

60 Mr. Cooner opened the meeting and allowed Mr. Biegalski to make introductory comments. Mr. Biegalski
61 explained that the vacancy created by Ms. Beverly Sutphin's resignation has been filled by Ms. Pamela Nobles.
62

63 Mr. Cooner yielded the floor to the Committees.
64

65 The Board reconvened at 10:56 a.m.
66

67 **RULES REPORT**
68

69 Mr. Bennett Miller gave the following report. Ms. Guillemette prepared an exit memorandum giving the status of
70 each rule as well as proposed language currently being reviewed. Mr. Bennett Miller recommended that the
71 Board do a complete rule review and notice a workshop for each rule so that it can be discussed in depth.
72

73 Mr. Cooner indicated with the resignation of Rules Chairperson, Beverly Sutphin, after the elections the Chair will
74 review the committees and appoint chairpersons and members. With the election and appointments, the new
75 Rules Committee Chair can then lead this topic.
76

77 Mr. Bennett Miller also reported that Florida law permits the wholesale change of the Administrative Rule
78 citations. The way the Administrative Rules are organized, the Rules accompanying Chapter 472 are listed
79 under the Department of Business and Professional Regulation (DBPR). Mr. Miller recommended that all the
80 rules should be administratively renumbered and the citations changed to move them under the Department of
81 Agriculture and Consumer Services (DACS). He further reported the enabling legislation passed moving the
82 Board from DBPR to DACS and permits DACS the authority to change rules without the approval of the Board.
83

84 After discussion the following motion was made:
85

86 MOTION: Ms. Clodfelter made a motion allow DACS to administratively make amendments to the Rules
87 moving the Board rules to DACS.

88 SECOND: Mr. Cooner seconded.

89 ACTION: The motion passed unanimously.
90

91 Mr. Cooner discussed Rule 61G17-5.0031, F.A.C., and possible future rule development regarding "other entity
92 approved courses". The Board Office was contacted by NCEES (see supplemental packet), asking the Board to
93 consider amending the language in this rule to allow organizations such as NCEES to be accepted based on the
94 nature of the organization and its membership. After discussion, Mr. Cooner polled the Board to allow Mr.
95 Bennett Miller to research the viability of allowing the nationally recognized surveying organizations to fall within
96 the intent of this rule. All members agreed.
97

98 Mr. Mastronicola asked Mr. Bennett Miller for an update on Rules 61G17-5.0043, F.A.C. and 61G17-9.005,
99 F.A.C., that were noticed on September 4, 2009. Mr. Bennett Miller responded that Rule 61G17-9.005, F.A.C.,
100 was addressed by the Florida Legislature Joint Administrative Procedures Committee on September 23, 2009,
101 regarding an incorrect citation in the text. Mr. Bennett Miller will determine if Rule 61G17-5.0043, F.A.C. is in
102 effect or if there is any outstanding communications that must be considered.
103

104 Mr. Cooner was asked to bring the issue of allowing continuing education instructors to the Board's attention.
105 Under the current rule, a student may take a course more than once and receive credit each time. However, the
106 instructor only receives credit for one time in a biennial. Mr. Cooner asked the Board if they would be interested
107 in allowing an instructor to receive credit for each time they teach the course. After further discussion and polling
108 the Board, it was decided that the Board will consider a future rule amendment.
109

110 Mr. Greer asked if there is any audit procedures in effect to verify that an approved course is being taught by the
111 instructor as submitted. Mr. Bennett Miller stated that if DACS had reason to believe this has occurred, then
112 there are appropriate actions that may be taken depending on the circumstances. In the case of an emergency
113 situation, the provider can contact the Board office, explain the situation and allow the Executive Director along
114 with the Continuing Education Chair to guide the provider. Mr. Cooner asked Mr. Bennett Miller to prepare
115 language to amend the rule to encompass this type of situation.
116

117 With no further business the following motion was made:
118

119 MOTION: Mr. Cooner made a motion to adjourn the Rules Committee
120 SECOND: Ms. Clodfelter seconded
121 ACTION: The motion passed unanimously.

