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2
3 **AGENDA**
4

5 **BOARD OF PROFESSIONAL SURVEYORS & MAPPERS**
6

7 **GENERAL BUSINESS MEETING**
8

9 **HOLIDAY INN HOTELS & SUITES**

10 **2725 GRAVES ROAD**

11 **TALLAHASSEE, FLORIDA 32303**
12

13 **JANUARY 7, 2009 Committee/General Business Meetings at 8:30 a.m.**

14 **&**

15 **JANUARY 8, 2009 General Business Meeting at 8:30 a.m.**
16
17

18
19 The meeting was called to order by Jeffrey Cooner, Chair, at 2:15 p.m. on January 7,
20 2009.
21

22 **Members Present**

23 Jeffrey Cooner, Chair

24 Arthur Mastronicola

25 Dennis Blankenship

26 Mary Hanna Clodfelter

27 Louis Lebron

28 Sidney Greer

29 Frances Poppell
30

31 **Members Absent**

32 Beverly Sutphin, Vice-Chair (Excused)

33 Lou Bush (Excused)
34

35 **Others Present**

36 Diane Guillemette, Board Counsel

37 Richard Morrison, Executive Director

38 Eric Hurst, Prosecuting Attorney

39 Stacey Merchant, Government Analyst

40 Frances Poppell

41 W. Lamar Evers

42 Harley Gilmore

43 Danny Wheeler

44 Stephen Schultz

45 Nick Fusco

46 Allen Nobles

47 Mike Zolter

48 Don Hutchins

49 Marilyn Evers

50 Ron Villella

51 Pablo Ferrari

52 Justin Evers

53 Pamela Nobles
54
55

56
57
58
59
60 **REVIEW AND APPROVAL OF MINUTES**
61

62 • **October 2008 General Business Meeting Minutes**
63

64 The Board reviewed the minutes and after discussion, the following motion was made:
65

66 MOTION: Ms. Clodfelter made a motion to approve the minutes with corrections.
67

68 SECOND: Mr. Lebron seconded and the motion passed unanimously.
69

70 **DISCIPLINARY PROCEEDINGS – Eric Hurst**

71 Due to a lack of a quorum of the board, none of the cases below were heard. These cases will
72 be heard at the April 2009 board meeting.
73

74 **Hearing – No Disputed Facts**

75
76 **Swerdloff & Long Surveying**
77 **Lake Mary, Florida**

Case # 2007-050093
PCP: Blankenship, Echezabal and Poppell

78
79 **Settlement Stipulations**

80
81 **Ralph Swerdloff**
82 **Lake Mary, Florida**

Case # 2007-050085
PCP: Blankenship, Echezabal & Poppell

83
84 **Philip Ray King**
85 **Englewood, Florida**

Case # 2008-020751
PCP: Echezabal, Poppell and Mastronicola

86
87 **Lawrence Paul Frank**
88 **Islamorada, Florida**

Case # 2007-026059
PCP: Echezabal & Poppell

89
90 **David F. Ramsey**
91 **Clearwater, Florida**

Case # 2006-040881
PCP: Blankenship and Echezabal

92
93 **David Ramsey**
94 **Clearwater, Florida**

Case # 2003-053436
PCP: Blankenship and Echezabal

95
96 **George Richmond**
97 **Naples, Florida**

Case # 2007-061218
PCP: Blankenship, Echezabal and Poppell

98
99 **Del William Hayner**
100 **Port Charlotte, Florida**

Case # 2007-048159
Mastronicola, Echezabal and Poppell

101
102 **George Richmond**
103 **Naples, Florida**

Case # 2005-037365
PCP: Blankenship, Echezabal and Poppell

104
105 **Waivers**

106
107 **CBIC Corp.**
108 **Hialeah, Florida**

Case # 2007-057518
PCP: Blankenship, Echezabal and Poppell

109
110 **Glenn A. Price**
111 **Dade City, Florida**

Case # 2007-043322
PCP: Echezabal and Poppell

118 **BOARD COUNSEL REPORT – Diane Guillemette**
119

120 **Rules Report**

121
122 Ms. Guillemette stated that rule 61G17-6.004, F.A.C., had been suggested for consideration.
123

