

MINUTES

STATE BOARD OF REGISTRATION FOR LAND SURVEYORS

Meeting held
Friday, April 11, 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 8:59 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

Members Not Present:

Michael DeBoy
Doug Lechner

State Officials Present:

Angela Smith Jones, Board Director, Indiana Professional Licensing Agency
Mary Kate Adams, 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 with changes.

Holloway/Stephens
Motion carried 5/0/0

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

Board Action: A motion was made to adopt the January 11, 2008 minutes with changes.

Hudson/Kent
Motion carried 5/0/0

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.

Kent/Stephens
Motion carried 5/0/0

V. PERSONAL APPEARANCES

None.

VI. ADMINISTRATIVE HEARINGS

A. In the Matter of Franjo I. Maticic

Administrative Cause No.: SBRLS 07-29

Re: Final Hearing – Denial of Licensure (**CONTINUED**)

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

Administrative Cause No.: SBRLS 08-04

Re: Final Hearing (**CONTINUED**)

C. In the Matter of the State of Indiana v. Robert D. Peterson

Administrative Cause No.: SBRLS 04-07

Re: Reinstatement of the Respondent's Land Surveyor Registration

State's Exhibit A: Survey prepared by Mr. Peterson in June 2005.

Case Summary: The state objected to the petition for reinstatement as Mr. Peterson performed surveys during the suspension in violation of the final order and code. He has not paid his fines to the board.

Board Action: A motion was made [referencing the Strong settlement as background]. The motion was to reinstate the license on indefinite probation with no right to petition for withdrawal for 12 months. During that time he must get 12 hours of CE at least 6 hours in rule 12 and at least 6 hours in boundary law in addition to what is otherwise required. He must submit each and every survey that he performs under his IN license to the board monthly (by the 3rd of the next month). And if there were no surveys the correspondence must so state. He shall abide by all rules and statutes concerning the practicing of surveying. Failure to comply may subject him to a show cause hearing and potential further sanctions. He must pay the associated costs that were previously ordered (\$65.29) within 30 days of the date of the order. There is a civil penalty as a result of practicing without a license of \$1000.00 to be paid within 60 days from the date of the order.

Kent/Stephens
Motion carried 5/0/0

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*

Mr. Holloway received information on one case and he will begin work on that in the next month or so due to a conflict. There is also an old matter which needs to be discussed.

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

No report was given.

b) Office of the Attorney General – Gabrielle Owens

No report was given.

IX. DELIBERATION AND POSSIBLE FINAL ACTION

A. In the Matter of the State of Indiana v. John Edward Beals

Administrative Cause No.: SBRLS 07-38

Re: Motion for Voluntary Dismissal by Petitioner

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

Kent/Stephens

Motion carried 4/1/0 (Holloway opposed)

B. In the Matter of the State of Indiana v. Kenneth R. Brosmer

Administrative Cause No.: SBRLS 07-39

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

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

Holloway/Kent

Motion carried 5/0/0

*Note: Appoint John Stephens as the probationary reviewer.

C. 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 accept the settlement as presented.

Stephens/Kent

Motion carried 5/0/0

Board Action: A motion was made to reconsider.

Kent/Holloway

Motion carried 5.0.0

Board Action: A motion was made to reject the settlement as presented because there needs to be additional CE above and beyond the required CE and the log needs to stress the type of survey to be submitted.

D. 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 reject the settlement as presented because there needs to be additional CE and the log needs to stress the type of survey to be submitted.

Kent/Holloway

Motion carried 5/0/0

E. In the Matter of the License of James R. Wayman

Administrative Cause No.: SBRLS 08-02

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

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

Holloway/Stephens
Motion carried 5/0/0

*Note: Appoint Gary Kent as the probationary reviewer.

X. NOTICE OF PROPOSED DEFAULT

None.

XI. CONTINUING EDUCATION

A. Individual Request for Course Approval

1. Matthew T. Mokanyk – Certified Federal Surveyors Training Program (120 hours)

Board Action: A motion was made to reject the submission because it does not meet the requirements because it is a distance learning course in its entirety. The issue is not the content, but rather because it is distance learning.

Holloway/Stephens
Motion carried 5/0/0

B. Request for Approval of Additional Courses and Instructors

None

C. Request for Approval

1. Professional Development Seminars, Inc.

Board Action: A motion was made to reject according to code because it is all distance learning.