122

123 The Board recessed for lunch at 11:55a.m.

124

125 The Board reconvened at 3:35p.m.

126

127 **COMMITTEE REPORTS**

128

129 **Probation Committee – Mary Hanna Clodfelter**

130

131 Ms. Clodfelter gave the following report:

132

133 The Committee reviewed two cases on October 14, 2009, and recommends finding the second set of surveys in
134 compliance and releasing the following cases from probation:

135

136 Mr. Glenn Broadstreet Case number 2005-028335

137 Mr. Larry Eddy Case number 2007-045240

138

139 The Committee also heard information on additional cases and made the following recommendations:

140

141 J. Sherman Frier & Associates, case number 2007-049582, the Committee recommends amending the Final
142 Order to have payments run consecutively with the individual case with payments of \$200 a month to begin in
143 August 2010. The remaining terms of the Final Order will remain intact.

144

145 James Sherman Frier, case number 2006-054043, the Committee recommends the stay of suspension be
146 reinstated and filing an amended Final Order to include \$6,000 in fines and costs, proof of insurance, completion
147 of a MTS course and to accept a list of surveys from Mr. Frier within 30 days with credit given for the \$6,000
148 payment of fine and costs, proof of insurance and completion of a MTS course.

149

150 Timothy B. Alcorn, case number 2007-043459, the Committee recommends the stay of suspension be reinstated
151 and filing an amended Final Order to allow Mr. Alcorn a payment plan of \$200 per month until the fines and costs
152 are paid in full commencing on November 3, 2009, the terms and stipulations will remain intact.

153

154 Litton Land Surveyors, Inc., case number 2007-046660, the Committee recommends filing an amended Final
155 Order to extend the payment start date to April 15, 2010, the terms and stipulations will remain intact.

156

157 John Richard Litton, case number 2007-046654, the Committee recommends filing an amended Final Order to
158 extend the payment start date to November 1, 2009, the terms and stipulations will remain intact,

159

160 The Committee further recommends that the stay be reinstated in the following cases:

161

162 Timothy Bruce Alcorn 2007-043459

163 William Boyd 2006-012705

164 Miguel Cortez 2006-056073

165 Charles Robert DeFoor 2006-067399

166 James S. Frier 2006-054053

167 Thomas E. Jenkins, Jr. 2005-059499

168 Louis Ramierz 2007-026804

169 John William Walker 2007-026740

170 John William Walker 2007-043436

171 William Ward 2006-040634

172 Clarence Williams 2007-004792

173

174 After discussion the following motions were made:

175

176 MOTION: Mr. Ehmke made a motion to accept the Probation Committee's report

177 SECOND: Mr. Fusco seconded.

178 ACTION: The motion passed unanimously.

179

180 MOTION: Mr. Greer made a motion to reissue Amended Final Orders as to each case that such action was
181 recommended.

182 SECOND: ~~Mr.~~ Ms. Poppell seconded.

183 ACTION: The motion passed unanimously.

184

185 **Application Committee**

186

187 Mr. Lebron gave the following report:

188

189 **Endorsement**

190

191 **Khaled K. Gebarin**

192

193 The Committee recommended approving Mr. Gebarin's application for licensure by endorsement.

194

195 **Dino Lustrì**

196

197 The Committee recommended denying Mr. Lustrì's application for licensure by endorsement.

198

199 **Matthew Cleveland Roberts**

200

201 The Committee recommended denying Mr. Roberts' application for licensure by endorsement, but approving Mr.
202 Roberts' for licensure by examination and giving him credit for the NCEES exams.

203

204 **Robert M. Searson**

205

206 The Committee recommended approving Mr. Searson's application for licensure by endorsement.

207

208 **Steven Wayne Strickland**

209

210 The Committee recommended approving Mr. Strickland's application for licensure by endorsement.

211

212 **Trenton Dale Turk**

213

214 The Committee recommended approving Mr. Turk's application for licensure by endorsement.

215

216 **Donald W. Wheeler**

217

218 Mr. Wheeler's application was withdrawn by the Board office prior to review.

219

220 **Examination**

221

222 **Christen Nicole Alpen**

223

224 The Committee recommended approving Ms. Alpen's application for licensure by examination.

225

226 **Carlos Raul Garcia Ruiz**

227

228 The Committee recommended approving Mr. Garcia Ruiz's application for licensure by examination.

229

230 **Robert C. Heinrichs**

231

232 The Committee recommended approving Mr. Heinrichs' application for licensure by examination.

233

234 **Charles Linford Hollingsworth**

235

236 The Committee recommended denying Mr. Hollingsworth's application for licensure by examination.

237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294

Brent Joseph Thurkettle

The Committee recommended continuing Mr. Thurkettle's application for licensure by examination.

