



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

**Meeting Minutes for November 18, 2021**  
**Davy Crockett Tower**

The Board of Examiners for Land Surveyors met on November 18, 2021, in the first-floor conference room of Davy Crockett Tower in Nashville, Tennessee. Michael Schulz called the meeting to order at 9:04 am and the following business was transacted:

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

**BOARD MEMBERS ABSENT:**

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

**NOTICE OF MEETING**

Jay Caughman called the meeting to order and then read the notice of meeting into the record as follows: "Notice of the November 18, 2021 meeting of the Board of Examiners for Land Surveyors was posted to the Board of Examiners for Land Surveyors website."

**ROLL CALL**

Michael Schulz took roll call

**ADOPT AGENDA**

Jay Caughman made a motion to adopt the agenda with the ability to move items around if needed. This was seconded by Gary Clark. This was voted unanimously.

**MINUTES**

Jackie Dillehay advised we need to make changes on the following lines, with the new changes. "The verification of data is completed by a drone with the same level of accuracy and precision as conventional property **landscaping** (to 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 **flay** (to flag)."

Jackie Dillehay made a motion to approve the August minutes with this change. This was seconded by Gary Clark. This was voted unanimously.

### **Professional Society Report**

Jay Caughman allowed the Tennessee Professional Society for Surveyors (TAPS) to speak. Jimmy Cleveland announced Ashley Rose, Nayland, and Mario Forte attending the meeting. We recently had our September board of directors meeting. We changed over with the incoming board on September 24, 2021. We are moving forward without the spring conference. Ashley advised she did not have anything else to add. Jay Caughman asked when the dates for the conference will be. Mario Forte advised the conference date are March 2<sup>nd</sup>- 5<sup>th</sup>, 2022.

### **EDUCATION REPORT**

Caleb Darnell announced that five online courses were approved. Two of them were virtual and 2 were correspondents and one was an online course. Michael Schulz advised we had some questions about the course for Mr. Nettleman. He was invited to the meeting but was unable to attend. The question is he applied for 8 hours, with 8 components with what is listed as a module component. We thought that each one of the components was supposed to stand alone. If we find out that each piece is supposed to be 8 separate pieces, we might need to revisit this one just to say each one could be approved for the hour. Jay Caughman advised the ethic courses that are presented in his experience the state requires ethics courses and most if not, all adjoining states also have the same requirement. Most of them are a 1-hour requirement. This course looked like he is present for all 8 hours in ethics, which is odd. Ethics is a tough course to present and to sit through 8 hours is a challenge. Jay Caughman's question is, in the description he covered the course content, the instructor has broken it down into nine parts with one being an exam and practical ethics. Is the course as a whole worthy of eight PDH hours? Asking for some clarification from the applicant on he can justify the full 8 hours. Gary Clark agrees with Jay Caughman. He is wanting a little more of a breakdown to see the full 8 hours. This is a 20-minute video, 30-minutes of independent work, and a 10-minute quiz. Jackie Dillehay agrees as well. Jay Caughman advised he would either like to speak to

him directly or possibly at the next board meeting. Michael Schulz advised he would need to contact legal to see if this conversation can be off the record. We will let him know the 8-hour course was approved for 1-hour but to ask Mr. Nettleman to attend the next board meeting. Caleb Darnell has a question about two meetings ago that we stated that we were only going to look at virtual coursework and not approve any asynchronous coursework. This course does look like it is asynchronous. Jay Caughman is looking for an interactive, ability for the student to interact with the conductor or presenter while taking the course. If there is no interaction between the student and present meaning no opportunity to contact the presenter for questions, then this is what I would not consider acceptable. Michael Schulz advised we do receive a fair number of online proposals and will only grow in the future. This could be an opportunity to either clarify what we are looking for or layout some groundwork to add to the website or the providers. We did an outreach in Carter County a couple of months ago and a gentleman expressed that online coursework would be a great benefit to him due to his location and having to drive two hours to get some coursework and miss days of work. Caleb announced that we have been having the same issues with the education reviewers and the communication. Morgan Calles announced most of the courses were, unfortunately, weren't approved or denied. After two weeks she then sends this to the board members to review. This has been working better and not holding up the courses.

