

**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 March 17, 2009**

1. The meeting was called to order at 9:00 A.M.

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

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

Others present: David Hudson, L.S., with the Vermont Society of Land Surveyors

The Board acknowledged that Mr. Rockwell was just appointed to the Board and will formally welcome him at the next meeting. Members wished Malcolm Moore the best and thanked him for his many years of service to the Office of Professional Regulation, the Board and to the profession. He will be missed.

2. The Chair called for approval of the Minutes of the January 20<sup>th</sup> meeting. A few typographical corrections were made. Chairman Walter made a motion, seconded by Mr. Harris, to approve the Minutes of the January 20, 2009 meeting as corrected. The question was called and the motion passed unanimously.

3. Hearings/Stipulations and Consent Orders

a. At 10:00 A.M., the Board considered a *Stipulation and Consent Order* (Order) in the matter of Norman Smith, Docket Number 2007-372 (LS03-1007). The Respondent was not present. Attorney Novins presided for the Board. Attorney Meyer was present for the State. Chairman Walter made a motion, seconded by Mr. Clark, to accept the Stipulation and Consent Order. The Board discussed the Order further and then voted to go into deliberative session at 10:07 A.M. and out at 10:29 A.M. The question was called and the Board voted to reject the Order as presented. The Board explained its concerns that as written, its review of subsequent plans could imply an endorsement of the survey. The Board wanted the Order to be clear that the Respondent's preparation of a new plat of the subject property shall meet legal standards and requirements and if it does not, the Board will inform the Respondent of deficiencies and require him to make the proper corrections. The Board's approval of the plat will not constitute an endorsement of the survey. Attorney Meyer agreed to consult with the Respondent and if the suggested amendments are acceptable, a revised Order will be presented to the Board at its next meeting. Mr. Harris, Investigating Member, did not participate in the votes.

4. Legislation/Rulemaking

- The Board continued its discussion regarding the format and wording of various criteria on the portfolio checklist. The latest draft (March 2, 2009) was reviewed and a few changes were suggested. The Board tabled review of its Administrative Rules.
- The Board discussed the need to amend Title 26 Section 2592 (b) regarding when candidates are eligible to sit for the Fundamentals of Land Surveying Examination. The language must be amended to allow candidates to sit for the FELS earlier on (i.e., as soon as they apply, have obtained some education or experience, etc.).

4. Legislation/Rulemaking - continued

Currently, candidates are approved to sit for all three examinations (the National Council of Examiners for Engineering and Surveying (NCEES) exams, Fundamentals and Principles and Practice, and the State jurisprudence examination) once their applications are complete and they have met the requisite experience/education requirements.

- The Board confirmed its decision to eliminate the provision regarding Temporary Permits § 2595 (d), which was included in the Office's bill, H.86.

5. Reports of Concluded Investigations/Complaint Status:

Ms. Preston reported on the status of pending cases.

6. Applications. Board Members reported on the status of the applications to which they are assigned as indicated below. Members noted that some applications have had no activity in one or more years. Pursuant to the discussion that ensued, Ms. Preston and Ms. Shangraw agreed to review the pending applications and will note the number of hours of experience submitted to date and the date of the last activity. Notices will be sent to all candidates 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. Applicants who submitted additional information are noted with an asterisk (\*) and details are stated below.

The Board agreed that it was best to have new member, Charlie Rockwell, take over Malcolm Moore's review of the pending applicants that had been assigned to him. Mr. Rockwell will be updated as to the process at the next meeting.

**Terry Harris**

Swedick, David  
Diorio, James  
Quackenbush, Everette  
Noviello, Matthew  
Tommell, Jason  
Longmaid, Jacob  
Cox, Christopher

**Malcolm Moore**

Baker, Aaron  
Baranby, Luke  
Towne, Zebulon  
Lareau, John  
Paradee, Andrew  
Marcotte, Philo  
Barnes, Martin  
Porter, Shaine  
Ziobron, Fredd  
Downey, Ryan J.

**Larry Walter**

Pahel, James  
Hudson, Michael  
Herring, Brad  
Duquette, Jonathan  
Lackey, Bradley  
\*Greineder, Paul  
Annis, Mark  
Gervais, Gabriel  
Fortin, Edward  
Naaktgeboren, David

**Timothy Ruggles**

Warrington, Michael  
Nadeau, Nathan  
Cummings, Steven  
Hammond, Barton  
Falk, Michael  
Sargent, Scott  
Beal, Alger R.

6. Applications - continued

**Shane Clark**

Jones, Ryan  
Reed, Mathew  
Holstein, Jamey  
Whitehead, Chad  
Otis, Randall  
Walker, Mark  
Ruderman, Brad  
Smith, Alex

**Jonathan Abts**

\*Kittredge, Seth W.  
Wilson, Terry  
Fuller, Aaron  
Peacock, Gregory  
Paire, Uriah

- a. **Kittredge, Seth W.** – Mr. Abts reported that Mr. Kittredge was applying on the basis of Experience and Examination. He reviewed the work experience submitted for the month of February 2009 under the supervision of licensed Land Surveyor Ronald LaRose and recommended approval. Mr. Kittredge's total hours to date are 2802.5.
- b. **Greineder, Paul D.** – Chairman Walter reported that Mr. Greineder was applying on the basis of Experience and Examination. He indicated that Mr. Greineder was approved to sit for the examinations in April of 2009 based on sufficient experience. Mr. Greineder's recent experience submitted was under the supervision of licensed Land Surveyor Charles Rockwell. Mr. Greineder's total hours to date are 7006.5.
- c. The Board reviewed and accepted the proposed seal/stamp for Nathan P. Nadeau.

