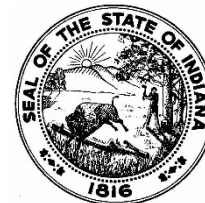




Indiana Registry of Soil Scientists
Office of Indiana State Chemist, Purdue University
175 S. University St., West Lafayette, IN 47907-2063
Phone: 765-494-1492; Fax: 765-494-4331
www.oisc.purdue.edu/irss



Indiana board of registration for soil scientists meeting minutes

IRSS Meeting 12/17/15

Purdue Extension - Johnson County
484 North Morton Street
Franklin, IN 46131

10 am

Board members present:

Dave Lefforge, Spencer Williams, Gary Steinhardt, John Bonsett & Tom Eickholtz via phone

Other present:

Curtis Turner, Randy Staley, Tom Adams, Randy Pease, Matt Pearson – OISC, Danny Starke – OISC, Bob Brewer – OISC and Jay Kelley - OISC

Meeting called to order at 10:04 am

Introductions were made around the room

Lefforge read the email complaint made by Mr. Horvath to the board. [See attached]

Lefforge then read the complaint investigation case summary 2015-0387; interview with Mr. Turner, which summarized multiple cases. [See attached]

Williams read the complaint investigation case summary 2016-0426. [See attached]

The board discussed the cases with Mr. Turner and others.

Lefforge read sections from the code of professional conduct that was signed by and agreed to by Turner on April 25, 2002 to become an Indiana registered as a professional soil scientist; 307 IAC 1-2-3:

Article II. Relation of Professional to the Public

3. Registered Soil Scientists shall be objective and truthful in professional reports, statements, and testimony.

4. Registered Soil Scientists shall not issue false statements or provide false information even though directed to do so by employer or client.

Article III. Relation of Professional to Employer and Client

9. A Registered Soil Scientist protects the interests of a client by recommending only products and services that are in the best interest of the client and public.

Article V. Duty to the Profession

2. A Registered Soil Scientist shall uphold this Code of Professional Conduct by precept and example and encourage, by counsel and advice, other Registered Soil Scientists to do the same.

3. A Registered Soil Scientist having positive knowledge of deviation from this Code by another Registered Soil Scientist shall bring such deviation to the attention of the Board.

Discussion followed:

Turner was asked about the Horvath case and details of when the soils evaluation was actually performed. He stated that he was not present during the evaluation (Wednesday September 16, 2015) but did drive by the site a week later to look at the topography and compare that to what the soils map indicated. The soils report was emailed to the Fulton County Health Department on Sunday September 20, 2015 with his signature on it. There is a written statement in the investigation file from both Mr. and Mrs. Horvath indicating that Mr. Turner was not present and the information on the soils evaluation is fraudulent. Complaint investigation case # 2015-1324 has another written statement from the property owner, Mr. Joe Coffin, stating that while the soils evaluation paperwork indicates that Mr. Turner was there but he was not present.

There were three other cases; #2016-0364, #2016-0366 & #2016-0426, in which each of the property owner could not identify Mr. Turner as being present during the soils evaluation. One complaint investigation, case # 2016-0353, reported that the property owner indicated that Mr. Turner may have been present during the evaluation.

Turner stated that the statement from Mr. Coffin, case # 2015-1324 was false because Mr. Coffin was not present during the soils evaluation. However the on-site soil report indicates that Mr. Coffin was there. [See attached] The on-site soil report for case # 2016-0426 states that Mr. Turner was not present during the investigation but it was signed by him. [See attached]

Turner stated that he feels that the Horvath complaint was a setup by competitors due to the details in the complaint, however he did admit that he was not present during the soils evaluation and only drove by the site.

Steinhardt commented that just looking at the topography of the site is nowhere near adequate to properly describe the properties of the soil at a site for a residential on-site sewage system as required by 410 IAC 6-8.3-56; Residential on-site sewage system rule. An on-site evaluation is critical.

Turner stated that he relies on the expertise of Shane McBurnett for the soil evaluations.

Turner commented that it seems to be his word against that of Mr. Brewer when it came to his presence at the site during the soils evaluations. The board pointed out that Mr. Brewer was the investigator and there were written statements from the property owners stating that Turner was not present and that during the interview with Mr. Turner, case # 2016-0387, Mr. Turner was unable to provide documentation that he was present nor did he present any evidence for the board's consideration at this hearing that he was present.

