

Memorandum

Date: July 31, 2012
To: File 67-14517
From: Craig L. Saxton

Re: Assignment of Permit for 67-14517

On October 30, 2007, the department received an assignment of permit from Chester R. Mateen to Randy Williams.

On October 31, 2007, the Department returned the assignment because no fee was submitted, and because the deed submitted with the assignment indicates that the property conveyed to Randy Williams covered only a portion of the permit.

On May 1, 2008, the Department received the assignment again along with the filing fee. There does not appear to be any indication of how the permit was to be split.

Randy William was entered into the database as a "Present Owner" and Chester Mateer remained on the permit record as the current owner. However, it does not appear that either William or Mateer was notified that the assignment was processed.

On December 30, 2009, both Williams and Mateer were sent proof due notice by certified mail.

On February 25, 2010, proof was submitted by Randy Williams.

On July 11, 2012, the Department conducted a field exam in accordance with the permit. It found 1.4 acres of land had been put into development in accordance with the permit. That 1.4 acres is all located on Randy William's property.

Conclusion:

The Department received an assignment of permit assigning, by default, all of permit 67-14517 to Randy Williams. Despite that Mr. Williams only owned a portion of the property described as the POU for 67-14517, the permit is personal property and can be assigned in full. The assignment occurred before the end of the development period and before proof was submitted. The permit was not tied to the ground at the time it was assigned.

Even if the intent was only to assign a portion of permit 67-14517, the Department still sent both the original permit holder of record, Chester Mateer, and the assignee, Randy Williams, notice that proof was due, giving each part the opportunity to submit proof of beneficial use in accordance with any development that might have occurred under permit 67-14517.

Because of this, the permit holder has been updated to Randy Williams, and the license will be issued in the name of Randy Williams.