

MINUTES

STATE BOARD OF REGISTRATION FOR LAND SURVEYORS

Meeting held
Friday, July 9, 2010
at 8:30 a.m.

Indiana Government Center South
402 West Washington Street, Conference Center 5
Indianapolis, Indiana

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Ms. Arnold called the meeting to order at 8:31 a.m. in Indiana Government Center South, 402 West Washington Street, Conference Center 5, 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
Ross Holloway
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
Gordon White, Advisory Counsel, Office of the Attorney General

II. ADOPTION OF AGENDA

Board action: A motion was made to adopt the agenda.

Holloway/Stephens
Motion carried 7/0/0

III. ADOPTION OF THE MINUTES FROM JANUARY 14 AND APRIL 9, 2010 MEETING OF THE BOARD

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

Hudson/Stephens
Motion carried 7/0/0

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.

DeBoy/Lechner
Motion carried 7/0/0

V. REPORT FROM THE BOARD LIAISON

a) Litigation Update Report

M. DeBoy after 11/15/2006

Mr. Deboy reported that two (2) complaints were filed and forwarded to prosecute. And two (2) were recommended to be closed.

b) Office of the Attorney General – Gabrielle Owens

Gabrielle Owens appeared before the board to explain the Cease and Desist Law which went into effect as of July 1st. It gives boards authority to issue cease and desist orders. The Office of the Attorney General will get a complaint that alleges the unlicensed practice of a profession. They file a motion with the board, then a hearing is held before the board and the respondent will appear and defend themselves. The board will make the final determination based upon evidence presented. The order could prevent them from practicing until they are issued a license. If they continue to practice then the Office of the Attorney General can file a motion for contempt in court – a civil action.

There is also a new Trust fund fine/civil penalty of \$5.00 which is now required by new legislation as of July 1st. This fine goes to the Office of the Attorney General for seizing records and storing them. This language will now appear in all orders.

VI. PERSONAL APPEARANCES

A. Zohrab Tazian (*Quarterly Appearance*)

Mr. Stephens reported that the surveys have shown quite an improvement over his time of being on probation.

B. Randolph Sexton

Mr. Sexton appeared before the board to ask general questions about the process of filing complaints. He made recommendations to the board of things to keep in mind as they address respondents in disciplinary hearings. He also mentioned that he would like to have the Purdue Land Surveying program reinstated. He believes it would address many of the land surveying issues in the State.

C. John Manship (*Probationary Appearance*)

Gary Kent and the reviewer, Mr. Wood, talked on June 8th. Mr. Wood reported that he attempted to contact Mr. Manship several times with no response; however, he had seen him doing surveys. Gary called Mr. Manship and apparently there was some confusion about the process and the expectations. Mr. Wood and Gary talked again, Mr. Manship had not tried to get in touch with Mr. Wood since the issuance of the order. Mr. Wood provided a report to Gary and also provided the surveys for Gary's review. It seems like he is asking the reviewer to do the work for him. He is not improving as the board had hoped. April, May and June surveys were delivered to Mr. Wood on July 6th. Mr. Manship also made a personal appearance today after this report was given by Mr. Kent.

Mr. Manship appeared in accordance with his probationary order. Gary Kent addressed the issue with Mr. Manship that Mr. Wood (the peer mentor) reported that he did not get surveys until July 6th when the surveys were done in April and May. He has been sending the surveys to the client before Mr. Wood or Mr. Kent had opportunity to review them. There were 6 surveys sent out since the issuance of the probationary order without being reviewed. Mr. Manship said he will notify the client if any changes need to be made. He will need to copy the board on any notifications sent to the client and they must be sent out via certified mail.

Board action: A motion was made to issue an Order to Show Cause and set the hearing in October for violation of the terms of probation based upon his statements made today.

VII. ADMINISTRATIVE HEARINGS

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

Administrative Cause No.: SBRLS 07-36

Re: Proposed Settlement/Final Hearing

Continued

B. In the Matter of License Application of Josh Johnson

Administrative Cause No.: SBRLS 10-02

Re: Final Hearing – Appeal of Denial of Licensure

Parties Present:

Mr. Johnson was present without counsel.

The State of Indiana was not present as this is an appeal of denial of licensure.

Board Members Present:

Christine Arnold (Hearing Officer)

Doug Lechner

Richard Hudson

Gary Kent

Ross Holloway

John Stephens

Michael DeBoy

Witnesses:

Josh Johnson

Case Summary: This was brought by request of petitioner in an appeal for denial of licensure for exam failure.

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

Holloway/Stephens

Motion carried 7/0/0

C. In the Matter of the License of Richard Ward

Administrative Cause No.: SBRLS 08-11

Re: Petition for Withdrawal of Probation

Parties Present:

Mr. Ward was present without counsel.

