

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

**IN THE MATTER OF:
Billy Lawrence, PS 1552**

ORDER

The Arkansas State Board of Licensure for Professional Engineers and Professional Surveyors (“the Board”) held a hearing on September 14, 2021 to determine whether Billy Lawrence, PS 1552 (“Lawrence”) has violated Arkansas Code Annotated §§17-48-101 *et seq.*, or the Rules of the Board. The Board was represented by Assistant Attorney General Sara Farris. Respondent appeared *pro se*. Based on the evidence presented, the Board finds as follows:

FINDINGS OF FACT

1. Lawrence was actively licensed beginning January 11, 2006 and was continuously licensed hereinafter.
2. On July 11, 2018 Lawrence performed a survey for his client, William Warner, who was purchasing the subject property located at 34164 SR 7 N Dover, AR.
3. Lawrence’s July 11, 2018 survey failed to show the east line going through the structure on the property.
4. Lawrence’s July 11, 2018 survey contained no record bearings/directions or deed references as required by 4.1.A.3 of the 1009 Standards of Practice.
5. On September 1, 2020 Barrett and Associates performed a survey on the subject property as part of Warner selling the property to Richard and Beth Cowen. It was discovered that the property line went through the building.

6. To complete the sale of the property Warner had to purchase a portion of the adjacent property to remedy the error.
7. Upon the sale of the property Mr. Warner filed a complaint with the Board on September 22, 2020.
8. On March 17, 2021, Lawrence filed a corrected plat.
9. Lawrence's March 17, 2021 survey contained no record bearings/directions or deed references as required by 4.1.A.3 of the 2009 Standards of Practice:
 3. Record title lines including record deed distance and direction calls and/or document (book and page) references.
10. Lawrence's March 17, 2021 survey tied into a monument in the southeast corner, which is a quarter-corner that requires additional accessories per 3.2.C.3 of the 2009 Standards of Practice:
 - 3.2.C.3: . Monument Accessories. For any monument found or set marking the location of a quarter (1/4) corner, or a section corner, as well as any other corner for which the surveyor desires accessory evidence, shall be referenced by at least two (preferably four) permanent or semipermanent reference objects (sound trees, when available). Horizontal measurements shall be made from the monumented corner position to the center of the base of reference trees at ground level, and to a readily identifiable point or mark on any other reference objects. On steep sites where a horizontal distance cannot be easily obtained, slope distance may be used and noted with the accessory information.

CONCLUSIONS OF LAW

11. Under Ark. Code Ann. § 17-48-205(a)(1)(C), the Board:

[M]ay suspend, revoke, or refuse to issue, restore, or renew a certificate of licensure of, or place on probation, fine, or reprimand a professional surveyor who is:

(1) Found guilty of:

...

(C) Failure to comply with ... the rules of the board....

12. Under the Board's rules, Article 14.A:

A. The Board may take disciplinary action to the fullest extent permitted by law against any licensee ...whom the Board finds guilty of any of the following:

...

4. Violations of the Arkansas Standards of Practice No. 1 for Property Boundary Surveys and Plats in force at the time of the survey;

13. Lawrence's actions as described in Allegations of Fact 3, 4, 9, and 10 constitute violations of Article 14.A.4. of the Board's rules.

14. Under Ark. Code Ann. § 17-48-205(b) and (c), the board may take the following action against a professional surveyor:

- (1) Suspend or revoke a certificate of licensure;
- (2) Refuse to issue, restore, or renew a certificate of licensure;
- (3) Place on probation, impose a fine, or reprimand; or
- (4) A combination of the above.

(c) A person that violates this chapter or a rule of the board shall pay a civil penalty to the board of not more than five thousand dollars (\$5,000) for each offense.

ORDER

For the violations found by the Board and described herein, and pursuant to Ark. Code Ann. § 25-15-217, the Board imposes the following penalties:

- A. Lawrence is placed on probation for six (6) months beginning on the date this Order is signed.
- B. During Lawrence's six (6) month probationary period, Lawrence shall:
 1. Submit to the Board proof that he has completed the following continuing education:

- a. Four (4) hours of Arkansas Standards of Practice No. 1;
and
 - b. Two (2) hours of Ethics.
2. Pay a total fine of \$1,000, which consists of \$500 per violation for two violations.
 3. Submit all completed surveys to the State Surveyors Office. The State Surveyor will review up to twenty (20) of the submitted surveys for compliance with the Arkansas Standards of Practice No. 1. If the State Surveyor finds a survey to be noncompliant with the Arkansas Standards of Practice No. 1, he will notify the Board and the Board may take further disciplinary action.

Pursuant to Ark. Code Ann. § 25-15-212 , Applicant may petition for judicial review of this decision by filing a petition in circuit court within thirty (30) days after the service of this Order.

Arkansas State Board of Licensure for Professional
Engineers and Professional Surveyors

By: 
J. Kyle Salyer P.E, P.S, President

Date: 9/15/21