

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

**WEST VIRGINIA BOARD OF  
PROFESSIONAL SURVEYORS,**

**Complainant,**

**v.**

**Case Nos. C20-06 and C20-07**

**DAVID L. HUFFMAN,  
Licensed Professional Surveyor,  
WV License No. 253,**

**Respondent.**

**CONSENT AGREEMENT AND ORDER**

NOW COME the West Virginia Board of Professional Surveyors (“Board”) and David L. Huffman (“Respondent”) for the purpose of agreeing to disciplinary action which shall be taken against Respondent in the above-referenced matters. As a means of compromise, the Board and Respondent hereby agree to resolve these matters by and through a voluntary agreement and consent to disciplinary action, with consideration given to appropriate safeguards for protection of the public.

WHEREAS, Respondent acknowledges that the Board may file a Statement of Charges alleging that he has violated certain provisions of W. Va. Code §§ 30-13A-1 *et seq.* and W. Va. Code R. §§ 23-1-1 *et seq.*, and proceed to hearing and seek disciplinary action in these matters.

WHEREAS, Respondent hereby waives the filing of a formal Statement of Charges and the parties mutually desire to settle these matters without further prosecution and a formal hearing.

WHEREAS, the Board agrees and acknowledges that this agreement is a compromise of claims disputed by Respondent.

THEREFORE, it is hereby STIPULATED and AGREED between the undersigned parties that these matters be settled and resolved, the parties having reached an understanding concerning the proper disposition of the matters in controversy, and the Board, approving such an agreement, does hereby FIND and ORDER as follows:

**FINDINGS OF FACT**

1. Respondent is a licensee of the Board, having been issued License No. 253, and at all times relevant hereto, held an active license issued by the Board.

**Case No. C20-06**

2. On or about February 11, 2020, the Board received a written complaint from Ronnie Shuck and Pamela Shuck alleging certain acts of unprofessional conduct by Respondent.

3. On August 19, 2020, upon preliminary review, the complaint of Ronnie Shuck and Pamela Shuck was assigned Case No. C20-06.

4. By letter dated August 20, 2020, the Board transmitted a copy of the Shucks' complaint to Respondent and requested that he provide a written response thereto within 30 days.

5. On or about September 24, 2020, the Board received a written response from Respondent.

6. The Board's Complaint Review Committee reviewed the Shucks' complaint and Respondent's response thereto, as well as the documentation submitted therewith and received in the course of investigation, and found probable cause to believe that Respondent's survey documents were prepared in violation of the Board's Minimum Standards for Surveys, W. Va. Code R. § 23-5-7, and the Board's governing statutes, W. Va. Code §§ 30-1-8(a), 30-13A-22(g).

7. At its meeting on February 2, 2021, the Board considered the matter, including the findings of the Complaint Review Committee, and voted to seek disciplinary action against Respondent.

**Case No. C20-07**

8. On or about June 23, 2020, the Board received a written complaint from Patricia Cales alleging certain acts of unprofessional conduct by Respondent.

9. On August 19, 2020, upon preliminary review, the complaint of Patricia Cales was assigned Case No. C20-07.

10. By letter dated August 20, 2020, the Board transmitted a copy of Ms. Cales' complaint to Respondent and requested that he provide a written response thereto within 30 days.

11. On or about September 22, 2020, the Board received a written response from Respondent.

12. The Board's Complaint Review Committee reviewed Ms. Cales' complaint and Respondent's response thereto, as well as the documentation submitted therewith and received in the course of investigation, and found probable cause to believe that Respondent's survey documents were prepared in violation of the Board's Minimum Standards for Surveys, W. Va. Code R. § 23-5-7, and the Board's governing statutes, W. Va. Code §§ 30-1-8(a), 30-13A-22(g).

13. At its meeting on February 2, 2021, the Board considered the matter, including the findings of the Complaint Review Committee, and voted to seek disciplinary action against Respondent.

**CONCLUSIONS OF LAW**

1. Respondent is a licensee of the Board, holding License No. 253, and is therefore subject to the license requirements and disciplinary rules of the Board.

