

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

**WEST VIRGINIA BOARD OF  
PROFESSIONAL SURVEYORS,**

**Complainant,**

**v.**

**Case Nos. C18-03, C18-05 and C23-06**

**RANDALL RAY MYERS,  
Licensed Professional Surveyor,  
WV License No. 751,**

**Respondent.**

**CONSENT AGREEMENT AND ORDER**

NOW COME the West Virginia Board of Professional Surveyors (“Board”) and Randall Ray Myers (“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, on or about May 22, 2019, the Board and Respondent executed a Consent Agreement and Order resolving Case Nos. C18-03 and C18-05. The Consent Agreement and Order is incorporated by reference and attached hereto as Exhibit 1.

WHEREAS, on or about December 17, 2021, the Board, a state entity created and governed by W. Va. Code §§ 30-13A-1 *et seq.*, entered a Suspension Order for Violation of Consent Agreement and Order and Notice of Hearing wherein the Board, pursuant to the authority granted to it by W. Va. Code §§ 30-13A-5 and 30-13A-22, and by W. Va. CSR § 23-5-9, suspended Respondent’s license to practice land surveying for violating the May 22, 2019 Consent Agreement and Order.

WHEREAS, on or about December 20, 2022, the Board initiated a complaint against Respondent, C23-06, which alleged that Respondent practiced surveying and recorded plats in Preston County, West Virginia, while his license was under suspension.

WHEREAS, on or about June 22, 2023, the Board and Respondent executed a Consent Agreement and Order resolving Case Nos. C18-03, C18-05, and C23-06. The Consent Agreement and Order is incorporated by reference and attached hereto as Exhibit 2.

WHEREAS, the parties mutually desire to settle these matters without further prosecution and a formal hearing, and acknowledge that this agreement is a compromise between the parties.

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 these matters in controversy, and the Board, approving such an agreement, does hereby FIND and ORDER as follows:

#### **FINDINGS OF FACT**

1. Respondent is a Licensed Professional Surveyor, having been issued License No. 751 by the Board. At all times relevant hereto, Respondent held a license with the Board.
2. On or about May 22, 2019, the Board and Respondent executed a Consent Agreement and Order resolving Case Nos. C18-03 and C18-05. (*See Ex. 1*).
3. Paragraph 2 of the May 22, 2019 Consent Agreement and Order required, among other things, that Respondent be placed on probation beginning on the date of entry of the Order, with supervision by a Board-approved supervisor, which supervision shall focus on Respondent's compliance with the Standards for the Practice of Surveying in West Virginia, including but not limited to the Minimum Standards for Surveys. The supervisor must be a professional surveyor who

holds an active license issued by the Board, and the following terms shall apply to the supervision requirement:

- a. Any and all surveying work that Respondent performs in the State of West Virginia during the probationary period shall be under the review of the Board-approved supervisor and subject to his/her approval.

(Ex. 1 at p. 8).

4. The May 22, 2019 Consent Agreement and Order incorporated the Supervisory Agreement, which was executed by the Board, Respondent, and Allan J. Witschi, Licensed Professional Surveyor, WV License No. 587, on or about May 15, 2019, wherein Mr. Witschi was appointed to supervise Respondent for a period of two (2) years.

5. On or about the following seven (7) dates, Respondent prepared or revised plats of surveys for parcels of real estate in Preston and Monongalia Counties, West Virginia: August 11, 2019, January 17, 2020, May 4, 2020, July 27, 2020, August 4, 2020, August 18, 2020, and October 15, 2020. Mr. Witschi did not supervise Respondent when he prepared or revised the aforementioned plats of surveys.

6. Pursuant to paragraph 7 of the May 22, 2019 Consent Agreement and Order, “[s]hould Respondent at any time during the probationary period fail to comply with the provisions of this *Consent Agreement and Order* and the Supervisory Agreement incorporated herein, Respondent’s license shall be summarily suspended pending a hearing to address such failure(s) and Respondent shall immediately return to the Board his current license, wallet card, and the certificate of authorization issued to Randall Myers Land Surveyor. Following said hearing, additional disciplinary sanctions may be levied, including but not limited to further suspension or revocation of Respondent’s license.”

7. Because Respondent violated paragraph 2(a) of the May 22, 2019 Consent Agreement and Order, on or about December 17, 2021, the Board entered a Suspension Order for Violation of Consent Agreement and Order and Notice of Hearing and suspended Respondent's license to practice surveying. The hearing was scheduled for January 26, 2022 at 9:30 a.m. before Hearing Examiner Jeffrey G. Blaydes at the offices of the West Virginia Attorney General located at 1900 Kanawha Boulevard, East, State Capitol Complex, Building 6, Suite 402, Conference Room B, Charleston, West Virginia, 25305.

8. Thereafter, the hearing was continued once per Respondent's request until March 17, 2022, as Respondent was scheduled to be out of state for a conference on January 26, 2022, and then was continued once again per Respondent's request until April 26, 2022, due to Respondent's illness. The hearing was subsequently cancelled due to the parties' desire to resolve these matters.

9. On December 20, 2022, the Board initiated a complaint against Respondent, C23-06, which alleged that Respondent practiced surveying and recorded plats in Preston County, West Virginia, while his license was under suspension. Respondent contends that two of the four plats referenced in the complaint occurred within a week of Respondent's license being suspended and before he had actual notice that the suspension had taken effect. Respondent maintains that the intent behind the other two plats was illustrative to provide an updated user guide for the property owners, and that Respondent did not perform field work or gather new data when creating the general maps, but instead used only publicly recorded data in surveys previously recorded by him and data in recorded deeds available to the public. As such, the allegations contained in C23-06 arise out of the matters addressed in C18-03 and C18-05.

