



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

April 11-12, 2013 - Minutes
First Floor Conference Room (1-B), Davy Crockett Tower

The Board of Examiners for Land Surveyors met April 11-12, 2013 at 9:00 a.m. in Nashville, Tennessee, at the Davy Crockett Tower in the first floor conference room. Chairman Lingerfelt called the meeting to order and the following business was transacted.

BOARD MEMBERS PRESENT

Day One

Chairman: Tim Lingerfelt
Vice Chairman: Galyon Northcutt
Board member: Sue Braly

MEMBERS ABSENT

David Cagle

Day Two

Chairman: Tim Lingerfelt
Vice Chairman: Galyon Northcutt
Board member: David Cagle

Sue Braly

STAFF MEMBERS PRESENT

Nikole Avers, Donna Moulder, Robert Herndon, Dennis O'Brien

ADOPT AGENDA

The meeting was called to order by Chairman Lingerfelt at 9:21 a.m.

Chairman Lingerfelt read the public meeting statement into the record which indicated the agenda was posted to the Land Surveyor website on March 21, 2013.

Chairman Lingerfelt then proposed that the agenda be amended to have the director's report given prior to the legal report, then the minutes of the January meeting reviewed, then the minutes of the Roundtable Q&A session that was held on March 9, 2013 be reviewed.

Mr. Northcutt made the motion to accept the agenda as amended. Ms. Braly seconded the motion. The motion carried unopposed.

MINUTES

The minutes of the previous meeting held on January 31, 2013 and February 1, 2013 were reviewed. Ms. Braly made a motion to accept the minutes as read. Mr. Northcutt seconded the motion. The motion carried unanimously.

The minutes of the Land Surveyors "Roundtable Q & A Session" held on March 9, 2013 were then reviewed. Ms. Braly made a motion to accept the minutes as amended. Mr. Northcutt seconded the motion. The motion carried unanimously.

DIRECTOR'S REPORT

Ms. Moulder gave the director's report to the Board, which began with the notification that the administrative office will be moving to the Davy Crockett Tower in May. Ms. Moulder then advised the Board that work would continue on changes to the Continuing Education rules. She presented the Land Surveyor budget information, followed by the licensing activity report. In answer to a request made at the previous board meeting, she concluded with a note on the standard occupational description for a photogrammetrist with a listing of the states that currently license photogrammetrists and/or GIS surveyors.

LEGAL REPORT

Mr. Herndon presented the legal report for review as follows:

Complaint 201300167

The complaint alleges that the Respondent, an unlicensed individual, practiced land surveying in violation of Tenn. Code Ann. § 62-18-101(b). In particular, the Respondent made the appearance of establishing a boundary between the Respondent's property and the adjoining homeowner, the complainant, by putting up marker stakes. This activity follows a lengthy dispute between the two landowners. A land surveyor was consulted to look at the line and made the comment that the stakes were "way off," but no other documentation was submitted to support any calculations or previous locations. No plats or field notes were produced, nor was there any apparent attempt to produce and file any documentation that could be described as pertaining to land surveying. There is no complaint history with this respondent. As such, counsel recommended the case be closed for lack of disciplinary grounds.

Vote: There being no further discussion, Mr. Northcutt made a motion to accept counsel's recommendation. Ms. Braly seconded the motion. The motion carried unopposed.

Complaint 201300505

The complaint alleges that the respondent, a licensed land surveyor, committed misconduct or provided land surveying services incompetently in the preparation of a plat adjoining the complainant's property. This is the third complaint filed on this matter. The complaint history for this matter is as follows:

October 28, 2010: Case No.: L10-SUR-RBS-2010021861 – This alleges misconduct in Middle Tennessee and the reviewing Board member was Mr. CAGLE.

Recommendation: Accept the reviewing Board member's proposal.

RULING: The Board did not vote on a disposition, rather it requested a certified copy of the final plat-in-question.

February 3, 2011: Case No.: L10-SUR-RBS-2010021861 – This case was deferred at the October, 2010 meeting because of insufficient material for the Board to make a determination. It alleges misconduct in Middle Tennessee and the reviewing Board member was Mr. CAGLE. The final plat has since been obtained and reviewed.

Recommendation: Accept the reviewing Board member's proposal.

FINDING: The respondent was accused of failing to communicate with the complainant, an adjoining landowner of a parcel that the respondent surveyed, and not disclosing a potential dispute on the property line. The complainant claimed ownership of a portion of the parcel for which there was no evidence of such. The respondent provided an affidavit that not only did he communicate with the complainant, he traveled the property with him and discussed any potential disputes and offered his professional judgment. The complainant never had his own property surveyed.

RULING: Dismiss the case due to lack of evidence of misconduct.

February 2, 2012: Case No.: L11-SUR-RBS-2011028431 – This case was referred to a Board member for review because of the allegation of incompetence in the respondent's professional practice of land surveying, in possible violation of Tenn. Code Ann. § 62-18-116(a)(1)(B), specifically the allegation is that the respondent failed to communicate with a landowner about a boundary dispute. This particular situation has been considered by the Board before and resulted in a dismissal, but the complaint information was forwarded to a Board member for review and determination if there is any evidence of new information to indicate deviation from acceptable standards of practice that was not considered by the Board previously. The events generating the complaint occurred in Middle Tennessee, and the reviewing Board member was West Tennessee board member Mr. CAGLE.

Recommendation: Accept the reviewing Board member's proposal.

FINDINGS: The facts as presented in this complaint are identical to the previous dismissed complaint.

RULING: Dismiss the case with prejudice.

At the February 2, 2012 meeting, the Board voted to dismiss this matter with prejudice, meaning that it would not discuss the disposition of this case any further in the public interest of providing final decisions for controversies before it. Because no legal action has been undertaken to settle a boundary dispute with an outcome unfavorable to the respondent, there is not enough evidence that the public health, safety or welfare has been injured by the respondent's professional actions. Counsel thus recommended the board affirm their previous decision.

Vote: There being no further discussion, Mr. Northcutt made a motion to accept counsel's recommendation. Ms. Braly seconded the motion. The motion carried unopposed.

Complaint 2013005661

The complaint alleges that the respondent, a licensed land surveyor, committed misconduct or provided land surveying services incompetently in the preparation of a plat. 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. There is no complaint history for this respondent. Counsel thus recommended that the case be closed for lack of grounds for discipline with the option to revisit the matter if new relevant information surfaces.

Vote: There being no further discussion, Mr. Northcutt made a motion to accept counsel's recommendation. Ms. Braly seconded the motion. The motion carried unopposed.

REVIEW OF BOARD POLICIES

The board reviewed the current land surveyor policies and after a discussion on each policy, decided that the following changes/updates be made as follows:

*Prior policies shown in blue with Board decision on revisions to each number item below in black ink.

