



Department of Business and Professional Regulation FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS



JANUARY 1996

BOARD MEMBERS
Professional Members

Margarita Weidener, P.L.S.
Chair - Miami

Eugene W. Stoner, P.L.S.
Vice-Chair - Ft. Lauderdale

Patricia Gail Oliver, P.S.M.
St. Augustine

David W. Gibson, P.S.M.
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Bradenton

Jim Davis
Tallahassee

BOARD COUNSEL
Virginia Daire
Assistant Attorney General
Lealand McCharen
Assistant Attorney General

EXECUTIVE DIRECTOR
Angel Gonzalez, Ph. D.

ADMINISTRATOR
Carrie Flynn

MEETING DATES & PLACES

GIS/GPS Committee Meetings
May 22, 1996 - Tampa

Board Meetings
May 23-24, 1996 - Tampa
September 26-27, 1996 - Orlando

BOARD OFFICE
1940 North Monroe Street
Tallahassee, Florida 32399-0756
Phone: (904) 488-9912
Fax: (904) 922-2918

LICENSE STATISTICS
Active Surveyors and
Mappers 2,481
Active Certificates of
Authorization 806

This is the Board's second own newsletter. The response to the first newsletter was very positive. Comments like "It's great! It's Informative, to the point, and only takes about 10 minutes to read." were received by the Board. Another response was "The format is simple, get the facts, no frills, informative, and inexpensive letter is appropriate and effective." The Department is very supportive of the Board preparing its newsletter and has assured the Board that each issue will be printed and mailed in a very timely manner.

On January 4, 1996, the Board conducted a telephone conference call. The purpose of this telephone conference call was to review the transcript of the public hearing for rule changes which was held on December 1, 1995, to review letters of commentary and to review the recommendations on Rules prepared by Ms. Daire. Later in the newsletter is a summary of the actions taken at this telephone conference call.

On January 25, 1996, the Board heard seventeen disciplinary cases that were being prosecuted against licensees and business entities by the Department of Business and Professional Regulation. The majority of the cases involved alleged misconduct and violations of MTS, some of which were sufficient to constitute negligence or incompetence in the practice of surveying and mapping, four cases concerned certificates of authorization, two cases involved failure to comply with the terms of a final order of the Board. Six informal hearings were held for application denials and there was one appearance for reinstatement of a license.

On January 26, 1996, Probation and Continuing Education Committee meetings were held in the morning. Following the Committee meetings the Board approved prior minutes, heard reports from Board Counsel, the probation committee, the application committee, the examination committee, the N.C.E.E.S. committee, the legislative committee, the A.C.S.M. liaison, the finance committee, the Surveyor/Engineer liaison, the newsletter committee, the probable cause panel, the secondary education committee, and the ad hoc committee on GIS/GPS. The Board also considered several letters and staff reports.

The meeting began on Thursday morning at 10:00 a.m., and ended on Friday afternoon at about 4:30 p.m. The Agenda for this Board meeting was one the heaviest the Board has had for many years. This was due in part to the Board cutting back to three meetings per year instead of four due to available funding to hold Board meetings.

COMMITTEE TO CONSIDER GIS/GPS

On October 9, 1995, November 6, 1995, and on January 8, 1996 committee meetings were held throughout the state to hear input from GIS/GPS practitioners and surveyors and mappers to explore the interplay between the two professions, and consider how they impact on each other. Committee members are Maggie Weidener, Gene Stoner, Gail Oliver, Dave Gibson, and Chuck Woodward. Mr. Leland McCharen has been Counsel for this committee. Following is a summary of the Draft Position Statement which came out the last committee meeting on January 8, 1996:

Committee Recommendation #1: That the education and experience section of the existing Ch. 472 F.S. should be studied to find methods of bringing a broader sector of four-year degrees into the registration process, for example, geography degrees. In addition, the Board should look at methods of documenting areas of expertise, perhaps through Continuing Education provisions.

Committee Recommendation #2: It is unclear whether the following activities fall under Ch. 472 F.S., but the Committee feels they are outside of the regulatory interest of the Board of Professional Surveyors and Mappers.

1. Measuring and mapping items of a resource nature for purposes of managing that resource (examples of resources; forest, grassbeds, ground water distribution, game management plans, accident locations for safety analysis).

