

1 **MINUTES**

2  
3 **BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS**

4  
5 **General Business Meeting**

6  
7 **Embassy Suites**  
8 **3974 NW South River Drive**  
9 **Miami, Florida**

10  
11 **January 16, 2003**

12  
13 **Call to Order / Roll Call**

14  
15 Pamela Nobles, Chair, called the meeting to order January 16, 2003 at 9:00 a.m.

16  
17 Members Present:

18 Pamela Nobles, Chair  
19 Omar Armenteros, Vice Chair  
20 Lou Bush  
21 Dennis Blankenship  
22 Jeffrey Cooner  
23 Beverly Sutphin  
24 John O'Neill  
25 Frances Poppell

26  
27 Members Absent:

28 All present

29  
30 Others Present

31 Leon Biegalski, Executive Director  
32 Christa Patterson, Government Analyst I  
33 Ed Tellechea, Board Counsel  
34 Charlie Pellegrini, Prosecuting Attorney  
35 Marilyn Evers  
36 Mr. Serbu  
37 Ted Madson  
38 Gerold Muldowney  
39 Allen Nobles  
40 Steven Woods

41  
42 **PLEDGE OF ALLEGIANCE**

43  
44 **REVIEW AND APPROVAL OF GENERAL BUSINESS MEETING MINUTES**

45  
46 July 17, 2003 Rule Workshop Minutes

47  
48 The board reviewed the July 17, 2003 rule workshop minutes and after discussion the  
49 following motion was made.

50  
51 MOTION: Mr. Cooner made a motion to approve the July 17, 2002 rule workshop  
52 minutes.

53 SECOND: Ms. Sutphin seconded the motion and it passed unanimously.

54

55 July 18, 2002 General Business Meeting Minutes

56

57 The board reviewed the July 18, 2002 general business meeting minutes and after  
58 discussion the following motion was made.

59

60 MOTION: Ms. Nobles made a motion to approve the July 18, 2002 general business  
61 meeting minutes with corrections.

62 SECOND: Mr. O'Neill seconded the motion and it passed unanimously.

63

64 The board reviewed the October 14-15, 2002 general business meeting minutes and  
65 after discussion the following motion was made.

66

67 MOTION: Ms. Nobles made a motion to approve the October 14-15, 2002 general  
68 business meeting minutes.

69 SECOND: Mr. O'Neill seconded the motion and it passed unanimously.

70

71 **DISCIPLINARY PROCEEDINGS – Charlie Pellegrini**

72

73 Susan Marley

74 Case # 2000-00289

75

76 Ms. Marley was present at the meeting and was represented by Mr. Andy Bertron, Esq.

77

78 Mr. Pellegrini reviewed the case with the board and after discussion the following  
79 motions were made.

80

81 MOTION: Mr. Bush made a motion to reject the stipulation and offer a counter  
82 stipulation.

83 SECOND: Ms. Sutphin seconded the motion and it passed unanimously.

84

85 MOTION: Ms. Sutphin made a motion to offer a counter stipulation accepting  
86 paragraphs 1,2,3,6-12 of the proposed stipulation and to include  
87 probation, completion of a MTS course within 90 days of entry of the final  
88 order, proof of insurance, and 1 set of 6 surveys within 60 days of MTS  
89 course completion.

90 SECOND: Mr. Bush seconded the motion and it passed unanimously.

91

92 Mohammad B. Far

93 Case # 2001-00696

94

95 Mr. Far was present at the meeting and was not represented by counsel.

96

97 Mr. Pellegrini reviewed the case with the board and after discussion the following  
98 motions were made.

99

100 MOTION: Mr. Armenteros made a motion to accept the finding of facts as stated in  
101 the administrative complaint.

102 SECOND: Mr. Cooner seconded the motion and it passed unanimously.

103

104 MOTION: Mr. Bush made a motion to find Mr. Far in violation of 61G17-6.003,  
105 F.A.C., and 472.033(1)(g), F.S.

106 SECOND: Mr. O'Neill seconded the motion and it passed unanimously,

107  
108 MOTION: Ms. Nobles made a motion to impose a \$500.00 administrative fine,  
109 \$598.01 in investigative costs, complete a Minimum Technical Standards  
110 course within 90 days of the entry of the final order, suspension, but the  
111 suspension to be stayed as long as respondent complies with terms of  
112 probation, probation terms are to submit 1 set of 6 surveys for the  
113 probation committee to review, and 4 of the 6 shall include closed level  
114 runs.

115 SECOND: Mr. Cooner seconded the motion and it passed unanimously.

116  
117 Gerold A. Muldowney  
118 Case # 1998-22081

119  
120 Mr. Muldowney was present at the meeting and was represented by Mr. Ted Madson.

121  
122 Mr. Pellegrini reviewed the case with the board and after discussion the following  
123 motions were made.