- 1. The Tennessee State Board of Examiners for Land Surveyors will be enforcing a policy whereby an individual submitting an application for consideration by the Board for licensure, if after two years from the original date of the application, the individual has not passed the required testing, then he/she must request and submit a complete new application.*
- 2. When NCEES Fundamentals of Land Surveying (FLS) examination scores are reported, the Board office administrative staff may, at their discretion, release the scores to individuals **not** receiving licensure, thereby allowing the individuals extra time to study for the remainder NCEES Principles and Practice (PLS) examination and the Tennessee Specifics (TLS) examination.*
- 3. Effective October 23, 2003, the Tennessee State Board of Examiners for Land Surveyors will vote at each board meeting as to whether any or all portions of the board meeting, depending upon content, will be allowed for professional development hours.*
- 4. Land Surveyors Board members, at their discretion, and by vote only, may receive continuing education credits for attending board meeting. The hours awarded will depend on the agenda content (formal hearings, informal conferences, etc.). A vote will be taken at each board meeting for the number of*

hours to be awarded. There may be some meetings where no hours are awarded. The hours awarded will be reflected in the minutes of each meeting.

5. Effective January 2005, the board voted that when an applicant applies for Tennessee licensure and is current with licensure in another state, having passed the NCEES Fundamentals of Surveying (FS) and the Principles and Practices of Surveying (PS), the applicant will be required to sit for the two hour Tennessee Specifics of Surveying (TS) exam.
6. The Tennessee Board of Examiners for Land Surveyors has revised and will be adhering to the following policy:

Policy Statement dated January 1, 1999 and revised effective October 1, 2005
Effective October 1, 2005 any individual submitting an application for consideration by the Tennessee Board of Examiners for Land Surveyors for licensure, if after two years from the original date of the application the individual has not passed the required testing, must wait one year before submitting another new and complete application and application fee.

The board may require certified documentation of additional experience and/or continuing education.

7. As of January 3, 2006, to stop approving or disapproving education courses. The board will not tell applicants how many hours of credits they have or don't have and that they will be furnished with a list of the type courses that the board is requiring, that is acceptable to the board and that specific courses from henceforth will not be approved or disapproved by the board prior to making application.

The board will respond to general questions pertaining to the education in the event that the potential applicant doesn't quite understand the board policy that the board is submitting to them and they are invited to send the board general questions about education but the board is not going to sit down and preapprove or not approve a transcript.

8. Effective January 25, 2007, the Tennessee Board of Examiners for Land Surveyors will be adhering to the following policy:

Due to the conflict in Iraq and Afghanistan and extended military service, several surveyors have requested the continuing education units be waived for renewal of their Tennessee Land Surveyor's license while on active duty.

Out of respect for their dedication to the United States of America, we the board, hereby make this policy that the continuing education units be waived for our brave men and women serving out of the country while on active military duty. The licensee must supply proper documentation to support his request.

9. Effective June 14, 2007, when a registrant has a license or certificate of registration to practice land surveying in another jurisdiction revoked,

suspended, or voluntarily surrendered as a result of disciplinary proceedings, the registrant may be subject to disciplinary action before the Tennessee Board of Examiners for Land Surveyors. If the other jurisdiction imposes discipline less than the action stated above, the registrant will be routinely issued a Letter of Caution by Board staff. The purpose of the caution letter is to advise the registrant that the Board has been notified of the disciplinary action and puts the registrant on notice to avoid similar infraction in Tennessee.

10. On February 9, 2004, the Attorney General, Paul G. Summers, gave an opinion which seems to violate state law. Late in 2006, this opinion was placed in the Laws and Regulations for Land Surveyors. The opinion is as follows:

“A city in the exercise of its land planning authority, is not bound by Minimum standards governing the practice of land surveying and engineering; therefore, a city may require an engineer to perform functions that, arguably, may be performed by a land surveyor.”

While we are in agreement that a city or county government agency may not be bound by the minimum standards governing the practice of land surveying, this board does feel that they do have to abide by Tennessee statutes. This board does have authority over the unlicensed practice of land surveying. Please see the following:

TCA 62-18-120 – Violations – (b) Any person who practices or offers to practice land surveying in this state in violation of this chapter commits a Class C misdemeanor. Each day of violation constitutes a separate offense.

BOARD POLICY

There is a huge difference between state law and minimum standards, it is true, only surveyors fall under the minimum standards. However, no person or government agency may appoint or require any individual to a position, project or function which violates state law.

Therefore, this board must follow state law. Any person practicing land surveying who is not duly licensed to practice land surveying in Tennessee is in violation of TCA 62-18-120, public welfare requiring it.

11. Across the state within the various city and county governing bodies, there are many differences between the way the subdivision submittals work through planning authorities. This inconsistency has caused many problems with persons other than surveyors making these submittals.

Under TCA 62-18-102(3) – Definitions – the practice of land surveying means “any service of work, the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law adequate evidence to the act of measuring and locating lines, angles, elevations, natural and manmade features in the air, on the surface of the earth, within underground workings, and on the beds of bodies of water for the purpose of determining areas and

volumes, for the monumenting of property boundaries, and for the platting and layout of lands and subdivisions thereof, including the topography, drainage, alignment and grades of streets, and for the preparation and perpetuation of maps, records, plats, field notes, records and property descriptions that represent these surveys;...

Accordingly, the "...platting and layout of lands and subdivisions thereof..." is clearly the responsibility of the surveyor.

Therefore, the board requires that all plats or layout of lands and subdivisions shall bear the seal, date and signature of the surveyor. This includes, but is not limited to, preliminary and final plats submitted to planning commissions prior to construction. Also, in compliance with previous board policy, the surveyor's seal, date and signature shall be included on all record and as built drawings, public welfare requiring it.

12. In late 2004, this board was inundated with numbers of questions concerning our position on the question of drainage. In 2005, the board felt it must offer the public a policy, which is clear and concise to help alleviate time the board spends dealing with individual questions on this subject. On January 25, 2007, a committee for the Engineers Board asked us to prepare an opinion on the drainage issue. Their reason was the Attorney General's opinion that surveyors could not design drainage.

According to TCA 6218102(3), the definition of surveying is defined as follows:

"Practice of land surveying" means any service of work, the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence to the act of measuring and locating lines, angles, elevations, natural and manmade features in the air, on the surface of the earth, within underground workings, and on the beds of bodies of water for the purpose of determining areas and volumes, for the monumenting of property boundaries, and for the platting and layout of lands and subdivisions thereof, including the topography, **drainage**, alignment and grades of streets, and for the preparation and perpetuation of maps, records, plats, field notes, records and property descriptions that represent these surveys.

