

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

In the matter of Jerry Rose, and Case #2008-11:

COMPLAINT

The Arkansas Board of Registration for Professional Engineers and Land Surveyors (hereinafter "the Board") received a complaint on April 8, 2008, charging Jerry Allen Rose (PS #1268, hereinafter referred to as "Rose") with being negligent and/or incompetent in the practice of surveying in Arkansas, in violation of Arkansas Code Annotated §17-48-102.

FINDINGS OF FACT

1. Rose is a Professional Surveyor in Arkansas, and the Board has jurisdiction over the subject matter of this complaint.
2. Rose was retained to survey a property adjoining Roy Sandstrom, the complainant. In doing his research prior to field work, he obtained an erroneous legal description for the property from a title company.
3. The use of the erroneous legal description resulted in an erroneous survey, and also led Rose to enter Sandstrom's property.
4. The title company has admitted their error, and the survey has been corrected.
5. Entry to adjoining properties is specifically provided for by ACA §17-48-303, subject to the limitation that access shall not be extended beyond that necessary for "actual survey requirements." Rose did not exceed that limitation.

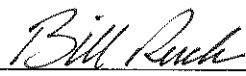
CONCLUSIONS OF LAW

Upon review of the evidence in its possession, the Board finds Rose's actions as described in the Findings of Fact do not constitute a violation of the statutes or rules governing the Arkansas Board of Registration for Professional Engineers and Land Surveyors.

ORDER

Based on these findings, the complaint against Rose is dismissed without further action by the Board.

SO ORDERED this 9th day of September, 2008

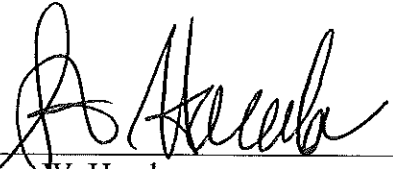


William E. Ruck, President

CERTIFICATE OF SERVICE

I, Steve W. Haralson, Executive Director of the Arkansas State Board of Registration for Professional Engineers and Land Surveyors, do hereby certify that I have served the foregoing order by mailing a copy of same, by first class mail, on this 12th day of September, 2008, to:

Mr. Jerry Allen Rose, PS 1268
Rose's Land Surveying, Inc
811 Hwy 5 North
Mountain Home, AR 72653-2209



Steve W. Haralson
Executive Director