

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

**IN THE MATTER OF JAMES SOUTER, PS #1050:**

**COMPLAINT**

The Arkansas Board of Registration for Professional Engineers and Land Surveyors (hereinafter "the Board") received a complaint on June 28, 2007, charging James Latson Souter (AR-PS #1050, hereinafter "the Respondent"), with two counts of professional misconduct, in violation of the Preamble to the Rules of Professional Conduct. Specifically, the Respondent took money for a survey and failed to provide a plat of the survey. Also, he refused to testify on his client's behalf during a civil trial over disputed property boundaries.

**FINDINGS OF FACT**

The Respondent filed his answer to the charge with the Board on July 16, 2007. On February 7, 2008, the Complaint Committee of the Board determined the violations alleged in the complaint were unsupported by the evidence.

Specifically, the Committee found that instead of being hired to perform a survey, the Respondent provided and was paid for certain services to an attorney in conjunction with a case involving a boundary dispute. These services included setting boundary corners and preparing a drawing as a litigation exhibit according to a survey previously prepared by another surveyor and making himself available as a witness, although not being called to testify.

The Committee did, however, find some of the actions taken by the Respondent in response to the request to be of concern and felt that under some circumstances his actions could be construed as, or are difficult to distinguish from, preparation of a boundary survey.

As a result, the Committee recommends issuing a letter of caution to the Respondent that he review and modify his business practices so that it is clear to all that any future similar services are well defined in advance and do not constitute nor could not be construed to constitute conducting a survey.

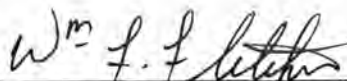
**CONCLUSIONS OF LAW**

Upon review of the evidence in its possession, the Board finds the Respondent'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 the Respondent is dismissed, and a letter of caution will be issued by the Executive Director.

**SO ORDERED** this 11<sup>th</sup> day of March, 2008

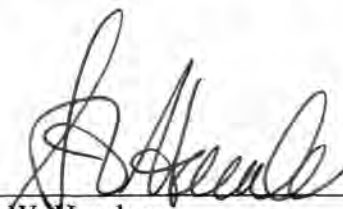


William F. Fletcher, President

**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 copies of same, by first class mail, on this 22nd day of May, 2008, to:

Mr. James L. Souter, PS  
Landpoint Surveys, Inc  
PO Drawer 1600  
Magnolia, AR 71754-1600



Steve W. Haralson  
Executive Director