Following much discussion it was concluded that there were sufficient issues with the on-site soil reports that Lefforge read IC 25-31.5-8-6; Disciplinary actions from the professional soil scientist law;

Sec. 6. (a) The board may:

- (1) suspend the registration of;
- (2) refuse to renew the registration of;
- (3) revoke the registration of;

(4) reprimand; or
(5) place on probation;
and opened for floor for a motion.

Following additional discussion Williams motioned to revoke Turner's registration. The motion was seconded by Bonsett. Random discussion followed throughout the room until Lefforge called for a vote.

Williams, Bonsett & Lefforge voted aye while Eickholtz & Steinhardt were in favor of a suspension so they voted nay. The tally was 3:2 to revoke Turner's registration. Motion passes.

Pearson informed Turner of his right for an appeal stating that the formal process will be outlined in writing and sent to him.

This concluded the complaint hearing phase of the meeting

Regular business meeting:

Review of minutes from September 16, 2015 meeting. Lefforge motioned to amend to read; starting mid page 1, where the paragraph leads with:

A.L.L. had performed 2 soil evaluations and the 1st was rescinded by A.L.L. once that report had been not selected by the health department due to inconsistencies in conflict with other accounts of the site and adjoining sites with similar landscapes. However, since the report was submitted to the health department, it is valid as evidence to use in evaluating Curtis' signed report.

Motion was seconded by Steinhardt; motion passes

3 CEUg's were put in front of the board:

- Steve Wade: Motion to approve Steinhardt, seconded by Williams – passes
- Dave Tuszynski turns in his CEUg's annually and reported 6 hours. Review will be tabled until the board can review accumulated annual submittals to account for the required minimum of 45 hours.
- Robert C. Jones: Electronic copies of Jones's paperwork were not forwarded to the board and Eickholtz could not review. Since Jones does not expire until 2017 his CEUg approval was tabled until the next meeting.

A summary of IRSS expenses was presented to the board by Pearson.

- Cost for OISC investigation by Brewer & Kelley was \$3,017.70
- Motion to approve reimbursement to OISC for that amount Williams / Bonsett – passes

Outreach opportunities

Indiana Onsite Waste Water Professional Association conference is January 25th & 26th, 2016.

- Steinhardt will get a poster made and have some outreach materials.
- IRSS will be an exhibitor at the conference

Indiana Environmental Health Association Spring conference April 14, 2016

- IRSS needs to be at this conference
- IEHA Fall 2016 conference is September 26 - 28

Better ways to communicate with IRSS and related parties:

- Discussion of quarterly newsletters, facebook, twitter & others social media venues.
- Have an article in the Indiana Association of Professional Soil Classifiers (IAPSC) Pedestal

Spring CEUf planned for May 12th (invite only) and May 13th at the Throckmorton Purdue Ag Center, Lafayette IN.

With nothing further to discuss meeting adjourned at 12:48pm

DRAFT

Pearson, Matthew E

From: David Horvath <davidlhorvath@gmail.com>
Sent: Sunday, September 20, 2015 7:49 PM
To: Pearson, Matthew E; lora.ae41
Subject: Complaint against Turner & McBurnett

Greetings Mr. Pearson,

My name is Dave Horvath, and I am writing on behalf of my wife Lora and myself. On Wednesday 09/16/2015 Shane McBurnett and a young man named Kyle came to our house and performed a soil evaluation for us. Shane meet with my wife initially and I arrived home shortly after Shane had performed all his work. This was between 11:13am (can be verified from time stamp on text message from my wife's phone) and 12:00pm on Wednesday 09/16/2015. I stress the date again because on the report it is stated to be 09/15/2015 when the soil evaluation was done, which is false. My wife was at work on this date, she worked from 7am-7pm at the Rochester Base for Parkview Samaritan Emergency Response Helicopter. Time clock records can be produced if needed by your board. In this report he also stated that Curtis E. Turner, Shane McBurnett, Mrs. Horvath were present during investigation. This statement is also false as Curtis E. Turner was not present at the investigation on our property 09/16/2015. As I mentioned Shane had some young kid name Kyle, who had to move a vehicle so my wife could take our daughter to pre-K at approximately 11:40 am.