FINDING OF FACTS

Over the course of the past sixteen months, the board has interviewed former board members, specifically the board members serving during the time of this legislation, those members being Phillip Carter and David Hopkins, and Representative Bill Richardson, the original framer of the law. Copies of their statements are attached.

Among the items defining the practice of surveying in the State of Tennessee are: "...topography, drainage..." and according to one of the framers of the legislation, former Rep. Bill Richardson, "Listed in this law are things that

surveyors are licensed to do. The word drainage was used because it is a function of surveying.”

From the above wording, the same authority given to surveyors to do topos, alignment and grades of streets, etc. is the same authority to do drainage. It is also covered under the “... application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law...”

Our investigation has concluded that ever since this law was put on the books, surveyors have been able to design drainage systems for subdivisions and other projects. In fact, according to Dave Hopkins, surveyors were doing drainage design even before the law went into effect. Therefore, this is not a new concept that is being applied for today, but conforms to the history of professional service surveyors have supplied the public for over thirty years.

As stated in Rep. Bill Richardson’s letter, “this law does not exclude civil engineers or any other design professional.” It is clear that the surveyor has these responsibilities to the public under this law. Also, since this law began, the Board of Examiners for Land Surveyors has tested all surveyors on their knowledge of drainage.

Even though on February 9, 2004, Attorney General Paul G. Summers gave the opinion to the contrary, the Board of Examiners for Surveyors is charged with protecting the public interest and therefore must follow TCA 62-18-102 – Definitions, which gives surveyors the authority to do drainage.

BOARD POLICY

Having therefore investigated and analyzed all of the information as to the original nature of this legislation, TCA 62-18-102, the Tennessee Board of Examiners for Land Surveyors agrees with all of those having direct knowledge of the original intention of the law. **We find that the law clearly gives the surveyor the authority to do drainage design.**

13. Effective immediately, it is the policy of the Tennessee Board of Examiners for Land Surveyors that all recorded subdivision plats and plats of any type or nature should also include, for each individual lot, the total acreage or square footage for the lot and an overall total acreage or square footage of the property surveyed.

More detailed information and instruction will be shown in the 2009 Revised Standards of Practice.

14. When an applicant appears before the board to discuss a disapproved application (due to substandard plats), the supervising surveyor shall also come in.

15. In response to the position statement regarding as built or record drawings published by the Tennessee Board Architectural and Engineering Examiners as

published in "Tennessee Design Lines", Spring/Summer 2004 issue, the Tennessee Board of Examiners for Land Surveyors hereby submits this policy statement to provide clarification regarding the practice of land surveying. The position or policy statement as written by the Tennessee Board of Architectural and Engineering Examiners does not appear to affect or conflict with the practice of land surveying. However, it has been brought to the attention of this Board that certain local planning jurisdictions in Tennessee, citing this position statement, have refused to accept as-built surveys signed and sealed by a license land surveyor. The confusion appears to be caused by the lack of understanding of the difference between the terms "as-built" or "record" drawings and "as-built" surveys. Both terms are defined in Glossary of the Mapping Sciences, prepared by a joint committee of the American Society of Civil Engineers, American Congress on Surveying and Mapping and American Society for Photogrammetry and Remote Sensing, published by the same organizations in 1994.

The record drawings submitted by design professional is the subject of the position statement of the Tennessee Board of Architectural and Engineering Examiners and was obviously intended to provide guidance for due process and responsibility for the documentation of the final outcome of their design after construction is complete. It is generally understood that the contractor usually makes measurements during construction layout as to location and dimensions of the designed structures. This process is subject to the oversight of the design professional and may be relied upon for the record drawing as provided for in the position statement of that Board. For many clients a record drawing is adequate, however, with the proliferation of Geographic Information Systems licensed land surveyors are more often required to perform as-built surveys to accurately geo-reference and measure the features and present the results in the form of as-built survey drawings and electronic files for inclusion in geographic data bases. These functions are provided for within the definition of the practice of land surveying contained in TCA 62-18-102(c) and the work product must only be signed and sealed by a licensed land surveyor. Only a licensed land surveyor may attest to the actual measurements made under his responsible charge to such item as location, height, dimensions, alignment, geodetic reference or references to the legal aspects of boundaries or easements. The licensed surveyor must not offer an opinion as to matters pertaining to the design and construction which is the sole responsibility of the design professional.

- 16. TCA 62-18-126 authorizes land surveyors to perform certain limited nonmonumentation procedures and practices. It is the policy of this Board that all licensees become aware of and understand that these procedures are authorized, but that no standards for these practices are in place.*

Rule 0820-03-07 (Standards of Practice) lists the requirements for general property surveys. Due to a lack of awareness by surveyors and the public as to what services are being provided, there has been confusion resulting in harm to the public and undue liability to the surveyor over services performed pursuant to TCA 62-18-126 and accepted by the public as a general property survey.

It is the policy of the Board to consider any survey plat as a general property survey to be regulated under the Standards of Practice if it is sealed by the licensee and does not specifically state on its face that:

- 1. The survey was done under the authority of TCA 62-18-126; and*
- 2. The survey is not a general property survey as defined under Rule 0820.03-07.*

Further, the Board will require that any plat or map furnished by a surveyor meet requirements of Rule 0820-03-.06 (Maps and Mapping).

17. Activities under review: Construction staking and measuring with GPS in relation to Digital Terrain Modeling (DTM).

In response to recent inquiries concerning the unlawful practice of land surveying, the board has reviewed the information furnished. In addition, the board has been made aware of other complaints or questions pertaining to these matters.

*According to the Tennessee Land Surveyors Laws and Regulations, TCA 62-18-102(3) - Definitions **practice of land surveying** means any service of work, the adequate performance of which involves **the application of special knowledge of the principles of mathematics, the related physical and applied sciences** and the relevant requirements of law for adequate evidence to **the act of measuring and locating lines, angles, elevations, natural and manmade features in the air, on the surface of the earth, within underground workings** and on the beds of bodies of water **for the purpose of determining areas and volumes**, for the monumenting of property boundaries, and for the platting and layout of lands and subdivisions thereof, **including the topography, drainage, alignment and grades of streets**, and for the preparation and perpetuation of maps, records, plats, field notes, records and property descriptions that represent these surveys;*

It is clear from the above definition and the evidence presented, that the proliferation and participation in these activities is an attempt to circumvent the laws governing the practice of land surveying in Tennessee. After consideration of this information the board has concluded that these activities do fall within the area of land surveying and following statement shall be considered:

BOARD POLICY

The use of electronic measuring devices, such as GPS, to develop, construct, distribute and use digital terrain models (DTM) for the purpose of stakeout and earthwork grading is within the definition of the practice of land surveying and shall be performed only under the responsible charge of a licensed professional land surveyor.

