

MINUTES

STATE BOARD OF REGISTRATION FOR PROFESSIONAL SURVEYORS

Which met on
Friday, July 29, 2016 at 8:30 a.m.
Indiana Government Center South, Room W064
402 West Washington Street,
Indianapolis, Indiana

- I. APPLICATION COMMITTEE MEETING** **8:30 a.m.**
- II. CALL TO ORDER & ESTABLISHMENT OF QUORUM** **9:05 a.m.**
- Quorum declared-Ross Holloway
 - In attendance: Ross Holloway, Gary Kent, Doug Lechner, Jason Henderson.
 - Gordon White, Attorney; Amy, Board Director; Rebecca Parker, Asst. Board Director
- III. ADOPTION OF AGENDA** Lechner/Henderson – passed.
Add “Discussion of rule changes” as an on-going Item and for this meeting
- IV. ADOPTION OF THE MINUTES FROM April 15, 2016 MEETING**
Kent/Henderson Passed 4/0/0
- V. REPORT FROM THE ATTORNEY GENERAL**
Michael Nossett – Began the year with 6 litigation cases. Added 3 more and closed 2.
There are currently 7 lit cases open. There are 4 administrative complaints open. The average age of the complaints is 7 months.
- VI. REPORT FROM THE BOARD LIAISON**
Gary Kent: Mr. Kent has met with the DAG and they have worked out several settlement proposals.
- VII. REVIEW OF PROBATIONARY REPORTS**
- J. Bernard Feeney (Holloway) – Letter sent to licensee for a status inquiry and reminder. Have heard nothing back to date.
 - Michael Sadlon (Holloway) – Monthly reports being submitted regularly.
 - Ronald Morrison (Kent) – No report- Letter will be sent for status inquiry. Must hear from him by October.
 - Stephen Williams (Kent) – Gary Kent has been in contact with him. – No report; he was supposed to appear or send a letter; renewed inactive. Send a letter to him remind him that he is still on probation even though he is inactive and terms of probation will apply if he renews active. (He renewed his license after the last meeting.)
- VIII. PERSONAL APPEARANCES** **9:00 a.m.**
- IX. ADMINISTRATIVE HEARINGS** **9:30 a.m.**
- John Stuart Allen Cause No. SBRLS 15-09 – Proposed Settlement**
Patrick McKuen, Esq. and Mr. Allen in attendance. Respondent agreed to a proposed settlement. \$2,000 and 6 hours of some specific Rule 12 continuing ed topics. Ross – was there a discussion on probation? Michael and Mr. McKuen say yes. Also concern over reporting. Jason likes the 6 hour CE requirement and supports the settlement. Ross suggests modifying the settlement to include providing surveys for review to the

board for a quarter. Suggestion to require respondent to submit retracement and original surveys until CE is completed. Suggestion to require Mr. McKuen to report CE hours to Michael Nossett by 12/31/16.

Motion to **APPROVE** with the following modifications: Jason Henderson will oversee probationary reports

