



**BOARD OF EXAMINERS FOR LAND SURVEYORS  
500 JAMES ROBERTSON PARKWAY  
NASHVILLE, TENNESSEE 37243  
615-741-2241**

**Meeting Minutes for February 15, 2024  
First Floor Conference Room 1B  
Davy Crockett Tower**

The Tennessee Board of Examiners for Land Surveyors met on February 15, 2024, and the following business was transacted:

**BOARD MEMBERS PRESENT:** Jay Caughman, Justin Rains, Gary Clark, Kevin Martin

**BOARD MEMBERS ABSENT:** None

**STAFF MEMBERS PRESENT:** Glenn Kopchak, Alexandria Griffey, Philip Allocco, Erica Smith, Stuart Huffman

**CALL TO ORDER / ROLL CALL / NOTICE OF MEETING**

Gary Clark called the meeting to order at 9:00 am and Director Glenn Kopchak took roll call.

**AGENDA**

Jay Caughman made a motion to adopt the agenda. This was seconded by Justin Rains. The motion passed by unanimous voice vote.

**MINUTES**

Jay Caughman made a motion to adopt the November minutes. This was seconded by Justin Rains. The motion passed by unanimous voice vote.

**PROFESSIONAL SOCIETY REPORT**

Jimmy Cleveland, Tennessee Association of Professional Surveyors (TAPS), gave a brief update to the board about the upcoming TAPS conference on March 7 - 9, 2024. Mr. Cleveland related that TAPS introduced legislation to address previous concerns regarding experience accruing prior to passing the Fundamentals in Surveying (FS) exam and further intimated that other provisions were added. He reported that it was introduced as House Bill 2235 and Senate Bill 2585, stating that those bills are moving through the respective committees.

## EDUCATION REPORT

Course Provider	Course Number	Course Name	Hours	Recommendation
Lucas & Co.	1212	Retracement VI	1.5	Approve
TAPS	1213	Introduction: Certified Floodplain Surveyor Program – Condensed 2 PDH version	2	Approve
TAPS	1215	State of TN GIS Resources and LiDAR Data	2	Approve
Lucas & Co.	1216	Parol Evidence X	1.5	Approve
Half Moon Education	1217	From 1620 to 2024: Metes and Bounds Land Description Workshop	6	Approve
Lucas & Co.	1218	Negligence V	1.5	Approve
Lucas & Co.	1219	Ethics XXIV	1.5	Approve
Kevin Brockett	1220	Deriving Astronomical Azimuths from Polaris Observations	2	Approve
Lucas & Co.	1221	Negligence VI	1.5	Approve
Surveyors Educational Seminars	1222	Call Before You Dig: The Surveyor & the Cemetery	8	Approve

Jay Caughman made a motion to approve all courses as listed on the education report. This was seconded by Justin Rains. The motion passed by unanimous voice vote.

### APPLICATION REVIEW

Jay Caughman made a motion to approve the application for exemption of one (1) PDH or 15 hours of CE based on hardship per Rule 0820-05-.09(1)(a). This was seconded by Justin Rains. The motion passed by unanimous voice vote.

## **DIRECTOR'S REPORT**

### **Budget Report**

Director Glenn Kopchak summarized the revenues and expenses from October through December and drew attention to the October line item under technology. After reviewing the ledger, that expense was determined to be the program's share of CORE enhancements across regulatory boards. Director Glenn Kopchak further noted revenue shows a net surplus due to renewals.

### **PUBLIC COMMENT PERIOD RELATED TO ITEMS ON THE AGENDA**

Bruce McClellan inquired if the Register of Deeds in each county of the state are personally informed of every land surveyor that experiences a lapse in licensure. Director Glenn Kopchak stated that this is not required by statute but indicated that this information is available on the website.

## **LEGAL**

### **Legal Report (Presented by: Erica Smith)**

1. 2023048591  
Respondent:  
License Status: Active  
First Licensed: 10/28/1978 Expires: 12/31/2025  
Disciplinary History: None.

Complainant states they signed a contract with Respondent's firm to survey property which they inherited from their mother. Complainant states their mother has paid taxes on 14.12 acres since 1960 and the tax map matched the deed. Complainant alleges Respondent refused to use their deed and claims Respondent worked against their best interest. Complainant alleges Respondent refused to stake the property boundary as described in the 1960 deed. Complainant claims Respondent cited a lack of physical evidence to support the 1960 survey and produced a modified map with a reduced area based on a fence which appears to be on the interior of the boundary according to tax maps. Complainant alleges Respondent staked a right-of-way center line without their permission and without notice. Complainant further alleges this was done to satisfy the request of an adjacent landowner. Complainant further alleges the final plat map included a reference to an easement describing an area outside both the boundary in their deed and outside the modified boundary provided. The subject easement was granted on an adjacent tract to satisfy a 1991 Agreed Order. Complainant claims Respondent justified this reference by stating the easement could be construed to be within their boundary, but Complainant argues it was supposed to be beyond their north boundary. Complainant also alleges the final plat

map indicates an existing road within the boundary but argues there is no evidence of a road that is visible now or in decades of available satellite, aerial, and street view photography.

