



**BOARD OF EXAMINERS FOR LAND SURVEYORS
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243
615-741-2241**

**Meeting Minutes for August 18, 2022
First Floor Conference Room 1-B
Davy Crockett Tower**

The Tennessee Board of Examiners for Land Surveyors met on August 18, 2022, and the following business was transacted:

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

BOARD MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Glenn Kopchak, Dalia Villarreal, Erica Smith, Alexandria Griffey

CALL TO ORDER / ROLL CALL / NOTICE OF MEETING

Jay Caughman called the meeting to order at 9:00 am and Director Glenn Kopchak took roll call.

AGENDA

Gary Clark made a motion to adopt the agenda. This was seconded by Jackie Dillehay. The motion passed by unanimous voice vote.

MINUTES

Gary Clark made a motion to adopt the minutes from May 19, 2022. This was seconded by Kevin Martin. The motion passed by unanimous voice vote.

RULEMAKING HEARING

The Rulemaking Hearing began at 9:00 am and ended at 10:14 am. A transcript of the proceeding will be made available upon receipt from the court reporter present.

PROFESSIONAL SOCIETY REPORT

Jimmy Cleveland from Tennessee Association of Professional Surveyors (TAPS) gave a brief update to the board.

EDUCATION REPORT

Course Provider	Course Number	Course Name	Hours
SURVEYORS EDUCATIONAL SEMINARS	1084	When not to apply a rule	8
LUCAS & COMPANY, LLC	1095	Rules of Construction	1.5
HalfMoon Education	1096	How to Apply for a Letter of Map Amendment, Start to Finish	2
HalfMoon Education	1097	Tennessee Wetlands & Streams: Law and Compliance	6
Lucas and Company	1098	Rules of Construction II	1.5
Halfmoon Education	1099	Land Description Systems	6
Halfmoon Education	1100	Deep Dive into Drainage Rights	2
LUCAS & COMPANY, LLC	1101	Title Insurance & Surveys I	1.5
Halfmoon Education	1102	GNSS Positioning	6

Jackie Dillehay made a motion to adopt the education report. This was seconded by Kevin Martin. The motion passed by unanimous voice vote.

LEGAL

LEGAL REPORT (Presented by: Erica Smith)

1. 2022006891

Respondent:

License Status: UNLICENSED

Disciplinary History: None

This complaint was filed by a licensed land surveyor against Respondent alleging they may be offering land surveying services without a license based on their online presence. This concern arose when Complainant was in a “zoom” type virtual meeting about small businesses trying to obtain government contracts. Complainant advised that the Respondent joined the meeting and presented themselves as a “surveying company”. Complainant advised that someone needs to ask the Respondent who their end clients are. Respondent is a Nevada corporation with principal offices in Tennessee. Respondent denies the allegations and states they do not perform, advertise or seek to perform land surveys, boundary research, ALTA surveys or any other activities requiring a land surveyor’s license.

An investigation was conducted. The investigator spoke with the CFO for Respondent company. The CFO also provided a detailed response to the complaint in writing. Respondent business produces as-built documentation of buildings through the United States and occasionally in Mexico and Canada. The survey documentation includes architecture (walls, doors, windows), structure, mechanical, electrical, plumbing, cabinets, etc., and any other observable element of the building that is of interest. Respondent takes thorough sets of pictures and link them to drawings so clients can easily see and verify building conditions. The site plans are drawn relative to the building and do not include research to determine property lines or specific coordinates. Respondent’s product is used for preliminary planning of landscape and amenities to update the look of the buildings and the surroundings. Respondent’s clients are primarily (80%) architecture, engineering and project management firms which hire the architects, engineers and all other subcontractors for a renovation project. The surveys Respondent performs are traditionally performed by architects in the Tennessee market, whereas Respondent’s strategy is more effective for out-of-town work. Respondent markets themselves to architecture firms to perform this kind of fieldwork for them and often convince them to use Respondent and save their people for higher-skilled architecture services. This way, Respondent does fieldwork and travelling allowing their clients to stay in the office and focus on design and renovation planning. Respondent advised

