

**BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS  
MINUTES – June 23, 2015**

**MEMBERS PRESENT:**

David Titcomb, Chair  
Michael Sackett, Vice-Chair  
John Roberts  
Elwood Ellis, Complaint Officer

**STAFF PRESENT:**

Karen Bivins, Administrator  
Robert Perkins, Assistant Attorney General  
Kim Baker, Office Specialist I  
Deborah Fales, Office Specialist I  
Cathy Pendergast, Education Coordinator

**MEMBERS ABSENT:**

Diedra Perry  
Roderick Craib

**CALL TO ORDER**

The meeting was called to order at 8:33 a.m. by Chairman David Titcomb.

**AGENDA MODIFICATIONS**

A motion was made by Sackett and seconded by Roberts to add a discussion regarding language proposed by the Kentucky board of licensure regarding exclusions to the practice of surveying. Unanimous.

**OLD BUSINESS**

Action on Minutes of April 21,2015 Meeting

A motion was made by Roberts to approve the minutes of the April 21, 2015 meeting as corrected; seconded by Sackett. Unanimous.

**NEW BUSINESS**

Hearings

Adjudicatory Hearing – 8:30 a.m. John Mathieson 2015-LSU-10850

The hearing was opened at 8:45 a.m. by Hearing Officer Rebekah Smith. Mathieson was not present, and was not represented by an attorney. Assistant Attorney General Robert Perkins represented the State in this matter.

The State began its opening statement at 8:48 a.m. and Mr. Mathieson arrived at 8:59 a.m. Hearing Officer Rebekah Smith informed licensee that the hearing had already begun and that he should have a seat at the respondent's table and the hearing would continue. Public deliberations were conducted at the close of the hearing.

A motion was made by Roberts and seconded by Sackett, to find a violation of Count I: 10 MRS §8003(5-A)(A)(2) “*Any gross negligence, incompetence, misconduct or violation of ...the standard of practice while engaged in the occupation or profession for which the person is licensed*” by acting in an unprofessional manner with members of the public with whom you came into contact while working as a licensee, as described by Bonnie Waltz in her complaint in this matter. Titcomb, Roberts and Sackett voted in favor; Ellis abstained. Motion carried.

A motion was made by Sackett and seconded by Roberts to issue a Reprimand; a civil penalty of \$1500.00 payable within 6 months; and 90 day suspension in Count I. Titcomb, Roberts and Sackett voted in favor; Ellis abstained. Motion carried.

Adjudicatory Hearing – 11:37 a.m. Robert Greenlaw 2014-LSU-9774

The hearing was opened at 11:37 a.m. by Hearing Officer Rebekah Smith. Greenlaw was present, but was not represented by an attorney. Assistant Attorney General Robert Perkins represented the State in this matter.

A motion was made by Titcomb and seconded by Roberts, to find a violation of Count I: 10 M.R.S. § 8003(5-A)(A)(10) by your “*failure to produce any requested documents in the licensee’s possession or under licensee’s control concerning a pending complaint proceeding in any matter under investigation*” as per the request letter from Cathy Neumann to you, dated January 27, 2014. Titcomb, Roberts and Sackett voted in favor; Ellis abstained. Motion carried.

A motion was made by Titcomb and seconded by Roberts to issue a Reprimand; a civil penalty of \$500.00 payable within 90days in Count I. Titcomb, Roberts and Sackett voted in favor; Ellis abstained. Motion carried.

A motion was made by Sackett and seconded by Roberts, to find a violation of Count II: 10 M.R.S. § 8003(5-A)(A)(2) “*any gross negligence, incompetence, misconduct or violation of an application Code of Ethics or standard of practice while engaged in the occupation or profession for which the person is licensed*” by failing to provide a final plan to your client in accordance with your email to Cathy Neumann, dated October 27, 2014 at 3:33 p.m. Titcomb, Roberts and Sackett voted in favor; Ellis abstained. Motion carried.

A motion was made by Titcomb and seconded by Roberts to issue a Warning in Count II in which the licensee is strongly urged to set pins and final plan to be provided to client within 60 days of reinstatement of currently revoked license. Titcomb, Roberts and Sackett voted in favor; Ellis abstained. Motion carried.

A motion was made by Titcomb and seconded by Roberts, not to find a violation of Count III: 10 M.R.S. § 8003(5-A)(A)(2) by violating Board Rules, Chapter 90, Part 1(3) “*a licensee shall express professional opinions only when founded upon a thorough knowledge of the facts and a careful evaluation of the subject*” when you provided plans for your client on or about October 3, 2012, December 13, 2012 and December 17, 2012. Titcomb, Roberts and Sackett voted in favor; Ellis abstained. Motion carried.

Administrator's Report

None.

Complaint Officer’s Report

None.

Applications

The Board reviewed the application report provided by staff.

Correspondence and Communications

The Board briefly discussed a proposed language drafted by the Kentucky board of licensure regarding exclusions to the practice surveying and will discuss further at the next meeting.

Ellis requested permission to travel to the next NCEES Future of Surveying Task Force meeting scheduled for Fall 2015.

A motion was made by Titcomb and seconded by Roberts to authorize Ellis to attend the next NCEES Future of Surveying Task Force meeting scheduled for Fall 2015. Unanimous.

Next Scheduled Meeting Date

August 25, 2015

**ADJOURN**

Being no further business, the meeting adjourned at 2:00 p.m.

Respectfully submitted,  
Kim Baker, Office Specialist I