

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, March 16, 2010

1. The meeting was called to order at 9:05 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.; and Charles Rockwell, L.S.; and Dorothy Hayden.

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

Others present: Joseph Nalette and Adam Pray.

2. The Chair called for approval of the Minutes of the January 19th meeting. The word statutes was spelled correctly on page one under #3. Mr. Harris made a motion, seconded by Mr. Clark, to approve the Minutes of the January 19, 2010 meeting as corrected. The question was called and the motion passed unanimously.

3. Legislation/Rulemaking

The Board noted that the portfolio is complete and may be incorporated into the rules. Attorney Novins and Chairman Walter met on or about January 28th to update other sections of the rules and include the portfolio. They reorganized certain sections of the rules to flow better, included policies, and reviewed the rules for possible conflicts with the statutes. The updated draft was provided to the Board for review and discussion.

4. Reports/Guests

A. Joseph Nalette attended the meeting to discuss his application which was submitted on or about January 14, 2010. Mr. Clark is the Applicant's Board liaison, but was not overly familiar with his application. Mr. Nalette described his work under various land surveyors. The Board advised Mr. Nalette that his application was initially considered at its January 19th meeting but felt that it did not have sufficient information to decide how much of his claimed experience may receive credit. Mr. Nalette indicated that he was applying on the basis of experience and examination, has over 20 years of experience, but is focusing on his experience earned from 2001 to present. He said he passed the National Council of Examiners for Engineering and Surveying (NCEES) Fundamentals of Land Surveying Examination in New Hampshire.

Mr. Nalette reported that he has over 13,000 hours of surveying experience and provided his timesheets which were verified by his supervising land surveyor. He briefly described his work experience under various land surveyors. He explained that he was not claiming experience earned under a supervisor who left the company. He said he had communicated with the Director of the Office of Professional Regulation about the process and that in the end, the Director approved him to register with the NCEES for the examinations offered in April with the caveat that the Board must approve his application at today's meeting.

Reports/Guests – Continued

Vermont requires applicants to demonstrate supervised work in certain categories to ensure broad based experience. The Board explained that the time sheets Mr. Nalette submitted do not show the breakdown of the type of work he completed. The Board questioned the number of hours of experience he reported on his time sheets during 2001 and 2002 which would equate to approximately 55 hours per week. It was the Board's understanding that this number reflected his hours of land surveying experience after eliminating any engineering related experience. Without the narrative describing the duties or responsibilities of the work he performed, the Board cannot determine to which category his experience would apply. The narrative summary forms are needed to determine whether Mr. Nalette's experience qualifies him to sit for the examinations and become licensed. The Board acknowledged that although, the Director had good intentions, it is up to the Board to evaluate an applicant's experience and determine eligibility for examinations and licensure. In fairness to all applicants, the Board can not make an exception for one applicant. The law does not authorize the Board to amend or waive its requirements.

The Board voted to go into deliberative session at 10:14 AM and out at 10:24 AM.

The Board advised Mr. Nalette to submit the narrative detailing his experience in each category within a month. The next meeting is scheduled for Tuesday, May 18, 2010 at which time his application would be reviewed to determine if he qualifies to sit for the examinations. If the Board found that the information submitted was unsatisfactory, it would likely preliminarily deny Mr. Nalette's application giving him the option for a hearing. The hearing could be scheduled at the July 20th meeting still allowing time before the October examination administration.

In summary, the Board advised Mr. Nalette that he may complete his Vermont application or become licensed in another jurisdiction (with substantially equivalent licensing requirements) and apply to Vermont on the basis of endorsement/comity. To complete his Vermont application, he must provide more detail, in the proper format, regarding his work experience so that the Board can determine that he has the qualifying experience in each category. Applicants applying on the basis of endorsement/comity must successfully pass the Vermont Laws and Rules Examination which is administered at the same time as the NCEES examinations, in April and October.