Mr. McBurnett lacked professionalism during his visit. When arriving at our house he immediately started to ask about where we were moving and telling my wife how bad the property would be and it would need a mound system without even looking at the property. He also proceeded to tell how unscrupulous everybody in the septic industry was in Marshall County and Kosciusko County, and suggested we only deal with the two companies he recommends. I grew up in Marshall county and I work Kosciusko, while I haven't dealt extensively with many septic companies, I've known people to deal with them and never heard any of the things Mr. McBurnett mentioned. He also made disparaging comments about Mr. Neal Brown of KCHD, which I can see from read the minutes of IRSS meeting minutes would probably stem from Mr. Brown filing a complaint against Mr. McBurnett. Now I don't know enough about the report that Mr. McBurnett has filed with the Fulton County Health Department, to know if what he claims about our soil and water table to be correct, but I do see from the meeting minutes on January 30, 2015 that Mr. McBurnett's registration was revoked and he is not to practice as a soil scientist. I also notice that Mr. McBurnett has a history of his work being questioned for accuracy. I will also file a complaint with the Fulton County Board of Health and be forced to retain a second opinion from a registered soil scientist. Please feel free to contact myself or wife for further information regarding this matter.

Sincerely,
Dave Horvath

574-952-1876 cell
3127 E 300 N
Rochester, IN 46975

Soon to be
1091 N. Prairiewood Dr.
Rochester, IN 46975

Lora Horvath
574-930-0012 cell
574-223-6800 home

CASE SUMMARY

Case #2016/0387

Complainant: Indiana Registration of Soil Scientist (IRSS)
175 S University Street
West Lafayette, IN 47907
765-494-1585

Respondent Curtis Turner Soil Scientist
2111 Spring Road
Hillsdale, Michigan 49242
317-379-8173

1. On October 22, 2015, I left a telephone message and sent an email to Mr. Curtis Turner requesting him to contact me regarding a soil scientist investigation. I called again on October 23, 2015 and made contact with Mr. Turner. I advised him I was conducting an investigation regarding A.L.L. Soil Consulting, LLC and Mr. Shane McBurnett conducting soil tests without Mr. McBurnett being a registered professional soil scientist or having a registered soil scientist present. Mr. Turner stated he worked with Mr. McBurnett and was present any time Mr. McBurnett conducted a soil test. I advised Mr. Turner I had some written statements from customers, stating Mr. McBurnett conducted the soil tests at their properties and Mr. Turner was not present. Mr. Turner stated the customers were lying. I then advised Mr. Turner I would like to sit down with him and give him the opportunity to provide documentation proving he was present during the soil tests. Mr. Turner stated he would have to get back with me to set up an appointment. I advised him I would like to meet with him the following week. He stated he had a doctor appointment the following Tuesday October 27, 2015, but would contact me the first of the week with a date he could meet with me.
2. On October 29, 2015 I had not heard from Mr. Turner. I left a telephone message for him advising him the IRSS board was ready to proceed with disciplinary action which could place his soil scientist registration in jeopardy. Mr. Turner called me later that same morning, stating he had contacted his attorney, Mr. Eldon Stoops, Jr. He stated he would be willing to speak with me at Mr. Stoop's office in North Manchester, Indiana. I advised Mr. Turner I would be happy to meet with him and his attorney. He stated he would contact Mr. Stoop's office and set an appointment. Mr. Turner contacted me and stated Mr. Stoops could meet with us on Thursday November 5, 2015 at 12:30 pm.
3. On November 5, 2015, Office of Indiana State Chemist Agent Jay Kelley and I headed to North Manchester, IN. At approximately 11:00 am, I received a telephone call from Mr. Stoops. He stated he had learned he had a court proceeding that afternoon and would not be able to be present at the meeting with Mr. Turner. He stated it was fine for us to speak with

Mr. Turner as long as we only discussed the five complaints in which I had written statements. I agreed with Mr. Stoops.

