

**BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS**  
**MINUTES OF VIRTUAL MEETING**  
**October 24, 2023**

<b>MEMBERS PRESENT:</b>	<b>STAFF PRESENT:</b>
James Nadeau, Chair	Catherine Pendergast, Administrator
Jay Raitt, Vice-Chair	Samantha Morgan, Assistant Attorney General
Michaeline Mulvey, Complaint Officer	Regina Ritchie, Licensing Supervisor
Shep Sheppard	Shara Chesley, Office Specialist
<b>MEMBERS ABSENT:</b>	
None	

**I. CALL TO ORDER**

The meeting was called to order at 9:00 a.m. by Chairman James Nadeau.

**II. AGENDA MODIFICATIONS AND APPROVAL**

A motion was made by Mulvey and seconded by Raitt to accept the agenda as written. Unanimous.

**III. MINUTES REVIEW AND APPROVAL**

A motion was made by Mulvey and seconded by Raitt to approve the minutes of the June 27, 2023 meeting. Unanimous.

**IV. ADJUDICATORY HEARING**

2023-LSU-18980, 18981 Malcolm E. Harriman

Hearing officer Rebekah Smith opened the hearing at 9:11 a.m. Malcolm E. Harriman was present and representing himself. AAG Phil Mantis presented the case.

Public deliberations were conducted at the close of the hearing.

Michaeline Mulvey recused and stepped away from the meeting.

1. A motion was made by Sheppard and seconded by Raitt, that the evidence proved, by a preponderance, that allegation #1 occurred (10 M.R.S. § 8003(5-A)(A)(9) for noncompliance with a Consent Agreement of the Board). Unanimous.
2. A motion was made by Sheppard and seconded by Raitt, that the evidence proved, by a preponderance, pursuant to 10 M.R.S. § 8003(5-A)(A)(5) violation of Board Rules, Chapter 90, Part 2, Section 3 by failing to affirm in a written confirmation to his client the scope of his duty, fee or fee basis, and time period to complete the agreed upon services before beginning professional services. Unanimous.
3. A motion was made by Raitt and seconded by Sheppard, that the evidence did not prove, by a preponderance, pursuant to 10 M.R.S. § 8003(5-A)(A)(10) a violation for failing to produce any requested documents in Mr. Harriman's possession or under his control concerning a pending complaint of proceeding or any matter under investigation. Unanimous.

A motion was made by Sheppard and seconded by Raitt to issue a warning and probation for one year. Probations to include quarterly reporting of contracts issued and project status report. Unanimous.

A motion was made by Sheppard and seconded by Raitt to authorize newly elected Chair Raitt to sign the Decision and Order when it is written. Unanimous.

Hearing ended at 11:00 p.m. Recording was stopped.

Michaeline Mulvey rejoined the meeting.

#### **V. ELECTION OF OFFICERS**

A motion was made by Mulvey and seconded by Sheppard to elect Jay Raitt as Chairman. Unanimous.

A motion was made by Mulvey and seconded by Raitt to elect Shep Sheppard as Vice-Chairman. Unanimous.

A motion was made by Shepard and seconded by Raitt to re-elect Michaeline Mulvey as Complaint officer. Unanimous.

#### **VI. COMPLAINT PRESENTATIONS**

A. 2023-LSU-19183- A motion was made by Sheppard and seconded by Raitt to dismiss with a Letter of Guidance pursuant to Chapter 90, Part 2, Section 3 Paragraph 2. The Letter of Guidance is to remain in the licensee's file for one year. Raitt, Sheppard and Nadeau voted in the affirmative. Mulvey abstained. Motion carried.

B. Correspondence regarding 2022-LSU-18068-The board discussed the correspondence provided to the Board for review. The Board took no action on this item.

C. Correspondence regarding 2022-LSU-18498-The board discussed the correspondence provided to the Board for review. The Board took no action on this item.

#### **VII. ADMINISTRATOR'S REPORT**

A. A motion to approve the Limited delegation of Authority regarding Failure to Report Criminal Convictions/Discipline was made by Mulvey and seconded by Raitt. Unanimous.

B. The administrator discussed that the Office of Professional and Occupational Regulation is moving from the temporary space back to the office in Gardiner.

#### **VIII. PUBLIC COMMENT**

Once member of the public commented that he appreciated the Board's dedication. (Graham Blanchette)

#### **IX. MEETING SCHEDULE**

Next regular Board meeting is currently scheduled for December 19, 2023.

#### **X. ADJOURNMENT**

Being no further business, a motion was made by Sheppard and seconded by Mulvey to adjourn the meeting at 11:55 a.m. Unanimous.