



**TENNESSEE BOARD OF EXAMINERS FOR LAND SURVEYORS
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243
615.741.1831**

**Board Meeting Minutes for October 24, 2019
First Floor Conference Room 1B
Davy Crockett Tower**

The Board of Examiners for Land Surveyors met on October 24, 2019 in the first floor conference room of Davy Crockett Tower in Nashville, Tennessee. Mr. Tim Lingerfelt, Board Chairman, called the meeting to order at 9:00am and the following business was transacted:

BOARD MEMBERS PRESENT: Tim Lingerfelt, Jackie Dillehay, and Jay Caughman

BOARD MEMBERS ABSENT: Jed McKeegan

STAFF MEMBERS PRESENT: Glenn Kopchak, Jennifer Peck, Erica Smith, Stuart Huffman, Carol McGlynn, Jamye Carney, Angela Nelson

NOTICE OF MEETING

Director Kopchak began the meeting by reading the notice of meeting into the record as follows: "Notice of the October 24th, 2019 meeting of the Board of Examiners for Land Surveyors was posted to the Board of Examiners for Land Surveyors website on October 17th, 2019."

ROLL CALL

Director Kopchak took roll, noting that a quorum was present. Director Kopchak also took the opportunity to introduce the new Executive Director, Jennifer Peck, to the board.

ADOPT AGENDA

Mr. Lingerfelt noted the presence of Mr. Galyon Northcutt and stated that he had a letter he wanted to present. Mr. Lingerfelt asked that Mr. Northcutt's presentation be added to the agenda. Mr. Lingerfelt also requested that the agenda be adopted with flexibility. Mr. Dillehay made a motion to accept the agenda as amended and with flexibility. This was seconded by Mr. Caughman. The motion passed by unanimous voice vote.

MINUTES

After a brief review of the minutes from the board's July meeting, Mr. Caughman made a motion to adopt them as written. This was seconded by Mr. Dillehay. The motion passed by unanimous voice vote.

APPEARING BEFORE THE BOARD

Roy Bullock

Mr. Bullock appeared before the board via teleconference to speak about his application that had been previously denied. Mr. Bullock briefly explained his background and work history to the board. Mr. Bullock also stated that he had made an attempt to renew his license before expiration, but was not aware that it had not been processed. Mr. Lingerfelt stated that the application contained plats that were not up to Tennessee standards and that they would need to be amended and resubmitted for review. Mr. Lingerfelt also requested that the matter concerning Mr. Bullock's attempt at renewal be investigated by administrative staff to determine if any discrepancies were present.

Alexander Fenili

Mr. Fenili appeared before the board via teleconference to speak about his reciprocal application. Mr. Fenili briefly explained his background, work and education history to the board. Mr. Caughman stated that the plats and descriptions submitted did not meet all of the Tennessee standards. Mr. Caughman also asked Mr. Fenili to further elaborate on his time working under a licensed surveyor and Mr. Fenili responded that he has a significant amount of experience working under licensed surveyors. Mr. Lingerfelt added that he agreed that Mr. Fenili's experience with licensed surveyors was not very clear in his application. Mr. Lingerfelt requested that Mr. Fenili submit additional documentation verifying his experience working with a licensed surveyor, ensuring that the licensed surveyor of reference stamp is included.

The board took a 10 minute break and reconvened at 9:5am.

EDUCATION REPORT

Mr. Lucas of Lucas & Co, LLC appeared before the board in order to give an overview of their continuing education practices and materials. Mr. Lucas shared that they have designed their courses as correspondence courses, allowing for licensees to interact with them. In addition, Mr. Lucas stated that they avoid repetition by utilizing different source material with increasing difficulty for each of their courses that have the same title.

The board reviewed the education report. The board noted that the "CPM Scheduling" courses and the "Algebra for Engineers and Others" course provided by Redvector would be denied and the TAPS 52nd Annual Conference courses would be deferred until more information was received. The board agreed that all of the other courses listed on the report would be approved. Mr. Caughman made a motion to approve the education report. This was seconded by Mr. Dillehay. The motion passed by unanimous voice vote.

