

## COMPLAINT OVERVIEW AND INSTRUCTIONS

A complaint may be submitted to the West Virginia Board of Professional Surveyors (“WVBPS” or “Board”) when an individual, firm, or agency has been aggrieved by the acts of a Professional Surveyor (licensee of this Board), or a person engaged in the unlicensed practice of surveying. The allegations must be based on the law, rules, or regulations that govern the standards of practice for surveying in West Virginia.

Upon receipt, a preliminary review will determine whether your complaint is founded or unfounded. An unfounded complaint contains allegations that are determined to be outside the jurisdiction of this Board or fails to state sufficient grounds to support any action by the Board. These complaints may be summarily dismissed by Board vote unless additional evidence becomes available that justifies further investigation.

Complaints that are determined to be founded will have a complaint number assigned and a file created. Complaints filed against a licensed Professional Surveyor are handled differently than those filed against an unlicensed practitioner. The proceedings against a licensee are set forth in the *West Virginia Code of State Rules 23CSR3, Disciplinary and Complaint Procedures for Professional Surveyors*. Unlicensed practitioners are prosecuted by the Attorney General’s Office and are under the jurisdiction of the civil courts.

Pursuant to 23CSR3, the surveyor will receive notification of a complaint filed against him/her, along with copies of the complaint documents, and will have an opportunity to respond to the allegations contained therein within thirty (30) days. It will be presented, with the information provided, to the Board’s Complaint Review Team (CRT). The complaint file becomes confidential upon review of the CRT and will not be available to the public until a final disposition is made by the Board.

The CRT will review the complaint for technical merit and make recommendations to the Board for further action. The Board may dismiss the complaint based on the CRT recommendations, assign an investigator to gather additional information or evidence, request an informal investigative conference, or schedule a formal hearing.

The WVBPS is committed to protecting the public from illegal and unethical surveying practices in West Virginia. The complaint proceedings are intended to avoid frivolous complaints and provide a fair and just manner for disposition. Founded complaints are serious in nature and may require significant amounts of time by the Board, staff and investigators to bring them to a reasonable and just conclusion.

## INSTRUCTIONS

To submit a complaint with the WVBPS, please download and complete the Complaint Form available on the website. Submit the original form and any supporting documentation to the Board office. The form contains all the information necessary to submit a complaint and must be filled out completely and with as much detail as possible. Please limit any evidence or supporting documentation to only those relevant to the allegations.

Sometimes the form does not provide enough space to document all of the circumstances and events surrounding a complaint. If that is the case, a written narrative is very helpful to evaluate the merits of a complaint. The narrative may include, if applicable, the conditions and terms of the survey contract (written or verbal); a detailed account of the events before, during and after the survey; potential violations of the law; and any other relevant information. Be specific regarding dates of conversations and contacts with the surveyor and other involved parties.

Please do not submit originals of any evidence or supporting documentation because it becomes part of the official file and is, therefore, not returnable. If you do not have a local source available to reproduce large plats or maps, please forward them to the Board office with a written request that we copy them and return the originals to you. You will be responsible to reimburse the Board for the actual duplicating costs.

Please be advised the role of the Board is to review the facts of the complaint and investigate whether or not the licensee operated within the law, rules or regulations that govern the practice of land surveying in West Virginia. **The Board does not settle boundary disputes;** it simply enforces compliance with established directives and admonishes or penalizes offenders.

If you have any questions, or require assistance, please contact the Board office.

West Virginia Board of Professional Surveyors  
1124 Smith Street, Suite 1200  
Charleston, WV 25301

(304) 558-0350 (phone)  
(304) 558-0352 (fax)

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**COMPLAINT FORM**

The West Virginia Board of Professional Surveyors is an administrative board entrusted by law with the responsibility to protect the health, safety and welfare of the public regarding the practice of surveying. The Board does not have the authority to settle boundary disputes or determine the accuracy or location of a boundary survey. It can only determine if a professional surveyor violated any of the laws or rules governing the practice of surveying and administer the appropriate disciplinary action.

