

**STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
2501 Woodlake Circle, Okemos, Michigan 48864-5955**

Professional Surveyors

BOARD MEETING MINUTES

September 24, 2008

In accordance with the Open Meetings Act, 1976 PA 267, as amended, the Board of Professional Surveyors met in regular session on September 24, 2008, 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:	Carolyn Charters	Member
	Karol Grove	Member
	George Karmo	Member
	William Karr	Vice Chairperson
	Ronnie Lester	Member
	*Daniel Redstone	Member
	Carl Shangraw	Chairperson
	Robert Stanford	Member
Absent:	Catherine DeDecker	Member
Staff:	Gloria Keene	Licensing Administrator
	Michael Pillow	Assistant Licensing Administrator
	Jackie Jernigan	Secretary to the Licensing Administrator
	Stephen Gobbo	Director, Legal Affairs Division
	Jim Farhat	Policy Specialist
Visitors:	Rollie Self	Michigan Society of Professional Surveyors

* Left at 11:15 a.m.

ADDITIONS TO OR DELETIONS FROM AGENDA

Mr. Lester requested that Update on Rules – Continuing Competency be added under Old Business, 5.d. and Report on Michigan Technological University be added under New Business, 6.b. Ms. Grove requested that Letter to Counties be added under New Business, 6.c.

APPROVAL OF MINUTES FROM BOARD MEETING HELD ON JUNE 4, 2008

Motion: It was moved by Mr. Lester and supported by Mr. Stanford that the meeting minutes from June 4, 2008 be approved as written with a typographical correction. The motion carried unanimously.

STIPULATIONS

Alan Manville, Unlicensed Surveyor, Complaint No. 301865

A signed Stipulation and Complaint were presented to the Board in the Matter of Mr. Alan Manville, for violation of the Occupational Code, 1980 PA 299, MCL 339.101 et seq.

It is hereby stipulated, by and between the parties hereto, that Respondent admits to the violation set forth in paragraph(s) 6 of the Complaint. Respondent admits to a violation of MC 339.604(h).

It is further stipulated, by and between the parties hereto, that respondent shall pay a fine in the amount of five hundred dollars (\$500.00). Said fine shall be paid by cashier's check or money order, with Complaint No. 301865 clearly indicated on the check or money order, made payable to the State of Michigan within sixty (60) days of the date of the mailing of the Final Order in this matter.

It is further stipulated, by and between the parties hereto, that 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.

It is further stipulated, by and between the parties hereto, that failure to comply with the terms set forth in this Stipulation within (6) months of the date of mailing of the Final Order shall result in a revocation or continued revocation 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 written proof of having complied with each requirement of this Final Order, in a form acceptable to the Department.

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

Respondent understands and intends that by signing this Stipulation, respondent is waiving the right, pursuant to the Occupational Code, supra, the rules promulgated thereto, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a hearing before an administrative law judge, at which the Department would be required to prove the charges set forth in the Complaint by presentation of evidence and legal authority and at which Respondent would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges.

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

Gary Robert Stonerock, License No. 4001013601, Complaint No. 299195

A signed Stipulation and Complaint were presented to the Board in the Matter of Mr. Gary Stonerock, for violation of the Occupational Code, 1980 PA 299, MCL 339.101 et seq.

It is stipulated, by and between the parties hereto, that Respondent admits to the violation set forth in paragraph 6 of the Complaint.

As such, Respondent admits to a violation of Section 604(c) of the Michigan Occupational Code, 1980 PA 299, as amended; MCL 339.604(c) and Rule 403 (2) of the Board of Professional Surveyors General Rules promulgated hereunder, being Rule 1995 AACS 339.17403 (2).

It is further stipulated, by and between the parties hereto, that Respondent shall pay a fine in the amount of five hundred (\$500.00) and 00/100 dollars said fine shall be paid by cashiers check or money order, with Complaint No. 299195 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 shall make restitution in the amount of one thousand eighty seven (\$1,087.20) dollars and twenty cents by check or money order made payable to Lorri Ann Lair, 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 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 written proof of having complied with each requirement of this Stipulation, in a form acceptable to the Department, to the Michigan Department of Labor & Economic Growth, Bureau of Commercial Services, Final Order Monitoring-Administrative Services. Forms of acceptable proof of monetary restitution payment, if restitution is a part of this Stipulation include: A copy of the front and back of the cancelled check that was made payable to the person(s) to whom restitution was payable, stating restitution was paid and the amount paid.

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

Respondent understands and intends that by signing this Stipulation, Respondent is waiving the right, pursuant to the Occupational Code, supra, the rules promulgated thereto, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a hearing before an administrative law judge, at which the Department would be required to provide the charges set forth in the Complaint by presentation of evidence and legal authority and at which Respondent would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges.

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

Emil F. Platske, Unlicensed Surveyor, Complaint No. 308398

A signed Stipulation and Complaint were presented to the Board in the Matter of Emil F. Platske, for violation of the Occupational Code, 1980 PA 299, MCL 339.101 et seq.

It is hereby stipulated, by and between the parties hereto, that Respondent admits to the violation set forth in paragraph(s) 5 of the Complaint. Respondent admits to a violation of MCL 339.601(1).

It is further stipulated, by and between the parties hereto, that Respondent shall pay a fine in the amount of one thousand dollars (\$1,000.00). Said fine shall be paid by cashier's check or money order, with Complaint No. 308398 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 failure to comply with the terms set forth in this Stipulation within six (6) months of the date of mailing of the Final Order shall result in a suspension or continued 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 written proof of having complied with each requirement of this Final Order, in a form acceptable to the Department.