<u>COURSE</u>	<u>COURSE PROVIDER</u>	<u>BOARD APPROVED/DENIED PDH's</u>
"Principals & Practice IV"	LUCAS & CO, LLC	APPROVED 1.5 PDH
"Surveyor's Rendezvous 2019 - Day One"	SURVEYORS HISTORICAL SOCIETY	APPROVED 6.0 PDH
"Surveyor's Rendezvous 2019 - Day Two"	SURVEYORS HISTORICAL SOCIETY	APPROVED 7.0 PDH
"Algebra for Engineers and Others"	REDVECTOR	DENIED 8.0 PDH
"Boundary Agreements"	REDVECTOR	APPROVED 4.0 PDH
"CPM Scheduling Part I"	REDVECTOR	DENIED 4.0 PDH
"CPM Scheduling Part II"	REDVECTOR	DENIED 4.0 PDH
"Dave Gibson's All-Star Metes & Bounds Boundary Cases"	REDVECTOR	APPROVED 6.0 PDH
"Dave Gibson's All-Star Lot and Block Boundary Cases"	REDVECTOR	APPROVED 6.0 PDH
"General Property Surveys & Real Property Law"	REDVECTOR	APPROVED 4.0 PDH
"Sequential vs. Simultaneous Conveyancing"	REDVECTOR	APPROVED 4.0 PDH
"Subsurface Utility Engineering Part 1: Understanding SUE"	REDVECTOR	APPROVED 4.0 PDH
"Tennessee Ethics"	LUCAS & CO, LLC	APPROVED 1.0 PDH
"Tennessee Standards of Practice"	LUCAS & CO, LLC	APPROVED 1.0 PDH
"Negligence II"	LUCAS & CO, LLC	APPROVED 1.5 PDH
"Parol Evidence IV"	LUCAS & CO, LLC	APPROVED 1.5 PDH
"Best Available Evidence I"	LUCAS & CO, LLC	APPROVED 1.5 PDH
"Clark III"	LUCAS & CO, LLC	APPROVED 1.5 PDH
"Cooley I"	LUCAS & CO, LLC	APPROVED 1.5 PDH
"Cooley II"	LUCAS & CO, LLC	APPROVED 1.5 PDH
"Cooley IV"	LUCAS & CO, LLC	APPROVED 1.5 PDH
"Doctrine of Monuments IV"	LUCAS & CO, LLC	APPROVED 1.5 PDH
"Duties and Responsibilities II"	LUCAS & CO, LLC	APPROVED 1.5 PDH
"Ethics VII"	LUCAS & CO, LLC	APPROVED 1.5 PDH
"Ethics VIII"	LUCAS & CO, LLC	APPROVED 1.5 PDH
"Ethics XI"	LUCAS & CO, LLC	APPROVED 1.5 PDH
"Ethics XII"	LUCAS & CO, LLC	APPROVED 1.5 PDH
"Ethics XIII"	LUCAS & CO, LLC	APPROVED 1.5 PDH
"Ethics XIV"	LUCAS & CO, LLC	APPROVED 1.5 PDH
"Ethics XV"	LUCAS & CO, LLC	APPROVED 1.5 PDH
"Evidence & Procedure III"	LUCAS & CO, LLC	APPROVED 1.5 PDH
"Evidence & Procedure IV"	LUCAS & CO, LLC	APPROVED 1.5 PDH
"Expert Witness I"	LUCAS & CO, LLC	APPROVED 1.5 PDH
"Negligence I"	LUCAS & CO, LLC	APPROVED 1.5 PDH
"Negligence III"	LUCAS & CO, LLC	APPROVED 1.5 PDH

