

**State Board of Registration for Professional Surveyors
Indiana Government Center South
402 West Washington Street, Room W064
Indianapolis, Indiana 46201
Minutes of the April 17, 2015 Board meeting**

CALL TO ORDER & ESTABLISHMENT OF QUORUM

Ms. Christine Arnold called the meeting to order at 9:00 a.m. in Room W064 of 402 West Washington Street, Indianapolis, Indiana and declared a quorum in accordance with Ind. Code § 25-21.5.

Members Present

Christine Arnold, Chairperson
Ross Holloway, Vice-Chairperson
John Stephens
Mike DeBoy
Doug Lechner
Richard Hudson
Gary Kent

State Officials Present:

Amy Hall, Board Director, Indiana Professional Licensing Agency
Keri Reed, Assistant Board Director, Indiana Professional Licensing Agency
Gordon White, Deputy Attorney General, Office of the Attorney General

ADOPTION OF AGENDA

The Agenda was amended to include discussion on forms for applications.
A motion was made to accept the amended agenda.
Lechner/DeBoy
Motion Carried: 7/0/0

ADOPTION OF THE MINUTES FROM JANUARY 30, 2015 MEETING

A motion was made to adopt the minutes from the January 30, 2015 meeting.
Kent/Stephens
Motion Carried 6/0/1 (Ms. Arnold abstained)

RICHARD VERMILLION: COUNTY SURVEYOR'S OFFICE – credit for work

Mr. Vermillion is the Knox County surveyor, a professional surveyor, a partner in a private firm, and is the Southwest Vice President of the County Surveyor's Association. He wished to come before the Board to ask if new surveyors were able to use experience earned under a county surveyor toward the experience requirement. The Board explained that at least 60% of the experience must be comprised of any of the topics copied and pasted from the Statutes below:

IC 25-21.5-1-7(b)

- (4) Locating, relocating, establishing, reestablishing, laying out, retracing, or marking any property or boundary line or corner of any tract of land or of any right-of-way or easement.
- (5) Making any survey or preparing any plat for the subdivision of any tract of land.
- (6) Determining, by the use of principles of surveying, the position for any boundary related survey monument or reference point, or setting, resetting, or replacing any monument or reference point.
- (7) Preparing a description for any parcel or boundary of land, or for any right-of-way or easement, except when prepared by an attorney who is licensed to practice law in Indiana.

The Board also recognizes that the tasks of county surveyors are heavily dependent on the population and location of the county. It would be difficult in most county surveyor offices for a person to obtain the 60% requirement detailed above exclusively in that office. A member of the audience explained that while teaching continuing education he has observed up to 80% of county surveyors are not licensed as professional surveyors. The Board explained that all experience for licensure must be accrued under the auspices of an actively licensed professional surveyor.

The question of liability insurance was also raised when discussing county surveyors doing boundary work for the county. Mr. Kent suggested that Mr. Vermillion contact his county commissioners and county attorney about liability coverage.

REPORT FROM THE ATTORNEY GENERAL

Natalie Stidd from the Attorney General's office reported that there are 23 complaints and 3 litigation cases that are currently open. 2 of the open litigation cases were on the agenda for the meeting. Her office is currently adjusting to the restructuring.

Ms. Stidd explained that some of the complaints were from instances that happened several years ago. This poses a problem with obtaining information for the investigation. It was also discussed that the Board does have the ability to subpoena witnesses.

REPORT FROM THE BOARD LIAISON

Mr. Kent has worked with Ms. Stidd and her office on the Brett Miller settlement. He has also met with Ms. Felicia Wagoner from the Attorney General's office about another complaint.

REVIEW OF PROBATIONARY REPORTS

J. Bernard Feeney (Holloway)- No report

Michael Sadlon (Stephens)- The Board has received reports from January and February of 2015.

Ronald Morrison (Kent)- No report

Stephen Williams (Kent)- No report. According to his last appearance in January, he did not expect to have another survey until July.

ADMINISTRATIVE HEARINGS - Ms. Peggy Morgan was the court reporter for all hearings.

Brett R. Miller, LS20300059, Re: Administrative Complaint

Cause No.: SBRLS 14-08

Before the hearing began, Mr. Kent recused himself and left the room because he had prior knowledge of the case and helped create the settlement the Board was asked to approve.

Ms. Stidd was present to represent the state. Mr. Barclay Wong was present as Mr. Miller's legal counsel. Mr. Miller was also present.

A proposed settlement was agreed upon by Ms. Stidd, Mr. Wong, and Mr. Miller. A copy of the settlement was handed out to the Board. Ms. Stidd explained that a lot of effort went into the settlement and Mr. Wong stated that Ms. Stidd was one of the best deputies he has worked with.

Board Action: A motion was made to accept the settlement
Holloway/Lechner
Motion Carried 6/0/1 (Mr. Kent abstained)

Jerry D. Wiggins, LS80880042, Re: Administrative Complaint
Cause No.: SBRLS 14-09

Natalie Stidd appeared on behalf of the state. Mr. Wiggins appeared and stated that he did not have counsel because he could not afford an attorney in this matter.

In his testimony Mr. Wiggins stated that he did computer drafting work for with Carlos Pedrazza (LS80010274), paid Mr. Pedrazza for the work done after he was paid from the client, drafted a plat from being on site per Mr. Pedrazza's instruction, and paid a filing fee for the plat. According to Mr. Wiggins, Mr. Pedrazza did not have direct contact with the client. Mr. Wiggins also stated that because the client contacted him for services, he felt like he was the client's agent, and that he did not notify the client that he was not an actively licensed professional surveyor.

