



4. That Respondent, whose address is P.O. Box 412, Hanover, Indiana, 47243, is and was at all times relevant herein, a land surveyor licensed to practice as such in the State of Indiana under registration number LS80900006.

5. That an accurate copy of a land survey prepared by Respondent is attached hereto and made a part of this Complaint as Exhibit "A".

6. That said survey does not conform with the requirements of 865 IAC 1-12-12 in that Respondent failed to complete a written surveyor's report.

7. That said survey was not in compliance with 865 IAC 1-12-13(1) in that it did not show the name of the client(s), a date of field work, or a surveyor file number.

8. That said survey was not in compliance with 865 IAC 1-12-13(3) in that it did not show the area, a scale or a graphical scale.

9. That said survey was not in compliance with 865 IAC 1-12-13(4) in that it did not show any angles or bearings.

10. That said survey was not in compliance with 865 IAC 1-12-13(5) in that it did not show all pertinent dimensions with sufficient notations.

11. That said survey did not show all pertinent monuments identified as to their character, size and location relative to the surface of the ground as required by 865 IAC 1-12-13(6).

12. That said survey did not show the location of all monuments and physical evidence of possession on or beyond the surveyed premises on which establishment of the corners of the surveyed premises are dependent as required by 865 IAC 1-12-13(7).

13. That said survey did not contain sufficient data to clearly indicate the theory of location applied in finalizing the location of the corners, the data at variance with this theory, or sufficient data to allow retracement without difficulty as required by 865 IAC 1-12-13(15).

14. That said survey did not conform with the requirements of 865 IAC 1-12-13(16) in that said survey did not include a certificate of survey.

15. That Respondent has, therefore, failed to comply with the provisions of 865 IAC 1-12.

16. That 865 IAC 1-12-1, defining professional incompetence provides, in relevant part, as follows:

(a) This Rule establishes minimum standards for the competent practice of Land Surveying as required by IC 25-21.5-2-14.

17. That under Ind. Code 25-1-11-5(a), a practitioner is subject to disciplinary sanctions if, after a hearing, the board finds that:

(4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:

(A) Professional incompetence . . . .

18. That Section 42 of House Enrolled Act No. 1679 states:

The Rules adopted by the state board of registration for professional engineers and land surveyors before July 1, 1991, concerning land surveyors are considered after June 30, 1991, rules of the state board of registration for land surveyors established by IC 25-21.5, as added by this act.

19. That Ind. Code 25-1-11-12 states:

(a) The board may impose any of the following sanctions, singly or in combination, if the board finds that a practitioner is subject to disciplinary sanctions under sections 5 through 9 of this chapter:

- (1) Permanently revoke a practitioner's license.
- (2) Suspend a practitioner's license.

- (3) Censure a practitioner.
- (4) Issue a letter of reprimand.
- (5) Place a practitioner on probation status and require the practitioner to:
  - (A) Report regularly to the board upon the matters that are the basis of probation;
  - (B) Limit practice to those areas prescribed by the board;
  - (C) Continue or renew professional education approved by the board until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
  - (D) Perform or refrain from performing any acts, including community service without compensation, that the board considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.
- (6) Assess a civil penalty against the practitioner for not more than one thousand dollars (\$1,000) for each violation listed in sections 5 through 9 of this chapter except for a finding of incompetency due to a physical or mental disability.

(b) When imposing a civil penalty under subsection (a)(6), the board shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the board, the board may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.

(c) The board may withdraw or modify the probation under subsection (a)(5) if the board finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

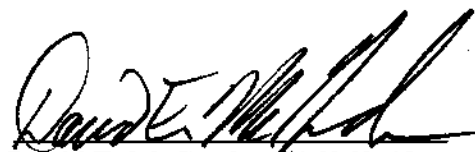
WHEREFORE, the Petitioner requests the Board impose such sanctions as are

appropriate under Ind. Code 25-31-1-22.1 and for all other necessary and proper relief.