Respondent provided a very detailed response explaining each of the survey results at issue and provided documentation to support their response. An expert review was conducted. The expert concluded that Respondent sufficiently explained the complications that were involved in performing the survey and takes note that the Complainant did not submit any documentation or another survey to support their claims. The expert found no evidence of any violations; therefore, Counsel recommends dismissal.

RECOMMENDATION: Dismiss

BOARD DECISION: Concur

2. 2023056641

Respondent:

License Status: Active

First Licensed: 2/1/2023 Expires: 12/31/2025

Disciplinary History: None.

Complainant is anonymous and Respondent is a licensed surveyor. Complainant alleges Respondent and another unlicensed person are running a surveying company with multiple locations. Complainant further argues that Respondent should not be allowed to run multiple locations with one licensed land surveyor. Complainant bases this assumption on the fact that Respondent's website lists two phone numbers. Complainant alleges Respondent is in violation of Tenn. Comp. R. & Reg. 0820-04-.09 and .10. Complainant further alleges the other person working with Respondent has provided land surveying services without being licensed in the past. Complainant provides no further detail or evidence to support these allegations.

Respondent's website states they serve middle and east Tennessee and depending on the job, Respondent will drive across the state to complete any necessary tasks. The website does not display Respondent's business address or refer to any address at all. Respondent does not understand why Complainant would assume they have two offices. Respondent has provided their firm disclosure and business license to Counsel. The license and disclosure are associated with one address, which is also Respondent's residence. Respondent states their business partner has been doing field work for surveyors for almost 20 years and assists them with all of their field work. Respondent's business partner does not claim to be licensed and has never drafted or signed a plat. All of Respondent's partner's experience in the field has been

under a licensed surveyor. There is no evidence of any violations or unlicensed activity, therefore Counsel recommends dismissal.

RECOMMENDATION: Dismiss

BOARD DECISION: Concur

3. 2023056631

Respondent:

License Status: Active

First Licensed: 12/11/2012 Expires: 12/31/2025

Disciplinary History: None.

Complainant is anonymous and Respondent is a licensed surveyor. Complainant alleges Respondent is acting as the licensed surveyor for a company and runs their own business in violation of Tenn. Comp. R. & Reg. 0820-04-.09 and .10. Complainant provides no further details or evidence to support these allegations.

Respondent states they are employed full time with a construction company, but they are not an officer or principal of the company. Further, the construction company does not advertise or perform surveying services for the public and focuses on industrial and commercial facilities, power and water infrastructures, mining and disaster response. Respondent does execute their work for the construction company and their own private business as a sole proprietor from the same physical location. Respondent argues they are not in violation because of these facts. Tenn. Comp. R. & Reg. 0820-04-.09 and .10 states that firms/corporations/partnerships who offer to provide land surveying services to the public shall have a responsible charge. Respondent's employer does not offer land surveying services to the public. Counsel recommends dismissal.

RECOMMENDATION: Dismiss

BOARD DECISION: Send letter of instruction and close.

4. 2023056621

Respondent:

License Status: Active

First Licensed: 1/19/2006 Expires: 12/31/2025

Disciplinary History: None.

Complainant is anonymous and Respondent is a licensed surveyor. Complainant alleges Respondent works at a company as their licensed surveyor and runs their own business in violation of Tenn. Comp. R. & Reg. 0820-04-.09 and .10. Complainant provides no further details or evidence to support these allegations.

Respondent began working at an engineering company in April of 2004 as a natural gas designer and civil designer. At that time, the company already had a surveyor of record. Respondent obtained their surveying license in 2006 and began working for themselves to supplement their income. The surveyor of record then left the engineering company and Respondent, by default, became their surveyor of record. Respondent works full-time for this company and did not think the rule at issue applied to them because they are not a principal or officer at the company. Further, Tenn. Comp. R. & Reg. 0820-04-.09 and .10 states that firms/corporations/partnerships who offer to provide land surveying services to the public shall have a responsible charge. Respondent's employer does not offer land surveying services to the public. Respondent apologizes if they incorrectly interpreted the rule. Respondent does not accept work that would be a conflict of interest with the engineering company, the company is aware of their small business of land surveying, and they have no employees but are a sole proprietor within their small business. Respondent states it would be very detrimental to them to quit practicing land surveying because it would take away a significant portion of their income. Respondent will accept the Board's decision and follow their direction but would like the Board to know that if they are in violation, it was not intentional. Counsel recommends dismissal.

