



CANNON BUILDING
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DEPARTMENT OF STATE

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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING MINUTES:	Board of Professional Land Surveyors
MEETING DATE AND TIME:	Thursday, January 15, 2009 at 8:30 a.m.
PLACE:	861 Silver Lake Blvd., Conference Room A, Second floor, Dover, Delaware
MINUTES APPROVED:	February 23, 2009

MEMBERS PRESENT

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

DIVISION STAFF/DEPUTY ATTORNEY GENERAL

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

ABSENT MEMBERS

Victor Kennedy, Public Member

OTHERS PRESENT

CALL TO ORDER

Mr. Sellers called the meeting to order at 8:36 a.m.

Mr. McBride made a motion, seconded by Mr. Murray to enter into executive session at 8:37 a.m.

Letter of Concern – The Board reviewed correspondence regarding a letter of concern that was issued in November, 2008 regarding MIP's performed in Kent & Sussex counties. The licensee indicates in correspondence that he has not violated the code, but it was simply an oversight by the website designer. The individual(s) are asking for the letter of concern to be withdrawn. The Board determined that they acknowledge receipt of the correspondence. The Board determined they would

not rescind the letter. A follow up letter will be prepared by the Vice-Chair. The motion was carried, Mr. Sellers abstained.

Mr. McBride made a motion, seconded by Mr. Murray to adjourn executive session at 9:13 a.m.

REVIEW OF MINUTES

The Board reviewed the meeting minutes of the December 11, 2008 board meeting. Mr. Szymanski made a motion, seconded by Mr. McBride to approve the minutes as amended. The motion was unanimously carried.

UNFINISHED BUSINESS

Update of Mortgage Inspection Plan (MIP)

Mr. Sellers reported that the next meeting will be February 3, 2009.

Certificate of Authorization Legislation – James Collins

Mr. Collins inquired if the Board has a specific problem that this will address. Mr. Szymanski responded that it is not a specific problem, but it would assist the Board with items that they review. The certificate of authorization would require listing licensed surveyors that are in charge. It would ward off any potential problems in the future with plan stamping. Mr. Sellers indicated that it would protect the public. Mr. Collins questioned how the existing firms would be addressed in the bill? Mr. Szymanski responded that the certificate of authorization would have to list an individual licensed in Delaware. Mr. Collins questioned if both a professional land surveyor license and a certificate of authorization would be required for a sole practitioner? Mr. Schranck believes that a sole practitioner would not need a certificate of authorization. Mr. Collins reported that “a firm” would have to be defined in the legislation, as well as addressing that it is not required for sole proprietorships. Mr. Collins then inquired how existing firms would be represented. Mr. Schranck responded that we would go back and see how this was handled with DAPE. Mr. Szymanski would like to pick an effective date of compliance. Mr. Collins feels there may be some opposition with increasing regulation due to the fiscal climate. Mr. Schranck advised that it could be viewed as a tax. Mr. Szymanski said the direction should be not to increase taxes, but to protect the public. Mr. Szymanski reported that he will contact DAPE to see what their certificate of authorization is used for. Mr. Schranck will draft the legislation.

Review of Member Board Responses –

Per the Board's request at the December meeting, Ms. Heinsch compiled information from member boards. The information pertains to the minimum and maximum penalty that other boards impose for violations, and if they have a regulation or statute requiring that a property/legal description needs to be prepared and/or certified by a professional land surveyor. Mr. Szymanski questioned Mr. Schranck if there would be opposition to increasing fines. Mr. Schranck replied that they would probably look at what the other board's fines are, and they should be uniform with the other professions in Delaware and probably should not be increased significantly. Mr. Schranck advised that he will look into the fines of other Board's and include this in the draft legislation as minimum and maximum fines. Ms. Heinsch will request information from Minnesota, Texas, Illinois and Hawaii regarding legal descriptions and have available at the next meeting. Mr. Schranck reported that a provision could say that the practice of land surveying includes the drafting of legal descriptions of property. Legal descriptions would then have to be drafted in the regulations.

Application for Licensure – William Ewald –

Mr. Szymanski made a motion, seconded by Mr. McBride to approve the applicant to take the state Jurisprudence/Drainage Examinations. The motion was unanimously carried.

NEW BUSINESS

Courses for Continuing Education Approval –

NJ Society of Professional Land Surveyors – Grid to Ground: Practices and Pitfalls – Mr. Szymanski made a motion, seconded by Mr. Murray to approve for 3.5 pdh's. The motion was unanimously carried.