that, due to this complaint, they have changed some of their website and internet advertising verbiage to make it clearer and avoid future issues or confusion. The Better Business Bureau (BBB) corrected their listing for Respondent to reflect "Building Inspector" instead of "Land Surveyor." Respondent brought this to the BBB's attention and advised this mistake in the description of the business may have led to the confusion. The investigation revealed that Respondent does not offer or conduct any land surveying themselves. They simply measure buildings, draw them in AutoCAD, etc. Respondent further advised that there are often other companies that do come in and survey land, but Respondent's company simply records what is presently there, such as buildings, landscapes, etc.

Counsel recommends dismissal.

Recommendation: Dismiss

Board Decision: Concur

2. 2022011181

Respondent:

License Status: ACTIVE

First Licensed: 1/16/1998 Expires: 12/31/2023

Disciplinary History: None

Complainant states this complaint is in regard to a "re-subdivide or re-plat" of the property that they currently own. Complainant states when the subdivision was originally platted, their backyard extended 60 feet backwards. Complainant states Respondent completed a re-subdivide around the time the home on the property was built and moved the property line back 60 ft towards the property. Complainant alleges they contacted the county planning commission and was told there was no reason on file for the re-subdivide. This has caused issues between Complainant and their neighbor, including preventing them from building a detached garage and extending the driveway. Complainant states both them and their neighbor agree that it should be corrected.

Respondent confirms they completed a re-subdivide of two lots at the request of the property owners who owned the land at the time, in 1998. The property owner dictated where they wanted the new property line and Respondent set the property lines as directed.

Counsel would recommend that Complainant and their current neighbor have a surveyor change the property lines if they are in agreement. There does not appear to be any

violations committed by Respondent and the statute of limitations and repose has passed, therefore Counsel recommends dismissal.

Recommendation: Dismiss

Board Decision: Concur

3. 2022019291

Respondent:

License Status: ACTIVE

First Licensed: 2/13/2002 Expires: 12/31/2023

Disciplinary History: None

Complainant hired Respondent to make a plat and set/mark property lines. Complainant paid Respondent on 9/16/20 and was told they could obtain a copy of the plat from the courthouse. Complainant states there was nothing on file when they attempted to obtain the plat. Complainant alleges Respondent then told them it could not be located in their files, and they would send out an employee to check the points again. Complainant states they told Respondent to place 4 points that they originally neglected to place. Complainant then went to pick up the plat and states Respondent told them they had not yet paid the full balance and owed \$300.

Respondent states they were hired to conduct a survey and find property corners and mark property lines. Respondent states they asked Complainant if they wanted a new plat of the property and was told no. Respondent explained the service would be charged by the hour and Complainant agreed the plat was part of a recorded plat in the local Register of Deeds office. Respondent completed the work agreed upon and Complainant paid the \$400 owed. Respondent told Complainant if they did not need a new survey, they could go pick up a copy of the recorded plat. When Complainant claimed there was no copy of the plat, Respondent explained they did not render a plat on the property as they had discussed already. Respondent told Complainant if they wanted a new plat, they would need to resurvey the property and then render a plat. Complainant agreed to this new service. Respondent feels they offered Complainant a very fair price, but Complainant became very upset, showed up to the office with COVID and argued about it. Respondent would not give Complainant the new plat without payment of the \$300 so Complainant did leave without it. Respondent believes Complainant was not listening or forgot their discussions and agreed-upon arrangement for separate services.

Counsel finds no violations and recommends dismissal.

Recommendation: Dismiss

Board Decision: Concur

4. 2022017741

Respondent:

License Status: ACTIVE

First Licensed: 8/27/1975 Expires: 12/31/2023

Disciplinary History: None

Complainant asked Respondent to conduct a survey for some lots they wanted to sell. Complainant alleges Respondent said there shouldn't be a problem but then put them off with "excuses" as to why it hadn't been done yet. Complainant states they then decided to have someone else do the survey, but Respondent's survey then came through. Complainant seems to take issue about the four lots surveyed in some way, but Counsel is unable to decipher what the issue is after reviewing the complaint and we have no contact information for Complainant.