2. The Board is a state entity created and governed by W. Va. Code §§ 30-13A-1 *et seq.*, and is empowered to regulate the practice of surveying in the State of West Virginia.

3. In order to carry out its regulatory duties, the Board has the power to hold a hearing and to suspend or revoke a license, reprimand a licensee, impose probationary conditions, or take other disciplinary action under W. Va. Code §§ 30-13A-5 and 30-13A-22 and W. Va. Code R. §§ 23-3-6 and 23-5-9.

4. The Respondent does not contest that the Board has probable cause to charge him with one or more violations of the Board's governing statutes and rules with regard to the allegations at issue in these matters.

5. Respondent's actions in these matters, if proven, would constitute violations of W. Va. Code § 30-13A-22 and W. Va. Code R. §§ 23-5-1 *et seq.* Such conduct is therefore grounds for disciplinary action.

#### CONSENT OF LICENSEE

I, David L. Huffman, by signing this *Consent Agreement and Order*, acknowledge the following:

1. After having had the opportunity to consult with an attorney of my choice, I sign this Consent Agreement and Order voluntarily, freely, without compulsion or duress, and understand that my signature has legal consequences.

2. No person or entity has made any promise or given any inducement whatsoever to encourage me to make this settlement other than as set forth in this document.

3. I am aware that I may pursue this matter through appropriate administrative and/or court proceedings. I am aware of my legal rights regarding this matter, but I have chosen to waive those rights intelligently, knowingly, and voluntarily.

4. I waive any defenses including, but not limited to, laches, statute of limitations, and estoppel, that I may have otherwise claimed as a condition of this agreement.

5. I acknowledge that the execution of this document constitutes disciplinary action by the Board and is therefore considered to be public information.

The Respondent, David L. Huffman, by affixing his signature hereto, agrees to the following Order:

### **ORDER**

Based on the foregoing, the Board does hereby ORDER and DECREE as follows:

1. Respondent is hereby REPRIMANDED for his actions in these matters.
2. Within 90 days of the date of entry of this Order, Respondent shall revise his plats in accordance with the current Minimum Standards for Surveys, W. Va. Code R. §§ 23-5-7 *et seq.*, and shall provide a copy of all final survey documents to the Board.
3. Within six months from the date of entry of this Order, Respondent shall complete two hours of Board-approved continuing education on the subject of minimum standards of surveying and two hours of Board-approved continuing education on the subject of ethics, and shall submit to the Board a certificate of completion or other documentary proof of successful completion. These four credit hours of continuing education will not count toward the continuing education requirement for license renewal.
4. Any failure to comply with all provisions in this Consent Agreement and Order may result in additional disciplinary action, up to and including the suspension or revocation of Respondent's license to practice surveying in the State of West Virginia.
5. This document is a public record as defined in West Virginia Code § 29B-1-2.

6. This Consent Agreement and Order constitutes the entire agreement between the parties.

In recognition of this *Consent Agreement and Order*, we hereby affix our signatures.

WEST VIRGINIA BOARD OF PROFESSIONAL SURVEYORS

By: Sefton R. Stewart  
Sefton R. Stewart, P.S.  
Board Chairman

Entered: 6-07-2021  
Date



REVIEWED AND AGREED TO BY:

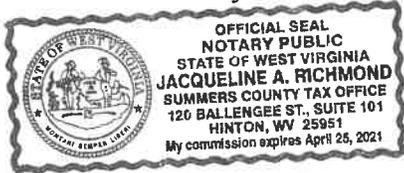
David L. Huffman  
David L. Huffman, P.S.  
Respondent

06/07/2021  
Date

This day personally appeared before me, David L. Huffman, whose name is signed to the foregoing document and who is known to me, having acknowledged before me that the statements in the foregoing document are complete, true and correct, to the best of his knowledge, information, and belief, and executed the document voluntarily on the date shown above.

Given under my hand and seal on this the 13 day of April, 2021.

My Commission expires: April 25, 2021



Jacqueline A Richmond  
Notary Public