

Vermont Board of Land Surveyors
Secretary of State, Office of Professional Regulation
National Life Building, North, Floor 2, Montpelier, VT 05620-3402
Approved Minutes
Meeting of Tuesday, September 15, 2009

1. The meeting was called to order at 9:03 A.M.

Members present: Larry Walter, L.S., Chairman; Shane B. Clark, L.S., Vice-Chairman; Albert (Terry) Harris, L.S.; Jonathan R. Abts, L.S.; Charles Rockwell, L.S.; and Dorothy Hayden.
Absent: Timothy J. Ruggles, P.E., Secretary.

OPR Personnel present: Larry S. Novins, Board Counsel, Gregg Meyer, State Prosecuting Attorney, Carla Preston, Unit Administrator, and Kara Shangraw, Administrative Assistant.

2. The Chair called for approval of the Minutes of the July 21st meeting. Mr. Harris made a motion, seconded by Ms. Hayden, to approve the Minutes of the July 21, 2009 as submitted. The question was called and the motion passed unanimously.

3. Legislation/Rulemaking

Chairman Walter and Attorney Novins plan to meet before the next meeting to discuss proposed rule changes and draft language to present to the Board for consideration.

4. Reports

Larry Walter reported on his trip to the National Council of Examiners for Engineering and Surveying's Annual meeting. He said they are working hard toward Computer Based Testing for Land Surveyors. He explained that a large database of questions is needed and it is very expensive. He said they spoke of categories, core questions, how they measure the questions, etc. He said it would reduce the chance of copying since everyone would take a different test. He said Geographic Information Systems (GIS) and upcoming technology were also discussed.

5. Hearings/Stipulations and Consent Orders

- a. The Board considered a revised *Stipulation and Consent Order* (Order) in the matter of Warren A. Robenstien, Docket Number 2007-259 (LS01-0807). The Respondent was not present. Attorney Novins presided for the Board. Attorney Meyer was present for the State. The Order was rejected by the Board at its July 21st meeting. Attorney Meyer explained the specific changes in the Order and conditions imposed. The suggested changes including removal of the dismissal with compliance was removed. The Order requires submittal of the next three surveys completed by the Respondent. It was noted that prior discipline included a reprimand, whereas this Order indicated a warning. Attorney Meyer said the State believed that the Conditions are more important to raise the Respondent to standards that protect the public versus whether it was a warning or reprimand against the Respondent's license. The 1999 Order will be attached to this Order since it was referenced. The State is comfortable with the conditions imposed to protect the public.

Attorney Novins and Attorney Meyer explained the difference between a reprimand and a warning. Some cases do not have a reprimand or warning first, only conditions.

The Board voted to go into deliberative session at 10:09 AM and out at 10:55 AM. The Board voted to reject the Stipulation and Consent Order as presented. The Board indicated that based on the prior discipline the Respondent's license should be Reprimanded versus Warned. The last sentence of 5 (b) should be deleted.

Attorney Novins agreed to email Attorney Meyer and the Respondent's Attorney, Adam Bergeron, regarding the Board's comments.

6. Exam Question Databank Review

The Board reviewed Chairman Walter's proposed 10 point question for the examination databank and made a few suggestions for changes. Once the question has been finalized it will be added to the databank of questions.

7. Reports of Concluded Investigations/Complaint Status/Follow-up cases:

- a. **2008-464 (LS03-1208)** – The Board reviewed the Report of Concluded Investigation. Mr. Harris made a motion, seconded by Mr. Abts, to accept the Investigative Team's recommendation to conclude this case without formal prosecution. The question was called and the motion passed. Mr. Clark, Investigating Member, did not participate in the vote.

8. Applications. Board Members reported on the status of the applications to which they are assigned as indicated below (See Appendix A). Ms. Preston and Ms. Shangraw reviewed the pending applications and noted the date of application, number of hours of experience submitted to date, the date of the last activity, etc. This information will be compared with Board liaison's information. Board members will verify the status of their applicants to compare with the spreadsheet. Notices will be sent to all applicants to verify their continued interest in becoming licensed as a Land Surveyor in the State of Vermont and advising them of what is needed to continue the process. All applicants will be encouraged to submit hours every six months as stated in Board Rule 2.7 (a) but at the very least once a year.

