

**FAYETTE COUNTY CODE ENFORCEMENT AGENCY  
FAYETTE COUNTY, WEST VIRGINIA**

**RESOLUTION NO. 2018-**   1  



**WHEREAS**, on August 17, 2018, the Fayette County Commission adopted Fayette County Ordinance # 2018-001, entitled “The Fayette County Comprehensive Public Nuisance Abatement Ordinance” with an effective date of August 17, 2018; and

**WHEREAS**, as required by West Virginia State law, the Fayette County Commission, by enactment of Section VII(a) of The Fayette County Comprehensive Public Nuisance Abatement Ordinance, created the Fayette County Code Enforcement Agency to have the expertise and jurisdiction to investigate and lawfully respond to known or suspected hazards to public health and the environment within Fayette County; and

**WHEREAS**, at its publicly-noticed meeting on August 23, 2018, the Fayette County Code Enforcement Agency held its first meeting and among other matters adopted the Fayette County Code Enforcement Agency By-Laws; and

**WHEREAS**, the Fayette County Code Enforcement Agency has determined that it is necessary and proper to the timely and competent performance of its public mandate that the Fayette County Code Enforcement Agency has available to it the professional services of a qualified, experienced and competent Environmental and Public Health Investigator; and

**WHEREAS**, Section VII(c) of Fayette County Ordinance 2018-00 authorizes the Fayette County Code Enforcement Agency to appoint “authorized agents” of the Fayette County Code Enforcement Agency and empower them to exercise the investigatory authority granted by law to the Fayette County Code Enforcement Agency;

**WHEREAS**, Dr. D. Scott Simonton is a full Professor and Coordinator of the Graduate Environmental Sciences Program at Marshall University, Huntington and South Charleston, West Virginia. Dr. Simonton is also the founder and Principal Scientist and Environmental Engineer of Ashby-Tucker Environmental, LLC, a prominent West Virginia Environmental Engineering and Forensic Science Consulting and Project Management Company. Dr. Simonton is a Registered Professional Engineer in WV and MS, and formerly registered in TN and NM. For over 15 years until his resignation in 2017, Dr. Simonton served at the appointment of four (4) consecutive Governors of West Virginia as a **Member and Vice-Chairman of the West Environmental Quality Board**, the WV State Board responsible for hearing and resolving appeals from decisions of the West Virginia Department of Environmental Protection. Earlier in his professional career,

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Dr. Simonton also served as a Commissioned Officer in the United State Army Armored Cavalry and as a Non-commissioned Officer in the United States Marine Corp Infantry. Dr. Simonton brings regionally and nationally recognized Environmental forensic scientific and engineering expertise in the remedial investigation and design and implementation of appropriate Environmental and Public Health protection remedial actions at a wide range of contaminated properties, including multiple major mining, industrial, commercial, and residential sites. Dr. Simonton frequently serves before federal and state courts as Lead Expert Witness and Remedial Project Manager in governmental and private party legal actions to compel appropriate remedial investigation and abatement of sites that present or may present endangerments to the Public Health, Safety, Welfare or the Environment. Dr. Simonton has a broad range of expertise in the field of environmental engineering and geo-science, with particular focus in hydrogeology, fate and transport in the environment of released contaminants, and environmental issues associated with mining.

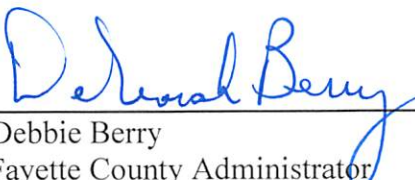
**NOW, THEREFORE, BE IT RESOLVED** by majority vote of those members present and authorized to vote that **D. Scott Simonton, Ph.D., P.E., should be, and hereby is,** retained and appointed as a Special Agent and Authorized Investigator of the Fayette County Code Enforcement Agency vesting in him all the powers and authorities of an authorized investigator for the Fayette County Code Enforcement Agency

**IT IS SO RESOLVED, ORDERED, AND DONE** with the majority vote of the Fayette County Code Enforcement Agency, Fayette County, West Virginia at its duly-noticed Public Meeting on this 20th day of December 2018.

Fayette County  
Kelvin E Holliday, Clerk  
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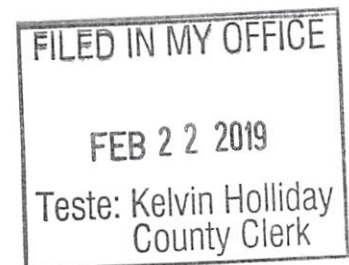
**FAYETTE COUNTY CODE  
ENFORCEMENT AGENCY  
FAYETTE COUNTY, WEST VIRGINIA**

By:

  
Debbie Berry  
Fayette County Administrator  
Its Chairperson

ATTEST:

  
Secretary  
FAYETTE COUNTY CODE ENFORCEMENT AGENCY



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