Respectfully submitted,

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By:



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Hanover, IN 47243

CERTIFIED MAIL NO. 2405913658

DEM:31519



# B. L. Fewell & Associates, Inc.

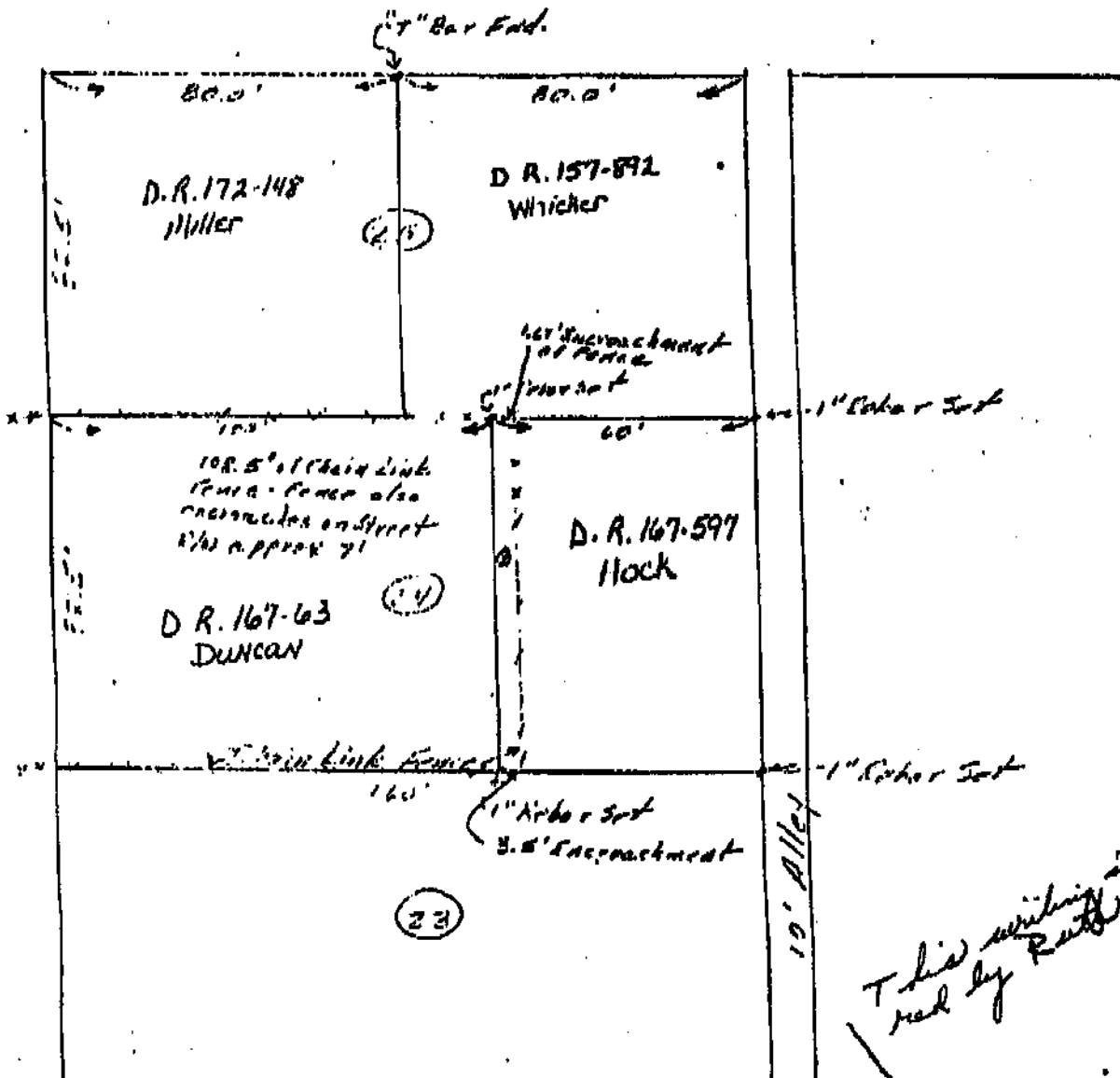
Professional Engineering & Surveying

P.O. Box 412  
Phone 812-866-2562  
Hanover, In 47243

130 East Walnut - P.O. Box 41  
Phone 812-346-2043  
North Vernon, In 47265

## First Street

See Cont.



This writing is  
read by *[Signature]*

Please note  
the large picture  
of everyone of these  
T-Bar

A service note to Hock property

"T" bar on property corners of  
Waddle Survey could not be located.  
USDA Serial 28070B. One "T" bar was found  
Behind a neighbor's house being used as a  
tree stake

West Addition to South Hanover



*[Handwritten signature]*