124  
125 MOTION: Mr. Bush made a motion to accept the finding of facts in the  
126 administrative complaint.

127 SECOND: Mr. Armenteros seconded the motion and it passed unanimously.

128  
129 MOTION: Mr. O'Neill made a motion to vacate the motion to accept the finding of  
130 facts in the administrative complaint and to refer the case to DOAH.

131 SECOND: Mr. Cooner seconded the motion and it passed unanimously.

132

### 133 **INFORMAL HEARING OF APPLICATION DENIALS**

134

135 David Harold Butler

136

137 Mr. Butler was present at the meeting and was not represented by counsel.

138

139 Mr. Butler submitted verification that he had his civil rights restored. The board reviewed  
140 the information and after discussion the following motion was made.

141

142 MOTION: Mr. O'Neill made a motion to approve Mr. Bulter's application to take the  
143 licensure examination.

144 SECOND: Ms. Sutphin seconded the motion and it passed unanimously.

145

146 Scott Sikorski

147

148 Mr. Sikorski was present at the meeting and was not represented by counsel.

149

150 Mr. Tellechea reviewed the notice of intent to deny with the board. Mr. Sikorski lacked  
151 verification of experience. Mr. Sikorski submitted additional information regarding his  
152 experience and after review by the board the following motion was made.

153

154 MOTION: Mr. O'Neill made a motion to approve Mr. Sikorski for licensure by  
155 endorsement.

156 SECOND: Mr. Cooner seconded the motion and it passed unanimously.

157

158

158 **REVIEW OF THE TASK FUNCTION FORM**

159

160 Ms. Nobles reviewed the task function form with members and noted that most of the  
161 tasks assigned had been completed.

162

163 The board discussed the task assignment to draft proposed changes to 61G17-9.006,  
164 F.A.C., to include a probation consultant/monitor.

165

166 Mr. Tellechea advised the board that he did not bring proposed language because he  
167 was unsure of the direction of the board. Mr. Tellechea stated that at the October 2002  
168 meeting the board did not come to a consensus and he felt additional discussion was  
169 necessary prior to drafting proposed language. Mr. Tellechea stated that the board  
170 needs to decide if they want to propose using a consultant or monitor.

171

172 Mr. O'Neill stated that he agreed with Mr. Tellechea and stated that he felt additional  
173 discussion was necessary prior to proposing changes. Mr. O'Neill stated that he was in  
174 favor of keeping the probation committee as is.

175

176 Mr. Cooner advised the board that he would work on proposed language to 61G17-  
177 9.006, F.A.C. to be reviewed at the next meeting. Mr. Cooner stated that he would  
178 forward the suggested proposal to Mr. Tellechea for review prior to the next meeting.

179

180 The board discussed section 472.003 (5) (a), F.S., and asked Mr. Tellechea to notice  
181 this section for rule development.

182

183 The board asked staff to notice a rules workshop for the July 2003 meeting.

184

185 Ms. Nobles stated that the board would need additional time for a rules workshop and  
186 suggested that in the future all meetings be noticed to begin at 8:00 a.m.

187

188 **PROSECUTING ATTORNEY'S REPORT – Charles Pellegrini**

189

190 Mr. Pellegrini reviewed with the board his caseload report.

191

192 Ms. Sutphin advised the board that she was concerned with the time frame complaints  
193 were being processed.

194

195 Mr. Biegalski stated that the majority of the time the delay is with the experts or the  
196 request for additional information.

197

198 Mr. O'Neill stated that he thought the time frame for the process has improved over the  
199 past couple of years.

200

201 **BOARD COUNSEL REPORT – Ed Tellechea**

202

203 Mr. Tellechea reviewed with the board his rules tracking report. Mr. Tellechea stated  
204 that some of the rules should have been filed for adoption and upon return to the office  
205 he would finalize the process.

206

207 Mr. Tellechea advised the board that Mr. Charlie Crist was elected as the new Attorney  
208 General.

209

210

210 **RULES DISCUSSION**

211

212 Retired Status

213

214 Mr. Tellechea stated that the retired status rule had been filed for adoption but does not  
215 have an effective date yet.

216

217 Ms. Patterson advised the board that the retired status application was included in their  
218 agenda materials for review and approval.

219

220 The board reviewed the retired status application and made some revisions. Ms.  
221 Patterson stated that as soon as the rule had an effective date she would notify the  
222 Department of the new application.

223

224 MOTION: Mr. O'Neill made a motion to approve the application for retired status.

225 SECOND: Mr. Cooner seconded the motion and it passed unanimously.

226

227 61G17-9.006 – Probation

228 61G17-9.007 – Survey Review

229

230 Mr. Cooner stated that he would provide proposed revisions to the probation rule at the  
231 July 2003 rules workshop.

