

**STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
BUREAU OF COMMERCIAL SERVICES – LICENSING DIVISION
2501 Woodlake Circle, Okemos, Michigan 48864-5955**

Professional Surveyors

BOARD MEETING MINUTES

January 10, 2007

In accordance with the Open Meetings Act, 1976 PA 267, as amended, the Board of Professional Surveyors met in regular session on January 10, 2007, at the Department of Labor & Economic Growth, Bureau of Commercial Services, 2501 Woodlake Circle, Room 1, Okemos, Michigan. The business meeting was called to order by Chairperson, Carl Shangraw at 9:00 a.m.

ROLL CALL

Present:	M. Regine Beauboeuf	Member	Arrived at 9:12 a.m.
	Catherine DeDecker	Member	
	Karol Grove	Member	Arrived at 9:12 a.m.
	William Karr	Vice Chairperson	
	Ronnie Lester	Member	
	Daniel Redstone	Member	Left at 10:55 a.m.
	Carl Shangraw	Chairperson	
	Robert Stanford	Member	
Absent:	Carolyn Charters	Member	
Staff:	Gloria Keene	Licensing Administrator	
	Michael Pillow	Assistant Licensing Administrator	
	Jackie Jernigan	Secretary to the Licensing Administrator	
	Jean Boven	Licensing Director	
	Amy Shell	Policy Specialist	
	Archie Millben	Director of Enforcement	
	Barrington Carr	Manager, Enforcement Division	
	Thomas Byrne	Manager, Testing Services	
	Foye Longworth	Testing Services	
	Stephen Gobbo	Manager, Compliance Mediation Division	
Howard Marderosian	Assistant Attorney General		
Visitors:	Rollie Self	Michigan Society of Professional Surveyors	

ADDITIONS TO OR DELETIONS FROM AGENDA

None.

APPROVAL OF MINUTES FROM MEETING HELD SEPTEMBER 27, 2006

Motion: It was moved by Mr. Lester and supported by Ms. DeDecker that the meeting minutes from September 27, 2006 be approved as written. The motion carried unanimously.

STIPULATION

John Maxson, License 4001027454, Complaint #93653

A signed Stipulation and Complaint was presented to the Board, in the matter of John E. Maxson, for violation of the Occupational Code, 1980 PA 299, as amended, MCL 339.101-2721.

Under the terms of the stipulation, Mr. Maxson admits to a violation of Section(s) 17403(2) and 604(c) of the Michigan Occupational Code, 1980 PA 299, as amended, MCL 339.17403(2) and 339.604(c); and Rule(s) of the Board of Land Surveyors Rules promulgated thereunder,

being 1969 AC, as follows: Respondent failed to complete and develop clear and accurate Land Corner Recordation Certificates for the services referred to in paragraph three (of the Formal Complaint) as ordinary in the practice of his occupation; and Respondent has violated a rule of conduct in practicing an occupation. All other charges in the complaint are hereby dismissed.

It is further stipulated, by and between the parties hereto, that respondent shall pay restitution in the amount of twenty-seven thousand dollars (\$27,000.00) and no cents by check or money order made payable to Hillsdale County Register of Deeds, within sixty (60) days of mailing of the Final Order.

It is further stipulated, by and between the parties hereto, that respondent shall pay a fine in the amount of five thousand dollars and no cents (\$5,000.00). Said fine shall be paid by cashier's check or money order, with Agency No. 93653 clearly indicated on the check or money order, made payable to the State of Michigan, within sixty (60) days of the date of mailing of the Final Order in this matter.

It is further stipulated, by and between the parties hereto, that respondent's license shall be suspended, beginning the date of the Final Order, for ninety (90) days.

It is further stipulated; failure to comply with the terms set forth in this Stipulation shall result in a suspension of all licenses or registrations of Respondent or in the denial of any license or registration renewal and the denial of future applications for licensure or registration until compliance is made with the terms of this Stipulation.

Respondent agrees to submit in written proof of having complied with each requirement of this Stipulation, in a form acceptable to the Department, to the Michigan Department of Consumer and Industry Services, Bureau of Commercial Services, Audit Unit, P.O. Box 30018, Lansing, Michigan 48909, proof, in a form acceptable to the Department, of having complied with each requirement of this Stipulation.

It is further stipulated, by and between the parties hereto, that the Director of Enforcement Division of the Bureau of Commercial Services, or designee, must approve this Stipulation before it is submitted to the Board of Professional Surveyors for final approval. Should the Enforcement Division Director, or that person's designee, or the Board rejects this Stipulation, the Department will schedule a Contested Case Hearing in this matter without prejudice to either party.

Motion: It was moved by Mr. Redstone and supported by Mr. Lester to accept the Stipulation as presented. The motion carried unanimously.

OLD BUSINESS

Multiple License Numbers on Survey Monument Caps - Howard Marderosian, Assistant Attorney General

Assistant Attorney General, Howard Marderosian addressed questions from the Board concerning the imprinting of multiple license numbers on survey monument caps. He further informed the Board that his advice constitutes informal advice at the Division level and was not a formal opinion of the Attorney General.

Mr. Marderosian advised that in accordance with the Corner Recordation Act and the Certified Surveys Act, it is not necessarily a violation of the current law to imprint more than one license number on a survey monument cap, assuming more than one surveyor placed the survey monument cap.