Surveyor in Training

Charles McCarty Arnett

The Committee recommended approving Mr. Arnett's application for Surveyor in Training.

Victor Juin Jia Chuang

The Committee recommended approving Mr. Chuang's application for Surveyor in Training.

Logan Park

The Committee recommended approving Mr. Park's application for Surveyor in Training.

Amelia Rodriguez-Alers

The Committee recommended approving Ms. Rodriguez-Alers' application for Surveyor in Training.

Certificate of Authority

All Points Surveying and Mapping, Inc.

The Committee recommended approving All Points Surveying and Mapping, Inc.'s application for Certificate of Authority

William Herryman, PLS, PA

The Committee recommended approving William Herryman, PLS, PA's application for Certificate of Authority. The Committee asked DACS to open an investigation into possible unlicensed activity prior to licensure.

MOTION: Mr. Mastronicola made a motion to accept the Application Committee's report.

SECOND: Mr. Greer seconded.

After further discussion,

ACTION: The motion passed unanimously.

Exam Committee

With Ms. Sutphin's resignation, there was no update at this time.

NCEES Committee

Mr. Cooner gave a brief overview of the National Conference in Louisville, KY. The minimum education requirement for engineering was discussed in length at the conference. A compromise was reached where they would continue to look at a Bachelor's degree plus 30 months to sit for the exam. This is important since the Surveyor licensure guidelines normally follow the Engineers requirements. NCEES is now actively offering exams in Egypt, Korea, Japan, Canada and Saudi Arabia. NCEES is moving towards computer based testing which will resolve some current security issues, i.e. what type of calculator and materials to bring. With computer based testing, the applicant will be able to use the calculator and materials already loaded onto the system.

Mr. Biegalski reported that there is a Study Committee that has been charged with how many references are allowable at the exams. They are also charged with researching the types of testing; for instance if the passing

295 score is 70% then once you reach the 70% the test is complete rather than taking the entire test. Theoretically, a
296 person could actually reach passing after answering 40 out of 100 questions depending on the point value.
297

298 Mr. Cooner further reported that there is a Candidate Management System that in the near future could eliminate
299 any Board administered examination. It is quickly moving to NCEES administering the exams. There is a
300 National Registration System for applicants, the goal is by September 12, 2010, every applicant will be listed in
301 the registry. This will allow NCEES to track who is taking the exam for licensure and who is there simply to
302 review the test to relay the information for a testing preparation course.
303

304 NCEES did a survey on Computer Based Testing, the profile of the applicants that are coming of age to sit are
305 used to a computer world. Of 7,000 surveyed, the majority indicated that they preferred Computer Based
306 Testing over a paper test.
307

308 The joint meeting of the Southern and Northeastern Zones will be in April 8-10, 2010 in Tampa.
309

310 Mr. Cooner suggested that the Board approve a letter to formally nominating Mr. Biegalski as an Associate
311 Member of NCEES.
312

313 After discussion the following motion was made:
314

315 MOTION: Mr. Mastronicola made a motion to send a letter to NCEES formally nominating Mr. Biegalski as
316 an Associate Member of NCEES.

317 SECOND: Mr. Ehmke seconded.

318 ACTION: The motion passed unanimously.
319

320 **ACSM Liaison**

321
322 Mr. Cooner recognized that Mr. Fusco is currently the Board's ACSM Liaison, but asked the other Board
323 Members to consider filling that position.
324

325 **Probable Cause Panel**

326
327 Mr. Mastronicola gave the following report:
328

329 Three cases were brought before the panel for consideration: two were found to have probable cause and
330 forwarded for administrative action; and one was pulled by DACS for further investigation before the panel could
331 make their recommendation.
332

333 Six closing orders were brought before the panel: four were closed as recommended by DACS; and two files
334 were closed by the panel.
335

336 **Continuing Education Committee**

337
338 Mr. Ehmke gave the following report:
339

340 The Committee made the following recommendations:
341

342 **Land Surveyor's Workshops (0001370)**

343
344 Advanced Techniques for Carlson or C&G Software (GENERAL)(8 hrs) – Approve

