

## 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 Committee (“CRC”). The complaint file becomes confidential upon review of the CRC and will not be available to the public until a final disposition is made by the Board.

The CRC 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 CRC 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.

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