

52 **PLEDGE OF ALLEGIANCE**

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54 **APPROVAL OF EXECUTIVE DIRECTOR- Juanita Chastain**

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56 MOTION: Mr. Armenteros made a motion to approve Ms. Chastain as the executive
57 director.

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

59

60 **REVIEW AND APPROVAL OF JANUARY 16, 2003 GENERAL BUSINESS MEETING**
61 **MINUTES**

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63 The board reviewed the January 16, 2003, general business minutes and after
64 discussion the following motion was made.

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66 MOTION: Ms. Sutphin made a motion to approve the January 16, 2003 general
67 business meeting minutes.

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

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70 **REVIEW OF THE TASK FUNCTION FORM**

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72 Ms. Patterson reviewed the task function form with members. Ms. Sutphin asked that
73 the task function include detailed information on the status of the task.

74

75 **COMMITTEE REPORTS**

76

77 Application Review Committee Report

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79 Mr. Bush reported that the application review committee met and reviewed six
80 applications.

81

82 Mr. Bush stated that the committee recommended William McLaughlin be approved for
83 licensure by examination and Michael Cook be denied for licensure by examination.

84

85 Mr. Bush stated that the committee recommended Angel Bosque and Jeffrey Genzal be
86 denied for licensure by endorsement.

87

88 Mr. Bush stated that the committee recommended Peninsula Surveying & Mapping Co.,
89 be approved for a certificate of authorization with a \$1000.00 penalty for unlicensed
90 activity. Mr. Bush stated that the committee recommended that the certificate of
91 authorization application for Southeastern Environment Engineering Company be tabled
92 to the July 2003 meeting.

93

94 MOTION: Mr. Armenteros made a motion to approve the application review
95 committee report.

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

97

98 Examination Committee – Pam Nobles

99

100 Ms. Nobles stated that no one who has been licensed in the past two years has been
101 issued a wall certificate and asked staff to assure that all licensees receive a certificate.

102 Ms. Chastain stated she would follow-up.

103

104 Ms. Nobles advised the committee that Wray Nolting from the Department's examination
105 services would be present at the meeting tomorrow and would address the board
106 regarding having a pac study every two years via the internet. Ms. Nobles stated that
107 having a pac study would assist with the matrix of future examinations.
108

109 MOTION: Ms. Sutphin made a motion to approve the examination committee report.
110 SECOND: Mr. Cooner seconded the motion and it passed unanimously.
111

112 NCEES Committee – Pam Nobles and Lou Bush
113

114 Ms. Nobles reported that Mr. Cooner, Mr. Bush, and Ms. Patterson attended the NCEES
115 Southern zone meeting in South Carolina and she asked Mr. Bush to report.
116

117 Mr. Bush advised the committee that Ms. Sutphin and Professor Gibson were also in
118 attendance at the meeting. Mr. Bush advised members there was a written report in
119 their board member folders. Mr. Bush stated he was very impressed with the
120 information he obtained at the meeting and he reviewed his written report with the board.
121

122 Mr. Bush advised the board that exam security was discussed at the meeting in great
123 detail. Mr. Cooner stated that the Texas board had an exam security problem at one of
124 their exams and the NCEES charged the Texas board \$300,000.00. Mr. Cooner stated
125 one of the exam booklets was missing from the exam site.
126

127 Mr. Cooner, Mr. Bush, and Ms. Sutphin shared their concerns with the board on the
128 possibility of this happening at one of the Florida administered exams. Their main
129 concern was would the board or the Department be responsible for the charges from
130 NCEES.
131

132 Ms. Nobles assured the board that the Department's examination services had security
133 measures in place and she was confident that Florida did not have a problem with exam
134 security.
135

136 Ms. Oliver stated that the examination sites were very secure and the persons who
137 proctor the NCEES exam have been employed with the Department's exam services
138 office for many years. Ms. Oliver stated she had no concerns with the Florida board's
139 security of the examination.
140

141 Mr. Cooner stated he was still concerned and wanted to know what the board is liable
142 for. Mr. Cooner stated that there are many examination scams out there and he wants
143 to be assured the board is not liable or if the board is what is the board's or
144 Department's responsibility.
145

146 Ms. Nobles stated she would ask Mr. Nolting to bring a copy of the NCEES contract
147 when he addresses the board tomorrow.
148

149 Ms. Nobles advised the board that ABET has changed their accrediting credentials. Ms.
150 Nobles stated that this was a very hot topic and she will keep the board informed. Ms.
151 Nobles advised the board that their current rules refer to ABET accreditation. Mr.
152 Cooner stated Professor Gibson did an over view at the NCEES meeting.
153

154 Rules Committee – Jeff Cooner
155

156 Mr. Cooner stated that a rules workshop would be noticed for the July 2003 meeting.
157 Mr. Cooner stated that some of the rules that the board will be reviewing will be 61G17-
158 9, FAC and 472.003 (5)(a), FS.
159
160 Mr. Cooner asked Mr. Martin to notice all rules for development at the July 2003
161 meeting.
162
163 The meeting recessed at 4:00 p.m.
164
165 The meeting reconvened April 17, 2003 at 10:45 a.m.
166
167 Ms. Nobles called the meeting to order April 17, 2003 at 10:45 a.m.
168
169 MEMBERS PRESENT
170 Patricia Nobles, Chair
171 Omar Armenteros, Vice Chair
172 Beverly Sutphin
173 Jeffrey Cooner
174 Lou Bush
175 Louis Lebron
176 Dennis Blankenship
177 Francis Poppell
178 Sidney Greer
179
180 MEMBERS NOT PRESENT
181 All members present
182
183 OTHERS PRESENT
184 Juanita Chastain, Executive Director
185 Paul Martin, Asst. Attorney General
186 Christa Patterson, Government Analyst
187 David Melvin
188 Russell Daly
189 Alvin Gloer
190 Ted Madson
191 Michael Ailello
192 Louis Ramierez
193 Larry Wright
194 Ray Berryman
195 Gail Oliver
196 Marilyn Evers
197 Steve Stinson
198 Jesemiah Slaymaker
199 Steve Allen
200 Henry Echezbal
201 Kenneth Monie
202 Joseph Boyle
203 Harley Gilmore
204 Thomas Jenkins
205 Ronnie Taylor
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207 DISCIPLINARY PROCEEDINGS – Charlie Pellegrini

