



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

**Meeting Minutes for August 26, 2021  
Davy Crockett Tower**

The Board of Examiners for Land Surveyors met on August 26, 2021, in the first-floor conference room of Davy Crockett Tower in Nashville, Tennessee. Michael Schulz called the meeting to order at 9:01 am and the following business was transacted:

**BOARD MEMBERS PRESENT:** Gary Clark, Jackie Dillehay, Kevin Martin

**BOARD MEMBERS ABSENT:** Jay Caughman

**STAFF MEMBERS PRESENT:** Michael Schulz, Maria Bush, Stuart Huffman, Morgan Calles, Caleb Darnell, Erica Smith, Carol McGlynn, Alex Martin

**NOTICE OF MEETING**

Jackie Dillehay called the meeting to order with a remembrance of the flood victims this past week and of Tim Lingerfelt that had recently left the board. Wanting to welcome our new board member Gary Clark from the East Division.

**ROLL CALL**

Michael Schulz took roll call

**ADOPT AGENDA**

Gary Clark made a motion to adopt the agenda by adding Ms. Ashley from TAPS to speak after the approval of the minutes. This was seconded by Kevin Martin. This was voted unanimously.

**MINUTES**

Kevin Martin made a motion to approve the May minutes. This was seconded by Gary Clark. This was voted unanimously.

**TAPS**

Ashley from the Tennessee Association of Professional Surveyors (TAPS) was wondering if the board decided on if the approval for the only provider and not courses were approved for continued education. The process is still the same as it was in the past.

**EDUCATION REPORT**

**August 26, 2021- Education Report**

Course Provider	Course Number	Course Name	Hours
KERR SEMINARS	995	Court Case Concerning Boundary Disputes	8
KERR SEMINARS	996	Easements in General	8
KERR SEMINARS	997	Ethics	2
HALFMOON EDUCATION	998	Providing Floodplain Services	3
William A. Thompson	999	Static Surveys (Part A)	2
William A. Thompson	1000	Static Surveys (Part B)	4
William A. Thompson	1001	Magnetic Declination	4
Surveyors Educational Seminars	1002	Critical Patterns of Use: Prescription, Part Performance, Prior Use, & Practical Location	4
Surveyors Educational Seminars	1003	Public Highways	4
Surveyors Educational Seminars	1004	Sequential vs. Simultaneous Conveyancing Apportionment of Excess and Deficiency When, Why & How	4
Surveyors Educational Seminars	1005	Aquaculture and the Land Surveyor	4

HALFMOON EDUCATION	1006	GNSS Positioning	6
HALFMOON EDUCATION	1007	Tracking the Railroads	4
ALABAMA SOCIETY OF PROFESSIONAL LAND SURVEYORS	1008	The New 2021 Minimum Standards for ALTA/NSPA Land Surveys	3
ALABAMA SOCIETY OF PROFESSIONAL LAND SURVEYORS	1009	Creating your success Story	1
HALFMOON EDUCATION	1010	Legal Issues for TN Civil Engineers and Land Surveyors	8
HALFMOON EDUCATION	1011	Reading, Interpreting and Writing Land Descriptions Workshop	6
LUCAS & COMPANY, LLC	1012	Standards of Practice II	1.5
HALFMOON EDUCATION	1013	Floodplain Mapping, Regulation, and Insurance	6
Surveyors Educational Seminars	1014	Ethics, Professionalism & The Courts	2
Precision Products	1015	Relative Positional Tolerance & Least Squares Adjustments	8
LUCAS & COMPANY, LLC	1020	Standard of Practice I	1.5
HALFMOON EDUCATION	1021	Deep Dive into Eminent Domain Law	2
ALABAMA SOCIETY OF PROFESSIONAL LAND SURVEYORS	1022	Field to Finish in Carlson Software	3.5
HALFMOON EDUCATION	1023	How to keep good records	3
HALFMOON EDUCATION	1024	Boundary Survey: How to Deal with Boundary Dispute	2
HALFMOON EDUCATION	1025	Adverse Possession: When and How this Happens and How to Protect	2

