

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, May 18, 2010

1. The meeting was called to order at 9:06 A.M.

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

The Board gave a warm welcome to Deb Mithoefer who was appointed to replace Larry Walter. Attorney Novins indicated that Mr. Walter could Chair the meeting but would not have voting rights. An election of officers was held (See other business).

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

Others present: Adam Pray.

2. The Chair called for approval of the Minutes of the March 16th meeting. The record will show that Ms. Hayden was present. On page 4, the information under members' reports on applicants was corrected. The third and fourth sentences were deleted. Mr. Harris made a motion, seconded by Mr. Clark, to approve the Minutes of the March 16, 2010 meeting as corrected. The question was called and the motion passed unanimously.

3. **Legislation/Rulemaking:**

- The Board reviewed and discussed the latest draft to the Rules and Portfolio checklist.

4. **Reports/Guests:**

Adam M. Pray attended the meeting to discuss some legal questions regarding his application concerning review of an in-state applicant versus an out-of-state applicant (26 V.S.A. § 2592 (d) and Rule 2.7). Mr. Pray said he is applying on the basis of education and experience noting that his experience was earned in the State of Montana. He said he was unaware of Vermont's specific requirements to document hours of experience task by task because Montana does not require tracking of work in certain categories. He said it would be difficult to go back six years to identify specific tasks to complete the form requested by the Board. He said if he earned his experience in the State of Vermont he would have been cognizant of the requirements and documented specifics.

The Board noted that the waiver mentioned refers to the notice requirement. If the notice requirement were waived it would be logical that the document requirement could also be waived.

Attorney Novins noted that the statutes and rules are vague. The question for the Board is does the applicant have sufficient acceptable experience to qualify him to sit for the examination.

4. Reports/Guests – Continued

Mr. Pray said he made a good faith attempt to back up his six years of experience earned in Montana. He was not tracking his experience on a daily basis, thus prorated his time among six major categories. He said it would not be possible at this point to further breakdown his work in each category. He said he would be available for a personal interview (§ 2492 (f)) to fill in any gaps in his experience.

Attorney Novins suggested an interview to formalize the process. He acknowledged the Board's concerns about setting a precedent. The interview process would be to flesh out details of his application pertaining to his experience pursuant to Board Rule 2.4 and 2.5. Based on his method of application he would need to document three years of experience in addition to his education. Mr. Pray has six years of experience to document.

After further discussion, the group concluded that the interview would be the best solution. The Board indicated that it would want to know the progressive nature of Mr. Pray's experience, different types of boundary work (i.e., rights-of-way) to distinguish that from engineering related work, examples of his research, his evaluation and findings of his research and reconciling project metes and bounds, survey products, abstracts he completed (noting discrepancies and ambiguities, etc.), and so on. The Board noted that it would not look so much as to whether it was completed right or wrong, just to determine that it was covered in his experience.

Attorney Novins indicated that it would be similar to the data collection and field notes required in the proposed portfolio. Mr. Pray will be invited to the July 20, 2010 meeting for an interview to discuss his application. He was asked to provide information in advance of the meeting date for members' review.

5. Hearings/Stipulation and Consent Orders:

6. Exam Question Databank Review:

The Board graded the examination(s) from the April 16, 2010 administration of the Vermont Land Surveyor State Specific Exam.

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

- a. 2009-234 – The Board reviewed the Report of Concluded Investigation. Mr. Rockwell made a motion, seconded by Mr. Ruggles, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed unanimously. Malcolm Moore, former Board Member, was assigned to that case.
- b. The Board reviewed the latest submittal (April 9, 2010) from Norman Smith docket number 2007-372 (follow-up). The Board was unclear as to whether Mr. Smith had complied with (C), iv or the Order concerning the filing of a reference on the prior 1992 and 2006 surveys with the Town Clerk's office noting the discrepancies in the surveys. All other conditions have been met. He will be notified.
- c. The Board reviewed the documents provided by Adam P. Bergeron, Esq. on behalf of his client, Warren A. Robenstein, Docket Number M2010-34 (LS01-0807) concerning compliance with the Board's November 18, 2009 Order. The Board found that the inside or outside diameter of pipes set and found was not indicated on the plat. They will be notified.