- B. Adam Pray** attended the meeting to discuss his application to sit for the examinations and become licensed. The Board initially considered Mr. Pray's application at its January 19th meeting but felt that it did not have sufficient information to decide how much of his claimed experience may receive credit. Mr. Pray indicated that he was applying on the basis of education and experience, most of which was acquired in the State of Montana. He graduated in 2004 with an Associates Degree and passed the National Council of Examiners for Engineering and Surveying (NCEES) Fundamentals of Land Surveying Examination in 2005. He provided evidence that his land surveyor supervisor(s) in Montana were licensed and in good standing for three or more years. He said he moved to Vermont in June of 2009 and began working for Little River Survey Company in Stowe, Vermont.

Mr. Pray reported over 8800 hours of surveying experience from Montana and additional hours of experience from Vermont. He explained that Montana requires six years of verified experience, but does not require the detailed breakdown of experience in specific categories as does Vermont. He reported that he did not use the hourly breakdown but applied percentages to his cumulative experience to come up with total hours for each category.

Reports/Guests – Continued

The Board explained that his work experience may be broken down by task versus by job. The narrative summary forms are needed to determine whether his experience qualifies him to sit for the examinations and become licensed.

In summary, Mr. Pray may complete his Vermont application or become licensed in another jurisdiction (with substantially equivalent licensing requirements) and apply to Vermont on the basis of endorsement/comity. To complete his Vermont application, he must provide more detail, in the proper format, regarding his work experience so that the Board can determine that he has the qualifying experience in each category.

5. Hearings/Stipulations and Consent Orders

6. Exam Question Databank Review

The Board chose questions for the April 16, 2010 Vermont Land Surveyor State Specific Exam.

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

- a. 2009-224 – The Board reviewed the Report of Concluded Investigation. Chairman Walter made a motion, seconded by Mr. Ruggles, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed. Mr. Harris, Investigating Member, did not participate in the vote.
- b. 2007-372 (LS03-1007) – The Board reviewed Norman Smith's January 27, 2010 cover letter and maps concerning his compliance with the May 20, 2009 Stipulation and Consent Order. The Board found that with Mr. Smith's latest revisions, the revised Plat of Daniel and Daphne Hewitt, Granville, VT (subject property), was acceptable. He is in compliance with regard to the preparation of a new plat of the subject property, survey abstract, and payment of the \$1000 Administrative Penalty. The Board needs verification of his compliance with the other conditions before considering removal of the conditions on his license. Mr. Smith must describe how he met condition C. (iv) of the Order regarding the filing of a reference to the revised plat, and verification that he has re-read all relevant rules and laws governing the practice of land surveying (See C. (v) of the Order).
- c. 2007-259 (LS01-0807) – The Board reviewed the Plat prepared by Warren A. Robenstein. Pursuant to a November 18, 2009 Stipulation and Consent Order, Mr. Robenstien was required to submit a new plat and abstracts of the subject property and abutting parcels. In addition, Mr. Robenstien is to submit his next three plats and abstracts for Board review. This submittal pertains to the subject property. The Board found that the plat was still deficient in two areas within the legend portion. The reference to existing iron 5/8 needs to be more specific (rebar?). The plat does not identify the inside or outside diameter of pipes found or set. (See Board Rule 5.5) No abstract(s) were provided. The Respondent and his Attorney, Adam Bergeron, will be advised that the list of references on the plat does not constitute a full abstract (See Rule 5.3 (j)). The Board agreed to provide some samples of good abstracts for their reference.

8. Applications

- a. The Chairman and Secretary signed wall certificates for Andrew Nadeau and Eric Pospesil.
- b. The Board reviewed Richard Nelson's application on the basis of endorsement from Massachusetts. A Board liaison will be assigned to his application and listed on Appendix A.
- c. 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 **Nathan Yager** submitted hours covering the period of May through August of 2009 totaling 774 hours. Mr. Abts indicated that the work appeared to be flagging rights-of-way limits for a utility company (VELCO). He said he would ask for further clarification from the applicant before making a recommendation on the number of hours to accept.

