

1 **MINUTES**

2 **BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS**

3 **General Business Meeting**

4 **August 22, 2005**

5 **Telephone Conference Call**
6 **850. 410.8045 or Suncom 210.8045**

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12 The meeting was called to order by Pam Nobles, Chair, at 2:00 p.m.

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14 Members Present

15 Pam Nobles, Chair
16 Dennis Blankenship
17 Beverly Sutphin, Vice Chair
18 Lou Bush
19 Louis Lebron
20 Fran Poppell
21 Sidney Greer
22 Jeff Cooner
23 Omar Armenteros

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25 Members Absent

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27 Others Present

28 Brian Stabley, Board Counsel
29 Jessica Leigh, Prosecuting Attorney
30 Brian Higgins, Prosecuting Attorney
31 John Knap, Executive Director
32 Christa Patterson, Government Analyst
33 Thomas McMahan
34 Mr. Boswell
35 Connie Butler, Court Reporter
36 Harley Gilmore
37 Marilyn Evers
38 Gail Oliver

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40 **REVIEW/CONSIDERATION OF THOMAS MCMAHON'S REQUEST FOR A FORMAL**
41 **HEARING REGARDING APPLICATION DENIAL**

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43 Mr. McMahan and his attorney Mr. Boswell participated by phone.

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45 Mr. Stabley advised the board that Mr. Boswell petitioned for a formal hearing. Mr. Stabley
46 reviewed with the board House Bill 1457 and he also read the legislature staff summary analysis
47 of House Bill 1457.

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49 Mr. Stabley advised the board that Mr. McMahan has not had any penalties imposed for
50 violating the practice act or engaging in unlicensed activity. Mr. Blankenship stated that at the
51 last meeting Mr. McMahan stated that he was practicing with a null and void license and that his
52 surveying business did not have a certificate of authorization license.

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Mr. Boswell stated that Mr. McMahon was advised by the department years ago that a certificate of authorization was not required since he was using his own name. Mr. Boswell advised the board that Mr. McMahon was now aware that a certificate of authorization is required and has applied for the license.

Mr. Stabley stated that there may be other issues but the board has to decide if their interruption of HB 1457 could withstand juridical scrutiny.

After discussion the following motion was made.

MOTION: Ms. Sutphin made a motion to vacate the notice of intent to deny and reinstated Mr. McMahon's licensees pursuant to HB 1457.

SECOND: Mr. Cooner seconded the motion and the motion passed.

Mr. Blankenship opposed the motion.

Ms. Sutphin asked that an unlicensed activity case be open against Mr. McMahon's business for offering surveying and mapping services with out a certificate of authorization.

REVIEW AND DISCUSSION OF RULE 61G17-6, FLORIDA ADMINISTRATIVE CODE

Mr. Stabley advised the board that when he submitted the MTS rule to the Joint Administrative Procedures Committee, Ms. Printy made some comments to some of the changes to the MTS rule. Mr. Stabley reviewed with the board the changes he made after consideration of Ms. Printy's comments.

Ms. Sutphin advised Mr. Stabley that the rule format would need to be reviewed prior to being submitted for adoption. Mr. Stabley agreed.

The board reviewed the changes and made some suggestions and after discussion the following motion was made.

MOTION: Ms. Sutphin made a motion to approve the changes.

SECOND: Mr. Greer seconded the motion and it passed unanimously.

Mr. Stabley advised the board that he will submit the MTS rule for adoption.

OLD/NEW BUSINESS

Ms. Nobles advised the board that Mr. Cooner, Mr. Blankenship and Ms. Patterson and herself would be leaving tomorrow to attend the NCEES annual meeting.

Ms. Nobles reminded the members of the September 1, 2005 telephone conference call.

There being no other business the meeting adjourned at 2:45 p.m.