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**GENERAL BUSINESS MINUTES**

**BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS**

**HILTON GARDEN INN  
5877 AMERICAN WAY  
ORLANDO, FL 32819**

**May 12, 2010 Committee/General Business Meeting at 8:30 a.m.  
May 13, 2010 General Business Meeting at 8:30 a.m.**

The meeting was called to order by Jeffrey Cooner at 8:32 a.m.

MEMBERS PRESENT

Jeffery Jeffrey Cooner, Chair  
Arthur Mastronicola, Vice Chair  
Patrick Talbott  
Nickolas Fusco  
Howard Ehmke  
Mary Hanna Clodfelter  
Pamela Nobles  
Louis Lebron

OTHERS PRESENT

Leon Biegalski, Executive Director  
Bennett Miller, Board Counsel  
Patti Kight, Senior Management Analyst I  
W. Lamar Evers  
Marilyn Evers  
Gordon R. Niles  
Mike Solitro  
Donald Lanthorne  
Thomas Gritton  
Danny Williams  
Robin Petzoid  
Tasha Buford  
Mike Broussard  
Alvin Gloer  
Robert DuBois

60 Application Hearings: Informal, Reconsiderations

61  
62 Thomas W. Gritton

63  
64 Mr. Gritton was present.

65  
66 Mr. Bennett Miller stated that new information has come to the attention of the Department that will require  
67 additional investigation and recommended that the Board continue this action until the August 2010 meeting to  
68 allow the Department additional time as well as allowing Mr. Gritton time to prepare his defense.

69  
70 After discussion the following motion was made:

71  
72 MOTION: Ms. Nobles made a motion to continue Mr. Gritton's Hearing to the August 2010 Board Meeting  
73 to allow Mr. Gritton the opportunity to retain legal counsel for these proceedings.

74 SECOND: Mr. Lebron seconded.

75  
76 After comment from Mr. Gritton:

77  
78 ACTION: The motion passed unanimously.

79  
80 DISCIPLINARY PROCEEDINGS – Eric Miller

81  
82 Settlement Stipulations

83  
84 Christopher Kirk Brown – 2008-038978

85  
86 Mr. Brown was not present.

87  
88 Mr. Mastronicola was recused because of his participation on the Probable Cause Panel in this case.

89  
90 Mr. Eric Miller stated that Mr. Brown submitted a letter indicating that he has obtained legal counsel and  
91 requesting a continuance to the August 2010 meeting.

92  
93 After discussion the following motion was made:

94  
95 MOTION: Ms. Nobles made a motion to continue Mr. Brown's case to the August 2010 Board Meeting.

96 SECOND: Mr. Lebron seconded.

97 ACTION: The motion passed unanimously.

98  
99 Hatch Mott MacDonald Florida LLC – 2009-020616

100  
101 Ms. Tasha Buford, attorney for Hatch Mott MacDonald Florida LLC and Michel Broussard representing the  
102 business.

103  
104 Mr. Mastronicola was recused because of his participation on the Probable Cause Panel in this case.

105  
106 Mr. Eric Miller presented this case to the Board. Ms. Buford asked if she could address the Board.

107  
108 After discussion the following motion was made:

109  
110 MOTION: Mr. Fusco made a motion to adopt the Stipulation Agreement as stated.

111 SECOND: Mr. Ehmke seconded.

112 ACTION: The motion passed unanimously.

113  
114 Application Hearings: Informal, Reconsiderations

115  
116 Global One Survey, LLC

117  
118 A representative for Global One Survey, LLC was not present.

119  
120 Mr. Bennett Miller presented a letter written by Mr. Jose Rives, Jr. for consideration.  
121

122 After discussion the following motion was made:  
123

124 MOTION: Ms. Nobles made a motion to approve the Certificate of Authority for Global One Survey, LLC  
125 and request that the Department open an investigation into possible unlicensed activity.

