

## MINUTES

### STATE BOARD OF REGISTRATION FOR LAND SURVEYORS

Meeting Held  
Friday, October 10, 2008

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 8:35 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

#### II. ADOPTION OF AGENDA

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

Lechner/Stephens  
Motion carried 6/0/0

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

**Board Action:** A motion was made to adopt the minutes with changes.

Stephens/Lechner  
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.

Hudson/Stephens  
Motion carried 7/0/0

**V. PERSONAL APPEARANCES**

None

**VI. ADMINISTRATIVE HEARINGS**

**A. In the Matter of the State of Indiana v. Joseph Grider**

Administrative Cause No.: SBRLS 08-09  
Re: Final Hearing

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

Lechner/Kent  
Motion carried 7/0/0

**B. In the Matter of the State of Indiana v. John Manship, Jr.**

Administrative Cause No.: SBRLS 06-07  
Re: Final Hearing

A motion was made by the State to continue the matter because the parties are in settlement discussions.

**Board Action:** The Board made a motion granting the continuance.

Lechner/Stephens  
Motion carried 7/0/0

**C. In the Matter of the State of Indiana v. James Milligan**

Administrative Cause No.: SBRLS 08-10  
Re: Final Hearing

**CONTINUED**

**VII. CONSIDERATION OF ADMINISTRATIVE LAW JUDGES ORDER**

None

**VIII. REPORT FROM THE BOARD LIAISON**

a) Litigation Update Report

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

There was no report.

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

Mr. DeBoy reported that settlement conferences are ongoing to hopefully be considered in the future.

b) Office of the Attorney General – Gabrielle Owens

There was no report.

**IX. DELIBERATION AND POSSIBLE FINAL ACTION**

**A. In the Matter of the License of Gary Radtke**

Administrative Cause No.: SBRLS 06-06  
Re: Withdrawal of Petition

**Board Action:** A motion was made to accept the withdrawal.

Holloway/Hudson  
Motion carried 7/0/0

**B. 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 approve the settlement subject to the following:

1. Changing the word "following" in paragraph 4(a) to say "previous month".
2. If no surveys are done respondent must send notice to IPLA stating such.

Holloway/Hudson  
Motion carried 5/0/2 (DeBoy and Kent abstained)

**C. In the Matter of Thomas Boofter**

Administrative Cause No.: SBRLS 08-06  
Re: Proposed Findings of Fact, Conclusions of Law, and Order

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

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

**B. In the Matter of Donald Biggs**

Administrative Cause No.: SBRLS 08-08  
Re: Proposed Findings of Fact, Conclusions of Law, and Order

**Board Action:** A motion was made to accept the surrender with no right for reinstatement.

Holloway/Stephens  
Motion carried 6/0/1 (DeBoy abstained)

**X. NOTICE OF PROPOSED DEFAULT**

**A. In the Matter of Edmund Farkas**

Administrative Cause No.: SBRLS 08-05  
Re: Notice of Proposed Default

**Parties Present:**

Mr. Farkas was not present nor was counsel present on his behalf.  
Myron Rahn was present on behalf of the State of Indiana.

**Board Members Present:**

Christine Arnold, Hearing Officer  
Doug Lechner

John Stephens  
Rich Hudson  
Gary Kent  
Ross Holloway  
Michael DeBoy (abstained)

**Witnesses:**

None.

**Board Action:** A motion was made to issue a default order.

Kent/Hudson  
Motion carried 6/0/1 (DeBoy abstained).

The Board proceeded with the hearing on the record.

State's Exhibit A: Farkas Survey (admitted)  
State's Exhibit C: Farkas Survey (admitted)  
State's Exhibit B: Info reviewed by Mr. DeBoy

**Board Action:** A motion was made to find him in violation of all counts as alleged, and to suspend the license indefinitely.

Holloway/Stephens  
Motion carried 6/0/1 (DeBoy abstained).

**XI. PROPOSED SETTLEMENT**

None

**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**

**A. Josh R. Johnson**

The matter was discussed and he needs to reapply. He has the LS experience so he only needs to submit an application for an LS

**XIV. REVIEW OF PROBATIONARY REPORTS**

**A. Zohrab K. Tazian (Kent)**

An order to show cause will be issued in this matter.

**B. J. Bernard Feeney (Holloway)**

No surveys were done.

**C. Michael Sadlon (Stephens) *(No report received)***

No surveys were done.

**D. Ronald Ratcliff (Stephens) *(No report received)***

No surveys were done.

**E. Kenneth R. Brosmer (Stephens)**

A report will be given at a later date upon review of submission.

**F. James R. Wayman (Kent)**

A report will be give at a later date upon review of the submission.

**G. Mark Strong (Holloway)**

A report will be given at a later date upon review of submission.

**H. Todd Mohr (Hudson)**

A report will be given at a later date upon review of submission.

**I. Robert Peterson (Holloway)**

A report will be given at a later date upon review of submission.

Be sure to add Stephen Williams as a probationer with John Stephens as the reviewer.

**XV. BOARD DIRECTOR'S REPORT**

**A. Report on Renewal Numbers**

42 inactive  
821 active  
261 expired

**XVI. DISCUSSION ITEMS**

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

The Continuing Education Rules and Investigative Fund fee rules are to have the Notice of Intent Prepared and filed.

- b. CE Audit

Notice to go out Nov. 1<sup>st</sup>, Doug Lechner will be the Board designee to review any questionable CE Audit information.

c. NCEES Report

At the Minneapolis meeting it was discussed that the NCEES may be eliminating the Surveyors. If so, a new organization will need to pick up the reins.

d. Issuance of Licensure – Delegation of Authority

A discussion was held on streamlining the application process and granting staff authority to review and issue licenses for certain degrees. The board was going to give a list of accredited schools to the staff but decided not to proceed because of number of hours needed for a proper and complete education varies with each school. The board will continue to review all applications.

**XVII. CORRESPONDENCE**

None

**XVIII. NEW BUSINESS/OLD BUSINESS**

None

**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 11:49 a.m.

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

\_\_\_\_\_  
**Date**