**November 18, 2021- Education Report**

Course Provider	Course Number	Course Name	Hours
Surveypdu.com	1016	Hydrographic Surveying	6
ALABAMA SOCIETY OF PROFESSIONAL LAND SURVEYORS	1017	Processing Lidar Point Clouds	3
ALABAMA SOCIETY OF PROFESSIONAL LAND SURVEYORS	1018	Remote Sensing & Surveying Techniques Aerial, Mobile, & Static	3
ALABAMA SOCIETY OF PROFESSIONAL LAND SURVEYORS	1019	Start of the GLO in the Mississippi Territory	3

ALABAMA SOCIETY OF PROFESSIONAL LAND SURVEYORS	1033	Water Boundaries: Rivers, Lakes, and Streams	3
ALABAMA SOCIETY OF PROFESSIONAL LAND SURVEYORS	1034	Tree Identification	3
ALABAMA SOCIETY OF PROFESSIONAL LAND SURVEYORS	1035	SPCS 2022	3
ALABAMA SOCIETY OF PROFESSIONAL LAND SURVEYORS	1037	Errors and Omissions	3
Lucas & Company, LLC	1038	Deed Interpretation IV	1.5
Lucas & Company, LLC	1039	Evidence & Procedure II	1.5
Lucas & Company, LLC	1040	Evidence & Procedure V	1.5
Lucas & Company, LLC	1041	Standards and Practice III	1.5
Alabama Society of Professional Land Surveyors	1042	Update on NSRS Modernization and Related Products	3
Nettleman Land Consultants, Inc	1043	Ethics CEU	1
TENNESSEE ASSOCIATION OF PROFESSIONAL SURVEYORS (TAPS)	1045	TAPS Membership Meeting -TAPS22-01	3
TENNESSEE ASSOCIATION OF PROFESSIONAL SURVEYORS (TAPS)	1046	BOE -TAPS22-02	2
TENNESSEE ASSOCIATION OF PROFESSIONAL SURVEYORS (TAPS)	1047	TN Surveying Apprenticeship -TAPS22-03	2

TENNESSEE ASSOCIATION OF PROFESSIONAL SURVEYORS (TAPS)	1048	Right of Way Dedication Reservation Process -TAPS22-04	2
TENNESSEE ASSOCIATION OF PROFESSIONAL SURVEYORS (TAPS)	1049	Surveying the TN/KY State Line	4
TENNESSEE ASSOCIATION OF PROFESSIONAL SURVEYORS (TAPS)	1050	Meriwether Lewis's Survey at Cumberland Gap -TAPS22-06	1
TENNESSEE ASSOCIATION OF PROFESSIONAL SURVEYORS (TAPS)	1051	Life and Times of Andrew Ellicott -TAPS22-07	1
TENNESSEE ASSOCIATION OF PROFESSIONAL SURVEYORS (TAPS)	1052	Proposal Writing and Contracts -TAPS22-08	4
TENNESSEE ASSOCIATION OF PROFESSIONAL SURVEYORS (TAPS)	1053	Controlling Scope Creep -TAPS22-09	4
TENNESSEE ASSOCIATION OF PROFESSIONAL SURVEYORS (TAPS)	1054	When it's time to move on-TAPS22-10	2
TENNESSEE ASSOCIATION OF PROFESSIONAL SURVEYORS (TAPS)	1055	Flood Elevations on TVA Reservoirs -TAPS22-11	2
TENNESSEE ASSOCIATION OF PROFESSIONAL SURVEYORS (TAPS)	1056	TAPS Workshop "A" -TAPS22-12	1
TENNESSEE ASSOCIATION OF PROFESSIONAL SURVEYORS (TAPS)	1057	TAPS Workshop B -TAPS22-13	1

