



TENNESSEE BOARD OF EXAMINERS FOR LAND SURVEYORS
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243
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**Board Meeting Minutes for July 27, 2017
First Floor Conference Room 1-B
Davy Crockett Tower**

The Tennessee Board of Examiners for Land Surveyors met on July 27, 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, Jamye Carney, 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 July 27, 2017 meeting of the Board of Examiners for Land Surveyors was posted to the Board of Examiners for Land Surveyors website on July 19, 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. Lingerfelt put forth a motion to allow the agenda items to be moved as needed, which Ms. Sumerford seconded. The motion passed unanimously.

MINUTES

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

EDUCATION REPORT

The Board reviewed the latest courses recommended for approval by their education panel. Ms. Sumerford asked for clarification regarding process for review by the advisory education panel or education review board. Her concern was primarily for the 32 PDHs awarded to "TDOT Survey Training" CER-1873-17. Mr. Lingerfelt responded in detail to Ms. Sumerford's concern. Mr. Northcutt put forth a motion to accept the recommended courses as submitted, and Mr. Lingerfelt provided a second. The motion then passed unanimously.

Kerr Seminars submitted a current course, "Resolving the Boundary" CER-1657-15, for review by the board requesting approval to be offered online for education credit. Mr. Lingerfelt recommended that the provider, Kerr Seminars, submit to the education review board once a detailed syllabus providing a detailed breakdown is included with the request for consideration.

Shannon Pickett, a licensed surveyor with residence in California, submitted a request for approval of 24 PDHs of CE for a three (3) day seminar entitled, "Basic Public Works Supervision Skills". After some discussion, Ms. Sumerford put forth a motion to approve only twelve (12) PDHs upon approval from the education reviewers. Mr. Northcutt seconded the motion which then passed unanimously.

DIRECTOR'S REPORT

Director Gumucio provided a review of the Board's financials. She presented the Board with current monthly expenditures and projected budget.

Director Gumucio discussed the upcoming renewal cycle continuing education (CE) submissions. She detailed the support staff's plans regarding creating enough lead time for timely updates and entry and for ensuring an efficient process by use of the online renewal platform, also known as CORE. She indicated that the paper renewal applications were removed from the website and replaced with links and instructions directing the licensee to this online platform, which will enable a more smooth and efficient process for processing these CE submissions. She further detailed the notice campaign which includes an email blast, letter detailing the step by step process, and the updates to the website. While on the discussion of renewals, Mr. Lingerfelt and the staff attorney, Ms. Martin, provided positions on what constitutes the "grace period" once the expiration date has been surpassed without the terms of renewal being satisfied. Both agreed that until a license has been renewed, while in the grace period, any surveying would be unlicensed activity until the terms of the renewal have been satisfied. The one year grace period after the renewal expiration date does not permit a formerly licensed land surveyor to continue to practice. Further distinctions were tabled for discussion until after the lunch break once more research could be compiled.

Director Gumucio provided an update regarding the state specific exam and PSI. She announced that PSI will be the vendor providing the state specific exam. PSI has the database of questions necessary to facilitate which will be further reviewed by Mr. Lingerfelt. The goal is to have a computer based test (CBT) ready by the end of October. The advantage of both the availability of testing sites offered by PSI and the CBT is that there will be more than two tests a year offered and will be readily available in most of the regions of residence of the prospective land surveyor/applicant.

The Director's report ended with Director Gumucio directing the Board's attention to a slideshow presentation narrated by the staff attorney, Ms. Martin. The presentation was the annual review of the "Open Records Act", TCA 10-7-503, and the "Public Meetings Act", TCA 8-44-101.

LEGAL REPORT

Mr. Lingerfelt put forth a motion to remove policy #9. Mr. Northcutt seconded, and the motion passed unanimously after Mr. Caughman amended the original motion to include a necessary review by the staff attorney.

Ms. Martin informed the Board that no departmental bills requiring new regulations were referred to the Legislature by the Regulatory Boards Division. She further stated that there were no sunset updates as there are no immediate hearings in need of dress.

NEW BUSINESS

The Board resumed its discussion of various topics, starting with those directly related to the legal team. First, Mr. Caughman provided a summary from the last meeting regarding PDHs awarded for attendance at local TAPS chapter meetings. Ms. Martin followed with instruction regarding the rule-making and public hearing process. She informed the Board that TAPS member Jimmy Cleveland, on behalf of TAPS, informed the Board through our legal staff that it was their intention to petition for a public hearing regarding their concern over the potential burden placed on land surveyors. TAPS's concern is due to formerly proposed rules requiring "too much [GPS] data" to be placed on the plat. Ms. Martin recommended the following dates for the public hearing: October 25, 26, 27. Mr. Lingerfelt put forth a motion to accept those dates as stated. Mr. Northcutt seconded, and the motion passed unanimously.

