



**BOARD OF EXAMINERS FOR LAND SURVEYORS
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243
615-741-3600**

**Board Meeting Minutes for April 6, 2016
First Floor Conference Room 1-B
Davy Crockett Tower**

The Tennessee Board of Examiners for Land Surveyors met on April 6, 2016 in the first floor conference room of Davy Crockett Tower in Nashville, Tennessee. Board chairman Galyon Northcutt called the meeting to order at 9:02 a.m. and the following business was transacted:

BOARD MEMBERS PRESENT: Galyon Northcutt, Jay Caughman, Tim Lingerfelt, Sue Braly.

BOARD MEMBERS ABSENT: None.

STAFF MEMBERS PRESENT: Nikole Avers, Cody Kemmer, Mark Green, Laura Martin, Margaret Williams, Brian McCormack.

ROLL CALL/NOTICE OF MEETING

Mr. Northcutt began by reading the public meeting statement into the record, indicating that notice of this meeting was posted January 20th, 2016.

AGENDA

Mr. Northcutt then advised that agenda changes would be necessary to accommodate the afternoon session with members from the Board of Architects and Engineers. Mr. Northcutt proposed moving the Legal Report and the Director's Report to the front of the agenda. Mr. Caughman made a motion to adopt these changes and was seconded by Mr. Lingerfelt. The motion carried unopposed.

MINUTES

Mr. Lingerfelt made a motion to adopt the minutes from the February 4, 2016 meeting as written and Mr. Caughman seconded. The motion carried unopposed.

LEGAL REPORT

Case No.: L16-SUR-RBS-2016008701
Complaint History: None.

WILLIAM LEGGINS

This consumer complaint was received alleging a boundary dispute in an estate settlement involving three (3) heirs. Respondent was appointed by the Court as a Commissioner for the purpose of partitioning property of said estate, which involved a total of 109 acres and a home with mold. Respondent was one of three (3) Commissioners appointed by the estate, along with a licensed appraiser and another licensed land surveyor. Respondent, in his capacity of Court appointed commissioner, was

not acting as a land surveyor, nor did he perform any survey. Additionally, Complainant has since asked that this complaint be dismissed as the disputed matters have been resolved.

Recommendation: Dismissal.

DECISION: Dismissed.

Case No.: L15-SUR-RBS-20150217461

ANDREW STOKES

Complaint History: One Dismissed in 2010.

This complaint was received after Complainant had obtained a civil judgment of \$10,000 against landowners who used Respondent to survey land and determine the boundary lines between their and Complainant's property. Complainant was out of town and when he returned home he found lumber had been harvested from his land without his approval or knowledge. Defendants based their conclusion of where the boundary line was based on Respondent's survey which was shown to be erroneously done in court. Respondent ignored a natural monument called for in Complainant's deed and instead used tax maps to determine the boundary and ignored an old fence row. Complainant's expert witness and surveyor in court testified about the deficiencies in Respondent's survey and the Court found in Complainant's favor. Respondent was not a named defendant in this matter, but the record shows that his survey was improperly conducted which led to damages against the Complainant.

Recommendation: Authorize formal and send a Consent Order with a civil penalty in the amount of \$1,000 to resolve the complaint. \$1,000 for misconduct in the practice of land surveying in violation of 62-18-116(B).

DECISION: Authorize formal and send a Consent Order with civil penalty in the amount of \$1,000 in addition to a Voluntary Suspension of the license until such time as Respondent shows proof that he has attended 16 hours of continuing education courses in "Boundary Surveys and/or Boundary Law" from the approved list of courses and providers as approved by the Board. Also, issue a letter to the Register of Deeds in Respondent's home county informed them of Respondent's Suspension if/when Respondent signs the Consent Order.

Update and new recommendation: This matter is being re-presented due to the fact that though there was a court order in the civil proceeding related to this matter, it was not sent per the normal operating procedures to the Board expert reviewer for an opinion. Accordingly, it is Legal's recommendation that the Board wait until proceeding with its previous decision until the independent review can be conducted and that recommendation given.

Decision: SEND TO EXPERT REVIEW PER NORMAL OPERATING PROCEDURES.

DIRECTORS REPORT

Director Avers recognized Assistant Commissioner McCormack, who wanted to address the board about possible changes to testing procedures. The assistant commissioner described his experience working with various other boards to streamline the exam approval process, and with the PS exam going computer based felt it was a good time for the Board to revisit their own policies. Assistant Commissioner McCormack recommended the board consider allowing NCEES to handle exam approval and administration themselves. The board debated the pros and cons of a change while Director Avers

handed out mock-ups of the simplified applications. The Board decided to continue to gather information about the potential change, but did not take formal action.

Next, the Board recognized Lance Lanier, a PLS applicant from the Board's February meeting. Mr. Lanier sought an audience with the board to answer any questions the board had about his experience and to better understand the steps he would need to take for approval. Mr. Lingerfelt explained the reasoning behind the board's decision, laid out the experience Mr. Lanier would still need to accrue, and encouraged Mr. Lanier to return once he had done so.

The Board then recognized Jimmy Cleveland, who was representing the Tennessee Association of Professional Surveyors. Mr. Cleveland brought the Board up to speed on the recent TAPS conference, providing attendance numbers, education list, and informing the board of some of the most pressing topics of discussion.

APPLICATION REVIEW

At this point the board began reviewing the sixteen complete, or near complete, applications compiled since their last meeting.

CANDIDATES APPROVED: Beason, Cook, Holland, Luffman, Morris, Suggs, Winstead

CANDIDATES DEFFERED: Dillard, Durr, Howard, Kenner, Weirich

NEW BUSINESS

Board members and staff of the Tennessee Board of Architectural and Engineering Examiners arrived in the afternoon session for a cross-board discussion before the NCEES Southern Zone conference being held in Nashville. The two boards discussed the itinerary for the weekend's meetings, then Mr. Northcutt opened discussion to topics of interest to both boards. Members of both boards discussed business practices and professional standards, and the impact of new technology on their respective fields.

The board members had several suggestions for a new edition of the newsletter, as well as a plan to release a revised rulebook. Finally, the board voted unanimously to award 6 PDH's for the day's session.

There being no other new business, Mr. Northcutt adjourned the meeting at 3:39 p.m.