126 SECOND: Mr. Talbott seconded.

127 ACTION: The motion passed unanimously.  
128

#### 129 SUPPLEMENTAL AGENDA

##### 130 131 Application Hearings: Informal, Reconsiderations

132  
133 Mr. Cooner yielded the floor to Mr. Ehmke, Chair of the Continuing Education Review Committee.  
134

##### 135 Florida Association of Safety Councils

136  
137 A representative for Florida Association of Safety Councils was not present.  
138

139 After discussion the following motion was made:  
140

141 MOTION: Mr. Lebron made a motion to approve Mr. Ronald Richardson as an instructor for Restricted  
142 Activities FDOT Work Zone Traffic Control Course and Intermediate Refresher FDOT Work  
143 Zone Traffic Control Course.

144 SECOND: Ms. Clodfelter seconded.

145 ACTION: The motion passed unanimously.  
146

#### 147 REVIEW AND APPROVAL OF THE FEBRUARY 2010 GENERAL BUSINESS MEETING MINUTES

148  
149 After discussion, the following motion was made:  
150

151 MOTION: Mr. Mastronicola made a motion to approve the minutes as modified.

152 SECOND: Ms. Clodfelter seconded.

153 ACTION: The motion passed unanimously.  
154  
155

156 Mr. Eric Miller had no further business to bring before the Board.  
157

##### 158 BOARD COUNSEL REPORT – Bennett Miller

159  
160 Mr. Bennett Miller will give his report during the Rules Committee Report.  
161

##### 162 CHAIRPERSON'S REPORT – Jeffrey Cooner

163  
164 Mr. Cooner will give his report during the NCEES Committee Report.  
165

##### 166 EXECUTIVE DIRECTOR'S REPORT – Leon Biegalski

167  
168 Mr. Biegalski reported that at the end of May the Investigators will be meeting in Tallahassee with Mr. Bennett  
169 Miller and himself to continue discussing unlicensed activity cases and review any questions they may have.  
170 The Bureau of Investigations has requested that a Board member be present during this training. Ms. Nobles  
171 will be the Board representative.  
172

173 The Department's website has been updated and is constantly being revised to make it more user-friendly. He  
174 is currently working on compiling the history of the MTS rules to be included on the website.  
175

176 The newsletter is currently being worked on and will be added to the website within the next few weeks.  
177

178 Mr. Cooner asked the Board Staff to consider using the Board for their expertise with the Department's training  
179 of the Investigators for Unlicensed Activity; and, that the Board members be available to answer any questions.  
180 Mr. Biegalski also reminded the Board that although the Department is committed to pursuing Unlicensed Activity  
181 cases, in most cases those complaints will be worked into the case load of the Department's investigators. In  
182 response to Mr. Cooner's question, Mr. Biegalski stated that the Department has an adequate number of  
183 investigators to handle the profession's complaint load.

184  
185 Mr. Mastronicola reminded Mr. Biegalski that there are Board member positions that are either vacant or coming  
186 to the end of their terms. He asked Mr. Biegalski to remind the Division that it could be possible that two thirds of  
187 the Board may either be serving on an expired term or will be new in January 2011. Mr. Biegalski stated that he  
188 has done so and will forward Mr. Mastronicola's request.

189  
190 COMMITTEE REPORTS

191  
192 Probation Committee – Mary Hanna Clodfelter

193  
194 Ms. Clodfelter gave the following report:  
195 The Committee reviewed 15 sets of surveys and made the following recommendations:

- 196  
197 7 for first review  
198 8 for second review  
199 2 for non-compliance

200  
201 First Set of Surveys for Review

202  
203 William Boyd not accepted and must submit a second set; payment plan approved –  
204 first payment due June 1<sup>st</sup> with last payment due on August  
205 10<sup>th</sup>, 2010  
206 Daniel David Garner accepted; remain on probation until the remaining terms are completed  
207 Victor G. Schumer not accepted and must submit a second set; continued to  
208 January/February meeting  
209 Robert Whitehead accepted; remain on probation until the remaining terms are completed  
210 James Michael McNeely ~~not~~ not accepted and must submit a second set due October 1<sup>st</sup>, 2010  
211 Larry L. Evans accepted and released  
212 Clarence J. Williams, III accepted and released