124 After discussion, it was decided to remove this rule from the report and make no changes to it at
125 this time.
126

127 Ms. Guillemette stated that rule 61G17-3.001, F.A.C., Experience, was suggested for
128 consideration. After discussion, the following motion was made:
129

130 MOTION: Ms. Clodfelter made a motion to have Ms. Guillemette notice this rule for
131 development and draft language. The motion also included having Mr. Morrison
132 complete a Statement of Estimated Regulatory Costs (SERC).
133

134 SECOND: Mr. Mastronicola seconded and the motion passed unanimously.
135

136 Ms. Guillemette stated that rule 61G17-9.005, F.A.C., Mediation, was suggested for
137 consideration.
138

139 After discussion, it was decided that Ms. Guillemette would notice this rule for development.
140

141 Alex Bosque and Steve Allen, Bureau of Education and Testing, reported that the new Florida
142 100 question multiple choice examination would be in place for the April 2009 administration.
143

144 The Bureau of Education and Testing also recommended that the board consider amending the
145 board rule to limit what examination candidates can bring into the examinations for the open book
146 examinations. At the October 2008 examination, several candidates were caught with pieces of
147 paper containing written information that appeared to be similar to an old “essay” question from
148 the former Jurisdictional Essay Examination.
149

150 The board asked Ms. Guillemette to notice rule 61G17-4.003, F.A.C., for development.
151

152 **PROSECUTING ATTORNEY’S REPORT – Eric Hurst**
153

154 Mr. Hurst gave the following report:
155

156 As of December 18, 2008, there were 2 new cases in legal, 7 cases awaiting outside action, 10
157 cases set for probable cause, 11 cases sent out to experts and 3 cases with an administrative
158 complaint filed. There were also 2 cases with an informal hearing/stipulation requested, 12 cases
159 were set for board presentation and 17 cases were awaiting final action.
160

161 **CHAIRPERSON’S REPORT – JEFF COONER**
162

163 Mr. Cooner stated that he and Mr. Morrison would be attending the NCEES Presidential
164 Assembly in Atlanta, Georgia.
165

166 **Privatization Committee- Jeff Cooner**
167

Mr. Cooner provided a brief overview of the efforts to privatize the board.

168 Mr. Cooner welcomed Pablo Ferrari and Ron Villella from FSMS to speak to the board regarding
169 a decision of whether to move the board to the Department of Agriculture.

170
171 Some of the pros of moving to the Department of Agriculture mentioned were the amount of Law
172 Enforcement already on staff and the number of Attorneys for the Prosecution of cases.

173
174 After discussion, Mr. Ferrari and Mr. Villella asked Mr. Cooner if the board would take a vote to
175 see if they were in favor of moving to the Department of Agriculture or not. After an informal
176 polling of the board members that were present the majority were in favor of either privatizing or
177 staying at the Department of Business and Professional Regulation.

178
179 Mr. Cooner adjourned the meeting at 4:30 p.m. on January 7, 2009.

180
181 The meeting was called to order by Arthur Mastronicola, Vice-Chair, at 8:40 a.m. on January 8,
182 2009.

183
184 **Members Present**

185 Arthur Mastronicola, Vice- Chair
186 Dennis Blankenship
187 Mary Hanna Clodfelter
188 Louis Lebron
189 Sidney Greer
190 Frances Poppell

191
192 **Members Absent**

193 Jeffrey Cooner, Chair (Excused)
194 Beverly Sutphin, Vice-Chair (Excused)
195 Lou Bush (Excused)

196
197 **Others Present**

198 Diane Guillemette, Board Counsel
199 Richard Morrison, Executive Director
200 Eric Hurst, Prosecuting Attorney
201 Stacey Merchant, Government Analyst
202 W. Lamar Evers
203 Harley Gilmore
204 Danny Wheeler
205 Stephen Schultz
206 Nick Fusco
207 Allen Nobles
208 Mike Zolter
209 Don Hutchins
210 Marilyn Evers
211 Ron Villella
212 Pablo Ferrari
213 Justin Evers
214 Pamela Nobles