TENNESSEE ASSOCIATION OF PROFESSIONAL SURVEYORS (TAPS)	1058	TAPS Workshop "C" -TAPS22-14	1
TENNESSEE ASSOCIATION OF PROFESSIONAL SURVEYORS (TAPS)	1059	Control Surveys -TAPS22-15	4
TENNESSEE ASSOCIATION OF PROFESSIONAL SURVEYORS (TAPS)	1060	Controlling errors in survey measurements -TAPS22-16	4
TENNESSEE ASSOCIATION OF PROFESSIONAL SURVEYORS (TAPS)	1061	RTK Surveying and OPUS -TAPS22-17	2
TENNESSEE ASSOCIATION OF PROFESSIONAL SURVEYORS (TAPS)	1062	Historical Resources on the Web -TAPS22-18	2
TENNESSEE ASSOCIATION OF PROFESSIONAL SURVEYORS (TAPS)	1063	How the States got their shapes -TAPS22-19	4
William A Thompson	1064	GPS-Robotic Surveying	8
Halfmoon Education Inc	1065	Using the U.S. Public Land Survey System	4
Halfmoon Education Inc	1066	Aerial Mapping Technologies and Procedures	7
Halfmoon Education Inc	1067	The 2021 Minimum Standards for ALTANSPS Land Title Surveys	6
Halfmoon Education Inc	1068	Current Issues for Land Surveyors	6

**Renewal**

Course Provider	Course Name	Course Number
LUCAS & COMPANY, LLC	Principles & Practices III	730
LUCAS & COMPANY, LLC	Ethics XIX	731
William A Thompson	Coordinate Geometry	665
William A Thompson	Standards of Practice	670
William A Thompson	Trigonometry	674
William A Thompson	Ethics	733

Jackie Dillehay 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.

**2022 Meeting Dates**

**February 17**

**May 19**

**August 18**

**November 17**

**Board Takes 5-minute break**

Gary Clark made a motion to approve the dates of the meetings for 2022. This was seconded by Jackie Dillehay. This was voted unanimously.

## **NCEES**

Michael Schulz advised he received a letter from NCEES. It is a notification about computer-based testing. This is a notice from NCEES that will be administrating all their application testing online in a testing facility. This requires a signature from the member board. The NCEES has been conducting computer testing for a long period. With speaking to legal, nothing is binding even though the word contract is in the email. Maria Bush advised we don't have a contract with NCEES for the exam. The statute and rules just state that NCEES shall provide the exam an examinee should pay those fees to NCEES. This is more of an acknowledgment that we understand they are offering this online. Michael Schulz advised if Jay Caughman wanted to sign it, or he could sign it for the board. Jay Caughman wants to be sure we will not have any conflict with this with our statute or rule.

Gary Clark made a motion to approve the computer-based testing agreement as provided by NCEES for Jay Caughman to sign. This was seconded by Jackie Dillehay. This was voted unanimously.

## **OLD BUSINESS**

### **Applicant Todd Boyle**

Jay Caughman announced Todd Boyle. He is currently licensed in the state of Florida since 2000. His most recent employment is as a county surveyor with Manatee County. Serving there for nearly 15 years was a really good experience. Moved to Tennessee and am currently employed with Johnson Associates and trying to be licensed here. Just hoping to put a face to an application. Caleb advised Morgan Calles to review his file and confirmed the application is with the board members for their review. Jay Caughman advised the process is, Morgan Calles will process the application, which sounds like we have all the pieces. She will then send the application to the board members for their review, and we can either approve or they can defer it which means there was an issue with the application. This can be deficiencies in the plats that were submitted or referenced or questions on references. These then go back to Morgan Calles to contact the applicant. If approved, then you will be moved on to take the 2-hour state exam. Todd Boyle has a question on one of the codes which say, "any applicant in the absence of disqualifying evidence may be deemed by the board to be fully qualified to practice land surveying", It doesn't say fully qualify to take the state-specific test. Jay Caughman advised the board does have the purview to approve a licensee from another state depending on their qualifications. Todd Boyle advised in Florida there has been a discussion of deregulation and wanting to know if it is the same in Tennessee. Jay Caughman advised he has heard the same but that had not been presented or discussed in Tennessee.



## **Rule and Technical Standard Changes**

Jay Caughman advised about a year ago we realized that the standards needed an update due to it being outdated. Maria Bush advised if the board members approve and are comfortable with the red lines as it appears today, we can get a motion and vote for approval to be set a formal making hearing. That will initiate the process and we would have that at the February meeting. We do have a full hearing where we have a court reporter, and the public will have the opportunity to comment on the record and provide any feedback on the rule. It is just a more formal process and scripted. If we get the approval today, we will then need to get approval from the department first which would be Michael Schulz and her supervisors within legal and the commissioner's office, and then the governor's office would need to sign off for the rulemaking hearing. This will then be filed with the Secretary of State 45 days in advance of the hearing. Which will give the public proper notice if they would like to comment. Maria Bush is trying to get the February meeting, if not then we can do the May meeting.

