



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

**April 17, 2015 Minutes**  
**Sixth Floor Conference Room (1-B), Davy Crockett Tower**

**April 17, 2015:**

The Board of Examiners for Land Surveyors met in Nashville, Tennessee at the Davy Crockett Tower in Room 1-B. Mr. Galyon Northcutt, 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  
Justin Parrish  
Adam Leftwich  
Kurt Johnson  
Jarrod Sides

**STAFF MEMBERS PRESENT**

Donna Moulder, Nikole Avers, Josh Kilgore, Margret William, and Eman Youssef.

Chairman Northcutt read the public meeting statement into the record, indicating that the agenda was posted to the Land Surveyor website on April 1, 2015.

**ADOPT AGENDA**

Mr. Caughman made the motion to accept the agenda with no amendments. It was seconded by Mr. Lingerfelt. The motion carried unopposed.

**MINUTES**

The board reviewed the minutes of the previous meeting held on January 22-23, 2015.

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

**LEGAL REPORT**

**1. Case No.: L15-SUR-RBS-2015003181**

This complaint was filed by a consumer who alleged that the Respondent removed certain stakes and placed new stakes where her neighbor told him to put them. The survey was not finished due to the disagreement between Respondent and Complainant and no money was exchanged for the performance of the survey. Complainant states that Respondent told her husband that they were "short 23' x 100'". Respondent states in a sworn affidavit that he did not put stakes where her neighbor told him to put them and that he did not finish a plat because he

did not get paid and he left the job due to Complainant disagreeing with him regarding his findings of where the boundaries of her property lie. Respondent states he does not have a contractual obligation to remove the stakes he placed while attempting to complete this survey, but that the Complainant may remove them if she so chooses.

*Complaint History:* 200315812, 200603252, 201002186, 201102843 dismissed, 201300505 closed with no action.

*Recommendation:* Close with no further action.

**Vote:** Mr. Lingerfelt made the motion to accept counsel's recommendation to close with no further action. This was seconded by Mr. Caughman. The motion carried unopposed.

## **2. Case No.: L15-SUR-RBS-2015004581**

This complaint was filed by a consumer concerning a boundary dispute. Respondent was retained by an abutting land owner to the Complainant to mark boundaries for 200 acres he had acquired. Complainant alleges the boundaries are incorrect and that Respondent failed to use deeds in conducting his survey. Complainant hired another surveyor who apparently disagreed with Respondent's findings. This matter was heard in Claiborne County Chancery Court and the boundary was set in favor of Respondent's survey.

*Complaint History:* 949379, 200211776, 200314426, 20062476, 200707032 dismissed.

**Recommendation:** Dismiss.

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

## **3. Case No.: L15-SUR-RBS-2015005021**

Complaint was established when it was brought to staff's attention that Respondent had been operating a surveying office in Franklin, TN and sending out e-mail solicitations that appear to indicate that he is a licensed surveyor in Tennessee when he has not yet passed the exam or obtained licensure with the Board.

*Complaint History:* None.

**Recommendation:** Authorize a formal hearing with authority to settle via Consent Order for a civil penalty in the amount of \$1,000 in violation of TENN. CODE ANN. § 62-18-101(b) and TENN. CODE ANN. § 62-18-120(b) and (c).

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

## **4. Case No.: L15-SUR-RBS-2015008141**

Complaint was received from a consumer who received a letter from Respondent after he had conducted a survey for an adjoining land owner, during which he found a major discrepancy in

the deeds and what he saw on the ground. The result was a new boundary that would remove 5 acres from Complainant's property. Respondent states he did his due diligence and researched all deeds to draw his conclusions in laying out and conducting the survey and stated in his letter to Complainant for her to call him should she have any questions. Respondent states that the complaint was the first time he heard from Complainant.

**Recommendation: Close.**

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

**DIRECTOR'S REPORT**

The board discussed implementation of the new continuing education rules. In the new continuing education rule 0820-04-.10, that takes effect February 15, 2015, are the 30 hours (and 2 hours ethics and SOP) going to be due by December 31, 2015 or will they be due the next biennial renewal (2016-2017)?

After discussion, the board voted for the thirty (30) hours continuing education with the two (2) hours of ethics and SOP begin with the 2016-2017 biennial.

**Vote:** Mr. Lingerfelt made a motion for January 1, 2016 to be the effective date for the new continuing education rules. This was seconded by Mr. Caughman. The motion carried unopposed.

