



STATE OF TENNESSEE
BOARD OF EXAMINERS FOR LAND SURVEYORS
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243-1166
615-741-3611

October 23rd, 2014 Minutes
First Floor Conference Room (1-B), Davy Crockett Tower

The Board of Examiners for Land Surveyors met in Nashville, Tennessee, at the Davy Crockett Tower in the first floor conference room. Mr. Galyon Northcutt, Board Chairman called the meeting to order at 9:05 a.m. and the following business was transacted.

BOARD MEMBERS PRESENT

Tim Lingerfelt
Galyon Northcutt
Jay Caughman
Sue Braly

GUESTS

Mike Roberts (TAPS)

STAFF MEMBERS PRESENT

Donna Moulder, Robert Herndon, Jennaca Smith, Dennis O'Brien

Chairman Northcutt read the public meeting statement into the record, indicating that the agenda was posted to the Land Surveyor website on October 6th, 2014.

ADOPT AGENDA

Vote: Mr. Caughman made the motion to accept the agenda with one amendment as discussed. It was seconded by Mr. Lingerfelt. The motion carried unopposed.

MINUTES

The minutes of the previous meeting held in July/August, 2014 was reviewed.

Vote: Mr. Caughman made a motion to approve the minutes as amended. Mr. Lingerfelt seconded the motion. The motion carried unopposed.

LEGAL REPORT

Complaint #201401635 –

This complaint was filed by a consumer who alleged that the Respondent testified in court that Respondent did a survey for their neighbor's adjoining property but did not do a plat and did not know if Respondent was required to do a plat under Tennessee law. Complainant further alleges that Respondent removed existing nails while staking

the property. Respondent states that Respondent was hired to stake a property line, and Respondent states that any existing nails, stakes, or monuments were not disturbed or removed. Respondent states that Respondent's client did not retain Respondent to prepare a survey plat, and a plat was not requested. The complaint materials were forwarded to a contracted complaint reviewer for analysis to determine if probable cause exists for discipline. The findings of the complaint reviewer are as follows: This complaint concerns an ongoing dispute between neighbors; no violations are noted as reviewer cannot confirm if Respondent removed any property markers as alleged; and the Standards of Practice do not require an issuance of a map. The reviewer did note that Respondent should be aware of the Standards of Practice, if the allegation of testimony in court is true. There is no complaint history for Respondent.

Recommendation:

Close the case with Letter of Warning regarding TENN. COMP. R. & REG. 0820-03-.06 [MAPS AND MAPPING].

Vote: Mr. Lingerfelt made the motion to accept counsel's recommendation to send the letter that should include the rules (0820-03-.06) that the respondent should be made aware of. This was seconded by Mr. Caughman. The motion carried unopposed.

Complaint #201401808 –

This complaint was filed by a consumer concerning a boundary dispute. The complainant alleges that Respondent, a licensed surveyor, produced a survey with numerous errors and inconsistencies and failed to recognize monuments in previous surveys. Respondent requests that this complaint be dismissed, as it was the subject of previous complaint number 201202568, which was closed with no further action. Complainant denies allegations and states that Respondent served as an expert in a civil court case regarding the subject boundary dispute, in which the court upheld Respondent's survey. The complaint materials were forwarded to a contracted complaint reviewer for analysis to determine if probable cause exists for discipline. The findings of the complaint reviewer are as follows: The reviewer states that Respondent did a great job with due diligence, research, communication with the parties, and provided professional court testimony. However, the reviewer discovered that the certificate of class and accuracy of survey does not show the actual unadjusted ratio of precision in violation of TENN. COMP. R. & REG. 0820—03—.07 (1)(b) (7) [SURVEY TYPES AND REQUIREMENTS].

Respondent's complaint history follows:

200418871 dismissed, 200600202 dismissed, 200600981 dismissed, 200802082 closed with \$500 Consent Order, 200900779 closed with letter of warning, and 201202568 closed with no further action.

