

MINUTES

STATE BOARD OF REGISTRATION FOR LAND SURVEYORS

Meeting Held
Friday, April 17, 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 8:31 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
Crystal Heard, Assistant Director, Indiana Professional Licensing Agency
James Schmidt, Advisory Counsel, Office of the Attorney General
Gordon White, Advisory Counsel, Office of the Attorney General

II. ADOPTION OF AGENDA

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

Lechner/Holloway
Motion carried 6/0/0

III. ADOPTION OF THE MINUTES FROM JANUARY 9, 2009 MEETING OF THE BOARD

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

Stephens/Lechner
Motion carried 6/0/0

IV. FIRM/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/Stephens
Motion carried 5/0/0
(Ross was out of the room.)

V. REPORT FROM THE BOARD LIAISON

a) Litigation Update Report

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

No report was given.

2. M. DeBoy after 11/15/2006

Three (3) complaints were reviewed since the last meeting and two (2) went into settlement conferences and one complaint of unlicensed practice was sent back to the AG's because it does not fall under the authority of the board.

b) Office of the Attorney General

1. Introduction of Gordon White – new advisor to the board

Mr. White introduced himself to the board.

VI. PERSONAL APPEARANCES

None.

VII. ADMINISTRATIVE HEARINGS

A. In the Matter of the State of Indiana v. William E. Pettitt

Administrative Cause No.: SBRLS 08-04

Re: Final Hearing

Parties Present:

Mr. Pettitt was present without counsel

The State of Indiana was represented by Natalie Stidd.

Board Members Present:

Christine Arnold (Hearing Officer)

Michael DeBoy (Recused himself)

Doug Lechner

John Stephens

Richard Hudson

Ross Holloway

Gary Kent

Witnesses:

William Pettitt

Michael DeBoy

Case Summary: This was brought based upon a survey done for Betty King.

State's Exhibit A: The survey of Ms. Betty King's property done in 2006.

Respondent's Exhibit 1: Original Platt of the property.

Board Action: A motion was made to place the license on indefinite probation with a civil penalty of \$1600.00 (\$200.00 per count) to be paid within 90 days. Mr. Pettitt must submit all surveys to the board each month due by the 3rd day of the month, including supporting documentation such as field notes, deeds and such and if he performs no surveys he is to inform the board of that fact. There is no right to petition for withdrawal for one year. The surveys may be submitted by pdf format. (*Probationary officer: Doug Lechner*)

Ross/Kent
Motion carried 6/0/1 (DeBoy abstained)

B. In the Matter of the State of Indiana v. Robert Isgrigg

Administrative Cause No.: SBRLS 07-36

Re: Final Hearing

(CONTINUED)

C. In the Matter of the State of Indiana v. Ronald Ratcliff

Administrative Cause No.: SBRLS 07-02

Re: Order to Show Cause

Parties Present:

Mr. Ratcliff was present without counsel

The State of Indiana was not present.

Board Members Present:

Christine Arnold (Hearing Officer)

Michael DeBoy

Doug Lechner

John Stephens

Richard Hudson

Ross Holloway

Gary Kent

Witnesses:

Ronald Ratcliff

Case Summary: Mr. Ratcliff stated that he has not done any surveys since the time of his order. He commented on his interpretation of the final order that he was to only send in surveys that he completed. Upon review of the order, he is only to submit surveys that he has completed.

Board Action: A motion was made to find that he is in compliance of his probationary final order and no other action is required.

Kent/DeBoy
Motion carried 7/0/0

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

Administrative Cause No.: SBRLS 01-03

Re: Order to Show Cause

(CONTINUED)

E. In the Matter of the State of Indiana v. Kenneth Brosmer

Administrative Cause No.: SBRLS 07-39

Re: Petition for Withdrawal of Probation

Parties Present:

Mr. Brosmer was present without 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

Witnesses:

Kenneth Brosmer

Case Summary: He has been submitting his surveys according to his order and he feels that he is a better surveyor and is ready to be off of probation.

Board Action: A motion was made to grant the petition for withdrawal of probation.

Ross/Lechner
Motion carried 7/0/0

F. In the Matter of the State of Indiana v. James Wayman

Administrative Cause No.: SBRLS 08-02
Re: Petition for Withdrawal of Probation

Parties Present:

Mr. Wayman was present without 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

Witnesses:

James Wayman

Case Summary: Mr. Wayman has been submitting his surveys according to his order and he feels that he is ready to be off of probation. He took some continuing education courses and is concerned that they may not be approved since the provider is not on the list.

Board Action: A motion was made to grant the petition for withdrawal of probation.