7. **Audit of Continuing Education/Renewals**

The Board reviewed the responses from the following licensees as a result of the audit of continuing education credits and took action as indicated.

- a. Jeffrey P. Bradford – The Board reviewed the additional information that Mr. Bradford and the Professional Development Seminars Inc. submitted on his behalf and found him to be in compliance with continuing education. According to the Board's calculations, Mr. Bradford has a total of 27.5 professional development hours, which allows for 7.5 hours of carryover credits.
- b. Robert C. Krebs – The Board reviewed the additional information Mr. Krebs submitted and found him to be in compliance with continuing education. According to the Board's calculations, Mr. Krebs has a total of 24.5 professional development hours, which allows for 4.5 hours of carryover credits.
- c. Richard Lunna – The Board reviewed the additional information Mr. Lunna submitted and found him to be in compliance with continuing education. According to the Board's calculations, Mr. Lunna has a total of 35 professional development hours, which allows for the maximum of 10 hours of carryover credits.
- d. Hans-Georg Mertsch – The Board reviewed the additional information Mr. Mertsch provided and the information submitted by the University of New Hampshire on his behalf and found him to be in compliance with continuing education. According to the Board's calculations, Mr. Mertsch has a total of 26 professional development hours, which allows for 6 hours of carryover credits.

7. Audit of CE - continued

- e. Jennifer Marks – The Board found the additional coursework Ms. Marks submitted to be unacceptable. The courses she took from XL Insurance pertained to contract law and liability insurance which are not related to public protection. Currently, Ms. Marks has 17 professional development hours that meet the requirements outlined in Board Rule 6.4. She must submit her plan to obtain the additional three credits (Board Rule 6.7 (2)).
- f. Ellis H. Speath – The Board reviewed the additional information Mr. Speath submitted and found him to be in compliance with continuing education. According to the Board's calculations, Mr. Speath has a total of 21 hours, which allows for 1 professional development hour of carryover credits.
- g. David E. Titcomb – The Board found the additional information submitted by Mr. Titcomb to be unclear. The credits he originally reported were within the wrong period. He reported his attendance at a 2007 seminar in Maine sponsored by the Maine Society of Land Surveying which had various programs/lectures (tracks) going on simultaneously. Based on the information Mr. Titcomb submitted, it was unclear which track (A – C) he attended. He must indicate which workshops he attended so the Board may determine if those courses would meet Vermont's requirements.

8. Continuing education courses approved and/or denied by the Education Committee

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

- a. The request for (2 units) from David N. Rose regarding "Intro to Land Records Research," sponsored by the New Hampshire Land Surveyors Association to be held on March 26, 2009 was approved for 7 professional development hours of continuing education credits. He will be notified.
- b. The courses submitted by XL Insurance, which Ms. Marks' listed as having taken, were denied on the basis that the coursework did not meet Vermont's requirements for continuing education as outlined in Board Rule 6.4, Acceptable Educational Activities. The courses were titled: Lesson in Professional Liability (4 PDH's); Understanding Contract Basics (5.5 PDH's); Beyond Contract Basics (5 PDH's); and Further Studies in Contract Review (5 PDH's). They will be notified.

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. Wall Certificates for persons approved for licensure at the last meeting were signed.

11. Other Business Introduced by the Board

- a. The Board randomly chose the questions to be asked on the Vermont Statutes and Rules Examination which will be administered on April 24-25, 2009. The April 2009 examination will consist of 29 questions worth two points, five questions worth three points, three questions worth five points, and one question valued at 12 points.

11. Other Business Introduced by the Board - continued
  - b. Review of draft questions for the Vermont Land Surveyor Statutes and Rules Examination databank was tabled.
12. Public Comment

David Hudson, L.S. with the Vermont Society of Land Surveyors, attended the meeting to request that the Board consider amending the definition of land surveying to include boundary determinations via GPS and topographic mapping. He said members of the Vermont Society of Land Surveyors are concerned about increasing licensing fees. He also mentioned the overlap of some tasks between engineers and surveyors. They want to limit the practice of boundary determinations and topographic mapping to land surveyors.

The Board noted that there is some overlap between the two professions but felt that the responsibilities discussed were appropriate by either an engineer or land surveyor in the course of his or her work. Topographic mapping is not regulated and would be used differently by each professional.

Mr. Ruggles said he is a professional engineer and would oppose prohibiting engineers from certain levels of surveying and topographic mapping. He said they are not determining boundary rights only the shape of the parcel or ground.

The Board mentioned that its role is public protection and that any proposed changes to the definition or scope of practice would have that goal in mind. The Board is mindful of the costs and noted that merging with the Board of Professional Engineering had been mentioned as a way to reduce fees. Such a move would significantly reduce Board Member representation and likely reduce the focus on the land surveying profession. The Board indicated that it welcomed proposed legislation to consider should the VSLs desire to draft some language.
13. The next meeting is scheduled for **Tuesday, May 19, 2009** at 9:00 A.M. Additional meetings in 2009 are scheduled for July 21<sup>st</sup>; September 15<sup>th</sup>; and November 17, 2009.
14. There being no further business, the meeting was adjourned at 4:40 P.M.

Respectfully submitted,

Carla Preston, Unit Administrator  
Office of Professional Regulation