



BOARD OF EXAMINERS FOR LAND SURVEYORS
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243
615-741-3600

**October 30th, 2015 Minutes
First Floor Conference Room (1-B)
Davy Crockett Tower**

The Board of Examiners for Land Surveyors met in Nashville, Tennessee, at the Davy Crockett Tower in the first floor conference room. Mr. Galyon Northcutt, Board Chairman, called the meeting to order at 9:19 a.m. and the following business was transacted.

BOARD MEMBERS PRESENT

Galyon Northcutt
Jay Caughman
Tim Lingerfelt
Sue Braly

GUESTS

Jimmy Cleveland (President, TAPS)

STAFF MEMBERS PRESENT

Nikole Avers, Josh Kilgore, Dennis O'Brien

Chairman Northcutt read the public meeting statement into the record, indicating that the agenda was posted to the Land Surveyor website on October 22nd, 2015.

ADOPT AGENDA

Chairman Northcutt made a motion to amend the agenda to include a request from Mr. Wade B. Nance to address the board, and rearrange a few other items in the interest of conducting the meeting smoothly. These amendments are reflected in the minutes that follow. Mr. Caughman made a motion to accept the amended agenda. This was seconded by Mr. Lingerfelt. The motion carried unopposed.

WADE B. NANCE

Mr. Nance apologized to the board for any past interactions that had caused the members any concern over his actions and views, but he wanted to bring to their attention that he had reviewed the meeting video where his complaint had been handled and felt he been misunderstood by the members and the case had not been handled adequately by the board. He added that his client had been economically affected and stated that in his opinion, none of what occurred would have if all parties concerned had adhered to the rules of land surveying. He requested that the board review the case as he felt the contractor had made many errors that went unnoticed.

Mr. Northcutt and Mr. Caughman explained that by law, board members were not allowed to scrutinize actual complaint documents in their entirety and were only afforded a summary prepared by counsel for their views and consideration. As such due to the confines by rule, their complaint reviews were based on whatever facts were presented in the legal report. Mr. Lingerfelt added that the ethics statute was the most misunderstood and a mandatory course had since been put into place to shed more light on matters such as these, perhaps to avoid cases like this in future. The members thanked Mr. Nance for his address and appreciated his passion for the profession.

CASE RE-PRESENTATION

Ms. Brown re-presented a case the board had voted on earlier that could not be brought to resolution. As such, she presented an amended recommendation on closing the case.

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

TAPS COMMITTEE REPORT

Mr. Cleveland presented the TAPS and education report which had been put on the members' iPads for their perusal. In the reports he covered that the Minimum Standards seminars continued though there was some confusion on the new two hour Ethics class requirement. He added that TAPS members had expressed concerns regarding plat requirements and making clients aware of the benefits of a plat, while not actually requiring one on a survey report. Members were also looking forward to a new rules book being published and had expressed some concern that monumenting easements would cause increased cost to clients.

DIRECTOR'S REPORT

Director Avers presented the budget information over the past 4 years, the year-to-date expenditure and revenue as of September 2015 and the current licensee counts.

There were no legislative updates this month. The new licensing system went into effect in the first week of September with a new online renewal system that allowed licensees to complete renewals online by making fee payments and uploading PDH's as required. She mentioned that the board had a new website and any changes, updates or suggestions could be communicated to the admin staff for incorporation on the site.

On the submission reciprocal applications, she requested that the board clarify the requirements for plats and the TS examination. Mr. Lingerfelt and Mr. Caughman explained that plats created out of state would be considered with reciprocal applications so long as they demonstrated that the surveyor had created them with Tennessee standards in mind so as to show the board that they understood the current standards for creating plats in Tennessee. This would ensure that Tennessee clients got plats that were proper graphical representations created to Tennessee standards and, since the TS examination also went a long way towards the understanding and acceptance of Tennessee Specific standards, all applicants would have to sit for the TS examination. Director Avers said that staff would work on a separate application for reciprocity that included instructions on how to create a plat that met Tennessee standards and how to apply for the TS examination. Mt Lingerfelt added that since the applications were being reworked, perhaps a separate application for taking the FS, PS and TS examinations and one for reciprocity could be designed.

On an email received from Cody Victus on whether any experience with a new company that had a licensed surveyor on staff would be considered. The members agreed that any experience that was well rounded would be considered after his passing the FS exam. On the letter received from Stephen Worley, also on the member's iPads, and his comments to author Jeff Lucas on his articles in 'Point of Beginning' magazine, the members suggested staff send him a copy of the current rules and standards of practice so he may pose any other questions he still had after going through them thoroughly. Director Avers ended with a mention to the board that the amended letter to Mr. Lowery on the safe keeping of his seal was also on their iPads.

EDUCATION REPORT

Mr. O'Brien presented the members with a copy of the newly formatted list of approved education providers and courses since the last meeting. The new courses that had been reviewed and approved were from LandPro Seminars, TAPS – SouthEast Chapter, The Surveyor's Historical Society, City of Knoxville Dept. of Engineering & the Stormwater Association, Kerr Seminars, RedVector, Hollman's USA and Brian T. Bartlett. The newly approved courses had been designated approved CER numbers and populated to the website on proper approval from the education reviewers. The new education listing as presented online was appreciated by the members.

