

Court Upholds Board's Suspension of Wayne Callwood's License Over Use of Another Surveyor's Seal

Judge Denise M. Francois affirmed the Board's order against Wayne Callwood, finding no due process violation and ruling that his use of Francisco Nadal's seal on surveys he prepared violated V.I. law and constituted professional misconduct.

Legal / **Published On May 18, 2026 06:27 AM /**

Staff Consortium **May 18, 2026**

Image not found or type unknown



The Superior Court of the Virgin Islands has affirmed a decision by the Virgin Islands Board of Architects, Engineers & Land Surveyors suspending Wayne D. Callwood's professional license for six months, ruling that the Board did not err when it found that Callwood committed misconduct by using another surveyor's professional seal on surveys he prepared.

In a memorandum opinion and order dated May 8 and entered May 11, Judge Denise M. Francois upheld the Board's [January 15, 2026 decision](#) as it pertains to Callwood. The ruling stems from a complaint filed by Lawrence Best against Callwood and Francisco A. Nadal, alleging that Callwood was contracted to produce a recorded survey, but that the final survey bore Nadal's professional stamp.

According to the Board's description of the complaint, the core allegation was that Nadal did not prepare the survey, and that Callwood, while acting as a public surveyor, "fraudulently submitted and recorded the survey under Respondent Nadal's professional stamp, thereby committing potential fraud and misrepresentation."

The Board held hearings on April 11 and June 27, 2025. During those proceedings, Callwood testified that he works at the Lieutenant Governor's Office as the public surveyor and holds degrees in civil engineering and surveying. With respect to Parcel 13Ba-3, the Board said Callwood admitted that the survey was done by him, that the initials "cc" were his initials, and that Nadal's seal appeared on the survey.

When asked whether he placed the seal on the survey, Callwood testified that the seal was computer-generated, appeared on all surveys, and was placed there by him. He also testified that he and Nadal jointly conducted the survey of Parcel 13Ba-3.

Nadal, however, testified that he had not visited Parcel 13Ba-3, had not gone to Cadastral to review the map for Estate Hard Labor, did not know the make and model of the satellite location system used, did not know the accuracy rate of the satellite information system, did not review Callwood's field notes, and had no photographs or other documentation of bound posts found by Callwood.

The Board also stated that Nadal testified he did not prepare surveys for Carolina Parcel 8-4-14-1, or 126A or 126B Estate Chocolate Hole. According to the Board, Nadal testified that Callwood did the surveying work, including all field work, while Nadal handled the engineering part and signed.

In its decision, the Board found that Nadal permitted his professional seal to be used by Callwood on surveys intended for official recording. Although Callwood held the license necessary to prepare the surveys, the Board found that he was required by law and professional standards to affix his own signature and seal before filing them.

The Board further found that, as public surveyor, Callwood faced a conflict of interest in signing and sealing the surveys himself, and used Nadal's seal "either with or without Nadal's explicit knowledge" to avoid that problem. The Board said Nadal was aware of the misuse and admitted knowledge of Callwood's actions in a response to Ryan Wisehart.

The Board determined that Callwood and Nadal violated 27 V.I.C. § 286(b) by allowing Callwood to use Nadal's professional engineer stamp on surveys that Nadal had not reviewed or supervised in any way. The Board found Callwood guilty of engaging in misconduct in the practice of engineering and found that he failed to maintain the integrity and high standards of skill and practice of the engineering profession.

The Board ordered that Callwood's professional license be suspended immediately for six months. It also ordered him to complete an eight-hour ethics course before the suspension period ends and to serve a one-year probationary period after the suspension is lifted.

Callwood, representing himself, filed a petition for writ of review on January 26, 2026, asking the Superior Court to vacate the Board's ruling, remand the matter with instructions to dismiss the case against him, and restore his license. Respondents asked the court to affirm the Board's decision.