"Parol Evidence I"	LUCAS & CO, LLC	APPROVED	1.5 PDH
"Parol Evidence II"	LUCAS & CO, LLC	APPROVED	1.5 PDH
"Parol Evidence III"	LUCAS & CO, LLC	APPROVED	1.5 PDH
"Riparian Rights I"	LUCAS & CO, LLC	APPROVED	1.5 PDH
"Riparian Rights II"	LUCAS & CO, LLC	APPROVED	1.5 PDH
"Riparian Rights III"	LUCAS & CO, LLC	APPROVED	1.5 PDH
"Riparian Rights IV"	LUCAS & CO, LLC	APPROVED	1.5 PDH
"Riparian Rights V"	LUCAS & CO, LLC	APPROVED	1.5 PDH
"Riparian Rights VI"	LUCAS & CO, LLC	APPROVED	1.5 PDH
"Standard of Care I"	LUCAS & CO, LLC	APPROVED	1.5 PDH
"Water Boundaries II"	LUCAS & CO, LLC	APPROVED	1.5 PDH
"Water Boundaries III"	LUCAS & CO, LLC	APPROVED	1.5 PDH
"Water Boundaries IV"	LUCAS & CO, LLC	APPROVED	1.5 PDH
"Water Boundaries V"	LUCAS & CO, LLC	APPROVED	1.5 PDH
"Water Boundaries VI"	LUCAS & CO, LLC	APPROVED	1.5 PDH
"Principles & Practice V"	LUCAS & CO, LLC	APPROVED	1.5 PDH
"Surveying Essentials"	REDVECTOR	APPROVED	1.0 PDH
"Boundary Disputes Between Adjoining Land owners: Resolutions, Practices & Procedures"	REDVECTOR	APPROVED	1.0 PDH
"Best Practices for Creating Superior Land Description Plats"	REDVECTOR	APPROVED	1.0 PDH
"Fixing A Boundary Line: Boundary Control & Legal Principles"	REDVECTOR	APPROVED	1.0 PDH
"Torts and the Surveyor"	REDVECTOR	APPROVED	1.0 PDH
"Surveying Riparian and Littoral (Water-Related) Boundaries"	REDVECTOR	APPROVED	1.0 PDH
"Priority of Calls in Boundary Resolution"	REDVECTOR	APPROVED	1.0 PDH
"Ethics for Land Surveyors: Refraining from Conduct Detrimental to the Public"	REDVECTOR	APPROVED	1.0 PDH
"Ethics for Land Surveyors: Abiding by the Rules & Regulations for Surveying"	REDVECTOR	APPROVED	1.0 PDH
"Ethics for Land Surveyors: Working Outside Your Area of Expertise and Avoiding Conflicts of Interest"	REDVECTOR	APPROVED	1.0 PDH
"Ethics for Land Surveyors" Client Conflicts, Advertising & Professional Integrity"	REDVECTOR	APPROVED	1.0 PDH
"2022 State Plane System"	ASPLS-Jim Ranieri	APPROVED	3.5 PDH
"Ethics"	ASPLS-Jim Ranieri	APPROVED	1.0 PDH
"Govt Land System-Subdivision of	ASPLS-Jim Ranieri	APPROVED	3.5 PDH

the Public Lands”			
“Information about the “GLO” your Mentor forgot to Tell You”	ASPLS-Jim Ranieri	APPROVED	3.5 PDH
“National Geodetic Survey Presentations”	ASPLS-Jim Ranieri	APPROVED	3.5 PDH
“Site Evaluation and Percolation Testing with Respect to Site and Soil Conditions”	ASPLS-Jim Ranieri	APPROVED	3.5 PDH
“Surveying Vision 2020”	ASPLS-Jim Ranieri	APPROVED	1.0 PDH
“RIGHT OF WAY AND EASEMENT, FINDING, LOCATING, AND DESCRIBING	ASPLS-Jim Ranieri	APPROVED	3.5 PDH
“HR-101”	TAPS 52nd Annual Conference	DEFERRED	
“The Commish-Taxation for Employers 101”	TAPS 52nd Annual Conference	DEFERRED	

LEGAL REPORT (Presented by Erica Smith)

1. 2019056221

Respondent:

License Status: - ACTIVE

First Licensed: 01/18/05

License Expiration: 12/31/19

Disciplinary History: None

Summary:

Complainant alleges Respondent added part of Complainant’s land to Respondent’s client’s survey resulting in a dispute between them as neighbors. Counsel notes Complainant is not the client for whom this survey was completed.

Specifically, Respondent completed a survey for Complainant’s neighbor in December 2017 and Complainant alleges he did not look at the previous deed of record before completing the neighbor’s survey and created a new deed with 1/8 acre of Complainant’s property. Complainant further alleges Respondent would not respond or communicate with Complainant regarding this matter. Complainant states that this issue can be cleared up easily if Respondent would simply communicate with her and asks us for assistance.