345 Anatomy of a Claim (Extended Version) (GENERAL)(6 hrs) – Approve

346 Area-Wide VRS to Get on the Same Page (GENERAL)(4hrs) – Approve

347 Carlson/C&GSoftware: Organizing & Setting up CAD Drawings for Beginners (GENERAL)(8hrs) –
348 Approve

349 Contract Basics for Land Surveyors (GENERAL)(4hrs) – Approve

350 Datums and Coordinate Systems (GENERAL)(4hrs) – Approve

351 Electronic Seals and Signatures – Are you in Danger (GENERAL)(2hrs) - Approve

352 GPS Real-Time Kinematic (RTK) Surveying (GENERAL)(4hrs) - Approve

353 Insurance needs of the Surveyor (GENERAL)(4hrs) – Amend to 3 ½ hrs and Approve

354 Introduction to the Global Positioning System (GENERAL)(4hrs) - Approve
355 Managing the Client Relationship (GENERAL)(4hrs) - Approve
356 Tectonics and Surveying (GENERAL)(4hrs) - Approve
357 The Gravity of Surveying (GENERAL)(4hrs) - Approve
358 The Surveyor's Role in Mediation (GENERAL)(4hrs) - Approve
359 The Surveyors Role in the FEMA Flood Insurance Program (GENERAL)(4hrs) - Approve
360

361 **PDHOnline.org (0002496) Contingent upon receiving certificates listing the PSM number.**
362

363 A Surveyor's Guide to the FEMA NFIP Elevation Certificate (GENERAL)(3hrs) - Approve
364 Adverse Possession (GENERAL)(2hrs) - Approve
365 Alternate Dispute Resolution (GENERAL)(4hrs) - Approve
366 Base Flood Elevations by Approximate Methods (GENERAL)(4hrs) - Approve
367 Basic Project Management (GENERAL)(12hrs) - Approve
368 Basic Public Lands (GENERAL)(4hrs) - Approve
369 Construction Layout (GENERAL)(15hrs) - Approve
370 Coordinates (GENERAL)(8hrs) - Approve
371 Easements (GENERAL)(1hr) - Approve
372 Ethics for Surveyors (GENERAL)(1hr) - Approve
373 Flood Plain Studies (GENERAL)(1hr) - Approve
374 GPS Modernization (GENERAL)(2hrs) - Approve
375 GPS Surveying (GENERAL)(12hrs) - Approve
376 GPS Theory, Practice and Applications (GENERAL)(3hrs) - Approve
377 Intellectual Property Issues for Architects, Engineers & Surveyors (GENERAL)(2hrs) - Approve
378 Land Boundary Surveys I (GENERAL)(6hrs) - Approve
379 Land Boundary Surveys II (GENERAL)(2hrs) - Approve
380 Land Surveying Safety Guide (GENERAL)(2hrs) - Approve
381 Professional Liability (GENERAL)(3hrs) - Approve
382 Quality Assurance (GENERAL)(3hrs) - Approve
383 Riparian Rights (GENERAL)(1hr) - Approve
384 Survey Markers and Monumentation (GENERAL)(6hrs) - Approve
385 Technical Report Writing (GENERAL)(6hrs) - Approve
386 The Land Surveyor as Expert Witness (GENERAL)(2hrs) - Approve
387 Vertical Curves (GENERAL)(4hrs) - Approve
388

389 **Professional Development Seminars, Inc. (0001368)**
390

391 The History of American Surveying (Classroom)(GENERAL)(6hrs) - Approve
392 The History of American Surveying (Homestudy)(GENERAL)(6hrs) - Approve
393 FEMA and the Elevation Certificate (GENERAL)(6hrs) - Approve
394 FEMA and the Elevation Certificate (Homestudy)(GENERAL)(6hrs) - Approve
395

396 **Redvector.com, Inc. (0001771)**
397

398 American Land Surveying: A History (Homestudy)(GENERAL)(2hrs) - Approve
399 Coastal Geology Terminology & Geologic Environments (Homestudy)(GENERAL)(2hrs) - Approve
400 Don Wilson's Court Decisions Every Surveyor Should Know About Block
401 7(Homestudy)(GENERAL)(4hr3hr)
402 - Approve
403 Ethics for Land Surveyors Decision-Making in Everyday Practice (Homestudy)(GENERAL)(1hr)
404 - Approve
405 Inland Wetland Restoration (Homestudy)(GENERAL)(2hrs) - Approve
406 Land Treatment Systems (Homestudy)(GENERAL)(1hr) - Deny
407