Next, Mr. Caughman introduced for discussion by referral from a concerned land surveyor the possibility of placing a FEMA flood statement on each plat into the minimum standards requirements. Mr. Northcutt objected to a FEMA flood statement "requirement". Mr. Lingerfelt agreed that the statement should not be required, but should rather be treated as a professional courtesy or as a contractual agreement between the surveyor and the client. Mr. Caughman stated that he would relay those objections to the land surveyor inquiry submitted to the Board.

Mr. Lingerfelt provided an update from the June 22, 2017 "Forum on the Future of Surveying" held in Baton Rouge, LA, by the National Society of Professional Surveyors (NSPS). The task force was tasked with developing a marketing strategy to appeal to and reach prospective surveyor recruits. As the land surveyor industry is currently experiencing a dwindling number of licensees, it was determined that the industry must continue to grow through recruitment efforts targeting audiences as early as those that are in middle school and up from there. Mr. Lingerfelt did provide a graph reflecting trending towards more Fundamental of Surveying (FS) exams being taken this year as a result of informational campaigns and ease of processes.

Mr. Lingerfelt then introduced for discussion the possibility of requesting at the NCEES annual meeting in August a Public Lands Survey System (PLSS) module supplemental to the PS exam. Mr. Lingerfelt also updated the Board that he was elected NCEES Southern Zone Assistant Vice President. Mr. Lingerfelt is the first person from Tennessee since 1938 to hold office.

Director Gumucio introduced the 2018 Meeting Dates. It was decided by the Board to meet on April 12th in order to conduct a joint meeting that afternoon with the Tennessee Board of Architectural and Engineering Examiners who are also having their Board meeting that day. Mr. Lingerfelt put forth a motion to accept those dates as stated. Mr. Northcutt seconded, and the motion passed unanimously.

Mr. Caughman made an amendment to the agenda early in the meeting to include the election of board officers. It was decided to handle that business next. Mr. Lingerfelt put forth a motion to keep the current officers in place with Mr. Caughman as Chairman and Mr. Lingerfelt as Vice Chairman. Mr. Northcutt seconded, and the motion passed unanimously. Shortly thereafter, Ms. Sumerford officially announced her resignation in order to pursue personal matters. This would be her last day serving. The Board thanked her for her service and wished her the best in all future endeavors.

After a break for lunch, Ms. Martin addressed TCA 62-18-114 "Notice of expiration-Renewal" in conjunction with the rules governing CE. Ms. Martin indicated that she interpreted the weight and intent of the statute and rules to allow a grace period of renewal which would include submission of CE credit

within the grace period. Any payment of the fees for renewal, to include late fees, and late submissions of CE after the one year grace period would trigger a reapplication. The one year grace period is extended only for renewal purposes. The applicant for renewal would not be permitted to practice during this period until properly renewed. Both Mr. Lingerfelt and Ms. Martin agreed that an applicant who is in the current grace period due to not meeting the terms of renewal are not licensed and cannot legally practice land surveying until renewed. Ms. Martin further advised that any notices to those who failed to renew at the end of the renewal period and who are in a current grace period should go to all those currently listed in expired grace. Of course, the Board or support staff would not be permitted to selectively inform applicants of their failure to renew without informing everyone. Ms. Martin further advised that a rule clarifying submission of CE in the expired grace period may prove helpful to avoid future confusion. For consideration in the rule-making process, Mr. Lingerfelt recommended limiting an expired grace period to ninety (90) days.

The Board resumed with the application review portion of its meeting. Ms. Sumerford was unable to return for the second portion due to prior commitments.

Director Gumucio discussed NCEES application procedures for applicants wanting to sit for the FS and PS exams. NCEES is currently able to receive all required documentation, minus the plats, for verification of state specific qualifications. Mr. Lingerfelt agreed to move forward with NCEES if applicants or the vendor, NCEES, keep all the information within their repository current.

Lastly, Mr. Lingerfelt also suggested a revision for the instructions for plat size in PDF form on the website to reflect 18x24 for applications. Director Gumucio did remind the Board that applications for their review will be made available throughout the year, not subject to review only at the Board meetings.

The Board awarded itself four and a half (4.5) PDH hours for the day's meeting. There being no other new business, Mr. Caughman adjourned the meeting at 3:30 p.m.