Jackie Dillehay made a motion for setting the date for February 17, 2022, with an alternative of May 19<sup>th</sup>, 2022 if logistically it doesn't work out for the rule-making hearing. This was seconded by Gary Clark. This was voted unanimously.

## **Tennessee State Specific Exam**

Jay Caughman advised they are wanting to talk about potentially removing the requirement for the two-hour state-specific exam. I am sure most surveyors will be against this, which I was to at the beginning. As we talked about earlier NCEES provides the FS and PS testing has it in the works on the change of the PS exam. The PS exam is a 6-hour exam after passing the FS exam in your home state. In most states, the next exam is the 2-hour state-specific exam. In the future, the PS exam may change into modules. Five separate modules go down into the concentrations. What exactly is being tested for each applicant for taking the state-specific exam? The board members want to make sure the public is safe. Ultimately the responsibility of each survey that is made lies on the person who stamped and signed the survey. By stamping and signing the surveyor, states you know the rules and laws for this plat. The Tennessee application requires two plats and two legal descriptions which are signed, and stamped plats done by the Tennessee standards. Which is one of the most often items that defer the application back. This is reviewed and approved by the board members, which are also land surveyors. Kentucky and New Jersey do not require a two-hour exam. I reached out to Kentucky and spoke to the chairman (who was the chairman when this rule was changed) and asked if complaints were increasing or any quality of surveyors in change or any burden on the public. They did not see any change or increase. Jay Caughman then reached out to the Executive Director of the Kentucky board to see how it would benefit the staff. They advised it's been wonderful for the staff because the process of getting licensed for them is just the FS and PS exams, which are handled by NCEES. They were having the state exam by paper and done by their board. Jackie Dillehay advised that it was covered very well. He agrees to help the applicant get licensed. This is an aging profession, and we are not getting as many applications,

which might help speed this process up. Jackie Dillehay advised he spoke to a board member from a neighboring state that is now retired. He did mention that the applicant would need to still complete a packet and attest with an affidavit that he meets certain requirements. Jay Caughman advised they require each applicant before they are granted to provide a packet that had all the statutes and rules and they must read and sign that this is read, understand, and will apply these. Jay Caughman is in favor of doing this. Gary Clark agrees of doing this as well. Most of the lineage is the same in every state. Local knowledge is the most important thing and is not taught in the state exam. You would need to do this before you can even start working. I am seeing less value in the state that requires the state exam. Jay Caughman wanted to advise it was about a 9-month process before we started the computer-based testing. The paper exam was only offered twice a year. This would not eliminate anything towards education, experience, or the examinations that are required. This is a topic that we should continue to have. We want to know what other surveyors think about this as well. Jackie Dillehay states with this being a statute change, this will probably take a year. Maria Bush advised with statutory changes; the department asks for any proposals that the boards may have around April. Then those are submitted in early May. The department then would evaluate all the proposals that are submitted and select which ones would then go to the governor's office. The governor's office then picks which statute changes go into that packet. So, the timeline-wise would be May 2022 for the session Spring 2023. Whenever we do open the statute there is always more of a discussion and attention for deregulation. Jay Caughman announced that we did receive a letter from Tim Lingerfelt from Alley & Associates requesting the board to investigate this. Maria Bush advised this does encourage reciprocity mobility, which would be better for the licensees. Kevin Martin advised he is happy that it was mentioned about a packet that requires a signature. This will be better for the stat and some consolidation. Kevin Martin asked Jay Caughman how long Kentucky has not been requiring the state exam and if there is a possible lag for complaints. Jay Caughman advised it has been about six-year for their rule change and from there has not been an increase in complaints. They are also required during renewal to take the standards of practice. Jackie Dillehay advised we might want to review and re-evaluate the requirements for licensure, in terms of experience and education. I believe this needs to be modified and it would also be a statutory change. I am not sure if this is something that can be combined and get done at one time. Maria Bush advised timing-wise this would be beneficial. I would need this all together for the February meeting for the final language. Jackie Dillehay will present some details at the next meeting.

