

MINUTES

STATE BOARD OF REGISTRATION FOR LAND SURVEYORS

Meeting held
Friday, April 9, 2010

Indiana Government Center South
402 West Washington Street, Conference Center 5
Indianapolis, Indiana

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Ms. Arnold called the meeting to order at 8:32 a.m. in Indiana Government Center South, 302 West Washington Street, Conference Center Room 5, Indianapolis, Indiana and declared a quorum in accordance with IC § 25-4-1.

Members Present:

Christine Arnold, Chairman
Gary Kent, Vice-Chairman
Richard Hudson
Doug Lechner
Ross Holloway

Members Not Present:

Michael DeBoy
John Stephens

State Officials Present:

Angela Smith Jones, Board Director, Indiana Professional Licensing Agency
Crystal Heard, Assistant Director, Indiana Professional Licensing Agency
Gordon White, Advisory Counsel, Office of the Attorney General

II. ADOPTION OF AGENDA

Board Action: A motion was made to adopt the agenda.

Hudson/Lechner
Motion carried 5/0/0

III. ADOPTION OF THE MINUTES FROM JANUARY 22, 2010 MEETING OF THE BOARD

Board action: A motion was made to adopt the minutes with changes.

Hudson/Lechner
Motion carried 5/0/0

IV. PERMIT/LICENSURE APPLICATIONS

Board Action: A motion was made and seconded to approve all recommendations and decisions made by the Board members on applications by examinations and Land Surveyors applications for licensure by Comity that were reviewed throughout the Board meeting.

Hudson/Lechner
Motion carried 5/0/0

V. REPORT FROM THE BOARD LIAISON

a) Litigation Update Report

M. DeBoy after 11/15/2006

Christine Arnold reported on behalf of Mr. DeBoy that there were several to review, however there was nothing new to report on the Isgrigg matter.

b) Office of the Attorney General – Gabrielle Owens

No report was given.

VI. PERSONAL APPEARANCES

A. Zohrab Tazian (Quarterly Appearance)

Mr. Tazian appeared for his probationary appearance. He is doing about 2 – 3 metes and bounds surveys each month. He is reporting to John Sauer and John Stephens and has not heard anything negative from either. John Stevens reported that the current surveys show substantial progress from past surveys.

VII. ADMINISTRATIVE HEARINGS

A. In the Matter License of Mark Strong

Administrative Cause No.: SBRLS 07-41

Re: Withdrawal of Probation

Parties Present:

Mr. Strong was present and was represented by counsel, John Price.
The State of Indiana was represented by Natalie Stidd.

Board Members Present:

Christine Arnold (Hearing Officer)
Doug Lechner
Richard Hudson
Gary Kent
Ross Holloway

Witnesses:

Mark Strong

Case Summary: This was brought by request of respondent to have probation withdrawn.

Respondent's Exhibit 1: Package of information for Mr. Strong substantiating his compliance with his probationary terms.

Board Action: A motion was made to withdraw the probation.

Hudson/Lechner
Motion carried 5/0/0

B. In the Matter of License of Tod Mohr

Administrative Cause No.: SBRLS 07-42

Re: Withdrawal of Probation

Parties Present:

Mr. Mohr was present and was represented by counsel, John Price.
The State of Indiana was represented by Natalie Stidd.

Board Members Present:

Christine Arnold (Hearing Officer)
Doug Lechner
Richard Hudson
Gary Kent
Ross Holloway

Witnesses:

Tod Mohr

Case Summary: This was brought by request of respondent to have probation withdrawn.

Respondent's Exhibit 1: Package of information for Mr. Mohr substantiating his compliance with his probationary terms.

Board Action: A motion was made to withdraw the probation.

Holloway/Hudson
Motion carried 5/0/0

C. In the Matter of the State of Indiana v. John Manship

Administrative Cause No.: SBRLS 06-07

Re: Final Hearing

Parties Present:

Mr. Manship was present and was represented by counsel, Bill Norton.
The State of Indiana was represented by Natalie Stidd.