408 MOTION: Ms. Clodfelter made a motion to accept the Continuing Education Committee Report
409 SECOND: Ms. Nobles seconded
410 ACTION: The motion passed unanimously.
411

412 **REVIEW AND APPROVAL OF THE JULY 2009 GENERAL BUSINESS MEETING MINUTES**

413
414 After discussion the following motion was made:
415
416 MOTION: Mr. Mastronicola made a motion to approve the September 2009 General Business Meeting
417 minutes with corrections.
418 SECOND: Ms. Clodfelter seconded.
419 ACTION: The motion passed unanimously.
420

421 **REVIEW AND APPROVAL OF THE SEPTEMBER 2009 GENERAL BUSINESS MEETING MINUTES**

422
423 After discussion the following motion was made:
424
425 MOTION: Mr. Ehmke made a motion to approve the July 2009 General Business Meeting minutes
426 with corrections.
427 SECOND: Mr. Mastronicola seconded.
428 ACTION: The motion passed unanimously.
429

430 Mr. Cooner adjourned the meeting at 4:31 p.m. on October 14, 2009.

431 **CALL TO ORDER/ROLL CALL**

432
433 The meeting was called to order by Jeffrey Cooner, Chair, at 8:32 a.m. on October 15, 2009.
434
435

436 **Members Present**

437 Jeffrey Cooner, Chair
438 Arthur Mastronicola, Vice Chair
439 Howard Ehmke
440 Mary Hanna Clodfelter
441 Louis Lebron
442 Pamela Nobles
443 Nickolas Fusco
444 Sidney Greer
445 Frances Poppell
446

447 **Others Present**

448 LuAnn Stiles, Division Director
449 Leon Biegalski, Executive Director
450 Bennett Miller, Board Counsel
451 Eric Miller, Prosecuting Attorney
452 Patti Kight, Senior Management Analyst I
453 Ceda Rudd, Administrative Assistant II
454 William Mott
455 Julio C. Rodriguez
456 Lamar Evers
457 Marilyn Evers
458 Daniel David Garner
459 Andrew William Carbaugh
460

461 **DISCIPLINARY PROCEEDINGS – Eric Miller**

462
463 **William Mott Land Surveying, Inc.**

Case #2007-047454

464
465 Mr. Jonathon Mott was present. Mr. Mott asked permission to address the Board, the Board granted the request.
466 After Mr. Mott's presentation, Mr. Bennett Miller noted for the record that Mr. Mott's file has an attorney of record
467 listed. Mr. Mott indicated that he has dismissed his attorney and that he felt comfortable proceeding without
468 legal counsel. Mr. Mott indicated that he has read the Settlement Stipulation and is comfortable with the terms
469 as stated within the agreement.
470

471 Mr. Mastronicola and Ms. Poppell were recused because of their participation on the probable cause panel in
472 this case.

473
474 Mr. Eric Miller presented this case to the Board and after discussion the following motion was made:
475

476 MOTION: Mr. Ehmke made a motion to accept the Settlement Stipulation for case number 2007-047454.
477 SECOND: Mr. Greer seconded.
478 ACTION: Motion passed unanimously.

479

480 **Daniel David Garner** **Case #2007-047442**

481

482 Mr. Garner was present. Mr. Bennett Miller noted for the record that Mr. Garner's file has an attorney of record
483 listed. Mr. Garner indicated that he has dismissed his attorney and that he felt comfortable proceeding without
484 legal counsel. Mr. Garner indicated that he has read the Settlement Stipulation and is comfortable with the terms
485 as stated within the agreement.

486

487 Mr. Mastronicola and Ms. Poppell were recused because of their participation on the probable cause panel in
488 this case.

489

490 Mr. Eric Miller presented this case to the Board and after discussion the following motion was made:

491

492 MOTION: Ms. Clodfelter made a motion to accept the Settlement Stipulation for case number
493 2007-047442.
494 SECOND: Mr. Fusco seconded.
495 ACTION: Motion passed unanimously.

496

497 **Victor G. Schumer** **Case #2008-012960**

498 **Schumer's Professional Surveying, Inc.** **Case #2008-012963**

499

500 Mr. Schumer nor a representative for Schumer's Professional Surveying, Inc. was present.

501

502 Mr. Mastronicola and Ms. Poppell were recused because of their participation on the probable cause panel in
503 this case.