The Corner Recordation Act requires a set monument to be "legibly capped showing the license number of the Surveyor." The Certified Surveys Act requires corners in surveys which will be recorded with the Register of Deeds to be "monumented in the field with permanent markers which possess a magnetic field unless previously monumented with iron stakes, capped with some device legibly showing the license number of the licensed land surveyor placing them."

Mr. Marderosian advised that if more than one surveyor were responsible for placing a monument, more than one license number could lawfully be on the cap. However, if only one surveyor was involved in the placement of the monument cap, the surveyor imprinting another license number on the cap would be violating the current law. Mr. Marderosian further stated to the Board that they have the authority to promulgate a rule prohibiting the practice of imprinting more than one surveyor number on a monument cap as a minimal standard of practice.

Upon discussion, the Board determined that a rule will be promulgated to address this issue, however, in the interim; information should be distributed to all Michigan licensed surveyors stating the Board's position of prohibiting the practice of imprinting more than one surveyor number on a monument cap.

Motion: It was moved by Mr. Karr and supported by Mr. Lester that Chairperson Carl Shangraw will draft a letter that will be distributed to Michigan licensed surveyors expressing the Board's position of having only one surveyor license number imprinted on a monument cap. The motion carried unanimously.

Status of Standing Complaints

Archie Millben, Director of the Enforcement Division addressed the Board concerning the report they were provided from the Enforcement Division of complaint activities against Professional Surveyors for the period September 22, 2006 to the present. The report contained complaints filed during the quarter, the number of complaints currently pending, the age of the complaints and the status of the complaints. There were 7 Professional Surveyor complaints filed for the period.

Minimum Sanctions Document

Mr. Shangraw advised that the last time the Minimum Sanctions for the Professional Surveyors were revised was in 2001. Ms. Keene reported the minimum sanctions are intended to give direction to board members and to staff members involved in assessing penalties based on hearing reports, stipulations or negotiating settlement agreements and asked the Board to review them to determine if they needed to be updated. Upon discussion, the Board determined the sanctions should be revised.

Motion: It was moved by Ms. Grove and supported by Mr. Lester to increase the penalties for the complaint action listed on the Minimum Sanctions document as follows:

2. Misrepresentation, Fraud, Deceit, Dishonesty in Practice
 - A. \$3,000 Fine
3. Substandard Practice, Including Gross Negligence, Incompetency, Failure to Meet Prevailing Professional Standards

- A. \$2,500 Fine
- 4. Signing and/or Sealing Others Instruments of Service, Failure to Supervise Unlicensed Subordinates.
 - A. \$2,500 Fine
- 5. Practice with Expired License
 - A. \$1,000 Fine

The motion carried unanimously.

NEW BUSINESS

ITB (Invitation to Bid) Update

Tom Bryne, Manager of Testing Services, introduced himself and Foye Longworth to the Board.

Mr. Longworth reported that the Part IIB Michigan Principles and Practice of Professional Surveying Examination have been vendored by the Department to PSI licensure: certification. He advised that PSI will develop and administer this exam. A job analysis survey will be developed and mailed to every licensed surveyor. The survey will also ask for volunteers to be on the Exam Committee

Mr. Longworth also stated that the exam sites in Marquette, Grand Rapids, Lansing and Southfield will administer the exams four times a year. Candidates will receive their exam results on site immediately upon taking the exam.

Rule Changes

Amy Shell, Legislative Specialist for the Department, discussed the procedures involved in promulgating a rule. She advised that it takes approximately one year for a rule change to take effect.

Upon discussion, the Board determined that a rule change regarding multiple license numbers on survey monument caps should be promulgated. They further agreed to review Act 132 and Act 74 for possible rule changes. Additionally, the Board discussed potential rule changes to the following topics:

1. Multiple numbers on caps
2. Error of closure
3. Supervision
4. Continued professional competency
5. Act 132 – (i.e. who should be recording a survey?)

Rules Sub-Committee Volunteer

As Board Member Bill Karr had already volunteered to coordinate rule changes, no other volunteers were elected at this time.

STAFF REPORT

Legislative Report

Amy Shell advised that four Residential Builder bills were recently vetoed. Two of the bills addressed increased penalties and fines for Builders that the Governor signed. The other two bills addressed a pre-licensure and continuing education requirement for Residential Builders, which the Governor did not sign. Because the four bills were tie-barred together, none of the bills were passed.

Ms. Boven advised that the legislature is looking at fee increases for licensure. She reported licensing fees have not been increased since 1989. Ms. Shell advised that a study was conducted with neighboring states and it was found that Michigan's licensing fees are considerably lower than surrounding states.

PUBLIC COMMENT

None.

ITEMS FOR CONSIDERATION FROM BOARD MEMBERS

Mr. Shangraw advised that he would like to bring his senior class graduates to the April Board Meeting. He expressed his appreciation to the Board for their dedication and hard work.

Ms. Keene expressed her appreciation to Catherine DeDecker for the framing of the Resolutions for Lori Beyer and Diane Adams. Ms. Keene advised that they will be presented to Ms. Beyer and Ms. Adams during the next scheduled Board Meeting in April.

NEXT MEETING DATE

The next regularly scheduled meeting of the Board of Professional Surveyors will be held April 10, 2007.

ADJOURNMENT

There being no further business to be brought before the Board at this time, the meeting was adjourned at 12:00 a.m.

Carl Shangraw, Chairperson

Date

Jackie Jernigan, Recording Secretary

Date