



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

**Meeting Minutes for May 18, 2023
First Floor Conference Room 1-B
Davy Crockett Tower**

The Tennessee Board of Examiners for Land Surveyors met on May 18, 2023, and the following business was transacted:

BOARD MEMBERS PRESENT: Jay Caughman, Jackie Dillehay, Gary Clark (Microsoft Teams), Kevin Martin

BOARD MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Glenn Kopchak, Heidi Overstreet, Alexandria Griffey, Erica Smith, Stuart Huffman

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

The board accepted the agenda as written and passed by unanimous voice vote.

MINUTES

Jackie Dillehay made a motion to adopt the minutes from February 18, 2023, as written. This was seconded by Kevin Martin. The motion passed by unanimous voice vote.

PROFESSIONAL SOCIETY REPORT

Jimmy Cleveland from Tennessee Association of Professional Surveyors (TAPS) gave a brief update to the board. Mr. Cleveland reported that over 400 personnel signed up for the spring conference and that the public outreach program with FAA students is very promising. Mr. Cleveland stated he is hoping that within a few years the industry will start to see an increase in the college enrollment for Land Surveyors.

EDUCATION REPORT

Course Provider	Course Number	Course Name	Hours
KERR SEMINARS	1159	Boundary Resolution	8
KERR SEMINARS	1160	Professional Ethics TN and Standards of Practice for TN Surveyors	2
TENNESSEE ASSOCIATION OF PROFESSIONAL SURVEYORS	1161	Working With the State Plane Coordinate	4
KERR SEMINARS	1162	Boundary Dispute Court Cases Part III	8
LUCAS & COMPANY, LLC	1164	Boundary Establishment VIII	1.5
SOUTHERN INSTRUMENTS & SOFTWARE, LLC	1165	Surveying with robotic total stations 99	8
Alabama Society of Professional Land Surveyors	1166	An Alternative Approach to Resurfacing Projects	3.5
Alabama Society of Professional Land Surveyors	1167	Ethics for Surveyors	1
Alabama Society of Professional Land Surveyors	1168	How to Run Your Survey Business for Profit, Enjoyment, and Retirement	3.5
Alabama Society of Professional Land Surveyors	1169	The Rectangular Land System: Subdivision of the Public Lands	3.5
Alabama Society of Professional Land Surveyors	1170	Deprecation of the Survey form the Registered Surveyors Perspective	3.5

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

DIRECTOR'S REPORT

Budget Report

Director Kopchak provided a financial analysis through the month of March for current fiscal year and reminded the board that the program is currently in a non-renewal period, which will run a deficit through the end of the calendar year.

2023 NCEES Annual Report

Jackie Dillehay made a motion to nominate Jay Caughman, Gary Clark, and Kevin Martin to attend the NCEES Annual Meeting, August 15 – 18, 2023. This was seconded by Kevin Martin. The motion passed by unanimous voice vote.

LEGAL

Legal Report (Presented by: Erica Smith)

1. 2023008571
Respondent:
License Status: ACTIVE
First Licensed: 4/27/1975 Expires: 12/31/2023
Disciplinary History: None

Complainant alleges Respondent failed to properly mark and stake their property. Complainant alleges they hired Respondent on 7/16/21 and asked that Respondent contact them when the stakes were being placed so they could witness it. Complainant provided the email where Respondent agreed to complete a topographical survey for \$1,500. Complainant is upset that Respondent did not wait for them to stake the property and instead just sent an invoice for the survey once it was done. Complainant claims Respondent tied an orange ribbon around a blade of grass to signify a marking spot at the top right corner of the property. Complainant notified Respondent that they felt the property was staked and marked properly, but Respondent stated there were red, white and blue flags marking the spots. Respondent assured Complainant that the survey was correct and marked according to plan. Complainant states that an engineer who was on the property with them sent an email to Respondent on 9/17/21 requesting control points for grading and advising Respondent that there were not stakes or flags in the area. Complainant alleges Respondent refused to assist. The engineer then drew the site plan based on Respondent's survey and they set boundaries for the site based on the plan and approval from the City. Respondent contacted Complainant on 2/9/23 and advised

them that they were over the neighbor's boundary line. Complainant contacted the adjacent neighbor and was advised that Respondent had conducted a survey for her property the previous summer, and Complainant claims that her property was not staked either. Complainant claims that Respondent's alleged pattern of negligence and improper marking has caused significant hardship and damages.

