



**BOARD OF EXAMINERS FOR LAND SURVEYORS
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243
615-741-2241**

**Meeting Minutes for May 16, 2024
First Floor Conference Room 1B
Davy Crockett Tower**

The Tennessee Board of Examiners for Land Surveyors met on May 16, 2024, and the following business was transacted:

BOARD MEMBERS PRESENT: Jay Caughman, Justin Rains, Gary Clark, Kevin Martin

BOARD MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Glenn Kopchak, Alexandria Griffey, Philip Allocco, Heidi Overstreet, Erica Smith, Stuart Huffman

CALL TO ORDER / ROLL CALL / NOTICE OF MEETING

Gary Clark called the meeting to order at 9:00 am and Director Glenn Kopchak took roll call.

AGENDA

Jay Caughman made a motion to adopt the agenda. This was seconded by Kevin Martin. The motion passed by unanimous voice vote.

MINUTES

Jay Caughman made a motion to adopt the February minutes. This was seconded by Kevin Martin. The motion passed by unanimous voice vote.

PROFESSIONAL SOCIETY REPORT

Jimmy Cleveland, Tennessee Association of Professional Surveyors (TAPS), gave a brief update to the board about the TAPS conference that took place on March 7 - 9, 2024. Mr. Cleveland related that Public Chapter No. 650 was signed into law on April 4, 2024. He further indicated that TAPS has received positive feedback through membership and other Land Surveyors.

RULEMAKING HEARING

The Rulemaking Hearing began at 9:08 am and ended at 9:28 am. A transcript of the proceeding will be made available upon receipt from the court reporter present.

ANNOUNCEMENT

Director Glenn Kopchak introduced the new Assistant Commissioner, Reid Witcher, to the Board.

The board broke for a ten-minute recess.

EDUCATION REPORT

Course Provider	Course Number	Course Name	Hours	Recommendation
Lucas & Co.	1223	Negligence VII	1.5	Approve
Alabama Society of Professional Surveyors	1224	The Art of Land Surveying	3.5	Approve
Alabama Society of Professional Surveyors	1225	Right-of-Way and Easement, finding, locating, and describing	7	Approve
Alabama Society of Professional Surveyors	1226	A Safety Course	3.5	Approve
Alabama Society of Professional Surveyors	1227	How I Do It	3.5	Approve
Alabama Society of Professional Surveyors	1228	Field Maintenance	3.5	Approve
Alabama Society of Professional Surveyors	1229	Effective Marketing of Professional Services for Surveyors	3.5	Approve
Alabama Society of Professional Surveyors	1230	Insurance Tips and Ethics	3.5	Approve
Surveyors Education Seminars	1083	Abandoning a Way	8	Approve
Lucas & Co.	1231	Negligence VIII	1.5	Approve

TAPS	1232	The Evolution of Early American Surveying Equipment	2	Approve
TAPS	1233	Writing Boundary Descriptions.	4	Approve
TAPS	1234	Surveyor's Notes for Plats	2	Approve
TAPS	1235	50 Ways to Make Your Surveys Better and Life Easier	4	Approve
TAPS	1236	The Surveyor in Court	4	Approve
TAPS	1237	The Art of Retracement	8	Approve
TAPS	1238	Managing Your Surveying Business in the 21 st Century	8	Approve
TAPS	1239	2025 Board of Directors Meeting	1.5	Approve
TAPS	1240	2025 TAPS General Membership Meeting	1.5	Approve
Lucas and Co.	1241	Boundary Establishment X	1.5	Approve
TAPS	1242	Riparian Rights on the Duck River – Case Study	2	Approve
TAPS	1243	Curious Case of the “Landlocked” Parcel – Case Study	2	Approve
TAPS	1244	TN Case Studies with a focus on Professional Negligence	2	Approve
TAPS	1245	TN Case Studies with nexus to 2024 TN Standards of Practice	2	Approve

Jay Caughman made a motion to approve all courses as listed on the education report. This was seconded by Justin Rains. The motion passed by unanimous voice vote.

APPLICATION REVIEW

Jay Caughman made a motion to deny the renewal application. This was seconded by Justin Rains. The motion passed by unanimous voice vote.

ELECTION OF OFFICERS

Jay Caughman made a motion to nominate Gary Clark for Chairman and Justin Rains as Vice Chairman. This was seconded by Kevin Martin. The motion passed by unanimous voice vote.

DIRECTOR'S REPORT

Budget Report

Director Glenn Kopchak summarized the revenues and expenses from January through March and drew attention to one item under expenditures. After reviewing the ledger, that expense was determined to be NCEES membership dues. Director Glenn Kopchak further noted revenue shows a net surplus due to renewals.

NCEES Annual Meeting

Jay Caughman made a motion to send all the land surveyor members to the NCEES Annual Meeting. This was seconded by Justin Rains. The motion passed by unanimous voice vote.

NCEES Southern Zone Meeting Update

Gary Clark provided a summary of the meeting relating that a large portion of the conference was about the proposal for an additional mapping science module for surveying. Gary Clark noted that the proposal has not garnered enough support yet to be included.

NCEES Emeritus Nomination

Jay Caughman made a motion to recognize Tim Lingerfelt as the Emeritus member for the Board. This was seconded by Justin Rains. The motion passed by unanimous voice vote.

PUBLIC COMMENT PERIOD RELATED TO ITEMS ON THE AGENDA

There were no public comments.

LEGAL

Legal Report (Presented by: Erica Smith)

1. 2023065801

Respondent:

License Status: Unlicensed

Disciplinary History: None.