232

233 **COMMITTEE REPORTS**

234

235 Probation Committee – Omar Armenteros

236

237 Mr. Armenteros reported that the committee voted to release Mr. Serbu from probation  
238 and recommended Mr. Polhill and Mr. Walsh be referred back to the Department of non-  
239 compliance of the final order.

240

241 MOTION: Mr. Bush made a motion to approve the probation committee report.

242 SECOND: Ms. Sutphin seconded the motion and it passed unanimously.

243

244 MOTION: Mr. Bush made a motion to approve the committee's recommendation to  
245 refer Mr. Polhill and Mr. Walsh back to the Department for non-  
246 compliance to their final orders.

247 SECOND: Mr. O'Neill seconded the motion and it passed unanimously.

248

249 Application Committee – John O'Neill

250

251 Mr. O'Neill reported that the application committee met and reviewed applications by  
252 endorsement and examination.

253

254 MOTION: Mr. Blankenship made a motion to approve Archibald April, Nickolas  
255 Fusco, and Robert Osborne's application by endorsement.

256 SECOND: Mr. Armenteros seconded the motion and it passed unanimously.

257

258 MOTION: Mr. Bush made a motion to deny Raymond Berryman's application for  
259 licensure by endorsement.

260 SECOND: Ms. Sutphin seconded the motion and it passed unanimously.

261

262 MOTION: Mr. Blankenship made a motion to approve Mark Brookman-Amisshah,  
263 Christopher Brown, Jill Creech, and Chad Thurner's application by  
264 examination.

265 SECOND Mr. Armenteros seconded the motion and it passed unanimously.

266

267 MOTION: Mr. Blankenship made a motion to deny Brain Daniel's application  
268 by examination.

269 SECOND: Mr. Armenteros seconded the motion and it passed unanimously.

270

271 Examination Committee – Pam Nobles

272

273 Ms. Nobles reported that the examination committee met in Tallahassee December 20,  
274 2002. Ms. Nobles stated that Mr. Bush is continuing to work with Mr. Nolting on the  
275 photogrammetry questions.

276

277 NCEES Committee – Pam Nobles

278

279 Ms. Nobles reported she attended the NCEES meeting in Atlanta, Georgia. Ms. Nobles  
280 stated that the committee reviewed the survey that would be sent to licensees across the  
281 country. Ms. Nobles stated that it would be beneficial for licensees to complete the  
282 survey because the survey will determine the matrix of the PLS exam in the future. Ms.  
283 Nobles stated next month she would be attending a NCEES examination committee  
284 meeting in Clemson, South Carolina.

285

286 Ms. Nobles advised the board that the NCEES southern zone meeting is scheduled to  
287 be held in April. Ms. Nobles advised the board that she has asked Mr. Bush, Mr.  
288 Cooner, and Mr. Blankenship to attend. Ms. Nobles stated it was also very important for  
289 a staff person to attend the meeting.

290

291 Ms. Patterson stated that she would be working on the travel authorization when she  
292 returned to the office.

293

294 Ms. Nobles stated that she and Mr. Biegalski would be attending the February 2003  
295 NCEES boards presidents and administrators meeting in Alaska.

296

297 Ms. Nobles advised the board that NCEES and ABET are having differences. Ms.  
298 Nobles stated that ABET is not holding to their standards and requirements according to  
299 NCEES.

300

301 Rules Report – Jeff Cooner

302

303 No report

304

305 ACSM Committee – Pam Nobles

306

307 Ms. Nobles appointed Ms. Sutphin as the chairperson to the ACSM committee. Ms.  
308 Sutphin's stated that she would attend the next ACSM meeting.

309

310 Probable Cause Panel – Dennis Blankenship

311

312 Mr. Blankenship reported that the committee reviewed nine cases. Mr. Blankenship  
313 stated that the committee denied a request for reconsideration, closed one case,  
314 referred two cases back for expert review, and referred one case back for additional  
315 information, and found probable cause on two cases.

316  
317 MOTION: Ms. Sutphin made a motion to approve the probable cause panel report.  
318 SECOND: Mr. Armenteros seconded the motion and it passed unanimously.

319  
320 Continuing Education Committee – Beverly Sutphin

321  
322 Ms. Sutphin reported that the committee met and reviewed two provider applications.

323  
324 MOTION: Mr. Bush made a motion to approve Dr. Gibson and Land Pro Seminar  
325 application for continuing education provider status.

326 SECOND: Mr. Cooner seconded the motion and it passed unanimously.

327  
328 Ms. Stuphin reported that the committee recommends the following provider courses be  
329 approved for continuing education.

