

Vermont Board of Land Surveyors
Secretary of State, Office of Professional Regulation
National Life Building, North Fl 2
Montpelier, VT 05620-3402

Approved Minutes
Meeting of Tuesday, September 21, 2010

1. The meeting was called to order at 9:04 a.m.

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

OPR Personnel present: Kevin Leahy, Acting Board Counsel, Gregg Meyer, State Prosecuting Attorney; Terry Gray, Unit Administrator, Carla Preston, Case Manager; and Kara Shangraw, Administrative Assistant.

Others present: Megan Shields and Adam Pray.

2. The Chair called for approval of the Minutes of the July 20th meeting. There were a few typographical errors noted. Ms. Hayden made a motion, seconded by Mr. Harris, to approve the Minutes of the July 20, 2010 meeting as corrected. Motion passed unanimously.

3. **Legislation/Rulemaking:**

- The review the latest draft to the portfolio checklist was tabled to the next meeting.

4. **Reports/Guests:**

Christopher Winters attended the meeting and discussed the changes in the office structure. He gave the date for the Board retreat, November 10, 2010. He plans to attend the next meeting to discuss the Board's budget.

5. **Hearings/Stipulation and Consent Orders:**

- a. The Board considered a *Stipulation and Consent Order* in the matter of Martin Cowens (2009-495). The Respondent was not present. Attorney Leahy presided for the Board. Attorney Meyer was present for the State. There were a few typographical errors noted. Based on the information submitted Mr. Ruggles made a motion, seconded by Ms. Hayden, to accept the Stipulation and Consent Order as corrected. The question was called and the motion passed 6-0. Mr. Abts Investigative Team member abstained from the vote.
- b. The Board considered a *Stipulation and Consent Order* in the matter of William Kondracki (2009-84). The Respondent was not present. Attorney Leahy presided for the Board. Attorney Meyer was present for the State. Compliance with the order will occur within 90 days. Based on the information submitted Mr. Harris made a motion, seconded by Ms. Hayden, to accept the Stipulation and Consent Order as submitted. The question was called and the motion passed unanimously.

6. Exam Question Databank Review:

The Board picked the questions for the fall State Specific Examination.

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

- a. 2009-437 - The Board reviewed the report of concluded investigation. Ms. Hayden made a motion, seconded by Mr. Abts, to accept the Investigative Team's recommendation and conclude the case without prosecution. Motion passed 5-0. Mr. Rockwell Investigative Team member abstained from the vote. Mr. Harris abstained as well.
- b. 2009-550 - The Board reviewed the report of concluded investigation. Mr. Abts made a motion, seconded by Mr. Rockwell, to accept the Investigative Team's recommendation and conclude the case without prosecution. Motion passed 6-0. Mr. Harris Investigative Team Member abstained from the vote.
- c. The Board reviewed the follow-up information from Warren Robenstien (LS01-0807).

8. Applications / (See Appendix A):

- a. The Board Reviewed the additional information from Adam Pray regarding his application pursuant to (26 V.S.A. § 2592 (f)). Mr. Harris explained to the Board members that were not at the last meeting why the Board asked for the additional information. Mr. Harris then asked Mr. Pray to explain the information that he submitted to the Board. Several Board members asked Mr. Pray questions on the information he submitted. Based on the 8,808 hours of experience Mr. Pray submitted with his application from Montana, and Vermont, (via Education and Exam). Mr. Harris made a motion, seconded by Ms. Hayden to approve Mr. Prays application. Motion passed 6-1.
- b. Board members to report on hours received from applicants (see appendix A).

Charles Rockwell, LS reported that **Philo Marcotte** submitted hours covering the period of January 1, 2005 through December 28, 2006, under the supervision of licensed Land Surveyor Shane Clark. The Board accepted his recommendation. Mr. Marcotte's total hours to date are 4474. Mr. Marcotte will be notified.

Debra Mithoefer, LS reported that **Bradford Lackey** submitted hours covering the period of August 1, 2009 through April 30, 2010, under the supervision of licensed Land Surveyor Merrill Mundell, Jr. The Board accepted her recommendation. Mr. Lackey's total hours to date are 5673. Mr. Lackey will be notified.

Timothy Ruggles reported that **Michael Falk** submitted hours covering the period of November 2009 through July 30, 2010, under the supervision of licensed Land Surveyor David Rose. The Board accepted his recommendation. Mr. Falk's total hours to date are 4427.75. Mr. Falk will be notified.

8. Applications / (See Appendix A) – Continued:

Jon Abts, LS reported that **Aaron Fuller** submitted hours covering the period of July 20, 2010 through August 26, 2010, under the supervision of licensed Land Surveyor Harry Petrovs. The Board accepted his recommendation. Mr. Fuller's total hours to date are 197. Mr. Fuller will be notified.

Jon Abts, LS reported that **Seth Kittredge** submitted hours covering the periods of May, 2010 through August 31, 2010, under the supervision of licensed Land Surveyor Ronald LaRose. The Board accepted his recommendation. Mr. Kittredge's total hours to date are 5695.5. Mr. Kittredge will be notified.