Jon Abts, LS reported that **Seth Kittredge** submitted hours covering the period of January 2010, under the supervision of licensed Land Surveyor Ronald LaRose. The Board accepted his recommendation. Mr. Kittredge's total hours to date are 4537. Mr. Kittredge will be notified

Shane Clark, LS reported that **Brad Ruderman** submitted hours covering the period of January 2007 through December 2008 totaling 2407.5 under the supervision of John Thetford. The Board accepted his recommendation. Mr. Ruderman's total hours to date are 5823.25. Mr. Ruderman will be notified.

Charles Rockwell reported that **Philo Marcotte** submitted hours covering the period of June 2004 through December 2004 totaling 835 under the supervision of Shane Clark. The Board accepted his recommendation. Mr. Marcotte's total hours to date are 1164.25. Mr. Marcotte will be notified.

The other members stated that they had no action to report regarding their group of applicants.

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. "**Road and Easement Law from A to Z,**" submitted by NBI, Inc. and sponsored by NBI Inc., was approved for a total of six point five (6.5) Professional Development Hours of continuing education credits. The program will be offered May 10, 2010 – The approval number issued is CE049-0310.
- b. "**GIS on Pennies a Day: Test Drive,**" submitted by Leslie Pelch and sponsored by the VT Center for Geographic Information, was approved for a total of three (3) Professional Development Hours of continuing education credits. The program will be offered March 30, 2010 – The approval number issued is CE050-0310.

Continuing Education Courses – Education Committee to Report – Continued

- c. **“Making Maps the Google Way,”** submitted by Leslie Pelch and sponsored by the VT Center for Geographic Information, was approved for a total of three (3) Professional Development Hours of continuing education credits. The program will be offered on March 30, 2010 – The approval number issued is CE051-0310.
- d. **“GNSS Real Time Systems for Land Surveyors,”** submitted by John Doody and sponsored by the CT Association of Land Surveyors, was approved for a total of six point five (6.5) Professional Development Hours of continuing education credits. The program was offered on March 5, 2010 – The approval number issued is CE052-0310.
- e. **“Big Mistakes to Avoid in Surveying,”** submitted by Hans-Georg Mertsch, Jr. and sponsored by the University of New Hampshire was approved for a total of seven (7) Professional Development Hours of continuing education credits. The program will be offered on April 21, 2010 – The approval number issued is CE053-0310.
- f. **“Least Squares for Land Surveyors,”** submitted by John Doody and sponsored by the CT Association of Land Surveyors, was approved for a total of six (6) Professional Development Hours of continuing education credits. The program was offered on January 29, 2010 – The approval number issued is CE054-0310.

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

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

11. Miscellaneous Correspondence

12. Newsletter topics

The Board plans to distribute a Newsletter in the fall. One topic will cover new applicants and their licensed supervisors regarding the proper format for documenting their experience (time sheets are not acceptable). The Board will include an article about the requirements and responsibilities for supervising land surveyor applicants or potential applicants acquiring experience. Other topics would include an update on new legislation, rulemaking, continuing education, eLicensure, statistics, disciplinary actions, etc.

13. Other Business Introduced by the Board

14. Public Comment

- 15. The next meeting is scheduled for Tuesday, May 18, 2010. Other meetings in 2010 are scheduled as follows: July 20th, September 21st, and November 16, 2010.

- 16. There being no further business, the meeting was adjourned at 3:30 P.M.

Respectfully submitted,

Carla Preston, Unit Administrator
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	
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			

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		
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	
Fuller, Aaron	Steven Brooks		
Kittredge, Seth W.	Ronald LaRose	3-16-10 / 4537	
Paire, Uriah	Lisa Ginett		
Peacock, Gregory			
Riley, Jason, M	David Hudson		
Wilson, Terry	Richard Bell	3-16-10 / 1445.25	
Yager, Nathan, O	David Rose		