

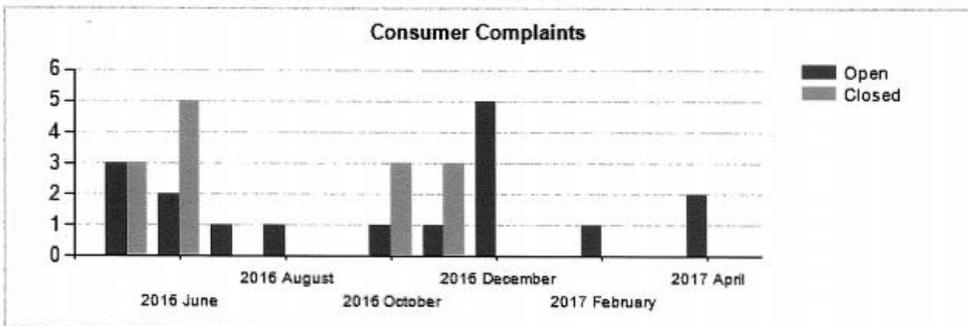
By Jacob T Hoffman, EI, PS

The Board of Registration for Professional Surveyors (Board) met Friday, April 28, 2017, at 9 a.m. EDT. The meeting was held at Indiana Government Center South, 402 W. Washington Street, Room W064, Indianapolis, Indiana. Members of the Board present at the meeting were Ross Holloway, Gary Kent, Christine Arnold, Jason Henderson and Rich Hudson.

Colby Kus, Deputy Attorney General, supplied the Board with a report of Consumer Complaints and Litigation Cases. Below is a summation of that report:

Consumer Complaints

Year	Consumer Complaints Open @ Beg of Year	Consumer Complaints Opened During Year	Consumer Complaints Closed During Year
2016	15	16	18
2017	13	3	0
Complaints Currently Open @ Date of Report:			16



Average Age of Open Complaints: 6.41 months

Open Date of Oldest Open: 3/10/2016

Litigation Cases

Year	Litigation Complaints Open @ Beg of Year	Litigation Complaints Opened During Year	Litigation Complaints Closed During Year
2016	7	4	6
2017	5	0	3
Complaints Currently Open @ Date of Report:			2



Average Age of Open Complaints: 7.76 months

Action Taken	2016	2017
Admin Complaints Filed	6	0
Cease & Desist Order Filed	1	0
Summary Suspensions Filed	0	0
Involuntary Order	0	0
Civil Litigation	0	0
Judicial Review	0	0

The Board then heard from J. Stuart Allen concerning the settlement of his case. Mr. Henderson stated that Mr. Allen had provided documentation of the additional coursework required by the Board and that Mr. Allen's submitted surveys met the Board's requirements. The Board unanimously voted to accept Mr. Allen's fulfillment of his settlement's terms.

Mr. Jeff Kondy made a personal appearance to the Board. Mr. Kent stated that Mr. Kondy had been submitting surveys and that Mr. Kent had given him comments regarding the surveys. Mr. Kent stated that the majority of the comments regarded better documentation of the survey findings in the surveyor's report. Mr. Kent also stated that Mr. Kondy's documentation has improved since the last meeting. Mr. Kent also stated that Mr. Kondy had been submitting surveys in a timely manner.

Mr. Bradley Fischer made a personal appearance to the Board regarding his application for the Professional Surveyor's Exam. Mr. Fischer stated that he was overly cautious on how much time he had reported for performing boundary work and that upon further review he had closer to 40% of the required time, rather than the reported 5%. Mr. Fischer stated that he had only considered time performing boundary surveys and did not count any boundary-related work in relation to topographic surveying and route surveying. Mr. Fischer stated that he has no desire to perform boundary work and feels that it would be unethical for him to perform a boundary survey if he obtains his license. The Board reported that they did not have the ability to waive this requirement. The Board recommended to Mr. Fischer to see if his employer would allow him to gain the missing experience relating to boundaries and to reapply after he had the required 60%.