Recommendation:

Close the letter, with prejudice, with a Letter of Instruction regarding TENN. COMP. R. & REG. 0820—03—.07 only

Vote: Mr. Caughman made the motion to accept counsel's recommendation. This was seconded by Mr. Lingerfelt. The motion carried unopposed.

Complaint #201402154 –

This complaint was filed by a fellow practitioner concerning Respondent's office location in potential violation of TENN. COMP. R. & REG. 0820—04-.09 [RESPONSIBLE CHARGE OF SERVICE]. The complainant alleges that Respondent, a licensed surveyor, provides land surveying services at one location where Respondent is the only registered land surveyor employed at that location. Complainant states that Respondent opened a second location and attached a copy of a newspaper article and advertisement that lists each address. Respondent states that when Respondent entered a lease agreement for the new location, Respondent was unaware that there was a new rule requiring a Registered Land Surveyor to be at each location on a full-time basis. Respondent states that as soon as the Rule was brought to Respondent's attention, Respondent pulled all possible advertisements but some had already been printed. Respondent states that the advertisements were re-ran with only one address. Respondent further states that the second location was never a functional office, clients have never met at that location, and it is only being used for storage until the lease expires. There is no prior complaint history for Respondent.

Recommendation:

Close the complaint. The allegation and newspaper article do not constitute sufficient proof that the respondent failed to meet the requirements of TENN. COMP.R. & REG. 0820-04-.09 [RESPONSIBLE CHARGE OF SERVICE]

Vote: Mr. Caughman made the motion that the respondent pays a civil penalty in the amount of one thousand dollars (\$1,000). This was seconded by Mr. Lingerfelt. The motion carried unopposed.

Complaint #201402313 –

This complaint was filed by the Board concerning information received that Respondent has been disciplined by another state's regulatory Board stating certain plats were not in compliance with the Board's Standards of Practice for Surveying. Respondent states that the violations were due to a drafting oversight stating in detail: (1) The reference line or bearing of basis line was incorrectly shown; (2) the two western corners of the tract were monumented twice but not shown as set on the plat; (3) the commencing point was not labeled or described on the plat; and (4) the vertical datum was listed within the bench marks but not annotated by itself. Respondent fully accepted the responsibility for these errors and agreed with the Consent Order, which provided for a civil penalty of two hundred fifty dollars (\$250.00) and required the plat to be updated and the production of three (3) additional plats.

Recommendation:

As the respondent was disciplined in Mississippi for conduct occurring in that state, recommend closing of this complaint matter.

Vote: Mr. Caughman made the motion to accept counsel's recommendation with a letter of caution to be sent to the respondent. This was seconded by Ms. Braly. The motion carried unopposed.

DIRECTOR'S REPORT

Ms. Moulder brought various issues to the board's attention, starting with the January 2015 meeting dates which needed to be changed to January 22nd and 23rd.

Vote: Mr. Caughman made the motion to accept the new dates. This was seconded by Ms. Braly. The motion carried unopposed.

Qualifications for licensure once the FS had been passed were clarified.

Mr. Lingerfelt requested that the discussion on licensing of Photogrammetrists be held until the TAPS report later in the meeting.

On the individual course approval requests, the board voted as follows:

October 2014 Individual Course Approvals

Licensee	Course Provider	Course Name	Hours	Approved
Rick K. Bowers, TLS #1481	West Virginia Society of Professional Surveyors	Civil War Era – Mapping a New State	4	All approved
		U.S. Coast and Geodetic Survey Control Surveys	4	
		Comparative Ethics for Surveyors	4	
William Thompson*	William Thompson	State Plane Coordinate Manipulation Opus Solutions Spiral Curves Horizontal Curves Vertical Curves Coordinate Geometry Survey File Management Time		Already reviewed. No motion necessary.
Ryan Beasley TLS #2821	National Geodetic Survey	Opus Projects	12	Approved

* Mr. Thompson has requested that the number of hours previously awarded the courses mentioned above be reconsidered. He has submitted new applications and a petition signed by surveyors on September 11, 2014.