DeBoy/Stephens
Motion carried 7/0/0

VIII. CONSIDERATION OF ADMINISTRATIVE LAW JUDGES ORDER

A. In the Matter of the State of Indiana v. Donald L. Johnson

Administrative Cause No.: SBRLS 09-02
Re: Denial of Petitioner's application for registration as a land surveyor
(Objection filed)

Board Action: After taking the objection into consideration, a motion was made to affirm the ALJ order denying registration

Hudson/DeBoy
Motion carried 7/0/0

B. In the Matter of the State of Indiana v. Nathan Grimes

Administrative Cause No.: SBRLS 09-01

Re: Denial of Petitioner's application for registration as a land surveyor

Board Action: A motion was made to affirm the ALJ order denying registration.

Kent/Lechner
Motion carried 7/0/0

IX. DELIBERATION AND POSSIBLE FINAL ACTION

None.

X. NOTICE OF PROPOSED DEFAULT/DISMISSAL

None.

XI. PROPOSED SETTLEMENT

A. In the Matter of Ralph J. Palmer

Administrative Cause No.: SBRLS 07-07

Re: Proposed Findings of Fact, Conclusions of Law and Order

Board Action: A motion was made to accept the settlement as written.

Holloway/Kent
Motion carried 7/0/0

B. In the Matter of the James Milligan

Administrative Cause No.: SBRLS 08-10

Re: Proposed Findings of Fact, Conclusions of Law, and Order

Board Action: A motion was made to accept the settlement as written.

Kent/Stephens
Motion carried 7/0/0

XII. CONTINUING EDUCATION

A. Individual Request for Course Approval

None.

B. Request for Approval of Additional Courses and Instructors

None.

C. Request for Approval

None.

XIII. PETITIONS FOR REVIEW

XIV. REVIEW OF PROBATIONARY REPORTS

A. Zohrab K. Tazian (Kent)

There was no report given.

B. J. Bernard Feeney (Holloway)

There was no report given.

C. Michael Sadlon (Stephens)

Staff is to write him a letter to check the status of his surveys.

D. Mark Strong (Holloway)

There were no surveys submitted.

E. Robert Peterson (Holloway)

There will be a report next month.

F. Todd Mohr (Hudson)

Mr. Mohr has completed and submitted three (3) surveys and Mr. Hudson would like copies of all three (3) surveys.

G. Steve Williams (Stephens)

Mr. Williams has completed and submitted five (5) surveys and John would like to see all five (5) surveys.

XV. BOARD DIRECTOR'S REPORT

A. Continuing Education Audits

By Order of Frances, our Executive Director, the next audit will 1%, for every board and commission. The board commented that they would like to discuss this with Frances and see if there can be an increase since that means that only 7 people will be audited. And they feel like they are doing a disservice to the public if they only audit 7 people. What about an electronic submittal?

XVI. DISCUSSION ITEMS

A. Rule Promulgation: Gary Kent

Re: 865 IAC 1-13, 865 IAC 1-14 and 865 IAC 1-15, etc.

Mr. Kent presented the amended proposed rules to the board. The rules hearing is to be held at the July Board meeting.

B. Professor Johnson from Purdue

Re: Surveyor Program

Mr. Kent handed out the Land Surveying Minor Program document of Purdue University. The Civil Engineering School at Purdue has approved this program. The last group to get the LSBS program graduates in December. This new program is the replacement program for that degree and it has been approved by Purdue. Several Deans and the Provost at Purdue have met and they have all agreed to move ahead with the multi-college program.

No action was taken by the board. This item is to remain on the agenda.

C. Transit Surveys

Re: Alternative/New courses

Mr. Bevington requested an increase in hours for a course already approved in addition to adding two new courses.

Board Action: A motion to approve the courses as submitted on the application filed with the board.

Kent/DeBoy
Motion carried 7/0/0

D. NCEES discussion

Doug Lechner went to an NCEES meeting and he wants to know what does the NCEES do for the board? Gary responded with what all he does with the NCEES. The NCEES also has an evaluation service for foreign degree applicants.

**E. James Schmidt, Deputy Attorney General
Re: Recognition**

The board recognized Jim Schmidt for his years of service to the board and told him how much they appreciated him and his hard work with and for them.

XVII. CORRESPONDENCE

None.

XVIII. NEW BUSINESS/OLD BUSINESS

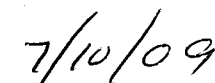
A. The board discussed what parameters are used to determine when or whether to file a complaint with the board against a practitioner. They also discussed the settlement process which begins prior to the complaint being filed. Gordon will check on this for the board.

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 2:48 p.m.



**Christine Arnold - Chairperson
State Board of Registration for Land Surveyors**



Date