2. Measuring and mapping thematic data for scientific study or geographic analysis (examples of thematic data; botany, soils, geology, hydrology).
3. Producing photo images (digital or hard copy) that are presented in such a way that the public cannot extract absolute positions of displayed features (examples of absolute positions; state plane, latitude and longitude, or Universal Transverse Mercator).
4. Secondary mapping relying exclusively on archival information, converting maps from one form to another, and performing cartographic manipulation (examples of secondary mapping and map conversions; appraisal parcel mapping, digitizing, applying cartographic warping functions, scale and orientation changes).

CHANGES TO RULES HAVE BEEN ADOPTED

The Board has been considering changes to MTS for over a year. Professor Gibson had been leading the way through these changes. The Board voted at the September meeting to approve the proposed changes. A hearing was requested and subsequently held on December 1, 1995.

At the January 8, 1996 telephone conference call the Board voted to adopt 61G17-6.0031 with the provision that the statement "This survey does not reflect or determine ownership" be withdrawn from the rule. Discussion will be held at the May Board meeting regarding this statement. If you would like to make comments regarding this statement you may provide them in writing to the Board office or plan to attend the May Board meeting.

At the same telephone conference call the Board also adopted the following rule: 61G17-2.005 - Statement Regarding Lack of Insurance. In addition to the office sign required by Section 472.015, F.S., if neither the business entity nor the individual licensee has professional liability insurance, the map and the report, if there is a report, must contain the following printed statement in letters at least 1/8" high: The survey depicted here is not covered by professional liability insurance.

The Board also voted to adopt 61G17-9.0025 - Penalties, with the amendment suggested by the Joint Administrative Procedures Committee and 61G17-9.004 - Citations.

You may get a copy of the revised rules by contacting the Board office after April 15, 1996. The Board understands there will be a transition period for the revised MTS so between now and June 30, 1996 either set of MTS will apply. After June 30, 1996 full compliance with the revised MTS will be required.

CHANGES TO 61G17-4 LAND SURVEYING EXAMINATION

There have been concerns by the examination committee about the low pass rate on the Florida Jurisdictional portion of the Land Surveying Exam. The pass rate for that portion of the 10/95 examination was 19%. Based on the recommendation by the examination committee the Board approved changing 61G17-4.001 to allow for the Florida Jurisdictional portion of the examination to be given the day before the NCEES Principles and Practices Examination. It is anticipated that the Florida Jurisdictional portion will be administered on Thursday afternoon, NCEES Principles and Practices on Friday and NCEES Fundamentals on Saturday. The length of time for the Florida Jurisdictional portion of the examination was also extended from two hours and fifteen minutes to three hours and thirty minutes.

RULE 61G17-2.0013 ADDRESSES CONFLICTS OF INTEREST

Licensees, whether individuals or business entities, may not engage in any business or professional conflict of interest unless the licensee makes full written disclosure of the conflict to all parties concerned and receives written acknowledgment of the existence of the conflict from all parties concerned.

RULE ADDRESSES PRACTICING OUTSIDE A LICENSEES AREA OF EXPERTISE

With the change to Ch. 472, F.S. to include photogrammetry there is concern about practice outside of the area of expertise of a licensee. Rule 61G17-2.001(6)(b)2 and 61G17-2.001(c) prohibit such practice. The Board has received letters from licensees complaining about other licensees practicing outside their area of expertise. It is up to the profession to report these violations to the Department of Business and Professional Regulation. The Department is the entity which is legally empowered by the Legislature to prosecute violators. To report a possible violation call 1-800-342-7940 to obtain information on how to file a complaint.