18. TCA 62-18-109(b)(1) provides for the contingent change in the eligibility for registration and licensing of professional land surveyors in Tennessee effective July 1, 2003. This law prescribes three categories of requirements which persons desiring to become licensed in Tennessee may elect. Each of these categories provides a combination of education, experience and examination for a candidate for registration and licensing. These requirements are set forth in a chronological progression of career development regardless of the category or option selected. Each option provides that a candidate:

1. Complete educational requirements beyond high school by acquiring a college degree with surveying related courses completed within or in addition to the process. Gaining knowledge is emphasized.
2. Passing a knowledge-based examination. Currently the National Council of Examiners for Engineers and Surveyors (NCEES) provides a knowledge-based examination styled the Fundamentals of Land Surveying (FLS) that requires eight hours to complete, is closed book and given twice each year in April and October. After passing this exam, candidates will be acknowledged as Professional Land Surveyors-in-Training (PLSIT).
3. Gain practical experience under a licensed professional land surveyor in the actual practice of land surveying.
4. Pass an experience-based examination. Currently NCEES provides such an examination styled the Principles and Practices of Land Surveying (PLS) that requires six hours to complete, is open book and given twice each year in April and October. In addition, the specific legal principles and jurisdictional aspects of practice within the State of Tennessee will be examined by the Tennessee Board of Examiners for two hours on the same day. Successfully passing these examinations will result in the registration and licensing of the applicants as professional land surveyors to practice within Tennessee.

In order to provide for the examination and recognition of land surveyor intern prior to the effective date of the above stated contingent law, this Board, effective immediately, will accept applications for Professional Land Surveyors- in-Training (PLSIT) candidates and cite for examination by NCEES, FLS examination, who furnish acceptable evidence to the Board that they have qualification as follows:

1. High school graduate or GED diploma.
2. Be of good character and repute.
3. Have four years of progressively responsible experience under a licensed surveyor, provided that:
 - a. Earning a bachelor's degree in a land surveying or equivalent curriculum in an ABET accredited institution will be accepted as four year experience. Specifically, seniors scheduled for graduation may make application and be accepted without graduation provided that a representative of the institution verifies that the applicant is a student of the senior class, is in good standing and graduation is expected.
 - b. Each year of successful matriculation or teaching at an acceptable school or institution of higher learning with major study in land surveying or equivalent curriculum will be accepted as experience.

Generally, a course load of 30 semester hours of credit will be considered a year of experience in this application.

All qualifications, experience, and education are to be provided on an application form, provided by the Board.

The application fee of \$25.00, as provided by regulations, must accompany the application, and the examination fee of \$125.00 must be received after approval of the application and prior to admittance to the examination.

Successfully passing the FLS examination will result in the acknowledgement and recognition of the applicant as a Professional Land Surveyor-in-Training (PLSIT), and as a PLSIT intern, advance in the process to complete the additional experience and examinations required by law to become a licensed land surveyor. The Board may discontinue, change or otherwise modify this policy in the future, and recognition or designation issued to any applicant may be withdrawn at any time by the Board.

19. The Tennessee Board of Examiners for Land Surveyors hereby adopts the following policy regarding the application of Tenn. Code Ann. § 62-18-109(c) [Applications for registration], which states: “Any person who submits evidence satisfactory to the board that the person has practiced surveying for no less than ten (10) years shall be exempted from subdivision (b)(1).”

1. Persons not in possession of a current, valid license to practice land surveying in any jurisdiction other than Tennessee, and in the absence of any other qualifying circumstance, such as practice as a land surveyor under a legitimate exemption, are not eligible for registration under this provision.

2. Any person who has practiced land surveying, as defined by Tenn. Code Ann. 62-18-102(3), under a legitimate exemption, such as employment by an agency of the federal government not requiring a state license to provide land surveying services, and having obtained at least ten (10) years of experience of a standard satisfactory to the Board in such a capacity, are eligible to apply for registration under this provision.

3. Any person who has obtained a license as a land surveyor in another jurisdiction under circumstances that do not meet the minimum standards for reciprocity as required by Tenn. Code Ann. § 62-18-110, and having obtained at least ten (10) years of experience of a standard satisfactory to the Board in such a capacity, are eligible to apply for registration under this provision.

NOTE: Policy Statements are adopted to enhance or clarify laws and rules. Any changes to laws or rules contradictory to the above supersede policies.

Votes:

After some discussion, on item numbers 1 and 6 because they were redundant and in consideration of the new computer based test (CBT) which will be given in 2014. Mr. Northcutt made the motion to delete both from the policies. The motion was seconded by Ms. Braly. The motion carried unopposed.

Mr. Northcutt made a motion to remove policy number 2 from the list. Ms. Braly seconded the motion. The motion carried.

Mr. Northcutt made a motion to add, "Pursuant to 0820-5.05" to number 3 and 4 and delete the date from the sentence. The motion was seconded by Ms. Braly. The motion carried unopposed.

Mr. Northcutt made the motion to remove the date and the phrase "the board voted that" from number 5 and add "pursuant to 62-18-109 and 62-18-110". The motion was seconded by Ms. Braly. The motion carried unopposed.

Mr. Northcutt made the motion to delete the phrase "As of January 3, 2006" from number 7 and add "Pursuant to 62-18-109". The motion was seconded by Ms. Braly. The motion carried unopposed.

Mr. Northcutt made the motion that policy number 8 be deleted. The motion was seconded by Ms. Braly. The motion carried unopposed.

Mr. Northcutt made the motion to delete the phrases in item 9, "Effective June 14, 2007," replace "an" with "in" in the next line and add the reference at the beginning, "Pursuant to TCA 62-18-116(a)(f) and Rule 0820-4-.07(3)(b). The motion was seconded by Ms. Braly. The motion carried unopposed.

Mr. Northcutt made the motion to delete policy number 10 after some discussion. The motion was seconded by Ms. Braly. The motion carried unopposed.

Mr. Northcutt made the motion to delete policy 11. The motion was seconded by Ms. Braly. The motion carried unopposed.

It was recommended that policy 12 should left as stated. Mr. Northcutt made the motion to accept this recommendation. The motion was seconded by Ms. Braly. The motion carried unopposed.

Mr. Northcutt made the motion to delete policy 13. The motion was seconded by Ms. Braly. Rule 0820-03.06 was discussed as the reason the policy was not needed. The motion carried unopposed.

Mr. Northcutt made the motion to delete policy 14. The motion was seconded by Ms. Braly. The motion carried unopposed.

After some discussion it was recommended by Mr. Lingerfelt that policy numbered 15 be left intact for relevance and clarity. Mr. Northcutt made the motion retain this as a policy. The motion was seconded by Ms. Braly. The motion carried unopposed.