213  
214 Second Set of Surveys for Review

215  
216 Ralph Swerdloff accepted and released  
217 Arturo R. Toirac accepted and released  
218 Wayne N. Pond accepted and released  
219 Jacob Gomis accepted and reinstated  
220 John William Walker accepted and released from case numbers 2007-026740 and  
221 2007-043436  
222 W. Nelson Thaxton not accepted; license suspended  
223 Charles Robert DeFoor accepted; remain on probation until the remaining terms are completed

224  
225 Non-Compliance Review

226  
227 William R. Ward stay of suspension lifted; requested DACS open ~~and~~ an investigation  
228 Marcel Gustave Mayer stay of suspension lifted; requested DACS open ~~and~~ an investigation

229  
230 The Committee reviewed a letter from Mr. John Richard Litton, case number 2007-046654, asking for additional  
231 time to provide the surveys to the Committee and it was recommended that the Board shall allow Mr. Litton until  
232 July 12, 2010 to provide the surveys for review.

233  
234 The Committee also discussed the case of Giler Urban Design, Inc., case number 2008-001210, and  
235 recommends entering an order striking the previous order lifting the stay of suspension.

237 Updated and reviewed the Probation Tracking form.

238

239 After discussion the following motion was made:

240

241 MOTION: Ms. Nobles made a motion to accept and ratify the recommendations of the Committee.

242 SECOND: Mr. Fusco seconded.

243 ACTION: The motion passed unanimously.

244

245 Application Review Committee – Louis Lebron

246

247 Mr. Lebron gave the following report:

248

249 Joseph Chan	approved for licensure by examination
250 Abraham Remchuk	approved for licensure by examination
251 Flood Technical Information Providers, LLC	approved the Certificate of Authority; request an investigation into possible Unlicensed Activity
252	
253 Meridian Surveying and Mapping, Inc.	approved the Certificate of Authority; request an investigation into possible Unlicensed Activity
254	
255 Jonathan Branson	denied for licensure by examination
256 Juan Careaga	approved for licensure by examination
257 Victor Chuang	approved for licensure by examination
258 Jason Doland	denied the application for licensure by endorsement for failure to meet the education requirements
259	
260 Robert Hooks	denied the application for licensure by endorsement but allow Mr. Hooks the opportunity to amend his application to licensure by examination and accept the NCEES scores.
261	
262	
263	
264 Steven Jones	denied the application for licensure by endorsement but allow Mr. Jones the opportunity to amend his application to licensure by examination and accept the NCEES scores.
265	
266	
267	
268 Robbin Phillips	approved for licensure by endorsement
269 James Allison	approved application for Surveyor in Training
270 David Shaw	approved application for Surveyor in Training
271 Earth Resource, Inc.	approved the Certificate of Authority
272 Michael Allen	approved for licensure by endorsement
273	

273

274 After discussion the following motion was made:

275

276 MOTION: Mr. Ehmke made a motion to approve and ratify the recommendations of the Committee.

277 SECOND: Mr. Mastronicola seconded.

278 ACTION: The motion passed unanimously.

279

280 The Board recessed at 9:38 a.m.

281

282 The Board reconvened at 10:05 a.m.

283

284 Examination Committee – Pamela Nobles

285

286 Mr. Biegalski reported that the Department now has an examination consultant under contract.

287

288 NCEES proctored the April 2010 examination and, as of this date, no problems have been reported as of the date of the meeting. The Florida portion has been returned and is now being graded. Once the NCEES examinations have been graded and forwarded to the Department they will mail the results to the applicants.

289

290

291 Beginning with the October 2010 examination, candidates will be given a permanent identification number by NCEES by which the number of times and states they have tested in can be easily tracked.

292

293

294

295 NCEES is also improving their computer system by allowing the Member Boards to verify candidates online. The  
296 candidates may go to the NCEES website and register for the exams, but until the Member Board sends  
297 approvals, the candidate will not be allowed to test.

298  
299 NCEES Committee – Jeffrey Jeffrey Cooner  
300

301 The Northern and Southern Zone meeting was held in Tampa, Mr. Cooner attended as the NCEES sponsored  
302 representative, Mr. Biegalski attended as a representative of DACS. Mr. Fusco and Ms. Nobles attended as  
303 well, but were not reimbursed by DACS.