Respondent alleges they attempted to contact Complainant on 7/28/21 to allow them to be present during the survey work but was unable to connect with them, so they went ahead with completing the survey. Respondent emailed with Complainant numerous times between August and September of 2021 because Complainant was not happy that his survey did not match Complainant's Tax Map. Respondent provided these emails to Counsel. Complainant seemed to be confused about the recorded subdivision plat versus the Tax Map. Complainant did ask for control points, and Respondent asked why he needed them, to which Complainant did not reply. Respondent then provided the CAD file to Complainant, his architect and engineer on state plan coordinates. Respondent's next communication with Complainant was in January 2022 when he prepared a plat amendment to change the easements and setbacks on the lot. Respondent confirms that the engineer drew the site plan based on the data Respondent provided. The site dimensions match the dimensions of Respondent's survey. Respondent denies ever getting emails from the engineer and states he never refused to assist with anything. Respondent confirms they did a topographical survey for the neighbor in June 2022. Respondent never received any questions or concerns until February 2023, concerning a possible encroachment. Respondent notified Complainant as a courtesy. Respondent sent a crew back out to the site to locate the house Complainant was building to verify the structure placement. Respondent asked Complainant numerous times how he thought building a house and retaining wall 85' wide could fit on a 76' wide lot, to which he never received an answer. Respondent told Complainant in an email and on the drawing that they did not set the right rear corner. Complainant acknowledged that and said it wasn't a problem. Respondent states the site was grown up in July 2021 and took a lot of clearing/grubbing to get to a point where a house could be built, and he had to clear the adjoining neighbor lot. Respondent found it interesting that the retaining wall on the left side paralleled the property line almost exactly where it should have been. It appeared to Respondent that Complainant added a space between the retaining wall and the house on the left side of the property that was not called for in his plans that created the encroachment. Respondent provided a foundation overlay showing this.

An expert review was conducted. The expert concludes that Respondent did locate and mark property corners properly. Respondent correctly explained to Complainant that tax maps only provide information for recorded documents (plats and deeds) and ownership. Respondent surveyed the property per the recorded document in the Plat Book. Respondent's documentation clearly indicates that Complainant

constructed a building without regard to located property corners. The building footprint does not match the engineering plans. Respondent provided the topography survey per the agreement with Complainant. Complainant did not request or pay for a general property (boundary) survey. The expert concluded that Respondent did not violate any statutes or rules. Counsel recommends dismissal.

RECOMMENDATION: Dismiss

BOARD DECISION: Concur

2. 2023014021

Respondent:

License Status: ACTIVE

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

Disciplinary History: None

Complainant filed a complaint against Respondent on 3/21/23 and then promptly requested that it be withdrawn with no further action. Complainant alleged that Respondent did not conduct the survey correctly but provided no further documentation or details. Respondent denies the allegations and notes Complainant has sued most of their neighbors regarding property issues. There is no evidence of any violations and Counsel recommends dismissal.

RECOMMENDATION: Dismiss

BOARD DECISION: Concur

APPLICATION REVIEW PROCESS

Jay Caughman requested an application tutorial demonstration on CORE to see exactly what the applicant sees when applying for licensure to better understand the process.

Gary Clark stated that he would like for the applicants and references to elaborate further on why the experience that they submit should go towards progressive experience required to become licensed.

Jackie Dillehay made a motion to approve 1 hour for PDH. This was seconded by Kevin Martin. The motion passed by unanimous voice vote.

ADJOURNMENT

There being no new business, Jackie Dillehay made a motion to adjourn the meeting at 10:08 am. This was seconded by Kevin Martin. The motion passed by unanimous voice vote.