

**State Board of Registration for Professional Surveyors
Indiana Professional Licensing Agency
Indiana Government Center South
302 West Washington Street, Conference Room 1
Indianapolis, Indiana 46201
Minutes of the October 2, 2015 Board meeting**

APPLICATION COMMITTEE MEETING

The Board reviewed applications from 8:30 a.m. to 9:00 a.m.

CALL TO ORDER & ESTABLISHMENT OF QUORUM

Ms. Christine Arnold called the meeting to order at 9:00 a.m. and declared a quorum in accordance with Ind. Code § 25-21.5.

Members Present

Christine Arnold, Chairperson
Mike DeBoy
Doug Lechner
Gary Kent

Members Not Present

Ross Holloway, Vice-Chairperson
John Stephens
Richard Hudson

State Officials Present:

Amy Hall, Board Director, Indiana Professional Licensing Agency
Keri Reed, Assistant Board Director, Indiana Professional Licensing Agency
Phil Tompson, Deputy Attorney General, Office of the Attorney General

ADOPTION OF AGENDA

A motion was made to adopt the amended agenda.

DeBoy/Lechner

Motion Carried: 4/0/0

ADOPTION OF THE MINUTES FROM JULY 24, 2015 MEETING

A motion was made to adopt the minutes of the July 24, 2015 meeting.

Kent/DeBoy

Motion Carried: 3/0/1 (Ms. Arnold abstained)

REPORT FROM THE ATTORNEY GENERAL

Ms. Natalie Stidd presented the report to the Board. There are currently 18 open complaints and 1 open litigation case.

REPORT FROM THE BOARD LIAISON

Mr. Kent met with Mr. Tolliver and Mr. Raymond with the Attorney General's office to review surveys and go over the rules to better understand surveys. The average age of the open complaints is longer than normal due to some complaints dating back to the end of 2013. Mr. Kent has already received some summaries and several complaints have been closed since the last meeting.

REVIEW OF PROBATIONARY REPORTS

J. Bernard Feeney (Holloway) - No report

Michael Sadlon (Stephens) – Mr. Kent reviewed the submitted reports on behalf of Mr. Stephens and found them to be fine.

Ronald Morrison (Kent) - No report

Stephen Williams (Kent) - No report

PERSONAL APPEARANCES

Larry W. Rollins Jr. (LS21000214) – Renewal of license

Mr. Rollins reported a positive response on his renewal form submitted in February 2015. Mr. Rollins was contacted several times to submit a positive response statement with supporting court documentation and the copies of certificates of completion to prove he completed the continuing education requirement. Mr. White advised the Board's staff to treat this renewal as an incomplete application because he never submitted the requested documentation.

Due to the nature of the positive response, Mr. Rollins was scheduled to appear before the Board and bring the requested documentation. Mr. Rollins did not appear and no legal representative appeared on his behalf.

Board Action: A motion was made to deny the reinstatement because he did not appear as requested or provide the requested documentation.

DeBoy/Kent

Motion Carried: 4/0/0

Dale A. Rasmussen (LS80040567) – Reinstatement of license

Mr. Rasmussen failed to report a disciplinary action since his last renewal. It was from 2002 on his license in Illinois. Mr. Rasmussen was unable to provide the documentation and requested it from the Board in Illinois. Unfortunately, the documentation had not arrived by the date of the meeting.

The situation causing the disciplinary action was from 1994 dealing with a highway project for the Illinois Department of Transportation. His firm hired a surveyor to oversee the right of way components. Toward the end of the project the surveyor refused to finish the project. Mr. Rasmussen signed the documents unaware that they were missing 1 document and were incorrect with several section corners. The disciplinary action involved correcting the incorrect section corners and 2 years of probation. His license has been reinstated and is now active.

Mr. Rasmussen stated that he did not report the disciplinary action on his reinstatement because it happened in 2002 before his license expired. Ms. Reed explained that his last renewal was in

2000. He did not renew his license in 2002 and would have needed to report any disciplinary action after his last renewal in 2000.

The Board inquired about his professional activities. He has maintained his license in Illinois and also teaches continuing education. Because he is actively practicing and holds an active license, he would not need to re-take and pass the IIB exam to be reinstated. The Board did point out that if a licensee was coming back from a colonial state or retired status, the reinstatement would need to be reviewed for a Board decision.

Board Action: A motion was made to approve Mr. Rasmussen's reinstatement.
Kent/DeBoy
Motion Carried: 4/0/0

ADMINISTRATIVE HEARINGS – Ms. Peggy Morgan was the court reporter.

William W. Wright

Re: Petition for Review

Cause No.: SBRPS 15-06

Mr. Wright did not enter any surveying courses on the supplemental form in his application file. Because of this, his application for approval to take the PS exam was denied.

Mr. Wright submitted a petition for review to request the Board to reconsider the denial of his application and use his experience in lieu of the surveying college course requirement. He stated that he has several licenses in other states and wishes to be licensed in Indiana so that his company would not need to send the surveys out of state. He originally started in surveying in 1987 then it went from being a trade to being a profession. Mr. Wright stated he was first licensed for Illinois in 2002. Mr. DeBoy corrected him by referring to his application file and stated that his first license in Illinois was issued in 2008.

Because the statutes and rules are very clear with the education requirement, the Board legally cannot waive any part of the education requirement in lieu of experience.

Board Action: A motion was made to deny the application because Mr. Wright does not meet the education requirement.
Kent/DeBoy
Motion Carried: 4/0/0

Roheen S. Paul

Re: Petition for Review

Cause No.: SBRPS 15-07

Mr. Paul's application for approval to take the PS exam was denied because his application file did not show at least 60% of the required experience to be in boundaries. Mr. Kent explained that Mr. Paul had recently accepted an offer to come to work at Schneider Corp., Mr. Kent's place of employment, but Mr. Kent declared that this would not impact his decision on this matter.