10. In lieu of a hearing, on or about June 22, 2023, the Board and Respondent executed a Consent Agreement and Order resolving Case Nos. C18-03, C18-05. and C23-06. (*See Ex. 2*).

11. Paragraph 2 of the June 22, 2023 Consent Agreement and Order required, among other things, that Respondent be placed on probation beginning on the date of entry of the Order, with supervision by a Board-approved supervisor, which supervision shall focus on Respondent's compliance with the Standards for the Practice of Surveying in West Virginia, including but not limited to the Minimum Standards for Surveys. The supervisor must be a professional surveyor who holds an active license issued by the Board, and the following terms shall apply to the supervision requirement:

- a. Any and all surveying work that Respondent performs in the State of West Virginia during the probationary period shall be under the review of the Board-approved supervisor and subject to his/her approval.

(Ex. 2 at p. 6).

12. The June 22, 2023 Consent Agreement and Order incorporated the Supervisory Agreement, which was executed by the Board, Respondent, Lantz G. Rankin, Licensed Professional Surveyor, WV License No. 961SU, and J. Tom Rayburn, Licensed Professional Surveyor, WV License No. 2024, wherein Mr. Rankin and Mr. Rayburn were appointed to supervise Respondent.

13. Respondent agreed to provide the Board and the Supervisors "a comprehensive list of all surveys he has performed since the date of the May 22, 2019 Consent Agreement and Order," and further agreed to "make all survey revisions recommended by Supervisors and shall take such other actions as necessary to correct the public records, including, but not limited to, notification of parties of the original survey and adjoining. Corrective map filings will also be required where necessary." (*Id.* at pp. 6-7). Respondent was to remain under supervision until Mr. Rankin and Mr. Rayburn reviewed and approved all surveys Respondent has performed since May 22, 2019. (*Id.* at p. 8).

14. Pursuant to paragraph 4 of the Order section of the June 22, 2023 Consent Agreement and Order, “[s]hould Respondent at any time during the probationary period fail to comply with the provisions of this *Consent Agreement and Order* and the Supervisory Agreement incorporated herein, Respondent’s license shall be summarily suspended pending a hearing to address such failure(s) and Respondent shall immediately return to the Board his current license, wallet card, and the certificate of authorization issued to Randall Myers Land Surveyor. Following said hearing, additional disciplinary sanctions may be levied, including but not limited to further suspension or revocation of Respondent’s license.” (*Id.*).

15. Respondent admits that he has failed to comply with the provisions of the June 22, 2023 Consent Agreement and Order in that he has prepared plats for clients without having first presented the plats to Mr. Rankin and Mr. Rayburn for their review. In lieu of the Board summarily suspending his license pending a hearing as to his violation of the June 22, 2023 Consent Agreement and Order, Respondent agrees to surrender his license to practice surveying in West Virginia.

#### **CONCLUSIONS OF LAW**

1. Respondent is a licensee of the Board, holding License No. 751, and is therefore subject to the license requirements 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. Respondent was properly notified of the allegations against him and given the opportunity for a hearing in Case Nos. C18-03, C18-05 and C23-06, pursuant to the rules of the Board and the laws of this State.

5. Respondent's conduct described in the above *Findings of Fact* would, if proven, 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, Randall Ray Myers, 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 this Consent Agreement and Order is a public document, available for inspection at any time by any member of the public pursuant to the West Virginia Freedom of Information Act, W. Va. Code §§ 29B-1-1 *et seq.*, and may be reported to other governmental agencies, professional board, or other organizations.

The Respondent, Randall Ray Myers, 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 presently holds a license to practice surveying in the State of West Virginia. Respondent's license number is 751.
2. Under the terms of this Consent Agreement and Order, Respondent has agreed to voluntarily surrender his license to the Board.
3. Inasmuch as Respondent has voluntarily surrendered his license to practice surveying in the State of West Virginia, Respondent's license is hereby NULL and VOID.
4. Respondent shall not practice nor engage in the profession of surveying in the State of West Virginia.
5. Should Respondent desire to resume the practice of surveying in the State of West Virginia, he shall submit an application for licensure and/or reinstatement and comply with all licensure requirements of West Virginia Code §§ 30-13A-1 *et seq.*, and any applicable legislative rules promulgated thereunder.
6. Further, in the event that Respondent applies for licensure and/or reinstatement, the Board reserves the right to review, consider and use any and all materials relating to his qualifications for practice including, but not limited to, all documents, statements and complaints currently contained within the Board's file concerning Respondent.
7. In consideration for Respondent's voluntary surrender of his license in this instance, the Board has agreed to forego seeking the imposition of a fine and the reimbursement of its costs in this matter.

8. Should Respondent fail to comply with any part of this Consent Agreement and Order, the Board may issue a Statement of Charges against the Respondent and take such further action as may be deemed necessary to effect disciplinary proceedings against Respondent, including, but not limited to, vacating this Consent Agreement and Order and Respondent's voluntary surrender of his license, and pursuing all available and applicable penalties.

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

WEST VIRGINIA BOARD OF PROFESSIONAL SURVEYORS

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

Entered: August 19, 2025  
Date

REVIEWED AND AGREED TO BY:

*Randall Ray Myers*  
Randall Ray Myers, P.S.  
Respondent

August 15, 2025  
Date

This day personally appeared before me, Randall Ray Myers, 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 15 day of August, 2025.

My Commission expires: May 1, 2029

Heather D. Hostetter  
Notary Public

Commonwealth of Pennsylvania - Notary Seal  
Heather D. Hostetter, Notary Public  
Fayette County  
My commission expires May 1, 2029  
Commission number 1458588  
Member, Pennsylvania Association of Notaries