

BEFORE THE STATE BOARD OF
REGISTRATION FOR
LAND SURVEYORS
CAUSE NO.: SBRLS: 08-04

IN THE MATTER OF THE LICENSE OF)
)
WILLIAM E. PETTITT)
)
LICENSE NO.: LS80900006 (Active))



FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The State Board of Registration for Land Surveyors ("Board") held an administrative hearing on April 17, 2009, in Room W064 of the Indiana Professional Licensing Agency, Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana 46204, concerning a disciplinary complaint filed against the license of William E. Pettitt ("Respondent").

The State of Indiana was represented by Natalie R. Stidd, Deputy Attorney General. Respondent was present in person and was not represented by counsel.

The Board, after considering the evidence presented and taking official notice of its file in this matter, issues the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. The State of Indiana is empowered to bring disciplinary complaints in the name of the State of Indiana before the Board, pursuant to Indiana Code 25-1-7-1 *et seq.*
2. The Board is charged with the duty and responsibility of regulating the practice of land surveying in the State of Indiana pursuant to Indiana Code 25-21.5-2-14.
3. The Board is empowered to hold disciplinary hearings pursuant to the authority of Indiana Code 4-21.5 *et seq.*

4. Respondent's address on file with the Board is P.O. Box 412, Hanover, Indiana 47423. Respondent is a licensed land surveyor in Indiana, holding registration number LS80900006 (Active).

5. On or about March 10, 2009, the Indiana Professional Licensing Agency ("IPLA") sent Respondent a hearing notice, informing Respondent of the date, time and location of the administrative hearing scheduled for April 17, 2009.

6. On or about March 22, 1996, Respondent was disciplined by the Board through a Letter of Reprimand.

7. On or about January 11, 2006, Respondent performed a land survey for Betty King ("King Survey").

8. Respondent's King Survey contained several errors and omissions, including, but not limited, to the following:

- a. Respondent failed to identify the type of survey he performed.
- b. Respondent failed to fully disclose and discuss the clarity or ambiguity of the record description used and of adjoining descriptions and the relationship of the lines of the subject tract with adjoining lines.
- c. Respondent failed to fully disclose and discuss the relative positional accuracy of the measurements.
- d. Respondent failed to fully disclose and discuss all pertinent monuments identified, including, but not limited to, their character, size, and location, including their location relative to the surface of the ground.
- e. Respondent failed to reference the origin, or lack thereof, of all found monuments.
- f. Respondent failed to fully disclose and discuss any physical evidence of possession appurtenant to either the surveyed premises or the adjoining property that is on, near, or across the exterior boundary of the premises.
- g. Respondent failed to fully show and dimension contiguity, gaps, or overlaps with adjoining parcels.

- h. Respondent failed to fully disclose and discuss sufficient data to clearly indicate the theory of location applied in finalizing the locations of corners.
- i. Respondent failed to supply adequate information to allow retracement without difficulty of all pertinent lines and corners shown on the plat.

CONCLUSIONS OF LAW

1. Respondent's conduct as described above constitutes a violation of Indiana Code 25-1-11-5(a)(4)(A), in that, Respondent has continued to practice although he has become unfit to practice due to professional incompetence by violating 865 IAC 1-12-12(a)(1), when Respondent failed to identify the type of survey completed.

2. Respondent's conduct as described above constitutes a violation of Indiana Code 25-1-11-5(a)(4)(A), in that, Respondent continued to practice although he has become unfit to practice due to professional incompetence by violating 865 IAC 1-12-12(a)(1)(C), when Respondent failed to fully disclose and discuss the clarity or ambiguity of the record description used and of adjoining's descriptions and the relationship of the lines of the subject tract with adjoining's lines.

3. Respondent's conduct as described above constitutes a violation of Indiana Code 25-1-11-5(a)(4)(A), in that, Respondent continued to practice although he has become unfit to practice due to professional incompetence by violating 865 IAC 1-12-13(b)(6)(A) through (C), when Respondent failed to fully disclose and discuss all pertinent monuments identified, including, but not limited to, their character, size, and location, including their location relative to the surface of the ground.