4. We arrived at Mr. Stoop's law office at 204 W Main Street in North Manchester, Indiana. We were met by Ms. Terri Mathias, legal assistant for Mr. Stoops. She stated Mr. Stoops requested she sit in and take notes during the interview with Mr. Turner. I advised her it was fine if she sat it. We then went upstairs and met with Mr. Turner. I identified myself to Mr. Turner with my state issued credentials and provided Mr. Turner with my business card. Agent Kelley did the same. Mr. Turner had his laptop computer in front of him and stated he had records on the computer.
5. I began by advising Mr. Turner we were involved at the request of the IRSS board. I advised him the board was concerned Mr. McBurnett was conducting soil test without proper registration or a registered professional soil scientist supervising the tests. Mr. Turner stated he and Mr. McBurnett have a work agreement where he oversees the reports from the soil tests conducted by Mr. McBurnett. Mr. Turner stated he gets a set fee from Mr. McBurnett. Mr. Turner stated he was aware Mr. McBurnett had electronically signed Mr. Turner's name at the bottom of the reports. I asked if he agreed the signature on the bottom of the report indicates the report is a true and accurate report. Mr. Turner stated he agreed. I then asked Mr. Turner if he claimed mileage when he travels to the locations of the soil tests. Mr. Turner stated he claims mileage on his personal tax return. I then asked Mr. Turner if he could provide documented proof he was at all of the soil test conducted by Mr. McBurnett, as he had previously advised me. He stated he had the reports on his computer and would have to check.
6. I advised Mr. Turner, I had five locations in question. I advised him the first one was from a complaint received from David and Lora Horvath of 3127 E 300 N Rochester, IN. (case # 2015-1326) I advised him they had stated the report they received from A.L.L. Soil Consulting, LLC indicated the test was conducted on September 15, 2015, but the soil test was actually conducted on September 16, 2015. I then advised him the report stated Mr. Turner, Mr. McBurnett and Mrs. Horvath were present. I advised him we were aware he was in southern Indiana at an IRSS hearing on September 16, 2015 and could not have been present at the Horvath residence. Mr. Turner stated he was at the hearing. He further stated the soil scientist business is very competitive. He stated the Horvath case was a set up in an attempt to get Mr. McBurnett and himself out of the business. He stated another man in the business, a Mr. Gary Hudson has been causing problems in the Fulton County area in an attempt to knock A.L.L. Soil Consulting, LLC out of business. I again asked Mr. Turner about the report stating he was present at the time of the soil test. He stated he came back a week later and reviewed the soil test conducted by Mr. McBurnett. I asked if it was common for him to return at a later date to review the soil tests. He stated yes he does go later to review tests conducted by Mr. McBurnett.
7. I then asked Mr. Turner about a report at 7620 E 500 N in Hamlet, IN. (case # 2015-1324) I advised him I have a signed written statement from Mr. Joe Coffin stating on July 3, 2015,

Mr. McBurnett and a younger man named Kyle conducted a soil test at his property. The report from A.L.L. Soil Consulting, LLC indicated Mr. Turner was present at the time of the soil test and his signature was on the bottom of the report. I advised Mr. Turner that Mr. Coffin stated Mr. Turner was not present at the time the soil test was conducted. Mr. Turner checked his computer and stated he had no record.

8. I then asked Mr. Turner about a report at 1411 E 750 S in Macy, IN. (case #2016-0366) I advised him Mr. Justin Baird stated Mr. McBurnett conducted a soil test on his property on June 24, 2015. Mr. Baird stated Mr. Turner was not present at the time the soil test was conducted. Mr. Turner checked his computer and stated the report shows he was present, but he could not remember being there.
9. I then asked Mr. Turner about a report at 464 W 100 S in Rochester, IN. (case # 2016-0354) I advised him Mr. Greg Carr stated Mr. McBurnett conducted a soil test on his property on March 4, 2015. Mr. Carr stated Mr. Turner was not present at the time the soil test was conducted. Mr. Turner checked his computer and stated he had the report, but he could not remember being there.
10. The last report I asked Mr. Turner about was at 214 W 9th Street in Rochester, IN. (case # 2016-0353) I advised him Mr. Ryan Baker stated Mr. McBurnett conducted a soil test on his property on April 27, 2015. Mr. Turner checked his computer and stated he could not find that report. No case summary was completed, due to Mr. Baker stating there was another gentleman present who could have been Mr. Turner.
11. I then advised Mr. Turner I had received another anonymous complaint that day regarding a soil test conducted by Mr. McBurnett for Turnock Septics in St Joe County. I advised him I had only spoken to Ms. Turnock and had no further information. Mr. Turner stated they are having problems with competitors in the St Joe county area attempting to put him and Mr. McBurnett out of business. I asked why the competitors would do this. He stated because he and Mr. McBurnett conduct a better test and provide a better report for less money. He stated he and Mr. McBurnett do not turn in competitors even though they know the competitors are not completing accurate soil tests.
12. I asked Mr. Turner if he and Mr. McBurnett work together on all soil tests. He stated they work together under A.L.L. Soil Consulting, LLC in the northern part of the state of Indiana. Mr. Turner stated he still has the business Shearwater. He stated his business is still operating out of his residence in Michigan, but he conducts business in the southern part of Indiana, mainly Madison and Johnson counties.
13. Agent Kelley then asked Mr. Turner if it is common practice for him to go to the locations of soil tests conducted by Mr. McBurnett at later times to review the work, as he stated he did at the Horvath's property. Mr. Turner stated the Horvath's test was the only one he had gone to at a later date. He stated it was an anomaly.