DISCIPLINARY ACTION REPORTED

At its January meeting, the Board accepted settlement stipulations between the Department of Business and Professional Regulation and the following licensees against whom the Department had filed complaints: William C. McCanly (LS 0001543), Myron Eugene Barker (LS 0005085), Fredlund and Packard Land Surveyors (LB 0002686) and Richard L. Shepard & Associates (LB 0002102) all resulting in fines; Norman A. Pahl (LS 0001349) resulting in fine, suspension with suspension stayed to allow for a period of probation including an MTS seminar; Jerry Robert Cartwright (LS 0004525) resulting in a letter of reprimand; Ralph Swerdloff (LS 0003411) and Kenneth Hart (LS 0002934) both resulting in a fine, suspension with suspension stayed to allow for a period of probation, probation including an MTS seminar and survey review. The Board rejected a proposed settlement stipulation between the Department and Richard G. Williams (LS 0004752) but offered a counterproposal which, if accepted by both the Department and Williams, will resolve the disciplinary case between them. Informal hearings were held for Theodore Carl Boldt (LS 0002387) and Ernisto Espinosa (LS 0002946) resulting in a fine, suspension with suspension stayed to allow for a period of probation, probation including an MTS seminar and survey review. Informal hearings were also held for Laythel Shane Coffell (LS 0004138) resulting in a fine and revocation and Lars Dohm (LS 0002358) resulting in revocation. The Board accepted the Department's Motions for Default and imposed penalties for Robert H. Gerber (LS 0003459) resulting in a fine and revocation and Edward B. Lyon (LS 0002657) resulting in a fine and suspension with suspension stayed to allow for payment of the fine. The Board accepted recommended orders from the Division of Administrative Hearings for John D. Holt (LS 0002665) resulting in revocation and Andrew T. Edgemon (LS 0002347) resulting in a fine. By and large, the licenses that were revoked were for the licensees failure to comply with a previously entered final disciplinary order of the Board.

At the probation committee meeting, the Board reviewed surveys for Richard Yarb (LS 0003415), because of a communication problem between Mr. Yarb and the Board office Mr. Yarb will be submitting a third set of surveys for review. Also the committee ruled to extend the length of time for the MTS seminar for Gary Burden (LS 0003691) since MTS seminar providers have just begun to start teaching MTS after waiting for adoption of the revised rules. There was also some confusion with the settlement stipulations of Gordon F. Killion (LS 0003138) and Mason Wharton (LS 0003029) which Board Counsel Leland McCharen will be resolving by reissuing final orders.

In other action, William A. Carmelia appeared before the Board to request reinstatement of his license. Mr. Carmelia had meet the terms of the Final Order by obtaining 48 hours of continuing education credits and also completing 48 hours of continuing education credits for the renewal cycle of 1993-1995. The Board granted Mr. Carmelia's request.

COMPLAINT REPORT

Total complaints received by the Department of Business and Professional Regulation

Fiscal Year : Number of Complaints

89/90 : 80	90/91 : 117	91/92 : 105	92/93 : 115	93/94 : 248	94/95 : 103
07/01/95 to Present : 12					

CHANGES TO THE BOARD

Mr. Lealand McCharen has been assigned as counsel to the Board by the Attorney General's office. Mr. McCharen is replacing Ms. Virginia Daire who has been Board Counsel since 1989. The Board also held an election of officers with Professor David Gibson being elected as the new Board Chairman and Mr. Gene Stoner being reelected as Board Vice-Chairman. Ms. Maggie Weidener had been Board Chair for three years. Mr. Gene Stoner and Ms. Maggie Weidener were also reappointed to the Board by the Governor for their second term.

MESSAGE FROM THE SECRETARY

Dear friend:

Since becoming Secretary of the Department of Business and Professional Regulation one year ago, I have had the opportunity to meet and share ideas with many licensees. I am very grateful for your candid opinions about what we do well and where we need to improve. Like you, my interest lies in providing the best service to the people of Florida who trust us to act on their behalf. One way we can do that is by expanding our efforts to enforce unlicensed activity laws.

I look forward to a continued open and productive dialogue with all members of the Board of Professional Surveyors and Mappers. At 4,700-plus strong, you are an important profession in Florida and you play a vital role in the economic health of the state.

Richard T. Farrell, Secretary

NOTICE TO LICENSEES

LICENSEES WILL ONLY RECEIVE CREDIT FOR CONTINUING EDUCATION WHICH IS OFFERED BY BOARD APPROVED PROVIDERS.

