

**State Board of Registration for Professional Surveyors
Indiana Government Center South
402 West Washington Street, Conference Room 1
Indianapolis, Indiana 46201
Minutes of the October 3, 2014 Board meeting**

Christine Arnold, Chairperson, called the meeting to order at 8:32 a.m. and declared a quorum in accordance with IC 25-4.

Members Present:

Christine Arnold, Chairperson
Doug Lechner
Richard Hudson
Mike DeBoy
Gary Kent, Liaison

Members Absent:

John Stephens
Ross Holloway, Vice Chairperson

State Officials Present:

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

ADOPTION OF AGENDA

A motion was made and seconded to accept the amended agenda.
DeBoy/Lechner
Motion Carried 5/0/0

ADOPTION OF THE MINUTES FROM JULY 25, 2014 MEETING

Tabled for the January 30, 2015 meeting pending corrections

REPORT FROM THE ATTORNEY GENERAL

Natalie Stidd from the Attorney General's office reported that several investigations are underway from complaints that overlap. A written report was provided.

REPORT FROM THE BOARD LIAISON

Gary declared he had no report from the Attorney General's office.

PERSONAL APPEARANCE

James Barton, Jr – LS80040229, Re: Reinstatement of license

Mr. Barton's license expired July 31, 2010. A Department of Revenue (DOR) hold was placed on his license April 12, 2010. Standard practice is that the DOR informs the individual by mail once immediately after the hold has been placed. The Professional Licensing Agency (PLA) shows that Mr. Barton attempted to renew online December 3, 2010 but the DOR hold blocked the renewal. Mr. Barton stated he was unaware his license was expired and continued to work up until July 31, 2014. The notes in the PLA licensing program show that Mr. Barton had inquired on how to renew his license in December of 2012, was informed at that time of the DOR hold, and advised to

contact the DOR to clear the hold before attempting to renew his license. Mr. Barton called the PLA on July 31, 2014 asked why his license was expired and was informed again of the DOR hold. Mr. Barton cleared the issue with the DOR in August 2014 and the hold was lifted August 27, 2014. The PLA received Mr. Barton's reinstatement packet including continuing education, fee, and completed reinstatement form September 15, 2014.

The Board determined that it is up to the licensee to ensure their license is active when practicing and Mr. Barton worked on an expired license for 4 years. The Board's counsel advised that the board would need to go thru the hearing process to discipline a license.

Board Action: A motion was made to reinstate Mr. Barton's license and a consumer complaint would be filed with the Attorney General's office for practicing on an expired license.

Kent/DeBoy

Motion Carried 5/0/0

ADMINISTRATIVE HEARINGS

Peggy Morgan was the court reporter for all administrative hearings.

Nicholas Jarrett, Re: Petition for Review on Denial of Application

Mr. Jarrett's application was denied at July 25, 2014 meeting because the Board did not find enough experience specifically in boundaries in his application file. Mr. Jarrett brought examples of his surveys and clarification of his hours earned while accruing his experience.

Board Action: A motion was made to accept the application and approve Mr. Jarrett to sit for the examination.

Kent/Lechner

Motion Carried 5/0/0

Stuart Eddy, Re: Petition for Review on Denial of Application

Mr. Eddy's application was denied at July 25, 2014 meeting because the Board did not find enough experience specifically in boundaries in his application file. Mr. Eddy stated that there may have been miscommunication from the references on the forms submitted for his application due to confusion with the form. He stated that he believes he meets the experience requirements according to the definitions in the statutes and rules and provided written documentation in support of his contention.

Board Action: A motion was made to accept the application and approve Mr. Eddy to sit for the examination.

Hudson, DeBoy

Motion Carried 5/0/0

Douglas Chinn, Re: Petition for Review on Denial of Application

Mr. Chinn's application was denied at July 25, 2014 meeting because the Board found that he was short 3 hours of calculus and 1 hour of science. Mr. Chinn was not present for his hearing but submitted a letter by mail for his petition and requested the board re-evaluate his application and take into account several points stated in the letter. The Board received an email stating he was not going to be able to attend the hearing and asked if he could participate in the hearing by phone, continue the hearing to the next meeting, or if he could withdraw his petition for review if the board proceeds with the hearing and finds he is still deficient with the education requirement.

The Board chose to proceed and take the information in the petition for review letter into consideration. With the new information, the Board found that Mr. Chinn had enough math but was short 1 hours of science and 5 hours of physics. He was also short of the necessary surveying education. Given that he is subject to the former 8, 12 and 8 credit hour requirement and does not meet it, his only option at this point is to meet the current requirements.

Board Action: A motion was made to accept the withdrawal of his application.
Hudson/Lechner
Motion Carried 5/0/0

REVIEW OF PROBATIONARY REPORTS

J. Bernard Feeney (Holloway)- No report
Michael Sadlon (Stephens)- Sent in surveyor location reports (SLRs) for 8/2014, Showed property corners that are not supposed to be present. The documents were good otherwise.
Ronald Morrison (Kent)- No report
Stephen Williams (Kent)- No report

PERMIT/LICENSURE APPLICATIONS

Neal Balah – Approved
Jason Gustafson – Approved
Amy Bernicken – Approved

Board Action: A motion was made to accept the Board’s suggestions
DeBoy/Hudson
Motion Carried 5/0/0

CONTINUING EDUCATION APPLICATIONS

Red Vector Online Education for Design and Construction – Application for approval for additional courses. Courses listed below.

