

MINUTES

STATE BOARD OF REGISTRATION FOR LAND SURVEYORS

Meeting Held
Friday, July 11, 2008

Indiana Government Center South
402 West Washington Street, Room W072
Indianapolis, Indiana

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Ms. Arnold called the meeting to order at 9:17 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

Members Not Present:

Michael DeBoy

State Officials Present:

Angela Smith Jones, Board Director, Indiana Professional Licensing Agency
Mary Kate Adams, Assistant Director, Indiana Professional Licensing Agency
Camia Footman, Case Manager, Indiana Professional Licensing Agency
James Schmidt, 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 6/0/0

III. ADOPTION OF THE MINUTES FROM APRIL 11, 2008 MEETING OF THE BOARD

Board Action: A motion was made to adopt the April 11, 2008 minutes.

Holloway/Stephens
Motion carried 6/0/0

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.

Lechner/Holloway
Motion carried 6/0/0

V. PERSONAL APPEARANCES

None.

VI. ADMINISTRATIVE HEARINGS

A. In the Matter of the State of Indiana v. Edmund Farkas

Administrative Cause No.: SBRLS 08-05

Re: Final Hearing

Parties Present:

Respondent was not present nor was counsel present on his behalf.
The State of Indiana was represented by Myron Rahn.

Board Members Present:

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

Witnesses:

None.

Board Action: A motion was made to issue a notice of proposed default.

Kent/Holloway
Motion carried 6/0/0

B. In the Matter of the State of Indiana v. Thomas J. Boofter

Administrative Cause No.: SBRLS 08-06

Re: Final Hearing

CONTINUED

C. In the Matter of the State of Indiana v. Richard Durham

Administrative Cause No.: SBRLS 08-01

Re: Final Hearing

CONTINUED

D. In the Matter of the State of Indiana v. Donald Biggs

Administrative Cause No.: SBRLS 08-08

Re: Final Hearing

CONTINUED

VII. CONSIDERATION OF ADMINISTRATIVE LAW JUDGES ORDER

A. In the Matter of Anthony J. Strickland

Administrative Cause No.: SBRLS 07-35

Re: Petitioner's application for registration as a land surveyor by comity

Board Action: A motion was made to affirm the ALJ proposed order admitting Mr. Strickland to the exam.

Kent/Stephens
Motion carried 6/0/0

B. In the Matter of Joseph R. Kiesel

Administrative Cause No.: SBRLS 07-33

Re: Petitioner's application for admission to the land surveyor examination
(*Moot – reapplied*)

Board Action: A motion was made to dismiss the matter as being moot.

Holloway/Lechner
Motion carried 6/0/0

C. In the Matter of Richard Matheny

Administrative Cause No.: SBRLS 06-05

Re: Petitioner's application for registration as a land surveyor by comity

Board Action: A motion was made to affirm the ALJ proposed order allowing Mr. Matheny to sit for the exam for two more attempts.

Kent/Hudson
Motion carried 6/0/0

VIII. REPORT FROM THE BOARD LIAISON

a) Litigation Update Report

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

There is nothing new to report.

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

There was no report given by Mr. DeBoy.

b) Office of the Attorney General – Gabrielle Owens

There was no report given by Ms. Owens.

IX. DELIBERATION AND POSSIBLE FINAL ACTION

A. In the Matter of the License of Tod A. Mohr

Administrative Cause No.: SBRLS 07-42

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

Board Action: A motion was made to approve the settlement as presented.

Kent/Stephens
Motion carried 6/0/0

B. In the Matter of the License of Mark Strong

Administrative Cause No.: SBRLS 07-41

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

Board Action: A motion was made to approve the settlement as presented.

Stephens/Hudson
Motion carried 6/0/0

C. In the Matter of Steven B. Williams

Administrative Cause No.: SBRLS 07-01

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

Board Action: A motion was made to reject the settlement and to consider the probationary standards in line with the other probationary orders such as: requiring a log, description of the type of survey, the date of survey, etc—language such as what is in Strong's order.

Holloway/Hudson

Motion carried 5/0/1 (Kent abstained)

D. In the Matter of Franjo I. Maticic

Administrative Cause No.: SBRLS 07-29

Re: Withdrawal of Petition

Board Action: A motion was made to accept his withdrawal.