304  
305 The Member Board Administrator report in the agenda materials gives their position on computer based testing  
306 which will be voted on at the next NCEES annual meeting in August 2010, Mr. Cooner encouraged the Board to  
307 review the report. When NCEES changes to computer based testing, it will affect how Florida will administer the  
308 state test. Mr. Cooner reemphasized that going to computer based testing will increase the security of the exam.

309  
310 NCEES is currently looking into ways to enhance outreach to different groups, such as Engineering Deans at  
311 colleges, to stress the need and benefits of licensure.

312  
313 The minimum education requirements for Engineers are under discussions to raise it to a Bachelors Degree plus  
314 30 additional credit hours. NCEES is currently in discussions with ABET to garner support for this new  
315 requirement.

316  
317 The incoming President-Elect of NCEES has plans to review the industrial exemptions that are currently in areas  
318 such as car manufacturing and mining engineering or petroleum engineering which do not currently require  
319 licensure.

320  
321 Mr. Cooner reported that the current economical situation is stimulating the population towards gaining licensure  
322 which will enhance their employability.

323  
324 The surveyor's examination is being studied at the national level to integrate the 2 hour jurisdictional portion and  
325 setting a limit of 5 reference materials.

326  
327 Discussion regarding a four year requirement for licensure in all states and all college professors that teach  
328 engineering and surveying to the students will be required to qualify for licensure in order to continue teaching.  
329 Mr. Cooner expects there will be more discussion before this becomes a requirement.

330  
331 Ms. Nobles stated that a white paper is being prepared to support the licensure for states that do not currently  
332 require a 4 year degree for licensure.

333  
334 A PAKS Committee will be formed to rewrite the national content and Ms. Nobles stated that that a survey will be  
335 sent to select licensed surveyors. Ms. Nobles stated that last year FSMS was instrumental in notifying Florida  
336 surveyors that if they received the survey to complete it and mail it back. This year, the Committee is  
337 considering using electronic means to send the survey out. It could be up to a year before the surveys are sent.

338  
339 Mr. Biegalski reminded the Board that it will not meet prior to the August NCEES meeting in Colorado and Mr.  
340 Cooner will attend as the Board's representative.

341  
342 Mr. Cooner gave a brief overview of NCEES, the examination process and the requirements for licensure for Mr.  
343 Talbott's benefit.

344  
345 Rules Committee – Pamela Nobles  
346

347 Ms. Nobles was unable to attend the Committee meeting; Mr. Bennett Miller gave the update on her behalf.

348  
349 Mr. Bennett Miller gave the following report:

350  
351 The Rules Committee met and recommended the items on the agenda and allowing DACS to go forward with  
352 rulemaking.

354 Rule 5J-17.400, Special Assessment, to levy a \$100 assessment on certain licensees.  
355 Rule 5J-17.041, Continuing Education and Biennium Renewal with the following changes in paragraph 1(b)(4)  
356 the second use of the word even should be changed to each; and paragraphs 1(b)(3) and 1(b)(4) should be  
357 changed to 1(b)(2)(a) and 1(b)(2)(b) and reworded to provide that the first portion of the sentences shall read  
358 "March 1<sup>st</sup> of each odd numbered year and the last day of February of each even numbered year" and "March 1<sup>st</sup>  
359 of each even numbered year and the last day of February of each odd numbered year".

360  
361 The Committee also recommends that DACS move forward with the title changes as presented.  
362

363 Rule 5J-17.047, Instructors as contained in the packet.  
364

365 Mr. Mastronicola asked for an update on the rules discussed in the past Board meeting, specifically the 50  
366 minute hour. Mr. Bennett Miller responded that due to the volume of business from the February meeting and  
367 the package was complete and ready to move forward, but as the May meeting was imminent, it was decided to  
368 add the decisions from this meeting to that packet and move them all at the same time.  
369

370 MOTION: Ms. Nobles made a motion to approve and ratify the actions of the Rules Committee as outlined  
371 by Mr. Miller with the particular inclusion of the changes outlined in Rule 5J-17.041.