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

**April 2015 Individual Course Approvals**

Licensee	Course Provider	Course Name	Hours	Approved	Denied
Daryl Isbell, #2148 Bethel Springs, TN	Mississippi Association of Professional Surveyors	2014 Annual Convention -			
		Boundary & Survey Evidence	2		
		Surveying Sectionalized Lands	1.5		
		Surveying Metes & Bounds	1.5		
		Descriptions	1.5		
		Land Boundaries by Possession	2		
		Wetland Regulatory Issues	1.5		
		Wetland Identification Characteristic for Surveyors	2		
		Introduction to Wetland Delineation & Mapping	1		
		MAPS General Membership Meeting	1		Denied
Daryl Isbell, #2148 Bethel Springs, TN	Mississippi Association of Professional Surveyors	Ethics for Surveyors	1		Denied
		Standards of Practice for Surveying in MS			
		2015 Annual Convention -			
		Thinking Beyond Technology	3.5		
		Basic Logic for the Land Surveyor	3		
			5.5		More Info

		To Accept or Not Accept Parts 1,2 &3 MAPS General Membership Meeting Ethics for the Land Surveyor. Standards of Practice for Surveying in MS	1 1 1		Denied Denied
Kenneth O. Beckwith, #2083 Atoka, TN	Arkansas Society of Professional Surveyors	2015 Spring Conference and Expo – Practice of Survey Forum Vendor Showcase Improving Our Profession Economics vs. Ethics Annual Membership Meeting Restoring the Monument to the Corner Corner Nomenclature The Value of a Thorough Floodplain Survey	4 1 1.5 2 1 3  2 2		Denied Denied

The Board reviewed and approved requests for CE Exemptions due to hardship or age 65 and older for the following licensees: Robert L. Spears, #126 & James H. Bingham, Jr., #1251

**Vote on whom to send to the NCEES Annual meeting in Williamsburg, VA on August 19-22, 2015**

**Vote:** Mr. Lingerfelt made a motion to send Mr. Northcutt and Mr. Caughman to the NCEES Annual meeting in Williamsburg, VA. This was seconded by Ms. Braly. The vote carried unopposed.

**Legislative Update** – No new legislation at the current time

**The following applicants sent request to present before the board:**

**Justin Parrish** – does not have two (2) years progressive practical experience after passing the FS exam per TCA 62-18-109 (1)(b)(2)(E)(i)- Application was denied in January 2015 meeting. He requested the board re-consider his application.  
The board denied his request

**Adam Leftwich** – plats submitted were incomplete; appealed to accept his application  
The board denied his request

**Kurt Johnson (employer) & Jarrod Sides (employee)** requested to discuss the qualifications of Jarrod Sides, Mr. Sides has a felony conviction, and after Mr. Johnson’s presentation the board accepted Mr. Sides’ application.

### **Law and Rules Disciplinary Exam**

Mr. Kilgore expressed his concern about how to keep the exam confidentiality while all disciplinary actions are public record. Mr. Kilgore will get an exam example from A&E Board for further discussion at the July meeting.

### **Qualification Based Services (QBS)**

Josh Kilgore will do more research to get a more formal opinion regarding QBS and will re-address the matter at the next board meeting.

### **TAPS Committee Reports- Jimmy Cleveland**

There were nineteen (19) individuals in attendance in the Land Surveyor Review Workshop, half were taking the FS exam and the other half were taking the PS and TS exams.

There has been no further discussion on the GPS Artic Standard.

Nothing has been heard regarding licensing photogrammetrists.

Mr. Cleveland expressed that there is a real need to print the laws and rules book. Nikole Avers mentioned that it will be available within 2016. She also stated the laws and rules are available on the board's website in a pdf format.

TAPS is working on Ethics and Minimum Standards seminar to be reviewed by the board in July, 2015 Board meeting.

### **Create a Board policy definition for "principal" as used in the new rules of conduct.**

The company will need to appoint someone to be a principle/officer and has to be a registered survey. Mr. Kilgore will do more research for the board regarding this matter.

### **Discuss questions to rule changes**

Mr. Kilgore asked to have a vote to start processing new language for the new rules regarding military personally and spouses. Mr. Kilgore and Ms. Avers stated that by law, this rule must be implemented in all regulatory boards programs.

**Vote:** Mr. Lingerfelt made a motion to expedite the new language for the new rules regarding the licensing procedure for military personnel and spouses. This was seconded by Mr. Northcutt. The motion carried unopposed.

### **FS APPLICATION REVIEWS**

The following FS applications were reviewed and approved:

McGrew III, George A.  
Garner, Ty Rance  
Kelly, Jesse Wayne  
Sides, Steven Jarrod  
Hope, Robert Lee  
Boyd, James Winston  
Edwards, James David  
Jarva, Ville Sakari  
Fox, Christopher Kent

## **BOARD MEETING PDHS**

**Vote:** Mr. Lingerfelt made a motion to allow the board members four (4) PDH hours for the one day board meeting. The motion was seconded by Mr. Caughman. The vote carried unopposed.

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

Chairman Northcutt then adjourned the meeting at 2:30 p.m.