

CANNON BUILDING
861 SILVER LAKE BLVD., SUITE 203
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE
DEPARTMENT OF STATE

TELEPHONE: (302) 744-4500
FAX: (302) 739-2711
WEBSITE: WWW.DPR.DELAWARE.GOV

DIVISION OF PROFESSIONAL REGULATION

MEETING MINUTES:	BOARD OF PROFESSIONAL LAND SURVEYORS
DATE AND TIME:	Thursday, March 17, 2011 at 8:30 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , second floor of the Cannon Building
APPROVED:	April 21, 2011

MEMBERS PRESENT

Michael Szymanski, Professional Member, Chair
James Bielicki, Jr., Professional Member, Vice Chair
Mary Chvostal, Public Member, Secretary
Thomas Plummer, Professional Member
Elizabeth Rowe, Public Member

DIVISION STAFF

Frederick Schranck, Deputy Attorney General
Sandra Wagner, Administrative Specialist III

MEMBERS ABSENT

Laurence McBride, Professional Member
Mark Rosenthal, Public Member

PUBLIC

Michael Gentile
Shaheed Smith
John Johnson

CALL TO ORDER

Mr. Szymanski called the meeting to order at 8:35 a.m.

Review and Approval of Minutes

Ms. Chvostal made a motion, seconded by Mr. Bielicki, to approve the minutes. The motion was approved with Ms. Rowe and Mr. Plummer abstaining.

Unfinished Business

Re-review of Shaheed Smith's Application by Examination

Ms. Wagner advised the Board that she completed the research that the Board had asked her to do in reference to the application of Mr. Shaheed Smith. Ms. Wagner contacted the exam institution and they sent clarification of Mr. Smith's passed scores. Ms. Wagner contacted the Pennsylvania Board to get clarification of the date that they had on his licensure verification. The Pennsylvania Board did find a discrepancy in their date and has now sent a correct verification of his licensure in PA. Mr. Smith has met all the requirements to be licensed in Delaware.

NEW BUSINESS

Mr. Szymanski asked for an amendment to the agenda. Ms. Chvostal made a motion, seconded by Mr. Bielicki, to amend the agenda by adding Bruce McKenna's Board Order for signing by the Board members. The motion was unanimously approved. The Board Order was signed by the Board members.

Courses for Continuing Education Approval

Mr. Szymanski reviewed the application from Douglas Loewer for PDHs and recommended approval. Ms. Chvostal made a motion, seconded by Mr. Bielicki, to approve the CE courses - Geographic Information Systems (GIS) Using ARC View for 48 PDHs and Advanced Data Collection Techniques for 7 PDHs, both held at Delaware Technical and Community College. The motion was unanimously approved.

Mr. Szymanski reviewed the application from the Maryland Society of Surveyors – 2011 Spring Conference for PDHs and recommended approval for corresponding PDHs of all workshop sessions listed. Mr. Bielicki made a motion, seconded by Ms. Chvostal, to approve the conference for the seminars recommended by Mr. Szymanski from his review of application. Ethics for Land Surveyors and Engineers was approved for 4 Ethic/Professionalism PDHs. The motion was unanimously carried.

Mr. Szymanski reviewed the application from Half Moon, LLC requesting PDHs for the presentation titled Subsurface Utility Engineering and recommended approval. Mr. Bielicki made a motion, seconded Ms. Chvostal, to approve Subsurface Utility Engineering for 6 PDHs. The motion was unanimously approved.

Review of Applications for Examination

Mr. Bielicki reviewed the application for Mr. Adam Jones. Mr. Bielicki made a motion, seconded by Ms. Chvostal, to approve Mr. Jones's application and grant approval to sit for the examinations. The motion was unanimously approved.

Review of Application for Reciprocity

There were no applications for Reciprocity for review.

Ratification of Issuance of Land Surveying Certificates of Authorization

Mr. Plummer made a motion, seconded by Mr. Bielicki, to ratify the applications of certificate of authorization for Ash Associates and Monarch Surveying & Engineering, LLC. The motion was unanimously approved.

Complaint Assignments

There were no new complaint assignments.

Complaint Status

No changes to the complaint status at this time.

