

LAND SURVEYORS SECTION MEETING

MINUTES

The Land Surveyors Section of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on August 5, 2004, at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia, with the following members present:

Doyle B. Allen
John R. McAden
W. R. Stephenson, Jr.

Staff present for all or part of the meeting were:

Marian H. Brooks, Program Administrator
Earlyne Perkins, Legal Assistant
Trisha L. Henshaw, Administrative Assistant

No representative of the Office of the Attorney General was present for the meeting.

Mr. McAden, Chair, called the meeting to order at 9:01 a.m.

Call to Order

Mr. Allen moved to approve the agenda as written. Mr. Stephenson seconded the motion which was unanimously approved by members: Allen, McAden, and Stephenson.

Approval of Agenda

Public Comment Period – No comments were made to the Section members.

Public Comment

Mr. McAden transferred the position of Chair to Mr. Allen and recused himself from the meeting.

Transfer of Chair

Mr. L. Gardner Blanks, complainant, addressed the Section regarding **File Number 2003-00982, William Robert Reeves, Jr.** Mr. Blanks indicated that he objected to the phrase "boundary line dispute" referenced in the Summary of the Informal Fact-Finding Conference because he indicated that there was no dispute with the neighbors, only with the surveyor. Mr. Blanks expressed his objections to the survey and his disappointment that he lost land as a result of the survey. As the presiding Board member at the Informal Fact-Finding Conference, Mr. McAden was not present during the presentation.

L. Gardner Blanks,
Complainant, File
Number 2003-00982,
William Robert
Reeves, Jr.

Mr. Shelby L. Spradlin, witness, addressed the Section regarding **File Number 2003-00982, William Robert Reeves, Jr.** Mr. Spradlin expressed several concerns with the survey as prepared by Mr. Reeves, including boundary line measurements, monuments used, and discrepancies with past surveys. As the presiding Board member at the Informal Fact-Finding Conference, Mr. McAden was not present during the presentation.

**Shelby L. Spradlin,
Witness, File Number
2003-00982, William
Robert Reeves, Jr.**

Mr. William Robert Reeves addressed the Section regarding **File Number 2003-00982, William Robert Reeves, Jr.** Mr. Reeves indicated his disappointment with the process due to the numerous opportunities the complainants have taken to disparage his work. Mr. Reeves pointed out that he did not answer questions posed by Mr. Spradlin because he was not his client in this matter. Mr. Reeves agreed with the Summary of Informal Fact-Finding Conference in that he should have shown the fences on the map; however, he disagrees with some of the charges against him. Mr. Reeves concluded by stating that while he has been disappointed with the process, he will accept the Consent Order. As the presiding Board member at the Informal Fact-Finding Conference, Mr. McAden was not present during the presentation.

**William Robert
Reeves, Jr., File
Number 2003-00982**

Mrs. Martha Blanks, complainant, addressed the Section regarding **File Number 2003-00982, William Robert Reeves, Jr.** Mrs. Blanks responded to Mr. Reeves' comments by stating that they asked Mr. Spradlin to help them due to Mr. Reeves' failure to talk to them about their concerns. As the presiding Board member at the Informal Fact-Finding Conference, Mr. McAden was not present during the presentation.

**Martha Blanks,
Complainant, File
Number 2003-00982,
William Robert
Reeves, Jr.**

Mr. Stanley E. Payne, III, addressed the Section regarding **File Number 2003-00142, Stanley E. Payne, III.** Mr. Payne stated that he performed a survey and, when asked, gave a fellow surveyor the worksheets for the survey. Mr. Payne stated that the document did not have a preliminary stamp, seal, or any other indicator, but he told the other surveyor that it was just a worksheet. During litigation involving the survey, the other surveyor testified that the worksheets provided by Mr. Payne were said to be draft, and indicated the same at the Informal Fact-Finding Conference. Mr. Payne acknowledged his error in not putting "draft" on the worksheets, but has worked to educate other surveyors regarding this regulation since he became aware of this requirement during the course of this matter. In closing, Mr. Payne pointed out that he has learned his lesson, and noted that he does not agree with Count III in the Summary of the Informal Fact-Finding Conference. As the presiding Board member at the Informal Fact-Finding Conference, Mr. McAden was not present during the presentation.

