



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

July 31 & August 1, 2014 Minutes
First Floor Conference Room (1-B), Davy Crockett Tower

Day One: July 31, 2014

The Board of Examiners for Land Surveyors met in Nashville, Tennessee, at the Davy Crockett Tower in the first floor conference room. Mr. Tim Lingerfelt, Board Chairman called the meeting to order at 9:00 a.m. and the following business was transacted.

BOARD MEMBERS PRESENT

Tim Lingerfelt
Galyon Northcutt
Jay Caughman
Sue Braly

GUESTS

Jimmy Cleveland (President, TAPS)

STAFF MEMBERS PRESENT

Day One: Donna Moulder, Robert Herndon, Jennaca Smith, Dennis O'Brien
Day Two: Donna Moulder

Chairman Lingerfelt read the public meeting statement into the record, indicating that the agenda was posted to the Land Surveyor website on July 18, 2014.

ADOPT AGENDA

Vote: Mr. Galyon Northcutt made the motion to accept the agenda as written. It was seconded by Ms. Sue Braly. The motion carried unopposed.

MINUTES

The minutes of the previous meeting held in April, 2014 were reviewed.

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

LEGAL REPORT

1. Complaint #201401207 -

This complaint was filed by a consumer concerning boundary dispute. The Complainants allege that the Respondent, a licensed land surveyor, surveyed an adjoining property owner's land using only tree markings and not the adjacent property deeds. The Complainant states that the land owners placed the tree markings themselves for their personal use and were not to be used as survey markers. The Complainants state that a corner of their land was removed which eliminated a marked monument that destroyed closure on their deed. Complainants further state that they met with Respondent and Respondent agreed to make corrections, but the survey still was not right. Complainants state that they have been told by the Register's office that their deed does not close, and they state that if Respondent had not ignored the major marker, it would close sufficiently.

Respondent states that one of the first things noticed about the property were the tree markers. Respondent also states that he obtained all recorded deeds of the property he was surveying as well as all adjoining deeds. Respondent states that the deeds were very old, at times very were vague, and some deeds did not close. Respondent also compared the deeds to the Property Assessor's map. Respondent states that the property he was surveying did not have an exact acreage because there were no recent surveys, so the tax assessor used reasonable calculations. Respondent states that he spent many hours speaking with the adjoining property owners to gain their knowledge on the property lines stating that Complainants acknowledge the marked trees were on Complainants' boundary. Respondent states that the Complainant did not offer to walk the lines with the Respondent and no mention of markers were made at the time. Respondent states the survey was done and markers were found, but Respondent had to take a trip back to the property to find a set stone which was a common marker in early deeds. Respondent states, upon Complainants' request, that he found an iron pipe set in rocks which was originally missed due to it being concealed in underbrush, and his client agreed to have this line corrected. Respondent states that when the survey was complete, Respondent found his client's property was 120 acres instead of the estimated 109 acres. Respondent states this is not uncommon when a new survey is completed on property with very old deeds. Respondent further states that Complainants' old deed does not close, and Respondent did not survey Complainants' line beyond what was necessary for his client's adjoining property.

An adjoining property owner submitted a response stating that the Respondent never contacted her, but contact information was readily available from the tax records. The third party property owner states that she is concerned that long-standing property lines have been changed by the 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 complaint concerns a boundary dispute, which should be resolved by civil court action. There are no laws or rule violations implicated by a boundary dispute. 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], but instead shows simply that the ratio is 1 foot per 10,000 feet of perimeter of the lot of land (1:10,000).

There is no complaint history for this Respondent.

Recommendation: Close the case with a Letter of Caution to include all required, accurate information on plats.

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

2. Complaint #2014011881 –

This complaint was filed by a consumer concerning a boundary dispute for the same property discussed in complaint number 2014012071 above. The Complainants allege that the Respondent, a licensed land surveyor, used another surveyor's (Respondent in Complaint 2014012071) (hereinafter "previous Respondent") documentation as the only source when completing the Respondent's survey, and the new survey has further encroached upon the Complainants' property lines.

The Respondent states that the Deed that the Complainants refer to as recorded at the Register of Deeds office did not close, and that the Respondent complete the survey by evidence found on the ground. The Respondent states that the adjoining property owners were communicated with as well. The Respondent states that the Complainants never told the Respondent that there were problems with the survey completed by the previous Respondent. In addition, the Respondent states that the Complainants contacted the Respondent requesting services, but that the Respondent could not complete it on the Complainants' timetable.