Mr. Paul is currently licensed as a professional surveyor in Kentucky. He provided a copy of his work history to the Board along with updated experience verification forms with his petition for review.

The Board did note that Mr. Paul may have the required experience in boundaries but lacked more rounded experience in other aspects of surveying. It was explained to Mr. Paul that he would be able to apply again in the future once he has more experience in the different categories of experience.

Board Action: A motion was made to deny the petition for review.
DeBoy/Lechner
Motion Carried: 4/0/0

Donald A. Shapiro

Re: Petition for Review for Notice of Noncompliance
Cause No.: SBRPS 15-08

Mr. Shapiro was chosen for the Surveyor Continuing Education Audit for the August 1, 2012 through July 31, 2014 biennium. In the documents Mr. Shapiro submitted for the audit, there was a tracking sheet that was submitted stating Mr. Shapiro completed 2 courses at the same time on the same date 2 times and several sign-in sheets that had only his signature. The Board believed the documentation was created purposefully in an attempt to fraudulently complete the audit. A notice of noncompliance was issued stating Mr. Shapiro was required to make up the 12 hours he was deficient and pay a \$5,000 civil penalty.

Mr. Shapiro appeared and gave a brief history of his career and recent personal history. He stated that he did not deliberately shirk his continuing education responsibility for renewal. Mr. Shapiro explained that he was still trying to practice while taking care of his home and wife whom is ill. Also, Mr. Shapiro stated that he recently moved to another state and had great difficulty locating the box containing his certificates of completion. He also stated that the provider of the program initially completed the tracking sheet incorrectly and that he completed the document himself that lead to unknowingly creating errors.

While he would not argue with the Board about the number of hours he was found deficient, he asked that the Board reduce the amount of the civil penalty. Mr. DeBoy explained that the Board was unable to determine which programs he actually attended with the conference tracking sheets that were submitted. It did have the appearance that something was not quite right and the Board concluded that it appeared to be unethical due to the information present. Mr. Shapiro cited that he contacted the Illinois state association for the document and the haste to complete the form lead to the error causing the notice of noncompliance.

Mr. Shapiro stated that he has already completed 20 make up hours but did not bring the proof of completion with him to the hearing. The hearing was then closed for discussion.

During the deliberation, the board discussed that Mr. Shapiro did indicate on his renewal that he completed the CE requirement and was short 12 hours. In the interest of consistency, the board had a similar situation over a year ago in which a significant penalty was reduced after hearing testimony. The Board requested to see proof of the makeup hours before determining whether or not to lower the penalty.

Board Action: A motion was made to re-open the hearing
Lechner/DeBoy
Motion Carried: 4/0/0

Board Action: A motion was made to continue the hearing at the February 12, 2016 meeting.
Kent/DeBoy
Motion Carried: 4/0/0

William Steele (LS29400009)

Re: Order of Proposed Default

Cause No.: SBRPS 13-04

Ms. Natalie Stidd was present to represent the Office of the Attorney General. Mr. Steele did not appear and did not have legal counsel present to represent him. The original hearing for the petition to show cause was scheduled in April of 2014 due to Mr. Steele not being compliant with the terms of his probation. Mr. Steele did not respond to the notice of Proposed Default.

Board Action: A motion was made to find Mr. Steele in default.
Kent/DeBoy
Motion Carried: 4/0/0

Ms. Stidd proceeded with the petition to show cause hearing. She explained the terms that were given and accepted when Mr. Steele was placed on probation. Ms. Still also presented the documentation he submitted afterward that did not fulfill any of the terms. He attempted to surrender his license but the Board refused. He submitted a completed renewal form requesting to remain active for his surveyor license. With the renewal form, Mr. Steele included a letter stating he wished to discontinue his license and would not be finishing his probation requirements. Ultimately, Mr. Steele has not complied with the terms of his probation and the documentation he submitted shows he has no intention to do so.

Board Action: A motion was made to revoke the surveyor license of Mr. Steele.
Kent/Lechner
Motion Carried: 4/0/0

LICENSURE APPLICATIONS

Jonathan C. Cross – Comity – The Board found that Mr. Cross had not completed the math requirement including 3 hours of calculus.

Board Action: A motion was made to deny the application.
DeBoy/Lechner
Motion Carried: 4/0/0

DICSUSSION

NCEES State Specific Exam – After October 2015 NCEES will not be giving the Indiana State Specific IIB examination any longer because their testing has been converted to digital testing. The Board members have been asked to consider the options on how to give the examination going forward.

NCEES Annual Meeting in Williamsburg, Virginia – Mr. Lechner accompanied Ms. Hall and several representatives from the State Board of Registration for Professional Engineers to the meeting.

APPEARANCE

Chuck Bevington concerning Non Licensed Continuing Education Providers

For the last 2 months Mr. Bevington has been policing the distance-learning providers for the 2 month preceding the meeting. Some online providers are providing false information such as the Indiana Board accepting continuing education (CE) completed online to fulfill the entire renewal requirement (*up to 12 from distance learning methods are accepted toward the renewal requirement*) and allowing a set number of hours for a program that would be completed in a fraction of the time (*865 IAC 1-15-3(a) states 1 hour of continuing education must contain at least 50 minutes of instruction*). While Mr. Bevington is a provider of continuing education, he provides live learning methods and is not in direct competition with the distance learning providers.

ADJOURNMENT

There being no further business and having completed its duties, the meeting of the State Board of Registration for Professional Surveyors adjourned at 12:15 p.m.



Christine Arnold – Chairperson
State Board of Registration for Professional Surveyors

Date

Ross Hollenay
Vice Chair