

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

**ARKANSAS STATE BOARD OF LICENSURE FOR  
PROFESSIONAL ENGINEERS AND PROFESSIONAL  
LAND SURVEYORS**

**COMPLAINANT**

**Case #2012-03**

**BRIAN SCHALLER, PE**

**RESPONDENT**

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

A hearing on the above-referenced matter was held before the Arkansas Board of Licensure for Professional Engineers and Professional Surveyors (“the Board”) on July 10, 2012, at the office of the Board, 623 Woodlane Drive, Little Rock, Arkansas.

Brian Schaller (AR-PE #11546, hereinafter “Schaller”) did not appear before the Board and was not represented. The Board was represented by Assistant Attorney General Brandon Robinson.

On the basis of the testimony and other evidence presented during the hearing, the Board makes the following Findings of Fact, Conclusions of Law, and Order.

**FINDINGS OF FACT**

F1. Schaller is a Professional Engineer in Arkansas, holds license #11546, and the Board has jurisdiction over his conduct.

F2. When Schaller renewed his license in 2010, he certified that he was also licensed in Missouri and had met that jurisdiction’s mandatory continuing professional competency (CPC) requirement which is permitted by Article 20.H. of the Board’s rules.

F3. In 2011, Schaller's claim of continuing education credit was randomly selected for audit as provided for in Article 20.J. and he was sent a letter on September 19, 2011, requesting documents to substantiate the claimed CPC credit.

F4. When Schaller failed to respond, he was sent a second letter on October 26, 2011, with the same request.

F5. Schaller was contacted by telephone on January 18, 2012. Schaller acknowledged receiving the letters, and asked if he could still make a response. He was told that he could, but that the matter would be referred to the Complaint Committee of the Board on January 31, 2012, and that he should make a response before that.

F6. Schaller made no response. The Complaint Committee reviewed the matter on January 31, 2012 and agreed that a complaint should be drafted.

F7. The complaint was signed by the Executive Director of the Board on February 8, 2012, and an Answer to the complaint was requested in writing.

F8. Schaller again made no response. Upon being contacted by telephone on March 19, 2012, Schaller acknowledged receiving the complaint, and agreed to send the audit materials.

F9. Schaller sent some audit materials, but did not substantiate his claim of compliance, and he made no Answer to the complaint.

#### CONCLUSIONS OF LAW

C1. Schaller's conduct as outlined in paragraphs F1-F9, constitutes one count of failing to provide, within thirty (30) days, information requested by the board as a result of a formal or informal complaint to the board that would indicate a violation of the Rules or statutes of the Board, in violation of Arkansas Code Annotated §17-30-305(a)(1)(E).

**ORDER**

O1. For the violation described in paragraph C1 of the Conclusions of Law, Schaller's Professional Engineer license shall be revoked immediately upon service of this Order.

These Findings of Fact, Conclusions of Law, and Order constitute the final written decision of the Board in this matter. This Order may be appealed within thirty days (30) days of service, as specified in the Arkansas Administrative Procedures Act, according to provisions of Arkansas Code Annotated §25-15-212.

Dated this 15<sup>th</sup> day of August, 2012.



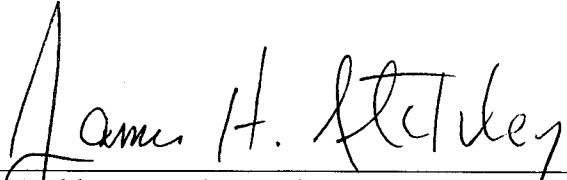
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Steve Haralson, Executive Director  
Arkansas Board of Licensure for Professional  
Engineers and Professional Surveyors

Certificate of Service

I, James Atchley, Investigator of the Arkansas Board of Licensure for Professional Engineers and Professional Surveyors, do hereby swear and affirm that a true and correct copy of the attached was sent by U.S. Mail to the following address with proper postage affixed on this 15<sup>th</sup> day of August, 2012.

Mr. Brian Schaller, PE 11546  
 212 SE Cromwell  
 Blue Springs, MO 64014-3702



James Atchley, Board Investigator  
 Arkansas Board of Licensure for Professional  
 Engineers and Professional Surveyors

SENDER NIXIE 641 DE 1 00 09/03/12 RETURN TO SENDER UNCLAIMED UNABLE TO FORWARD RC: 7703375050		Agent Addressee of Delivery
1. Article #		Yes No
Mr. Brian Schaller, PE 11546 212 SE Cromwell Blue Springs, MO 64014-3702		
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		
4. Restricted Delivery? (Extra Fee)		<input type="checkbox"/> Yes
2. Article Number (Transfer from service label) PS Form 3811, August 2001		7002 0510 0001 8880 1634 Domestic Return Receipt 2ACPR1-03-P-4081