

**STATE OF ALABAMA BOARD OF LICENSURE
FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

IN THE MATTER OF:)
)
)
 W. M. Varnon)
 526 Cottondale Drive)
 Hueytown, AL 35023)
)
)
 Respondent)
)
)
 _____)



Case No. 2015-51-B

CONSENT ORDER

W. M. Varnon, a licensed professional land surveyor (hereinafter referred to as “Respondent”) hereby stipulates and agrees, subject to approval of the Alabama Board of Licensure for Professional Engineers and Land Surveyors (hereinafter referred to as the “Board”) as follows:

STIPULATED FACTS

Respondent stipulates he received an Alabama professional land surveyor license (number 9324) from the Board on June 26, 1970.

Respondent stipulates the Board received a complaint from Mr. Steven Gilbert that alleged he performed a survey of Lots 3-6, Block 11, Booker Heights First Addition on November 16, 2014 that contained violations of the standards of practice for land surveying in the State of Alabama.

Respondent stipulates a Board Technical Advisor reviewed the survey he performed of Lots 3-6, Block 11, Booker Heights First Addition on November 16, 2014 and provided a report that in summary stated the survey contained violations of the standards of practice for land surveying in the State of Alabama. The violations noted by the Board Technical Advisor

included the following: (1) no reference bearing was shown, (2) no bearings or angles were shown, (3) no dimensions between the fences and the property lines were shown, (4) did not locate or set permanent monuments at all property corner, and (5) did not show angles or bearings on the plat.

STIPULATED CONCLUSIONS OF LAW

Respondent admits he is subject to the provisions of Title 34, Chapter 11, of the Code of Alabama 1975, § 34-11-11 and the jurisdiction of the Board.

Respondent stipulates his conduct as set forth in the foregoing “Stipulated Facts” constitutes violations of Title 34 Chapter 11 Code of Alabama 1975 Section 34-11-11(a)2 and the Rules of the Administrative Code § 330-X-14-.05(g) and § 330-X-14-.06(a)1.

Respondent stipulates his conduct as set forth in the “Stipulated Facts” is a violation of those statutes set forth above, and he is subject to disciplinary action under Title 34, Chapter 11, Code of Alabama 1975, § 34-11-11.

STIPULATED DISPOSITION

Respondent agrees he will not in the future violate the provisions of Title 34, Chapter 11, of the Code of Alabama 1975, and the Rules and Regulations of the Administrative Code of the Board.

Respondent understands this Consent Order and subsequent Final Order will become a matter of public record. Respondent further understands this information will be placed on the Board's website, in its newsletter, and posted to the National Council of Examiners for Engineers and Surveyors (NCEES) Enforcement Exchange.

Respondent agrees to pay a two thousand dollar (\$2,000) fine to the Board via a check or money order made payable to PE/PLS Fund with this signed Consent Order.

Respondent agrees his license to practice land surveying is suspended for two years with

that suspension stayed. Respondent understands that during the time his license is under this stayed suspension period he may continue to practice land surveying in the State of Alabama, and compliance with the terms of the consent order will cause the stayed suspension period to automatically cease at the end of the specified time period.

Respondent agrees that at any time during this stayed suspension period the Board may require him to submit a list of surveys he prepared within a one month period. Respondent understands the Board may select any of these surveys to be reviewed for compliance with the Standards of Practice for Land Surveying in the State of Alabama.

Respondent understands that failure to comply with the terms of this Consent Order will cause his professional land surveyor license to be *revoked* pending ratification by the Board. Respondent further understands this matter would be presented to the Board at a regularly scheduled meeting at which he could attend and present evidence on his behalf.

Respondent understands this Consent Order is subject to the approval of the Board and has no force and effect until a Final Order based upon it is rendered by the Board.

Respondent understands in order to make a decision relative to approving this Consent Order discussions must take place between Board Members, Board Staff and Board Counsel. Respondent understands that this discussion will take place at a regularly scheduled meeting of the Board.

Respondent understands he has the right to seek the advice of legal counsel. Respondent also understands he has the right to a formal fact finding hearing before the Board, to compel the testimony of witnesses, to cross-examine witnesses against him, and to obtain judicial review of the Board's decision in said formal hearing but expressly waives these rights with execution of this Consent Order and Final Order of the Board.

Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review or to otherwise challenge or contest the validity of the Consent Order, the

stipulated facts, conclusions of law and imposition of administrative action contained herein, and the Final Order of the Board incorporating said Consent Order.

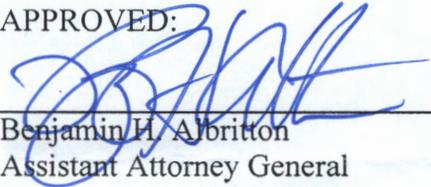
Respondent, for the purpose of avoiding further administrative action with respect to this cause executes this Consent Order. It is agreed that presentation to and consideration of the Consent Order by the Board requires certain factual information related to this matter be disclosed to the Board members. Should the Consent Order not be accepted by the Board, it is therefore expressly agreed that the reviewing, and consideration of this Consent Order, and the information provided to the Board for their review, shall not unfairly prejudice the Board and shall in no way act to disqualify any Board member from any further participation in this matter through its resolution, including, but not limited to, any contested hearing on this matter should one be necessary. Likewise, if this Consent Order is not accepted, the Board shall not take into consideration the contents of this Order as evidence of an admission.

SIGNED this the 29th day of Mar, 2016



W. M. Varnon

APPROVED:



Benjamin H. Albritton
Assistant Attorney General

STATE OF ALABAMA BOARD OF LICENSURE
FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

IN THE MATTER OF:)

W. M. Varnon)
526 Cottondale Drive)
Hueytown, AL 35023)

Respondent)
_____)



Case No. 2015-51-B

FINAL ORDER

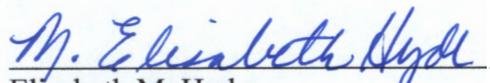
The Alabama Board of Licensure for Professional Engineers and Land Surveyors having considered the consent order signed by W. M. Varnon, Professional Land Surveyor, license number 9324, in which he stipulated he violated the Code of Alabama 1975, §34-11-11(a)2, and the Rules and Regulations of the Board's Administrative Code § 330-X-14-.06(a)(1), and § 330-X-14-.05(g) hereby adopts the Consent Order and issues this Final Order.

The Consent Order and Final Order take immediate effect upon the signing of this Final Order and the Respondent is **ORDERED** to abide by the Consent Order and Final Order as approved by the Alabama Board of Licensure for Professional Engineers and Land Surveyors.

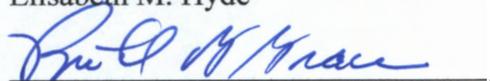
ENTERED this the 31st day of March 2016



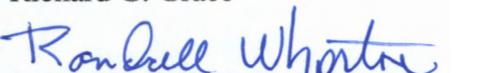
Marc S. Barter



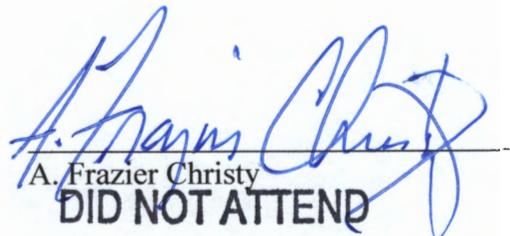
Elisabeth M. Hyde



Richard G. Grace



Randall D. Whorton



A. Frazier Christy
DID NOT ATTEND

Charles P. Willis

RECUSED

Nathan G. Johnson