Respondent explained that he was out of the office for his daughter’s wedding and a vacation for 10 days, but has since discussed this matter with the county property assessor and the closing attorney associated with survey at issue. Respondent further explains that there is an ongoing property dispute between Complainant and his client. Respondent was instructed by his client not to discuss the survey with the Complainant because both sides are represented by attorneys in the property dispute litigation. Respondent feels Complainant is using this complaint to bully the

property assessor, closing attorney, and now, the Respondent, through any means necessary to gain advantage in the civil litigation. Complainant provides no documentation or further detail to support this complaint and fails to allege that Respondent committed any violations, only taking issue with the fact that Respondent failed to communicate directly with Complainant once attorneys were hired. Respondent denies any misconduct regarding this survey and there has been no evidence presented of any violations. This matter is presently suited for civil court as a boundary dispute between Complainant and their neighbor, therefore Counsel recommends closure.

Recommendation: Dismiss

BOARD DECISION: The Board accepted counsel's recommendation.

2. 2019057861

Respondent:

License Status: - ACTIVE

First Licensed: 07/16/97

License Expiration: 12/31/19

Disciplinary History: None

Summary:

Complainant alleges Respondent committed errors on a survey. Counsel notes that Complainant is not the client for whom this survey was completed. Complainant specifically alleges that the marks in the survey were off by as much as two feet in more than one location. Complainant further alleges Respondent was hostile and rude when contacted and is not being cooperative or answering any of Complainant's questions.

Respondent and their client both responded to this complaint and attached a video from the day Respondent completed the survey at issue to show Respondent's actions when conducting the survey. Respondent was asked to stake the boundaries of the 16' right-of-way on a private road which leads to his client's property from a road in another development. Respondent's client was having issues with Complainant backing out into the right-of-way when leaving his property and wanted to know where the right-of-way boundaries were located. Respondent assumes Complainant checked the stakes himself leading him to make the allegations that Respondent made errors in his survey considering Complainant references no other surveys in the complaint.

An expert review of the survey at issue was conducted. The expert found no violations, incompetence, negligence, or misconduct and noted that Respondent provided much documentation and explanations as to how Complainant, someone who is not a surveyor, could have come up with an erroneous conclusion and allegations against Respondent. Counsel and the expert both recommend closure because there is no evidence of any violations.

Recommendation: Dismiss

BOARD DECISION: The Board accepted counsel's recommendation.

3. 2019059691
Respondent:
License Status: - ACTIVE
First Licensed: 7/15/1998
License Expiration: 12/31/2019
Disciplinary History:

Summary:

Complainant alleges that they asked Respondent to complete a survey and only received a preliminary survey and not a completed one. Complainant alleges that efforts to contact Respondent have been unsuccessful and claims that Respondent's failure to produce a completed survey became detrimental to a purchase transaction.

Respondent states that Complainant was aware that he was going on vacation and, in anticipation of this time away, the preliminary survey was given to Complainant prior to Respondent's departure. Respondent further states that Complainant entered into litigation with the seller of the subject property the previous year; therefore Respondent was barred from entering the premises during that time. Respondent explains due to these circumstances, the process took approximately one year causing the schedule to become backlogged for two to three months, also being dependent on the weather. Respondent agreed to provide the Complainant with the completed survey within the next week.

Counsel reached out to Complainant and asked for a status update as to whether the completed survey has been received and received a response. Complainant states "[t]o be fair to [Respondent], he has since been responsive after my rebuttal submission...[Respondent] submitted a second draft of the survey..." Complainant further states this second version was sent to the lender and title office for their review and any questions or comments. Respondent told Complainant that once everyone reviewed it and sent their questions/comments, Respondent can plot the finals for delivery. There is no evidence of any violations and Counsel recommends dismissal.

Recommendation: Dismiss

BOARD DECISION: The Board accepted counsel's recommendation.

4. 2019066711
Respondent:
License Status: - ACTIVE

First Licensed: 10/24/1986
License Expiration: 12/31/2019
Disciplinary History: None

Summary:

Complainant alleges that Respondent completed an inaccurate survey for a neighbor claiming that no pins were ever located. Counsel notes that Complainant is not the client for whom this survey was completed. Complainant states that they have been trying to contact Respondent to discuss the survey at issue but has not been able to get a response. Complainant claims that Respondent entered the property while he was away on vacation and drove a railroad spike into the ground with a pink ribbon attached that was not there when Complainant left. Complainant alleges that the survey at issue was submitted while he was out of town.

