

State Board of Registration for Land Surveyors
Indiana Government Center South
402 West Washington Street, Conference Center Room 5
Indianapolis, Indiana 46201
Minutes of the April 8, 2011 Board Meeting

Christine Arnold, Chairperson, called the meeting to order at 8:31 a.m. and declared a quorum in accordance with IC 25-4.

Members Present: Christine Arnold, Chairperson
Richard Hudson
Gary Kent, Board Liaison
Doug Lechner
John Stephens

State Officials Present: Elizabeth Kiefner Crawford
Board Director, Indiana Professional Licensing Agency
Crystal Heard
Assistant Board Director, Indiana Professional Licensing Agency
Gordon White
Deputy Attorney General, Office of the Attorney General

Board Action: The Board voted to adopt the amended agenda.
Participating Board Members: Arnold, Hudson, Kent, Lechner, Stephens

Motion carried Lechner/Kent 5-0-0

Board Action: The Board voted to adopt the minutes of the January 26, 2011 meeting with amendments.

Motion carried Lechner/Stephens 5-0-0

Board Action: A motion was made and seconded to approve the following 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:

1. James Faetanini (LS)- Approved
2. David Kubiske (LS)- Approved
3. Spencer Tompkins (LS)- Approved
4. Branislav Olujic (LSIT)- denied due to educational deficiency.

Motion carried Hudson/Lechner 5-0-0

The Board's liaison, Gary Kent, reported that he has heard from the AG's Office on 3 or 4 cases and responded back with suggested actions. One to two of these cases are not Board issues.

PERSONAL APPEARANCES

The following appeared before the full Board for their scheduled personal appearances:

William Pettitt, Land Surveyor: Doug Lechner reported that he did not receive surveys from Pettitt until the Wednesday before the Board meeting. Pettitt's new mentor is Mark Gardner. The Board discussed the Wallace Survey with Pettitt today including discussion about thoroughness in the report regarding line breaks, properly setting pins, the methods used to compute platted distance and dimensions, and the fact that Rule 12 requires angles or bearings on the survey. Lechner will send Pettitt his comments on this and the additional surveys he will review.

Zohrab Tazian, Land Surveyor: John Stephens reported that he had met with Tazian since the last board meeting. Tazian has completed one (1) metes and bounds survey since the last quarter. Tazian's peer mentor recently sent Stephens peer review reports which Stephens has not had the opportunity to review yet.

James Gorman, Land Surveyor: Gorman appeared due to a positive response on his LS renewal form. Gorman answered yes to the question regarding criminal conviction. Gorman testified that he has been arrested four times in recent years: once for a domestic incident and three times for DUI. Gorman served time in state prison from November 2009 to November 2010. He served time in Decatur County for probation violations from November 2010 until February 2011. He is currently on house arrest for probation violations until May 2011. After that time he will be on criminal probation for an additional four (4) years. Gorman will not have a driver's license for 10 years. Gorman submitted proof of his continuing education with all 24 hours completed in distance learning. The Board voted (5-0-0 Lechner/Stephens) to deny his renewal based on the fact that he has not completed his continuing education requirements as only 12 of the 24 hours can be based on distance learning.

Steven Brent Williams, Land Surveyor- a personal appearance was made after Williams' administrative hearing. Williams will work towards getting a peer mentor. Kent reported that Williams certification on at least one survey is not in accordance with the rule and his report suffered from some lack of detail.

ADMINISTRATIVE HEARINGS

The court reporter for all hearings held on April 8, 2011 was Sherri Rutledge.

In the Matter of the License of Steve Brent Williams Cause No. SBRLS 07-01

Respondent appeared in person and by counsel Jeffrey Eggers. Natalie Stidd, Deputy Attorney General, appeared on behalf of the State of Indiana. The parties waived the need to have oral argument on the record. Oral argument was held in this matter based on the Respondent's objection to the ALJ's Recommended Findings of Fact, Conclusions of Law, and Order. Board member Gary Kent recused himself from this matter.

Participating Board Members: Arnold, Hudson, Lechner, Stephens

Board Action: After taking official notice of its file in the matter, the Board moved to accept the ALJ's Recommended Findings of Fact, Conclusions of Law, and Order with the amendment that Gary Kent will serve as the board monitor for probation rather than John Stephens.

Motion carried Lechner/Stephens 4-0-0

In the Matter of the License of John Manship, II Cause No. SBRLS 06-07

The Board considered Manship's request to permanently surrender his license. The parties were not required to appear.

Participating Board Members: Arnold, Hudson, Kent, Lechner, Stephens

Board Action: After taking official notice of its file in the matter, the Board moved to accept Manship's permanent surrender of his Indiana land surveyor license. Manship may not reapply for licensure as a land surveyor in Indiana.

