

MINUTES OF THE MEETING OF

STATE BOARD OF REGISTRATION FOR PROFESSIONAL SURVEYORS

**Friday, April 12, 2019 at 9:07 a.m.
Indiana Government Center South, Room W064
402 West Washington Street,
Indianapolis, Indiana**

CALL TO ORDER & ESTABLISHMENT OF QUORUM

9:00 a.m.

Board Members Present:

Gary Kent
Richard Hudson
Jason Henderson
Doug Lechner
Christine Arnold

Board Members Absent:

Ross Holloway
Mike DeBoy

Staff Members Present:

Amy Hall, Board Director
Stephanie Mullaney, Advisory Counsel
Corey Brickey, Court Reporter

ADOPTION OF AGENDA

Motion to add October 26, 2018 minutes to be approved, add discussion items 6 – application review process and 7 emeritus status. Motion made by Christine Arnold and seconded by Doug Lechner to approve the amended agenda.

CA/DL 5/0/0

Motion passes

Gary Kent	Yay
Richard Hudson	Yay
Jason Henderson	Yay
Doug Lechner	Yay
Christine Arnold	Yay

ADOPTION OF THE MINUTES FROM JANUARY 4, 2019 AND OCTOBER 26, 2018 MEETINGS

Motion to approve January 4, 2019 minutes by Christine Arnold and seconded by Gary Kent.

CA/GK 5/0/0

Gary Kent	Yay
Richard Hudson	Yay
Jason Henderson	Yay
Doug Lechner	Yay
Christine Arnold	Yay

Motion to approve October 26, 2018 minutes by Richard Hudson and seconded by Doug Lechner.

RH/DL 5/0/0

Gary Kent	Yay
Richard Hudson	Yay
Jason Henderson	Yay
Doug Lechner	Yay
Christine Arnold	Yay

REPORT FROM THE ATTORNEY GENERAL & BOARD LIAISON

Leif Johnson provided a report from the Attorney General's Office. Eight new complaints for 2019.

PERSONAL APPEARANCE

Mr. Feeney – Mr. Feeney appeared before the board to discuss surveys that he has submitted for the board to review. He came prepared to review all of his submitted surveys to the board today. Jason Henderson wished to review the Spencerman survey, 18-99. There seems to be the same standard note applied to each of his surveys. Inconsistencies seem to appear with occupation match and survey lines. Surveys 18-128 and 18-127, were reviewed. Survey 18-128 contains anomalies to work through. The corners found had been set by his firm or one of his predecessors. The sections corners were found as required by the legal description. The iron was found imbedded in the base of an oak tree. Primary goal was to determine the garages location within the property. Survey 18-127 was reviewed for its uniqueness of the survey. There was a fence variance 17 to 20 feet west of the actual property line.

Gary Kent applauded the captions referenced on the presented surveys. Make sure to double check Rule 12 checklist when completing surveys. Appears to be following Rule 12 closely. Gary is satisfied with the surveys submitted. Mr. Feeney asked if he still needs to continue submitting surveys. Ross Holloway is his reviewer, who is not in attendance at the meeting today.

He was advised on how to request to be removed from probation and was advised what steps to take to request to be removed from that status.

Side note – Doug Lechner made a suggestion on a CE Course on ‘How to Write a Survey Report’ for some of those who have been licensed longer. Stated this was not taught in school for his generation of surveyors. Gary stated that he does a program in which he discusses vital items, if for no other reason than liability aspects. Enough information should be provided to give another surveyor the opportunity to agree with the survey.

ADMINISTRATIVE HEARINGS

1. Kevin Capodice – Cause No: 2018SBRPS0003

Mr. Capodice did not appear. Mr. Johnson presented the state’s case. Evidence was presented showing that there are no licensed surveyors in the company.

Notice of Default

Motion made and seconded by Christine Arnold and Doug Lechner to issue a Default Order
CA/DL 5/0/0

Motion passes

Gary Kent	Yay
Richard Hudson	Yay
Jason Henderson	Yay
Doug Lechner	Yay
Christine Arnold	Yay

Motion made and seconded by Christine Arnold and Richard Hudson to issue an Order to Cease and Desist activities of a professional surveyor.