Respondent responded to the complaint and confirms that he completed a survey for Respondent's neighbor, and notes that his client and Complainant have been involved in a boundary dispute regarding the property line. Respondent states that he was able to locate almost all of the corners of record while doing the survey, except where the line intersects the south boundary of the Complainant's property. Respondent states that this area had been graded and gravel had been brought in at some point. Respondent states that the property line does pass through Complainant's garage. Respondent states that he spoke to Complainant one time regarding this complaint and told him he reset a corner of the property with a railroad spike as he could not get a long piece of rebar into the ground.

An expert review was conducted. It is the opinion of the expert that Respondent committed no violations of the Standards of Practice, statutes or rules. The expert further explains that the Complainant has contacted an attorney to help resolve this issue and has not provided an additional survey to back up his claim or any of the allegations in this complaint despite our requests. Therefore, Counsel recommends dismissal.

Recommendation: Dismiss

BOARD DECISION: The Board accepted counsel's recommendation.

5. 2019060691
Respondent:
License Status: - EXPIRED
First Licensed: 2/26/1997
License Expiration: 12/31/2013
Disciplinary History: 2010 Consent Order (\$1,000 civil penalty); 2013 Final Order (6 month suspension plus civil penalties)

Summary:

Complainant alleges that on or around 6/30/19, Respondent and one other person came to his property to survey neighboring land. Counsel notes that Complainant is not the client for whom this survey was completed. Complainant alleges that Respondent and his partner identified themselves as state licensed land surveyors but offers no proof or evidence of such allegation. Complainant alleges that Respondent asked about boundary lines and Complainant told them that the boundary lines were as described in all current deeds. Complainant also told Respondent about an existing survey, which Complainant claims is incorrect and unregistered, that Respondent could consult but not use due to its alleged inaccuracies. Complainant further alleges that Respondent used this survey to place inaccurate markers, changing the property line and allegedly taking away some of Complainant's property.

This complaint was sent for investigation in order to obtain more information from Respondent and his employer, considering his employer has been an actively licensed land surveyor since 2001. The investigator spoke to the Respondent and his employer, and both provided sworn affidavits to our office as well as the final stamped survey. Respondent's employer confirmed that Respondent did the field work for the survey, and he then reviewed and stamped the completed survey at issue. Respondent and his employer also confirmed they were hired by Complainant's neighbor to complete the survey and to reference another survey done in 2016. The investigator spoke to the licensed surveyor who completed the 2016 survey who confirmed Respondent had called him in reference to the 2016 survey, and it was discussed that there was no reason not to use the 2016 for the common property line.

Internal research shows Respondent's license expired 12/31/13 and has not been renewed. Respondent had been suspended for six months and required to take an additional 8 hour Ethics course as a result of discipline imposed in 2013 but never completed the renewal application process after the suspension expired.

Considering there is no proof Respondent identified himself as a licensed land surveyor and it is one person's word against another's, Counsel recommends a Letter of Instruction citing Tenn. Code Ann. §62-18-101, which states "[i]t is unlawful for any person to practice or offer to practice land surveying in the state or to use in connection with the person's name or otherwise assume or advertise any title or description tending to convey the impression that the person is a land surveyor, unless the person has been duly registered or exempted under this chapter."

Recommendation: Letter of Instruction citing Tenn. Code Ann. §62-18-101

BOARD DECISION: The Board accepted counsel's recommendation.

6. 2019069671
Respondent:
License Status: - EXPIRED
First Licensed: 1/26/1999

Summary:

Complainant is involved in a boundary dispute in civil court with a neighbor. Counsel notes that Complainant is not the client for whom the survey at issue was completed. Complainant claims Respondent sold the land survey to his neighbor in 2017 but notes that Respondent's license has been expired since 2015. Complainant argues that the fact Respondent's license has been expired should negate the legitimacy of Respondent's survey being put forth as evidence in the civil case but takes issue because the Judge has not thrown it out. Complainant's civil attorney advised her to file this complaint as a result but Counsel opines that this specific issue is not one for the Board to consider as it is currently being litigated and all documentation regarding Respondent's license history has been provided to Complainant's attorney in response to a public records request.