The State of Indiana was represented by Natalie Stidd.

Board Members Present:

Christine Arnold (Hearing Officer)

Doug Lechner

Richard Hudson

Gary Kent

Ross Holloway

Michael DeBoy

John Stephens

Witnesses:

Richard Ward

Case Summary: This was brought by request of respondent to have probation withdrawn.

Board Action: A motion was made to grant the withdrawal of probation.

Kent/Stephens
Motion carried 7/0/0

VIII. CONSIDERATION OF ADMINISTRATIVE LAW JUDGES ORDER

None

IX. DELIBERATION AND POSSIBLE FINAL ACTION

None

X. ORDER TO SHOW CAUSE

A. In the Matter of the License of William E. Pettit

Administrative Cause No.: SBRLS 08-04

Re: Order to Show Cause

Parties Present:

Mr. Pettitt was present without counsel.

The State of Indiana was represented by Natalie Stidd.

Board Members Present:

Christine Arnold (Hearing Officer)

Doug Lechner

Richard Hudson

Gary Kent

Ross Holloway

Michael DeBoy

John Stephans

Witnesses:

William Pettitt

Case Summary: This was brought by request of the board.

Board Action: A motion was made to find him in violation of the terms of his probation and to modify the terms of probation as such. He is to be placed on probation with terms similar to Tazian and he must find a reviewer which he pays for his services to review the surveys. David Blankenbaker is the recommended reviewer, or he may select a surveyor which is approved by the board representative. Mr. Pettit would need to supply a list of names to Doug Lechner (the board designee) for his selection. No surveys are to be submitted to a client until after it has been reviewed and corrected.

Lechner/Holloway
Motion carried 7/0/0

XI. PROPOSED SETTLEMENT

A. In the Matter of the State of Indiana v. Willard Johnson

Administrative Cause No.: SBRLS 08-12

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

Board action: A motion was made to approve the proposed findings.

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

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

XIV. REVIEW OF PROBATIONARY REPORTS

A. Zohrab K. Tazian (Stephens)

He made a personal appearance before the board earlier today.

B. J. Bernard Feeney (Holloway)

Mr. Feeney requested a peer review process similar to Mr. Tazian's, although Mr. Feeney does not do any surveys. In order to implement a peer review system, a hearing must be held before the board to modify the terms of probation. Mr. Feeney needs a letter stating such.

C. Michael Sadlon (Stephens)

There is no report to be given today.

D. Robert Peterson (Holloway)

A letter was sent to him by staff and he was given 4 weeks to respond. That time has not come yet, so we expect to discuss his response at the next meeting.

Board action: If staff receives no response within the allotted timeframe, the board would like the staff to issue an Order to Show Cause setting the hearing for the next board meeting. If he submits his response timely, then that documentation is to be reviewed and discussed at the next board meeting. (4 weeks from the June 24th letter)

DeBoy/Holloway
Motion carries 7/0/0

E. Steve Williams (Stephens)

He has not improved much during this probation. He gets the logs, but John Stephens has not received any actual surveys lately. He requested copies of surveys dated 4/20/10 and 5/20/10.

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

Kent/DeBoy
Motion carried 7/0/0

F. William Pettitt (Lechner)

His probationary report was addressed during the Order to Show Cause hearing held today.

He needs to be set for personal appearances beginning in October, 2010.

G. John Manship (Kent)

Mr. Manship made a personal appearance today after a report was given by Mr. Kent. See notes from the personal appearance for the details.

H. Richard Ward (Hudson)

No report was given today.

XV. BOARD DIRECTOR'S REPORT

Renewals

XVI. DISCUSSION ITEMS

A. Enforcement Exchange

The NCEES has created this to track disciplinary actions taken against practitioners and now there is opportunity for boards to report actions taken to the NCEES for all state boards to search and refer.

B. Michael DeBoy/Gary Kent Liaison Position

Gary volunteered to replace Michael as the board liaison.

Board action: A motion was made to appoint Gary as the new Board Liaison.

Stephens/Hudson
Motion carried 7/0/0

C. Investigative Fund – Fee Rules

They are in process. Should the board receive any emails with questions on the rules or to hold a special hearing, please respond promptly.

D. County Surveyors who have passed away

They were recognized by the board: Steve Murray and Thomas Bube

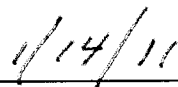
XVII. CORRESPONDENCE

XVIII. NEW BUSINESS/OLD BUSINESS

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 12:43 p.m.


Christine Arnold - Chairperson
State Board of Registration for Land Surveyors


Date