



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING MINUTES:	Board of Professional Land Surveyors
MEETING DATE AND TIME:	Thursday, December 11, 2008 at 8:30 a.m.
PLACE:	861 Silver Lake Blvd., Conference Room A, Second floor, Dover, Delaware
MINUTES APPROVED:	

MEMBERS PRESENT

Michael T. Szymanski, Chair, Professional Member
Victor Kennedy, Public Member
Laurence R. McBride, Vice-Chair, Professional Member
Joseph McDonough, Public Member
John Murray, PLS, Professional Member
Frank Sczucka, Public Member
Stephen Sellers, Secretary, Professional Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL

Debbie Heinsch, Administrative Specialist II
Frederick Schranck, Deputy Attorney General

ABSENT MEMBERS

OTHERS PRESENT

CALL TO ORDER

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

Mr. McBride made a motion, seconded by Mr. Kennedy to enter into executive session at 8:36 a.m.

Letter of Concern – The Board reviewed correspondence in which it was alleged that a licensee performed MIP's in Sussex County. The surveys in question were dated December 16, 2002, and April 28, 2005, which is prior to the licensee receiving a letter of concern regarding this issue. Mr. McBride made a motion, seconded by Mr. Murray to take no further action as this issue was previously addressed. The motion was unanimously carried.

Mr. Sellers made a motion, seconded by Mr. Murray to adjourn executive session at 8:44 a.m.

REVIEW OF MINUTES

The Board reviewed the meeting minutes of the November 13, 2008 board meeting. Mr. Szymanski questioned the executive session section in the Board minutes, should it be published? Mr. Schranck advised that a summary of the information should be included in the minutes that indicate the issuance of a letter of concern but personal information is not entered into Executive Session minutes. Mr. Kennedy made a motion, seconded by Mr. McBride to approve the minutes as presented. The motion was unanimously carried.

UNFINISHED BUSINESS

Update of Mortgage Inspection Plan (MIP)

Mr. Szymanski indicated the Committee met on December 2, 2008. It was agreed to establish a state wide requirement in lieu of having different county requirements. The Committee will continue working on a waiver form whereas the consumer can opt out of a boundary survey. It was reiterated that the primary interest is to serve the public. Mr. Szczuka indicated that the Board should review all complaints instead of the investigative unit. Mr. Schranck advised that the Board would then be partial and the Board could never hold a hearing if the entire Board was privy to the information. Mr. Szymanski indicated that he has had a positive experience with the investigators.

Complaint Assignments

05-08-08 Stephen Sellers Contact Person

Mr. Sellers has received and accepted the above assignment.

Certificate of Authorization Legislation

Mr. Szymanski has received an email with questions from Mr. Collins and has responded to the questions. Mr. Schranck will submit to the Legislators in January. Mr. Szymanski would like to address additional issues under new business that may be included with the Certificate of Authorization.

NEW BUSINESS

Courses for Continuing Education Approval –

Delaware Surveyors Association – 2008 Conference & Expo – Mr. Sellers made a motion, seconded by Mr. McBride to approve the 4 hour ethic course and all other courses as presented. The motion was carried, Mr. Szymanski abstained. Mr. Szymanski requested that Board packages be scanned and emailed to Board members prior to future meetings. Ms. Heinsch will print only the agenda and the minutes of the previous meeting.

NBI, Inc. – Property Taking Through Eminent Domain in Delaware – Mr. Szczuka questioned what the law is on eminent domain. Mr. Schranck advised that there are proposals to amend the elements of the process, but says the government must pay you just compensation for property taken. Mr. Szymanski made a motion, seconded by Mr. Murray to approve the hours covered in presentations 1, 2, and 3 a-d only (total of 3.25 hours). The breakdown is: 1st part 1.25 hours, 2nd part 1.25 hours, and 3rd part, a-d only, ¾ hour. The motion was unanimously carried.

Review of Application for Licensure by Reciprocity – None

Review of Application for Licensure by Examination - None

Complaint Assignments

05-09-08

John Murray

Contact Person

Mr. Murray has received and accepted the above assignment.