Hudson/Stephens

Motion carried 6/0/0

E. In the Matter of James R. Gill

Administrative Cause No.: SBRLS 08-07

Re: Withdrawal of Petition

Board Action: A motion was made to accept his withdrawal.

Stephens/Kent

Motion carried 6/0/0

E. In the Matter of Robert Isgrigg

Administrative Cause No.: SBRLS 07-36

Re: Motion for Voluntary Dismissal by Petitioner

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

Stephens/Kent

Motion carried 6/0/0

X. NOTICE OF PROPOSED DEFAULT

None.

XI. CONTINUING EDUCATION

A. Individual Request for Course Approval

1. Andrew H. Gerdon

Re: Resolving Conflicts of Evidence by PESI

Board Action: A motion was made to

B. Request for Approval of Additional Courses and Instructors

None

C. Request for Approval

None

XII. PETITIONS FOR REVIEW

- A. Joseph F. Grider
Re: Denial of Registration for Land Surveyor by Comity

Board Action: A motion was made to grant the petition for review with a hearing before the full board.

Kent/Holloway
Motion carried 6/0/0

XIII. REVIEW OF PROBATIONARY REPORTS

- A. Zohrab K. Tazian (Kent) *(Received 5/7/08 and 6/10/08)*

Mr. Kent reported that he is dissatisfied with the quality of the submittals, especially with the quality of the metes and bounds surveys.

Board Action: A motion was made to have an order to show cause hearing.

Holloway/Stephens
Motion carried 6/0/0

- B. J. Bernard Feeney (Holloway) *(Received 4/14/08, 5/13/08 and 6/11/2008)*

No surveys were turned in.

- C. Michael Sadlon (Stephens) *(No reports received)*

There were no surveys submitted for review.
(Staff is to send a follow-up letter to ensure that they have not done any surveys during this time.)

- D. Ronald Ratcliff (Stephens) *(No reports received)*

There was no report as no surveys were submitted for review.
(Staff is to send a follow-up letter to ensure that they have not done any surveys during this time.)

- E. Kenneth R. Brosmer (Stephens) *(Received 6/2/2008)*

There is nothing to report.

- F. James R. Wayman (Kent) *(Received 6/2/2008)*

Mr. Kent wants additional information to be submitted for review. Staff to send Wayman a letter.

XIV. BOARD DIRECTOR'S REPORT

LS Renewal Numbers for the Board:

May 1
June 339 renewed
July 86

Total Active Licenses: 854
Total Renewed to date: 426 (49.8%)

The board would like to know how many land surveyors have renewed "inactive status" this renewal cycle.

XV. DISCUSSION ITEMS

- a. Rule Promulgation: Gary Kent
Re: 865 IAC 1-13, 865 IAC 1-14 and 865 IAC 1-15, etc.

Board Action: A motion was made to instruct the agency to move ahead with preparing and publishing the notice of intent regarding the CE Rules on the 1st of October.

Kent/Lechner
Motion carried 6/0/0

- b. Satellite Offices (*Doug Lechner*)

Does a satellite office have to be staffed by a registered land surveyor? Doug is to copy the parts of the rule addressing responsible in charge and tell them that if they can meet this requirement, then that is fine. The registered land surveyor could not have an office and never be there.

- c. Reinstatement of delinquent licenses

There is a new provision in the Indiana Code which addresses expired licenses and the reinstatement of the license. The land surveyor administrative code currently says that after 4 years, the license is terminated. The new statutory provision states that there are certain requirements depending on whether a license is expired for less than 3 or if it is expired for greater than 3 years, the specific requirements can be found in IC 25-1-8-6.

- d. Rule 12 – Route Surveys (*Gary Kent*)

Gary Kent discussed the details of the Rule 12 Route Surveys with the board.

- e. Stricter Requirements of some Governmental Agencies
Re: Licensure requirements for designing storm/sanitary sewers

This discussion was tabled until the next board meeting.

XVI. CORRESPONDENCE

None.

XVII. NEW BUSINESS/OLD BUSINESS

None.