Henderson/ Lechner - Motion passed 4/0/0

2. **Donald Shapiro Cause No. SBRLS 15-08** – Mr. Shapiro and his attorney were in attendance. Continuation of hearing from October. 8/1/12-7/31/14 licensing period. 12 hours not completed. In reviewing in preparation for this meeting, they found that he did, in fact, have the hours. 2014 ISPLS conference courses were approved last year (12 hours) [Exhibit A]. 2014 Illinois conference previously approved (15 hours) [Exhibit B]. 2014 Illinois sign-in sheet [Exhibit C]. Also, attended GRK 6 hr. class 6/14 at Purdue Calumet [Exhibit D]. Closing statement from attorney – he has reached the threshold and recognizes the need for timely response to questions. Rescind the \$5,000 penalty. Sent in his renewal this past Monday. Deliberations – Ross: was the evidence presented today adequate?
Motion to **APPROVE** evidence as being sufficient to show he achieved required continuing education and rescind \$5,000 penalty.
Lechner/Kent – Motion passed 4/0/0
3. **Robert Haworth Cause No. 16-02 – Proposed Settlement**
Rule 12 violations, 30 foot error. Settlement – 6 month probation; provide surveys for 6 months; \$1,000. Doug and Jason feel that it's too bad that he got the complaint.
Motion to **APPROVE** settlement agreement.
Henderson/Lechner – Motion passed 4/0/0
4. **Dick Hayden d/b/a Tri-Pod Surveying Cause No 16-03 – Continued**
5. **Charles Robert Fox Cause No. SBRPS 16-04 - Proposed Settlement**
Agreement was to surrender by 10/1, so he can finish with his current clients. Shall not seek reinstatement for one year.
Motion to **APPROVE** settlement.
Lechner/Henderson – Motion passed 4/0/0
6. **Gary A. Radtke Cause No. SBRPS 16-05 – Proposed Settlement**
Admitted to a screwed up survey. \$2,500 penalty.
Motion to **APPROVE** settlement agreement
Henderson/Lechner – Motion passed 4/0/0
7. **Jefferey J. Kondy Cause No. SBRPS 16-06 Proposed Settlement**
GRK recused and left room. Mike DeBoy joined the meeting by telephone to maintain quorum at 10:29 a.m.
Motion to **APPROVE** settlement agreement
DeBoy/Lechner - Motion passed – 4/0/0 (DL-Y/ JH-Y/ RH-Y/ MD-Y)

--Mr. DeBoy signs off- Mr. Kent returns (10:48 a.m.)

-- GRK will take Mr. Haworth on as his probationary officer. Mr. Hudson will be assigned Mr. Kondy. Mr. Henderson will be assigned Mr. Allen.

- X. **PUBLIC HEARING – ADOPTION OF LSA #15-452** - Proposed changes to 865 IAC 1-15(1) (b) and (c). Course descriptions and statistics course will be improved.

Motion to adopt rule.

Lechner/Henderson. Roll call vote - Passed 4/0/0

IPLA ordered to submit proposed change to the Governor's office.

XI. PERMIT/LICENSURE APPLICATIONS

1. Indiana Professional Land Surveyors Foundation –CE Provider - **APPROVED**
2. Brad Fischer – SI - **APPROVED**
3. Easton French – SI - **APPROVED**
4. Byron Howell – LS/comity – (Exam Review) **DENIED** reverse request for failed exam. IPLS will send letter that 2 board members reviewed and agreed with grading, but he can formally appeal if he wants.
5. Trent McPeak – LS/comity – **APPROVED**
6. Dennis Owen, Jr – **APPROVED**
7. Jonathon Cross – LS/Comity – **APPROVED**
8. George Robinson – LS/comity – **DENIED**
9. Thomas M. Green, Jr. - LS/comity – **TABLED**
10. Jason A Theis – LS/comity – **APPROVED**
11. James DeArmond – LS/exam – **APPROVED**
12. Andrew McClelland – LS/exam – **APPROVED**
Motion to **APPROVE**, **TABLE**, or **DENY** as listed above.
Henderson/Lechner – Motion passed – 4/0/0

XII. DISCUSSION

1. Distance Learning Requirements of 865 IAC 1-15 - Gary Kent will modify and communicate via email to implement changes for proposal.
2. Exam –will be conducted the morning during next board meeting. An Executive Session of the board will be scheduled for 1:00 p.m. (after October 14 board meeting) for the purpose of grading the exam.
3. NCEES Annual Meeting – In August in Indianapolis. NCEES has requested that someone from the surveyor's board and someone from the engineer's board speak at the gala. Jason will do it, but will want someone to review. Two delegates on behalf of the surveying board. 3rd week in August at the JW Marriott. Doug and Amy as delegates; liaison to provide invocation. Will report back at next board meeting.
4. JCC- Gary Kent summarized the recommendations and rebuttals. – Of the 4 "licenses" proposed to be eliminated (CE provider, Firm #, SI, professional corporation), only professional corporation was eliminated.

XIII. ADJOURNMENT 11:46 A.M.

Motion to Adjourn

Henderson/Lechner - Motion passed 4/0/0