Respondent states Complainant terminated their services as stated in the complaint and Respondent had no further communication with them after the termination. Another person involved in the situation and mentioned in the complaint then hired Respondent to conduct a survey for the lots. Respondent accepted the offer for services on the condition they would not be working for Complainant in any way and would not have to communicate with Complainant. There have been no issues or complaints about the survey or plat produced and recorded by the person who hired Respondent.

Counsel finds no evidence of any violations and recommends dismissal.

Recommendation: Dismiss

Board Decision: Concur

5. 2022022951

Respondent:

License Status: ACTIVE

First Licensed: 10/30/1980 Expires: 12/31/2023

Disciplinary History: None

Complainant states they met with Respondent at a property adjacent to their property because they wanted to inquire as to the nature of Respondent's visit, considering it is an extremely remote/rural area. It seems Complainant just saw Respondent working and went up to them to talk. Complainant became concerned that the job being done by Respondent would not be accurate because of some information Respondent stated about property lines and city/state jurisdiction during their conversation. Complainant reviewed the recorded deed resulting from the job and questions why each and every property owner adjacent to the vacant lot surveyed is listed in the legal description. Complainant's name is listed on the deed and claims all the preceding deeds, including their own deed, give a specific description not listing adjacent owners. Complainant alleges other deeds in the area do not list every adjacent neighbor's legal name in the description of property. Complainant further alleges the distance measurements recorded on the deed are "so obtuse the calculations are unreadable." Complainant is concerned about the privacy of their information being listed in public records and considers any new owners may not be "law abiding citizens." Complainant notes they are unsure if this complaint has any merit but feels it doesn't "sound right".

Respondent responds to the two issues mentioned in the complaint. First, Respondent believes Complainant is unable to understand the property dimensions because they cannot discern the Call vs. Measure dimensions. Respondent notes this is standard notation that has been used for decades by them and other regional surveyors. Second, Respondent confirms Complainant's name is shown as an adjoining owner on the survey at issue. Rule 0820-03-.07 states "[T]he names of adjoining landowners and deed references, if available at the property assessor's office, and/or lots and/or block numbers, and highways, streets, and named waterways shall be shown." Respondent believes this is required for a land surveyor to show on a deed if possible.

Counsel finds no evidence of any violations and recommends dismissal.

Recommendation: Dismiss

Board Decision: Concur

6. 2022024561

Respondent:

License Status: ACTIVE

First Licensed: 1/14/2020 Expires: 12/31/2023
Disciplinary History: None

Complainant alleges they were presented with a survey regarding the property next door due to a recent sale. Complainant alleges the survey converts the calls from the deed into considerably more land than the deed calls for. Complainant further alleges their neighbor's son pulled their survey pin and assaulted Complainant's spouse with it. Complainant states their deeds are old and confusing. Complainant consulted with the local county property assessor's office, and they are looking into the matter. Complainant alleges their property is being encroached upon from two directions according to Respondent's survey for the property next door.

Respondent states that all parties affected by this complaint are now satisfied. Complainant had an old handwritten deed for a tract. This deed was lost since its creation in 1960 until August of last year, and the land had not been surveyed until now. Respondent's initial survey affected Complainant's land negatively unknown to Respondent at the time. Respondent has since resolved these issues and to further avoid future disputes, all parties are signing the survey and agreeing to the lines on it. Complainant confirmed the issues have been resolved.

Counsel recommends dismissal considering the complaint has been resolved and there is no evidence of any violations.

Recommendation: Dismiss

Board Decision: Concur

7. 2022024681

Respondent:

License Status: ACTIVE

First Licensed: 4/25/1980 Expires: 12/31/2023

Disciplinary History: 20150215801- Executed consent order, \$6000 civil penalty, 2007053851, 2014011881 - Letter of warning.