**LIST OF APPROVED CONTINUING EDUCATION PROVIDERS
1995-1997**

PROVIDER NAME	CONTACT PERSON	TELEPHONE NUMBER	PROVIDER NUMBER	DATE APPROVED
Academic Services Corporation Post Office Box 82251 Tampa, Florida 33682-2251	Douglas C. Gilmore	813/987-1350 813/977-5139 (fax)	CEP 001	2/7/95
Computer Science Technology, Inc. 2973 West SR 434, #200 Longwood, Florida 32779	Paul O'Hargan	407/682-3325 407/682-3329 (fax)	CEP 002	2/7/95
Florida Surveying & Mapping Society 1689-A Mahan Center Boulevard Tallahassee, Florida 32308	Jeannie Paugh	904/942-1900 904/877-4852 (fax)	CEP 003	2/7/95
Land Surveyor's Workshops 420 Oak Avenue Spruce Pine, North Carolina 28777	John E. Keen	704/765-1717 704/765-5263 (fax)	CEP 004	2/7/95
National Business Institute, Inc. 3712 Spooner Avenue Altoona, Wisconsin 54720	Jo Frenette	715/835-8525 715/835-1405 (fax)	CEP 005	2/7/95
F&L Florida Continuing Education 2085 Sieta Drive Sarasota, Florida 34239	Floyd C. Smith	813/366-2240 813/366-4977 (fax)	CEP 006	2/7/95
Advanced Surveying Technology, Inc. 815 Eyrie Drive, Suite 4 Oviedo, Florida 32765	Cesar H. Bradham	407/365-1595 407/365-2310 (fax)	CEP 007	2/7/95
aga Computer Sciences, Inc. 410 Ware Boulevard, Suite 1030 Tampa, Florida 33619-4439	Matthews Mathai	813/620-1444 813/620-9019 (fax)	CEP 008	2/7/95

LSS Seminar & Publishing Company Post Office Box 1041 Rt. 3, Box 83B Douglas, Georgia 31533	T. S. Madson, II	914/384-8114	CEP 009	2/7/95
Florida Chamber of Commerce Post Office Box 1857 Tallahassee, Florida 32301	Colleen Barton	904/681-2550 904/224-0279 (fax)	CEP 010	2/7/95
Hillsborough Land Survey & Mapping Scholarship Fund, Inc. 3118 Kensington Avenue Tampa, Florida 33629	Robert S. Weston	813/272-5912 813/272-6459 (fax)	CEP 011	2/7/95
Steensland Center for Professional Development Post Office Box 5509 Dothan, Alabama 36302-5509	John Steensland	334/794-8636 334/794-8636 (fax)	CEP 012	2/7/95
CADD Centers of Florida 2003 Cypress Creek Road Fort Lauderdale, Florida 33309	Ed Riviera	305/775-7300 305/491-8570 (fax)	CEP 013	2/7/95
Georgia Center for Continuing Education University of Georgia Athens, Georgia 30602-3603	Richard C. Field	706/542-6639 706/542-6382 (fax)	CEP 014	3/6/95
Valencia Community College Post Office Box 3028 Orlando, Florida 32802	Shannon L. Hellard	407/299-5000	CEP 015	3/6/95
University of Florida 345 Weil Hall Gainesville, Florida 32611	David W. Gibson	904/392-9492 904/392-4957 (fax)	CEP 016	3/6/95
Florida A&M University Post Office Box 164 Tallahassee, Florida 32307	Jeffrey G. Carlen	904/599-3506 904/561-2739 (fax)	CEP 017	3/6/95
Florida Department of Transportation Topographic Office 605 Suwannee Street, MS 5L Tallahassee, Florida 32399-0450	D. E. Merkel	904/488-8911	CEP 018	6/21/95
Florida Department of Transportation Florida EFB Users Group 605 Suwannee Street, MS-69 Tallahassee, Florida 32399-0450	Bruce Dana	904/487-3949	CEP 019	6/21/95

Alabama Society of Professional Land Surveyor Post Office Box 241254 Montgomery, Alabama 36124-1254	Ann M. Galloway	334/279-7040	CEP 020	6/30/95
Indian River Community College 3209 Virginia Avenue Fort Pierce, Florida 34981	Glen Power	407/462-4721	CEP 021	7/3/95
FDEP/Bureau of Survey and Mapping 3900 Commonwealth Blvd., MS 105 Tallahassee, Florida 32399-3000	Scott Woolam	904/488-2427	CEP 022	10/5/95

Department of Business and Professional Regulation
Board of Professional Surveyors and Mappers
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