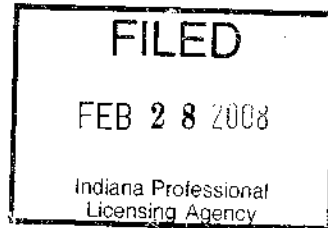


IN THE MATTER OF THE  
LICENSE OF WILLIAM E. PETTITT  
LICENSE NO.: LS80900006 (Active)

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**COMPLAINT**

This complaint is brought against the Land Surveyor license of William E. Pettitt (“Respondent”) by the State of Indiana, by counsel, Deputy Attorney General Myron A. Rahn III, on behalf of the Office of the Attorney General (“Petitioner”) and pursuant to Indiana Code 25-1-7-7, Indiana Code 25-1-6-3, Indiana Code 25-34.1-2-5 *et seq.*, the Administrative Orders and Procedures Act, Indiana Code 4-21.5-3 *et seq.*, and Indiana Code 25-1-11-1 *et seq.* In support, Petitioner alleges and states the following:

**FACTS**

1. Respondent’s address on file with the State Board of Registration for Land Surveyors (“Board”) is P.O. Box 412, Hanover, Indiana 47423. Respondent is a Land Surveyor holding license number LS80900006 (Active).

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

3. On or about January 11, 2006, Respondent performed a land survey for Betty King (“King Survey”).

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

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- 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's descriptions and the relationship of the lines of the subject tract with adjoining's lines.
- c. Respondent failed to fully disclose and discuss the relative positional accuracy of the measurements.
- d. Respondent failed to provide evidence that the King Survey was recorded.
- e. 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.
- f. Respondent failed to reference the origin, or lack thereof, of all found monuments.
- g. 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.
- h. Respondent failed to fully show and dimension contiguity, gaps, or overlaps with adjoining parcels.
- i. Respondent failed to fully disclose and discuss sufficient data to clearly indicate the theory of location applied in finalizing the



locations of corners.

- j. Respondent failed to supply adequate information to allow retracement without difficulty of all pertinent lines and corners shown on the plat.

#### COUNT I

5. Paragraphs 1 through 3 are repeated and incorporated herein.
6. Respondent's conduct as described above constitutes a violation of Ind. 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

#### COUNT II

7. Paragraphs 1 through 5 are repeated and incorporated herein.
8. Respondent's conduct as described above constitutes a violation of Ind. 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)(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.

#### COUNT III

9. Paragraphs 1 through 7 are repeated and incorporated herein.
10. Respondent's conduct as described above constitutes a violation of Ind. 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)(2)(F), when Respondent failed to provide evidence that the King Survey was recorded.

**COUNT IV**

11. Paragraphs 1 through 9 are repeated and incorporated herein.

12. Respondent's conduct as described above constitutes a violation of Ind. 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 1-12-13(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.

**COUNT V**

13. Paragraphs 1 through 11 are repeated and incorporated herein.

14. Respondent's conduct as described above constitutes a violation of Ind. 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 1-12-13(b)(6)(D), when Respondent failed to reference the origin, or lack thereof, of all found monuments.

**COUNT VI**

15. Paragraphs 1 through 13 are repeated and incorporated herein.

16. Respondent's conduct as described above constitutes a violation of Ind. 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 1-12-13(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.

#### COUNT VII

17. Paragraphs 1 through 15 are repeated and incorporated herein.

18. Respondent's conduct as described above constitutes a violation of Ind. 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 1-12-13(b)(11), when Respondent failed to fully show and dimension contiguity, gaps, or overlaps with adjoining parcels.

#### COUNT VIII

19. Paragraphs 1 through 17 are repeated and incorporated herein.

20. Respondent's conduct as described above constitutes a violation of Ind. 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 1-12-13(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.

#### COUNT XI

21. Paragraphs 1 through 19 are repeated and incorporated herein.

22. Respondent's conduct as described above constitutes a violation of Ind. 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 1-12-13(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.




WHEREFORE, Petitioner requests an order against the Respondent, that:

1. Imposes the appropriate disciplinary sanction;
2. Directs Respondent to immediately pay all of the cost incurred in the prosecution of this case; and
3. Provides any other relief the Board deems just and proper under Ind. Code 25-1-11-12.

Respectfully submitted,

STEVE CARTER  
Attorney General of Indiana  
Atty. No.: 4150-64

By:   
Myron A. Rahn III  
Deputy Attorney General  
Atty. No.: 27295-49

Indiana Government Center South  
302 W. Washington Street, 5<sup>th</sup> floor  
Indianapolis, Indiana 46204  
(317) 233-0878

**CERTIFICATE OF SERVICE**

I hereby certify that on the 28<sup>th</sup> day of February, 2008, a true and correct copy of this Complaint was served upon the below listed party via First Class U.S. Mail, postage prepaid.

William E. Pettitt  
P.O. Box 412  
Hanover, Indiana 47423

  
Myron A. Rahn III

