

**MINUTES
BOARD FOR PROFESSIONAL LAND SURVEYORS**

DATE: April 6, 2016
TIME: 10:00 a.m.

PLACE: 500 N. Calvert Street
Room 308
Baltimore, Maryland 21202

PRESENT: John Mettee, Chairman
Donald Ocker
Daniel Lavelle
John Jensen
Thomas Orisich

OTHERS
PRESENT: Steve Long, Executive Director
James Baseman, Assistant Executive Director
Milena Trust, Assistant Attorney General
Pat Simon, MSS
Matthew Brien

ABSENT: Brian Dunne

CALL TO ORDER

John Mettee, Chairman, called the meeting to order at 10:30 a.m.

MINUTES

A motion (I) was made by Don Ocker, seconded by Tom Orisich and unanimously carried to approve the minutes of the March 2, 2016 meeting as submitted.

COMPLAINT COMMITTEE REPORT

Don Ocker reported that he had information from the Complaint Committee that should be shared in an Executive Session. A motion (II) was made by Tom Orisich, seconded by John Jensen and unanimously carried to approve to reserve the Complaint Committee report until the Executive Session.

Don Ocker reported that complaints 16-LS-04 and 16-LS-05 were being investigated.

BOARD FOR PROFESSIONAL LAND SURVEYORS

April 6, 2016

Page 2

A motion (III) was made by Dan Lavelle, seconded by John Jensen and unanimously carried to approve the Complaint Committee Report.

NEW BUSINESS

John Mettee publically thanked Don Ocker for chairing the last Board meeting in his absence. In reviewing last month's minutes, Mr. Mettee remarked that he was not aware that Brian Dunne's term of service as a Board member had expired. Milena Trust said that Mr. Dunne has been a two year hold-over. Mr. Ocker reported that at the March meeting Mr. Dunne stated that he has personal responsibilities that preclude him from continuing for a full term and this statement was taken as a verbal resignation. It was remarked that a written resignation would be more formal and Mr. Dunne should probably put something in writing. Steve Long said that the Secretary's office would continue the vetting process for the appointment of a new consumer member to the Board.

Tom Orisich shared that he had received a telephone call from a professional land surveyor questioning the type of experience required for a candidate to be approved to take the exam. The licensee questioned if a candidate must have actual field experience to be approved to take the examinations. Mr. Orisich determined that field experience is required but it is not specifically stated in the regulation. Board members must rely upon the professional land surveyors who verify and endorse exam candidates' Reports of Professional Experience (RPE) forms. Mr. Orisich suggested to the caller that he could contact MSS regarding this, and if MSS is so inclined, they can put a motion or bill in place that further defines the requirements for field work. It was observed that the Board could, through regulation, address this issue to further define the type of experience required. John Mettee stated that in light of the pending passage of the education bill it would be prudent for the Board to review the subject matter again. It was acknowledged that minimum standards of practice are periodically reviewed. Mr. Mettee stated that this issue should be placed on next month's agenda to assess what is currently in the regulations.

John Mettee reported on the Joint Chairs Committee meeting, held on March 23, 2016. He stated that the budget was given to the Committee to review. It was noted that Fiscal 2015 was \$50,000 in the red because legal fees were incorrectly charged to the Board. Steve Long confirmed that the legal fees had been removed and that currently the budget was projected to be in the black. He added that the way the budget will be dispersed is changing during the next fiscal year, noting that rental payments will be spread out during the year to keep a better balance.

OLD BUSINESS

Matthew Brien appeared before the Board as requested. There were no questions or concerns. The Board thanked him for his appearance.

BOARD FOR PROFESSIONAL LAND SURVEYORS

April 6, 2016

Page 3

Don Ocker mentioned that during the last Board meeting there was a discussion regarding scope of practice issues, authoritative mapping, and photogrammetry. Mr. Ocker provided examples where Google mapping was used and found to be grossly incorrect in mapping specific sites.

Tom Orisich reported that he attended the TUGIS MSPS Geospatial Conference on March 15, 2016. He thought that it was a good conference and commented that the GIS community is starting to realize the value of surveying. Mr. Orisich said that the Photogrammetry Committee should reconvene to explore expanding the definition of authoritative mapping, maybe as soon as June 2016, but definitely after work on the CPC regulations is complete.

John Mettee offered that his involvement in the NCEES Technology Task Force has made it evident that there are going to be some tangible suggestions and changes to the language of the model law relative to language concerning "authoritative use". He agreed that there will be consideration given to reconvening the Mapping/Photogrammetry Committee when the CPC regulations are complete.

Mr. Orisich shared with the Board the terms "crowding" and "crowd sourcing" which were discussed during the conference. The terms refer to GIS reports that represent duplicate findings which are compiled and published on the internet and then considered an authoritative source on the respective subject matter. Mr. Mettee noted that these types of reports are admissible in court.