Complainant purchased a property at auction and believes they were misled by the realty auction firm and Respondent, who had surveyed the property before the sale. Complainant walked the property to see the property lines prior to the purchase and believed the 112.74 acres being sold included 6 acres of heavy timber woods because of where they allege, they saw markers on the property. Complainant states the property ended up not including those

6 acres. Complainant alleges the auction firm told them the property boundary was the pasture fence line. Complainant feels that if this was the property line, Respondent should have moved the markers to the fence area, and it should have been announced at the auction. Complainant also filed a complaint against the selling realty auction firm, which is recommended for dismissal, as the attorney found no evidence of any violations.

Respondent confirms they surveyed the property at issue on November 19, 2021, and provides the survey. Respondent states the property line was flagged with the fence as shown on the survey. Complainant had mentioned the aerial overlay showed property included woods but Respondent notes that the aerial overlay shown on the tax map is incorrect. Respondent states they cannot and do not survey property by the tax map. Respondent uses the owner's deed and adjoiner deeds. Complainant purchased 112.74 acres at the auction on April 9, 2022, and those acres are the same as shown on the survey. Respondent provided a letter from the auction and realty group who sold the property at auction to Complainant. This letter states that the survey plat completed by Respondent was given to all people in attendance at the auction, including Complainant, prior to their bidding and purchase. The realty company and auction have no knowledge of the 6 acres of woods, or the flags/paint/markers mentioned by Complainant. The sale and transfer of land is done by survey only.

Counsel finds no evidence of any violations and recommends dismissal.

Recommendation: Dismiss

Board Decision: Concur

8. 2022026421

Respondent:

License Status: ACTIVE

First Licensed: 7/16/2002 Expires: 12/31/2023

Disciplinary History: None

Complainant hired Respondent to conduct a survey. Complainant alleges Respondent gave their neighbor approximately 20 acres that Complainant's deed states belong to them. Complainant alleges Respondent put corners where they did not belong. Complainant claims Respondent's goal was helping the neighboring landowner. Complainant states that the issues can only be seen in person and wants someone to come out and look at the property.

Complainant alleges the county assessor was coerced into taking 20 acres from their deed and giving it away. Complainant provides no survey or evidence to support these allegations.

Respondent denies the allegations in full. Respondent states they met Complainant at the property on March 24, 2022, and marked the corners and lines. Respondent advised Complainant that their north line deed distance of 1140 ft appeared to encroach onto the neighbor's property. Upon finding what appeared to be an overlap, Respondent made measurements to the east to determine if there was an overlap or not. Respondent found the northeast and southeast corners of the adjoining property from the original deed. Respondent then proceeded marking corners and lines and set an iron pin at the northeast corner per the deed. By doing this, it only gives Complainant 799.77 ft instead of the deed call of 1140 ft. Upon finding the southeast corner and surveying back west, Respondent found an iron pin online in the east margin of the adjoining road. Respondent states the existing monuments found line up with the adjoining property deed calls more so than with Complainant's deed calls. Complainant's deed calls for 287.9 acres but using their deed calls and field measurements calculates to be 304 acres, which is about 16 acres more. The adjoining deed calls for 167 acres less exclusions equal 119.71 acres and by Respondent's field measurements, calculates to be 119.3 acres. Complainant wants to use their deed calls which would increase their acreage about 16 acres, taking those 16 acres from the adjoining property. Respondent advised Complainant about the overlap and that they may want to consult with an attorney about the proper procedures to handle this matter. Respondent details the other disclosures made to Complainant.

Counsel finds no evidence of any violations and recommends dismissal.

Recommendation: Dismiss

Board Decision: Concur

9. 2022022721

Respondent:

License Status: EXPIRED

First Licensed: 4/16/1994 Expires: 12/31/2007

Disciplinary History: 2011027311- Executed consent order and \$250 civil penalty.

