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MINUTES

BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS

GENERAL BUSINESS MEETING

JANUARY 12, 2010 AT 10:00 AM

TELEPHONE CONFERENCE CALL

The meeting was called to order by Jeffery Cooner, Chair, at 10:05 am

Members Present

Jeffery Cooner, Chair
Arthur Mastronicola
Mary Hanna Clodfelter
Frances Poppell
Pamela Nobles
Nickolas Fusco
Howard Ehmke
Sidney Greer

Members Not Present

Louis Lebron

Others Present

Leon Biegalski, Executive Director
Bennett Miller, Board Counsel
Patti Kight, Senior Management Analyst I

60 **REVIEW AND APPROVAL OF THE OCTOBER 2009 GENERAL BUSINESS MINUTES**

61
62 Mr. Cooner commented on the record that it was unprecedented to have the previous meeting's minutes
63 available for review.

64
65 After discussion the following motion was made:

- 66
67 MOTION: Mr. Ehmke made a motion to approve the October 2009 General Business minutes with
68 corrections.
69 SECOND: Ms. Nobles seconded.
70 ACTION: The motion passed unanimously.

71
72 Mr. Biegalski asked that before a participant speaks, that they identify themselves for the record and for minutes.

73
74 Mr. Bennett Miller asked that the Board not require others on the conference call to identify themselves. Any
75 person on the call is welcome to identify themselves, but they are not required to do so. If applicants wish to
76 speak when their application(s) are being reviewed, they will be recognized by the Committee.

77
78 Mr. Cooner yielded the floor to the Committees.

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80 **COMMITTEE REPORTS**

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82 Application Committee

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84 MOTION: Mr. Mastronicola made a motion to approve and ratify the recommendations from the Application
85 Committee.
86 SECOND: Ms. Clodfelter seconded.
87 ACTION: The motion passed unanimously.

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89 Education Committee

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91 Mr. Cooner asked Mr. Bennett Miller if he had any additional information on the voting as far as recusal for a
92 Board Member who has a spouse that is teaching a course that has been recommended by the Committee. In
93 this instance, the spouse, Mr. Alan Allen Nobles, will be teaching this course as a volunteer instructor for Florida
94 Surveying and Mapping Society. Mr. Bennett Miller advised Ms. Nobles according to Section 112.313, F.S., the
95 Code of Ethics for Public Officers, to state what the relationship is to Mr. Nobles and that he is an instructor and
96 to the best of her knowledge if he is or is not being compensated for his service and is recusing herself from the
97 vote on that course. She was further advised to file a memorandum with the person responsible for compiling
98 the Board minutes, Ms. Patti Kight, explaining why she recused herself.

99
100 Ms. Nobles recused herself from the following vote:

- 101
102 MOTION: Mr. Ehmke made a motion to approve course number 12 under the Florida Surveying and
103 Mapping Society.
104 SECOND: Mr. Fusco seconded.
105 ACTION: The motion passed unanimously.

- 106
107 MOTION: Mr. Ehmke made a motion to approve and ratify the balance of the recommendations from the
108 Continuing Education Committee.
109 SECOND: Ms. Nobles seconded.
110 ACTION: The motion passed unanimously.

111
112 **BOARD COUNSEL REPORT**

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114 Mr. Bennett Miller asked the Board's permission to review Mr. Hayner's case.

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116 Corrected Final Order

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118 Mr. Hayner was present for the conference call.

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After review, the Board Office determined there was an error in the Final Order that was prepared and served to Mr. Hayner. The Final Order failed to include the stipulation that Mr. Hayner shall make quarterly reports to the Board to ensure that he is only performing elevation certificates. Once the error was discovered, a Corrected Final Order was prepared for the Board's review.

Mr. Bennett Miller asked Mr. Hayner if he understood the proceedings. Mr. Hayner agreed to submit quarterly reports but requested clarification on a portion of his duties, specifically there are instances that he must file a letter of map amendment or a flood zone determination form neither involves boundary surveying; is it the Board's intention or presumption to allow FEMA elevation certificate related form application type of work? After discussion it was determined that those type of FEMA related documents or activities would be allowed.

After discussion the following motion was made.

- MOTION: Mr. Mastronicola made a motion to approve the Corrected Final Order with the modification as described above.
SECOND: Ms. Nobles seconded.
ACTION: The motion passed unanimously.