Board Members Present:

Christine Arnold (Hearing Officer)
Doug Lechner
Richard Hudson
Gary Kent
Ross Holloway (recused himself)

Witnesses:

John Manship
Patrick Manship
Lee Wood

Case Summary: This was brought by request of respondent to have probation withdrawn.

State's Exhibit A: Survey for Paul Fuller, October 2000

State's Exhibit B: Survey for Elda Corporation O/B Virgil Cook, May 2001

State's Exhibit C: Survey for Shea's Plumbing O/B Thomas Shea, June 2002

State's Exhibit D: Survey for Joanne Duc, January 2002

Respondent requested a ruling on the Motion to Dismiss.

Board Action: A motion was made to deny the Motion.

Lechner/
Motion died for lack of second.

Respondent stipulated to the facts alleged in the complaint.

Respondent requested the board put Mr. Manship on probation and require him to be supervised.

Board Action: The board finds Mr. Manship in violation in accordance with the charges and thus makes a motion to place the license on indefinite probation similar to the terms of Mr. Tazian's order. A reviewer has already been selected--Lee Wood. If Mr. Wood does not work out then another surveyor would be selected and must be approved by the board. Once surveys are completed they are to be submitted to the board member. Gary Kent is the board designee to review these surveys. After 6 months from the date of the order Mr. Manship may request termination of probation. The State requested respondent to pay for costs.

Kent/Lechner
Motion carried 4/0/1 (Holloway abstained)

D. In the Matter of License Application of Derek Klinkenborg

Administrative Cause No.: SBRLS 10-01

Re: Final Hearing

Parties Present:

Mr. Klinkenborg was present without counsel.

The State of Indiana was not present.

Board Members Present:

Christine Arnold (Hearing Officer)

Doug Lechner

Richard Hudson

Gary Kent

Ross Holloway

Witnesses:

Derek Klinkenborg

Case Summary: This was brought by request of respondent appealing the denial of his licensure. The standard of review for his application is what was in place in 1992, which was 12-8-12 and he has not met those requirements, therefore he does not qualify. For him to qualify he would need to meet the 1992 standards. His license was also disciplined in Missouri

Petitioner's Exhibit A: Frequently Asked Questions page from the Webpage from March 2010

Petitioner's Exhibit B: Code Provisions from July 2009

Petitioner's Exhibit C: Current Code Provision on-line March 2010

Board Action: A motion was made to deny the application according to the code.

Holloway/Kent
Motion carried 5/0/0

E. In the Matter of License of Ronald Ratcliff

Administrative Cause No.: SBRLS 07-02

Re: Withdrawal of Probation

Parties Present:

Mr. Ronald Ratcliff was present without counsel.

The State of Indiana was represented by Natalie Stidd.

Board Members Present:

Christine Arnold (Hearing Officer)

Doug Lechner

Richard Hudson

Gary Kent

Ross Holloway

Witnesses:

Ronald Ratcliff

Case Summary: This was brought by request of respondent to have probation withdrawn. The State does not object. John Stephens was the board designee for this probationary term.

Board Action: A motion was made to terminate probation.

Holloway/Hudson
Motion carried 4/0/1 (Holloway abstained)

VIII. CONSIDERATION OF ADMINISTRATIVE LAW JUDGES ORDER

None

IX. DELIBERATION AND POSSIBLE FINAL ACTION

None

X. NOTICE OF PROPOSED DEFAULT/DISMISSAL

None

XI. PROPOSED SETTLEMENT

- A.** In the Matter of the State of
Indiana v. Robert Isgrigg
Administrative Cause No.: SBRLS 07-36
Re: Proposed Settlement

Paul Jefferson and Natalie Stidd appeared before the board to discuss the pending matter and to report to the board the fact that settlement discussions have been ongoing. Gordon White, reminded the parties, that this discussion is to be limited to procedural matters so as not to taint the proceedings should a final hearing need to be held before the board in the future.