215
216 **PETITION FOR WAIVER AND VARIANCE**

217
218 **American Congress for Surveying and Mapping**

219
220 The board reviewed a Provider Application and 27 courses from American Congress for
221 Surveying and Mapping that were given at their February 2008 Annual Conference. The board
222 decided to approve the Provider application and 25 of the 27 courses.

224
225
226
227 The following courses were approved for the following amount of credit hours with the retroactive
228 date of January 1, 2008, upon the receipt of corrected certificates showing the correct names,
229 number of hours and provider number:
230

- 231 1. Precise Digital Leveling (6.5 hours) (General)
- 232 2. Hands on GIS Lab (3.5 hours)(General)
- 233 3. Pins and Cushions and the Law (3.5)(General)
- 234 4. Restoration of Lost Corners: the Private Side (3.5 hours) (General)
- 235 5. So You've Discovered a Conflict (6.5 hours) (General)
- 236 6. The Role of Wood Evidence (3.5)(General)
- 237 7. The First Survey Doctrine (6.5)(General)
- 238 8. CSI-Corner Site Investigation (3.5)(General)
- 239 9. OPUS & OPUS RS and HDTP Software (3.5)(General)
- 240 10. Land Information Systems (LIS): Where are all the Surveyors? (3.5)(General)
- 241 11. Height Modernization for the United States (3.5)(General)
- 242 12. The Reality of Real-Time- GPS Networks (3.5)(General)
- 243 13. The Law of Easements (3.5)(General)
- 244 14. The Essential GPS/GNSS Communications Interface (3.5)(General)
- 245 15. Engineer's & Surveyor's Liability (3.5)(General)
- 246 16. Seven Deadly Sins of Surveying (3.5)(General)
- 247 17. The Surveyors Role in Flood Plain Management (3.5)(General)
- 248 18. Survey Computer File Management (3.5)(General)
- 249 19. FEMA Elevation Certificates – Then & Now (3.5)(General)
- 250 20. The New 2005 ACSM/ALTA Standards (6.5)(General)
- 251 21. Situational Ethics for Surveyors (3.5)(General)
- 252 22. Evidence, Exhibits & Testimony; Boundaries & Beyond (6.5)(General)
- 253 23. BLM Riparian Boundaries (3.5)(General)
- 254 24. Bureau of Land Management (BLM) Case Studies (3.5)(General)
- 255 25. Risk Management for Surveyors...The Continuum (3.5)(General)

256
257 MOTION: Ms. Clodfelter made a motion to approve the above courses with the adjusted
258 number of hours, upon receipt of corrected certificates retroactively.

259 SECOND: Mr. Blankenship seconded and the motion passed unanimously.
260

261 The following courses were denied:
262

- 263 26. Planning, Strategy and Implementation (3.5 hours)(General)
- 264 27. Elements of the Geodetic Survey 10 year plan (3.5. hours) (General)

265
266 MOTION: Mr. Greer made a motion to deny the above courses because they did not appear
267 to be a part of the Annual Conference.

268 SECOND: Mr. Blankenship seconded and the motion passed unanimously.
269

270 Ms. Guillemette presented the ACSM Waiver and Variance petition, stating that since the board
271 voted on the provider application and the 27 course applications that this petition was not
272 necessary.
273

274 After discussion, the following motion was made:
275

276 MOTION: Mr. Greer made a motion to deny the petition because the board's action rectified
277 the situation.

278 SECOND: Mr. Blankenship seconded and the motion passed unanimously.
279

280
281
282
283
284
285 **RECONSIDERATION OF PREVIOUSLY DENIED APPLICATION**
286

287 **Joseph A. Ramos**
288

289 Mr. Ramos was not present for the review of his application.
290

291 Ms. Guillemette presented this case stating that his Surveyor in Training application was
292 previously denied by the board at their February 2008 telephone conference call.
293