EASEMENTS

The members were in agreement with Mr. Cleveland who had brought this up in his TAPS report earlier, that there needed to be some way for the next surveyor to be able to ascertain where the easement needed to be, going forward.

TENNESSEE SPECIFIC (TS) EXAMINATION

On the idea of the exam being conducted in-house, the members suggested that staff arrange a walk-through for the TS examiner, since Mr. Messier was still under contract to conduct/proctor this exam through 2017. Mr. Kilgore in the meantime would work on sending out an RFP for the examination after that.

DISCIPLINE EXAMINATION AND THE COMPLAINT REVIEW PROCESS

This would be sent out as a part of the consent order to respondents as required. The complaint could then be closed on proof of passing with a score of 85%.

Vote: Mr. Lingerfelt made a motion that the discipline examination would be considered passed on achieving a score of 85% or higher. This was seconded by Mr. Caughman. The motion carried by majority with Ms. Braly in opposition.

On the board member's concerns that they were not getting the actual reviewers conclusions and/or deliberations on how they arrived at said conclusions, Director Avers explained that it was deliberately kept anonymous so there would be no accusations of bias if a complaint went to formal hearing for resolution. She also suggested that the members share in writing their expectations of complaint reviewers so these may be communicated to them. Mr. Lingerfelt requested that the reviewers get a 'scope of work' properly defined by the board in future so they could then work on complaints as required.

DEFINITION OF 'PRINCIPAL'

Mr. Caughman suggested that we use the Engineer's Board definition of the word

'Principal'. Mr. Kilgore agreed that as counsel, he would look at their specific language and convey that to staff to put a proper definition on the website FAQ.

MINUTES

The minutes were reviewed and Mr. Caughman made a motion to accept the minutes as written, with two minor corrections/suggestions. This was seconded by Ms. Braly. The motion carried unanimously.

NCEES MEETING UPDATE

Mr. John Cothron of the Engineer's Board presented a report on the Southern Zone NCEES meeting.

STANDARDS OF PRACTICE BOOK

Director Avers suggested staff keep a current PDF copy of the book on the website for perusal and download, since Lexis/Nexis currently owned the right to publishing the updated book. Deputy Commissioner Bill Giananni was currently negotiating to change over to WesLaw so we would be able to publish an updated copy. She added that we are allowed to and were sending copies to licensees on request.

GPS STANDARDS & POLICY RULES

Mr. Kilgore had drafted language on the rule and distributed copies to the members for perusal.

Vote: Mr. Caughman made a motion to adopt the language as written. This was seconded by Mr. Lingerfelt. The motion carried unanimously.

APPLICATION REVIEWS

The members reviewed application, results of which will be communicated to the individual applicants by administrative staff.

SPECIALIST EDUCATION / CERTIFICATION

Mr. Northcutt made the suggestion that the Board should consider offering licensees certifications in specialized areas of professional surveying as practiced in this day and age, given that there were so many modern technologies emerging.

Director Avers suggested that since that was more of a professional endeavor that could be pursued by individuals on their own, we already had professional education providers who could perhaps start offering courses in these areas of interest, rather than have the Board work on credentialing such courses.

LICENSEES REQUESTS TO APPROACH THE BOARD

The members all agreed that licensees should be given ample opportunity to come to meetings and approach the board on matters of concern.

EXAM PROCESS

Mr. Lingerfelt expressed concern as to whether board members approaching the exam proctor on the question/answers pool would constitute a violation of the Sunshine Law since it was beneficial if the members were able to share their input and suggestions on the exam format and question/answer bank. Mr. Kilgore responded that it would be a

violation unless a member and the Executive Director be a part of any such conference held with the proctor. He also agreed to find out what the other Boards that held qualifying examinations did in such instances so board members could work with the proctor on the examination process.

TWO DAY MEETINGS

Chairman Northcutt expressed his concerns that one day meetings would not adequately cover board business going forward in 2016 and suggested we block two day meetings with the goal of finishing in one day. Director Avers explained that meeting rooms had to be booked a whole year in advance and it was becoming increasingly difficult to get proper accommodations for two day meetings since there were many boards that all used the same rooms in the building for meetings and formal hearings. Both Mr. Lingerfelt and Mr. Caughman requested that staff try as best they could to send all meeting documents in advance to allow members sufficient time to go over them at length, so as to be able to get through items on the agenda in good time at meetings.

The next meeting would be on Thursday, January 21st, 2016.

Vote : A motion that 5hrs of PDH's be awarded for this meeting was made by Mr. Caughman and seconded by Mr. Lingerfelt. The motion carried unanimously.

There being no further business, Chairman Northcutt entertained a motion to adjourn by Mr. Caughman which was seconded by Mr. Lingerfelt, at 3:50pm