Complainant is a licensed surveyor and Respondent is unlicensed. Complainant received a phone call on 12/5/23 about a survey that had their seal and electronic signature on it. Complainant could not recall working on the survey even though it had only been a couple of months since it had been signed and dated. Complainant then confirmed that they had never surveyed the tract of land related to the survey and realized Respondent had fraudulently imposed Complainant's credentials on the

documents and listed Complainant as the surveyor in responsible charge without Complainant's knowledge. Complainant approached Respondent about the survey and Respondent admitted they forged Complainant's credentials on the survey and documents. Complainant further alleges that the firm Respondent works for does not have a licensed surveyor on staff but continues to offer land surveying services to the public.

Respondent admits that they fraudulently placed Complainant's stamp/seal on a drawing that Respondent had not yet sent to them for review. Respondent states they had been working with Complainant for the last five months and would provide Complainant with data and drawings to review and then sign. Respondent states they did not get this drawing to Complainant in time and was under pressure from their client to get the survey done, so they "made a terrible mistake" and added the Complainant's seal and signature without their permission or review.

Counsel recommends issuing the maximum allowable civil penalty of \$1,000 for each of the following violations: engaging in unlicensed activity by completing survey work and creating a plat with a stamp/seal for a client (TCA § 62-18-101(b)); misconduct in the practice of land surveying by fraudulently stamping a plat with a seal of a surveyor without their knowledge (TCA § 62-18-116(a)(1)(B); affixing a seal/stamp to a document that was not prepared by the surveyor (TCA § 62-18-119(c)(1); fraudulently certifying that a survey and the work thereon was done by the registrant or under the responsible charge of the registrant (Rule 0820-04-.08(2) and (6), for a total civil penalty of \$4,000. Further, Counsel recommends opening a complaint against Respondent's employer to investigate whether they are offering land surveying services without a licensed land surveyor in responsible charge. Further, discuss the possibility of opening a complaint against the Complainant for allegedly working with Respondent in the past and allowing their seal to be stamped on surveys despite not being an employee of the same business or their responsible charge land surveyor. Complainant could be in violation of TCA § 62-18-119 and Rule 0820-04-.08.

RECOMMENDATION: Authorize a civil penalty of \$4,000 for violations of TCA § 62-18-101(b), TCA § 62-18-116(a)(1)(B), TCA § 62-18-119(c)(1), and Rule 0820-04-.08(2) and (6); open a complaint against Respondent's employer for possible unlicensed activity and operating without a licensed land surveyor in responsible charge; discuss opening complaint against Complainant

BOARD DECISION: Authorize a civil penalty against Respondent of \$4,000 for violations of TCA § 62-18-101(b), TCA § 62-18-116(a)(1)(B), TCA § 62-18-119(c)(1), and Rule 0820-04-.08(2) and (6); open a complaint against Respondent's employer for possible unlicensed activity and operating without a licensed land surveyor in responsible charge; issue a Letter of Instruction to the Complainant.

2. 2024013941

Respondent:

License Status: Active

First Licensed: 5/22/2021 Expires: 12/31/2025

Disciplinary History: None.

Complainant entered into a real estate agreement with his relative ("the buyer") to convey a portion of their land to the buyer for a cheap price. Complainant and the buyer closed on the sale of the land in January 2024. Complainant alleges the survey does not match up with what they expected. Complainant alleges they have been the victim of a "real estate scam" because Respondent and the buyer of the land are giving Complainant inaccurate information. An expert review was conducted.

The expert first notes that Respondent was hired by the buyer, not Complainant. The expert explains that a line was agreed upon between Complainant and the buyer to divide the property and Respondent conducted boundary work to locate the proposed subdivision line. When Respondent returned to set the final corners along the new lines, they were in a different location than Complainant expected. Complainant questioned the field crew and obtained Respondent's phone number at that time. Complainant further takes issue that one of the members of the field crew is also related to the buyer. Respondent confirms that they provided a preliminary subdivision exhibit depicting the initial agreed upon line between Complainant and the buyer. After beginning the subdivision process with the County, it was realized that the proposed new lot did not meet lot size requirements per zoning regulations. In a phone conversation with the buyer, Respondent described the issue and the solution of moving the southerly line deeper into the Complainant's property to achieve the correct minimum acreage, while also adhering to setback regulations. In this conversation, the buyer expressed their intention to relay the information to Complainant, as Complainant would ultimately sign the plat. Respondent described the plat signing process and advised that the buyer obtained Complainant's signature before recordation. Respondent advised that Complainant never contacted them but did receive calls from the County Sheriff's Deputy and Complainant's attorney.

Respondent advised that one of the field crew members was the cousin of the buyer's nephew and that in no way would have any bearing on the outcome of the survey work performed. Respondent also provided exhibits, "As Staked" reports for the corners set, and additional zoning information from the county.

The expert found no evidence of any violations and concluded the signed conveyances and plat clearly depict the lines as they relate to known and apparent landmarks on the property at issue. The expert opines that the communication between the buyer and Complainant is likely the root cause of the complaint. Counsel recommends dismissal.

RECOMMENDATION: Dismiss

BOARD DECISION: Concur

NEW BUSINESS

Jay Caughman informed the board that the PS Exam has been decoupled and that the public is now able to take the FS, PS, and TS Exam without prior approval from the board.

Jay Caughman made a motion to approve 2 PDHs. This was seconded by Justin Rains. The motion passed by unanimous voice vote.

ADJOURNMENT

The meeting adjourned at 11:03 a.m.