Hearings/Consent Agreements/Board Orders

Hearing minutes at the bottom of agenda.

Closed Complaints

None

Wall Certificates

There were no wall certificates to sign.

Audit Compliance Update

Ms. Wagner advised the Board that Mr. Stout has met the sanction of his Board Order.

OTHER BUSINESS BEFORE THE BOARD (FOR DISCUSSION ONLY)

Ms. Chvostal asked Ms. Wagner to check on the number of Land Surveyors who have not complied with their Board Order as a result of their Show Cause Hearing. Ms. Wagner will have the information at the next Board meeting.

Mr. Bielicki asked the Board's attorney, Mr. Schranck, about the status of the lawsuit against the Board's new Rules and Regulations that went into effect January 10, 2011. Mr. Schranck explained to new Board members what the lawsuit involved. Mr. Szymanski asked Mr. Schranck if Land Surveyors are supposed to be following the new rules and regulations and if they are not in compliance should complaints be filed. Mr. Schranck said he will need to discuss with Mr. Collins about having the new rules and regulations stayed.

Mr. Szymanski asked Mr. Schranck if he drafted the proposed legislation requiring all property corners be set and certified by a Professional Land Surveyor prior to a regulatory agency issuing a Certificate of Occupancy (CO) for new construction.

Mr. Szymanski also asked about the draft of proposed legislation that requires a survey of a property certified by a Professional Land Surveyor within 90 days prior to a land transfer. Mr. Schranck will bring proposed language to the next meeting.

PUBLIC COMMENT

There was no public comment.

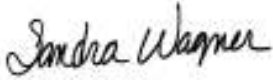
NEXT MEETING

The next scheduled meeting of the board is April 21, 2011 at 8:30 a.m. in Conference Room A, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

ADJOURNMENT

There being no further business before the Board, Mr. Bielicki made a motion, seconded by Ms. Rowe to adjourn the meeting at 11:06 a.m. The motion was unanimously approved.

Respectfully Submitted,



Sandra Wagner
Administrative Specialist III

HEARING MINUTES

HEARING – Michael Gentile

The Delaware Board of Professional Land Surveyors held a hearing on March 17, 2011, at 10:00 a.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: James Bielicki, Michael Szymanski, Mary Chvostal, Thomas Plummer, and Elizabeth Rowe

RECUSED:

EXCUSED: Larry McBride and Mark Rosenthal

PURPOSE: Proposed to Deny Hearing

PRESIDING: Michael Szymanski, Chair

BOARD STAFF: Sandra Wagner, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Frederick Schranck, Esq.

DEPUTY ATTORNEY GENERAL FOR THE STATE:

RESPONDENT: Michael Gentile

COUNSEL FOR THE RESPONDENT:

WITNESSES FOR THE STATE:

WITNESSES FOR THE RESPONDENT:

COURT REPORTER PRESENT: Cindy Reeder, Wilcox and Fetzer

TIME STARTED: 10:00 a.m.

The court reporter took verbatim testimony. Mr. Szymanski described the reason for the hearing and confirmed Mr. Gentile was present for the Hearing. Mr. Szymanski introduced the Board members. Mr. Gentile explained to the Board that he received a letter regarding a criminal record and that the letter was incorrect. Mr. Gentile's hearing is for verified hours and Mr. Gentile did receive a corrected letter. The Board went off the record at 10:46 a.m. for deliberations. The Board went back on the record at

10:47 a.m. The Board went off the record at 10:48 a.m. for deliberations. The Board went back on the record at 10:52 a.m. Mr. Bielicki made a motion, seconded by Mr. Plummer, to close the hearing. The motion was unanimously approved to close the hearing. Mr. Gentile is still short 4 months of Field Experience in Boundary and Retracement Surveys. The Board went back on the record at 11:10 a.m. to make a motion on Mr. Gentile's application. Mr. Bielicki made a motion, seconded Ms. Chvostal, to final deny Mr. Gentile's application. The motion was unanimously carried.

Ms. Chvostal made a motion, seconded by Mr. Bielicki, to conclude the hearing. The motion was unanimously carried.

The hearing concluded at 10:54 a.m. The amendment to the hearing concluded at 11:12 a.m.