The March 19, 2008 settlement conference, the agreement was that Mr. Isgrigg would provide Mr. DeBoy with surveys to be reviewed and then settled accordingly [he was to pay \$1,000 and the board would dismiss the case if the surveys were acceptable to DeBoy]. In trial court, when both parties agree to dismiss then the judge must do so, so he is confused as to why the board did not accept the dismissal? The board wants to see the surveys that are the subject of the complaint as well as the surveys submitted as part of the settlement.

Board Action: A motion was made to set for a final hearing on July 9th and encourage respondent and liaison to work out a modified settlement that could be voted upon ahead of time.

Holloway/Lechner
Motion carried 5/0/0

XII. CONTINUING EDUCATION

A. Individual Request for Course Approval

None

B. Request for Approval of Additional Courses and Instructors

None

C. Request for Approval

Design of Stormwater Management Systems (Holloway)

Board Action: A motion was made to approve—12 hours of Elective

Lechner/Hudson
Motion carried 4/0/1 (Holloway abstained)

XIII. PETITIONS FOR REVIEW

None.

XIV. REVIEW OF PROBATIONARY REPORTS

A. Zohrab K. Tazian (Stephens)

He appeared before the board earlier, there is nothing new to report.

B. J. Bernard Feeney (Holloway)

There is nothing to report.

C. Michael Sadlon (Stephens)

No surveys were submitted to the board.

D. Mark Strong (Holloway)

He already appeared before the board during his hearing today.

E. Robert Peterson (Holloway)

The last survey Ross Holloway has is from December 2008, there has been no correspondence and Mr. Peterson has not paid the assessed a fine of \$1,000. The board needs to write him asking if he has done any surveys and reminding him that he was ordered to pay the \$1,000.

F. Todd Mohr (Hudson)

He already appeared before the board during his hearing today.

G. Steve Williams (Stephens)

John Stephens will have a report for the board at the next meeting.

H. William Pettitt (Lechner)

Mr. Lechner has surveys from October, November and December, and they have not improved.

Board Action: A motion was made to file an Order to Show Cause.

Lechner/Kent
Motion carried 5/0/0

I. Ronald Ratcliff (Stephens)

He already appeared before the board during his hearing today.

XV. BOARD DIRECTOR'S REPORT

Pocket cards are no longer being printed and distributed by the agency. If a licensee wants a pocket card, they can buy one on-line.

XVI. DISCUSSION ITEMS

XVII. CORRESPONDENCE

- A. Indiana Society of Professional Land Surveyors, Inc.

The Board reviewed the correspondence.

- B. Clarification on Route Survey Rule (Kent)
Re: Bertsch – Frank & Associates, LLC

The question is (control points) Rule 12 talks about during Route survey. There is a disconnect between the way to do the survey and what is stated in Rule 12. Gary will write a letter in response to this correspondence and copy Angela Smith Jones.

XVIII. NEW BUSINESS/OLD BUSINESS

- A. Regulated Occupations Evaluation Committee
Re: Letter from Executive Director

The letter requested that the board identify the top 5 issues of the board, (i.e. not enough board meeting dates). Gary and Christine will re-create what they had last time.

- B. Ethics Training

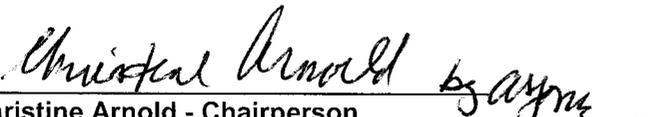
It is time to do it again. It will be up on-line April 12th through the 30th.

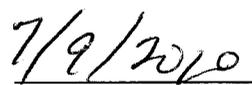
- C. NCEES Central Zone meeting

Doug Lechner is the board delegate for this meeting.

XIX. ADJOURNMENT

There being no further business and having completed its duties, the meeting of the State Board of Registration for Land Surveyors adjourned at 1:21 p.m.


Christine Arnold - Chairperson
State Board of Registration for Land Surveyors


Date