372 SECOND: Mr. Fusco seconded.

373 ACTION: The motion passed unanimously.  
374

#### 375 ACSM Liaison 376

377 Mr. Fusco reported that ACSM is an umbrella organization made up of cartography, GIS, surveying, and  
378 geodetic control groups. The cartography group has submitted a letter indicating their intention to resign from  
379 the group. Under the current guidelines, in order to withdraw from the organization the group must give a two  
380 year notice. NFPS is considering a decision to withdraw from ACSM which may effectively close down ACSM.  
381 As it is a two year process, once the letters are submitted the groups may withdraw their letter at any time within  
382 that time frame.  
383

#### 384 Probable Cause Panel 385

386 Mr. Mastronicola notified the Board that Mr. Talbott has been chosen to replace Ms. Poppell on the Panel.  
387

388 Mr. Mastronicola made the following report:  
389

390 2 Public Cases:  
391 1 was dismissed  
392 1 has an amended complaint and will continue through the process  
393 7 Confidential Cases:  
394 4 were closed due to lack of evidence  
395 2 were found to have probable cause  
396 1 was continued and sent back to Investigations for further review  
397

#### 398 Continuing Education Committee 399

400 Mr. Ehmke made the following recommendations to the Board:  
401

402 Mr. Thomas G. Davis, PLS 5177, submitted documentation to the Committee regarding two articles he co-  
403 authored and asked for continuing education credits. The recommendation of the Committee was to allow 2  
404 general continuing education credits per article.  
405

406 For Approval:  
407

#### 408 Alabama Society of Professional Land Surveyors 409

410 ALTA/ACSM Land Title Surveys – An Introduction to the New 2011 Standards  
411 GENERAL (6hr)  
412 Mock Trial

- 413 GENERAL (6hr)  
 414 Surveyor Reports  
 415 GENERAL (6hr)  
 416  
 417 FDEP Bureau of Survey and Mapping  
 418  
 419 Boundaries  
 420 GENERAL (6hr)  
 421 Florida Laws Seminar on Sovereignty Lands  
 422 MTS (2hr)  
 423 Florida Laws Seminar on Sovereignty Lands  
 424 MTS (6hr)  
 425 Mean High Water Observations and Computations  
 426 GENERAL (6hr)  
 427 Mean High Water Observations and Computations  
 428 GENERAL (6hr)  
 429 Mean High Water Surveys: A Field Experience  
 430 GENERAL (8hr)  
 431 Minimum Technical Standards  
 432 MTS (6hr)  
 433 Minimum Technical Standards  
 434 MTS (6hr)  
 435  
 436 Florida Department of Transportation  
 437  
 438 Geodesy, State Plan Projection Systems, Datums, Datum Transformations, and Impacts on  
 439 GPS Real-Time  
 440 GENERAL (12.5hr)  
 441 Gravity and Geoids Applied to Surveying – VC  
 442 GENERAL (7.5hr)  
 443 Integration of Continuously Operating Reference Stations into Control Surveys to Minimize Cost  
 444 and Maximize Positional Quality – VC  
 445 GENERAL (7hr)  
 446 Introduction to Least Squares Processing Using the Electronic Field Book Processor – VC  
 447 GENERAL (14.5hr)  
 448 Introduction to Least Squares Processing Using the Electronic Field Book Processor  
 449 GENERAL (14.5hr)  
 450 New Trends in Use of Survey Grade GPS – VC  
 451 GENERAL (14.5hr)  
 452 Sectionalized Lands in Florida – VC  
 453 GENERAL (7hr)  
 454 Sectionalized Lands in Florida  
 455 GENERAL (7hr)  
 456 Understanding Photogrammetric Products for the Layperson – VC  
 457 GENERAL (6.5hr)  
 458 Understanding Photogrammetric Products for the Layperson  
 459 GENERAL (6.5hr)  
 460 Use of Photogrammetry for Route Surveys – Concepts All People Using Photogrammetric  
 461 Products Need to Know – VC  
 462 GENERAL (11.25hr)  
 463 Use of Photogrammetry for Route Surveys – Concepts All People Using Photogrammetric  
 464 Products Need to Know  
 465 GENERAL (11.25hr)  
 466  
 467 Florida Surveying and Mapping Society  
 468  
 469 3D Laser Scanning  
 470 GENERAL (2hr)  
 471 61G17-6 Minimum Technical Standards for Surveyors