14. I advised Mr. Turner we were collecting information as requested by the IRSS board. I advised him I would compile the information into a case summary and submit it through the channels to the IRSS board.
15. Upon returning to my office later that same day, I had received emails from Mr. Turner. One email referred to his involvement as a lobbyist for the IRSS. The second email referred to two of the cases Mr. Turner did not have record of on his computer during our interview. He stated he found the Coffin case (2015-1324) in his Starke County records. He stated in the email it was a highly disturbed site and he was there to view it with Mr. McBurnett. The second was the Baker case (2016-0353) which he stated was in the city of Rochester and has city sewer. He further stated in regards to the Turnock report in St. Joe County, he stated a Tim Monaghan has been causing issues for quite a while. He stated he knows Mr. Monaghan has done several sites which are failing in major subdivisions in Granger, IN, but Mr. Turner and Mr. McBurnett generally do not conduct internecine warfare with their competition as Mr. Gary Hudson is doing with them. Copies of these email are in this case file.

Robert D. Brewer
Investigator

Date: November 9, 2015

Disposition:

This case summary will be provided to the Indiana board of registration for soil scientists for their review.



George N. Saxton
Compliance Officer

CASE SUMMARY

Case #2015/1324

Complainant: Indiana Registration of Soil Scientist (IRSS)
175 S University Street
West Lafayette, IN 47907
765-494-1585

Respondents: Shane McBurnett President
Curtis Turner Soil Scientist
A.L.L. Soil Consulting, LLC
PO Box 8202
South Bend, IN 46660
574-930-0518

1. On September 23, 2015, I received a complaint from Mr. Matt Pearson Fertilizer Administrator for the Office of Indiana State Chemist and administrative advisor for the Indiana board of registration for soil scientists, regarding Mr. Shane McBurnett conducting a soil test for Mr. Joe Coffin without being a registered soil scientist in the State of Indiana. The complaint further stated Mr. Curtis Turner's signature was on the soil test report, but allegedly was not on site at the time the soil test was conducted.
2. On September 24, 2015, I met with Mr. Joe Coffin at his business at 7620 E 500 N Hamlet, IN regarding the complaint that Mr. Shane McBurnett conducting a soil test without being a registered professional soil scientist in the State of Indiana.
3. Mr. Coffin advised me he was given the name of A.L.L. Soil Consulting, LLC by a friend. He stated he was preparing to build a residence on the property he owns at 601 E. Plymouth Street in Hamlet, IN. Mr. Coffin stated he contact A.L.L. Soil Consulting, LLC and requested a soil test. He stated Mr. McBurnett and a younger male named Kyle, he thought to be Mr. McBurnett's son, met him at the property on July 3, 2015 around noon to conduct the soil test. Mr. Coffin stated he witnessed Mr. McBurnett bore multiple holes in the property while conducting the test. Mr. Coffin stated Mr. McBurnett then entered the information into a laptop computer and submitted the results to the Starke County Health Department. Mr. Coffin stated he assumed Mr. McBurnett was a registered soil scientist, as he showed up and conducted the soil test. Mr. Coffin stated when he received a copy of the soil test report it stated on the report Mr. Curtis Turner was present during the soil test. Mr. Coffin stated Mr. Turner was not present when Mr. McBurnett conducted the soil test. Mr. Coffin further stated Mr. Curtis Turner's name was signed at the bottom of the soil test report, indicating Mr. Turner had conducted the soil test. Mr. Coffin stated he paid Mr. McBurnett \$200.00 cash for the soil test. He stated he did not receive a receipt from Mr. McBurnett. A copy of the A.L.L. Soil Consulting, LLC On-Site Soil Report for Residential Sewage Disposal System is in this case file.

