

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

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

vs.

COMPLAINT NO.: C17-04

William Stafford Thornton
WV Professional Surveyor License No. 1642,
Respondent.

CONSENT DECREE

The Respondent, William Stafford Thornton, and the West Virginia Board of Professional Surveyors execute the following Consent Decree for the purpose of resolving Complaint No. C17-04, filed against the Respondent on September 7, 2016. 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. That William Stafford Thornton is a licensee of the Board with license number 1642 and is subject to the license requirements of said Board.
2. The Board is a regulatory board created for the purpose of regulating the practice of land surveying. *W. Va. Code § 30-13A et seq.*
3. In order to carry out its regulatory duties, the Board is empowered to suspend, revoke or otherwise discipline an individual's professional surveyor license because of authority granted to it by *W. Va. Code §§ 30-13A-5 and 30-13A-22.*

4. That in April 2016, the Respondent was contracted to perform a boundary survey of Lot No.187 & Part of Lot No. 186, conveyed from Steve Giannini to Frank Scalise by Deed recorded in Book 458 at Page 233, located in the City of Smithers, Fayette County, West Virginia.

5. That on April 28, 2016, the Respondent signed and sealed his final plat, which was recorded on June 28, 2016, in the County Clerk's Office of Fayette County in Book 25 at Page 538.

6. That on September 7, 2016, the Board received a copy of said plat and filed a complaint [See W.Va. Code R. §23-3-4.3] against the Respondent alleging Incompetence, including minimum standards violations.

7. That on September 7, 2016, the Respondent was sent a Complaint Notification Letter by certified mail and signed for by the Respondent on September 10, 2016.

8. That on September 29, 2016, the Respondent's response to the complaint was received.

9. That in the Respondent's response received by the Board, the Respondent admitted that upon "[R]eviewing the plat in question, it appears that the Meridian used as a basis for the North Arrow was inadvertently omitted during the final plotting of the plat."

10. That on December 16, 2016, the Board's Complaint Review Committee ("CRC") reviewed the complaint.

11. That on December 20, 2016, the Board found probable cause the Respondent was in violation of Minimum Standards for Surveys pursuant to W.Va. Code R. §23-5-7.

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 failed to prepare a plat in accordance with the minimum standards for boundary surveys in violation of *W. Va. Code R.* §23-5-7.3.g.
5. The Respondent failed to prepare a description of survey in accordance with the perimeter description method in violation of *W. Va. Code R.* §23-5-7.3.h.2.

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 R. §§23-5-7.3.g and 23-5-7.3.h.2.*
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 provided to his Client 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 fine in the amount of \$500.00, for moving an established property corner, (*Reference Complaint C17-04*), 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 ~~\$500.00~~ ^{5441.55} *WEST* (*Reference Complaint C17-04*). Respondent shall pay the administrative costs and legal fees ^{RMS} within ninety (90) days of entry of this Order into the records of the Board.
5. Respondent is required to complete two (2) hours of Board approved West Virginia Minimum Technical Standards continuing education course in addition to the annual professional development hour (PDH) requirement. Respondent is required to complete the course within twelve (12) months of entry of this Order into the Board's records.
6. Any deviation from the requirements of this Consent Decree, without the prior written consent of the Board, shall constitute a violation of this Order.

7. 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:

William Stafford Thornton 3/30/2017
WILLIAM STAFFORD THORNTON, P.S. DATE

Subscribed and sworn to before me this 30th day of March, 2017.

My commission expires: August 13, 2019.



Brenda Parsons

Signature of Notary Public

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

17th day of April, 2017.

R. Michael Shepp
R. MICHAEL SHEPP, P.S.
Chairman