504

505 Mr. Eric Miller stated that this is a joint stipulation which embraces both cases with the same terms, same facts
506 and the same conditions. Mr. Eric Miller presented this case to the Board and after discussion the following
507 motion was made:

508

509 MOTION: Mr. Lebron made a motion to accept the Settlement Stipulations for case numbers 2008-012960
510 and 2008-012963
511 SECOND: Ms. Clodfelter seconded.
512 ACTION: Motion passed unanimously.

513

514 **Motion for Waiver of Rights**

515

516 **Christopher Kirk Brown** **Case #2008-001210**

517

518 DACS withdrew this motion prior to presentation to the Board.

519

520 **Hearing – No Disputed Facts**

521

522 **Larry L. Evans** **Case #2008-048586**

523

524 Mr. Evans was not present.

525

526 Mr. Mastronicola and Ms. Poppell were recused because of their participation on the probable cause panel in
527 this case.

528

529 Mr. Eric Miller presented this case to the Board and after discussion the following motions were made:

530
531 MOTION: Mr. Ehmke made a motion to find that the Respondent has been properly served the
532 Administrative Complaint and has waived his right to a hearing.
533 SECOND: Mr. Fusco seconded.
534 ACTION: The motion passed unanimously.
535
536 MOTION: Mr. Ehmke made a motion to find that there are no disputed issues of material of fact regarding
537 each count of the Administrative Complaint.
538 SECOND: Mr. Greer seconded.
539 ACTION: The motion passed unanimously.
540
541 MOTION: Ms. Clodfelter made a motion to adopt the Findings of Fact as alleged in each count of the
542 Administrative Complaint and move all case materials into evidence.
543 SECOND: Ms. Nobles seconded.
544 ACTION: The motion passed unanimously.
545
546 MOTION: Ms. Nobles made a motion to adopt the Conclusions of Law as contained in each count of the
547 Administrative Complaint.
548 SECOND: Ms. Clodfelter seconded.
549 ACTION: The motion passed unanimously.
550
551 MOTION: Ms. Nobles made a motion to impose the following penalties upon the Respondent: fine in the
552 amount of \$500, costs of \$564.73, suspension of license with that suspension stayed until
553 all standard terms of probation are met including proof of insurance, probationary review process
554 and completion of MTS
555 SECOND: Ms. Clodfelter seconded.
556 ACTION: The motion passed unanimously.

557
558 **PROSECUTOR'S REPORT – Eric Miller**

559
560 Mr. Eric Miller gave the following report:

561
562 DACS is working through the case files transferred from the prior prosecutor. There are currently 21 docketed
563 disciplinary cases. Ten filed and served Administrative Complaints, one is pending a hearing request. There are
564 three unlicensed activity cases. Mr. Cooner asked Mr. Eric Miller if the Board could be better informed as to the
565 cases on file with the prosecutor's office. Mr. Eric Miller assured the Board that DACS is currently working on a
566 report that can be provided to the Board during them upon request. Mr. Bennett Miller encouraged the Board to
567 inquire about the status of the prosecution function, but cautioned them to avoid inserting themselves into a
568 particular case. He informed the Board that Florida law sets the guidelines on how Board members may assist
569 the investigative team. If a Board member appears to take a unique interest in a particular case, Mr. Bennett
570 Miller asks that the Board be careful with the remarks and comments made to the investigators.

571
572 **RECONSIDERATION OF PREVIOUSLY DENIED APPLICATIONS**

573
574 **Kavin C. Wilmott**

575
576 Mr. Wilmott was present.

577
578 Mr. Wilmott was asked to provide a complete Verification of Employment form showing the required amount of
579 experience in responsible charge.

580
581 After discussion the following motion was made:

582
583 MOTION: Ms. Nobles made a motion to approve Mr. Wilmott for licensure by examination.
584 SECOND: Mr. Ehmke seconded.
585 ACTION: The motion passed unanimously.

586
587 **Julio Rodriguez**

589 Mr. Rodriguez was present. Ms. Lina Mutado was present to act as interpreter for Mr. Rodriguez.

590

591 Mr. Rodriguez was asked to provide a signed Verification of Employment form showing a total of 72 months in
592 responsible charge.