294 Mr. Ramos timely submitted a request for reconsideration.
295

296 After discussion, the following motion was made:
297

298 MOTION: Mr. Lebron made a motion to approve this application.

299 SECOND: Ms. Clodfelter seconded and the motion passed unanimously.
300

301 **CONSIDERATION OF REQUEST TO REINSTATE THE STAY OF SUSPENSION**
302

303 **Daniel Croft**
304

305 Mr. Croft was present for the consideration of his case.
306

307 After discussion, the following motion was made:
308

309 MOTION: Ms. Poppell made a motion to deny Mr. Croft's request because he has not
310 submitted proof that he has completed his MTS course or provided proof of
311 insurance.

312 SECOND: Mr. Blankenship seconded the request and the motion passed unanimously.
313

314 **EXECUTIVE DIRECTOR'S REPORT- Richard Morrison**
315

316 **Complaints and Investigative Statistics**
317

318 Mr. Morrison reviewed the complaints and investigative report with the board.
319

320 Mr. Morrison also explained the Governor's Accelerate Florida Program to the board.
321

322 **COMMITTEE REPORTS**
323

324 **Probation Committee – Mary Hanna Clodfelter**
325

326 Ms. Clodfelter gave the following report:
327

328 **1ST SET OF SURVEYS REVIEW**
329

- 330 • **MIGUEL CORTES**
- 331 **LICENSE # LS 5820**
- 332 **CASE # 2006-056073**
- 333 **LICENSURE STATUS: PROBATION**
- 334 **SURVEYS: 1ST REVIEW**
335

336 The committee recommended postponing the review of these surveys until the April 2009 to
337 allow Mr. Cortes to be present because of incorrect date on his notice letter.
338

339
340 **LETTER FROM CARLTON BATES**
341

342 The committee reviewed a letter from Carlton Bates requesting that he be allowed to relinquish his
343 license due to being unable to meet the requirement of his Final Order.
344

345 The committee recommended allowing Mr. Bates to relinquish his license.
346

347 Upon completion of this report, the following motion was made:
348

349 MOTION: Mr. Greer made a motion to accept the recommendations of this committee.

350 SECOND: Mr. Blankenship seconded and the motion passed unanimously.
351

352 **Application Committee – Lou Bush**
353

354 Mr. Lebron gave the following report:
355

356 **Endorsement**
357

358 **Joseph G. Bowman**
359

360 The committee recommended Mr. Bowman's application for licensure by endorsement be denied because
361 the application did not meet the requirements for endorsement because the Laws and Rules from the
362 Michigan were not similar to those in Florida at the time of his licensure within 30 days.
363

364 The committee recommended approving Mr. Bowman's application by examination if Mr. Bowman sends a
365 request to convert his application to licensure by endorsement. The motion also included accepting Mr.
366 Bowman's NCEES exam scores.
367

368 **Donaloy Hutchins**
369

370 The committee recommended Mr. Hutchins' application by endorsement be approved.
371

372 **Daniel Merritts**
373

374 The committee recommended Mr. Merritt's application by endorsement be denied because the application
375 did not meet the requirements for endorsement because the Laws and Rules from the New York were not
376 similar to those in Florida at the time of his licensure. Mr. Merritts also does not hold a degree in Surveying
377 and Mapping.
378

379 **Douglas Timothy**
380

381 The committee recommended Mr. Timothy' application by endorsement be approved.
382

383 **Examination**
384

385 **Rigoberto Fuentes**
386

387 After discussion, the committee recommended Mr. Fuentes; application by examination be denied
388 because Mr. Fuentes' failed to show proof of the required experience.
389