**Stanley E. Payne, III,
File Number 2003-
00142**

In regards to **File Number 2003-00982, William Robert Reeves, Jr.**, the Section members reviewed the Consent Order as seen and agreed to by Mr. Reeves, as well as the records of the Informal Fact-Finding Conferences held on June 9, 2004, and December 22, 2003, which includes the investigative file, transcripts and exhibits, Summary of the Informal Fact-Finding Conference, Consent Order, and the presentations by Mr. and Mrs. Blanks, Mr. Spradlin, and Mr. Reeves. Mr. Stephenson moved to recommend to the Board to accept the Consent Order, which cites a violation of 18 VAC 10-20-370.A of the Board's 1999 regulations. For this violation, a monetary penalty of \$1250 is recommended; however, in accordance with the terms of the Consent Order, Mr. Stephenson further recommended that the Board agree to waive imposition of \$1000 of the penalty if Mr. Reeves (i) reimburses to the Board investigative costs in the amount of \$300; (ii) moves and sets the iron pin in the northeast corner of the Raymond Waller/Ronnie Waller property; and (iii) submits a corrected plat to Mr. Blanks' attorney, with a copy to the Board, within 30 days of the entry of the Consent Order. Mr. Allen seconded the motion which was unanimously approved by members Allen and Stephenson. As the presiding Board member at the Informal Fact-Finding Conference, Mr. McAden was not present during the discussion or vote.

File Number 2003-00982, William Robert Reeves, Jr.

Regarding **File Number 2003-00142, Stanley E. Payne, III**, the Section members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference by the presiding Board member, as well as the presentation by Mr. Payne. After discussion, Mr. Stephenson moved to recommend to the Board to accept the violations in the Summary of the Informal Fact-Finding Conference, which include violations of 18 VAC 10-20-760.B.3 of the Board's 2002 regulations (Count 2) and 18 VAC 10-20-760.B.2 of the Board's 2002 regulations (Count 3). Further, Mr. Stephenson recommends that Count I regarding 18 VAC 10-20-760.B of the Board's 2002 regulations be closed with a finding of no violation. Mr. Allen seconded the motion which was unanimously approved by members Allen and Stephenson. Ms. Perkins stated that there were no prior violations involving Mr. Payne. Mr. Stephenson moved to recommend to the Board imposition of a monetary penalty of \$100 for Count 2 and a monetary penalty of \$200 for Count 3, for a total monetary penalty of \$300. Mr. Allen seconded the motion which was unanimously approved by members Allen and Stephenson. As the presiding Board member at the Informal Fact-Finding Conference, Mr. McAden was not present during the discussion or vote.

File Number 2003-00142, Stanley E. Payne, III

Mr. McAden returned to the room and resumed as Chair of the meeting. Mr. Allen then recused himself from the meeting.

Transfer of Chair

Regarding **File Number 2002-03653, Hubert T. Nash**, the Section members reviewed the Consent Order as seen and agreed to by Mr. Nash. Mr. Stephenson moved to recommend to the Board to accept the Consent Order, which cites violations of 18 VAC 10-20-370.C.2.d (Count 1); 18 VAC 10-20-370.C.2.m (Count 2); 18 VAC 10-20-370.C.2.o (Count 3); 18 VAC 10-20-760.B.1 (Count 4); and 18 VAC 10-20-370.A (Count 5), all from the Board's 1999 regulations. Mr. Stephenson further moved to recommend the following sanctions that were agreed to in the Consent Order: monetary penalty of \$200 for Count 1; monetary penalty of \$200 for Count 2; monetary penalty of \$200 for Count 3; monetary penalty of \$200 for Count 4; monetary penalty of \$200 for Count 5; and Board costs in the amount of \$300, for a total of \$1300. Mr. McAden seconded the motion which was unanimously approved by members McAden and Stephenson. As the presiding Board member at the Informal Fact-Finding Conference, Mr. Allen was not present during the discussion or vote.

File Number 2002-03653, Hubert T. Nash

Regarding **File Number 2004-01587, Mary Munson Root**, the Section members reviewed the Consent Order as seen and agreed to by Ms. Root. Mr. Stephenson moved to recommend to the Board to accept the Consent Order, which cites a violation of 18 VAC 10-20-740.D of the Board's 2002 regulations. For this violation, Mr. Stephenson recommended imposition of a \$500 monetary penalty that were agreed to in the Consent Order. Mr. McAden seconded the motion which was unanimously approved by members McAden and Stephenson. As the presiding Board member at the Informal Fact-Finding Conference, Mr. Allen was not present during the discussion or vote.