Rick K. Bowers: Mr. Lingerfelt made a motion to approve his education. This was seconded by Mr. Caughman. The motion carried unanimously.

Ryan Beasley: Mr. Caughman made a motion to approve his education. This was seconded by Ms. Braly. The motion carried unanimously.

Ms. Moulder mentioned that our new team member Cody Kemmer would be accepting submissions for the Land Surveyor newsletter and encouraged all present at the meeting to contribute.

The board members signed the PLS wall certificates during the break.

Ms. Moulder then shared some information on the FS exam numbers since the CBT went into effect for the January 2nd and October 8th 2014 exams and ended with the Land Surveyor activity report as of October 7th, 2014.

Additional items on the amended Agenda:

1. Notice of Rulemaking Hearing

Mr. Herndon presented the Notice of Rulemaking Hearing document and requested that the board look over it one last time so this chapter could be finalized. He also went through the proposed changes and member suggestions.

Vote: Mr. Caughman made the motion to proceed with the document as discussed. This was seconded by Ms. Braly. The motion carried unanimously.

Mr. Herndon then passed around the Regulation Flexibility Act document and went through all the questions and suggested answers for the board to approve.

Vote: Mr. Caughman made the motion to proceed with the document as discussed. This was seconded by Ms. Braly. The motion carried unanimously.

Mr. Herndon also presented the Q/A on the additional questions for the board to approve.

Vote: Mr. Lingerfelt made the motion to proceed with the document as discussed. This was seconded by Mr. Caughman. The motion carried unanimously.

2. EPS Committee meeting

Mr. Lingerfelt passed around a handout on his attendance at the EPS Committee meeting and shared his insights on some of the items discussed at that gathering with regard to the future FS and PS exams and also mentioned that he had personally spoken against the decoupling of experience from the PS exam.

He also mentioned that the next NCEES board president's meeting would be held in Atlanta on February 7th, 2015 and suggested that the new Chairman attend.

Vote: Mr. Lingerfelt made a motion to send Chairman Northcutt to the meeting. This was seconded by Mr. Caughman. The vote passed unanimously.

TAPS Committee Report

In other business, the board heard a report from Mike Roberts of TAPS.

Mr. Roberts presented a letter from TAPS president, Jimmy Cleveland on and reported that they had reviewed the guidelines from several states on the use of GPS (Static and RTK) while conducting boundary surveys. They felt that the general guidelines would suffice where the requirements had the basic metadata included on the plat for future surveyors to follow. He also presented a document that contained an evaluation from Mike Stump.

The Board also discussed a letter received from Robert Sanders and felt his efforts were a great start towards making a set of rules on the proper usage of GPS.

NCEES Annual Meeting Report

In the NCEES annual meeting report, Mr. Caughman shared his experience at the meeting where ideas were exchanged with members of the other state boards.

Application Reviews

The following PLSIT applications were **approved**:

Jason Lee Harris
James Mitchell Cherry, Jr.
Ryan Lee Richardson
Jason Kyle Carmack

The following PLSIT applications were **denied**:

Tyrone Edward LaRue	Insufficient hours of education in List I; 18 hours are required in List I; only 6 hours completed
Taylor Lane Strait	Has not yet graduated from a four year degree program
Taylor Chambers Sparks	Insufficient hours of education in List I; only 16 hours found and needs 18.
David Michael Rhoten	Needs additional List I/upper level course work in surveying. Total of 18 hours required.

BOARD MEETING PDHS

Vote: Mr. Lingerfelt made a motion to allow the board members three (3) PDH hours for the board meeting. The motion was seconded by Mr. Caughman. The vote carried unanimously.

There being no further business, Chairman Northcutt adjourned the meeting at 2:15p.m.