4. I obtained a signed written statement from Mr. Coffin which is in this case file.

Robert D. Brewer
Investigator

Date: September 28, 2015

Disposition:

This case summary will be provided to the Indiana board of registration for soil scientists for their review.



George N. Saxton
Compliance Officer

DRAFT



REPORTS COMPLETED ON SITE
 Cell: (574) 930-0518
 allsoilconsulting@yahoo.com
 Shane L. McBurnett, President

**On-Site Soil Report
 for
 Residential Sewage Disposal System**

Date of assistance

3 July 2015

Person(s) requesting

Joe Coffin
 7620 East 500 North
 Hamlet, IN 46532

Telephone number

Cell: (574) 780-2961
 Email: Jcoffin1975@gmail.com

Name of owner

Same as above

Site location

North East corner of Plymouth Road and
 Maple Road in Hamlet

Legal land description

NE ¼, NE ¼, SW ¼, Section 19, T. 34 N, R. 1 W.

Soil survey

Starke County

Atlas sheet

6

Site geology

Inner Dune

Purpose of assistance

Residential Septic

Number of bedrooms

4

Persons present during investigation

Shane L. McBurnett, Curtis E. Turner, Kyle Dell, and Mr. Coffin

Stage of development

New Construction

Location of well or water source

All WELLS must be, at least, 50 feet from all components of the septic system.

Comments

Measurements are referenced by UTM coordinates, zone 16 WGS 84. Directional coordinates are referenced from the North West corner of the shed, in feet. 3 borings were observed to a depth of 84 inches. The soil was mapped as Maumee. All Borings are similar to Maumee.

-Water Table: 16" to 17"

The water table is similar on the entire property. This site was chosen because of the higher possibility of a drain tile to the North or West.

Given my present expertise of Soil Science, Soil Genesis, Soil Morphology, Glacial Geology, and Geomorphology in accordance with Federal, State, and Local regulations in addition to the information provided to me by the client, I **Curtis E. Turner** certify, to the best of my knowledge, that the information contained in this report is complete and accurate. The results of this on-site soil investigation reflect the soil properties, genesis, landscape evolution, and chemical data of the indicated boring locations. Investigations in other areas will reflect different results. This report does not pertain if there are any changes or alterations as a result of grading, filling, compacting, or any other disturbances that would otherwise destroy the soil properties described at the time this on-site investigation was completed. Duplication or alteration of this report by any party other than A.L.L.SOIL Consulting, LLC, renders this report invalid. This report is not valid unless signed by **Curtis E. Turner**, Employee of A.L.L.SOIL Consulting, LLC.

Curtis E. Turner

3 July, 2015

Curtis E. Turner
 ARCPAC - #383
 IRSS - RPSS #46

Date



CASE SUMMARY

Case #2016/0366

Complainant: Indiana Registration of Soil Scientist (IRSS)
175 S University Street
West Lafayette, IN 47907
765-494-1585

Respondent Shane McBurnett President
Curtis Turner Soil Scientist
A.L.L. Soil Consulting, LLC.
PO Box 8202
South Bend, IN 46660
574-930-0518

1. On October 22, 2015, I made contact with Mr. Justin Baird regarding a soil test conducted at his property located north of the intersection of CR 175 East and CR 750 South in Fulton County, Indiana on June 24, 2015. I asked Mr. Baird if he remembered A.L.L. Soil Consulting, LLC conducting the soil test at his property. He stated he did remember the soil test. I asked Mr. Baird if he remembered who was present during the soil test. He stated he remembered Mr. Shane McBurnett and a younger gentleman being present with him during the soil test. I asked Mr. Baird who conducted the soil test and he stated Mr. McBurnett conducted the test.
2. I then asked Mr. Baird if he remembered a Mr. Curtis Turner being present when Mr. McBurnett conducted the soil test. He stated he could not remember a Mr. Turner being present. I sent a photograph of Mr. Curtis Turner to Mr. Baird. Mr. Baird received the photograph and stated he did not recognize Mr. Turner as being at the property when the soil test was conducted.