Mr. Harris noted that he had no action to report regarding his group of applicants. Mr. Rockwell met with Malcolm Moore to discuss the group of applicants now assigned to him but had no activity to report.

- a. **Terry Wilson** – Mr. Abts reported that Mr. Wilson was applying on the basis of Experience and Examination. He reviewed the work experience submitted under the supervision of licensed Land Surveyor Richard Bell and recommended approval. The Board approved the hours bringing Mr. Wilson's total hours to date to 1134.75.
- b. **Nathan Burrows** submitted an application on the basis of Endorsement from New York. He holds a current license in the State of New York. The Board voted to approve Mr. Burrows to sit for the April 2010 Vermont Land Surveying Examination. Mr. Harris was assigned to this applicant.
- c. **Christopher M. Coppens** submitted an application on the basis of Endorsement from California. He holds a current license in the State of California. The Board voted to approve Mr. Coppens to sit for the April 2010 Vermont Land Surveying Examination. Mr. Clark was assigned to this applicant.

8. Applications - continued

- d. **James Mitchell** submitted an Application for Reinstatement and requested a waiver from retaking the Vermont Land Surveying Examination. He was originally licensed in 1989 and stopped practicing in September of 2002. Along with his request he submitted evidence of having completed 64.2 professional development hours of continuing education. The Board indicated that Mr. Mitchell had the minimum of 60 hours of acceptable continuing education needed. The Board noted that the waiver provision (Rule 3.3 (c)) may apply to retaking the examination or other requirements. Based on the information Mr. Mitchell provided, Chairman Walter made a motion, seconded by Mr. Clark, to waive the requirement to sit for the Vermont Land Surveying Examination. Mr. Mitchell currently has four carryover credits. The question was called and the motion passed. Mr. Abts abstained.

9. **Continuing Education Courses – Education Committee to Report**

The Continuing Education Committee, consisting of Terry Harris, Dorothy Hayden, and Larry Walter, reviewed the CE requests listed below. The Board took action as indicated.

- a. **“VSDP GIS Roundtable”** submitted by Malcolm Moore and sponsored by the Vermont Spatial Data Partnership, requested approval for 12 Professional Development Hours. The program was offered on July 21, 2009. The Board noted that the course involves modules which include GIS. None of members present were familiar with this program. The Board indicated that more information regarding the applicability to surveying and how it protects the public is needed before making a decision. The Board noted that at least four hours of the 12 hour program would be approved as indicated below.
- b. **“VSDP GIS Roundtable”** submitted by Paul Hannan and sponsored by the Vermont Spatial Data Partnership, requested approval for four Professional Development Hours. The program was offered on July 21, 2009. Based on Mr. Hannan’s explanation, the Board voted to approve four of the 12 modules for one PDH each because they were related to surveying. Each module will be assigned a separate approval number. The modules approved are as follows: Open source Web GIS, (PDH approval number issued CE009-0909); VCGI Imagery Program – Orthophotos and More, (PDH approval number issued CE010-0909); What Every GIS Professional Should Know About GIS Data Accuracy and Use, (PDH approval number issued CE011-0909); and FGIS Users Roundtable, (PDH approval number issued CE012-0909).
- c. **“Land Surveyor’s Workshops”** submitted by Vickie Kluttz with Land Surveyor’s Workshops requested approval for 132 Professional Development Hours. The Board noted that John Stahl is a recognized speaker. The Board indicated that the following courses would **not** be acceptable. Hydrology for Surveyors II; Marketing & Advertising PR; Small Business Management Tools; and Organize Your Computer Files. The Board will review the similar program which was submitted a few years ago before making a final decision.
- d. **“VSLs Chainsaw Safety Training Workshop,”** presented by Larry Walter on chainsaw safety for 7.25 PDH. The program will be held on October 16, 2009. Although the Board could agree that it would benefit land surveyors, the Policy does not address safety issues. The Board voted to deny the request as continuing education for land surveyors. Chairman Walter abstained.