Presentation on License Issuance Authority: James Collins, Director – Not currently needed

Proposed Legislation Increasing the Maximum Allowable Fine Amount – Mr. Szymanski stated that in reviewing the Statute Section 2714(a)(6) it states not to exceed \$500, and feels that is not significant. Mr. Szymanski requested Ms. Heinsch contact the other Member Boards to determine what their maximum penalty is for a violation of their Rules and Regulations. It was requested this information be presented at the next Board meeting. It was questioned if the violations should be progressive in amounts (i.e. first violation \$500, second violation \$1000, and third violation \$1,500)? Mr. Schranck indicated that this could be included with the Certificate of Authorization bill. Mr. Szymanski made a motion, seconded by Mr. Sellers to do further research into this area. The motion was unanimously carried.

Proposed Legislation Requiring Property Descriptions Being Prepared/Certified by a PLS – Mr. Szymanski stated that he has read descriptions and it is evident when it is prepared by a Professional Land Surveyor vs. a Paralegal. Mr. Schranck added that this could also be included as a piece of legislation. Mr. Szczuka reminded that the Board recognizes that approximately 26 years ago, Engineers were grandfathered in to do this. Mr. Schranck advised that Board members should speak to their State Representative and request a bill be introduced that an engineer can no longer perform this work without a Professional Land Surveyor that is licensed by this Board. Mr. Sellers stated that prior to 1972 when the Board's split it was required to have an engineering license and a land surveyor license for surveying. Mr. Szymanski feels the best way to defeat this is if you see an engineer that is practicing surveying, and is unqualified, to file a complaint with DAPE. If there is a history of complaints that would be supporting evidence that could be provided to Legislators. Mr. Szymanski has requested that if a complaint is filed with DAPE, additionally a copy should be sent to this Board. Mr. Szymanski requested to sit by the Professional Member that is called upon to speak when this goes before Legislation. Mr. Szymanski made a motion, seconded by Mr. McBride to have Ms. Heinsch ask other Member Boards if they have any regulation or statute on their books regarding a property/legal description that needs to be prepared and/or certified by a Professional Land Surveyor. The motion was unanimously carried.

Correspondence - Mr. Szymanski indicated that a letter has been prepared, signed and will be sent out in the mail today to Mr. Slavin as indicated at the November Board meeting.

Election of Officers –

Mr. McBride made a motion, seconded by Mr. Murray to nominate Mr. Sellers as Chairman. Mr. Sellers accepted the nomination. The motion was unanimously carried. Mr. McBride made a motion, seconded by Mr. Murray to nominate Mr. Szymanski as Vice-Chairman. Mr. Szymanski accepted the nomination. The motion was unanimously carried. Mr. Szymanski made a motion, seconded by Mr. McBride to nominate Mr. Murray as Secretary. Mr. Murray accepted the nomination. The motion was unanimously carried. All changes will be effective January 1, 2009.

Other Business Before the Board (for discussion only)

Mr. Szymanski has received correspondence from NCEES requesting an update of Associate or Emeritus Members of the Board. We currently have Mr. Bakhsh and Mr. Early listed as Emeritus Members. The Board determined that is correct. He also received correspondence regarding the upcoming Zone meeting, which will be held in Norfolk, Virginia on April 16-18, 2009. NCEES will fund one delegate, including lodging and transportation, to attend the meeting. Mr. Sellers deferred, Mr. Szymanski is willing to attend. Mr. Szymanski would like for another Board member to attend this

conference. The Cut off date for responses is March 11, 2009, and for the funded delegate the cut off is December 31, 2008. Mr. Sellers will advise Ms. Heinsch if he is able to attend. Ms. Heinsch advised the Board of the current travel restrictions that are imposed.

Public Comment - None

Next Scheduled Meeting

The next meeting will be held on January 15, 2009 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, Mr. Kennedy made a motion, seconded by Mr. Szczuka, to adjourn the meeting at 10:46 a.m. The motion was unanimously carried.

Respectfully submitted,

Debbie Heinsch

A handwritten signature in black ink that reads "Debbie Heinsch". The signature is written in a cursive, flowing style.

Administrative Specialist II