Mr. Northcutt made the motion to delete from policy number 16 the sentences, "It is the policy of this Board that all licensees become aware of and understand that these procedures are authorized, but that no standards for these practices are in place.

Rule 0820-03-07 (Standards of Practice) lists the requirements for general property surveys. Due to a lack of awareness by surveyors and the public as to what services are being provided, there has been confusion resulting in harm to the public and undue liability to the surveyor over services performed pursuant to TCA 62-18-126 and accepted by the public as a general property survey". The motion was seconded by Ms. Braly. The motion carried unopposed.

After some discussion on policy number 17 recommended that this policy be deleted because of rule 0880-03-.07 (5). Mr. Northcutt made the motion to delete the policy as discussed. The motion was seconded by Ms. Braly. The motion carried unopposed.

Mr. Northcutt made the motion to delete policy 18. The motion was seconded by Ms. Braly. The motion carried unopposed.

After some discussion, it was recommended by Mr. Lingerfelt that policy numbered 19 remain as a policy. Mr. Northcutt made the motion to accept recommendation. The motion was seconded by Ms. Braly. The motion carried unopposed.

As per the decisions of the Board, the new Policy Statements are as follows and have been renumbered:

**TENNESSEE BOARD OF EXAMINERS FOR LAND SURVEYORS
POLICY STATEMENTS**

1. *Pursuant to Rule 0820-5-.05, the Tennessee State Board of Examiners for Land Surveyors will vote at each board meeting as to whether any or all portions of the board meeting, depending upon content, will be allowed for professional development hours.*
2. *Pursuant to Rule 0820-05-.05, Land Surveyors Board members, at their discretion, and by vote only, may receive continuing education credits for attending board meetings. The hours awarded will depend on the agenda content (formal hearings, informal conferences, etc.). A vote will be taken at each board meeting for the number of hours to be awarded. There may be some meetings where no hours are awarded. The hours awarded will be reflected in the minutes of each meeting.*
3. *Pursuant to TCA 62-18-109 and TCA 62-18-110, the board voted that when an applicant applies for Tennessee licensure and is current with licensure in another state, having passed the NCEES Fundamentals of Surveying (FS) and the Principles and Practices of Surveying (PS), the applicant will be required to sit for the two (2) hour Tennessee Specifics of Surveying (TS) exam.*
4. *Pursuant to TCA 62-19-109, applicants will have to submit an application including all requested education credits. The board will not preapprove qualifying education hours. The board will respond to general questions pertaining to the education but the board will not preapprove an education transcript.*

5. Pursuant to TCA 62-18-116(a)(f) and Rule 0820-4-.07(3)(b), when a registrant has a license or certificate of registration to practice land surveying in another jurisdiction revoked, suspended, or voluntarily surrendered as a result of disciplinary proceedings, the registrant may be subject to disciplinary action before the Tennessee Board of Examiners for Land Surveyors. If the other jurisdiction imposes discipline less than the action stated above, the registrant will be routinely issued a Letter of Caution by the Board staff. The purpose of the letter is to advise the registrant that the Board has been notified of the disciplinary action and put the registrant on notice to avoid similar infraction in Tennessee.
6. In late 2004, this board was inundated with numbers of questions concerning our position on the question of drainage. In 2005, the board felt it must offer the public a policy, which is clear and concise to help alleviate time the board spends dealing with individual questions on this subject. On January 25, 2007, a committee for the Engineer's Board asked us to prepare an opinion on the drainage issue. Their reason was the Attorney General's opinion that surveyors could not design drainage.

According to TCA 62-18-102(3), the definition of surveying is defined as follows:

"Practice of land surveying" means any service of work, the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence to the act of measuring and locating lines, angles, elevations, natural and manmade features in the air, on the surface of the earth, within underground workings, and on the beds of bodies of water for the purpose of determining areas and volumes, for the monumenting of property boundaries, and for the platting and layout of lands and subdivisions thereof, including the topography, drainage, alignment and grades of streets, and for the preparation and perpetuation of maps, records, plats, field notes, records and property descriptions that represent these surveys.

Over the course of the past sixteen months, the board has interviewed former board members, specifically the board members serving during the time of this legislation, those members being Phillip Carter and David Hopkins, and Representative Bill Richardson, the original framer of the law. Copies of their statements are attached.

Among the items defining the practice of surveying in the State of Tennessee are: "...topography, drainage..." and according to one of the framers of the legislation, former Rep. Bill Richardson, "Listed in this law are things that surveyors are licensed to do. The word drainage was used because it is a function of surveying."

From the above wording, the same authority given to surveyors to do topos, alignment and grades of streets, etc. is the same authority to do drainage. It is also covered under the "... application of special knowledge of the principles of

mathematics, the related physical and applied sciences, and the relevant requirements of law...

Our investigation has concluded that ever since this law was put on the books, surveyors have been able to design drainage systems for subdivisions and other projects. In fact, according to Dave Hopkins, surveyors were doing drainage design even before the law went into effect. Therefore, this is not a new concept that is being applied for today, but conforms to the history of professional service that surveyors have supplied the public for over thirty years.

As stated in Rep. Bill Richardson's letter, "this law does not exclude civil engineers or any other design professional." It is clear that the surveyor has these responsibilities to the public under this law. Also, since this law began, the Board of Examiners for Land Surveyors has tested all surveyors on their knowledge of drainage.

Even though on February 9, 2004, Attorney General Paul G. Summers gave the opinion to the contrary, the Board of Examiners for Surveyors is charged with protecting the public interest and therefore must follow TCA 62-18-102 – Definitions, which gives surveyors the authority to platting, layout and monumenting of drainage.

- 7. In response to the position statement regarding "as-built" or record drawings published by the Tennessee Board Architectural and Engineering Examiners as published in "Tennessee Design Lines", Spring/Summer 2004 issue. The position or policy statement as written by the Tennessee Board of Architectural and Engineering Examiners does not appear to affect or conflict with the practice of land surveying. However, it has been brought to the attention of this Board that certain local planning jurisdictions in Tennessee, citing this position statement, have refused to accept "as-built" surveys signed and sealed by a license land surveyor. The confusion appears to be caused by the lack of understanding of the difference between the terms "as-built" or "record" drawings and "as-built" surveys. Both terms are defined in Glossary of the Mapping Sciences, prepared by a joint committee of the American Society of Civil Engineers, American Congress on Surveying and Mapping and American Society for Photogrammetry and Remote Sensing, published by the same organizations in 1994.*

The record drawings submitted by design professional is the subject of the position statement of the Tennessee Board of Architectural and Engineering Examiners and was obviously intended to provide guidance for due process and responsibility for the documentation of the final outcome of their design after construction is complete. It is generally understood that the contractor usually makes measurements during construction layout as to location and dimensions of the designed structures. This process is subject to the oversight of the design professional and may be relied upon for the record drawing as provided for in the position statement of that Board. For many clients a record drawing is adequate; however, with the proliferation of Geographic Information Systems (GIS) licensed land surveyors are more often required to perform "as-built" surveys to accurately

Geo-reference and measure the features and present the results in the form of “as-built” survey drawings and electronic files for inclusion in geographic data bases. These functions are provided for within the definition of the practice of land surveying contained in TCA 62-18-102(c) and the work product must only be signed and sealed by a licensed land surveyor. Only a licensed land surveyor may attest to the actual measurements made under his responsible charge to such items as location, height, dimensions, alignment, geodetic reference or references to the legal aspects of boundaries or easements. The licensed surveyor must not offer an opinion as to matters pertaining to the design and construction which is the sole responsibility of the design professional.