- 472 MTS (6hr)  
 473 It was noted that FAC 61G17-6 has changed and this course should reflect the new citation of FAC 5J-17.  
 474  
 475 Florida's Offshore Boundary  
 476 GENERAL (3hr)  
 477 "GIS For Surveyors" Hands-On GIS Workshop  
 478 GENERAL (6hr)  
 479 History of Florida Surveying  
 480 GENERAL (2hr)  
 481 Land Tenure and Cadastral System  
 482 GENERAL (6hr)  
 483 LEED for Surveyors  
 484 GENERAL (2hr)  
 485 Mean High Water  
 486 GENERAL (3hr)  
 487 Mobile LIDAR: An Overview of Surveying's New Tool  
 488 GENERAL (3hr)  
 489 Photogrammetry and the Mapping of the Space Shuttle  
 490 GENERAL (2hr)  
 491 Strategies for a Successful Surveying Business  
 492 GENERAL (6hr)  
 493 Surveying & Mapping Issues: A to Z  
 494 GENERAL (3hr)  
 495 Surveying the Future: GIS, Lasers, LIDAR and More...  
 496 GENERAL (2hr)  
 497 The Surveyor's Role in Machine Control  
 498 GENERAL (2hr)  
 499 Understanding Land Descriptions, Surveys and Boundary Evidence  
 500 GENERAL (2hr)

501  
 502 GAG Computer Software, Inc

- 503  
 504 GIS for Land Surveyors  
 505 GENERAL (6hr)  
 506

507 Land Pro Seminars

- 508  
 509 Chapter 472, F.S. – HS  
 510 MTS (6hr)  
 511 Elevation Certificate Basics  
 512 GENERAL (3.25hr)  
 513

514 Woolpert, Inc

- 515  
 516 Woolpert Project Management Essentials: Business Development Training  
 517 GENERAL (4hr)  
 518 Woolpert Project Management Essentials: Contracting Training  
 519 GENERAL (4hr)  
 520 Woolpert Project Management Essentials: Project Execution Training  
 521 GENERAL (4hr)  
 522 Woolpert Project Management Essentials: Project Planning Training  
 523 GENERAL (4hr)  
 524  
 525

- 526 MOTION: Ms. Nobles made a motion to approve and ratify the recommendations of the Committee.  
 527 SECOND: Ms. Clodfelter seconded.  
 528 ACTION: The motion passed unanimously.  
 529

530 OLD/NEW BUSINESS

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Mr. Cooner stated that as a discipline case develops and it goes through the probation process, the surveys involved with the process that are sometimes deficient, and at times are substantially deficient. The current process, once it identifies the errors does not allow for a process to ensure that corrections are made to that survey. He asked that the Board consider this for further discussion at a later date.

Mr. Cooner also stated that another issue that is becoming problematic and not addressed in the unlicensed practice arena of other people using different types of technology. Mr. Bennett Miller cautioned the Board about discussing particular types of technology.

Mr. Cooner extended the Board's welcome to the newest member, Mr. Talbott.

Mr. Bennett Miller stated that the Declaratory Statement from the February Board meeting has been issued and will be available on the website as are previous Declaratory Statements and Final Orders as issued by DACS.

Mr. Bennett Miller informed the Board that they will need to complete the annual financial disclosure form as required by the ethics laws; this form is available at [www.ethics.state.fl.us](http://www.ethics.state.fl.us).

Mr. Bennett Miller notified the Board that there will be a limited Board training during the August meeting.

Mr. Bennett Miller stated that based on the feedback he has received; the Public Comment has been well received. Mr. Cooner stated that if someone cannot make the meeting, they may put their comments in writing to be included in the agenda materials.

#### Public Comment

Robin Petzold commented on possible unlicensed activity and how it is to ensure that it is **does the Department know it is** actual unlicensed activity and not a subcontractor or someone operating under an exclusion of the statute.

With no further business to discuss the following motion was made:

MOTION: Ms. Nobles made a motion to adjourn  
SECOND: Mr. Ehmke seconded.  
ACTION: The meeting was adjourned