NJ Society of Professional Land Surveyors – Understanding OPUS – Online Positioning User Service - Mr. Szymanski made a motion, seconded by Mr. Murray to approve for 3.5 pdh's. The motion was unanimously carried.

NJ Society of Professional Land Surveyors – Construction Surveying - Mr. Szymanski made a motion, seconded by Mr. Murray to approve for 3.5 pdh's. The motion was unanimously carried.

NJ Society of Professional Land Surveyors – A Practical Approach to Height Modernization for NJ - Mr. Szymanski made a motion, seconded by Mr. Murray to approve for 3.5 pdh's. The motion was unanimously carried.

NJ Society of Professional Land Surveyors – Elevation Certificates: Update 2009- Mr. Szymanski made a motion, seconded by Mr. Murray to approve for 3.5 pdh's. The motion was unanimously carried.

PA Society of Land Surveyors – Annual Conference – Mr. Szymanski made a motion, seconded by Mr. Murray to table. Mr. Szymanski will review and provide a report at the next meeting. The motion was unanimously carried.

The College of New Jersey – CIVE 211 Intro to Surveying – Mr. McKenna is requesting review of the number of pdh's approved. Mr. Szymanski made a motion, seconded by Mr. Murray that the Board can only grant 8 pdh's, based upon section 10.3.6 of the Board's Rules and Regulations. The motion was unanimously carried.

NOAA's National Geodetic Survey – PAGES and ADJUST Workshop – Mr. Szymanski made a motion, seconded by Mr. Murray to table. Mr. Murray will review and provide a report at the next meeting. The motion was unanimously carried.

DELDOT – DELDOT Winter Workshop – Mr. Szymanski made a motion, seconded by Mr. Sellers to approve for 7 pdh's. The motion was unanimously carried.

ACSM- ACSM/MARLS/USLS/WFPS Annual Conference – Mr. Szymanski made a motion, seconded by Mr. Szczuka to table. Mr. Murray will review and provide a report at the next meeting. The motion was unanimously carried.

NJ Society of Professional Land Surveyors – SURVCON 2008/SURVCON 2009 – Mr. Szymanski made a motion, seconded by Mr. Sellers to table SURVCON 2008. Mr. Sellers will provide a report at the next meeting. The motion was unanimously carried. Mr. Szymanski made a motion, seconded by Mr. Murray to take the following actions on SURVCON 2009: History of Land Surveying and Measuring Tools, approved for 8 pdh's; Preparing and Presenting Land Use Projects, approved for 8 pdh's; Surveying the profession, approved for 3.5 pdh's; NGS Guideline for Real time positioning, approved for 3.5 pdh's; Citing business success beyond the basics, approved for 3.5 pdh's; Administrative Code..., denied as it is specific to New Jersey; Re-engineering surveyors and surveying businesses, approved for 3.5 pdh's; Grid to ground: practices and pitfalls, approved for 3.5 pdh's; Boundaries and Landmarks, approved for 8 pdh's; Everything you want to know about..., approved for 8 pdh's; GIS for the surveyor, approved for 3.5 pdh's; Live from NJ the original GPS, approved for 3.5 pdh's; Determination of mean high water, approved for 3.5 pdh's; Did you know there is no difference, approved for 3.5 pdh's; Utilities public and otherwise, approved for 3.5 pdh's;

Understanding OPUS, approved for 3.5 pdh's; Environmental Regulations update, denied as it is specific to New Jersey. The motion was unanimously carried.

Review of Application for Licensure by Reciprocity – James Henry

Mr. Henry is currently licensed in Pennsylvania. Mr. Szymanski made a motion, seconded by Mr. Sellers to approve the applicant to take the state Jurisprudence/Drainage Examinations. The motion was unanimously carried.

Review of Application for Licensure by Examination - None

Complaint Assignments – None

Correspondence –

Mr. Sellers has received a letter from Mr. Timothy Slavin, Division of Historical and Cultural Affairs. No action is needed at this time.

Other Business Before the Board (for discussion only)

Public Comment - None

Next Scheduled Meeting

The next meeting will be held on February 23, 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. Szymanski made a motion, seconded by Mr. Szczuka, to adjourn the meeting at 11:45 a.m. The motion was unanimously carried.

Respectfully submitted,

Debbie Heinsch



Administrative Specialist II