HALFMOON EDUCATION	1026	Deed How to Deal with Ambiguous Legal Deed	2
HALFMOON EDUCATION	1027	Ethical Issues of the Land Surveying	2
HALFMOON EDUCATION	1028	Surveyors Rights and Liabilities to Enter Private Property	2
HALFMOON EDUCATION	1029	Eminent Domain power of government to take private property	2
ALABAMA SOCIETY OF PROFESSIONAL LAND SURVEYORS	1030	Improving Land Surveyor/Utility Company Partnership in Damage Prevention	3.5
ALABAMA SOCIETY OF PROFESSIONAL LAND SURVEYORS	1031	NSPS CST Program Information	3.5
ALABAMA SOCIETY OF PROFESSIONAL LAND SURVEYORS	1032	Surveying with GPS, Exploring the BLM Standards for Positional Accuracy	3.5
ALABAMA SOCIETY OF PROFESSIONAL LAND SURVEYORS	1036	Title Insurance Considerations for Land Surveyors	3.5

### Renewal

Course Provider	Course Name	Course Number
LUCAS & COMPANY, LLC	Principles & Practice I	705
LUCAS & COMPANY, LLC	Clark III	703

LUCAS & COMPANY, LLC	Brown's Deilemma I	702
LUCAS & COMPANY, LLC	Expert Witness XI	689
LUCAS & COMPANY, LLC	Expert Witness X	688
LUCAS & COMPANY, LLC	Expert Witness VIII	687
LUCAS & COMPANY, LLC	Expert Witness XVIII	704
LUCAS & COMPANY, LLC	Expert Witness IX	684
LUCAS & COMPANY, LLC	Expert Witness V	685
LUCAS & COMPANY, LLC	Expert Witness VI	686
VECTOR SOLUTIONS	Dave Gibson's All Star Metes & Bounds Boundary Case	741
VECTOR SOLUTIONS	Dave Gibson's All Star Lot & Block Boundary Case	742
VECTOR SOLUTIONS	Ethics for Land Surveyors: Refraining from Conduct Detrimental to the Public	792
VECTOR SOLUTIONS	Boundary Disputes Between Adjoining Land Owners: Resolutions, Practices & Procedures	786
VECTOR SOLUTIONS	Best Practices for Creating Superior Land Description Plats	787
VECTOR SOLUTIONS	Fixing A Boundary Line: Boundary Control & Legal Principles	788

VECTOR SOLUTIONS	Ethics for Land Surveyors: Abiding By the Rules & Regulations for Surveying	793
VECTOR SOLUTIONS	Ethics for Land Surveyors: Working Outside Your Area of Expertise and Avoiding Conflicts of Interest	794
VECTOR SOLUTIONS	Ethics for Land Surveyors: Client Conflicts, Advertising & Professional Integrity	795
VECTOR SOLUTIONS	Surveying Essentials	785
VECTOR SOLUTIONS	Torts and the Surveyor	789
VECTOR SOLUTIONS	Priority of Calls in Boundary Resolution	791
VECTOR SOLUTIONS	Surveying Riparian and Littoral (Water-Related) Boundaries	790

#### **Individual Course Approvals**

Licensee	Course Provider	Course Name	Hours
Sandy Mehlhorn	NOAA NGS	GNSS Positioning: Survey Planning and Data Acquisition	1.5

Kevin Martin made a motion to approve the courses as listed. This was second by Gary Clark. This was voted unanimously.

#### **LEGAL REPORT**

See attached

## **DIRECTOR'S REPORT**

### **Budget Reports/ Financial Report**

Michael Schulz went over the budget. We are entering a renewal period.

### **NCEES Resolution of Cooperation**

Michael Schulz advised this was sent out requesting the board for this non-binding resolution. The board can decide to sign or not sign the resolution. Jackie Dillehay asked for a legal opinion first. Maria Bush advised this is a non-binding agreement that states you would support the objectives that NCEES has set forth. There is no issue on a legal stand on signing this. Some states have advised they do not want to go forth on this and some have agreed. Unfortunately, we do not know the percentage of each side. Jackie Dillehay advises this is about reciprocity and eliminating the state-specific exam. The licensing process would be in the hands of NCEES. Maria Bush advised that she reads it as NCEES is wanting to have uniformity across the states. Gary Clark advised he does not have a problem with the resolution.

Gary Clark makes a motion to sign the resolution. This was second by Kevin Martin. This was voted unanimously.

### **NCEES Meeting Cancellation**

Michael Schulz advised the NCEES conference was called due to covid. There is going to be an online invitation from NCEES. They will do an online meeting to discuss the agenda.

### **License Renewal Process Update**

The renewal cycle is about to begin. Caleb Darnell advised we will send out the reminders in the middle of October. Jackie Dillehay wants to know if we are going to stay at the 10 percent audit for the continued education. Advised 10 percent is still a good number.