Marcel Gustave Mayer

Mr. Mayer was not present for the conference call.

Mr. Mayer was issued a Final Order based on the Board's decision in the July 2009 meeting. When the Final Order was issued and served, an incorrect Administrative Complaint was attached to Mr. Mayer's Final Order. Mr. Bennett Miller asked the Board to adopt the Corrected Final Order and allow DACS to strike the erroneous Administrative Complaint and to supersede the Final Order with the corrected order.

- MOTION: Mr. Mastronicola made a motion to adopt the Corrected Final Order, strike the erroneous Administrative Complaint and to supersede the Final Order with the corrected order.
SECOND: Mr. Greer seconded.
ACTION: The motion passed unanimously.

Rules Report

Mr. Bennett Miller stated that the rules are still in transition however, there are many administrative activities that the Board Office is working on. Mr. Bennett Miller has filed the paperwork to move the rules that are currently in 61G17 under DACS rules to be 5J-17. Mr. Bennett Miller will notify the Board and post the change on the website as soon as that is approved.

In addition, Mr. Bennett Miller has drafted language to moving the DBPR rules under 61 dealing with administrative issues such as examinations and enforcement with citation authority dealing with unlicensed activity, to DACS. He would like to have a rules workshop as part of the February meeting to discuss these rules and other proposed changes and move all applicable rules under 5J-17.

Mr. Bennett Miller was made aware from a Board member that there was a notice to withdraw the rules that the Board had approved. This was required under the statute that brought the Board from DBPR to DACS. The paperwork was filed without the knowledge of the Board or the Board Office. Mr. Bennett Miller has begun drafting the rules to meet the intent of the Board's wishes.

EXECUTIVE DIRECTOR'S REPORT

Mr. Cooner stated that he and Mr. Biegalski had discussed that the February 2010 Probation Committee agenda will be quite large, therefore the meeting will begin at 10:00 am in order to accommodate the cases before that Committee. He asks that the Application Committee and Continuing Education Committees be timely in their reviews.

The NCEES contract for the administration of the exams has been signed. The approved candidates can now go to NCEES to register for the exams. Applications for licensures have been updated on the DACS website.

178 The February meeting will be the last meeting for candidates to take the April examinations. The deadline to get
179 on the February agenda is January 15th.

180

181 NCEES has sent a press release listing the approved calculators for the April exam. They also sent a notice that
182 sometime during 2011 or later the NCEES credential evaluation service is being moved from Miami to Clemson.

183

184 DACS was notified that DPBR has finished their accounting and will be transferring an exact amount to the
185 Division. Once this is completed DACS will be able to better determine if an assessment is necessary. Mr.
186 Biegalski informed the Board that DACS will need to do our own projections before the final determination will be
187 made. Part of that issue is trying to determine if DACS will be paying the same amounts that DBPR paid for their
188 expenses.

189

190 Mr. Greer asked if the Board has made an error by changing the dates of the meetings in relation to the NCEES
191 deadline to register for the exams. Mr. Biegalski explained that the move has not shortchanged any applicants
192 as there would need to be a February meeting to accommodate as many applicants as possible. Mr. Cooner
193 explained the change of dates had more to do with the Board's schedules.

194

195 Mr. Ehmke and Ms. Clodfelter asked for a copy of the NCEES news release regarding approved calculators.

196

197 Ms. Clodfelter asked for an update on moving the portal from DBPR to DACS. Mr. Biegalski explained that due
198 to issues beyond DACS' control, it took a longer time period to get the information from DBPR that is needed to
199 build the database. However, the IT area is diligently working on the database and is working on the electronic
200 forms that will be put in place.

201

202 Mr. Biegalski told the Board that some of the information in the Board packages are hard to read if not illegible,
203 these forms are out of our control as they are scanned copies from DBPR. DACS has implemented processes to
204 make the forms/transcripts clear and easily read. The original will be shredded but only after a thorough review
205 and quality control checks.

206

207 **NEW/OLD BUSINESS**

208

209 Ms. Nobles reported that she will be going to the NCEES Exam Committee Meeting. Mr. Cooner asked that she
210 report back to the Board in the February meeting.

211

212 Mr. Biegalski reported that he will be going to NCEES for the Member Board Administrators meeting in February.

213

214 With no further business to discuss, the meeting was adjourned at 11:30 am.