

**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

June 6, 2007

In accordance with the Open Meetings Act, 1976 PA 267, as amended, the Board of Professional Surveyors met in regular session on June 6, 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 Vice Chairperson, William Karr at 9:00 a.m.

ROLL CALL

Present:	M. Regine Beauboeuf	Member
	Carolyn Charters	Member
	Karol Grove	Member
	William Karr	Vice Chairperson
	Ronnie Lester	Member
	Daniel Redstone	Member
	Robert Stanford	Member
Absent:	Catherine DeDecker	Member
	Carl Shangraw	Chairperson
Staff:	Gloria Keene	Licensing Administrator
	Michael Pillow	Assistant Licensing Administrator
	Jackie Jernigan	Secretary to the Licensing Administrator
	Amy Shell	Policy Specialist
	Tom Byrne	Manager, Testing Services
	Ann Paruk	Enforcement Division
	Stephen Gobbo	Manager, Compliance Mediation Division
Visitors:	Rollie Self	Michigan Society of Professional Surveyors

ADDITIONS TO OR DELETIONS FROM AGENDA

Ms. Keene requested that 8.a. Michigan Part IIB Exam be added under Staff Report.

Ms. Keene requested that 7.d. Pending Legislation be added under New Business.

APPROVAL OF MINUTES FROM MEETING HELD APRIL 10, 2007

Motion: It was moved by Mr. Redstone and supported by Ms. Beauboeuf that the meeting minutes from April 10, 2007 be approved as written. The motion carried unanimously.

PETITIONS

Examination

Gerald Clanton has earned an Associate of Applied Science Degree in Land Surveying from Macomb Community College (1992) and taken additional courses from Oakland Community College, Wayne State University and Ferris State University that were transferred to Michigan Technological University (1997) for a total of 159 quarter hours. The Department denied the applicant's application to sit for the Principles and Practice of Land Surveying, Michigan Part IIB examination, because he does not possess a Bachelor of Science degree in land surveying.

Mr. Clanton asserts that he has been employed in Land Surveying for over 35 years, has taken and passed the FS & PS examination and was licensed by the State of Ohio in 1985 and the State of Wisconsin in 1992, as a Land Surveyor. He maintains that his experience, education and professional status as a Registered Land Surveyor, aside from not possessing a Bachelor of Science Degree in Land Surveying, meet the requirements for admittance into the Michigan Part IIB examination process.

Upon discussion, the Board tabled Mr. Clanton's petition to allow time for a board subcommittee of Mr. Shangraw and Mr. Lester, to reconsider Mr. Clanton's experience and education in conjunction with the course check list Mr. Clanton was ordered to provide from Michigan Technological University (MTU). However, on May 23, 2007, Mr. Clanton informed the Department that he will not be submitting the materials the Board ordered him to submit from MTU.

Mr. Clanton did not appear before the Board.

Motion: It was moved by Mr. Lester and supported by Ms. Grove to uphold the Department's denial of Mr. Clanton's application to sit for the Michigan Part IIB examination based upon Mr. Clanton's failure to demonstrate he has met the education requirements. The motion carried unanimously.

The Department concurred.

Examination

Robert Weaver holds a Bachelor of Science Degree in Civil Engineering from Purdue University (1988) and taken additional courses in Surveying from Purdue University and Tri-State University. The Department denied the Mr. Weaver's application to sit for the Principles and Practice of Land Surveying, Michigan Part IIB examination, because he does not possess an acceptable surveying degree.

Mr. Weaver maintains that his experience in Land Surveying for over 17 years, having taken and passed the FS & PS examinations, and licensure by the State of Indiana in 1994 and the State of Illinois in 2002, as a Land Surveyor, should qualify him for admittance into the Michigan Part IIB examination process.

The Board tabled Mr. Weaver's petition to allow him time to submit course descriptions for the surveying courses listed on his "Summary of Education" form that was part of his application file. Mr. Weaver's course descriptions were received on May 9, 2007 and forwarded to Bill Karr for review.

Mr. Weaver did not appear before the Board.

Motion: It was moved by Mr. Lester and supported by Ms. Grove to uphold the Department's denial of the applicant's application to sit for the Michigan Part IIB examination based upon the applicant's failure to establish equivalency for an education deficiency of 13 credit hours. In order to meet the education requirements and qualify to sit for the Michigan Part IIB examination, Mr. Weaver must complete the additional 13 credit hours. The motion carried unanimously.

The Department concurred.

HEARING REPORT

MOTION: It was moved by Mr. Redstone and supported by Mr. Lester that the Board receive the hearing report on the agenda.
The motion carried by unanimous vote.

John Maxson, License No. 4001027454, Docket No. 2006-783

The Board reviewed the hearing report.

