



TENNESSEE BOARD OF EXAMINERS FOR LAND SURVEYORS
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243
615-741-1831

**Board Meeting Minutes for April 13, 2017
First Floor Conference Room 1-B
Davy Crockett Tower**

The Tennessee Board of Examiners for Land Surveyors met on April 13, 2017 in the first floor conference room of Davy Crockett Tower in Nashville, Tennessee. Mr. Caughman called the meeting to order at 9:05 a.m. and the following business was transacted:

BOARD MEMBERS PRESENT: Jay Caughman, Tim Lingerfelt, Galyon Northcutt, Betsy Sumerford.

BOARD MEMBERS ABSENT: None.

STAFF MEMBERS PRESENT: Roxana Gumucio, Laura Martin, Mark Green, Shilina Brown, Lindsey Shepard, Glenn Kopchak.

ROLL CALL/NOTICE OF MEETING

Mr. Caughman called the meeting to order, then read the notice of meeting into the record as follows: "Notice of the April 13, 2017 meeting of the Board of Examiners for Land Surveyors was posted to the Board of Examiners for Land Surveyors website on April 7, 2017

AGENDA

Mr. Caughman asked for flexibility with the day's agenda items, in order to accommodate those members of the public who were present as well as certain members of the Board and its staff whose schedules prevented them from attending the entire meeting. Mr. Northcutt put forth a motion to allow the agenda items to be moved as needed, which Mr. Lingerfelt seconded. The motion passed unanimously.

MINUTES

After a brief review of the minutes from the Board's January meeting, Mr. Lingerfelt put forth a motion to adopt them as written. Mr. Northcutt seconded, and the motion passed unanimously.

NEW BUSINESS

At this point the Board took its first departure from the agenda, allowing those in attendance to address the Board without further delay. First, the Board spoke to Jack McAdoo Jr., a surveyor from Eads, TN, who had been the respondent in a recently dismissed complaint. Though his identity had remained anonymous throughout the complaint process, Mr. McAdoo wanted an opportunity to go before the Board and clear his name. Mr. McAdoo also took issue with the letter of instruction he had received, feeling it was too strongly worded, and offered suggestions for improvements on the complaint process.

Next, the Board met Grayson Smith, a recently licensed surveyor from Clarksville, TN. Mr. Smith presented the Board with some of the questions he had come across in his initial work as a Professional Land Surveyor. Specifically, Mr. Smith wanted the Board's opinion on how to handle potential conflicts regarding the division of property. The Board advised him as best they could, and provided some insight into the thinking behind the current Standards of Practice.

Finally, the Board received a report from the Tennessee Association of Professional Surveyors (TAPS) directly from Bruce McClellan, the current president. Mr. McClellan advised the Board of its recent efforts on behalf of surveyors throughout the state, and asked for members of the Board or its staff to attend the upcoming summer meeting in an effort to answer questions directly from its members.

EDUCATION REPORT

The Board reviewed the latest courses recommended for approval by their education panel. Mr. Lingerfelt raised a concern over two courses from the Arkansas Society of Professional Surveyors, namely that they may be too specific to Arkansas to benefit Tennessee surveyors. Referring to a course on riparian boundaries, Mr. Northcutt cited the fact that Arkansas and Tennessee share a river as their border. Mr. Lingerfelt agreed that he would be willing to accept the courses so long as the word "Arkansas" was removed from their titles. Mr. Northcutt put forth a motion to accept the recommended courses pending the edits, and Ms. Sumerford provided a second. The motion then passed unanimously.

DIRECTOR'S REPORT

Glenn Kopchak provided a review of the Board's financials in the absence of Ms. Gumucio. Mr. Kopchak had been hired earlier this year as the Board's new Assistant Director. He presented the Board with current monthly expenditures and projected budget, as well as a list of licensure counts split between in-state and elsewhere. At this point, Ms. Gumucio was able to join the meeting and informed the Board of the progress being made regarding the state-specific surveying exam. With the previous contract for exam administration expired, the Board had decided to use this opportunity to make some improvements to the exam's content and availability. Though the request for proposal returned without any bids, one potential vendor was interested in working with the Department to make some adjustments to the terms of the request. The Department was now working with that vendor one-on-one via a sole source contract, and more information would be available at the next meeting. Lastly the Board officially nominated Mr. Caughman, Mr. Lingerfelt, and Mr. Northcutt to attend the NCEES Annual Meeting at the end of August.

LEGAL REPORT

- Case No.: 2017006501**
EXPIRES: 12/31/2017

Complaint History: None

Consumer complaint alleging the Respondent conducted a survey in 1994 and in April 2015 took the survey, removed the words "preliminary" from the survey and re-stamped survey to a landowner to refile with the county Register of Deeds in April 2015. The Complainant alleges the Respondent conducted the survey incorrectly and also has outdated bordering land ownership identities and when the survey was conducted in 1994 as compared with present day. According to the Complainant, the Respondent incorrectly identified the boundary lines for the adjoining property, this was an incorrect boundary is on

the south side of a road on the western boundaries of the adjoining property. Also, the survey indicates unidentified acreage on the north side of the road on the western side of the property where the property joins the adjoining property. There are approximately eight acres unclaimed in the survey and this is an error.