593

594 After discussion the following motion was made:

595

596 MOTION: Ms. Nobles made a motion to approve Mr. Rodriguez for licensure by examination.

597 SECOND: Ms. Clodfelter seconded.

598

599 After further discussion:

600

601 ACTION: The motion passed with 5 in favor and 4 dissenting votes. The dissenting votes were:

602 Ms. Nobles, Mr. Fusco, Mr. Mastronicola, and Mr. Ehmke.

603

604 **Andrew William Carbaugh**

605

606 Mr. Carbaugh was present.

607

608 Mr. Carbaugh was asked to provide a transcript showing the additional 25 semester hours in survey and
609 mapping or in any combination of courses in civil engineering, surveying, mapping mathematics,
610 photogrammetry, forestry or land law and the physical sciences as required by Chapter 472.013(2)(b), F.S. and
611 Verification of Employment showing a total of 72 months with 60 months in responsible charge. Mr. Carbaugh
612 petitioned the Board to review his academic record, while acknowledging that he does not have the required time
613 in responsible charge. Mr. Carbaugh was advised of his rights and waived his right to claim a license by default.

614

615 After discussion the following motion was made:

616

617 MOTION: Mr. Mastronicola made a motion to continue the Notice of Intent to Deny until the April meeting.

618 SECOND: Mr. Fusco seconded.

619 ACTION: The motion passed unanimously.

620

621 **Anthony Campanile**

622

623 Mr. Campanile was present.

624

625 Mr. Campanile was asked to provide documentation of 25 classroom hours in survey and mapping or in any
626 combination of courses in civil engineering, surveying, mapping mathematics, photogrammetry, forestry or land
627 law and the physical sciences as required by Chapter 472.013(2)(b), F.S.

628

629 After discussion the following motion was made:

630

631 MOTION: Mr. Mastronicola made a motion to approve Mr. Campanile's application for licensure by
632 examination.

633 SECOND: Mr. Lebron seconded.

634 ACTION: The motion passed unanimously.

635

636 **PRESENTATION OF PLAQUES**

637

638 In recognition of their service to the Florida Board of Professional Surveyors and Mappers, Mr. Cooner, on behalf
639 of the Board, presented plaques to Mr. Richard Morrison, and Ms. Diane Guillemette.

640

641 **EXECUTIVE DIRECTOR'S REPORT**

642

643 Mr. Leon Biegalski gave the following report.

644

645 Since the financial report included in the agenda was dated, and with the transfer between Departments, Mr.
646 Biegalski stated he is unable to give a financial report to the Board at this time. Mr. Cooner asked if there will be
647 an assessment. Mr. Biegalski stated that without having all the information at this time, he is unable to answer

648 conclusively. However, based upon the information DACS has at this time, it appears that it is likely that there
649 will be an assessment. Mr. Biegalski recommends that the Board consider implementing a rule imposing the
650 assessment. In response to Mr. Mastronicola's question as to how much is in the Unlicensed Activity account,
651 Mr. Biegalski estimated it to be \$70,000.

652
653 Complaints and Investigations: Again the report included in the agenda was dated prior to the transfer and may
654 not be accurate as DACS is still verifying the information received from DBPR.

655
656 During the transfer of paperwork, DACS received a chart outlining certain duties that fall under the Executive
657 Director and others that should be brought to the Board. After a brief discussion, the following motions were
658 made:

659
660 MOTION: Mr. Greer made a motion to delegate to the Executive Director authority to sign Final Orders and
661 Intents to Deny.

662 SECOND: Ms. Nobles seconded.

663 ACTION: The motion passed unanimously.

664
665 MOTION: Ms. Nobles made a motion to allow the Board Office to issue Certificate of Authorization as long
666 as the business meets the criteria as defined in Chapter 472, F.S.

667 SECOND: Ms. Poppell seconded.

668
669 For clarification, Mr. Biegalski explained that the current operating procedure is: if the business has incorporated
670 more than six months prior to its application for Certificate of Authority DACS will make an effort to determine if
671 unlicensed activity has occurred and take appropriate measures. The decision of the Board is that if there is
672 proof of unlicensed activity, that application should come before the Board. Otherwise the license may be issued
673 by the Board Office.

674
675 ACTION: The motion passed unanimously.

676
677 MOTION: Mr. Greer made a motion if there is an emergency with an instructor that the Provider may
678 contact the Continuing Education Committee Chair through the Executive Director.

679 SECOND: Ms. Clodfelter seconded.

680 ACTION: The motion passed unanimously.

681
682 MOTION: Mr. Greer made a motion that applications for Surveyors in Training should continue to be
683 brought to the Board for review.