Robert D. Brewer
Investigator

Date: November 18, 2015

Disposition:

This case summary will be provided to the Indiana board of registration for soil scientists for their review.



George N. Saxton
Compliance Officer

CASE SUMMARY

Case #2016/0387

Complainant: Indiana Registration of Soil Scientist (IRSS)
175 S University Street
West Lafayette, IN 47907
765-494-1585

Respondents: Shane McBurnett President
Curtis Turner Soil Scientist
A.L.L. Soil Consulting, LLC
PO Box 8202
South Bend, IN 46660
574-930-0518

1. On October 16, 2015, I met with Mr. Greg Carr at his residence of 1312 Rochester Boulevard Rochester, IN. I asked Mr. Carr if he remembered A.L.L. Soil Consulting, LLC conducting a soil test at his residence on March 4, 2015. He stated he did remember the test being conducted.
2. Mr. Carr stated in February 2015, he was given the name of Mr. Shane McBurnett to have a soil test conducted at his residence. He stated called and scheduled an appointment for the test with Mr. McBurnett. He stated Mr. McBurnett represented himself as a registered professional soil scientist as he stated he was licensed as a soil scientist and with the Better Business Bureau. He stated on March 4, 2015, Mr. McBurnett and two other gentlemen were at his residence when he returned home from work. He stated Mr. McBurnett was in his truck and the other two were in the yard collecting samples. He stated he and Mr. McBurnett walked out into the yard and watched a young man pull the samples. He stated he then wrote Mr. McBurnett a check for \$250.00. He stated no receipt was provided by Mr. McBurnett. I asked Mr. Carr if a Mr. Curtis Turner was present at the time of the soil test. He stated he did not recall that name. I presented a photograph of Mr. Turner to Mr. Carr and he stated he did not recognize the gentleman in the photograph being at his residence at the time of the soil test.
3. Mr. Carr stated on March 13, 2015, he received a letter from the Fulton County Health Department, rejecting the soil report, saying the company was not certified by IRSS. Mr. Carr stated he contacted Mr. McBurnett and was told by Mr. McBurnett that he received the letter also. Mr. Carr stated Mr. McBurnett told him he would get to the bottom of it and call Mr. Carr back. On March 17, 2015, Mr. Carr called Mr. McBurnett as he had not received the return call as promised. He stated Mr. McBurnett told him he was with his attorney and would call back.
4. Mr. Carr stated he had received no response from Mr. McBurnett as of March 20, 2015, so he called him again. After two attempts, Mr. McBurnett answered and became upset stating he

did not appreciate the added pressure Mr. Carr was putting on him. He stated he had conducted plenty of work in several other counties with no problems. Mr. Carr stated he reminded Mr. McBurnett he was the customer and had paid for a service he had not received. Mr. Carr stated Mr. McBurnett had no problem cashing the check on March 6, 2015. A copy of the cashed check is in this case file. I obtained a written statement from Mr. Carr which is in this case file.

5. On March 26, 2015 Mr. Carr received a text from Mr. McBurnett stated it was all up to the health department and they would just have to wait and see.

Robert D. Brewer
Investigator

Date: November 9, 2015

Disposition:

This case summary will be provided to the Indiana board of registration for soil scientists for their review.



George N. Saxton
Compliance Officer

CASE SUMMARY

Case #2016/0426

Complainant: Office of Indiana State Chemist
175 S. University St.
Lafayette, Indiana 47907
800-893-6637

Respondent: Curtis Turner
Shane McBurnett
A.L.L. Soil Consulting, LLC
PO Box 8202
South Bend, IN 46660
574-930-0518