330  
331 Provider FSMS  
332 Legal Principles, 6 hours  
333 Photogrammetry, 3 hours  
334 GIS, 3 hours  
335 Policies & Procedures for Establishing Control Networks, 3 hours  
336 Chapter 177, Platting, 3 hours  
337 Professional Negligence, 6 hours

338  
339 Provider - David Gibson  
340 Akin v. Godwin- A Dave Gibson lot and block case, 2 hours internet  
341 Barba v. Walker – A Dave Gibson Public Lands- Related Case, 2 hours internet  
342 Dave Gibson’s All star lot and block Boundary Cases, 6 hours internet  
343 Dave Gibson’s All Star Metes and Bounds Boundary Case, 2 hours internet  
344 Frost’s Survey – A Dave Gibson Metes and Bounds Case, 2 hours internet  
345 Henderson et al – A Dave Gibson Metes and Bounds Case, 2 hours internet  
346 Lot 21 – A Dave Gibson Lot and Block Case, 2 hours internet  
347 Palm Court – A Dave Gibson Lot and Block Case, 2 hours internet  
348 Palm Harbor – A Dave Gibson Lot and Block Case. 2 hours internet  
349 Rivers vs Lozeau – A Dave Gibson Public Lands, Related Case, 2 hours internet  
350 Simple 300 x 100 Parcel- A Dave Gibson Metes and Bounds Case, 2 hours internet  
351 Stefanic el al – A Dave Gibson Metes and Bounds Case, 2 hours internet

352  
353 Provider - Land Pro Seminars  
354 Introduction to Wetland Indicators

355  
356 MOTION: Mr. Bush made a motion to approve the continuing education committee  
357 report.

358 SECOND: Mr. Cooner seconded the motion and it passed unanimously.

359  
360 Adhoc Committee- Pam Nobles

361  
362 No report

363  
364 Positional Accuracy Committee – Lou Bush

365  
366 Mr. Bush reported that the committee held their first meeting and all members were  
367 present. Mr. Bush stated that the committee discussed positional accuracy and  
368 scheduled the next meeting to be held in April in conjunction with the already scheduled

369 board meeting. Mr. Bush stated Mr. Taylor is going to invite experts to attend the April  
370 meeting.

371  
372 **Executive Director Report – Leon Biegalski**

373  
374 Mr. Biegalski reported Ms. Binkley-Seyer resigned as Secretary and Ms. Diane Carr will  
375 be taking her place.

376  
377 **CHAIRPERSON’S REPORT – Pam Nobles**

378  
379 No report

380  
381 **OLD/NEW BUSINESS**

382  
383 Retired Status Application

384  
385 Already discussed.

386  
387 Discussion of Certificate of Authorization

388  
389 Mr. Bush advised the board that since the October 2002 board meeting the  
390 Department’s unlicensed activity office has had some staff changes. Mr. Bush stated  
391 that communication from the unlicensed activity office has not improved. Mr. Bush  
392 stated that the unlicensed activity complaint against Image America was closed but now  
393 has been re-opened by the Department.

394  
395 Mr. Beigalski advised the board to be patient and allow a reasonable time frame for  
396 complaints to be processed and investigated.

397  
398 Mr. Bush stated that he had conducted research and found many surveying companies  
399 not in compliance with Chapter 472, F.S. and 61G17, F.A.C.

400  
401 Mr. Bush advised the board that there are companies currently bidding on surveying and  
402 mapping jobs through out the State of Florida that do not hold a certificate of  
403 authorization to practice or offer to practice surveying and mapping services.

404  
405 Mr. Bush advised the board that during his research he also noted that some licensed  
406 surveyors who signed the certificate of authorization application certifying they were a  
407 principle officer of the company were not listed as a principle officer with the Department  
408 of State.

409  
410 Mr. Bush stated that the certificate of authorization application has the signature of a  
411 surveyor and mapper who is the principle officer and the records of the Department of  
412 State do not reflect the surveyor and mappers as a principle officer.

413  
414 After discussion it was the consensus of the board that the official record was the  
415 Department of State.

416  
417 MOTION: Mr. O’Neill made a motion that staff forward information to complaints or  
418 the unlicensed activity office.

419 SECOND: Mr. Bush seconded the motion and it passed unanimously.

420  
421 Ms. Nobles reviewed a handout regarding Express Map from First American Title. It was  
422 the consensus of the board that they were providing surveying and mapping services

423 and requested that the staff forward a copy of the information to the Department's  
424 unlicensed activity office.  
425  
426 MOTION: Mr. O'Neill made a motion to instruct staff to file an unlicensed activity  
427 complaint on Express Map from First American Title.  
428 SECOND: Ms. Sutphin seconded the motion and it passed unanimously.  
429  
430 Ms. Marilyn Evers handed out information regarding privatization. Ms. Nobles asked  
431 the board to review the information prior to the April 2003 meeting for discussion.  
432  
433 There being no other business the meeting adjourned at 2:45.  
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