## **OLD BUSINESS**

### **Continue the discussion on drone location services**

Kermit Hermit from the last board meeting wants to propose a verification proposal. As part of his general contractor business, he used drones for an initial planning assessment around his home to verify his land against the plot online. During the last board meeting, the board members advised that verifying position a surveyor for profit was you are required to be licensed as a TN land surveyor. The proposal premise is positional verification of proper location the use of an aerial drone. The verification of data is completed by a drone with the same level of accuracy and precision as conventional property land surveying equipment. Jackie Dillehay wants to know what the final product is. Kermit Hermit advised we could take this drone out and we could verify position against a known flag. Jackie Dillehay advised in his opinion that if you tell a client that this is the

approximation as far as the location to the property line, that this is surveying. Jackie Dillehay advised that maybe he can bring some examples of the anticipating to produce, and we would be glad to talk about this more.

### **Rule and Technical Standards Changes**

Jackie Dillehay advised that Jay has drafted a rough draft on this to be sent to Legal and TAPS. Morgan Calles advised she was sent this form by Jay and will email it to Michael Schulz and Maria Bush.

### **Tennessee State Specific Exam**

The board would like to wait to talk about this until all board members are present. Maria Bush advised that this must be a statute change to have this removed. IT would probably be April or May 2022 to do the legislative request.

### **New Business**

#### **PDH HOURS FOR ATTENDANCE**

Jackie Dillehay made a motion to award the Board 1 PDH hours for the day's meeting.

### **ADJOURNMENT**

There being no other new business, Gary Clark made a motion to adjourn. The meeting was adjourned at 10:06 am.





**STATE OF TENNESSEE  
DEPARTMENT OF COMMERCE AND INSURANCE  
OFFICE OF LEGAL COUNSEL  
500 JAMES ROBERTSON PARKWAY  
DAVY CROCKETT TOWER  
NASHVILLE, TENNESSEE 37243  
TELEPHONE: (615) 741-3072 FAX: (615) 532-4750**

**LEGAL REPORT**

**TO:** Tennessee Board of Examiners for Land Surveyors  
**FROM:** Erica Smith – Associate General Counsel  
**DATE:** August 26, 2021 SUR Legal Report  
**RE:** August Legal Report

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1. 2021027851  
License: UNLICENSED in Tennessee  
Disciplinary History: None

Complainant filed this complaint after discovering Respondent's company was attempting to survey a Tennessee quarry mine and ended up on their property. There was a misunderstanding about whether the quarry company owns Complainant's property which is on the other side of the highway from the quarry mine.

Respondent's crew ended up leaving Complainant's property, was able to confirm the property was owned by Complainant and they did not return. Respondent notes that because they are not licensed in Tennessee as a land surveyor, another surveyor who is licensed in Tennessee supervised the work. The licensed surveyor on scene left Respondent's business card at the gate on Complainant's property in an effort for full transparency in case someone needed to contact them, considering Complainant was out of the state at the time. Respondent is the head of the company's due diligence department.

There is no evidence of any unlicensed activity or any violations and Counsel recommends dismissal.

Recommendation: Dismiss

BOARD DECISION: Concur

2. 2021036291

License Status: UNLICENSED

Disciplinary History: 20150222421- CONSENT ORDER WITH \$5000 CIVIL PENALTY

Complainant alleges Respondent completed a survey in 2016 which led to property descriptions that were recently found to contain errors. Further, Complainant alleges Respondent was engaged in unlicensed activity as a land surveyor.

Respondent was already disciplined for unlicensed activity and fined \$5,000 in August 2016. Respondent provided the Board with a statement in 2016 explaining that their mother had a stroke and sister was diagnosed with terminal cancer around this time. In the response to this complaint, Respondent reiterated they stopped surveying to take care of their mother after the mother was later diagnosed with Stage 4 cancer and sold their survey equipment after they were disciplined. Respondent does confirm they were contacted in June 2016 to do a soil grid on the property at issue. Respondent hired someone to do the soil work so Respondent could do the fieldwork, and Respondent's partner, a licensed land surveyor, drew up the map. The licensed land surveyor's number is referenced on the deed. Respondent states they did not include their name in a deed, did not state they were a licensed land surveyor and did not state the work product was a boundary survey.

Respondent has no plans to return to surveying and there has been no additional allegations of more recent unlicensed activity since the discipline in 2016. Counsel recommends dismissal.