One of Callwood's arguments centered on the involvement of Board Member Ryan Wisheart during the administrative hearing. The Board had heard testimony from Wisheart concerning emails about whether Nadal was stamping surveys for Callwood, and the Board said Wisheart would recuse himself from voting.

Callwood argued that Wisheart's involvement was improper and denied him due process, contending that even if Wisheart did not vote, his presence and views influenced the Board's deliberations.

In his brief, Callwood argued that "whether Wisheart voted or not, his influence help shaped the Board's decision." He also argued that the Board abused its discretion by allowing Wisheart to remain seated as part of the adjudicatory panel despite knowing he would be called as a witness.

Respondents argued that Wisheart's participation was not grounds for reversal, and that his testimony was not necessary because Nadal and Callwood admitted the predicate conduct in their own testimony. Respondents also noted that Wisheart recused himself from voting and argued that any error, if one occurred, was harmless.

Judge Francois agreed with the respondents, finding that Wisheart's involvement did not deny Callwood due process. The court found that Wisheart did not act as a fact finder because he did not vote, and that his testimony was unnecessary in light of the total evidence before the Board. The court also found that Callwood had not made the required showing of fraud or arbitrariness.

Callwood also challenged the Board's application of 27 V.I.C. § 286(b), arguing that his actions were lawful and that the Board had stretched the facts to portray his and Nadal's conduct as improper. He argued that it was not unlawful for him to prepare private survey maps outside his government role as public surveyor and said his long professional relationship and collaboration with Nadal did not amount to aiding or abetting any evasion of the law.

Respondents countered that Callwood did not contest the Board's key factual findings, except to argue that using Nadal's seal was not misconduct. They also argued that even if no law barred public surveyors from private work, conflict of interest laws existed and Callwood used Nadal's seal to obscure such a conflict.

The court found that Callwood did not dispute that he used Nadal's seal on at least one survey, that both men were aware of the use of Nadal's seal, and that Nadal lacked direct involvement in the surveying and did not visit the sites. Judge Francois ruled that under 27 V.I.C. § 286(b), when an individual licensee completes a survey alone, that individual must use his own seal.

The court also noted the Board's finding that Callwood faced a clear conflict of interest as public surveyor in signing and sealing the surveys himself. During the proceedings, Callwood denied a conflict of interest, but when asked why he did not stamp his own work, he responded, "Because I'm the public surveyor and that would shed a cloud over me doing something like that."

"Given the facts of this case, this Court finds that the Board did not err in its findings of misconduct and that Callwood violated 27 V.I.C. § 286(b)," Judge Francois wrote.

Callwood also argued that 27 V.I.C. § 289(3) and 27 V.I.C. § 286 were unconstitutional under the void-for-vagueness doctrine. He contended that the statutes were confusing for surveyors and encouraged arbitrary or discriminatory enforcement.

The court declined to review the constitutionality of 27 V.I.C. § 289(3), finding that the statute was irrelevant to the case because the Board's decision was based on 27 V.I.C. § 286(b), not § 289(3).

As to § 286(b), Judge Francois ruled that the statute was not vague as applied to the facts of the allegations against Callwood. The court found that the statute plainly requires surveys prepared by a licensee for filing with public authorities to be signed and stamped with that licensee's seal.

The court also rejected Callwood's comparison between his case and a hypothetical involving licensed surveyors collaborating within a firm. Judge Francois noted that Nadal did not actively participate in the surveying work with Callwood, and that Callwood's hypothetical was separate from the facts before the court.

The court concluded that Callwood's conduct fell within what the statute clearly prohibited and that he lacked standing to challenge the law on vagueness grounds.

"For the foregoing reasons, this Court will affirm the Board's Order of January 15, 2026, as it pertains to Callwood," Judge Francois wrote.

The court ordered that the Board's memorandum of opinion, findings of fact, conclusions of law, and decision and order in *Lawrence Best v. Wayne D. Callwood and Francisco A. Nadal* be affirmed solely as it pertains to Wayne D. Callwood.