## **New Business**

### **PDH Hours for Attendance**

Gary Clark made a motion to award the Board 1.5 PDH hours for the day's meeting. This was seconded by Jackie Dillehay. This was voted unanimously.

Cherita Brown has joined the staff. She will be over the meeting logistics.

Jay Caughman wants to acknowledge the staff Caleb Darnell, Morgan Calles, and Maria Bush on everything that has been done. Not just over the last few months but literally as a whole. Outstanding communication, I could not ask for a better, lots of patients and wanted to thank them for all their work and efforts.

Morgan Calles announced that Mario Forte has his hand up for a question. Mario Forte from TAPS stated earlier the 2022 conference March 2-5<sup>th</sup>, 2022. I do have a two-hour session that is scheduled for the Tennessee Board of Examiners to speak. This is going to be on the afternoon of the third of March, which is on a Thursday. I wanted to let you know as this is a Q&A or if you have any presentations that you would like to present. We are more than happy to invite you to do this. It will be an in-person conference. Jay Caughman accepts to attend and we appreciate the offer.

### **ADJOURNMENT**

There being no other new business, Gary Clark made a motion to adjourn. The meeting was adjourned at 10:46 am.



**STATE OF TENNESSEE  
DEPARTMENT OF COMMERCE AND INSURANCE  
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**LEGAL REPORT**

**TO:** Tennessee Board of Examiners for Land Surveyors  
**FROM:** Erica Smith – Associate General Counsel  
**DATE:** November 18, 2021 SUR Legal Report  
**RE:** November 2021 Legal Report

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1. 2021057421 (E-) 848835  
Respondent: JAMES HOWARD LOVEDAY  
License: ACTIVE  
Disciplinary History: None

Respondent performed a survey for Complainant on a small piece of property that had been a landfill. Complainant alleges Respondent gave them an incorrect survey and plat. Complainant claims the deed description is incorrect and Respondent “faked” the survey. Complainant further alleges Respondent sent their father to do the work and never came to the property. Complainant states Respondent’s father used wooden stakes, claiming he did not have metal ones. Complainant states they are now in a legal battle and no other surveyors will listen to them because they know the Respondent “and he is in a divorce.” Complainant provides a copy of the survey but is unable to provide evidence to substantiate the allegations.

Respondent states that his father did work with him at the property doing the field work for the survey and denies the allegation they were not on the property. Respondent’s father has since passed away from COVID. Respondent used deeds, as well as surrounding survey and field information to produce the survey. Respondent notes the property was surveyed again in the last couple of months by another surveyor. That survey agrees with Respondent’s survey of the property.

An expert review was conducted. Based on the information provided by the Complainant and Respondent, there is no evidence of incompetence, misconduct or violations. Counsel recommends dismissal.

Recommendation: Dismiss

BOARD DECISION: Concur

2. 2021060801 (E-) 847849  
Respondent: DAVID SHAWN BREEDING  
License Status: ACTIVE  
Disciplinary History: None

Complainant's client paid \$1,965.00 for a survey on July 12, 2021 and has not received the survey as of August 23, 2021. Complainant has been unable to reach Respondent.

After some research, it was discovered that Respondent passed away on September 18, 2021 and this has been communicated to Complainant. Counsel recommends dismissal.

Recommendation: Dismiss

BOARD DECISION: Concur

3. 2021063691 (E-) 845934  
Respondent: MAHMOUD R. GHASSEMI  
License Status: ACTIVE  
Disciplinary History: None

Respondent performed a survey for Complainant in 2003. Complainant alleges the boundaries from the survey are incorrect based on a neighbor's newer survey. Complainant then requested to withdraw this complaint.

Respondent clarifies this matter and confirms they did survey Complainant's property almost 18 years ago in 2003 but Complainant recently asked them to do a new survey. Respondent explained to Complainant that they were occupied with different jobs and it would be more than two weeks before they could come out again. Complainant then started calling Respondent every morning asking when they were going to come conduct the survey.

Counsel finds no evidence of any violations and recommends dismissal.

Recommendation: Dismiss

BOARD DECISION: Concur