

INDIANA Registry of Soil Scientist Board – March 12, 2014

The Indiana Registry of Soil Scientist Board met at 10:00 AM on March 12, 2014 at the Daniels Turf Research at Purdue University. Members present were: Gary Steinhardt, Spence Williams, David Lefforge and John Bonsett. Member Don Ruesch was absent. Others in attendance were: Matthew Pearson, David Ortel, Randy Staley and Shane McBurnett.

The meeting opened with an introduction of the Board members and others in attendance.

The first order of business was to review and discuss written complaints filed against soil scientists Justin Bender and Shane McBurnett. Several complaint letters, submitted to the Board were read by Board members. Three letters of support solicited by Mr. McBurnett were also mentioned.

After discussion regarding Justin Bender, John Bonsett made a motion to revoke Justin Bender's registration. Gary Steinhardt seconded the motion and it carried 4 – 0.

After discussion regarding Shane McBurnett, Gary Steinhardt made a motion to send a letter of reprimand to Shane. This motion died for a lack of a second. John Bonnett made a motion to place Shane McBurnett on probation for six months. An Amendment to that motion was accepted which extended the probationary classification for three years and 4 months to coincide with Mr. McBurnett's next registration renewal date June 2017.

That motion was seconded by Spence Williams and carried 4 – 0.

Minutes of the December 9, 2013 meeting were approved as presented.

Matthew Pearson reported that there were no changes in the Financial report since that last meeting. Matt did report that an increase in revenue is anticipated with the upcoming renewal of registration.

CEU reports from several soil scientists were reviewed and approved.

In other business it was proposed that field training opportunities would be scheduled for April 30 and May 1 in Terre Haute and May 22 and 23 in Richmond. All soil scientists are encouraged to attend. David made a motion to approve funding for test holes at both locations. Gary seconded the motion which passed 4 – 0.

Dave made a motion that new, more durable cards for registration be provided. Spence seconded and motion carried 4 – 0.

The meeting adjourned at 12:45 pm.

John Bonsett, Director Health Department



Indiana Registry of Soil Scientists

Office of Indiana State Chemist; Purdue University
175 S. University St, West Lafayette IN 47907-2063
Phone: 765-494-1492; FAX: 765-494-4331
www.oisc.purdue.edu/irss



June 16, 2014

Mr. Justin Bender
17981 14B Road
Culver, IN 46511

Re: IRSS board findings from complaints and public hearing March 12, 2014

Dear Mr. Bender:

On March 12, 2014 the Board of Indiana Registered Soil Scientist held a public hearing to review complaints that had been brought to the board as well as a complaint from the board concerning your professional conduct.

Signed complaints against your actions were read during the public hearing. The Board complaint addressed the finding that you had been convicted of a felony. Following discussion of the complaints and felony, the Board voted to revoke your registration with the Indiana Board of Registration for Soil Scientists.

We are required to inform you of your right to appeal the board's decision.

IC 25-31.5-9-1

Administrative review of determination

Sec. 1. If requested, an administrative review of a determination made by the board under IC 25-31.5-3, IC 25-31.5-4, or IC 25-31.5-8 shall be conducted before an administrative law judge appointed by the natural resources commission or the director of the division of hearings under IC 14-10-2-2.

Any administrative review of a decision by the board under article IC 21-31.5-8 shall be taken to an administrative law judge appointed by the natural resources commission under IC 14-10-2-2 and shall be addressed as follows:

Director, Division of Hearings
Natural Resources Commission
Indiana Government Center North
100 North Senate Avenue, Room N501
Indianapolis, Indiana 46204-2200

You have Twenty (20) days from receipt of this letter to appeal the Board decision.

Sincerely,

David Lefforge
IRSS Board Chairman



Indiana Registry of Soil Scientists

Office of Indiana State Chemist; Purdue University
175 S. University St, West Lafayette IN 47907-2063
Phone: 765-494-1492; FAX: 765-494-4331
www.oisc.purdue.edu/irss



March 21, 2014
Mr. Shane McBurnett
1123 N 400 W
Rochester IN 46975

Re: IRSS board findings from complaints and public hearing March 12, 2014

Dear Mr. McBurnett:

On March 12, 2014 the Board of Indiana Registered Soil Scientist held a public hearing to review complaints that had been brought to the board as well as complaints from the board concerning your professional conduct.

At the end of the complaint review phase of the public hearing the board has decided that several of the issues within the complaints have been resolved but wants to encourage you to conduct yourself as a registered soil scientist in a professional manner when dealing with local health officials, contractors and clients. In doing so the board puts Mr. Shane McBurnett, Indiana Registered Professional Soil Scientist # 45, on probation until July 1, 2017.

Should the board have a properly filed complaint, which upon investigation proves that you have conducted yourself in an unprofessional manner; your soil scientist registration will be revoked.

We would also like to inform you of your right to appeal the board's decision.

IC 25-31.5-9-1

Administrative review of determination

Sec. 1. If requested, an administrative review of a determination made by the board under IC 25-31.5-3, IC 25-31.5-4, or IC 25-31.5-8 shall be conducted before an administrative law judge appointed by the natural resources commission or the director of the division of hearings under IC 14-10-2-2.

Any administrative review of a decision by the board under article IC 21-31.5-8 shall be taken to an administrative law judge appointed by the natural resources commission under IC 14-10-2-2 and shall be addressed as follows:

Director, Division of Hearings
Natural Resources Commission
Indiana Government Center North
100 North Senate Avenue, Room N501
Indianapolis, Indiana 46204-2200

You have Twenty (20) days from receipt of this letter to appeal the board's decision.

Sincerely,

David Lefforge
IRSS Board Chairman