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 complaint concerns a boundary dispute, which should be resolved by civil court action. There are no laws or rule violations implicated by a boundary dispute. 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], but instead shows simply that the ratio is 1 foot per 10,000 feet of perimeter of the lot of land (1:10,000). There is no complaint history for this Respondent.

The Respondent's complaint history is as follows: 200705385, closed with a civil penalty of \$500; 200707824, closed with no further action; 201100760, closed with a civil penalty of \$1,000; and 201101743, closed, civil penalty of \$1,500.

Recommendation: Close the case with a Letter of Caution to include all required, accurate information on plats.

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

DIRECTOR'S REPORT

Ms. Moulder started her report with the setting of meeting dates for 2015.

Mr. Caughman raised the question of whether board members would be approved for a second day of hotel/expenses if meetings scheduled for one day went longer than expected, and requested that Ms. Moulder check on this approval. He also suggested Fridays as a good day for the upcoming meetings, giving board members the opportunity to visit the exam site if necessary when examinations were on the schedule.

The meeting dates were then set for:

January 29-30, 2015

April 17, 2015

July 30-31, 2015

October 30, 2015

Vote: Mr. Northcutt made the motion to accept the new 2015 meeting dates. This was seconded by Ms. Braly. The motion carried unopposed.

The LS and PLSIT application forms for the website were reviewed and the board requested Ms. Moulder to email the final drafts to all members.

The board was informed that the updated Rules of Conduct and Continuing Education – Standards of Practice were at the Attorney General's office. Continuing Education would be sent back on July 9th with a copy of that transcript by Mr. Herndon.

A letter received from Paul Jones was reviewed as to his hardship in taking continuing education. The board members agreed that he should turn in all supporting health related documentation for review at the October meeting, at which time a decision could be reached.

A letter from Jonathan Boone was also reviewed and Ms. Moulder was directed by the board on preparing a suitable response.

CONTINUING EDUCATION REPORT

Kurt Johnson requested that his Continuing Education be reviewed.

Vote: Mr. Caughman made the motion to approve his education. This was seconded by Mr. Northcutt. The motion carried unanimously.

Charles Martin requested that his Continuing Education be reviewed.

Vote: Mr. Caughman made the motion to approve his education contingent on the fact that his education from SC was the same as approved for TN. This was seconded by Ms. Braly. The motion carried unanimously.

Rick Bowers requested that his Continuing Education be reviewed.

Vote: Mr. Caughman made the motion to approve his 12 hours of education and that he turn in the course reporting form with the course completion certificates for the rest – to be reviewed at the October meeting. This was seconded by Mr. Northcutt. The motion carried unanimously.

Ms. Moulder ended her report with the Land Surveyor current licensing numbers.

ELECTION OF OFFICERS

Vote: Mr. Caughman made the motion to appoint Mr. Northcutt as the next Board Chairman. This was seconded by Mr. Lingerfelt. The motion passed unanimously.

Vote: Ms. Braly made the motion to appoint Mr. Caughman as Vice-Chair. This was seconded by Mr. Lingerfelt. The motion passed unanimously.

Vote: Mr. Lingerfelt made the motion that the board follows the Roberts Rules of Order at meetings going forward. This was seconded by Mr. Northcutt. The motion carried unanimously.

GIS/PHOTOGRAMMETRISTS REPORT

Mr. McDonough reported his committee was currently not in favor of licensing in TN as they felt the public was not properly protected, mostly because the NCEES / GIS model was not supported at this time. He ended his report by suggesting the facilitation of a body to regulate behavior of these professionals in the state.

NCEES PS COMMITTEE REPORT

Chairman Lingerfelt attended the EPS meeting in June where the exam questions were reviewed and new questions were added. He mentioned that the results for the FS exam would soon be available in seven days and in an overview of the FS exam, it was noted that the examinee numbers appeared to be lessening.

TAPS COMMITTEE REPORT

The TAPS report came in two parts as two letters from Mr. Cleveland, 2014 President. The first mentioned that the TAPS Standards of Practice Committee had volunteered to review the guidelines of several states, territories, jurisdictions, and organizations with respect to guidelines that were in place for the use of GPS, both static and RTK, while conducting boundary surveys. Currently under review were the standards from the Province of British Columbia, Canada, Connecticut, North Carolina, Kentucky, Arkansas, and Mississippi – and there could be other standards that would be reviewed

as they become available. Their goal was to have a recommendation to the Board at the October meeting.

