Delivery 9/11/12

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

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(Domestic Mail Only, No Insurance Coverage Provided)

Postage \$ 0.65
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PS Form 3811, August 2001

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
 Print your name and address on the reverse so that we can return the card to you.
 Attach this card to the back of the mailpiece, or on the front if space permits.