Respondent's license has been expired since 12/31/15. Respondent appeared before the Board in July of 2018 to try to renew his license and made it known to the Board that he had just recently discovered that his license had expired, despite it having expired two and a half years prior. Respondent told the Board that he had kept current with all continuing education and that his renewal application and documentation had been submitted. However, all required information and documentation was not timely submitted to the Board by Respondent. Due to the length of time that Respondent had been expired, he appeared in front of the Board requesting that it waive the examination requirement for his license to be reinstated. This request was denied and Respondent was advised of what was necessary to complete his application to renew his license after appearing in front of the Board but has failed to renew his license to date. Tenn. Code Ann. §62-18-113 states that "[i]t is the sole responsibility of any person registered as a land surveyor to renew the person's registration on or before the date of its expiration." Additionally, Tenn. Code Ann. §62-18-101 states that "[i]t is unlawful for any person to practice or offer to practice land surveying in the state or to use in connection with the person's name or otherwise assume or advertise any title or description tending to convey the impression that the person is a land surveyor, unless the person has been duly registered or exempted under this chapter."

This complaint was sent for investigation and for an expert review. The investigator spoke to the Respondent and obtained a sworn affidavit. Respondent states that he is aware his license is still expired and that he is not currently advertising in any way to be a licensed land surveyor. Respondent states that he is unsure of how many surveys he completed prior to finding out his license was expired and before appearing before the Board in 2018. Respondent states that while he does keep copies of all of his surveys, he was recently seriously injured and is unable to access them. However, Respondent states that he has not completed any surveys since finding out his license was expired and since appearing before the Board in 2018. The survey at issue in this complaint was completed in 2017 after Respondent's

license expired, but before he appeared in front of the Board in July of 2018 as stated in the paragraph above.

This complaint was also sent for expert review. It is the opinion of the expert reviewer that Respondent's survey contained the following violations:

- Standards of Practice Chapter 0820-03 (1)(b)(1) - the survey lacked a descriptive location or vicinity or corner tie indicating point of beginning
- Standards of Practice Chapter 0820-03(1)(b)(7) - the Ratio of Precision of the unadjusted survey is not shown
- Standards of Practice Chapter 0820-03(1)(h)(3) - the size and type of property corners are not indicated
- Tenn. Code Ann. §62-18-101 and §62-18-113 – failure to renew license and unauthorized practice as a land surveyor

Counsel recommends assessing a \$1,000 penalty for each of the four violations referenced in bullet points above for a total \$4,000 civil penalty.

Recommendation: \$4,000 civil penalty for violations of Standards of Practice Chapter 0820-03 (1)(b)(1), 0820-03(1)(b)(7), 0820-03(1)(h)(3); and Tenn. Code Ann. §62-18-101 and §62-18-113

BOARD DECISION: The Board elected to defer making a decision regarding this matter in order for counsel to investigate further.

7. 2019063091

Respondent:

License Status: - ACTIVE

First Licensed: 3/3/1997

License Expiration: 12/31/2019

Disciplinary History: None

Summary:

Complainant alleges that after having issues getting in touch with the original surveyor of her property, she reached out to Respondent and he agreed to meet and discuss separating some acreage for Complainant and doing a boundary and division survey. Complainant alleges that she paid Respondent half of the fee, with the rest to be paid upon receipt of the completed survey. Complainant further alleges that Respondent approached her after the initial meeting and requested more money, so Complainant paid the entire fee at that time without a completed survey. Approximately one month later, Complainant alleges that Respondent provided her with an incomplete and inaccurate survey. Complainant further alleges that several months subsequent to receiving this survey, she attempted to contact Respondent and attempted to address the inaccuracies in the incomplete survey. Complainant states that after threatening Respondent with a Board complaint, Respondent came back and walked the property again. Complainant

alleges that Respondent acknowledged the mistake, but stated that it was “on paper only” and promised to correct the survey. Complainant also alleges that it is well known that Respondent has a drug problem that has been affecting the way he conducts business.

This complaint was sent for investigation because Respondent has failed to respond to this complaint despite every effort by our office to contact him, as well as by our investigator. This complaint was also sent out for an expert review but Counsel notes that our expert was unable to consider any defense Respondent may have offered considering the lack of any response, and was only able to consider the complaint’s allegations and documentation provided by the Complainant.

Based on the Complainant’s allegations and documentation, it is the opinion of the expert reviewer that Respondent is in violation of:

- Standards of Practice 0820-04.02(1), which states “[T]he registrant shall at all times recognize the primary obligation to protect the safety, health, and welfare of the public in the performance of the registrant’s professional duties.”
- Standards of Practice 0820-04-02(3), which states “[T]he registrant shall respond to all inquiries and correspondence from the Board within fifteen days from the day of receipt and shall timely claim undelivered correspondence from the U.S. Postal Service, or any other delivery service, upon notice thereof.”

