

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

IN THE MATTER OF PAUL E. GUNN, PE #5041, PS #845

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 Paul E Gunn, PE #5041, PS #845 (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 appeared in person after receiving proper service of the Order and Notice of Hearing and acknowledged waiving his right to counsel. 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. 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 is a Professional Engineer #5041 and Professional Surveyor #845 under this Board.
3. February 14, 2005, Respondent completed a survey on land located in Lee County for S. Green. On October 4, 2004, Respondent completed a survey on land located in St. Francis County for K. Casbeer. On October 6, 2005, Respondent completed a survey on land located in Cross County for D. Thomas. On October 13, 2005, Respondent completed a survey on land located in Lee County for Capitol Title Co., Inc (Thorne). On October 27, 2005, Respondent completed a survey on land located in St. Francis County for S. Melton. 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 (see following table).

- Attachment #
- 2.2 Closure ratio within limits (plat / field work)**
- 3.1 Research and Investigation.**
- 3.2 Field Work**
- . A. Execution
- . B. Measurement techniques
- . C. Procedural techniques using B.L.M. procedures
- . D. Lot and Block surveys
- . E. Monumentation
- ... 1. Location
- ... 2. Type of monument
- a) marked with registrant number
- b) monument type
- c) 1/16, 1/4, or sec. corner marked with proper id
- ... 3. Monument Accessories
- 3.3 Publication of Results.**
- . A. Preparation of plats
- ... 1. Boundaries with distances and directions
- ... 2. Ties to control
- * monument accessories
- * surveyor's basis for acceptance
- ... 3. Record title lines
- * Possession lines
- * Encroachments
- ... 4. Description of monuments
- * Found
- * Set
- ... 5. Point of Beginning
- * In tract description
- * Shown on plat layout
- ... 6. Client name
- ... 7. Business address of surveyor
- ... 8. North arrow
- * basis of direction
- ... 9. Bar scale
- ... 10. Legend
- ... 11. Tract description
- ... 12. Surveyor's seal
- * Signature
- * Certification (if appropriate)
- ... 13. Date
- ... 14. Act 919 of 1981 acreage shown in each 1/4 - 1/4 sec.
- . B. Revision of plats
- . C. Distribution of plats (within 30 days of completion)
- ... 1. County records

	1	2	3	4	5
	1	1	1		1
	1				1
	1	1		1	1
	1	1	1	1	1
	1	1	1	1	1
		1		1	1
	1				
	1				
	1	1	1	1	1
	1	1	1	1	1
	1	1	1		1

... 2. State Surveyor's office
... 3. Client
Total violations per survey

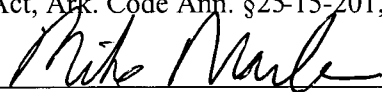
1				
14	11	9	9	12

4. Respondent's failure to perform the work in accordance with the Minimum Standards constituted fifty-five (55) 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 \$5,000.00 payable to the Board within sixty (60) days;
- (2) That Respondent be placed on probation for one (1) year during which he is to file all plats with the State Surveyor's office for the State Surveyor's review; and if the State Surveyor finds significant violations in those plats that he immediately come back before the Board.
- (3) 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

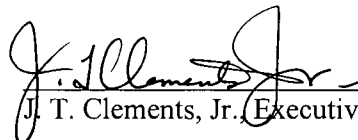
Date 12/5/06

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

DECEMBER, 05

Mr. Paul E. Gunn, PE #5041, PS #845
Professional Bldg S-5
Forrest City, AR 72335



J. T. Clements, Jr., Executive Director