

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

OCT 06 2008

**Case #2006-01, in the matter of Survey America, Inc:**

**CONSENT AGREEMENT AND ORDER**

The Arkansas Board of Registration for Professional Engineers and Land Surveyors (hereinafter "the Board") and Survey America, Inc (non-registrant, hereinafter "the Respondent"), agree as follows in full settlement of the charges in this disciplinary matter.

**FINDINGS OF FACT**

1. The Respondent does not now, nor has it ever, held a valid Certificate of Authorization to offer surveying services in Arkansas. This firm is incorporated in Indiana, and offers to arrange surveys all over the United States, according to its website.
2. On or about December 6, 2005, Robert Taylor (AR-PS #1509) platted and sealed a survey for a large commercial development in Crittenden County, AR, on the Respondent's title block/layout.
3. Taylor's client was the Respondent, and he received payment from the Respondent. The Respondent was not the end-user of the survey.

**CONCLUSIONS OF LAW**

1. The board has jurisdiction over the Respondent and over the subject matter of this proceeding, as provided in Arkansas Code Annotated §17-30-305(e).

[End page 1 of 3]

[Begin page 2 of 3]

2. The conduct of the Respondent, as set forth above in the Findings of Fact, constitutes one count of providing and/or offering to provide surveying services in Arkansas without a valid Certificate of Authorization, in violation of the Rules of the Board, Article 21, Section B.

**CONSENT AGREEMENT**

In the interest of a prompt and speedy settlement, consistent with the public interest and the responsibilities of the Board, the undersigned parties enter into this Consent Agreement as a final disposition of these matters presently before the Board.

1. By accepting this Consent Agreement, the Respondent neither admits nor denies the allegations contained in the Board's Findings of Fact and Conclusion of Law. Accordingly, the Board agrees it is not necessary to find guilt or absence of fault in these matters.

2. In lieu of a formal hearing on these issues, the Respondent agrees to issue of the following Order and waives all rights to a hearing, appeal or judicial review relating to the Order.

3. The Respondent understands that all investigative materials prepared or received by the Board concerning these violations and all notices and pleadings relating thereto may be retained in the Board's file concerning this matter.

4. The Respondent acknowledges having consulted legal counsel prior to entering into this Consent Agreement.

[End page 2 of 3]

[Begin page 3 of 3]

**ORDER**

In view of the Findings of Fact, Conclusions of Law, and the Consent Agreement above, it is ordered that the Respondent pay a civil penalty of \$800 to the Board within fifty (50) days of the date this Order is served upon the Respondent.

**AGREED TO BY:** *Felix J. Hois*  
Signature of the Respondent

Sworn to and subscribed before me this 1<sup>st</sup> day of October, 2008  
*Mark Holley*  
Notary Public  
My commission expires: 3-23-2016

(SEAL)

**AGREED TO AND ORDERED BY:** *Bill Ruck*  
William E. Ruck, Board President

[End page 3 of 3]