684 SECOND: Mr. Mastronicola seconded.

685 ACTION: The motion passed unanimously.

686
687 In an effort to determine how many Board Members should attend the NCEES meetings, as well as any ACSM
688 meetings, Mr. Biegalski asked how many Board Members wish to attend the Southern Zone meeting in April.

689
690 After discussion regarding the sequence of events, Mr. Cooner asked the Board if the sequence of the meetings
691 should be February, May and August.

692
693 The discussion returned to the previous question of how many Board Members should attend the NCEES
694 meetings; an informal show of hands indicates that 6 to 7 Board Members would like to attend the NCEES
695 Southern Zone meeting. Mr. Biegalski and Mr. Mastronicola discussed the expense that would be incurred by
696 sending 6 to 7 members while imposing an assessment. Ms. Nobles and Mr. Cooner emphasized that it is
697 important to represent Florida at these meetings in order to get on the committees to affect the changes to the
698 contents of the exam.

699
700 Mr. Biegalski asked if any members would attend ACSM, since Mr. Fusco will be the ACSM Liaison, he should
701 be the one to attend this conference.

702
703 Mr. Biegalski presented a letter to the Board regarding the NCEES exam. Currently DACS does not have the
704 processes and personnel to administer the tests and since DBPR had the testing site and personnel reserved,
705 DPBR proctored the October exam on behalf of DACS, at this time 44 of 47 jurisdictions utilize NCEES to
706 administer the national and state exam. DACS has inquired to NCEES to utilize this service and the letter is the

707 response to that request. In order to utilize NCEES the Florida part of the exam would need to be moved to
708 Friday.

709
710 After further discussion the following motion was made:

711
712 MOTION: Mr. Fusco made a motion to allow DACS to move forward with utilizing NCEES to administer
713 the tests.

714 SECOND: Ms. Clodfelter seconded.

715 ACTION: The motion passed unanimously.

716

717 **MEETINGS**

718

719 After discussion the following dates have been approved for Board Meetings:

720

721 February 16-18, 2010 in Tallahassee

722 May 11-13, 2010 in Orlando

723 August 24-26, 2010 in Naples

724 November 16-18, 2010 in St. Augustine

725

726 **ELECTION OF OFFICERS**

727

728 Position of Chair:

729

730 Mr. Fusco nominated Mr. Arthur Mastronicola for the position of Chair. Mr. Lebron seconded.

731 Ms. Nobles nominated Mr. Jeffrey Cooner for the position of Chair. Mr. Ehmke seconded.

732

733 Mr. Fusco presided over the vote:

734

735 Mr. Mastronicola received two votes for and seven votes against.

736 Mr. Cooner received seven votes for and two votes against.

737

738 Mr. Cooner was reelected to the position of Chair of the Florida Board of Professional Surveyors and Mappers.

739

740 Position of Vice Chair:

741

742 Ms. Clodfelter nominated Mr. Arthur Mastronicola for the position of Vice Chair. Mr. Fusco seconded.

743 Mr. Cooner nominated Ms. Pamela Nobles for the position of Vice Chair. Mr. Louis Lebron seconded.

744

745 Mr. Greer presided over the vote:

746

747 Mr. Mastronicola received six votes for and three votes against.

748 Ms. Nobles received three votes for and six votes against.

749

750 Mr. Mastronicola was reelected to the position of Vice Chair of the Florida Board of Professional Surveyors and
751 Mappers.

752

753 **REVIEW OF THE TASK FUNCTION FORM FROM THE JULY 2009 MEETING**

754

755 Mr. Bennett Miller explained that DACS has processes and procedures in place to ensure that all requests and
756 duties are met internally. Therefore, the Task Function Form is not something that should be deliberated on or
757 become part of public meetings. Items brought up in a meeting will be reflected in the minutes and can be
758 followed up during the next meeting. Ms. Nobles indicated that the tracking form was started as a way to remind
759 the Chair that Board Members were working with staff on projects rather than what the form has evolved into.

760 Mr. Bennett Miller indicated that the format can and should be changed back to its original purpose. Mr. Cooner
761 polled the Board Members regarding items for a revised tracking form. It was the consensus of the Board that no
762 additional items were needed.

763

764 With no further business to discuss, the meeting was adjourned at 11:57 a.m.