

MINUTES

STATE BOARD OF REGISTRATION FOR LAND SURVEYORS

**Meeting held
Friday, October 9, 2009**

**Indiana Government Center South
402 West Washington Street, Room W064
Indianapolis, Indiana**

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Ms. Arnold called the meeting to order at 8:34 a.m. in Indiana Government Center South, 402 West Washington Street, Room W064, Indianapolis, Indiana and declared a quorum in accordance with IC § 25-4-1.

Members Present:

Christine Arnold, Chairman
Gary Kent, Vice-Chairman
Ross Holloway
Richard Hudson
John Stephens
Doug Lechner
Michael DeBoy

Members Not Present:

State Officials Present:

Angela Smith Jones, Board 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.

Stephens/Hudson
Motion carried 7/0/0

III. ADOPTION OF THE MINUTES FROM JULY 10, 2009 MEETING OF THE BOARD

Board Action: A motion was made to adopt the minutes as amended.

Hudson/Stephens
Motion carried 7/0/0

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.

Kent/Lechner
Motion carried 7/0/0

V. REPORT FROM THE BOARD LIAISON

a) Litigation Update Report

1. *R. Holloway prior to 11/16/2006*

No report was given as there are no additional reports to be given from this time period.

2. *M. DeBoy after 11/15/2006*

Three (3) complaints were brought forth, one was dismissed, the other additional information was requested and the last one a new complaint maybe filed before the board. No settlement conferences were held. Will Johnson rejected the settlement offer, but no additional information to be presented to the board.

b) Office of the Attorney General – Gabrielle Owens

No report was given.

VI. PERSONAL APPEARANCES

Mark Downey, Chair of the Engineering Board, came to introduce himself to the Land Surveying board in light of the proposal to combine the Engineering and Land Surveying Boards being submitted to the Legislative Study Committee and to extend a hand of good will. He recommends that they work together on how to make it work best for both boards, if the proposal is accepted.

VII. ADMINISTRATIVE RULES HEARING

TITLE 865 STATE BOARD OF REGISTRATION FOR LAND SURVEYORS

LSA Document #09-270

Re: Proposed Rules to Establish Continuing Education Requirements

Board Members Present:

Christine Arnold – Hearing Officer
Mike Deboy
Rich Hudson
John Stephens
Gary Kent
Ross Holloway
Doug Lechner

Public comments: None

Board Action: A motion was made to adopt the rules as posted after taking into consideration the IEDC Comments.

Stephens/Kent
Motion carried 7/0/0

VIII. ADMINISTRATIVE HEARINGS

A. In the Matter of the State of Indiana v. Zohrab Tazian

Administrative Cause No.: SBRLS 01-03

Re: Final Hearing

Parties Present:

Mr. Tazian was present with Daniel J. Borgman as counsel.
The State of Indiana was represented by Natalie Stidd.

Board Members Present:

Christine Arnold (Hearing Officer)

Michael DeBoy
Doug Lechner
John Stephens
Richard Hudson
Ross Holloway
Gary Kent (Recused himself)

Witnesses:

Gary Kent
Zohrab Tazian
Charles Bevington

Case Summary: This was brought by order of the court in response to a petition for judicial review as it pertains to this matter.

Board Action: A motion was made to keep the license on probation indefinitely, with quarterly personal appearances before the board. Mr. Tazian will submit a list of 3 surveyors from the Fort Wayne area to be a monitor (peer reviewer) of his work. The list of 3 will be considered and one will be approved by the board designee, John Stephens. Mr. Tazian has 30 days from the date of the order to provide the surveyors' names to the board designee. Once that reviewer/monitor is selected, the monitor will review the work of Mr. Tazian for compliance with Rule 12, not to exceed 25 boundary surveys per month. The monitor is to review the surveys prior to the survey(s) being submitted to the client(s). Mr. Tazian must submit the surveys simultaneously to the board for the board's review. Mr. Tazian must pay the reviewer/monitor for his time spent in reviewing the Tazian surveys. The Monitor is to submit reports of the work and quality of work to the board for their review and the reports must be submitted to the board in electronic format.