The Respondent provided a response and stated the Respondent is not familiar with the Complainant and does not know the Complainant and has not done any survey work for the complainant. The Respondent admits to conducting a survey in 1994, however, does not recall it being recorded with the register of deeds. The Respondent has not returned to conduct the survey since the 1994 survey. Respondent states that the landowners that he conducted the original survey for in 1994 returned to his office in April 2015 for a complimentary copy of the 1994 survey plat and the landowners indicated that there may be a new boundary line dispute involving some recent survey work by other surveyors. The Respondent originally stamped the survey as a preliminary survey. Also, the landowners presented some deeds to the Respondent and it could be very likely that some of the adjoining property owners could have changed in the past 23 years. The Respondent states that the landowners did not make any payment to the Respondent during the April 2015 visit for services rendered for a new survey or any other services rendered. The Respondent stated no other surveyor has contacted the Respondent and there has not been any boundary line questions sent to the Respondent concerning the properties surveyed on the 1994 survey plat.

The Complainant provided follow-up responses indicating April 2015 survey filed with the register of deeds office was re-stamped by the Respondent. There is no indication that the survey was re-stamped with a new date in 2015, nor that the 1994 survey was re-filed in April 2015 with the county Register of Deeds.

Recommendation: Close.

Board Decision: CONCUR

2. **Case No.:** 2017008751
License # EXPIRES: 12/31/2017

Complaint History: 2013005661 – CLOSED WITH NO ACTION TAKEN.
2013010821 – CLOSED WITH NO ACTION TAKEN.

A consumer complaint from an adjoining landowner disputing the Respondent's survey prepared for another adjoining property owner. A review of the complaint information shows that the Complainant is an adjoining land owner who disagrees with the Respondent's plat. There is no evidence in the file that the Respondent's plat was anything other than a professional opinion that did not establish property boundaries, and in a letter the Respondent advised the Complainant that he "should have a survey made for him by another surveyor" since the Respondent was hired to produce the survey by another entity for its property. The same complainant filed a complaint against this Respondent for the same issue in 2013.

Recommendation: Close

Board Decision: CONCUR

**3. Case No.: 2017013341
EXPIRES: 12/31/2017**

Complaint History: None

This case arises out of a consumer complaint alleging Respondent contacted the neighboring property owner with which Complainant had a dispute and communicated with Complainant's daughter's boyfriend instead of directly with Complainant. Complainant hired Respondent to survey a disputed property line. Complainant also wanted Respondent to subdivide ten acres bordering the disputed property line so Complainant could deed the ten acres to her daughter and daughter's boyfriend. Respondent told Complainant it would be unwise to deed property along a disputed line. The daughter's boyfriend then called Respondent and re-iterated Complainant's request.

When Respondent visited the property to perform the survey, Complainant, complainant's daughter, and the daughter's boyfriend all met with him. Respondent told them that he would need to survey the entire property to accurately identify the location of the disputed property line. Respondent also stated that he would need to contact the neighbor as a professional courtesy and to gather information. Respondent quoted Complainant \$3400.00 to survey the entire eighty-four (84) acre property, including a \$1500.00 deposit. Respondent stated at that meeting that he would need to do additional research on the property. One week later, Respondent called the daughter's boyfriend to let them know when he would be on the property. Respondent states that he called the boyfriend instead of Complainant because he did not have Complainant's phone number.

Both Complainant and the disputing neighbor stopped by to talk with Respondent while Respondent performed the survey. During Respondent's conversations with Complainant, Respondent told Complainant that he believed Complainant was wrong about the location of the disputed property line. Respondent referred to a 2008 survey performed by a different land surveyor with which Respondent agreed. Complainant's neighbor stopped by later, and Respondent reiterated his conclusion. Upon completion of the survey, Complainant refused to pay Respondent the remaining \$1900.00 owed. Respondent is currently pursuing legal action against Complainant to recover amount owed.

Recommendation: Close.

BOARD DECISION: CONCUR

**4. Case No.: 2017006981
EXPIRES: 12/31/2017**

Complaint History: None.

This case arises out of a consumer complaint alleging Respondent will not mail Complainant the results of a survey he performed. In response, Respondent stated that he had already mailed the results of the survey to Complainant. Complainant submitted a follow-up to his complaint confirming that he did receive a copy of the survey and requesting that his complaint be closed.

Recommendation: Close

BOARD DECISION: CONCUR

NEW BUSINESS (cont'd.)

The Board resumed its discussion of various topics, starting with those directly related to the legal team. First, Mr. Caughman drew the Board's attention to upcoming changes to the National Geodetic Survey. With the rollout of an update coordinate system scheduled for 2022, Mr. Caughman wanted to make sure the Board had plenty of time to update all of its laws and rules related to the NGS.

Laura Martin, the Board's legal counsel, presented her proposed draft for a new policy relating to unmanned aircraft systems, known more commonly as drones. This had become increasingly become a topic of discussion at the Board's meetings, and Ms. Martin rolled the Board's ideas into a single policy for distribution to the public. Mr. Caughman also presented his own ideas for review.

Next, the Board turned its attention to finalizing the new procedures the Fundamentals exam, PLSIT certification, and the new application for candidates that would now be passing the exam in advance of applying to the Board. The Board also reviewed a new application specific to reciprocity, and discussed changes to the review process for candidates who fail the state-specific exam on multiple occasions.

After a break for lunch, the Board resumed with the application review portion of its meeting. Mr. Northcutt, Ms. Sumerford, and Ms. Gumucio were unable to return for the second portion due to prior commitments, but this was not an issue because the application review portion of the meeting only requires two members.

Lastly, Ms. Martin entered into the record an opinion she had received from the Office of the Attorney General regarding where land surveyors stood within the definition of Qualification-Based Selection for construction projects.

The Board awarded itself three (3) PDH hours for the day's meeting, based on Mr. Northcutt leaving at noon. There being no other new business, Mr. Caughman adjourned the meeting at 2:46 p.m.