Ms. Stidd asked that the board to find that Mr. Wiggins was paid, acted, and represented himself as a surveyor after his license was suspended on August 29, 2006 and that he did not pay his civil penalty assessed when his license was suspended. Mr. Wiggins stated that he felt he was doing everything in accordance with the law. Whether or not he was a surveyor never came up.

Board Action: A motion was made to revoke license number LS80880042 of Mr. Wiggins and assess a \$5 records fee.
Holloway/ Stephens
Motion Carried 7/0/0

Neal A. Ballah, Re: Petition for Review
Cause No.: SBRLS 15-02

Mr. Ballah's application for licensure by examination was denied at the January 30, 2015 meeting because the board did not find he had a minimum of 60% of his experience in boundaries. Mr. Ballah brought documentation from his references that show he did have the necessary experience in boundaries. The Board agreed.

Board Action: A motion was made to approve Mr. Ballah to take the state specific examination IIB.
Kent/DeBoy
Motion Carried 7/0/0

John A. Campbell, Re: Petition for Review
Cause No.: SBRLS 15-04

Mr. Campbell's application for licensure by comity was denied at the January 30, 2015 meeting because he did not meet the education requirement for licensure in Indiana the same year his initial license for professional surveyor was issued in another state in 1996. The Board asked Mr. Campbell about his first license issued in 1984. It was determined that the boundary license issued in 1984 was comparable with the Indiana license at the same time. Using the education and experience requirements for licensure in 1984 Mr. Campbell meets the requirements in Indiana.

Board Action: A motion was made to approve Mr. Campbell to take the state specific examination IIB based on the 1984 property line surveyor license in Maryland in which he met the Indiana requirements as of 1984.
Kent/Stephens
Motion Carried 7/0/0

Patrick Finn, Re: Petition for Review
Cause No.: SBRLS 15-03

Mr. Finn's application for licensure was denied at the January 30, 2015 meeting because he did not meet the education requirement for licensure in Indiana the same year his initial license as a professional surveyor was issued. His first professional surveyor license was issued in Ohio in 1988. After some discussion, it was determined that Mr. Finn would have had to meet the requirements before the education requirement went into effect in Indiana January 1, 1988 to be approved for the examinations.

Board Action: A motion was made to approve Mr. Finn to take the state specific examination IIB based on the fact that when he took the examination in Ohio that resulted in licensure at the same time, the Indiana requirements did not require education.
Kent/Hudson
Motion Carried 7/0/0

PERMIT AND LICENSURE APPLICATIONS

Land Surveyor applications by Examination

Mark H. Kamin

A motion was made to approve the application and approve the surveyor program from Michigan Tech.
Lechner/Stephens
Motion Carried 7/0/0

Land Surveyor applications by Comity

Byron D. Howell

A motion was made to table Mr. Howell's application and request additional information to prove that 60% of his experience is in boundaries.
Kent/Hudson
Motion Carried 7/0/0

DICSUSSION

NCEES National Meeting –Annual Delegate Attendees

It was determined that Mr. Lechner will represent the Board with Ms. Hall at the NCEES meeting in August 2015.

Board Action: A motion was made to make Mr. Lechner and Ms. Hall the board's delegates.

Holloway/Lechner

Motion Carried: 7/0/0

Continuing Education Audit – Update

25 licensees were chosen for the continuing education audit. Ms. Reed had received 22 submissions. Of the submissions 21 have been determined to be compliant. The third and final notice will be mailed out by certified mail soon after May 31, 2015 to the licensees that have not responded to the previous 2 audit requests.

Board Question About Information Presented on Applications

While all information on the original application remains intact, the sensitive information (exam scores and transcripts) and confidential information (social security numbers, personal email addresses, and personal phone numbers) on the applications submitted as exhibits with litigation documentation must be redacted because litigation documents are public documents.

The Board has also determined that all applications must have all information entered. The application cannot rely on an NCEES record to provide the information. Documentation in the file is to be used as supporting documentation for the information presented in the application.

Inquiry into the Practice of Carlos Pedrazza (LS LS80010274)

Based on the testimony in Mr. Wiggins hearing, the board wishes to have the Attorney General's office begin an inquiry into the practice of Mr. Pedrazza. The submission of a complaint will begin the investigation.

Board Action: A motion was made to have Ms. Hall submit a complaint to the Attorney General's office citing the information given at the hearing against Mr. Petrazza.

Holloway/Lechner

Motion Carried 7/0/0

Information from NCEES

Mr. Kent reminded the Board that NCEES periodically sends out information in mailings. He advised that they have good information and it would behoove the surveyors to pay attention to what is going on at NCEES.

Appearance by Nicholas Rhoad

Mr. Rhoad spoke before the board and stated that he would make himself available for any questions they may have.

Mr. Kent inquired about a rule change designed to make it less of a problem for applicants to get licensed. The rule was submitted some time ago and that he was informed rule changes to make it easier to get licensed would always be approved. Mr. Rhoad stated that he would check in and follow up personally.

The Board inquired about re-appointments for the board. Currently, all board members are within 2 years of reappointment. Mr. Rhoad stated that the position in the Governor's staff over board member appointments was currently vacant. From a management perspective, it is much easier to replace a board member on an expired term if necessary. If things are working out well, the board members will remain in place. Mr. Rhoad believes this to be a good thing.

BOARD DIRECTOR'S REPORT

Ms. Hall and Mr. Kent met since the last meeting in January to work on new application forms to make them more clear and concise. The updated forms have been submitted.

ADJOURNMENT

A motion was made to adjourn the meeting.
Lechner/Holloway
Motion Carried 7/0/0

There being no further business and having completed its duties, the meeting of the State Board of Registration for Professional Surveyors adjourned at 12:59 a.m.

for Jay R Kent, Presiding Officer
Christine Arnold - Chairperson
State Board of Registration for Professional Surveyors

7/24/15
Date

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