4. Respondent's conduct as described above constitutes a violation of Indiana Code 25-1-11-5(a)(4)(A), in that, Respondent continued to practice although he has become unfit to

practice due to professional incompetence by violating 865 IAC 1-12-13(b)(6), when Respondent failed to reference the origin, or lack thereof, of all found monuments.

5. Respondent's conduct as described above constitutes a violation of Indiana Code 25-1-11-5(a)(4)(A), in that, Respondent continued to practice although he has become unfit to practice due to professional incompetence by violating 865 IAC 1-12-13(b)(8), when Respondent failed to fully disclose and discuss any physical evidence of possession appurtenant to either the surveyed premises or the adjoining property that is on, near, or across any exterior boundary of the premises.

6. Respondent's conduct as described above constitutes a violation of Indiana Code 25-1-11-5(a)(4)(A), in that, Respondent continued to practice although he has become unfit to practice due to professional incompetence by violating 865 IAC 1-12-13(b)(11), when Respondent failed to fully show and dimension contiguity, gaps, or overlaps with adjoining parcels.

7. Respondent's conduct as described above constitutes a violation of Indiana Code 25-1-11-5(a)(4)(A), in that, Respondent continued to practice although he has become unfit to practice due to professional incompetence by violating 865 IAC 1-12-13(b)(15)(A), when Respondent failed to fully disclose and discuss sufficient data to clearly indicate the theory of location applied in finalizing the locations of corners.

8. Respondent's conduct as described above constitutes a violation of Indiana Code 25-1-11-5(a)(4)(A), in that, Respondent continued to practice although he has become unfit to practice due to professional incompetence by violating 865 IAC 1-12-13(b)(15)(C), when Respondent failed to supply adequate information to allow retracement without difficulty of all pertinent lines and corners shown on the plat.

ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. The license of Respondent, LS80900006, shall be placed on INDEFINITE PROBATION with no right to petition for withdrawal for one (1) year from the issuance of this Final Order.

2. While on Probation, Respondent must comply with the following conditions:

- a. Respondent must submit to the Board monthly land surveying logs, or a statement that Respondent has not performed any surveys, if he has not, by the third (3rd) day of each month. Logs must contain the following information:
 - i. List of surveys performed the previous month;
 - ii. Date of the surveys;
 - iii. Type of surveys;
 - iv. Address of property; and
 - v. Client name.
- b. In addition to the above mentioned logs, Respondent must submit a copy of all surveys and related documentation, including, but not limited to, field notes and deeds.
- c. The monthly logs, surveys, and related documents shall be submitted in PDF format, if possible, in person, or by regular mail to:

State Board of Registration for Land Surveyors
Attn: Angela Smith Jones
402 W. Washington Street, Room W072
Indianapolis, IN 46204
ajones@pla.in.gov

3. Respondent is ordered to pay a CIVIL PENALTY of two hundred dollars (\$200) per count for a total of one thousand six hundred dollars (\$1,600.00) payable within ninety (90) days from the issuance of this Final Order. The above civil penalty must be paid by cash, cashier's check, or money order to the following:

State Board of Registration for Land Surveyors
Attn: Angela Smith Jones

402 W. Washington Street, Room W072
Indianapolis, IN 46204

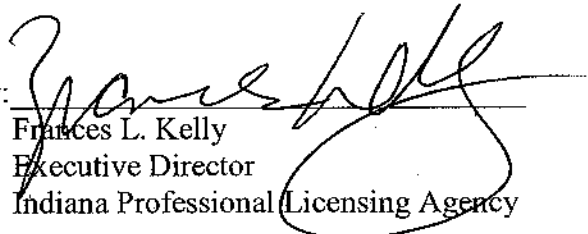
4. Respondent shall abide by all statutes, rules, and regulations concerning the practice of land surveying.
5. The failure of Respondent to comply with all requirements of this Final Order may subject Respondent to a show cause hearing and the possible imposition of further sanctions.

This Final Order shall become effective upon its issuance.

SO ORDERED, this 30 day of April, 2009.

STATE BOARD OF REGISTRATION FOR
LAND SURVEYORS

By: _____


Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency

Distribution:

William E. Pettitt
P.O. Box 412
Hanover, Indiana 47423
CERTIFIED MAIL NO.: 7006 2760 0003 4667 3946
RETURN RECEIPT REQUESTED

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