Jon Abts, LS reported that **Nathan Yager** submitted hours covering the period of December 2009, through May 24, 2010, under the supervision of licensed Land Surveyor David Rose. The Board accepted his recommendation. Mr. Yager's total hours to date are 1620.5. Mr. Yager will be notified.

9. Continuing Education Courses - Education Committee to Report:

- a. **"Boundary Agreements & Related Matters,"** The Board reviewed the fax submitted by Steve Michaud, and sponsored by the RISPLS, requesting approval for 2 Professional Development Hours of continuing education credits. The Board approved a total of two (2) Professional Development Hours of continuing education credits. Approval number issued CE095-0910.
- b. **"Monuments, Adjoining Boundaries & Lines of Possession,"** The Board reviewed the fax submitted by Steven Michaud, and sponsored by RISPLS, requesting approval for 4.5 Professional Development Hours of continuing education credits. The Board approved a total of four (4) Professional Development hours of continuing education credits. Approval number issued CE096-0910.
- c. **"Mills & Mill Rights,"** The Board reviewed the fax submitted by Gregory Brown, and sponsored by the University of New Hampshire, requesting approval for 6 Professional Development Hours of continuing education credits. The Board approved a total of six (6) Professional Development hours of continuing education credits. Approval number issued CE097-0910.
- d. **"2009 Case Studies Seminar,"** The Board reviewed the letter submitted by Gregory Brown and Stephen Fraser, and sponsored by the University of New Hampshire, requesting approval for 7.5 Professional Development Hours of continuing education credits. The Board approved a total of seven point five (7.5) Professional Development hours of continuing education credits. Approval number issued CE098-0910.
- e. **"Wrestling with Rights of Way,"** The Board reviewed the fax submitted by Gregory Brown, and sponsored by the University of New Hampshire, requesting approval for 7 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 CE099-0910.

9. Continuing Education Courses - Education Committee to Report – Continued:

- f. The Board reviewed the eighteen submissions submitted by Jennifer Mauer, and sponsored by the New York State Association of Land Surveyors, requesting approval for several Professional Development Hours of continuing education credits. The Board approved the following:

- Principles of an Adequate Boundary Survey – 4 PDH Approval number issued CE100-0910
- Right of Way Prescriptive Rights – 4 PDH Approval number issued CE101-0910
- What Went Wrong – Importance of Evidence Gathering – 2.5 PDH Approval number issued CE102-0910
- Difference Between Grid vs. Ground – 4 PDH Approval number issued CE103-0910
- Theory of Location Simultaneous Boundaries – 3.5 PDH Approval number issued CE104-0910
- ALTA Revisions – 1.5 PDH Approval number issued CE105-0910
- Pins, Cushions and the law – 4.5 PDH Approval number issued CE106-0910
- Future of National Spatial System – 1.5 PDH Approval number issued CE107-0910
- Situational Ethics of Surveyors – 3 PDH Approval number issued CE108-0910
- Laser Scanning Showcase – 4 PDH Approval number issued CE109-0910

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

- Preferbia – Redesigning the Suburbs from Dissainable to Sustainable
- Market Watch – Emerging Trends in Real Estate
- 3D models and Business Plans
- Scoping for Success
- Town Hall Panel Discussion
- Deepwater Horizon GIS project
- Best Practices in Survey Record Retention Law
- “Drawing Fire” – Surveying in American Civil War

- g. **“Round Table Discussions”** The Board reviewed the e-mail submitted by Margaret Shields, and sponsored by the Vermont Society of Land Surveyors, requesting approval for 6 Professional Development Hours of continuing education credits. The Board approved a total of six (6) Professional Development Hours of continuing education credits. Approval number issued CE110-0910

10. NCEES Correspondence:

11. Miscellaneous Correspondence:

12. Other Business:

Mr. Ruggles made a motion, seconded by Ms. Mithoefer, to leave Mr. Clark as Chair and Ms. Hayden as Vice-Chair. Mr. Ruggles nominated Mr. Rockwell for Secretary, seconded by Ms. Mithoefer. The results of the election were as follows:

Shane Clark, Chairman
Dorothy Hayden, Vice-Chairman
Charles Rockwell, Secretary

13. Public Comment:

14. There being no further business, the meeting was adjourned at 3:50 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	9-21-10 / 4474	
Paradee, Andrew	Patricia Skules/Douglas Henson	672.3	
Towne, Zebulon	Glenn Towne		

Name of Board Member Assigned		Debra Daniels Mithoefer	
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.	9-21-10 / 5673	
Naaktgeboren, David	Ellis Speath Jr.		
Pahel, James		9-21-10 / 173	

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	9-21-10 / 4427.75
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	
Nalette, Joseph (Skip)	Roy Hathorn	7-20-10 / 7750
Otis, Randall	Ronald Gauthier	
Pray, Adam		
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	Harry Petrovs	9-21-10 / 197
Kittredge, Seth W.	Ronald LaRose	9-21-10 / 5695.5
Paire, Uriah	Lisa Ginett	
Peacock, Gregory		
Riley, Jason, M	David Hudson	
Wilson, Terry	Richard Bell	5-18-10 / 1793
Yager, Nathan, O	David Rose	9-21-10 / 1620.5