8. Applications / (See Appendix A):

- a. The Board reviewed the additional information provided by Adam Pray. Mr. Pray attended the meeting. See above mentioned discussion.
- b. The Board reviewed the endorsement application from Tracey Sweeney II. He is currently licensed in New Hampshire and Maine. The Board found his application to be complete and approved him to sit for the State specific examination to be administered in October. Mr. Sweeney II will be notified.
- c. The Board reviewed the endorsement application from Richard Nelson. He is currently licensed in Massachusetts. The Board found his application to be complete and approved him to sit for the State specific examination to be administered in October. Mr. Nelson will be notified.
- d. Board Members reported on the status of the applications to which they are assigned as indicated below (See Appendix A).

Jon Abts, LS reported that **Seth Kittredge** submitted hours covering the period of February 2010 through April 2010, under the supervision of licensed Land Surveyor Ronald LaRose. The Board accepted his recommendation. Mr. Kittredge's total hours to date are 5029.5. Mr. Kittredge will be notified.

Jon Abts, LS reported that **Nathan Yager** submitted hours covering the period of May 2009, through November 2009, under the supervision of licensed Land Surveyor David Rose. The Board accepted his recommendation. Mr. Yager's total hours to date are 1160.5. Mr. Yager will be notified.

Jon Abts, LS reported that **Terry Wilson** submitted hours covering the period of January 2008 through February 2008, under the supervision of licensed Land Surveyor David Hudson. The Board accepted his recommendation. Mr. Wilson's total hours to date are 1793. Mr. Wilson will be notified.

9. Continuing Education Courses

The **Education Committee** reported on its findings regarding submittals for approval of continuing education programs. See specifics below.

- a. **"Terramodel Software Training,"** The Board reviewed the March 29, 2010 request submitted by Mark Naylor, and sponsored by Keystone Precision Instruments, requesting approval for 24 Professional Development Hours of continuing education credits. The Board took action as indicated below:
 - Importing & Developing Electronic Field Books (2 hours) – Approval number issued, CE055-0510
 - Balancing Traverse – Using Various Methods IE – Compass Rule, Least Squares (4 hours) – Approval number issued, CE056-0510
 - Drafting & Computing Boundaries – (10 hours) – Approval number issued, CE056-0510

9. Continuing Education Courses – Continued

The following courses were **not** approved because they are not directly related to the practice of land surveying in the State of Vermont.

- Developing DTM's for Contouring & Grading (4 Hours)
 - Roadway Alignments (4 Hours)
- b. **“AutoCAD Civil 3D 2010 Field to Finish,”** The Board reviewed the April 5, 2010 letter submitted by Jennifer Mauer and sponsored by the New York State Association of Professional Land Surveyors Inc., requesting approval for 8 Professional Development Hours of continuing education credits. This request is incomplete. The Board needs the course schedule before it can make a decision. Ms. Mauer will be notified.
- c. **“Depicting Superior Descriptions of Properties,”** The Board reviewed the April 5, 2010 letter submitted by Jennifer Mauer and sponsored by the New York State Association of Professional Land Surveyors Inc., requesting approval for 8 Professional Development Hours of continuing education credits. The Board approved a total of seven (7) Professional Development Hours of continuing education credits. Approval number issued, CE057-0510.
- d. **“Real Time Kinematic GPS,”** The Board reviewed the March 26, 2010 e-mail request submitted by Wayne Kelloway and sponsored by the University of New Hampshire & NH Land Surveyors Association, requesting approval for 7 Professional Development Hours of continuing education credits. The Board approved a total of six and a half (6.5) Professional Development Hours of continuing education credits. Approval number issued, CE058-0510.
- e. **“GNSS Real Time Systems (RTK & RTN) for Land Surveyors,”** The Board reviewed the March 26, 2010 e-mail request submitted by Wayne Kelloway, Jr. and sponsored by the University of New Hampshire & NH Land Surveyors Association, requesting approval for 5.25 Professional Development Hours of continuing education credits. The Board approved a total of six and a half (6.5) Professional Development Hours of continuing education credits. Approval number issued, CE059-0510.
- f. **“ACSM-APLS Annual Conference & Technology Exhibition,”** The Board reviewed the March 10, 2010 letter submitted by Timothy Kent and sponsored by the American Congress on Surveying and Mapping, requesting approval for 36 multiple courses ranging from 4 to 8 hours of Professional Development Hours of continuing education credits. The Board took action as indicated below:
- Introduction to GIS for Surveyors (4 hours) – Approval number issued, CE060-0510
 - Right of Way and Easement Law (8 hours) – Approval number issued, CE061-0510
 - History of Surveying and Mapping (8 hours) – Approval number issued, CE062-0510
 - Nuts & Bolts of Submitting a Digital Leveling Project to NGS (8 hours) – Approval number issued, CE063-0510
 - The Surveyors Role in the FEMA Flood Insurance Program (4 hours) – Approval number issued, CE064-0510
 - PLSS – The Big Picture (4 hours) – Approval number issued, CE065-0510
 - Understanding Random Errors (4 hours) – Approval number issued, CE066-0510
 - GPS, Geodesy and the Ghost in the Machine (8 hours) – Approval number issued, CE067-0510