8. *TCA 62-18-126 authorizes land surveyors to perform certain limited nonmonumentation procedures and practices. It is the policy of the Board to consider any survey plat as a general property survey to be regulated under the Standards of Practice if it is sealed by the licensee and does not specifically state on its face that:*

2. *The survey was done under the authority of TCA 62-18-126; and*

2. *The survey is not a general property survey as defined under Rule 0820.03-7.*

Further, the Board will require that any plat or map furnished by a surveyor meet requirements of Rule 0820-03-.06 (Maps and Mapping).

9. *The Tennessee Board of Examiners for Land Surveyors hereby adopts the following policy regarding the application of Tenn. Code Ann. § 62-18-109(c) [Applications for registration], which states: “Any person who submits evidence satisfactory to the board that the person has practiced surveying for no less than ten (10) years shall be exempted from subdivision (b)(1).”*

1. *Persons not in possession of a current, valid license to practice land surveying in any jurisdiction other than Tennessee, and in the absence of any other qualifying circumstance, such as practice as a land surveyor under a legitimate exemption, are not eligible for registration under this provision.*

2. *Any person who has practiced land surveying, as defined by Tenn. Code Ann. 62-18-102(3), under a legitimate exemption, such as employment by an agency of the federal government not requiring a state license to provide land surveying services, and having obtained at least ten (10) years of experience of a standard satisfactory to the Board in such a capacity, are eligible to apply for registration under this provision.*

3. *Any person who has obtained a license as a land surveyor in another jurisdiction under circumstances that do not meet the minimum standards for reciprocity as required by Tenn. Code Ann. § 62-18-110, and having obtained at least ten (10) years of experience of a standard satisfactory to*

the Board in such a capacity, are eligible to apply for registration under this provision.

NOTE: Policy Statements are adopted to enhance or clarify laws and rules. Any changes to laws or rules contradictory to the above supersede policies.

Discussion of the Fundamentals Exam (FS) and CBT

The board then discussed the application review for the upcoming fundamentals of surveying computer based test (CBT), which goes into effect January 1, 2014. The discussion continued as to the possibility of the NCEES approving applicants to take the exam directly, which was seen as not being a good idea, having no proper channel of approval from the Tennessee board first they may not meet the criteria established for education requirements. After further discussion, during which Ms. Avers suggested if Board approval was a necessity, applications may need to be reviewed at each meeting in order to be in sync with the testing schedules. Chairman Lingerfelt agreed, mentioning that the Board did not want to disappoint applicants by delayed approvals, so it would be best that the Board would continue to approve applicants to take the test as requested at each meeting, so as to give them adequate time to take it either during the next testing schedule - or if their job load was too great at that time, at the next open schedule. To that end, Ms. Avers suggested it was then best to have a calendar posted on the website towards affording applicants up-to-date timings and schedules for each of the specific type of examinations, including the fundamentals exam (FS) exam which will be a computer based test (CBT) beginning in 2014. Ms. Avers also asked what prevented applicants from taking the test in another state and then applying in Tennessee, to which Chairman Lingerfelt answered that Tennessee would still have to review to determine if they met Tennessee qualifications and standards to be licensed to practice in Tennessee – though, if Tennessee approved them first, they were then free to take the test in any state they wished.

Chairman Lingerfelt then suggested that the application be amended to make it clear as to when an applicant may or may not take the exam. Ms. Avers indicated the website, rather than the application itself would be a better place for notification since the applications are more difficult to change. Ms. Moulder added that approval could be granted if two or more members approved the application.

Ms. Avers continued the discussion on whether a Category A (TCA 62-18-109) applicant, based on his/her bachelor's degree in land surveying, could be considered for the fundamentals exam without Board approval, but rather through an administrative application process. Chairman Lingerfelt indicated that the Board could say 'Yes', to universities they were familiar with, but that would be unfair to others they were not, more so since education and license requirements in many jurisdictions were very different from Tennessee minimum qualifications.

Mr. Northcutt then agreed it was best to continue to review and approve all exam applications to maintain the quality of surveyors practicing in the state.

Chairman Lingerfelt agreed and suggested that Ms. Moulder get a calendar the Board and potential applicants could follow on the website, which could be amended as needed going forward. Mr. Northcutt agreed it was the best way to proceed since the

number of applicants was manageable enough to be able to keep up with requests to take the exam each time the Board met. Chairman Lingerfelt then asked Ms. Moulder to consider a possible deadline for these dates/schedules to be posted on the website.

Vote: Mr. Northcutt then made a motion to prepare a Board (2013/2014) exam calendar. The motion was seconded by Ms. Braly. The motion carried unopposed.

The Board then discussed the application revisions for the fundamental of surveying examination and its significance/relevance towards eliciting the necessary information from any applicant. The photograph was discussed and no change to that part of the application was recommended. Mr. Northcutt motioned to delete the phrase "If complete addresses for universities and all references are not provided, this application will be returned;" replace the phrase "check or money order" with "payment", delete "3rd floor" and delete "This application, along with a \$25.00 application fee, all reference forms, education verification forms, and transcripts must be received by January 15 for the April exam or July 15 for the October exam. Please allow 5-7 business days to ensure adequate delivery time of this application before the deadline date. The motion was seconded by Ms. Braly. The motion carried unopposed.

Mr. Northcutt made a motion to delete "f. Do you have a disability which may require special accommodations in taking an examination?" "j. Have you ever been denied registration or had your license suspended or revoked? If so, name year" The motion was seconded by Ms. Braly. The motion carried unopposed.

The Board then decided that Section 3 on 'References' be deleted in its entirety. Mr. Northcutt made a motion to accept the recommendation. The motion was seconded by Ms. Braly. The motion carried unopposed.

Chairman Lingerfelt then shared his experience from the Southern Zone meeting, sharing some observations made as to computer based testing (CBT) and the differences in the manner in which the new computerized exam would be administered.