390 **Yasmin C. Hall**
391

392 The committee recommended Ms. Hall's application by examination be approved.

393

394

395

396 **Corey Alan Hopkins**

397

398 The committee recommended Mr. Hopkin's application by examination be approved.

399

400 **Randall J. Osteen**

401

402 The committee recommended Mr. Osteen's application by examination be approved.

403

404 **Travis Dutton Park**

405

406 The committee recommended Mr. Park's application by examination be approved.

407

408 **Brandon Michael Robbins**

409

410 Since Mr. Robbins' application was previously denied, the full board convened to rule on this application.

411

412 After discussion, the following motion was made:

413

414 MOTION: Mr. Blankenship made a motion to approve Mr. Robbin's application by examination and to
415 accept Mr. Robbins' NCEES examination scores.

416 SECOND: Mr. Lebron seconded and the motion passed unanimously.

417

418 **Danny S. Wheeler**

419

420 Mr. Wheeler was present for the review of his application.

421

422 Since Mr. Wheeler's application was previously denied, the full board convened to rule on this application.

423

424 After discussion, the following motion was made:

425

426 MOTION: Mr. Blankenship made a motion to approve Mr. Wheeler's application by examination. .

427 SECOND: Mr. Lebron seconded and the motion passed unanimously.

428

429 **Surveyor In Training**

430

431 **Johannes C. Schabort**

432

433 The committee recommended denying Mr. Schabort's application for surveyor in training because he is not in
434 his final year or just graduated from an accredited surveying and mapping program.

435

436 **Business**

437

438 **Pictometry International Corp**

439

440 Steve Schultz was present for the review of this application.

441

442 The full board was convened to rule on this application.

443

444 After discussion, the following motion was made:

445

446 MOTION: Mr. Mastronicola made a motion to approve this application upon payment of a \$1,000
447 assessment for operating without a license in Florida.

Board of Professional Surveyors & Mappers

January 2009 General Session Minutes

Page8

448 SECOND: Mr. Blankenship seconded and the motion passed unanimously.
449
450

451 **Retired Status**
452

453 **Richard C. Sullivan**
454

455 The committee recommended approving Mr. Sullivan's application for retired status.
456

457 Upon completion of this report, the following motion was made:
458

459 MOTION: Mr. Greer made a motion to accept the recommendations of this committee.
460

461 SECOND: Ms. Clodfelter seconded and the motion passed unanimously.
462

463 **Examination Committee – Beverly Sutphin**
464

465 There was no report at this time.
466

467 **NCEES Committee – Jeff Cooner**
468

469 There was no report at this time.
470

471 **Rules Committee – Beverly Sutphin**
472

473 This was covered under the Board Counsel's report.
474

475 **ACSM Liaison – Beverly Sutphin**
476

477 There was no report at this time.
478

479 **Probable Cause Panel – Arthur Mastronicola**
480

481 Mr. Mastronicola gave the following report:
482

483 The panel reviewed 9 cases, finding probable cause in 4 cases and closing 5 cases.
484

485 **Continuing Education Committee – Mary Hanna Clodfelter**
486

487 Ms. Clodfelter gave the following report:
488

489 The committee made the following recommendations:
490

491 **ADVANCED TECHNOLOGY SOLUTIONS, INC.**
492

493 1st. Course: Civil 3D 2009 Survey – (General) (16 hrs) - to approve this course contingent upon
494 the receipt of a revised certificate showing the correct category and the number of
495 hours.

496 2nd Course: Field to Finish - (General) (16 hrs) - to approve this course contingent upon the
497 receipt of a revised certificate showing the correct name of the course, the
498 category and the number of hours.
499

500 **MEASUTRONICS CORPORATION**
501

502 1st Course: Introduction to Real Time GPS Surveying Using Trimble Geomatics Office
503 (GENERAL) (16 hrs) - to approve this course contingent upon the receipt of a

revised certificate showing the correct category, the number of hours and that the course is approved by the board.

GAG COMPUTER SOFTWARE, INC. (0001384)

1st Course: The Observation (.OBS) File - to approve this course for 8 hours of general credit.