RECOMMENDATION: Dismiss

BOARD DECISION: Send letter of instruction and close.

5. 2023055271

Respondent:

License Status: Active

First Licensed: 4/16/1994 Expires: 12/31/2025

Disciplinary History: None.

Complainant states they had a survey done in 2017 and no boundary markers were put down other than wooden stakes. Complainant believed survey markers were supposed to be put in the ground with survey caps. Complainant further alleges the plat was not stamped or signed and they only received a copy. Complainant alleges Respondent began a new survey in 2022 and claims it was not completed and is not correct.

Respondent provides a copy of the 2017 survey which clearly shows the corners marked. Respondent states the 2022 survey was done to stake the north line of a property shown on the 2017 survey. Respondent states they were not paid for the 2022 survey. Respondent was then tasked to stake the east portion of the same property and they found an issue with the deeds for the area. Respondent suggested to Complainant and the adjacent landowner that they had two options: to work it out between them and Respondent would assist or take the matter to court. Respondent states they attempted several times to assist with helping them work it out. Respondent was then tasked to stake road limits, which they did and were not paid for. Complainant then told Respondent that the adjacent landowner had moved the corners, so Respondent went back to check the corners. Respondent was not paid for this. Respondent met with Complainant at least three times in their office, and each time, told Complainant they cannot change the deeds and reminded them of their two options. Respondent filed suit against Complainant for non-payment. Respondent confirms they have not completed the survey they began in 2022. The trial took place in November and the Court ruled in Respondent's favor regarding all issues, including Complainant's allegations that they should "not have to pay for faulty work." The Judge further stated that "in this Country, it is common for two surveyors to differ on their surveys." Respondent provided a copy of the Court's Judgment.

Complainant provided a rebuttal where they stated they "see no issues with the new [2022] survey other than what he did in 2017." Counsel finds no evidence of any violations regarding the 2022 survey, and the statute of limitations and repose has passed regarding the 2017 survey. Counsel recommends dismissal.

RECOMMENDATION: Dismiss

BOARD DECISION: Send letter of instruction and close.

6. 2023058001

Respondent:

License Status: Active

First Licensed: 11/7/1970 Expires: 12/31/2025

Disciplinary History: None.

Complainant hired Respondent to do a survey which was completed in 2006. Complainant filed this complaint because they "want a correction to the survey." Complainant alleges Respondent put their corner post 11ft from the center of the road but alleges the deed refers to a 50ft road clearance. Complainant alleges another surveyor completed a new survey and claims the new surveyor thought Respondent completed a "bad" survey. Complainant alleges Respondent is "leaving bad surveys all over the mountain." Complainant alleges Respondent wasn't licensed

when they completed the survey in 2006, although our records show Respondent has been licensed since 1970.

Respondent states all the corners were found as set in 2006. The road was gravel at the time and has since been paved. Respondent states the road has shifted a few feet. Respondent states the bearings and distances are correct and match the neighbors' deeds.

The statute of limitations and repose has passed regarding the survey at issue, which is now 18 years old. Counsel recommends dismissal.

RECOMMENDATION: Dismiss

BOARD DECISION: Concur

7. 2023059991

Respondent:

License Status: Active

First Licensed: 4/16/1994 Expires: 12/31/2025

Disciplinary History: None.

Complainant alleges Respondent made an error in a survey in August of 2022 and was allegedly informed it was incorrect seven days after the survey was completed. Complainant further alleges Respondent came onto their land without notifying them to complete the survey at issue for an adjacent landowner. Complainant claims Respondent designated part of their property as belonging to another person. Complainant alleges Respondent admitted they made a mistake and would fix it.

Respondent confirms that they did make a mistake on the survey and has since corrected it. Respondent provided a detailed account of what transpired, the steps taken to correct it, and explained how they misinterpreted a deed which led to the mistake. Respondent took responsibility as soon as the mistake was discovered and has stayed on top of this matter. The attorney who is handling the recording of the new deed has communicated this to the lender for signing. The corrected deed will be recorded. Counsel recommends dismissal.

RECOMMENDATION: Dismiss

BOARD DECISION: Concur.



8. 2023061731

Respondent:

License Status: Active

First Licensed: 7/10/1997 Expires: 12/31/2025

Disciplinary History: None.