Holloway/Stephens
Motion carried 4/0/1 (Kent abstained)

XII. PETITIONS FOR REVIEW

A. Todd M. Borgman

The Board requested staff to write a letter explaining his deficiency per the details written in the file and requesting that he inform the board whether he would like a hearing on the matter or not. On mandatory topics he has 12 out of 18. (See file for details.) He needs 6 more hours that would fall in one or more topics.

B. Robert Jason Coyle

Board Action: A motion was made to grant his application for admission to the examination and to dismiss his petition as being moot.

Hudson/Stephens
Motion carried 5/0/0

C. Mikel Currier

Board Action: A motion was made to approve him to sit for the LS.

Kent/Hudson
Motion carried 5/0/0

Board Action: A motion was made to designate the Ferris State Land Surveying program as an approved surveying program by this board.

Kent/Holloway
Motion carried 5/0/0

D. James R. Gill

Board Action: A motion was made to grant the petition for review.

Holloway/Kent
Motion carried 5/0/0

Board Action: A motion was made to convert Mr. Maticic to an ALJ and appoint Mr. Holloway as the ALJ over both Mr. Gill and Mr. Maticic.

Holloway/Stephens
Motion carried 5/0/0

XIII. REVIEW OF PROBATIONARY REPORTS

A. Zohrab K. Tazian (Kent) (Received 2/5/08 & 3/10/08 & 4/9/08)

Mr. Kent reported that a letter was sent to Mr. Tazian six month's ago and since that time he has not had time to go over in detail all of the submissions; however those that have been reviewed have the same issues. There is no update on the status of the hearing on the judicial review pending in court.

The Board requested the staff contact AG's to see the status of the case in court.

B. J. Bernard Feeney (Holloway) (Received 2/19/08 & 3/11/08)

No surveys have been completed.

C. Michael Sadlon (Stephens)

No surveys have been received by the board.

D. Ronald Ratcliff (Stephens)

No surveys have been received by the board.

XIV. BOARD DIRECTOR'S REPORT

A. Reinstatement of Lapsed Licenses – IC 25-1-8-6

Add this as a regular discussion item so that we may address the possible creation of rules.

XV. DISCUSSION ITEMS

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

b. Satellite Offices (*Gary Kent*)

This discussion item is tabled until the next meeting.

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

d. Renewals

Gary Kent and John Stephens will be the board designee to review positive response renewals.

XVI. CORRESPONDENCE

None.

XVII. NEW BUSINESS/OLD BUSINESS:

None.

XVIII. ADJOURNMENT

There being no further business and having completed its duties, the meeting of the State Board of Registration for Land Surveyors adjourned at 12:41 p.m.


Christine Arnold - Chairperson
State Board of Registration for Land Surveyors

7/11/08
Date

Land Surveyor Board List
January 11, 2008

Board Action: A motion to approve all recommendations and decisions made by the Board members on applications for licensure that were reviewed throughout the Board meeting.

SIT EXAM APPLICANTS

Name	APP/TAB/DEN
Bertsch, Nicholas	✓
Borgman, Todd	✓
Charbes, Michael	✓
Coyle, Robert	✓
Johnson, Josh	✓
Smierciak, Anthony	✓
Vugteveen, Rudy	✓

Shut one hour Phy
Needs 2 hrs Physics + 1 more science
Approved pending more state grades

LS EXAM APPLICANTS

Name	APP/TAB/DEN
M. KEI CURRIER	✓
Carl, Aaron	✓
Charbes, Michael	✓
Compton, David	✓
Coyle, Robert	✓
Deardorff, Mark	✓
Eckerle, Bradley	✓
Greulich, Adam	✓
Johnson, Josh	✓
Kiesel Joseph	✓
Meier, David R	✓
Nafziger, Kurt	✓
Sandford, Jason	✓
Smierciak, Anthony	✓
Vugteveen, Rudy	✓
Wilson, John	✓

Needs 7 hrs Math + Syn Work opper
Shut on hour Phy
Needs 2 hrs Physics + 1 more Science
Missing 3 credit hrs of math
needs 1 credit in science
needs more science
Approved pending more state grades

LS COMITY APPLICANTS

Name	APP/TAB/DEN
Elbe, Brian	✓
Grider, Joseph	✓
Syers, Anthony	✓
Wallace, Chad	✓

Needs proof of exp. 8 yrs
needs Survey course Pass