

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

IN THE MATTER OF JAMES W. COOK, PS #43

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 Show Cause Order and Notice of Hearing charging James W. Cook, PS #43 (hereinafter "Respondent") with failing to comply with the provisions of his Order signed and dated March 1, 2004. Respondent was directed to appear and show cause why he failed to comply with the terms and conditions of said Consent Agreement and the subsequent Orders of the Board. The Respondent appeared in person after receiving proper service of the Order and Notice of Hearing and acknowledged waiving his right to counsel. Based upon the evidence presented, 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:

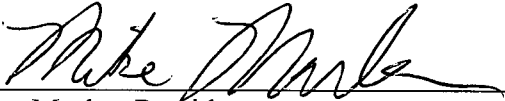
1. The Board has the power to take disciplinary action against a licensee who fails or refuses to comply with any laws relating to any rules or regulations of the Board. A.C.A. §17-48-101, *et. seq.*
2. Respondent was Ordered to pay a Civil Penalty of \$1,500.00 by February 17, 2005.
3. Respondent did not pay the Civil Penalty by February 17, 2005, and when reminded of this fact he requested that he be permitted to make monthly payments.

4. Respondent's request to permit monthly payments was denied by the Board at its meeting on May 10, 2005.
5. Respondent's payment of \$200 was received on May 14, 2005.
6. Respondent's request, for permission to make monthly payments, was again presented to the Board at its meeting on July 19, 2005. The request was granted with the balance to be paid within one (1) year.
7. As of December 5, 2005, Respondent had paid \$500 of his \$1,500.00 Civil Penalty.
8. Respondent's failure to perform the work in accordance with the Minimum Standards constituted violations of Ark. Code Ann. §17-48-102(b)(1) through (3), and, therefore, constituted a violation of the provisions of Respondent's probation under the Order dated March 1, 2004, noted above.
9. Respondent offered to pay and did pay on October 17, 2006, the \$1,000.00 balance of the Civil Penalty ordered on March 1, 2004.

ORDER

IT IS THEREFORE ORDERED that:

1. The Respondent's payment of \$1,000.00 as the balance due on his Civil Penalty is hereby acknowledged and received.
2. That no further action be taken by the Board in this matter.



Mike Marlar, President

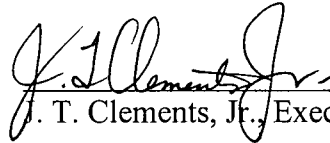
Date 12/5/06

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 first class and certified mail, with return receipt requested and postage prepaid, on this 5th day of ~~November~~, 2006 to:

~~NOVEMBER~~
DECEMBER. *JTC*

Mr. James W Cook, PS 43
C & C Land Services
PO Box 588
Calico Rock, AR 72519-0588



J. T. Clements, Jr., Executive Director