The second letter covered the proposed changes to the rules for continuing education, where he wrote that he had attended the conferences for Missouri, Mississippi, and Kentucky in the past year, and had attended the minimum standards and ethics classes in each state that required those topics. He stated that it was thus his desire and goal to work with a small committee of TAPS members, and develop a board approved program that would satisfy the required 1 hour of minimum standards and 1 hour of ethics that would be offered throughout the state, hopefully at the local chapter level.

His plan was to have at least three approved instructors to minimize the travel requirements. These programs would be sponsored by the TAPS organization. If this plan is acceptable to the board, he planned to present it to the TAPS board of directors at the October meeting, and move forward with the development of the program.

PUBLIC CHAPTER 881

Mr. Northcutt reported that the bill had been discussed for relevance to the profession toward creating an apprenticeship program, where it appeared that many legislators felt surveying was still a 'trade' and not a 'profession'. Mr. Lingerfelt added that since surveyors were professionals, the term 'apprentice' did not apply. The board then suggested that Ms. Moulder and Mr. Herndon formulate a letter to distribute to the agency and legislators, containing language to the effect that surveying was a profession and that the letter would be a good means of educating government agencies and other entities about the surveying profession as a whole. This letter could be presented for review at the October meeting.

QBS STATUS

Mr. Herndon reported that the next QBS class would be in Seattle and that he would perhaps attend. He also suggested that board members sit through it as well.

FINALIZATION OF CHANGES TO RULE 0820-1

Mr. Herndon would supply an updated copy to the board with the changes that were discussed, when they were ready.

There being no further business, Mr. Northcutt made a motion to adjourn the meeting. This was seconded by Ms. Braly. The motion carried unopposed.

Chairman Lingerfelt then adjourned the first day's meeting at 4:15 p.m.

Day Two: August 1, 2014

The Board of Examiners for Land Surveyors met on August 1st, 2014 in Nashville, Tennessee, at the Davy Crockett Tower in the first floor conference room. Chairman Galyon Northcutt called the meeting to order at 9:10 a.m. and the following business was transacted.

FS & PLS APPLICATION REVIEWS

The following applications were reviewed and approved:

Thomas David Reyes (PLSIT)	Bret Ferguson
Jared Knight (PLSIT)	Robert Goodrum
Kevin Walls (PLSIT)	Keith Brotherton
Justin Wilson (PLSIT)	Jimmy Davis
David Cochran (PLSIT)	Donovan Benson
Shane Snoderly (PLSIT)	Ezra Glafenheim
Dusten Duren (PLSIT)	Adam Marris
Landon Loveday (PLSIT)	Neil Grande
Matthew Dawson (PLSIT)	James Chambliss
Jason Barry (PLSIT)	Kenneth Mills
Edward Davies (PLSIT)	Phillip Jones
	Timothy Choate
	Christian Shurter
	John Coke Smith IV
	Kyrun Jett Wood
	James Spearman
	Timothy Patch
	Ron Pate
	William Burchett
	Charles Taylor
	Nicholas Mansfield

The following applications were reviewed and were **denied**:

Stephen Vanderhorst (PLSIT) – Applied with an associate’s degree; thirty (30) hours of surveying related courses are required; only twenty-three (23) are indicated by transcript.

Greg Gurney – does not have two (2) years progressive practical experience after passing the FS exam per TCA 62-18-109 (1)(b)(2)(E)(i)

Joshua Butts – does not have two (2) years progressive practical experience after passing the FS exam per TCA 62-18-109 (1)(b)(2)(E)(i)

Jason Carmack – Current application is out of date; Retake form received after deadline of July 15, 2014. Candidate to reapply using PLSIT application.

Terry Rowe, Jr. – application incomplete

BOARD MEETING PDHS

Vote: Mr. Lingerfelt made a motion to allow the board members eight (8) PDH hours for the two-day board meeting. The motion was seconded by Mr. Caughman. The vote carried unanimously.

There being no further business, Mr. Lingerfelt made a motion to adjourn the meeting. This was seconded by Mr. Caughman. The motion carried unopposed.

Chairman Northcutt then adjourned the second day's meeting at 11:55 a.m.