

BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS
MINUTES – January 19, 2016

MEMBERS PRESENT:

David Titcomb, Chair
Michael Sackett, Vice-Chair
James Nadeau
Elwood Ellis, Complaint Officer
Dierdra Perry
Roderick Craib

MEMBERS ABSENT:

None

STAFF PRESENT:

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

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 Titcomb and seconded by Sackett to add election of officers to the agenda. Unanimous.

OLD BUSINESS

Action on Minutes of October 27, 2015 Meeting

A motion was made by Perry to approve the minutes of the October 27, 2015 meeting; seconded by Sackett. Unanimous.

NEW BUSINESS

Administrator's Report

The administrator discussed disclosure issues with the Board. A motion was made by Ellis and seconded by Perry to establish a Board policy regarding disclosures as follows:

The Board authorizes staff to issue a Letter of Guidance without further review or approval by the Board when a licensee first discloses a criminal offense or disciplinary action by another Board when deemed necessary. The Letter of Guidance will be mailed directly to the Chair for signature and then forwarded to the licensee.

Complaint Officer's Report

2014-LSU-10328

A motion was made by Craib and seconded by Sackett to table the complaint pending receipt of further information. Ellis abstained; Craib, Sackett, Nadeau, Titcomb and Perry voted in the affirmative. Motion carried.

2015-LSU-11651

A motion was made by Sackett and seconded by Craib to issue a Letter of Guidance to include a reminder that final plans submitted to a client should be signed by the PLS or should be clearly identified as draft or preliminary. The Letter of Guidance is to remain in the licensee's file for 90 days.

Ellis abstained; Craib, Sackett and Perry voted in the affirmative; Nadeau and Titcomb opposed.
Motion carried.

A motion was made by Craib and seconded by Sackett to bring the matters to a hearing on February 23, 2016 in 2013-LSU-9163; 2015-LSU-10850; 2015-LSU-11626 and 2015-LSU-11697 for possible violations of the following provisions:

- 10 MRS §8003 5-A (A)(9) two separate counts;
- 10 MRS §8003 5-A (A)(7) one count for after suspension, and one count for after expiration;
- 10 MRS §8003 5-A (A)(1) fraud, deceit or misrepresentation - one count;
- 10 MRS §8003 5-A (A)(8) one count;
- 10 MRS §8003 5-A (A)(2) gross negligence, incompetence or misconduct – one count; and
- 10 MRS §8003 5-A (A)(2) by violating Code of Ethics, Ch 90 Part 2 §3, one count.

Ellis abstained; Craib, Sackett, Nadeau, Titcomb and Perry voted in the affirmative. Motion carried.

A motion was made by Craib and seconded by Nadeau to postpone the hearing in complaint numbers: 2013-LSU-9163, 2015-LSU-10850, 2015-LSU-11626, and 2015-LSU-11697, scheduled for February 23, 2016 if the following has occurred on or before February 12, 2016:

1. The licensee's website for his land surveying business has been taken down;
2. The licensee has refunded the fee paid by the complainant in case number 2015-LSU-11626; and
3. The licensee has not filed a renewal application. If he does, the application will be consolidated with the disciplinary hearing for determination by the Board.

The hearing is to be postponed until such time as the licensee may submit a renewal license application for the license that expired on December 31, 2015, or attempts to other wise become relicensed at which time the application will be consolidated with the disciplinary hearing. Ellis abstained; Craib, Sackett, Nadeau, Titcomb and Perry voted in the affirmative. Motion carried.

Applications

The Board reviewed the application report provided by staff.

Travel Requests

A motion was made by Titcomb and seconded by Perry to send Ellis and Nadeau to the 2016 NCEES Northeast Zone Interim Meeting April 21-23, 2016 in Burlington, VT.

Unanimous.

Correspondence and Communications

Exclusions to the Practice of Land Surveying

The Board discussed the proposed language drafted by the Kentucky board of licensure regarding exclusions to the practice of surveying. Ellis will revise the language to include Maine specific language for review at the next meeting.

Election of Officers

A motion was made by Sackett and seconded by Craib to elect Titcomb as Chair; Sackett as Vice-Chair and Ellis as Complaint Officer. Unanimous.

Next Scheduled Meeting Date

Tuesday, February 23, 2016

ADJOURN

Being no further business, the meeting adjourned at 10:30 a.m.

Respectfully submitted,
Kim Baker, Office Specialist I