1. Earth Dynamics: Geologic Time
2. Earth Dynamics: Geothermal Energy
3. Earth Dynamics: Global Warming
4. Earth Dynamics: Plate Tectonics
5. Earth Dynamics: Tornadoes
6. Earth Dynamics: Volcanoes
7. Regenerative Landscape Design: Shelters
8. Regenerative Landscape Design: Solar Heating & IAQ
9. Regenerative Landscape Design: Sustainability
10. Regenerative Landscape Design: Water
11. Analyzing Costs & Determining Fees for Land Surveyors

Board Action: A motion was made to deny courses 1-10 and approve course 11 (Analyzing Costs & Determining Fees for Land Surveyors).
Kent/Lechner
Motion Carried 5/0/0

DISCUSSION

Rule Review – Letter was sent to the Governor’s office requesting to make rule changes along with an agenda for the July 2014 meeting June 20, 2014. We have yet to hear a response from the governor’s office. The Board asked Ms. Hall to submit the letter to the Executive Director

of the PLA Nicholas Rhoad, follow up with him, and report back to the Board at the next meeting.

Mr. Kent discussed adjusting the education requirements. The surveying requirement does not reflect courses being taught in current surveying programs and is an impediment to application approval. Changes could clarify the requirements without lowering the education necessary for a sound educational background. One example of the problem is that Vincennes is currently teaching a 4 hour course but can give only 3 credit hours, thus the surveying program is now one of the most rigorous in the university which is an obstacle to getting more students enrolled in the program. The problem Vincennes faces is also a function of the state lowering the number of hours required for a degree. The Board is also trying to find a balance with the calculus and math requirements. Currently the rules specify the total hours of math. If an applicant has fewer than the required number of hours, but has already taken calculus, it is illogical and an impediment to application approval to make them go back and take more math because the additional math they take will likely be less rigorous than calculus. Another question the board intends to discuss at a later date would be high school courses that are at a college level. Would credit be given in this situation?

Application Process – An application was reviewed and approved in a previous meeting that was missing several documents, 2 original signatures, supplemental form, and transcripts sent directly to us from the school. The application submitted was also on an outdated form. Since these errors were discovered, the PLA staff has contacted the applicant to request the correct documentation.

Ms. Reed described the process for the applications to be reviewed by the Board. As of July 2014, no application file will be presented to the board without first being complete. This will avoid the possibility of any application being approved without being complete first. The PLA staff working with land surveyor applications has checklists to ensure all documentation is received and present for the Board to review at the Board meetings. Currently, we have a second review policy in place. This means that the primary customer service representative (CSR) ensures all documents are present and gives the file to another CSR to verify. Once the second CSR signs off on the file, the file is submitted to Ms. Reed to add to the agenda for the next meeting. Ms. Reed intends to create a very specific checklist to ensure every minute task is completed in the licensing process and every requirement is complete (as far as the PLA staff can determine) and possibly eliminate the second CSR review.

SIT Terminated Application Follow-Up Application Requirements – As of January 1, 2014 the Board no longer approves applicants to take the FS examination. The applicants previously terminated due to not passing the examination within the restrictions of the statutes and rules must still provide proof he/she has completed further education and pass the FS exam for the new application to be approved and the surveyor intern license to be issued. Passing the examination is not enough proof that the requirement was completed.

Reference Form Revision – Mr. Kent gave copies of a reference form with several adjustments. In the suggested revision, the applicant would complete sections A, B, D while the reference would complete part C and the remaining sections. Part D was adjusted to include current types of survey work. The years supervised column includes the separation of office and field time.

NCEES Task Force – Mr. Lechner volunteered to represent the Board. The purpose of the task force is to evaluate the profession (field crews have few surveyors with technological advancements, education requirements harder with items like calculus, and misperception that GIS is surveying) and state specific computer testing options.

Invitation to the Board to Have the Next Meeting at the Convention – Jason Coyle, Secretary of the Indiana Society of Professional Land Surveyors, invited the board to hold their next board meeting at the 63rd Annual Convention to be held January 14-16 at the Indiana Marriott East. At the Board's request, Ms. Hall is to make an inquiry with the PLA executive staff to determine if this is possible. (Ms. Hall was advised that the January 2015 meeting would remain January 30, 2015 and be held in the Indiana Government Center South in W064)

Board Elections – 2014 officers are listed below

Chairperson → Christine Arnold

Vice Chairperson → Ross Holloway


Liaison → Gary Kent

Board Action: A motion was made to carry over the 2014 officers for the 2015 term.
Lechner/Hudson
Motion Carried 4/0/1 (Each officer abstained from voting for their own appointment)


BOARD DIRECTOR'S REPORT

Ms. Hall had no updates at this time.

There being no further business and having completed its duties, the meeting of the State Board of Registration for Professional Surveyors adjourned at 12:32 p.m.



Christine Arnold – Chairperson
State Board of Registration for Professional Surveyors



Date

