

**Minutes of Meeting
BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS,
CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS
(APELSCIDLA BOARD)**

**LAND SURVEYOR
INFORMAL FACT-FINDING CONFERENCES
JUNE 10, 2004 (3:00 P.M.)**

The Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects convened in Richmond, Virginia, for the purpose of holding Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

Doyle Allen, Board Member, presided. No other Board members were present.

Douglas Schroder appeared for the Department of Professional and Occupational Regulation.

The conferences were recorded by Inge Snead & Associates, LTD. and the summaries or Consent Orders are attached unless no decision was made.

Disc=Disciplinary Case

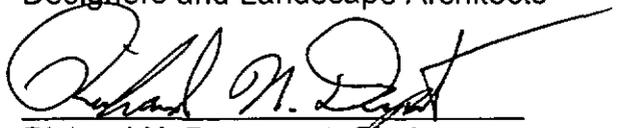
C=Complainant/Claimant
R=Respondent/Regulant
I=Investigator
W=Witness

Hubert T. Nash
File Number 2002-03653 (Disc)

Hubert Nash – R
Loyd A. Clark – C
Charlene Clark - W

The meeting adjourned at 5:00 p.m.

The Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects


Richard N. Davenport, Chairman


Louise Fontaine Ware, Secretary

**IN THE
COMMONWEALTH OF VIRGINIA
BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS,
CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS**

In Re:

Hubert T. Nash
Lebanon, VA 24266

File Number 2002-03653
License Number 0403001965

CONSENT ORDER

Respondent Hubert T. Nash ("Nash") was at all times material to this matter a licensed APELSCIDLA Land Surveyor in Virginia (No. 0403001965).

As a result of this status, Nash recognizes and acknowledges being subject to and bound by the Regulations of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects ("Board"), as well as by all other applicable Virginia laws.

A violation of these Regulations has been reported and investigated. These matters were considered on June 10, 2004, in an Informal Fact Finding Conference ("IFF") pursuant to the Administrative Process Act §§2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended. This IFF was held in Richmond, Virginia and was attended by Hubert Nash, the Respondent and Charlene and Loyd Clark, the Complainants. Board Member Doyle B. Allen presided at the IFF.

The Board's duly designated representative has found sufficient evidence to believe that:

•

Background

On May 7, 2002, a complaint form was received and on June 7, 2002, a letter of complaint was received by the Enforcement Division of the Department of Professional and Occupational Regulation from Loyd A. Clark (Clark).

The complaint alleged mistakes in a survey produced by Hubert T. Nash (Nash) on May 24, 2001, of property belonging to Tivis and Sarah Tiller (Tiller), located in Washington

County, Virginia. Clark alleges that the entire survey was incorrect and caused Clark to lose 1.16 acres.

On February 22, 2002, the Washington County Circuit Court rejected the May 24, 2001, survey produced by Nash. The Washington County Circuit Court ruled that the survey produced on September 24, 2001, by Tony F. Holbrook shows the accurate rendering of the boundary line between Tiller and Clark. The 1.16 acres belong to Clark based on the court ruling.

Summation of Facts

1. In the May 24, 2001 survey, Nash failed to establish the distance to the center or the width of the adjoining highway Route 802 or the distance to the nearest road intersection.
2. In the May 24, 2001 survey, Nash produced a plat that did not provide a statement that the boundary survey shown is based on a current field survey.
3. In the May 24, 2001 survey, Nash failed to include his address on the survey.
4. In the May 24, 2001 survey plat recorded in the Clerk's Office, Nash failed put the date in his seal imprint on the survey.
5. In the May 24, 2001 survey, Nash failed to clearly note inconsistencies found in the research of common boundaries between the land being surveyed and the adjoining land.
6. In the May 24, 2001 survey, Nash showed acceptable documentation for establishing the Tiller property on the south side of Route 802, however, he failed to note the inconsistencies with the record information for the Clark property.

The Board and Nash, as evidenced by the signatures affixed below, enter into this Consent Order. Nash knowingly and voluntarily waives any further proceedings in this matter under Administrative Process Act §§2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.

Further, by signing this Consent Order, Nash acknowledges an understanding of the charges. Nash neither admits nor denies the violation(s) of the Board's Regulations but consents to the following term(s) by the Board:

Count 1: 18 VAC 10-20-370(C)(2)(d) (Effective December 1, 1999)

Nash's failure to establish the distance to the center or the width of the adjoining highway Route 802 or the distance to the nearest road intersection, is a violation of Board Regulation 18 VAC 10-20-370 (C)(2)(d) and a monetary penalty of \$200.00 is imposed for a violation of this regulation.

Count 2: 18 VAC 10-20-370(C)(2)(m) (Effective December 1, 1999)

Nash's actions of producing a plat that did not provide a statement that the boundary survey shown is based on a current field survey, is a violation of Board Regulation 18 VAC 10-20-370(C)(2)(m) and a monetary penalty of \$200.00 is imposed for a violation of this regulation.

Count 3: 18 VAC 10-20-370(C)(2)(o) (Effective December 1, 1999)

Nash's failure to include his address on the survey is a violation of Board Regulation 18 VAC 10-20-370(C)(2)(o) and a monetary penalty of \$200.00 is imposed for a violation of this regulation.

Count 4: 18 VAC 10-20-760(B)(1) (Effective December 1, 1999)

Nash's failure to put the date in his seal imprint on the survey is a violation of Board Regulation 18 VAC 10-20-760(B)(1) and a monetary penalty of \$200.00 is imposed for a violation of this regulation.

Count 5: 18 VAC 10-20-370(A) (Effective December 1, 1999)

Nash's failure to clearly note inconsistencies found in the research of common boundaries between the land being surveyed and the adjoining land, is a violation of Board Regulation 18 VAC 10-20-370(A) and a monetary penalty of \$200.00 is imposed for a violation of this regulation.

Additionally, Nash agrees to pay Board costs in the amount of \$300.00.

The above monetary penalties, costs or sanctions are to be paid/performed within thirty days of the effective date of this consent order. Nash acknowledges the monetary penalty and costs as a debt to the Commonwealth and agrees that in the event of a default, or the return of a check for insufficient funds, Nash will be responsible for a penalty fee of 10% and interest at the underpayment rate prescribed in Section 58.1-15 of the 1950 Code of Virginia, as amended, and for all reasonable administrative costs, collection fees, or attorney's fees incurred in the collection of whatever funds are due.

Nash acknowledges that failure to pay the penalty, the costs, or to comply with all terms of this Order within the specified time period, shall result in the automatic suspension of Nash's license until such time as there is compliance with all terms of this Order. Nash understands the right to have this automatic suspension considered in an IFF pursuant to the Administrative Process Act §§2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended, but knowingly and voluntarily waives any rights to the proceeding and hereby waives any further proceedings under the Administrative Process Act §§2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.

The effective date of this Order shall be the date of execution by the Board.

SEEN AND AGREED TO:

Hubert T. Nash

Date

CITY/COUNTY OF _____
COMMONWEALTH OF VIRGINIA

Sworn and subscribed before me this _____ day of _____, 2004.

Notary Public

My Commission Expires: _____

SO ORDERED:

Entered this _____ day of _____, 2004.

Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and
Landscape Architects

BY: _____
Louise Fontaine Ware, Secretary

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Doyle B. Allen
2. Title: Board Member
3. Agency: Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects
4. Transaction: Informal Fact-Finding Conferences on June 10, 2004
5. Nature of Personal Interest Affected by Transaction: _____
NONE

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Doyle B. Allen
Signature

6/10/04
Date