Soil Scientist
President

1. On November 11, 2015, while reviewing an On-Site Soil Report for Residential Sewage Disposal System form dated February 17, 2015, by A.L.L. Soil Consulting, LLC, for clients Harry and Annette Gendler (5430 S. East View Park, Apt 3, Chicago, IL 60615) for the property site located at 3420 South 800 East, Knox, Indiana (46534), I noticed on the form in the section list as “persons present during investigation” listed only Shane L. McBurnett and Mr. Gendler. However, the form was electronically signed by Curtis E. Turner. A stamp in the upper right hand corner of the form states, “*Reports Completed On Site*”.
2. On November 19, 2015, I contacted Mr. Gendler via telephone. Mr. Gendler stated he hired A.L.L. Soil Consulting, LLC, to conduct the soil testing for the new home construction at the Knox, Indiana address. Mr. Gendler stated he remembered Mr. McBurnett and possibly a second individual at the Knox, Indiana site on February 17, 2015. I asked Mr. Gendler if I emailed him a picture of an individual could he tell me if the individual was present during the soil testing on February 17, 2015.
3. On November 19, 2015, I sent Mr. Gendler an email with a picture of Curtis Turner to identify as the possible second individual at the soil testing on February 17, 2015.
4. On November 30, 2015, I sent Mr. Gendler a text message with a picture of Curtis Turner requesting Mr. Gendler verify the picture. Mr. Gendler immediately called me back stating he had not received my initial email. Mr. Gendler requested I re-submit my email. Mr. Gendler stated he did not remember the individual (Turner) as the second person at the soil testing. Mr. Gendler followed up with a text stating, “*To the best of my abilities I can not recall ever meeting this gentleman.*” Mr. Gendler was referring to the picture of Curtis Turner.
5. On December 1, 2015, I received an email from Mr. Gendler stating he did not remember the gentleman in the picture. Mr. Gendler stated he paid Mr. McBurnett \$250.00 by check.

Jay Kelley
Investigator

December 1, 2015

Disposition:

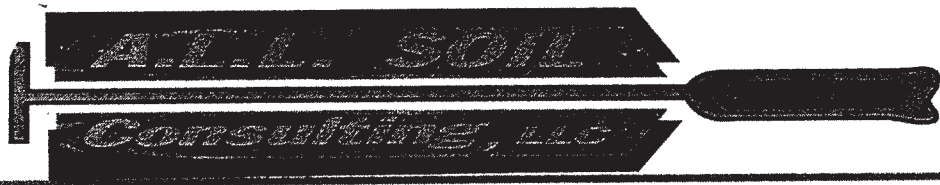
This case summary will be provided to the Indiana board of registration for soil scientists for their review.



George N. Saxton
Compliance Officer

CC
Harry Gendler
gendlerh@ix.netcom.com

DRAFT



REPORTS COMPLETED ON SITE
Cell: (574) 970-0510
allsoilconsulting@yahoo.com
Shane L. McBurnett, President

9709

On-Site Soil Report for Residential Sewage Disposal System

Date of assistance

17 February 2015

Person(s) requesting

Harry and Annette Gendler
5430 S. East View Park, Apt 3
Chicago, IL 60615

Telephone number

Cell: (312) 342-7001
Email: gendlerh@ix.netcom.com

Name of owner

Same as above

Site location

3420 South 800 East
Knox, IN 46534

Legal land description

SE ¼, SE ¼, NW ¼, Section 4, T. 32 N, R. 1 W.

Soil survey

Starke County

Atlas sheet

32

Site geology

Eolian Sand Dune

Purpose of assistance

Residential Septic

Number of bedrooms 3

Persons present during investigation

Shane L. McBurnett and Mr. Gendler

Stage of development

New Construction

Location of well or water source

The WELL must be installed, at least, 50 feet from the proposed leach field area.

Comments

Measurements are referenced by UTM coordinates, zone 16 WGS 84. 3 borings were observed to a depth of 84 inches. The soil was mapped as Brems. All Borings are similar to Denham.
-Apparent Water Table: 50" to 68"

Given my present expertise of Soil Science, Soil Genesis, Soil Morphology, Glacial Geology, and Geomorphology in accordance with Federal, State, and Local regulations in addition to the information provided to me by the client, I Curtis E. Turner certify, to the best of my knowledge, that the information contained in this report is complete and accurate. The results of this on-site soil investigation reflect the soil properties, genesis, landscape evolution, and chemical data of the indicated boring locations. Investigations in other areas will reflect different results. This report does not pertain if there are any changes or alterations as a result of grading, filling, compacting, or any other disturbances that would otherwise destroy the soil properties described at the time this on-site investigation was completed. Duplication or alteration of this report by any party other than A.L.L.SOIL Consulting, LLC, renders this report invalid. This report is not valid unless signed by Curtis E. Turner, Employee of A.L.L.SOIL Consulting, LLC.

Curtis E. Turner

17 February, 2015

Curtis E. Turner
ARCPAC - #383
IRSS - RPSS #46

Date

#9709

