

**State Board of Registration for Land Surveyors
Indiana Government Center South
402 West Washington Street, Conference Center Room 5
Indianapolis, Indiana 46201**

Minutes of the February 7, 2012 Board Meeting

Christine Arnold, Chairperson, called the meeting to order at 8:35 a.m. and declared a quorum in accordance with IC 25-4.

Members Present: Richard Hudson
Gary Kent, Board Liaison
Doug Lechner
John Stephens
Michael DeBoy

State Officials Present:

Christina Wiseley, Board Director, Indiana Professional Licensing Agency
Crystal Heard, Assistant Board Director, Indiana Professional Licensing Agency
Gordon White, Deputy Attorney General, Office of the Attorney General

Board Action: Gary Kent made a motion to accept the amended agenda. Michael DeBoy seconded motion.

Motion carried 6/0/0

Board Action: Michael DeBoy made a motion to adopt October 2011 amended meeting minutes. Richard Hudson seconded motion.

Motion carried 5/0/1 Christine Arnold abstained.

Permit/Licensure Applications

Board Action: The board voted to accept recommendations of applications.

Motion carried:

Land Surveyors (by exam)

Craig S. Batdorff - approved
Nicholas J. Bertsch - approved
Todd M. Borgman – denied 865 IAC 1-2-1
Jacob Fitzsimmons - approved
Jason A. Fuchs - approved
Scott M. Gregory - approved
Nana A. Opoku - approved
Austin N. Ridgely - approved
Nickolas M. Schmitt- approved
Andrew C. Murray – denied 865 IAC 1-2-1
Jacek Schrott – denied 865 IAC 1-2-1

Land Surveyors (by comity)

Barry A. Brock – denied 865 IAC 1-2-1
Timothy A. Finke - approved
Robert E. Hood - approved
Steven J. Leesman - denied 865 IAC 1-2-1

Kerry D. Osborn - approved
Christopher W. Schaeffer - approved
Paul E. Schmelzer - tabled
Brent M. Webster - approved

Land Surveyors-in-Training

Glen P. Johnson - approved
Lawrence R. Jones - approved
Kantin K. Miller - approved
Austin N. Ridgely - approved
Travis R. Shetler – denied 865 IAC 1-2-1
Adam J. Wallace – denied 865 IAC 1-2-1

Board Liaison Report

Gary Kent gave report he has met with case analyst about once a month. Case analyst is currently closing out complaints for 2010.

Review of Probationary Reports

J. Bernard Feeney (Holloway) no reports submitted.

Michael Sadlon (Stephens) has done only location reports.

Steve Williams (Kent) Mr. Williams was not in attendance. Board contacted Mr. Williams during board meeting to inquire as to why he was not at current meeting. Mr. Williams stated he sent in a report stating he had not completed any surveys for the previous month. Board informed Mr. Williams he should appear at every meeting unless notified by board not to attend.

Administrative Hearings

The court reporter for all hearings held was Dabny Hill.

In the Matter of the License of William Pettitt Administrative Cause No.: SBRLS 08-04

Mr. Pettitt appeared before the board to withdraw his probation. Natalie Stidd represented the State of Indiana. William Pettitt appeared without counsel.

Mr. Pettitt appeared and indicated that he has followed the terms of probation and has paid the \$5.00 to the office of the attorney general. He indicated that he has learned from the experience of his probation and feels that he provides a better product to his customers. The board discussed the surveys. Mr. Lechner indicated that Mr. Pettitt was put on probation due to deficiencies in his survey reports. Mr. Lechner indicated that Mr. Pettitt's reports have improved since Mr. Pettitt was first put on probation.

Board Action: A motion was made by Richard Hudson to withdraw probation. Doug Lechner seconded motion.

Motion carried 6/0/0

In the Matter of the Unlicensed Practice of Kenneth Ziese Administrative Cause SBRLS 12-01

Edward Grimmer attorney for Respondent, Kenneth Ziese.

Natalie Stidd represented the state of Indiana in this matter.

Witness: Sharon Elfenbaum, Case Analyst for State of Indiana

Mr. Ziese appeared with counsel, Edward Grimmer. State made an opening statement indicating that unlicensed practice may have taken place.

The counsel made an opening statement indicating that the Facebook page that was captured by the Office of the Attorney General was put on Facebook by another person, that Mr. Ziese has never held himself out to be a surveyor, and has not worked as a surveyor, but rather at the direction of a land surveyor who has established control points. Mr. Grimmer asked that the board find that Mr. Ziese has not performed acts of land surveying and has not advertised as such. Mr. Grimmer objected to the hearing being held.

Board Action: Gary Kent made motion to make note of objection of hearing but to move ahead with hearing. Doug Lechner seconded motion.

Motion carried 6/0/0

Mr. Grimmer indicated that he did not believe it was appropriate that Mr. Kent is part of the hearing due to his liaison responsibilities and pre-knowledge of the case. Mr. Kent recused himself from the hearing.

State's Exhibit A - letter on company letterhead to original case analyst.

State's Exhibit B – website screen shot of A to Z Construction Layout including contact information and mission statement of company.

State's Exhibit C – screen shot of FB as it appeared on December 2011.

Respondent's Exhibit 1 – Respondent's statement to the board.

Board Action: Doug Lechner made motion to issue Cease and Desist Order and he needs to stop doing the work under IC 25-21.5-1-7(b)(2) and section 8 not to use letter head that would convey he does the work of a surveyor. Michael DeBoy seconded motion.

Motion carried 4/1/1 – John Stephens opposed; Gary Kent recused himself.

Continuing Education

Indiana Department of Transportation – Mid-Management Training will be tabled until next meeting.

Board Director's Report

HB 1148 – Legislation for Computer-Based Testing has passed the House and is going to the Senate.

Discussion Items

Board Action: Doug Lechner made a motion to form Committee for rule updates. Proposed changes to rules will begin at the March meeting. Richard Hudson seconded motion.

Motion carried 6/0/0

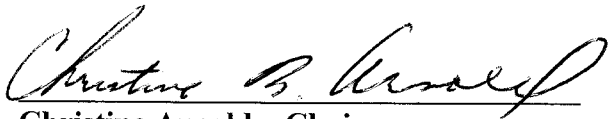
University of Akron - Gary discussed the University of Akron's surveying program and suggested it should be a program approved by the board.

Board Action: Richard Hudson made motion to accept University of Akron's surveying program as an approved program. John Stephens seconded motion.

Motion carried 6/0/0

Approved surveying programs are now Cincinnati State University, Ferris State University, Purdue Calumet, Purdue West Lafayette, Vincennes University and University of Akron.

There being no further business and having completed its duties, the meeting of the State Board of Registration for Land Surveyors adjourned at 1:45 p.m.



Christine Arnold – Chairperson
State Board of Registration for Land Surveyors

4/13/12
Date