To better track approved **continuing** education courses, Ms. Preston and Ms. Shangraw will create a spreadsheet listing approved programs. The list will include the name of the program, sponsor/vendor, number of PDH approved, CE number issued, and the date of activity. The list will include programs approved from October 1, 2008 to cover the current renewal period.

The Board discussed the Continuing Education Request form and indicated that it should ask the applicant to provide the statutory, rule or Board Policy reference to which the request is applicable.

9. National Council of Examiners for Engineering and Surveying (NCEES) Correspondence

a. The Board reviewed and noted miscellaneous correspondence from the NCEES.

10. Miscellaneous Correspondence

- a. The Board reviewed the additional information submitted by **David Titcomb** who was audited from the previous renewal cycle. Based on the additional information provided, the Board accepted 8.75 PDH and found Mr. Titcomb to be in compliance.
- b. The Board reviewed the letter from **Jennifer Marks** regarding clarification of the certificates she submitted. She said she would make up the two courses needed at the September 2009 Vermont Society of Land Surveyor's meeting. The Board noted that Ms. Marks was previously approved for 17 credits. The Board voted to deny one of the courses but would consider the other one with additional information (Rule 6.4 (a) (1-5)). Ms. Marks must define the technologies that were offered in the course.
- c. The Board reviewed the email from Richard W. Reid, Jr. requesting approval of continuing education, AutoCAD Civil 3D 2010 Essentials for Land Surveying. He did not submit his request on the approved form or specify the number of PDH he completed. He will be advised to resubmit his request on the approved form with applicable supporting documentation.

11. Other Business Introduced by the Board

- A. The Board noted that Richard Whitham appealed the Board's decision. Larry Novins explained the appeal process. Mr. Whitham's request for a Stay was denied.
- B. The Board selected examination questions for the October 2009 Vermont Land Surveying Examination.

12. Public Comment

13. Elections of Officers

Mr. Harris made a motion, seconded by Mr. Rockwell, to keep the same slate of officers. Motion passed unanimously. The current officers are as follows:

Larry Walter, Chairman
Shane Clark, Vice-Chairman
Timothy Ruggles, Secretary

13. The last meeting in 2009 is scheduled for Tuesday, November 17, 2009.
14. There being no further business, the meeting was adjourned at 4:25 P.M.

Respectfully submitted,

Carla Preston
Unit Administrator
Office of Professional Regulation

Appendix A

Name of Board Member Assigned		Terry Harris	
Name of Applicant	Name of Supervising Land Surveyor	No. of Hours to date	
Swedick, David			
Diorio, James			
Quackenbush, Everette			
Noviello, Matthew			
Tommell, Jason			
Longmaid, Jacob			
Cox, Christopher			

Name of Board Member Assigned		Charles Rockwell	
Name of Applicant	Name of Supervising Land Surveyor	No. of Hours to date	
Baker, Aaron			
Barnaby, Luke			
Towne, Zebulon			
Lareau, John			
Paradee, Andrew			
Marcotte, Philo			
Barnes, Martin			
Porter, Shaine			
Ziobron, Fredd			

Name of Board Member Assigned		Larry Walter	
Name of Applicant	Name of Supervising Land Surveyor	No. of Hours to date	
Pahel, James			
Herring, Brad			
Duquette, Jonathan			
Lackey, Bradley			
Annis, Mark			
Gervais, Gabriel			
Fortin, Edward			
Naaktgeboren, David			

Appendix A

Name of Board Member Assigned		Timothy Ruggles	
Name of Applicant	Name of Supervising Land Surveyor	No. of Hours to date	
Cummings, Steven			
Hammond, Barton			
Falk, Michael			
Sargent, Scott			
Beal, Alger R.			

Name of Board Member Assigned		Shane Clark	
Name of Applicant	Name of Supervising Land Surveyor	No. of Hours to date	
Reed, Mathew			
Holsteini, Jamey			
Whitehead, Chad			
Otis, Randall			
Walker, Mark			
Ruderman, Brad			
Smith, Alex			

Name of Board Member Assigned		Jonathan Abts	
Name of Applicant	Name of Supervising Land Surveyor	No. of Hours to date	
Kittredge, Seth W.			
Wilson, Terry			
Fuller, Aaron			
Peacock, Gregory			
Paire, Uriah			