

## MINUTES

### Tennessee Board of Examiners for Land Surveyors

The Tennessee Board of Examiners for Land Surveyors met on Thursday, April 7, 2011 and Friday, April 8, 2011 at 9:00 a.m. in the 2<sup>nd</sup> Floor Conference Room of the Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, TN.

Those present were: Jackie Dillehay, Chairman; Tim Lingerfelt, Vice-Chairman; David Cagle, Board Member; Sue Braly, Public Member; Robert Herndon, Attorney for the Board; and Donna Moulder, Administrative Director for the board. Keeling Baird and Jesse Joseph, litigation attorney for the Regulatory Boards were also present.

The meeting was called to order at 9:30 a.m. by Chairman Dillehay.

The agenda was then reviewed. David Cagle made the motion to amend the agenda to discuss and recommend adding a new member to the Continuing Education Review Committee and to create a committee, through TAPS, to review and make suggestions to the proposed new changes to the Professional Rules of Conduct rules. Sue Braly seconded the motion. The motion carried unopposed.

The minutes of the previous meeting were then reviewed. Mr. Lingerfelt made a motion to accept the minutes as written. Mr. Cagle seconded the motion. The motion carried unopposed.

Robert Herndon, Staff Attorney for the board, then presented the following complaint for review:

**Complaint #201100191** - This case was referred to a Board member for review because of the allegation of incompetence that resulted in a boundary dispute, in possible violation of Tenn. Code Ann. § 62-18-116(a)(1)(B). The events generating the complaint occurred in East Tennessee, and the reviewing Board member was West Tennessee Board member Mr. CAGLE.

**Recommendation:** Accept the reviewing Board member's proposal.

**FINDING:** The reviewing Board member analyzed the facts, compared them to the appropriate disciplinary statute cited above relative to incompetency or misconduct in the preparation of the plats, and found no disciplinary grounds; recommended dismissal as a result.

***RULING: David Cagle made a motion to dismiss this complaint based on the fact that there were no grounds for discipline. Sue Braly seconded the motion. The motion carried unanimously.***

The board then reviewed the application for Ronald Hobson, TLS #1644 (expired 12/31/07). Tim Lingerfelt made a motion that Mr. Hobson must submit 30 hours of continuing education taken AFTER January 1, 2009 and sit for the Tennessee specifics portion of the exam. The continuing education submitted must be approved by the board before the applicant will be allowed to sit for the exam. Sue Braly seconded the motion. There being no further discussion, the motion carried unopposed.

The members of the board reviewed a request by Robert Cabrera to waive the new application and application fee policy and his request to waive the submittal fee is denied. Sue Braly made a motion that, based on the age of his application currently on file in the board office, Mr. Cabrera will have to reapply for licensure as a land surveyor in Tennessee and pay the \$200.00 application fee. Tim Lingerfelt seconded the motion. The motion carried unopposed.

Continuing education submitted by Matthew Holtsclaw, TLS #2668, was then reviewed. Tim Lingerfelt made a motion that the hours that the licensee submitted be converted to PDHs, which gives him 67.5 PDHs per course, for a total of 135 PDHs and that the licensee be allowed to utilize 30 PDHs per our rules, 15 for 2011; 15 for 2012, for continuing education. Sue Braly seconded the motion. The motion carried unopposed.

Robert Herndon then gave an update on the status of the exam proctor contract.

Jackie Dillehay appointed Mr. Lingerfelt and Mr. Cagle to a committee to come up with a new reference form for the full board to review at the next board meeting.

The board then reviewed the continuing education submitted, per the board's direction, by Frank Palumbo, TLS #581 (expired). After reviewing the information submitted by Mr. Palumbo, Tim Lingerfelt made a motion to require that Mr. Palumbo take and pass the Tennessee specifics portion of the land surveyor's exam. Sue Braly seconded the motion; the motion carried unopposed.

Robert Freeland then met with the board regarding his previously denied application. Eugene Lackey was also present. After further review of Mr. Freeland's application, Tim Lingerfelt made a motion that the board accept Mr. Freeland's application and allow him to sit for the October 2011 PS and TS portions of the exam. David Cagle seconded the motion; there being no further discussion, the motion carried unopposed.

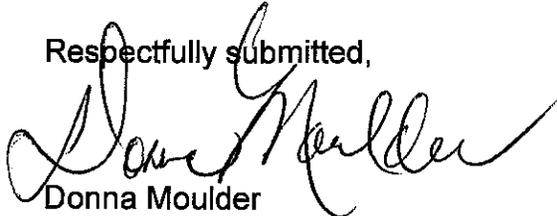
Russell Norville then met with the board to discuss his PLSIT application that was denied in February 2011. When Mr. Norville's application was originally reviewed in February 2011, some of the education information was missing. After reviewing the missing information at the April 2011 meeting, it was determined that Mr. Norville lacks one course in List I to have enough hours to qualify for licensure. Mr. Norville will submit a new application and additional education information by July 15 for review at the August 4-5, 2011 meeting for the October 2011 exam.

David Cagle then made a motion to appoint Bart Crattie, TLS #1742, to the Continuing Education Advisory Committee to fill the vacancy created by Iris Sesko's resignation from the committee. Tim Lingerfelt seconded the motion; the motion carried unopposed.

A committee was then nominated to assist TAPS in the rules changes. David Cagle nominated Tim Lingerfelt and Jackie Dillehay for the committee.

There being no further business, the meeting was adjourned at 3:00 pm.

Respectfully submitted,



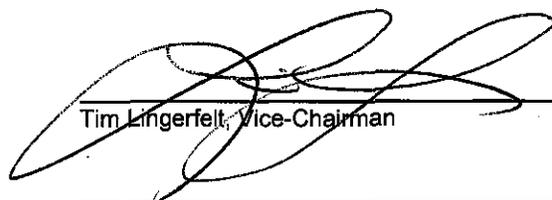
Donna Moulder  
Administrative Director



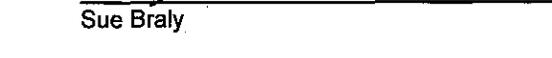
Jackie Dillehay, Chairman



David Cagle



Tim Lingerfelt, Vice-Chairman



Sue Braly