Complainant is the Director of Planning for a county planning department. Complainant alleges Respondent has been the subject of numerous complaints for many years in the county. Complainant alleges that in the 14 years they have been the Director, they have had the occasion to complain to Respondent dozens of times regarding their lack of professionalism and "seemingly inability to complete a professional survey." Complainant alleges Respondent has submitted hundreds of plats and surveys and claims they have not once received a drawing that could be accepted without revision. Complainant admits their expectations can be high because they are a perfectionist but feels this complaint is not just about the quality of Respondent's work. Complainant notes this is also about Respondent's professional relationships with customers and other elected and non-elected persons. Complainant alleges Respondent was hired by a landowner to produce an elevation certificate because their new home was partially in a flood zone. Complainant was skeptical Respondent was qualified to do the work, but claims Respondent convinced the landowner they could do the work. Complainant alleges Respondent has failed on multiple occasions to turn in the work in an acceptable manner. Complainant alleges Respondent refuses to return phone calls to the landowner and is many months beyond any reasonable time period with no relief in view. Complainant alleges there are other people that have complained to them about Respondent not returning calls or completing work. Complainant alleges another city planner told them they caught Respondent modifying a plat after it had been signed by the planning commission secretary. Complainant alleges both their department and the referenced city planning commission changed their policy to require clients to submit checks made out to the Register of Deeds so they can record everyone's plats because of Respondent. Complainant claims Respondent has helped clients avoid the planning commission's review processes. Complainant alleges the property assessor, municipal planners and attorneys all make similar complaints against Respondent. Complainant does not provide any documents or evidence to support these allegations.

Respondent obtained their land surveyor's license in 1997 and this is the third complaint filed against Respondent in 27 years. The other two complaints were dismissed without action after experts conducted reviews of the surveys at issue in the complaints. Counsel recommends dismissal.

RECOMMENDATION: Dismiss

BOARD DECISION: Concur

9. 2023064691

Respondent:

License Status: Active

First Licensed: 1/16/1998 Expires: 12/31/2025

Disciplinary History: None.

Complainant states they contacted Respondent on July 9, 2023, via text to ask about surveying two separate properties. Respondent informed Complainant they were very busy and to try back in the late summer or fall. Complainant followed up in late September and claims they were told it would be \$1,000 for the survey and would include a map and filing. Complainant states they met Respondent on September 26th and paid them. Respondent explained there were some issues with the lot lines that they would clear up. Complainant attempted to get a copy of their neighbor's map per Respondent's request, but they were not able to provide one. Complainant states Respondent has not communicated with them and was out of town when they tried to follow up. Complainant wants a refund so they can hire another survey to complete the job.

Respondent confirms they met with Complainant at the property and after examining it and finding no property corners, informed Complainant that more research would be required. Respondent denies giving Complainant a completion time. Respondent told Complainant there may be an encroachment at the rear of the property, but Complainant wanted Respondent to "just supply them with a plat that showed no encroachment". Respondent explained that would be unethical without performing the survey. Respondent states Complainant insisted on paying them before they completed the survey, but Respondent did not want to accept payment until they were finished with the job. Respondent got in their truck to leave, and Complainant proceeded to give a check for payment in full to Respondent's secretary. Respondent has since given a full refund to Complainant and provided a copy of the check mailed to them on January 2, 2024.

Counsel finds no evidence of any violations and recommends dismissal.

RECOMMENDATION: Dismiss

BOARD DECISION: Concur

10.2024000321

Respondent:

License Status: Active

First Licensed: 10/28/1988 Expires: 12/31/2025

Disciplinary History: None.

Complainant states Respondent was hired "many months ago" to survey land for the partition of their father's estate. Complainant alleges Respondent has been very unproductive and has only produced one of the four surveys which they were hired to complete. Respondent confirms they were contacted in March of 2023 by the executor of the estate of the Complainant's father. Respondent met with the executor and was asked to survey four separate parcels of property to be deeded to various heirs. Respondent does not normally take jobs that are so far from where they live but agreed to help because the executor is related to Respondent by marriage, and Respondent assumed they were having a hard time finding anyone in their area. Respondent then suffered a stroke in April and was diagnosed with diabetes. In the following months, as Respondent was physically able, they met with the executor on numerous occasions to work on the property survey until the executor began having health issues. The recent weather has also caused further delay in getting the surveys completed. Respondent has never met the Complainant but has been in contact with the other heirs. Respondent is willing to continue the work to complete the surveys if the executor's health allows.

Considering there has been no complaint by the executor who hired Respondent, and no evidence of any violations, Counsel recommends dismissal.

RECOMMENDATION: Dismiss

BOARD DECISION: Concur

### **NEW BUSINESS**

Jay Caughman made a motion to approve 2 PDHs. This was seconded by Justin Rains. The motion passed by unanimous voice vote.

### **ADJOURNMENT**

The meeting adjourned at 10:40 a.m.