

MINUTES

STATE BOARD OF REGISTRATION FOR LAND SURVEYORS

Meeting Held
Friday, January 22, 2010

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

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Ms. Arnold called the meeting to order at 8:32 a.m. in Indiana Government Center South, 402 West Washington Street, Room W072, Indianapolis, Indiana and declared a quorum in accordance with IC § 25-4-1.

Members Present:

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

Members Not Present:

Ross Holloway
Michael DeBoy

State Officials Present:

Angela Smith Jones, Board Director, Indiana Professional Licensing Agency
Crystal Heard, Assistant Director, Indiana Professional Licensing Agency
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.

Kent/Stephens
Motion carried 5/0/0

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

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

Stephens/Lechner
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.

Lechner/Stephens
Motion carried 5/0/0

V. REPORT FROM THE BOARD LIAISON

a) Litigation Update Report
LS Minutes
Jan. 22, 2010

M. DeBoy after 11/15/2006

No report was given.

- b) Office of the Attorney General – Gabrielle Owens

No report was given.

VI. PERSONAL APPEARANCES

9:00 a.m.

A. Zohrab Tazian (Quarterly Appearance)

Mr. Tazian needs a letter explaining that he is to send surveys to John Stephens two times. First he is to send the surveys at the same time as he sends them to this monitor and then again when he sends it to the client after it has been corrected. Also, the surveys to be submitted are metes and bounds surveys. John will inform Tazian if he would like to see any full surveys to be brought to the meeting prior to the meeting.

VII. ADMINISTRATIVE HEARINGS

A. In the Matter License Application of Todd Schmidt

Administrative Cause No.: SBRLS 09-05

Re: Final Hearing

(Withdrawn)

B. In the Matter of License Application of Robert Trenkamp

Administrative Cause No.: SBRLS 09-06

Re: Final Hearing

Parties Present:

Mr. Trenkamp was present without counsel.
The State of Indiana was not present.

Board Members Present:

Christine Arnold (Hearing Officer)
Doug Lechner
John Stephens
Richard Hudson
Gary Kent

Witnesses:

Robert Trenkamp

Case Summary: This was brought by order of the court in response to a petition for judicial review as it pertains to this matter.

Board Action: A motion was made to approve his application for licensure.

Kent/Lechner
Motion carried 5/0/0

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

Administrative Cause No.: SBRLS 07-36

Re: Final Hearing

CONTINUED

VIII. CONSIDERATION OF ADMINISTRATIVE LAW JUDGES ORDER

None

IX. DELIBERATION AND POSSIBLE FINAL ACTION

None

X. NOTICE OF PROPOSED DEFAULT/DISMISSAL

None

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. Derek K. Klinkenborg

Board Action: A motion was made to grant the hearing and schedule for a hearing before the board.

Gary/Stephens
Motion carried 5/0/0

B. Phillip Banton

C. Josh Johnson

Board Action: Petitions for review of Mr. Banton and Mr. Johnson, regarding the Part IIB, are granted and the board appoints Gary Kent as the ALJ.

Lechner/Stephens
Motion carried 5/0/0

XIV. REVIEW OF PROBATIONARY REPORTS

A. Zohrab K. Tazian (Stephens)

B. J. Bernard Feeney (Holloway)

There was no report.

C. Michael Sadlon (Stephens)

Retracements were requested, but none have been seen to date.

D. Mark Strong (Holloway)

There was no report.

E. Robert Peterson (Holloway)

There was no report.

F. Todd Mohr (Hudson)

No surveys have been submitted.

G. Steve Williams (Stephens)

He will provide his comments of the review in writing to the staff within the next two weeks.

H. William Pettitt (Lechner)

Doug met with him and reviewed surveys,

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

Kent/Stephens
Motion carried 5/0/0

XV. BOARD DIRECTOR'S REPORT

Legislation:

SB 356 is still alive, however, the parties agreed not to combine the boards and that this language will be removed at the second reading.

SB92: Has been amended, but it is still alive.

XVI. DISCUSSION ITEMS

A. James Russell

Mr. Russell, submitted a letter voluntarily surrendering his license.

B. Robert Isgrigg

Re: Subpoena to State (request for production of documents) see file for exact title

The State does not want to provide the documents to the board, per the Subpoena. Do they want to issue a subpoena for the records? If so, issue a subpoena to both sides. The board wants to see the surveys that were the basis of the complaint. If they are not going to provide the surveys, then maybe the state should drop the charges. A dismissal must be approved by the board. The board is going to issue a subpoena to both sides and proceed with setting a hearing.

D. Rules (Gary Kent)

Mr. Kent brought up the Hub Northing Rule. This rule requires monumentations in subdivisions. The issue is what happens if you don't get paid? Then you have surveyors who worked for companies who did the subdivision, the surveyor is gone and the client has gone bankrupt. Now there is a plat out there with no monuments, and now the surveyor has to go out and set those monuments which are not bounded. It is an undue burden on the registrant, based upon the rule. This is all due to the current economic backlash.

E. Rules Cross Reference Error corrections

Board Action: A motion was made to grant ASJ authority to make the corrections in the rules and proceed. With regard to the subsection (f) it should be an (e).

Kent/Lechner
Motion carried 5/0/0

XVII. CORRESPONDENCE

A. James Russell

Board Action: A motion was made to accept the surrender. Staff is to send a letter informing him that his license is surrendered.

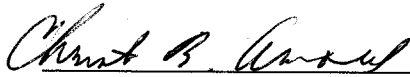
Hudson/Stephens
Motion carried 5/0/0

XVIII. NEW BUSINESS/OLD BUSINESS

A. The agency is no longer printing the wall certificates or pocket cards. If practitioners want a pocket card or wall certificate, they must purchase one on line.

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 12:37 p.m.



Christine Arnold - Chairperson
State Board of Registration for Land Surveyors

4/9/10
Date