Motion carried Stephens/Lechner 5-0-0

In the Matter of the License of William M. Stine Cause No. SBRLS 07-40

The parties agreed to a joint continuance in the matter despite the fact that the hearing notice clearly indicated no further continuances would be granted in this matter. Natalie Stidd represented the State of Indiana. The Respondent was not present in person or by counsel. Ms. Stidd presented a facsimile of a request for a continuance that was not received by the Board until 5:00 p.m. on Thursday, April 7, 2011.

Board Action: The Board moved to grant a continuance in this matter.

Motion failed Kent/Hudson 2-3-0

Board Action: After taking official notice of its file in this matter, the Board moved to issue a Notice of Proposed Default.

Motion carried Lechner/Stephens 3-1-0

In the Matter of the License of Zohrab Tazian Cause No. SBRLS 06-07

Mr. Tazian's counsel filed a motion to continue the hearing to withdraw probation in a timely manner. This matter was continued until the July 8, 2011 Board meeting.

In the Matter of the License of Eugene Farrow Cause No. SBRLS 07-37

Natalie Stidd represented the State of Indiana. The Respondent was not present in person or by counsel. The Board first considered Respondent's verified motion to dismiss and a response from Petitioner to the motion to dismiss.

Board Action: The Board moved to deny the Verified Motion to Dismiss.

Motion carried Kent/Lechner 4-0-0

The State of Indiana then asked the Board to issue a Notice of Proposed Default.

Board Action: The Board issued a Notice of Proposed Default.

Motion carried Lechner/Stephens 4-0-0

In the Matter of the Application of Rachel Oser Cause No. SBRLS 11-01

Oser appeared in person and by counsel, Rudolph Savich regarding the denial of her application to sit for the Indiana land surveyor examination. The State of Indiana did not appear. Oser presented evidence by direct testimony and documentary evidence that she has met the criteria for 60% of her experience to be in the areas of legal aspects and boundaries.

Board Action: The Board moved to allow Oser to sit for the October 2011 land surveyor examination.

Motion carried Kent/Stephens 4-0-0

In the Matter of the License of Robert Peterson Cause No. SBRLS 04-07

Natalie Stidd appeared for the State of Indiana. Respondent failed to appear in person or by counsel and failed to respond to the Notice of Proposed Default. Respondent was originally scheduled to appear based on the Board's Order to Show Cause on his probationary order.

Board Action: The Board moved to suspend Respondent's Indiana land surveyor license indefinitely. Respondent may not move for reinstatement for a period of one (1) year from the date of the final order in this matter.

Motion carried Stephens/Hudson 3-1-0

PROBATIONARY REPORTS

Zohrab Tazian (Stephens)- made a personal appearance before the Board on today's date.

J. Bernard Feeney (Holloway)- Holloway was not present to give a report.

Michael Sadlon (Stephens)- John Stephens reported that the only report he has received from Sadlon is an SLR.

Robert Peterson (Stephens)- Board staff indicated that Peterson has not submitted any new reports.

Steve Williams (Stephens)-made a personal appearance before the Board on today's date.

William Pettitt (Lechner) - made a personal appearance before the Board on today's date.

John Manship (Kent)-did not appear and the Board accepted the permanent surrender of his Indiana land surveyor's license.

BOARD DIRECTOR REPORT

Crawford reported on the current status of the investigative fee rule as being in review at OMB. Lechner will serve as the Board liaison for language regarding the proposed rule.

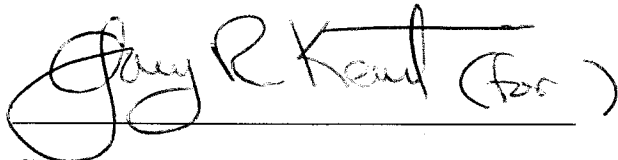
Crawford also asked that Board members who receive information from probationers forward a copy to PLA for the file or ask probationers to send information directly to PLA who will then get it to the probation monitors.

DISCUSSION ITEMS

Kent requested discussion regarding the requirements of a four (4) year degree to obtain licensure in Indiana as a land surveyor. Board members will reach out to the various stakeholders and this will be set as a discussion item for the July 8, 2011 meeting.

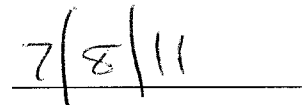
Kent also requested discussion about the cease and desist statutes. White explained the cease and desist procedures to the Board.

There being no further business and having completed its duties, the meeting of the State Board of Registration for Land Surveyors adjourned at 12:42 p.m.



Christine Arnold - Chairperson

State Board of Registration for Land Surveyors



Date