Motion: It was moved by Mr. Redstone and supported by Mr. Lester that the following penalty be assessed as recommended by the Administrative Law Judge: License revocation, civil fine of \$2,500 and restitution to the homeowner of \$4,780.39. The motion carried with Mr. Karr abstaining.

OLD BUSINESS

Multiple License Numbers on Survey Monument Caps Letter

The Board reviewed the letter drafted by Carl Shangraw that addressed the issue of multiple license numbers on survey monument caps. It is the intent of the Board to promulgate a rule that states only one surveyor license number is to be imprinted on a monument cap, that being the license number of the surveyor in responsible charge of conducting the survey. Mr. Shangraw drafted a letter on the Board's behalf, stating the Board's position on this issue that will be forwarded to all licensed Professional Surveyors.

Motion: It was moved by Mr. Lester and supported by Mr. Redstone to approve Mr. Shangraw's letter with the last sentence in the letter removed. The motion carried unanimously.

Rule Changes

Mr. Karr distributed to the Board his draft copy of potential rule changes. Mr. Karr advised there were 9 different rules that were identified at the last Professional Surveyor Board Meeting that were of concern. The Board members reviewed the draft and made suggestions for changes. Amy Shell, Policy Specialist, will prepare a draft of the suggested rule changes to be presented to the Board members for discussion at the next scheduled meeting.

Status of Standing Complaints

The Board members were provided a report from the Enforcement Division of complaint activity against Professional Surveyors for the period of December 31, 2006 to June 5, 2007. 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 6 Professional Surveyor complaints filed for the period.

NEW BUSINESS

NCEES Board of Director's Meeting and Central Zone Meeting, Rapid City, South Dakota, May 16-19, 2007

Ms. Keene advised that as the NCEES Zone Representative for the Central Zone, she was invited to attend the NCEES May Board of Directors Meeting. She advised that the meeting was very productive and informative. Further, Ms. Keene and Vice Chairperson, William Karr attended the Central Zone Meeting and provided the following highlights:

- NCEES will be appointing a task force to evaluate the effectiveness of computer based testing for the FE and PE examinations.
- The Center is ahead of schedule in evaluating foreign degrees.
- Social security numbers will be eliminated from the examination sheets.
- NCEES will continue limiting the approved calculators to four approved models.
- NCEES runs a collusion evaluation on all of the FE and PE examinations to validate the security of the examinations.
- NCEES will initiate efforts to heighten the awareness and importance of licensure for engineers and surveyors.

New Mexico Resolution

Mr. Karr advised that the New Mexico Board of Licensure for Professional Engineers and Professional Surveyors hopes to remove "engineering surveys" from the NCEES Model Law language in the definition of engineering because they believe it is endorsing unlicensed practice of surveying. The topic will be voted on at the 2007 NCEES Annual Meeting. Upon discussion, the Board agreed to place the topic on the agenda of the Joint Board Meeting that will be held August 9, 2007.

The National Council of Examiners for Engineering and Surveying (NCEES) Annual Meeting, August 22-25, 2007, Philadelphia, PA

Chairperson, Carl Shangraw was appointed as the delegate to the 2007 NCEES Annual Meeting in Philadelphia, PA.

Pending Legislation

Amy Shell, Policy Specialist, provided an update on Senate Bills 450, 451, 452 and 453 which impact the profession of residential builders and maintenance and alteration contractors. The bills were passed by the Senate on May 23, 2007 and

are currently in the House of Representatives for review. She advised that Senate Bill 452 increases penalties on unlicensed activities for all occupations under the Occupational Code. However, Senate Bill 453, the bill that provides the funding to prosecute unlicensed builders and contractors, only applies to residential builders.

Further, Ms. Shell reported that House Bill 4842 will remove the sunsets on license fees under the Occupational Code and allows establishing license fees by rulemaking.

STAFF REPORT

Michigan Part IIB Exam

Tom Byrne provided an update on the administration of the Surveyors Michigan Part IIB Examination by the exam contractor, PSI. He advised that after the Board staff approves applicants to take the Michigan Part IIB examination, approved applicants schedule their examinations thru PSI. Test sites are available in Lansing, Southfield, Grand Rapids, Gaylord and Marquette. Applicants who fail the exam must wait 90 days before they can register to retake the examination. Additionally, pass or fail grades are administered to the applicants immediately after taking the exam at the test site. Mr. Byrne further advised that the job analysis survey has been mailed to licensed surveyors.

PUBLIC COMMENT

None.

ITEMS FOR CONSIDERATION FROM BOARD MEMBERS

None.

NEXT MEETING DATE

The next regularly scheduled meeting of the Board of Professional Surveyors will be held September 26, 2007.

ADJOURNMENT

There being no further business to be brought before the Board at this time, the meeting was adjourned at 11:59 a.m.

William Karr, Vice Chairperson

Date

Jackie Jernigan, Recording Secretary

Date