Complainant hired Respondent to measure the distance from a school to a home address for a post-conviction hearing related to Complainant's son's conviction for the sale of drugs near a school. Complainant assumed Respondent had a Tennessee license and thought they could be an expert witness at the hearing. Complainant's attorney did tell them Respondent could still be used as a contractor who surveyed a distance in Tennessee. Complainant

alleges they never agreed to a price or signed any paperwork but claims Respondent got a judgment for \$1,500 in the state of Virginia.

Respondent explains Complainant was a friend of a friend and was in desperate need of a surveyor and could not find one. Respondent's friend put the two in touch, knowing Respondent had a surveying license. Respondent advised Complainant they were not currently licensed in Tennessee but was told that it didn't matter for the distance measuring. Respondent told the same to Complainant's attorney, who also did not think a Tennessee license was necessary for their purposes. Respondent followed through with measuring the distance from the school to the home address and showed up for the court date, having to wait until called. Respondent waited for hours and was never called as a witness. Complainant was not successful at getting their son's sentence reduced and was very unhappy about that. Respondent still had to invoice for the services performed and was never paid, despite being told by Complainant and their attorney it would be paid. Respondent states they did not conduct a boundary or land survey. Respondent also provided letters written to the Board of support from their friend who connected the two, and from Complainant's attorney. These letters support Respondent's statements and Complainant's knowledge of the services, license status and agreement to pay.

Counsel finds no evidence of unlicensed activity as a land surveyor or any other violations and recommends dismissal.

Recommendation: Dismiss

Board Decision: Letter of instruction

REPRESENT:

10. 2021071051

Respondent:

License Status: ACTIVE

First Licensed: 2/11/2020 Expires: 12/31/2023

Disciplinary History: None

Complainant is a licensed land surveyor in Tennessee who lives in Kentucky. Respondent operates an engineering firm in Kentucky and has a Tennessee land surveyor's license.

Complainant was an employee of Respondent's firm from 2016 through September 2018. On October 20, 2021, Complainant received a call from another licensed surveyor inquiring about a survey from December 2019 which appeared to be stamped and signed by Complainant. During the conversation, it was brought to light that Complainant did not actually perform or certify and stamp the survey. Complainant was not Respondent's employee when the survey was stamped. Complainant alleges the survey was forged using a digital signature and digital stamp. Complainant alleges Respondent had called him in late 2019 wanting to know if he would stamp and sign a survey in Tennessee since Respondent did not have a land surveyor's license in Tennessee at the time. Respondent did not obtain a surveying license in Tennessee until February 2020. Complainant alleges they told Respondent they didn't have the time to do the field work, calculations, deed research, etc. needed to complete the survey.

Respondent provides a very detailed response with much background and a full timeline of the events leading up to this issue. In 2019, Respondent's engineering firm, of which they are the owner and sole licensed manager, experienced swift growth in revenue, number of employees, and complexity of projects in comparison to 2018. Respondent was the only licensed professional (engineering license) and relied heavily on managers who had proven that they could help Respondent manage daily tasks.

Respondent states that the project at issue is one they are very proud of. The firm handled nearly all technical aspects from beginning to end. Respondent was contacted by a private developer on July 2, 2018, about the potential development of a 44-acre piece of land in Tennessee. At this time, Respondent still employed Complainant, who served as the licensed surveyor in Tennessee. The client expressed their interest to construct a 300,000 sq. ft. building for occupancy by a third-party tenant. On August 15, 2018, the firm submitted a Final Development Report to the client. Between May and September of 2019, the firm collected field data (GPS), aerial imagery, UAV topographic data, performed an in-depth geotechnical exploration and report, designed the site (complete with storm water control), obtained all necessary permits, etc. and finally produced Final Plans for construction.

Respondent states that to their knowledge, the ALTA plat task at issue was never a part of their initial scope of services but was requested after the project was already in its design phase, around June of 2019. Respondent states the surveying department was then managed by the survey crew chief who was not licensed as a land surveyor. Respondent alleges they heavily relied on the manager/crew chief to make sure they had a Tennessee licensed land surveyor working on the project. Respondent alleges they suggested the crew

chief contact Complainant and see if he could work with the firm on this project. Respondent recalls John reported back and stated that Complainant would do the project. Respondent then believed the ALTA plat was handled and under the control of Complainant.