9. Continuing Education Courses – Continued

- Development, Implementation and Future of the National Spatial Reference System (4 hours) – Approval number issued, CE068-0510
- Are you sinking? Identifying/Monitoring Land Subsidence (4 hours) – Approval number issued, CE069-0510
- The Surveying Body of Knowledge (4 hours) – Approval number issued, CE070-0510
- Understanding the Statistics used in GPS Surveying (4 hours) – Approval number issued – CE071-0510
- NGS RTN Guidelines (4 hours) – Approval number issued, CE072-0510
- The 3 P's – Professionalism, Public Perception & Profit (4 hours) – Approval number issued – CE073-0510
- Situational Ethics for Surveyors (4 hours) – Approval number issued, CE074-0510
- Utilities, Public and Otherwise (4 hours) – Approval number issued, CE075-0510
- Legal Descriptions and Conveyances (4 hours) – Approval number issued, CE076-0510
- Water Boundaries (4 hours) – Approval number issued, CE077-0510
- Help! My Data Don't Line Up (4 hours) – Approval number issued, CE078-0510
- Orthometric Heighting with GPS (8 hours) – Approval number issued, CE079-0510
- Hydrographic Surveying (8 hours) – Approval number issued, CE080-0510
- Finding the Footsteps (4 hours) – Approval number issued, CE081-0510
- Correcting Survey data for crustal deformation (4 hours) – Approval number issued, CE082-0510
- Contract Basics for Land Surveyors (4 hours) – Approval number issued, CE083-0510
- A Precise 3D Method for Total Station Field Data Collection (4 hours) – Approval number issued, CE084-0510
- Discrepancies in the Official Record (4 hours) – Approval number issued, CE085-0510
- The Surveyor's Role in Boundary Conflict Resolution (4 hours) – Approval number issued, CE086-0510
- An Ethical Review of the Maxims of Jurisprudence (4 hours) – Approval number issued, CE087-0510
- Expert Witness – Rule 26 Disclosure Reports (4 hours) – Approval number issued, CE088-0510
- Forensic Surveying (4 hours) – Approval number issued, CE089-0510
- VRS RTK – Using a VRS RTK Correction Service Office and Field (4 hours) – Approval number issued, CE090-0510
- Understanding Measurement Error (8 hours) – Approval number issued, CE091-0510

The following courses were **not** approved because they are not related to the practice of land surveying in the State of Vermont.

- Training Complete: Autoline to BIM (4 hours)
- Survey Project Management (8 hours)
- Pricing Professional Services (4 hours)
- Infrastructure GIS 101 for Surveyors (4 hours)

10. NCEES Correspondence:

11. Miscellaneous Correspondence:

12. Other Business:

A. Election of Officers:

Mr. Harris nominated Shane Clark as Chairman. Mr. Abts seconded the nomination which passed unanimously.