More than one person can file as the Complainant. If you are filing a complaint against more than one professional surveyor, please use a separate form and submit the complaints separately to the Board office. Feel free to make as many copies of this form as is necessary. A written statement attached to this form will help during the investigation to document the history of your relationship with the professional surveyor and clarify any allegations contained herein.

**Complainant Information**

Legal Name(s): \_\_\_\_\_  
 \_\_\_\_\_

Preferred Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
 \_\_\_\_\_

( \_\_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_ (Home)

( \_\_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_ (Cell)

( \_\_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_ (Work)

( \_\_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_ (Fax)

Email: \_\_\_\_\_

**Property / Project Information**

Landowner(s): \_\_\_\_\_  
 \_\_\_\_\_

(If other than Complainant)

General Description of Property or Project: \_\_\_\_\_  
 \_\_\_\_\_

General Location: \_\_\_\_\_  
 \_\_\_\_\_

Tax Map / Parcel: \_\_\_\_\_

District: \_\_\_\_\_

County: \_\_\_\_\_

**Surveyor / Respondent Information**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
 \_\_\_\_\_

City

State

Zip code

( \_\_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_ (Home)

( \_\_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_ (Work)

( \_\_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_ (Cell)

What is the Surveyor's License No.? \_\_\_\_\_

Who hired the Surveyor? \_\_\_\_\_  
 \_\_\_\_\_

Was there a contract?  Yes

No

Don't Know

If yes, was the contract:  Written  Verbal

**Complaint Allegations and Attachments**

I/we allege the above named Surveyor has violated the laws and/or rules that govern the practice of surveying (*please check all that applies*). By checking the following allegations, I/we do not intend to limit the Board's ability to pursue other violations against the Surveyor upon its own volition. Complainant's Initials: \_\_\_\_\_

- |  |  |
|--|--|
| <input type="checkbox"/> False Advertising                                 | <input type="checkbox"/> Willful Departure from Accepted Standards of Professional Conduct, including Gross Negligence |
| <input type="checkbox"/> Fraud   | <input type="checkbox"/> Professional Negligence (wanton indifference to the interests of the public)                  |
| <input type="checkbox"/> Unethical Practice                                | <input type="checkbox"/> Felony Offense (crimes that have dishonesty as a fundamental and necessary element)           |
| <input type="checkbox"/> Unlicensed Practice                               |  |
| <input type="checkbox"/> Incompetence (incl. Minimum Standards violations) |  |
| <input type="checkbox"/> Other (please specify): _____                     |  |
| _____  |  |

Briefly describe your complaint in the space below. Attach a written statement if additional space is needed.

Explain how you have been harmed and the remedial action you want the Board to consider?

List the names, addresses and phone numbers of all other parties who have a direct interest, who possess pertinent information in this matter, or whose testimony should be considered prior to the Board determining its final disposition of this complaint.

Copies of relevant documents, such as correspondence, invoices, contracts, witness statements, and survey documents may be attached to the complaint form along with a written statement. I/we understand that the documentation attached to this complaint becomes the property of the Board and will not be returned to me.

Are you attaching a written statement to this complaint? . . . . .  Yes  No

Are you attaching supporting documentation to this complaint? . . . .  Yes  No

If you answered *yes* to the above question, please supply a document listing.

**Confidentiality Notice**

Please be advised that in order to ensure procedural due process, a copy of this complaint and any accompanying statement will be furnished to the Surveyor named in this complaint. This complaint, and any response thereto, is confidential during the initial investigation, but will become a matter of public record if the Board, by majority vote, determines that the complaint either has probable cause to proceed or recommends dismissal due to the lack of probable cause. The Board requests your cooperation in keeping this matter confidential during the investigation phase of the process.

**Affidavit**

I/we, \_\_\_\_\_, do hereby certify that the foregoing statements made by me/us are true, and any documents attached are true copies. Pursuant to *Legislative Rule 23 CSR 3-4.4*, I/we acknowledge that complainants are immune from liability for allegations contained in their complaints unless it can be proven the complaint is filed in bad faith or for malicious purposes. I/we further state that I/we will voluntarily appear and testify to the facts in this complaint if called upon by the Board.

\_\_\_\_\_  
Signature of Complainant(s)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Complainant(s)

\_\_\_\_\_  
Date