File Number 2004-01587, Mary Munson Root

Regarding **File Number 2004-01258, Howard Lee Vance**, the Section members reviewed the Consent Order as seen and agreed to by Mr. Vance. Prior to any discussion, Mr. McAden stated that he wished to recuse himself from the discussion due to his working relationship with the respondent. Mr. McAden then left the room. Mr. Stephenson recommended to the Board to accept the Consent Order, which cites violations of 18 VAC 10-20-780 (Count I); 18 VAC 10-20-760.B.1 (Count II); 18 VAC 10-20-380.B.2 (Count III); and 18 VAC 10-20-380.C.7 (Count IV), all from the Board's 2002 regulations. For these violations, Mr. Stephenson recommended imposition of the following sanctions that were agreed to in the Consent Order: monetary penalty of \$250 for Count I; monetary penalty of \$250 for Count II; monetary penalty of \$250 for Count III; and monetary penalty of \$250 for Count IV, for a total of \$1000. After Mr. Stephenson concluded his recommendations on this case, Mr. McAden returned to the meeting. As the presiding Board member at the Informal Fact-Finding Conference, Mr. Allen was not present during the discussion.

File Number 2004-01258, Howard Lee Vance

Regarding **File Number 2003-00291, Larry M. Culbertson**, the Section members reviewed the Consent Order as seen and agreed to by Mr. Culbertson. Mr. Stephenson moved to recommend to the Board to accept the Consent Order, which cites violations of 18 VAC 10-20-370.A (Count 1); 18 VAC 10-20-370.B (Count 2); 18 VAC 10-20-370.C (Count 3); and 18 VAC 10-20-370.D (Count 4), all from the Board's 2002 regulations. For these violations, Mr. Stephenson further moved to recommend imposition of the following sanctions that were agreed to in the Consent Order: monetary penalty of \$250 for Count 1; monetary penalty of \$250 for Count 2; monetary penalty of \$250 for Count 3; and monetary penalty of \$250 for Count 4, as well as Board costs in the amount of \$300, for a total of \$1300. Mr. McAden seconded the motion which was unanimously approved by members McAden and Stephenson. As the presiding Board member at the Informal Fact-Finding Conference, Mr. Allen was not present during the discussion or vote.

File Number 2003-00291, Larry M. Culbertson

Mr. Allen returned to the meeting.

Mr. Allen's Return

Mr. Stephenson moved to adopt the following Section meeting dates for 2005:

Set 2005 Meeting Dates

February 15, 2005
May 17, 2005
August 9, 2005
November 8, 2005

Mr. Allen seconded the motion which was unanimously approved by members: Allen, McAden, and Stephenson.

The Section members discussed the National Council of Examiners for Engineering and Surveying (NCEES) Annual Meeting scheduled for August 11-14, 2004, in Cleveland, Ohio. The Section members were provided with correspondence from NCEES in response to the Alabama Board pertaining to a resolution the Alabama Board previously proposed regarding the members appointed to serve on various NCEES committees. In addition, the Section members discussed the status of the development of the photogrammetry examination.

Discussion of NCEES Annual Meeting

The Section members were provided with correspondence from a licensee regarding surveys recorded by localities and legal descriptions pertaining to property surveys. After reviewing the correspondence and subsequent response from Eric Gregory, Assistant Attorney General at the Office of the

Other Business

Attorney General, the Section members agreed by consensus to direct staff to draft a response to the licensee.

Ms. Brooks notified the Section members that three new members had been appointed to the Board to replace members whose terms have ended.

Ms. Brooks also informed the Section members that the Summer 2004 edition of the Board's newsletter had been drafted and would be mailed to the Board members for review by the end of the week.

The Section members were provided with the resolutions to be considered at the NCEES Annual Meeting.

Conflict of Interest forms were completed by all members present.

Conflict of Interest
Forms

There being no further business, the meeting was adjourned at 10:32 a.m.

Adjourn



John R. McAden, Chair



Louise Fontaine Ware, Secretary

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Doyle B. Allen
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on August 5, 2004
5. Nature of Personal Interest Affected by Transaction: NONE

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Doyle B. Allen
Signature

8/5/04
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: John R. McAden
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on August 5, 2004
5. Nature of Personal Interest Affected by Transaction: Surveying
Item 7 on agenda - recused self do to working relationship.

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

Land Surveyors

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

John R. McAden
Signature

8-5-04
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: W. R. Stephenson, Jr.
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on August 5, 2004
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

SURVEYORS

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

WR Stephenson
Signature

8-05-04
Date