Mr. Walter nominated Ms. Hayden as Vice-Chair. Mr. Harris seconded the nomination which passed unanimously.

Mr. Ruggles remains as Secretary.

The results of the election are as follows:

Shane Clark, Chairman

Dorothy Hayden, Vice-Chair

Timothy J. Ruggles, Secretary

- B.** Ms. Preston asked the Board about topics for its newsletter to be distributed late summer, prior to renewal notices. Suggested topics included further clarification of the application processes; answers to common questions; members' biographies; farewell from the current chair and welcome from the new chair, etc. The Board's recent statutory changes and highlights of the proposed rule changes would also be included.

13. Public Comment:

- 14.** The next meeting is scheduled for Tuesday, July 20, 2010. Other meetings in 2010 are scheduled as follows: September 21st and November 16, 2010.

- 15.** There being no further business, the meeting was adjourned at 3:55 p.m.

Respectfully submitted,

Kara Shangraw, Administrative Assistant
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	
Cox, Christopher	David Coleman	617.5	
Langmaid, Jacob	Shane Clark		
McGowan, Hugh, A	Brian Lavery		
Noviello, Matthew			
Quackenbush, Everette			
Swedick, David	Patricia Kules	186.3	
Tommell, Jason			

Name of Board Member Assigned		Charles Rockwell	
Name of Applicant	Name of Supervising Land Surveyor	No. of Hours to date	
Baker, Aaron	Ronald Taber	420.5	
Barnaby, Luke	Robert Townsend		
Barnes, Martin			
Lareau, John			
Marcotte, Philo	Shane Clark	3-16-10 / 1164.25	
Paradee, Andrew	Patricia Skules/Douglas Henson	672.3	
Tetreault, Stephen	Mark Day		
Towne, Zebulon	Glenn Towne		

Name of Board Member Assigned		Larry Walter	
Name of Applicant	Name of Supervising Land Surveyor	No. of Hours to date	
Duquette, Jonathan	Norbert Blais		
Fortin, Edward	Dana Libby/Doug Henson		
Gervais, Gabriel	Peter Cross	5355	
Herring, Brad	Nicholas Nowlan		
Lackey, Bradley	Merrill Mundell, Jr.	01-19-10 / 5500	
Naaktgeboren, David	Ellis Speath Jr.		
Pahel, James			
Pray, Adam			

Name of Board Member Assigned		Timothy Ruggles
Name of Applicant	Name of Supervising Land Surveyor	No. of Hours to date
Beal, Alger, R	David Mance Jr.	5-19-09 / 1122.5
Cummings, Steven	Ronald Taber	687.7
Falk, Michael	David Rose	3762.75
Hammond, Barton	Ronald LaRose	3119.5
Sargent, Scott	William Creamer	

Name of Board Member Assigned		Shane Clark
Name of Applicant	Name of Supervising Land Surveyor	No. of Hours to date
Holstein, Jamey	Len Amblo	
Otis, Randall	Ronald Gauthier	
Nalette, Joseph		
Reed, Mathew	Ronald Stancliff	1310.5
Ruderman, Brad	John Thetford	3-16-10 / 5823.25
Smith, Alex	Doug Henson	7-21-09 / 2361
Walker, Mark	Richard Bell	534.5
Whitehead, Chad		

Name of Board Member Assigned		Jonathan Abts
Name of Applicant	Name of Supervising Land Surveyor	No. of Hours to date
Downey, Ryan, J	Ellis Speath Jr.	
Fuller, Aaron	Steven Brooks	
Kittredge, Seth W.	Ronald LaRose	5-18-10 / 5029.5
Paire, Uriah	Lisa Ginett	
Peacock, Gregory		
Riley, Jason, M	David Hudson	
Wilson, Terry	Richard Bell	5-18-10 / 1793
Yager, Nathan, O	David Rose	5-18-10 / 1160.5