It is further stipulated, by and between the parties hereto, that the Director of the Legal Affairs Division of the Bureau of Commercial Services, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Legal Affairs Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

Respondent understands and intends that by signing this Stipulation, Respondent is waiving the right, pursuant to the Occupational Code, supra, the rules promulgated thereto, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a hearing before an administrative law judge, at which the Department would be required to prove the charges set forth in the Complaint by presentation of evidence and legal authority and at which Respondent would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges.

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

OLD BUSINESS

NCEES 87TH Annual Meeting, August 13-16, 2008, Minneapolis, Minnesota

Board Members Karol Grove, Bill Karr and Licensing Administrator Gloria Keene provided a report concerning their attendance at the NCEES 87th Annual Meeting in Minneapolis, Minnesota. They advised the meeting was very productive and informative. The following is a synopsis of the topics that were discussed at the meeting.

- Approved the issuance of a request for information (RFI) to potential vendors to support the study and review of computer based testing (CBT) for the Council's consideration.
- Approved contracting with American University in Cairo and the Korean Professional Engineers Association to offer NCEES examinations effective with the April 2009 exam administration.
- Approved examination dates for 2018.
- Approved NCEES to pay the registration fee and travel expenses for one delegate from each member board to that respective member board's annual zone meeting.
- Approved the NCEES President to request the assistance of the Member Board Networking Group to aid the NCEES staff in the development of a national registration database.

Ms. Keene advised that the Annual Meeting will be in August 12 – 15th, 2009 in Louisville, Kentucky.

Central Zone Meeting Update

Ms. Keene advised that because the last joint meeting was held in the Central Zone, Utah will host the 2010 Joint Meeting in Salt Lake City, Utah.

Status of Standing Complaints

Ms. Keene advised that the report before the Board Members provides the number of complaints filed against Surveyors for the period of December 31, 2007 thru August 31, 2008. She advised that there were 11 complaints filed against Surveyors during that time.

Update on Rules – Continuing Competency

Mr. Jim Farhat, Policy Specialist, provided a handout of revised Administrative Rules to Board Members.

After much discussion, the Board adopted the following motion.

Motion: It was moved by Mr. Karr and supported by Mr. Stempien to adopt the draft rules and authorize the Department to go forward on rule revisions. The motion carried unanimously.

Board members requested an update on the progress of the Continuing Professional Competency Proposals that were submitted by the associations. Ms. Keene advised that she will provide a progress report at the next meeting.

NEW BUSINESS

Board Meeting Schedule for 2009

Board Members were given a schedule of the 2009 Professional Surveyor Board Meeting dates.

January 7, 2009	9:00 a.m.	Conference Room 1
April 15, 2009	9:00 a.m.	Conference Room 1
June 3, 2009	9:00 a.m.	Conference Room 1
September 23, 2009	9:00 a.m.	Conference Room 1

Motion: It was moved by Mr. Karr and supported by Mr. Lester to accept the 2009 Board Meeting Schedule as presented. The motion carried unanimously.

Report on Michigan Technological University

Mr. Lester reports that he sat on an Advisory Committee with seven other surveyors at Michigan Technological University recently. He reported that he met with the Dean of the University and several students. Mr. Lester advised that there is a new program being implemented in 2009 and 2010 that will be called Geospatial Engineering. However, he wasn't sure if the program will qualify for licensing engineers and/or surveyors.

Letter to Counties

Ms. Grove reported that she discovered a problem in the south east area of Michigan. She advised that while she was completing a parcel split, new tax I.D. numbers were being issued prior to the completion of the final PA 132 (Certificate of Survey) Drawings. Ms. Grove further stated that she talked with city and county officials and it was revealed that land is being split in platted subdivisions without the requirements of PA 132 being met. Additionally, Ms. Grove advised that there are problems with the destruction of County Remonumentation Corners which are not always replaced correctly.

Ms. Grove provided a handout of Act No. 132 referencing Sec. 1(2) that states:

Sec. 1. (2) If a survey is made for the purposes of describing the parcel in a conveyance of title, a certified copy of that survey be recorded at the time of recording the conveyance of title with the register of deeds in the county in which the land is situated. The requirements of this act are in addition to Act No. 288 of the Public Acts of 1967, as amended, being sections 560.101 to 560.923 of the Compiled Laws of 1948. Land platted in accordance with Act No. 288 of the Public Acts of 1967, as amended, or land previously surveyed and recorded and for which no change in boundary description is made from a previously recorded survey need not be recorded. Surveys solely for mortgage certificate purposes need not be recorded.

After much discussion, the Board determined that the Michigan Society of Professional Surveyors (MSPS) will draft a letter for distribution to the Michigan counties informing them of the statutory requirement.

STAFF REPORT

None.

ITEMS OF CONSIDERATION FROM BOARD MEMBERS

Mr. Karr advised that Lake Superior State University started a GIS four year degree program this fall.

PUBLIC COMMENT

Rollie Self, Executive Director of the Michigan Society of Professional Surveyors, addressed the Board. He advised that MSPS has recently adopted a position related to Machine Control Grading and the role of the Professional Surveyor in this activity. Mr. Self presented a letter to Board Members from the Michigan

Society of Professional Surveyors that addresses the Machine Control Grading Position Statement.

ADJOURNMENT

There being no further business to be brought before the Board at this time, the meeting was adjourned at 11:30 a.m.

Carl Shangraw, Chairperson

Date

Jackie Jernigan, Recording Secretary

Date