Lechner/Hudson
Motion carried 5/0/1 (DeBoy abstained)

IX. CONSIDERATION OF ADMINISTRATIVE LAW JUDGES ORDER

None

X. DELIBERATION AND POSSIBLE FINAL ACTION

None

XI. NOTICE OF PROPOSED DEFAULT/DISMISSAL

None

XII. PROPOSED SETTLEMENT

None

XIII. CONTINUING EDUCATION

A. Individual Request for Course Approval

None

B. Request for Approval of Additional Courses and Instructors

None

C. Request for Approval

None

XIV. PETITIONS FOR REVIEW

None

XV. REVIEW OF PROBATIONARY REPORTS

A. Zohrab K. Tazian (Kent)

No report was given as a hearing was held today.

B. J. Bernard Feeney (Holloway)

No surveys have been done.

C. Michael Sadlon (Stephens)

John would like Mr. Sadlon to submit retracement and original surveys. There are no surveyor location reports. He would like the reports scanned and emailed.

D. Mark Strong (Holloway)

There are no surveys; however, a letter is to be sent to determine whether he earned his 12 hours.

E. Robert Peterson (Holloway)

There have been no surveys submitted since 2008 nor has he reported that he has not done surveys. He needs a letter requesting that he provide surveys or to notify board that he has not done any.

F. Todd Mohr (Hudson)

No surveys have been submitted, a letter is to be sent to determine whether he earned his 12 hours.

G. Steve Williams (Stephens)

He submitted surveys and a report is to be given next meeting.

H. William Pettitt (Lechner)

A report will be given on Mr. Pettitt's submittals next meeting.

XVI. BOARD DIRECTOR'S REPORT

A. Renewal and CE Audit

Gary has a spread sheet that can be populated and can be downloaded into a database. Herb Angela and Gary will meet to discuss this.

Board Action: The board agrees that 5% will be an adequate percentage to audit for the renewal next year.

Holloway/Rich
Motion carried 7/0/0

XVII. DISCUSSION ITEMS

A. Leander Mehling

LS Minutes

Oct. 9, 2009

Re: Possible Order to Show Cause

He expired in 2006 and submitted a note to the board in 2007 that he is retired. He has left the state and is no longer practicing. (Staff is to put a hand written note in the file, to allow him to remain expired on probation.)

B. Continuing Education
Re: Distance Learning Credits?

The statute states that the boards must allow 50% of CE hours to be earned by distance learning.

Board Action: A motion was made to approve the submittal of the request for approval for CE earned by distance learning in line with the statute.

Lechner/Stephens
Motion carried 7/0/0

XVIII. CORRESPONDENCE

XIX. NEW BUSINESS/OLD BUSINESS

A. Legislative Study Committee to Combine Engineering and Land Surveying Boards

A study committee was created to look at possibly combing the two boards. A hearing before that study committee will be held on October 15, 2009 at 10:30 a.m. Doug Lechner will attend. All board members are welcome to come.

Board Action: A motion was made to appoint Ross as the acting chair for the board at the hearing.

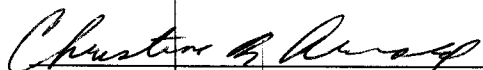
Lechner/Hudson
Motion carried 7/0/0

B. Consumer Complaint Process

Gordon White, explained the Consumer Complaint Process to the Board. A board has jurisdiction over a case before the Office of the Attorney General (AG) can file a complaint. If the board can resolve the matter within a certain amount of time, then the matter is resolved and closed. If not, then the AG can proceed and file a formal complaint. (This allows the profession one shot at dealing with the problem.)

XX. ADJOURNMENT

There being no further business and having completed its duties, the meeting of the State Board of Registration for Land Surveyors adjourned at 6:38 p.m.



Christine Arnold - Chairperson
State Board of Registration for Land Surveyors

11/22/10
Date