



STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
**BOARD OF LICENSURE FOR
PROFESSIONAL LAND SURVEYORS**
35 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0035

Janet T. Mills
Governor

Anne L. Head
Commissioner

Public Board Meeting
Tuesday, October 24, 2023 at 9:00 A.M.
AGENDA

Location: 221 State Street, Augusta, ME 04330

Contact: Shara Chesley (207) 624-8521, shara.chesley@maine.gov

Room: Central Conference Room

I. CALL TO ORDER

II. AGENDA MODIFICATIONS

III. MINUTES REVIEW AND APPROVAL

Review and Approval of June 27, 2023 Minutes

IV. ADJUDICATORY HEARING

- 2023-LSU-18980, 18981 Malcolm E. Harriman

V. ELECTION OF OFFICERS

VI. COMPLAINT PRESENTATION

- A. 2023-LSU-19183
- B. Correspondence regarding 2022-LSU-18068
- C. Correspondence regarding 2022-LSU-18498

VII. ADMINISTRATOR'S REPORT

- Limited Delegation of Authority regarding Failure to Report Criminal Convictions/Discipline

VIII. PUBLIC COMMENT

Under this item, the Board will offer an opportunity to members of the public in attendance to comment on any public matter under the jurisdiction of the Board, except for any open application or complaint. While the Board cannot take action on any issues presented, the Board will listen to comments and may ask staff to place the issue on a subsequent agenda. At the discretion of the Board Chair, a time limit on comments may be set.

VII. MEETING SCHEDULE

Next meeting scheduled for December 19, 2023

VIII. ADJOURNMENT

BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS
MINUTES OF VIRTUAL MEETING
June 27, 2023

MEMBERS PRESENT:	STAFF PRESENT:
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	Jen Maddox, Board Clerk
	Shara Chesley, Office Specialist
MEMBERS ABSENT:	
None	

I. CALL TO ORDER

The meeting was called to order at 9:10 a.m. by Chairman James Nadeau.

II. AGENDA MODIFICATIONS AND APPROVAL

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

III. MINUTES REVIEW AND APPROVAL

A motion was made by Sheppard and seconded by Raitt to approve the minutes of the April 25, 2023 meeting. Unanimous.

IV. ADMINISTRATOR'S REPORT

A. Licensing Issue. A motion was made by Sheppard and seconded by Raitt to issue the license. Nadeau, Raitt, and Sheppard voted in the affirmative; Mulvey opposed. Motion carried.

B. Work Experience Request for PLS License. A Motion was made by Sheppard and seconded by Raitt to direct staff to respond that based on Chapter 50 Section 1 of Board Rules, an applicant for PLS licensure through the land surveyor-in-training pathway is required to demonstrate 24 months of full-time experience acquired while licensed as a Maine land surveyor-in-training. Unanimous

V. PUBLIC COMMENT

Technical difficulties prevented a public member from commenting. Public member was directed to email the administrator or board with comments to be shared with the Board at the next meeting.

VI. MEETING SCHEDULE

Next regular Board meeting is currently scheduled for August 22, 2023.

VII. ADJOURNMENT

Being no further business, a motion was made by Raitt and seconded by Sheppard to adjourn the meeting at 9:54 a.m. Unanimous.

Board of Licensure for Professional Land Surveyors

Limited Delegation of Authority to the Board's Administrator to Prepare Letters of Guidance for Resolving Complaints Involving Failing to Report Criminal Convictions and/or Disciplinary Action Within 10 Days

Effective Date: November 9, 2023

Expiration Date: November 8, 2025

Applicable Law

Pursuant to 10 M.R.S. § 8003(5-A)(A)(11), the Board has the authority to impose discipline against a licensee for “[a]ny violation of a requirement imposed pursuant to section 8003-G.” Pursuant to 10 M.R.S. § 8003(5-A)(F), “[t]he...board...may issue a letter of guidance or concern to a licensee as part of the dismissal of a complaint against the licensee. A letter of guidance or concern may be used to educate, reinforce knowledge regarding legal or professional obligations or express concern over action or inaction by the licensee that does not rise to the level of misconduct sufficient to merit disciplinary action.”

Pursuant to 10 M.R.S. § 8003-G(2) all licensees and applicants who are convicted of a crime or who have disciplinary action taken against an occupational or professional license must report such an event to the Office of Professional and Occupational Regulation no later than 10 days after the occurrence of the event.

Ongoing Issue

Licensees are required to report in writing to the Board any criminal conviction or disciplinary action against a professional license within 10 days of the conviction or the disciplinary action. Licensees sometimes fail to make appropriate reports to the Board during the specified timeframe. A licensee may make the required disclosure as part of the license renewal application when responding to various questions in the application. Very often that disclosure is being made more than 10 days after the event requiring the report to the Board.

Because the Board uniformly resolves these complaints by dismissing the matter along with issuing a letter of guidance reminding the licensee of the requirements described above, the Board believes that it would be appropriate and more efficient to delegate its authority to the Board Administrator to prepare letters of guidance for signature by the Board chair. The practical effect of this delegation of authority will be to avoid having to wait until the next Board meeting to resolve these complaints, thereby shortening the complaint resolution time and reducing the number of matters that the Board must address at its regular meetings.

Limited Delegation of Authority to Board Administrator

The Board delegates to the Board Administrator the authority to prepare a letter of guidance for signature of the Board chair, to be sent to a licensee when all of the following circumstances are present:

1. The licensee has reported to the Board a criminal conviction or professional discipline more than 10 days after either the conviction or the imposition of the discipline;
2. The only alleged violation of law is a failure to report the matter within 10 days as required by 10 M.R.S. § 8003-G(2); and
3. The licensee has not previously failed to report a conviction or discipline within 10 days.

The letter of guidance is to be placed in the licensee's file for a period of two (2) years from the date of the letter.

This limited delegation of authority will expire on the Expiration Date indicated above, at which time the Board shall review the actions taken pursuant to this Limited Delegation of Authority and determine whether to renew or modify this delegation.

Adoption

Adopted by the Board on October 24, 2023, by a vote of [] in favor ([]) and [] opposed.

Dated: October 24, 2023

James D. Nadeau, Chair