

**BEFORE THE
WEST VIRGINIA BOARD OF PROFESSIONAL SURVEYORS**

**West Virginia Board of
Professional Surveyors,**
Complainant,

vs.

COMPLAINT No.: C15-11

Chester Rodney Vaughan
WV Professional Surveyor License No. 782,
Respondent.

CONSENT DECREE

The Respondent, Chester Rodney Vaughan, and the West Virginia Board of Professional Surveyors execute the following Consent Decree for the purpose of resolving Complaint No. C15-11, filed against the Respondent on April 21, 2015. The parties have reached an agreement, in lieu of a hearing, which the Respondent hereby agrees and stipulates to the Findings of Fact, Conclusions of Law, Consent, and Order set forth in this Consent Decree concerning the disposition of this matter.

FINDINGS OF FACT

The Board adopts the following findings in this matter:

1. The West Virginia Board of Professional Surveyors (“Board”) is a state agency created by *West Virginia Code* §30-13A-4, and is authorized to regulate the conduct of Professional Surveyors in the State of West Virginia.
2. Chester Rodney Vaughan, (“Respondent”), is a Professional Surveyor licensed by the Board, holding license No. 782.
3. Respondent is designated as the Surveyor-in-Charge (“SIC”) for Vaughan Land Surveyor, located in Summerville, South Carolina, which was issued a Certificate of Authorization (“COA”) on May 11, 2015. (No. 5926).

4. In 1979, the Respondent was contracted to perform a boundary survey of a certain tract or parcel of land for Montie W. Hill, a developer for the Hillsdale Estates Subdivision, situate near Martins Branch of Poca River, Union District, Kanawha County, West Virginia, in exchange for a lot to be conveyed to the Respondent in lieu of payment
5. On April 21, 2015, the Board received a copy of a certified survey plat, given to a local surveyor by the Kanawha County Planning Commission, which was signed by the Respondent on January 5, 2015 and sealed with a South Carolina Professional Surveyor Seal. [No. 21345]
6. On April 21, 2015, the Board filed Complaint C15-11 against the Respondent alleging Unlicensed Practice, and a Willful Departure from Accepted Standards of Professional Conduct.
7. On April 27, 2015, a Complaint Notification Letter was sent to the Respondent by certified mail and was signed-for by C.R. Vaughan on May 2, 2015.
8. On May 11, 2015, the Respondent submitted to the Board a Certificate of Authorization Application Form. [See Item No. 4]
9. On May 27, 2015, the Respondent's response to Complaint C15-11 was received by the Board.
10. On June 9, 2015, the Board's Complaint Review Committee ("CRC") reviewed Complaint C15-11.
11. On June 23, 2015, the Board found probable cause that the Respondent violated the *West Virginia Professional Surveyors Act*.

CONCLUSIONS OF LAW

1. Pursuant to *W. Va. Code* §30-1-8(a), the Board is authorized to enter into consent decrees for the informal disposition of complaints in lieu of a formal hearing.

2. Pursuant to *W. Va. Code* §30-1-8(a), the Board is also authorized to assess administrative costs against the licensee for reimbursement of costs of the investigation, hearings and other expenses relative to the complaint, when the Board finds grounds for disciplinary action.
3. Pursuant to *W. Va. Code* §30-13A-22(g), “[t]he Board may, after notice and opportunity for hearing, deny or refuse to renew, suspend, restrict or revoke the license or certificate of authorization of, or impose probationary conditions upon or take disciplinary action against, any licensee or certificate holder...” (2010).
4. The Respondent certified a Plat of Survey without being issued a Certificate of Authorization to conduct surveying services in the State of West Virginia in violation of *W. Va. Code* §30-13A-20(a).
5. The Respondent failed to approve and seal only those documents that conform to accepted surveying standards by placing his South Carolina Professional Surveyor seal on a West Virginia Plat of Survey in violation of *W. Va. Code R.* §23-5-4.3.a.
6. The Respondent failed to prepare a description of survey, required for all boundary surveys, in violation of *W. Va. Code R.* §23-5-7.3.h.

CONSENT

By signing below, the Respondent agrees to the following:

1. Respondent has had the opportunity to consult with counsel and executes this Consent Decree voluntarily, freely, without compulsion or duress and mindful that it has legal consequences. No person or entity has made any promise or given any inducement whatsoever to encourage Respondent to make this settlement other than as set forth herein.
2. Respondent acknowledges that he is aware that he may pursue this matter through appropriate administrative and/or court proceedings, and is aware of his legal rights regarding this matter, but intelligently and voluntarily waives such rights.

3. Respondent acknowledges that this document is a public Record as defined in *W. Va. Code* §29B-1-2(4), and as such, the Board is legally bound to allow any person to review this Consent Decree. Moreover, the results of the Board's action may be reported to other authorities and agencies.
4. Respondent consents to the entry of the following Order affecting his conduct as a professional surveyor.

ORDER

On the basis of the foregoing, the Board hereby ORDERS as follows:

1. Respondent is hereby REPRIMANDED for his actions in the instant matter as outlined above in the Findings of Fact and Conclusions of Law. The Board finds that the Respondent violated *W. Va. Code* §30-13A-20(a), *W. Va. Code R.* §§23-5-4.3.a and 23-5-7.3.h.
2. Respondent shall revise his plat and prepare a legal description in accordance with the current minimum standards for boundary surveys. Revised plat will be recorded and submitted to the Board within ninety (90) days of the entry of this Order into the records of the Board.
3. Respondent shall pay to the West Virginia Board of Professional Surveyors a total fine in the amount of \$1,000.00, which represents a \$500.00 fine for surveying without a Certificate of Authorization in the State of West Virginia, and a \$500.00 fine for sealing a West Virginia survey plat with a South Carolina Professional Surveyor Seal and not preparing a description of survey, (*Reference Complaint C15-11*), to be deposited in the general revenue fund of the State of West Virginia. Respondent shall pay the fine within ninety (90) days of entry of this Order into the records of the Board.
4. Respondent shall pay to the West Virginia Board of Professional Surveyors, by separate check, the administrative costs and legal fees associated with the Board's investigation of this complaint, which totals \$200.00. (*Reference Complaint C15-11*). Respondent shall pay the administrative costs and legal fees within ninety (90) days of entry of this Order into the records of the Board.

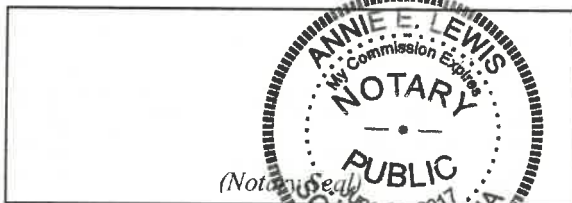
- 5. Any deviation from the requirements of this Consent Decree, without the prior written consent of the Board, shall constitute a violation of this Order.
- 6. Respondent shall immediately advise the Board of any changes in his status and advise the Board of his current address at all times during the term of this Consent Decree.

AGREED TO BY:

Chester Rodney Vaughan *Oct 7, 2015* aeb
~~*Chester Rodney Vaughan, P.S.*~~ ~~*Oct 6, 2015*~~
 CHESTER RODNEY VAUGHAN, P.S. DATE

Subscribed and sworn to before me this 7 day of October, 2015.

My commission expires: June 27, 2017.



Annie E. Lewis

Signature of Notary Public

ENTERED into the Records of the West Virginia Board of Professional Surveyors this:

6th day of November, 2015.

Roy E. Shrewsbury, II

 ROY E. SHREWSBURY, II
 Chairman