Ms. Avers and Mr. Northcutt added brief observations and experiences from their attendance at the meeting.

Mr. Northcutt then added that given there seemed to be a rash of course submissions that bore no merit whatsoever, a fee could perhaps be asked to avoid frivolous course from being submitted in future.

Chairman Lingerfelt then suggested that since all new business had been concluded and it was late in the afternoon, any remaining old business could be taken up the next day between 9 a.m. and 9:30 a.m., April 12, 2013.

There being no further business for the day, the meeting was adjourned at 3:55 p.m. on April 11, 2013.

Day Two –

Chairman Lingerfelt called the meeting to order at 9:10 a.m.

BOARD MEMBERS PRESENT

Chairman: Tim Lingerfelt
Vice Chairman: Galyon Northcutt
Board member: David Cagle

MEMBERS ABSENT

Sue Braly

STAFF MEMBERS PRESENT

Nikole Avers, Donna Moulder, Robert Herndon, Dennis O'Brien

Chairman Lingerfelt called the meeting to order at 9:10 a.m.

He began by welcoming Mr. Cagle to the proceedings for the day, thanking Ms. Moulder for the fundamentals of surveying examination numbers and suggested the board continue to discuss the possible licensing of photogrammetrists and GIS.

He mentioned that the states that had a licensing process for GIS had to grandfather those in, though photogrammetrists were handled differently in different states, namely Florida, approximately eighty (80) licensees, where they are licensed as land surveyors, Virginia, with approximately one hundred fifty (150) licensees, where they were referred to as photogrammetrists/surveyors and North Carolina, with around one hundred ten (110) licensees, where they were called them photogrammetrists/surveyors.

Chairman Lingerfelt further shared that he had obtained a copy of the grandfathering application form from Georgia which details their licensing photogrammetrists and GIS.

NEW BUSINESS

Rulemaking Update - Rules of Professional Conduct

New Business on the agenda for the day continued after lunch, with Chairman Lingerfelt requested an update from Mr. Herndon on the status of the Rules of Professional Conduct. The rules had been submitted for review and he indicated that rulemaking should be on track for October 2013.

Rulemaking Discussion Continuing Education Rules

Mr. Herndon then presented the Board with the "Regulatory Flexibility Act/Economic Impact Statement" for **Chapter 0820-5 Continuing Education**. Mr. Cagle made a motion to accept the "Regulatory Flexibility Analysis – methods of reducing impact of rules on small businesses" as summarized by Mr. Herndon. Mr. Northcutt seconded the motion. There being no further discussion, the motion carried unopposed. Mr. Herndon then presented "additional questions posed by the Governor's office." After further discussion, Mr. Northcutt made a motion to accept recommended language as summarized by Mr. Herndon the additional questions. Mr. Cagle seconded the motion. There being no further discussion, the motion carried unanimously.

Applicant Conferences

David Jonathan Cochran

David Jonathan Cochran – submitted an application for licensure as a professional land surveyor in Tennessee on January 15, 2013. At that time, he had 169 months of land surveying experience. According to his application, he has no four (4) year degree nor is he licensed to practice land surveying in any other state. Application was denied on January 31, 2013 based on the fact that applicant does not qualify.

Applicant originally submitted an application for licensure as a professional land surveyor in Tennessee on July 29, 2008. The applicant applied under the “10-year rule.” At that time, he had one hundred twenty (120) months of surveying experience. According to his application, he has no four (4) year degree nor is he licensed to practice land surveying in any other state. The application was approved on September 11, 2008.

The applicant took the NCEES FS and PS and the TS exams on October 24-25, 2008, failing all three exams. He again took the FS, PS, and TS exams on April 24-25, 2009, failing all three. Took the FS exam only on October 24, 2009, again obtained a failing score. On April 16-17, 2010, again took all three (3) exams and again failed all three (3) exams.

Mr. Cochran wanted to know why he had not been considered by the old ten (10) year allowance for taking the examination towards obtaining a license.

Mr. Northcutt explained that there was no such allowance, and went on to explain that the “ten year” allowance came about in 1997, when surveyors who wanted to obtain a license should have had a four (4) year Bachelor’s degree and six years in a ‘position of good standing’ to be considered for the examination in Tennessee at the time. Given the work load surveyors often faced, when the six year period was over, another four years was added to give most a chance to qualify – thus making for a ten year allowance period. He further explained that this period was never extended past 2003 and as such, did not exist as a statute at this time.

In Mr. Cochran’s situation, the board noted he has missed his opportunity the few times he was granted a chance to take the examination by an earlier board, since he had failed to pass the exam three times. As such, his application had to abide by current rules and to qualify it was suggested he could complete a four (4) year degree wherein he could meet the required thirty-six (36) hours of land surveying courses a part of that degree completion and qualify to take the exam at that time. As such, his application for licensure as land surveyor was denied.

Nicholas Lester Mansfield

Nicholas Lester Mansfield - submitted an application for licensure as a professional land surveyor in Tennessee based on reciprocity with South Carolina on December 19, 2012. The applicant requested to apply under the “10 year rule”; he has no four (4) year degree, has an associate’s in engineering degree awarded August 2008 from Greenville Technical College. The applicant took and passed the NCEES Fundamentals of Surveying exam in Connecticut on March 16, 2006; took and passed the NCEES

Principles of Surveying exam in North Carolina on June 5, 2008 and took and passed the two (2) hour South Carolina state specific exam on April 24, 2009, at which time he became licensed to practice land surveying in South Carolina and Georgia. Applicant has one hundred fifty-seven (157) months of total surveying experience.

Application was denied on January 31, 2013 based on the fact that applicant does not qualify.

Mr. Mansfield, who had been listening to the discussion with the previous applicant, noted he was in the 'same boat' and wanted to know if this meant that the current policies were preventing him from taking the exam.

Mr. Northcutt answered that there was no statute currently in place that made for anyone qualifying by the old ten year allowance, so in his situation the best approach was to get a bachelor's degree – and to that end asked how many credits he needed to complete a four (4) year degree. Mr. Mansfield needed close to fifty (50) credits, Mr. Northcutt advised him that since he already had five years of experience as a surveyor in another state, he may want to wait five more years – indicating that time/experience as a land surveyor would meet the requirements. Since he lacked the necessary education, his application for licensure as land surveyor in Tennessee was denied.

Jason Michael Barry

Jason Michael Barry - submitted an application for licensure as a professional land surveyor in Tennessee on October 3, 2012. The applicant applied under the "10 year rule" to take all three parts of the exam. According to his application, he has a BS degree in Engineering from the University of Tennessee at Chattanooga received on May 2, 2004. He has one hundred thirty-one (131) months of total surveying experience. He is not licensed to practice land surveying in any other state.