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Settlement Stipulation

Thomas E. Jenkins
Case #2000-05786

Mr. Jenkins' was present at the meeting and was not represented by counsel. Mr. Pellegrini reviewed the settlement stipulation with the board. After discussion the following motions were made.

MOTION: Mr. Bush made a motion to reject the settlement stipulation.

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

MOTION: Mr. Bush made a motion to offer a counter stipulation to include suspension for two years and to stay the suspension if terms and conditions are met, administrative fine of \$1250.00 and investigative cost of \$1,563.77, complete a minimum technical standards course within 90 days, submit six surveys for probation committee review and if not acceptable then a 2nd set would be required, submit proof of insurance, and complete a course on boundary determination.

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

Mr. Jenkins verbally accepted the counter stipulation. Mr. Martin stated a counter stipulation would be drafted and mailed to Mr. Jenkins.

The board asked Mr. Pellegrini in the future to follow the format of past settlement stipulations.

John Mella
Case #2001-07562

Mr. Mella was present at the meeting and was represented by Mr. Steven Allen, Esquire.

Mr. Pellegrini reviewed the settlement stipulation with the board and after discussion the following motions were made.

MOTION: Mr. Bush made a motion to reject the settlement stipulation.

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

MOTION: Mr. Bush made a motion to offer a counter stipulation to include, suspension for two years and to stay the suspension if terms and conditions are met, complete a minimum technical standards course within 90 days, submit six surveys for probation committee review and if not acceptable then a 2nd set would be required, and a statement of compliance of 472.015 (5), Florida Statute.

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

MOTION: Mr. Bush made a motion to amend the counter stipulation to remove the minimum technical standard from the stipulation.

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

MOTION: Mr. Bush made a motion to amend the counter stipulation to add that the six surveys will be due within 60 days of the final order.

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

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263 Mr. Mella verbally accepted the counter stipulation.
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265 Mr. Bush advised Mr. Mella when submitting surveys for probation committee review to
266 submit all supporting documents to assist the committee in their review.
267
268 Informal Hearing
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270 Michael Aiello
271 Case #2001-07462
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273 Mr. Aiello was present at the meeting and was represented by Mr. Ted Madson, Esquire.
274
275 Mr. Pellegrini reviewed the administrative complaint with the board. Mr. Martin advised
276 the board that the case was being heard as an informal hearing.
277
278 Mr. Madson advised Mr. Pellegrini that he did not have the consultant's report in his
279 package. Mr. Pellegrini stated there was not a consultant's report. Mr. Madson stated
280 he had requested a continuance of the informal hearing to allow time to obtain
281 information regarding the consultant's report and his request was denied by the chair.
282 Mr. Madson stated he felt it was not proper Mr. Aiello was charged in the matter.
283
284 Mr. Martin stated that if Mr. Madson was attempting to argue that Mr. Aiello did not
285 commit negligence in the practice of surveying and the facts are not as stated in the
286 Administrative complaint he did not understand why he was before the board as an
287 informal hearing. Mr. Madson stated he was looking for a way within 455, F.S. to
288 present the case to the board without going formal or informal. Mr. Martin advised Mr.
289 Madson that his client completed an election of rights indicating he does not deny the
290 allegations of fact and requested a 120.57 (2), FS, hearing. Mr. Martin advised Mr.
291 Madson if he was attempting to offer in any way to dispute the facts of the allegations in
292 the complaint he would advise the board not to consider it. Mr. Martin advised Mr.
293 Madson if he wanted to offer mitigation than the informal hearing would be continued.
294
295 Mr. Madson requested that the case be sent to DOAH. Mr. Martin advised Mr. Madson
296 again that his client elected a 120.57 (2), F.S. hearing. Mr. Martin stated that Mr. Aiello
297 exercised his rights.
298
299 Mr. Martin advised the board not to feel obligated to allow individuals who have come
300 before the board scheduled for an informal hearing and then turn the informal hearing
301 into something else.
302
303 Mr. Martin advised the board they could vote to suspend the hearing and move the case
304 to DOAH.
305
306 Mr. Bush asked Mr. Aiello if his decision to request an informal hearing was on the
307 advice of his counsel. Mr. Aiello stated yes and it was his understanding that he could
308 provide additional information.
309
310 After discussion the board agreed to suspend the informal hearing.
311
312 MOTION: Ms. Sutphin made a motion to suspend the informal hearing.
313 SECOND: Mr. Armenteros seconded the motion and it passed unanimously.
314
315 Mr. Martin advised Mr. Madson and Mr. Aiello that he would forward the case to DOAH.

316
317 REVIEW AND CONSIDERATION OF MR. RAYMOND BERRYMAN'S PETITION FOR
318 FORMAL ADMINISTRATIVE HEARING.
319
320 Mr. Berryman was present at the meeting and was represented by Ms. Wilkinson,
321 Esquire.
322
323 MOTION: Ms. Sutphin made a motion to deny Mr. