

ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
 DIVISION OF PROFESSIONAL REGULATION
 ILLINOIS LAND SURVEYORS LICENSING BOARD

MINUTES: Illinois Land Surveyors Licensing Board
 DATE: April 9, 2009
 TIME: 9:32 a.m.
 LOCATION: IDFPR Springfield Office, Room 202N

Board Members Present: Donald Bullard, Chairman
 David Phillippe, Vice-Chairman
 Richard Wavering, Member
 Duane E. Weiss, Member
 G. Thomas Green, Member

Board Members Absent: Joseph Stutz, Member

The Board Members present constituted a quorum of the Board.

Guests Present: William Coombs, representing the IPLSA

Staff Present: M. David Brim, Design Licensing Manager

Topic	Discussion	Action
Opening		Meeting was called to order at 9:32 am.
I.) Announcements/ Correspondence	<p>M. David Brim presented the Board with the following announcements:</p> <ul style="list-style-type: none"> • NCEES has sent out a notification of problems found by CPEES in regards to the “Washington Accord” agreement that ABET is a signatory to. As the Professional Land Surveyor Act and Rules do not recognize either ABET degree programs or utilize CPEES for foreign evaluations, this was information only for the Boards. • M. David Brim stated that he had no new information regarding the proposed changes to the Administrative Rules. The proposed changes were with the Department Rules Coordinator awaiting authorization to release them for publication in the Illinois Register for the first public review. The requirements for the minimum standards for writing parcel legal descriptions are part of the proposed changes. Brim stated that he would notify the members of the Board when the proposed changes were published. • M. David Brim stated that he had been told that there were no changes planned on the Jurisdictional Exam for this year. There has been no answer from the Department regarding the request of the Board to attend the proctoring of the exams as observers. 	Motion was made, seconded (Weiss/Wavering) and passed to adjust the agenda to move IV. A. 5 Land

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		Surveyors Act and Rules to the first item.
II.) Approval of Minutes	The Open Minutes of the January 8, 2009 meeting were reviewed and discussed.	Motion was made, seconded (Weiss/Green) and passed to approve the January 8, 2009 Minutes as written.
III.) Closed Session: A. Review of Closed Minutes B. Application Review		
Motion to go into Closed Session	Roll Call: Donald Bullard David Phillippe G. Thomas Green Richard Wavering Duane Weiss	Motion was made, seconded (Weiss/Green) and passed to go into Closed Session pursuant to Section 2c of the Open Meetings Act at 12:29 pm.
Motion to go into Open Session	<p>A. Review of Closed Minutes The Board reviewed the Closed Minutes of January 8, 2009 Motion was made, seconded (Weiss/Green) and passed to approve the Closed Minutes of January 8, 2009 as written.</p> <p>B. Application Review The Board reviewed 1 application pursuant to Sections 1270.5, 1270.10 and 1270.30 of the Rules for the Administration of the Illinois Professional Land Surveyor Act of 1989.</p>	<p>Motion was made, seconded (Wavering/Green) and passed to go into Open Session at 12:39 pm</p> <p>Motion was made, seconded (Green/Phillippe) and passed to accept the recommendations made in closed session</p>
IV.) Old Business A. Reports from Chairs of Subcommittees 1. Education & Continuing Education 2. Public Relations/ Government Affairs 3. Budget/Finance	<p>A. Reports from Chairs of Subcommittees:</p> <p>1. Education and Continuing Education: Duane Weiss stated that he will be on a panel for the standards of practice and ethics at the IPLSA annual meeting.</p> <p>2. Public Relations/ Government Affairs: Duane Weiss – No report.</p> <p>3. Budget/Finance: Duane Weiss – no report.</p>	Motion was made, seconded (Wavering/Green) and passed: There having been no reports for Public Relations/Government Affairs and Budget/Finance, these two committees are

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<p>4. Complaint Review Committee</p>	<p>4. Complaint Review Committee: Duane Weiss reported on the April 8 meeting: 1 case was reviewed. The Boards reported that they were all working on the Act sunsets. The PE Board was concerned about the Washington Accord and LEED certification – the PE’s believe that it requires a PE to do the calculations.</p> <p>In Prosecutions, there were 35 cases in the case load. Sylvia reported the following were currently in Investigations: Architect – 46 PE – 23 LS – 5 SE – 16 PDF – 53 Another 30 investigations were in the pipeline, but had not yet been listed.</p> <p>There will be a lot of informal conferences during the next Complaint Review meeting.</p> <p>The name of the committee has been changed to “Complaint Review Committee/Subcommittee”</p> <p>Donald Bullard reported on the March 12, 2009 meeting: Sylvia Perez had submitted a report on February 23, 2009 regarding the cases that were presented to the Complaint Review Committee in 2008.</p> <ul style="list-style-type: none"> • 244 cases were presented to the Committee for review • 87 investigated cases were closed • 87 new cases were opened • 70 investigated cases were referred to Prosecutions • There were 70 informal hearings held by Prosecutions with Board Members in attendance. <p>During the meeting, the Land Surveyors had 5 cases to review. 3 were referred to Prosecutions, 1 was closed and 1 referred to investigations with prosecution in mind.</p>	<p>struck from subsequent agendas.</p>
<p>5. Land Surveyors Act and Rules Committee</p>	<p>5. Land Surveyors Act and Rules Committee The Board reviewed the proposed changes to the Land Surveyor Act in both HB 2338 (submitted on behalf of the Department) and HB</p>	

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	<p>0575 (submitted on behalf of the IPLSA). The Board reviewed each of the proposed changes and discussed each issue. Mr. Coombs was asked for his interpretations as a representative of the IPLSA. The Board requested that M. David Brim submit their review to the Director. The following is a summary of the comments of the Board as recommendation to the Department.</p> <p>House Bill 2338</p> <p>Unless otherwise stated, the Board was either neutral or in favor of the changes proposed and had no recommendation to the Department.</p> <p>RECOMMENDATIONS TO THE DEPARTMENT</p> <ul style="list-style-type: none">• Page 5, lines 7 & 9: The Board is against this change and recommends that the word “written” be left in. <p>As a general recommendation, the Board recommends that the word “written”, wherever struck in the proposed Rules, be left in.</p> <ul style="list-style-type: none">• Page 5, lines 17-19: The Board is against this change and recommends that this wording be left in.• Page 7, line 6: The Board is against this change and recommends that the word “shall” be left in. <p>As a general recommendation, the Board recommends that the word “shall”, wherever struck in the proposed Rules, be left in.</p> <ul style="list-style-type: none">• Page 8, Line 2: The Board is against this change and recommends that the word “shall” be left in.• Page 9, lines 14 & 18: The Board is against this change and recommends that the word “written” be left in.• Page 11, lines 12-13: The Board is strongly against this change and requests that the issuance of a license as a Land Surveyor-in-Training be left in.• Page 11, lines 14-16: The Board is strongly against this change and request that the original language be reinstated. The Board believes that passage of the Fundamentals of Surveying and the 4 years experience AFTER that exam is required to meet the minimum qualifications for licensure.• Page 16, line 11: The Board is against this change and recommends that the word “shall” be left in.• Page 23, lines 7& 8: The Board approves	
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	<p>this change of wording and considers it a necessary addition to the Act.</p> <ul style="list-style-type: none"> • Page 35, lines 1-13: The Board is against this change and recommends that the wording be left in. Without this wording, there is no protection for the Board, expert witnesses, or any other person assisting the Department from litigation. • Page 37, lines 16-18: The Board is against this change of wording and requests that the original wording is left in, so that the Secretary must be subject to the “manifest weight of the evidence or law” and not simply disagree with the recommendation of the Board. • Page 40, lines 8-11: The Board strongly disagrees with this change and recommends that the original language requiring a written explanation with specifications for deviation be kept. • Page 42, lines 7, 11 & 15: The Board disagrees with the deletion of Land Surveyor-in-Training from this section and requests the original wording be retained. <p>House Bill 0575</p> <p>RECOMMENDATIONS TO THE DEPARTMENT</p> <ul style="list-style-type: none"> • Page 1, lines 8-17: The Board considers this to be redundant language as it repeats the definitions already stated further in the Act. • Page 1, lines 21-22: The Board is against the use of “real property” as no definition is included in the Act. • Page 2, line 11: The Board is against the use of “real property” as no definition is included in the Act. • Page 2, line 18: The Board is against the use of “map”. • Page 3, lines 15-19: The Board requests that this be stricken as it is already in the Act. • Page 3, line 22: The Board is against the use of “real property” as no definition is included in the Act. • Page 3, line 24: The Board is against the use of “real property” as no definition is included in the Act. • Page 3, line 26: The Board is against the use of “map”. 	
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	<ul style="list-style-type: none"> • Page 4, line 10: The Board is against the use of “real property” as no definition is included in the Act. • Page 4 line 26 – page 5, line 1: The Board is against this wording. The implication is that no complaint could be filed by a non-licensed land surveyor. • Page 5, Lines 23-25: The Board is against adding this requirement in this section. • Page 7, lines 4-14: The Board strongly disagrees with this diluting of the standards and requests that it all be struck. <p>General recommendations of the Board:</p> <ul style="list-style-type: none"> • The Professional Land Surveyor Licensing Board is against any dilution of the requirements of the Professional Land Surveying Act of 1989, lowering the standards of education, experience or examinations. • The Board is against allowing a Land Surveyor-in-Training that does not meet the minimum educational requirements of a Professional Land Surveyor. • The Board is against the removal of experience required after passage of the Fundamentals of Surveying (the requirement for a person to become enrolled as a Land Surveyor-in-Training). 	<p>Motion was made, seconded (Green/Wavering) that: The Board urgently recommends that as regarding HB 0575, the Sections 12 & 13 of the Act be retained as written in the current Act and that these changes be resisted by the Department.</p>
V.) New Business	No new business was brought to the Board.	
VI.) Signatures A. Action Sheets B. Travel Vouchers		The Board signed Action Sheets 09-0566 through 09-0569, 09-0761 through 09-0762, 09-1184
VII.) Adjournment		Motion was made, seconded (Wavering/Green) and passed to adjourn. Meeting adjourned at 1:25 pm