The expert considered the fact that it seems Complainant has been led on by the Respondent for many months after payment was made in full, Complainant’s implications that Respondent has been incompetent and unprofessional, and Complainant’s suggestion that Respondent may have a drug problem. The expert was reluctant to list a clear violation of 0820-04.02(1) because we don’t have a response from the Respondent; however, the expert and Counsel find a clear violation of 0820-04.02(3) because of Respondent’s failure to respond to this complaint. Therefore, Counsel recommends a civil penalty of \$1,000 and requiring Respondent to complete an Ethics course above and beyond what is normally required for licensed land surveyors within 180 days.

Recommendation: \$1,000 civil penalty for violation of Standards of Practice Chapter 0820-04-02(3) and completion of an Ethics course above and beyond what is normally required for licensed land surveyors within 180 days

BOARD DECISION: Further Board consideration needed.

The board broke for lunch at 12:03.pm and returned at 1:10pm.

CONTINUING EDUCATION RESOLUTION – Mr. Galyon Northcutt

Mr. Northcutt, former Land Surveyors board member, presented a letter to the board proposing that current licensed land surveyors receive continuing education credit, to include credit for the two (2) PDH's relative to surveying ethics and standards of practice, for attending the quarterly board meetings. The board members were open to the idea and discussed a few options for possible implementation. Their primary concern was ensuring proper recording and recognition of attendance before licensees submitted it as continuing education. Mr. Lingerfelt stated that policy and procedure determinations should be a topic of discussion at the next board meeting.

DIRECTOR'S REPORT

Budget Reports

Director Kopchak provided a detailed accounting of revenue and expenditures for fiscal year 2019. Director Kopchak also stated that revenue is projected to increase with the upcoming renewal period in fiscal year 2020. Director Kopchak concluded that the budget is trending normally.

Complaint Reports

Director Kopchak provided the board with the most recent complaint report for informational purposes, explaining that it included the cases discussed in the legal report earlier in the meeting.

NEW BUSINESS

Course Review

Director Kopchak provided suggested solutions for expediting the course review process. The first suggested option consisted of the administrative staff reviewing applications for approval or denial on behalf of the board and then presenting those decisions to the board for memorialization purposes. The second suggested option consisted of the administrative staff reviewing applications and then making recommendations to the board for approval or denial, which the board would then discuss and vote upon at meetings. The board discussed these options, as well as a few other variations, and determined that the true goal of expediency could be achieved by establishing a deadline for the education reviewers to submit their decisions. In the event that deadline is not met by the education reviewers, the decision authority would go to the administrative staff. Mr. Caughman moved that a fifteen (15) day deadline be established for education review and if that deadline is not met, the decision authority is granted to Director Peck and staff. This was seconded by Mr. Dillehay. The motion passed by unanimous voice vote.

Comity Applicants

Mr. Lingerfelt stated that their goal is to streamline the process for comity applicants. Mr. Lingerfelt explained that since a majority of the applicants are coming from outside Tennessee, it is even more necessary to improve the process. Mr. Lingerfelt suggested that this could be achieved by waiving the state-specific exam, and having applicants attest that

they have read the rules and laws of Tennessee. The board agreed that it was a topic for continued research and discussion.

Application Review Process

Mr. Lingerfelt inquired about how the application process was going in an effort to revisit the possibility of process improvements. The board discussed the application process and agreed to continue to monitor applications in the event that enhancements are required.

Expert Reviewers

Mr. Lingerfelt requested more information about the criteria that the expert reviewers adhere to when completing their investigations into complaints. Mr. Lingerfelt expressed concern that the scope of review may not provide enough information for the board to make informed decisions. Director Kopchak acknowledged the request and stated that administrative staff would look to see if that information can be made available.

ADJOURNMENT

Mr. Caughman made a motion to award the board four and a half (4.5) PDH hours for the day's meeting. This was seconded by Mr. Dillehay, and the motion passed unanimously. There being no other new business, Mr. Dillehay made a motion to adjourn. Mr. Caughman seconded the motion, and the meeting was adjourned at 2:26pm.