Application was denied on January 31, 2013 based on the fact that applicant does not qualify per board policy and also because he lacks fifteen (15) hours in List I courses (with his degree, he should apply under Category B.)

Mr. Barry began by stating that he understood why he could not be granted permission to take the exam at this time, since he was also expecting to discuss why he did not qualify by the old ten year allowance.

Mr. Northcutt and Chairman Lingerfelt both looked into this course listings and advised him that since he already had a Bachelor's degree, all he lacked was an additional fifteen (15) hours of List 1 courses to qualify under Category B.

Mr. Northcutt added that he could take the require hours online as some universities had distance education programs – and in the meantime, if he found other courses that could be considered, the Board would gladly take those into consideration as a means to getting him closer to his goal. On the grounds of lack of required course hours, his application for licensure as land surveyor was denied.

Jason M. Forsberg

Jason M. Forsberg submitted an application for licensure as a professional land surveyor in Tennessee on January 15, 2013. The applicant applied under the “10 year rule” to take the Tennessee specifics portion of the exam. He has been licensed in South Carolina since June 10, 2010.

Application was denied on January 31, 2013 based on the fact that applicant does not qualify per board policy nor does he have a four (4) year degree.

Mr. Forsberg originally applied for licensure as a professional land surveyor in Tennessee on January 11, 2012. Application was denied on February 2, 2012 based on the fact that the applicant does not have a four (4) year degree and he only had one hundred seven (107) months of experience.

Mr. Forsberg described his situation and admitted he understood that he was in the same situation as the other applicants.

Mr. Northcutt noted that qualification requirements would allow him to take the exam after a ten year period as a licensed surveyor.

He further noted that if Mr. Forsberg was able to get the required education he would qualify. Since he already had an associate’s degree, if he worked towards making that into a four (4) year degree, and made the required thirty-six (36) hours of course credits in land surveying part of that endeavor, he would meet qualification. His application for licensure as land surveyor was denied.

Shane Snoderly

Shane Snoderly - submitted an application for licensure as a professional land surveyor in Tennessee on December 30, 2012. Application was denied on January 31, 2013 based on the fact that applicant does not qualify per board policy nor does he meet the twenty-four (24) semester hour requirement under Category B.

Applicant sent a written request in to the board asking that his “recently” submitted and denied application for examination be reviewed in order to provide me with an accurate number of education hours needed. I would also like to informed if the needed class(es) are from Level 1, 2, or 3. It would benefit me greatly to be able to budget, schedule and plan out my required course work around my work schedule.”

Mr. Snoderly had asked the Board to advise him on what requirements as to which courses were remaining for him to qualify so he could be clear as to what he needed at this time to take the exam. Chairman Lingerfelt indicated he needed fifteen (15) hours of List 1 courses to qualify.

Board Policy

The Tennessee Board of Examiners for Land Surveyors hereby adopts the following policy regarding the application of Tenn. Code Ann. § 62-18-109(c) [Applications for registration], which states: “Any person who submits evidence satisfactory to the board that the person has practiced surveying for no less than ten (10) years shall be exempted from subdivision (b)(1).”

1. Persons not in possession of a current, valid license to practice land surveying in any jurisdiction other than Tennessee, and in the absence of any other qualifying circumstance, such as practice as a land surveyor under a legitimate exemption, are not eligible for registration under this provision.
2. Any person who has practiced land surveying, as defined by Tenn. Code Ann. 62-18-102(3), under a legitimate exemption, such as employment by an agency of the federal government not requiring a state license to provide land surveying services, and having obtained at least ten (10) years of experience of a standard satisfactory to the Board in such a capacity, are eligible to apply for registration under this provision.
3. Any person who has obtained a license as a land surveyor in another jurisdiction under circumstances that do not meet the minimum standards for reciprocity as required by Tenn. Code Ann. § 62-18-110, and having obtained at least ten (10) years of experience of a standard satisfactory to the Board in such a capacity, are eligible to apply for registration under this provision.

CATEGORY B (B) (i) Obtains a baccalaureate degree from a science, engineering or technology curriculum of four (4) or more years related to the practice of land surveying, approved by the board, plus an additional twenty-four (24) semester hours of board-approved coursework in the surveying sciences; (ii) Passes an eight-hour written exam, Fundamentals of Land Surveying, selected by the board, acknowledges as PLSIT; (iii) Submits evidence that the person has obtained a total of two (2) years of progressive experience on surveying projects working under the supervision of a licensed surveyor; and (iv) Passes both written exams, Principles and Practice of Land Surveying and the Tennessee State Jurisdictional Exam, both selected by the board; CATEGORY C (C) (i) Obtains a baccalaureate degree from a non-surveying-related curriculum of four (4) or more years, approved by the board, plus an additional thirty-six (36) semester hours of board-approved coursework in the surveying sciences; (ii) Passes an eight-hour written exam, Fundamentals of Land Surveying, selected by the board, acknowledges as PLSIT; (iii) Submits evidence that the person has obtained a total of two (2) years of progressive experience on surveying projects working under the supervision of a licensed surveyor; and (iv) Passes both written exams, Principles and Practice of Land Surveying and the Tennessee State Jurisdictional Exam, both selected by the board.

Discussion of Continuing Education Rules

The Board then voted to approve the draft as proposed by counsel with the amendment to Rule 0820-04-03 to change the PDH hours from the proposed thirty (30) to twenty-four (24) hours in part (1) and (2) and the maximum carry over hours to twelve (12). In 0820-05-.04 (1) (g) change language to “serving as an officer in professional and technical societies”. 0820-05.06 add under the Authority 62-18-128. 0820-05-.07 (1) (a) change to twenty-four (24) hours including four (4) hour ethics course. Mr. Northcutt made a motion to accept the changes. The motion was seconded by Mr. Cagle. Motion passed.

The Board presented Mr. Cagle with a commemorative plaque for his distinguished service to the Board of Examiners for Land Surveyors.

Chairman Lingerfelt then went over the policy changes and amendments from the previous day with Mr. Cagle.

The proceedings ended with Chairman Lingerfelt asking the Board to approve the number of PDHs they may be granted for their participation at the Board meeting from the past two days. It was agreed that a total of 8 hours was appropriate.

Vote: Mr. Cagle then made a motion to grant 8 PDHs for Chairman Lingerfelt and Mr. Northcutt for day one. The motion was seconded by Mr. Northcutt. The motion carried unopposed.

Vote: Mr. Northcutt then made a motion to grant 3 PDHs for Mr. Cagle for day two. The motion was seconded by Mr. Lingerfelt. The motion carried unopposed.

There being no further business for the day, the meeting was adjourned at 12:43 p.m. on April 12, 2013.