Mr. Andrew Churchill, an architect, made a personal appearance to the Board in order to discuss the standard of care regarding topographic surveys. Mr. Churchill stated that he has been finding topographic survey work that did not include title blocks, north arrows, legends, signatures, seals, and unreadable survey information. Mr. Churchill stated that the standard of care regarding topographic surveys was declining and wished that the Board would implement topographic survey standards into Indiana Administrative Code. Mr. Kent reported that topographic survey standards were originally included with Rule 12. They were removed because Professional Engineers could also perform topographic surveys and that the rules put a burden on Professional Surveyors that did not apply to Professional Engineers. Mr. Kent suggested that Mr. Churchill include standards in his contracts with the surveyors to ensure that he receives an acceptable product. Mr. Churchill reported that most often he is obtaining the survey data from his client (the owner) and does not have a contract with the surveyor. The Board stated that they did not want to put additional burdens on surveyors that would put them at a disadvantage compared to Professional Engineers. The Board stated that they would have some further discussion on the issue and that they will want to have a conversation with the Board of Professional Engineers regarding a joint venture in this issue.

The Board continued with Probationary Reports for J. Bernard Feeney, Michael Sadlon, Ronald Morrison, Jeffrey Kondy, John Stewart Allen and Steven Williams. Mr. Holloway stated that Mr. Feeney had not sent in any reports and that Mr. Sadlon had sent in some Surveyor Location

Reports. Mr. Kent reported that Mr. Morrison had sent a letter stating that he had not performed any surveys. Amy Hall with the Indiana Professional Licensing Agency reported that Mr. Williams had renewed in inactive status.

The Board discussed the applications that were reviewed and reported as to whether they were approved or denied. The following applications were approved:

1. Christopher Jackson – Professional Surveyor by Comity
2. Jason Dee Waggoner – Professional Surveyor by Comity
3. Christopher Clark – Professional Surveyor by Comity

The Board then turned their attention to the discussion items on the agenda. The Board voted to send Amy Hall, Doug Lechner, and Jason Henderson as delegates for the NCEES Annual Meeting in August with Gary Kent as an alternate. The Board discussed sending letters to all of the universities with approved curriculum informing them of the recent education requirement changes. Mr. Kent brought up a question regarding a surveyor that wanted to retire and work part-time and if that was allowed under the current rules. The rule in question is as follows:

865 IAC 1-12-3 Surveyor Responsibility

...

(e) In addition to the requirements in IC 25-21.5-7-3, each office of a firm, partnership, or corporation offering to perform land surveys must have a registered land surveyor in charge of the operations. The registered land surveyor must:

- (1) be a full-time employee of the firm, partnership, or corporation and:
 - (A) a principal of the partnership or firm; or*
 - (B) an officer of the corporation;**
- (2) have full responsible control of the survey operations; and*
- (3) maintain regular hours at that office:
 - (A) convenient for client contact; and*
 - (B) adequate for employee supervision as defined in subsection (d).**

The Board stated that there would definitely not be an issue as long as the firm also had a full-time Professional Surveyor in responsible control of the survey operations and that the employees (in the field) working on the survey were also full-time employees. The Board then raised the issue of a retired part-time surveyor that wanted to perform a couple of surveys for extra income. The Board discussed if the surveyor only performs a couple of surveys if they could be counted as full-time. The Board determined that as long as the surveyor maintains contact information displayed on the surveys, maintains a valid license, only chooses to work occasionally, and is a sole proprietor that they may be deemed as a full-time employee as it relates to this rule. Mr. Kent asked if an unlicensed individual utilizing a drone to perform topographic surveys is unlawfully practicing surveying. It was discussed that barring the work performed by a Professional Engineer or a Certified Photogrammetrist that the work would be a violation. The safety of the public and the potential of legislative rule changes with respect to this issue were discussed. It was determined that the Board needed to work with the Board of Professional Engineers to determine the best course of action regarding this practice. It was

determined that Mr. Holloway and Mr. Kent would be placed on the agenda for the next Board of Professional Engineers session and would attend their meeting on July 19, 2017. The Board then discussed if the Professional Licensing Agency could place more information on the License Verification page instead of just stating "Professional Incompetence" and would disclose exact violations of each case. The PLA stated that it would not be possible to add this additional information. The Board then stressed that individuals review the terms of their settlements and recommended that anyone coming before the Board should be aware that even if the phrase is taken out of their settlement agreement that the rule states that any violation is deemed as professional incompetence. The Board also recommended that any person coming before the Board hire an attorney to aid in proceedings with the Board.

The meeting was adjourned at 10:54 a.m.

The next scheduled meeting is Friday, July 21, 2017 at Indiana Government Center South, 402 W. Washington Street, Room W064, Indianapolis, Indiana 46204.