LAND PRO SEMINARS (0002617)

1st Course: Basic Law of Water Boundaries (Correspondence)(GENERAL) (3 hrs) - to approve this course.

2nd Course: Using and Calculating Curves (Correspondence)(GENERAL) (6 hrs) - to approve this course.

3rd Course: U.S. Rectangular Survey System (Correspondence)(GENERAL) (6 hrs) - to approve this course

4th Course: Geodesy for the Layman (Correspondence)(GENERAL) (12 hrs) - to approve this course.

5th Course: Geodetic Reference Datums and Local Coordinate System (Correspondence)(GENERAL) (5 hrs) - to approve this course.

6th Course: Development and Implementation of NAVD 88 (Correspondence) (GENERAL) (2 hrs) - to approve this course.

7th Course: Corpscon Coordinate Conversion (Correspondence)(GENERAL) (3 hrs) - to approve this course.

8th Course: Resurveys (Correspondence)(GENERAL) (2 hrs) - to approve this course.

9th Course: Restoration of Lost or Obliterated Corners (Correspondence) (GENERAL) (2 hrs) - to approve this course.

10th Course: GPS RTK Topographic Procedures (Correspondence) (GENERAL) (2 hrs) - to approve this course.

ATLANTIC PROFESSIONAL DEVELOPMENT, INC. (0001377)

1st Course: Field Practices – Mean High Water Surveying for Professional Land Surveyors (MTS) (24 hrs- 18 hrs are general & 6 hrs are L&R)(**0006468, Expired 05/31/2007**) - to approve this course contingent upon the receipt of a revised certificate showing the correct category and the number of hours.

2nd Course: Tides of Change Mean High Water Surveying for Professional Land Surveyors (MTS) (8 hrs – 6 of these hours are for L&R & 2 hrs are general)(**0006654, Expired 05/31/2007**) -- to approve this course contingent upon the receipt of a revised certificate showing the correct category and the number of hours.

3rd. Course: Tides' End, Mean High Water Surveying for Professional Land Surveyors (MTS) (8 hrs – 6 hrs are L&R and 2 hrs are general)(**0006986, Expired 05/25/2007**) - to approve this course contingent upon the receipt of a revised certificate showing the correct category and the number of hours.

560
561 **FDEP, BUREAU OF SURVEYING AND MAPPING (0001393)**
562

563 1st Course: Chapter 177, Part II, Florida Statutes, Florida Coastal
564 Mapping Act 1974 (MTS/L&R) (1 hr) - to approve this course.
565

566 2nd Course: Chapter 177, Part III, Florida Statutes, (Florida Public Land
567 Survey Restoration and Perpetuation Act)(MTS/L&R) (1 hr) - to approve this
568 course.
569

570 3rd Course: First and Second Order Level Field Techniques and Tide Gauge Establishment
571 (GENERAL) (6 hrs) - to approve this course.
572

573
574
575 4th Course: Florida Laws Seminar on Sovereignty Land (MTS/L&R) (2 hrs)
576 **(0007314, Expired 09/04/2008)** - to approve this course.
577

578 5th Course: Florida Laws Seminar on Sovereignty Land (MTS/L&R) (6 hrs)
579 **(0007315, Expired 09/04/2008)** - to approve this course.
580

581 6th Course: Land Boundary Information Systems (LABINS)(MTS/L&R) (1 hr) - to approve this
582 course for general credit.
583

584 7th Course: Survey Requirements for Sovereignty Submerged Lands (General)(1 hr)- to
585 approve this course.
586

587 Upon completion of this report, the following motion was made:
588

589 MOTION: Mr. Blankenship made a motion to accept the recommendations of this committee.
590

591 SECOND: Mr. Lebron seconded and the motion passed unanimously.
592

593 **REVIEW OF THE TASK FUNCTION FORM FROM THE OCTOBER 2008 MEETING**
594

595 Mr. Cooner reviewed the task function form with the board and the staff.
596

597 With no further business the meeting was adjourned at 9:49 a.m.