CA/RH 5/0/0

Motion passes

Gary Kent	Yay
Richard Hudson	Yay
Jason Henderson	Yay
Doug Lechner	Yay
Christine Arnold	Yay

2. Aaron Kent Charles/Stanley Kent Charles (D/B/A Drone Pro Media, LLC) – Cause No: 2019SBRPS0001

Order to Show Cause - CONTINUED

Motion made and seconded by Gary Kent and Christine Arnold to continue.

GK/CA 5/0/0

Motion passes

Gary Kent	Yay
Richard Hudson	Yay
Jason Henderson	Yay
Doug Lechner	Yay
Christine Arnold	Yay

1. Ronald Morrison – Probation Report (Kent) - Nothing to Report
2. Michael Sadlon – Probation Report (Holloway) - Nothing to Report
3. Jeff Kondy – Probation Report – Peer Reviewer Jim Francisco – No reports submitted from him or his reviewer as is required by his final order. There were very specific items required to be completed which have not been done by Mr. Kondy. This could be the basis for additional sanctions on his license since he is in non-compliance.

A motion made and seconded by Gary Kent and Christine Arnold to send him an Order to Show Cause notice for the July meeting.

GK/CA 5/0/0

Motion passes

Gary Kent	Yay
Richard Hudson	Yay
Jason Henderson	Yay
Doug Lechner	Yay
Christine Arnold	Yay

APPLICATION FOR REVIEW – No applications to review

DISCUSSION

1. NCEES Regional Meeting May 2nd – 4th in Portsmouth, NH. Doug Lechner, Jason Henderson and Amy Hall will attend.
2. NCEES Meeting – Washington D.C. – August 14 – 17 - Delegates Needed.
Doug Lechner, Jason Henderson and Amy Hall will represent the Indiana PS Board at the annual meeting.

Motion made and seconded by Gary Kent and Richard Hudson for Doug Lechner, Jason Henderson and Amy Hall

GK/RH 5/0/0

Motion passes

Gary Kent	Yay
Richard Hudson	Yay
Jason Henderson	Yay
Doug Lechner	Yay
Christine Arnold	Yay

3. NCEES Report on President’s Assembly – Jason Henderson provided a brief report about the assembly
4. Mine Surveying – Deep tunnel surveying. Dave Devine appeared before the board to discuss the tunnel project in Fort Wayne. This is for a combined sewer overflow project. How does the licensed practice of surveying apply in a congested downtown area where a tunnel is being constructed for 5 miles, over 200 feet deep and crossing multiple property lines? A route survey was performed to describe the easements which have been acquired. Does the construction layout need to be completed by and Indiana registered Professional Surveyor because of the proximity of the easements to intersecting property lines?
After discussion, Gary Kent pointed out that once the easements are acquired, the issue is the corridor itself, not the intervening boundary lines, which become somewhat irrelevant as related to the corridor. He felt that from the aspect of the underlying boundaries of the parcel fabric, once the easement is acquired, the construction layout is related only to the easement itself and not the underlying parcel fabric. Because of that he feels that, as related

to the specific issue of intersecting property lines, that in and of itself would not trigger the requirement that the layout be conducted by a licensee. After discussion Gary opined that, in general, if an Indiana surveyor lays out the control for the construction such that the issue of being in close proximity to, dependent on, or in relation to property, easement and right of way lines are accounted for by that surveyor, the actual layout from there could perhaps be conducted by a non-licensed person.

5. Rules – There was discussion about the various legislation from the 2019 session that could have impact on the board.
 6. Application review process – Gary reviewed how he audits and analyzes a license application and their supplemental forms. Be careful and diligent. NCEES form is not useful when reviewing applications. Make sure the supplemental is filled out and completed with the correct content. Christine stated she would be willing to be the third reviewer on approved applications.
 7. Emeritus status – It has been advised that the board may not have a previous appointee listed as an emeritus member.
- Stephanie left at 11:19 due to having another meeting.

Motion made and seconded by Doug Lechner and Christine Arnold to adjourn.

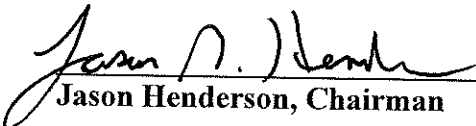
DL/CA 5/0/0

Motion passes

Gary Kent	Yay
Richard Hudson	Yay
Jason Henderson	Yay
Doug Lechner	Yay
Christine Arnold	Yay

Adjournment

11:39



Jason Henderson, Chairman

7-19-19
Date