Tom Orisich revisited the recent letter sent by Milena Trust to the Baltimore City Office of Sustainability regarding the certification of FEMA elevation surveys. Mr. Orisich and Ms. Trust reported that they have not received a response to the letter. Mr. Orisich said that city, county and state officials should be reminded that elevation measurements fall exclusively under the authority of land surveyors. The Board is looking to resend the letter drafted by the Joint Chairs Committee and originally sent to Baltimore County regarding FEMA Certifications. Mr. Mettee has asked Pat Simon, of MSS, to provide a copy of this letter. If available, Mr. Mettee suggested that the letter be posted on the Joint Chairs website for maximum exposure.

Tom Orisich reminded the Board that he and Mr. Mettee will be attending the NCEES Northeast Zone meeting. Mr. Mettee confirmed that he will be a presenter at the meeting with respect to the Technology Task Force.

CORRESPONDENCE

The Board reviewed an email received from Robert MacWilliams, property line surveyor, regarding traverse points. This email was sent as a follow-up to the original email sent by Mr. MacWilliams on February 25, 2013 and initially answered by Milena Trust on April 15, 2013.

BOARD FOR PROFESSIONAL LAND SURVEYORS

April 6, 2016

Page 4

Mr. MacWilliams asked the Board to reconsider its previous response and define "traverse point" under Real Property §3-108(c)(8). Mr. MacWilliams argues that under the Professional Land Surveyors Act, it is the Board's responsibility to define the type of marker that must be used as a traverse point. Milena Trust stated that the Board has met its statutory duty and reiterated that the Real Property Article is not a part of the licensing framework regulated by the Board. John Mettee suggested that we respond in the same manner as before and invite Mr. MacWilliams to a Board meeting to discuss the issue further if necessary. Ms. Trust agreed to draft a response for Mr. Mettee's review.

Don Ocker pointed out that the term is antiquated and its initial definition is no longer in use and added that it does not matter what traverse points are called because there is no distinction between a traverse point and a reference marker. The Board's responsibility lies in defining survey markers and this is done in COMAR 09.13.03.02 and .03 Marker Specifications and Marker Identification. Mr. Orisich noted that the term "traverse points" is not always used, and could be interchanged with "reference points". He said that a traverse point is a survey marker, although all survey markers are not traverse points.

Mr. Orisich asked if this issue had been addressed through MSS and Pat Simon said that it has been discussed in meetings, but there are no action items at this point. He added that the methods for establishing a coordinate system 40 years ago has changed dramatically with GPS, so this may be an issue that needs to be explored.

EXECUTIVE DIRECTOR'S REPORT

Steve Long stated that his report will be shared in the Executive Session.

BOARD COUNSEL'S REPORT

Milena Trust informed the Board that House Bill 1457 (Education Bill) did well in the Senate. It looks as if the bill will pass. Ms. Trust agreed with John Mettee that the regulations need to be revisited when the bill passes.

MSS REPORT

Pat Simon thanked Tom Orisich for attending the TUGIS MSPS Geospatial Conference. He also thanked the Board for publishing Board meeting minutes on the website.

Mr. Simon reminded the Board of several upcoming events: the Spring Conference April 7 through 9, 2016 and the dedication ceremony for the replacement of the Mason – Dixon Crown Stone #40 on May 21, 2016. Mr. Simon invited the Board members to attend and a flyer was passed out to members.

BOARD FOR PROFESSIONAL LAND SURVEYORS

April 6, 2016

Page 5

It was mentioned that Barney Krucoff had recently stepped down as Chief of the Maryland Geographic Information Office. Kenneth M. Miller is currently the Acting State Geographic Information Officer.

EXECUTIVE SESSION

Motion (IV) was made by John Jensen, seconded by Tom Orisich and unanimously carried to go into Executive Session at 11:25 a.m. at 500 North Calvert Street, 3rd Floor Conference Room, Baltimore, Maryland 21202. This session is permitted to be closed pursuant to State Government Article, Title 10-508(a)(7). Upon completion of this session, the Board reconvened its public meeting at 12:05 p.m.

APPLICATIONS FOR REVIEW

The following application was approved for the LS exam: Matthew Tate.

One application for reciprocity was denied because the applicant needs education in minor engineering.

Following a review of the above applications by a minimum of two Board members, a motion (V) for approval was made and unanimously carried.

OTHER BUSINESS

The Board noted that the next Board meeting is scheduled for May 4, 2016 at 10 a.m.

ADJOURNMENT

There being no further business, a motion (VI) was made by Tom Orisich seconded by John Jensen and unanimously carried to adjourn the meeting at 12:10 p.m.

_____ Without Corrections

✓ _____ With Corrections

Signature on File _____

John Mettee, Chairman

Date: 5/4/2016