Recommendation: Dismiss

BOARD DECISION: Concur

3. 2021042191

License Status: ACTIVE

First Licensed: 1968

License Expiration: 12/31/2021

Disciplinary History: None

Complainant filed a complaint against Respondent but does not make any clear allegations directly against Respondent or their survey/work. Complainant states that Respondent conducted a survey in 2008 and alleges the stakes from that survey disappeared. Complainant notes their neighbors harass them and could have moved or taken the stakes. Complainant further states Respondent is still asking for payment and notes they are sick and disabled.

Respondent confirms they conducted an elevation survey on 10/7/08. Placing iron pipes and marking property lines were not services that were included in the scope of work for this survey. Respondent more recently completed a boundary survey on 2/3/21 and provided a copy of an invoice showing partial payment by Complainant. Respondent also provided a drawing showing iron pipes placed on all corners, improvements and encroachments. The quoted price for this recent survey was \$1,100 and they have only received \$550 from Complainant. Respondent has called Complainant several times in order to collect payment and eventually went to Complainant's residence to try to collect payment. When Respondent was there, they showed Complainant where the iron pipes and line markers were placed and went over the details of the drawing. Respondent has offered payment plan options to Complainant but has still not been paid the balance.

There is no evidence of any violations and Counsel recommends dismissal.

Recommendation: Dismiss

BOARD DECISION: Concur

4. 2021046071

License Status: ACTIVE

First Licensed: 1992

License Expiration: 12/31/2021

Disciplinary History: None

Complainant filed this complaint regarding a survey completed by Respondent for a property transfer in January 1997. Complainant claims Respondent ignored a previous deed concerning one boundary of the property and "inserted" their own boundary. The previous deed indicated the center of a river as a boundary and Respondent made the boundary the margin of the river. Complainant states Respondent refuses to fix what Complainant believes to be a mistake. Complainant states they are aware that there is a disagreement about property lines on rivers and some counties handle boundaries on rivers differently.

Respondent states this survey was completed 25 years ago and they have not had any contact, complaint or work involved regarding the survey until now. Respondent notes this puts the complaint far past any statute of limitations, which they believe to be 4 years for surveyors in Tennessee. Respondent further states they will respond further if the Board requires them to or feels more response is necessary.

An expert reviewed this matter and states that they cannot make an opinion on this matter based on the information provided by Complainant and Respondent. However, the expert does state that even if Respondent did make a mistake more than 24 years ago, Respondent is not obligated to revisit or "fix" the alleged issue considering Complainant has provided no proof to support the allegations. Counsel recommends dismissal.

Recommendation: Dismiss

BOARD DECISION: Concur

5. 2021054171  
License: UNLICENSED  
Disciplinary History: None

Complainant filed this complaint in order to force a HOA property manager to provide the name of a land surveyor who conducted a survey so Complainant can verify whether the survey was conducted by a licensed surveyor. Moreover, Complainant wants to consult with the surveyor to obtain a certificate of the report and to discuss why markings are different than original land boundary markings. Complainant purchased two lots from a developer in a subdivision in 2007 with the intent of building a retirement home on one of the lots. In 2017, Complainant sold one of the lots to a couple and a home was built there. When the driveway was built at that home, the black metal pin marking a boundary, once high and visible, was removed and can no longer be seen. Complainant did not complain at the time because they knew where it used to be. In May 2021, the homeowners on that lot have an addition to their home and Respondent company allegedly did a land survey and placed land markings different from those of 2007 and 2017. Complainant states that they have repeatedly asked for the name of the surveyor who handled that survey to avoid needing to hire another surveyor for more than \$1,000 to validate the original 2007 marking. Complainant provided the email to the HOA property manager where they accuse the HOA of having used HOA fees to have this land survey completed. The HOA told Complainant that Respondent completed the survey and explained that it was conducted to assure that the HOA Board and any current vendors servicing the community (landscaping, etc.) are clear on where the property boundaries are. The HOA further stated there had been previous concerns by Complainant that people had trespassed onto their property.

Respondent readily answered the questions Complainant had by providing the license number and name of the surveyor who conducted the survey at issue. They also provided the executed agreement with the HOA.

Counsel notes this arises out of a boundary dispute between neighbors and there is no evidence of any violations by Respondent or the licensed surveyor. Counsel recommends dismissal.

Recommendation: Dismiss

BOARD DECISION: Concur