The client for this project is based out of Pennsylvania so Respondent states they needed a digital certified copy of the ALTA plat so they could quickly transmit it to the client when needed. After a week or so, Respondent inquired about Complainant's input and was under the impression that all was verified and looked good. Respondent then took an existing digital stamp, modified it to represent Complainant's stamp, found his signature on previous plats he conducted while still employed at the firm, and placed them on the ALTA plat for review. The digital copy of this ALTA Plat was first emailed to the client with Complainant's digital seal and signature on August 6, 2019, and then again with a modification to the name of the bank on December 18, 2019. This is the last edition of the plat that Respondent can find and the "final" version they provided to Counsel.

Respondent states they humbly refute the allegations that intentional forgery, fraud, or harm was committed to Complainant or the client. Respondent further states they also realize that in their position, they are ultimately responsible for all actions and activities within the firm by licensure. Respondent states they realize they should not have wholly depended on certain tasks to be completed by others. Respondent asks the Board to consider their record of working within the industry for nearly 20 years. Respondent states they hold nine (9) licenses in seven (7) states and has never been disciplined to-date. Respondent estimates they have been involved with well over 2,500 projects and always strives to work within morality and honesty.

Complainant provided a detailed rebuttal. (The rebuttal statements/allegations have not been verified by legal and are being provided as Complainant context). In summary, Complainant alleges Respondent not only performed a boundary survey on the property at issue, but also certified to a title insurance company and mortgage institution that the survey was correct and clear of any easements and/or title complications. As far as Complainant knows, their name is attached to the survey, and they will be at fault if something is brought to light in the future. Complainant further alleges the property has been developed into an approximately 10-million-dollar manufacturing facility. Complainant questions whether the title insurance company and mortgage institution need to be notified about this considering they do not want to be responsible if there is something wrong with the survey in the future. Complainant further denies that the crew chief contacted him to help with the survey as alleged by Respondent.

Counsel recommends discussion of this matter to decide on the appropriate discipline for unlicensed activity and misconduct in the practice of land surveying, and for fraudulently using the seal of a surveyor who did not prepare the survey.

Recommendation: Discuss

Board Decision: Revocation of license with ability to reapply after 12 months – Respondent must come before the Board to be granted a license; \$15,000 civil penalty; and require survey at issue to be redone by licensed Tennessee surveyor with Respondent being responsible for the cost of the new survey.

Update: Respondent has hired an attorney and they have communicated with Counsel about the proposed Consent Order. Respondent accepts responsibility for what has occurred but feels the discipline is not consistent with statutory considerations and the applicable rules and regulations. The Board has assessed the maximum civil penalty of \$5,000, for a total of \$15,000, for three specific violations: misconduct of land surveying, the improper seal and unlicensed activity. Respondent is asking the Board to reduce the civil penalty to \$10,000 considering the “misconduct” statute is intended as a statutory catch-all and he feels this is duplicative of the improper seal violation. Specifically, Respondent asks the Board to consider issuing a \$5,000 civil penalty for the unlicensed activity and a \$5,000 civil penalty for the improper seal. Respondent and their attorney also reviewed the punishments levied by the Board over the past two years for what they call “similar infractions,” and notes the civil penalties are between \$500-\$1,000.

Moreover, in reviewing the guidelines for Civil Penalties under the Rules and Regulations governing the Board, the Board is to consider the following: (a) Whether the amount imposed will be a substantial economic deterrent to the violator; (b) The circumstances leading to the violation; (c) The severity of the violation and the risk of harm to the public; (d) The economic benefits gained by the violator as a result of non-compliance; and (e) The interest of the public. Respondent asks the Board to consider and discuss these elements. Respondent provides a brief analysis in support of asking the Board to reconsider the significant penalties proposed against him. Under subsection (a), Respondent would state that anything in excess of \$5,000 would be a significant economic deterrent for him. Respondent has a small business working out of a small town in South Central Kentucky. A punishment in excess of \$5,000 would significantly interrupt his cash flow for the business – and potentially affect payroll. However, Respondent feels that Subsection (b) is the most compelling– as the Board

should consider the circumstances leading to the violation. As positioned by Respondent, this mistake was based upon a mistake of fact – i.e., he believed based on his communications with his employees that he had approval to utilize the in-question surveying stamp. Respondent notes that this has not been contested and remains a viable position at this time. Respondent believes this particular consideration shows a lack of intent to defraud – and as it is the circumstance leading to the action infraction, he feels it should be considered in reducing the penalty. Under subsection (c), Respondent does not disagree that the infraction itself is very serious; however, the risk of harm to the public is moot. This plat was for the purposes of bank financing and now the note related to that financing has been satisfied and no one will ever rely upon this plat again. It is not as if it is recorded and any potential harm to the public, or the allegedly defrauded license holder, has been extinguished. Looking next a subsection (d), Respondent would state that the economic benefit by use of this stamp was only minimal as it was only complimentary to the engineering work that was ongoing. Lastly, under subsection (e), the interest of the public or really the potential risk of the public has been extinguished – as previously discussed.

Given the above analysis, Respondent believes the guard rails codified by Tennessee statutes and the Rules of Regulations established suggest that the penalty for two infractions is extreme. Respondent notes that the punishment suggested has no precedent in support thereof. With the lack of precedent, and the analysis provided for punishment by the Board, Respondent would also ask the Board to consider the revocation of his license. Revocation is a very extreme punishment, which could cause significant economic outcomes to Respondent's ability to provide land surveying in Kentucky (and potentially impact his engineering licenses in both Kentucky and Tennessee). Respondent feels the Board should consider this when leveling such a significant penalty such as revocation. In lieu of revocation, Respondent would ask this Board to consider a suspension that may be less harmful to his ability to continue to perform work in other capacities – maintaining his own personal livelihood and his business that supports employees in a small community in Kentucky.

After discussion with Respondent's attorney and much consideration, Counsel recommends issuing a \$10,000 civil penalty and a two-year suspension of the license.

New Recommendation: Authorize a \$10,000 civil penalty and two-year suspension of the license

New Board Decision: Concur

DIRECTOR'S REPORT

Budget Report

Director Kopchak summarized the revenues and expenses thus far and drew attention to the expenditures listed under "Other" in April. After reviewing the ledger, that expense was determined to be the result of NCEES membership dues.

2023 Meeting Dates

Director Kopchak presented the scheduled meeting dates for 2023. Tentative Dates are February 16th, May 18th, August 10th and November 16th. Gary Clark made a motion to accept these meeting dates. This was seconded by Jackie Dillehay. The motion passed by unanimous voice vote.

CE Audit Update

For those licensees that failed to produce the required CE for the recent audit, the board decided to issue agreed citations with a fine of \$100.00.

Jackie Dillehay made a motion to accept recommendations. This was seconded by Gary Clark. The motion passed by unanimous voice vote.

NCEES Associate Nomination

In accordance with the NCEES Bylaws (Section 3.021) there must be an associate designated in the absence of a board member at the zone or annual meeting, to provide representation on behalf of the board, have the privilege of the floor, and be able to serve on NCEES Standing Committees and Task Forces should that become necessary.

Gary Clark made a motion to approve Glenn Kopchak to serve as the NCEES Associate. This was seconded by Kevin Martin. The motion passed by unanimous voice vote.

NEW BUSINESS

Tim Lingerfelt introduced Public Chapter 1128 for discussion at next board meeting. Jackie Dillehay made a motion to approve 3 hours for PDH. This was seconded by Kevin Martin. The motion passed by unanimous voice vote.

ADJOURNMENT

Jackie Dillehay made a motion to adjourn the meeting. This was seconded by Kevin Martin. The motion passed by unanimous voice vote. The meeting adjourned at 12:00 p.m.

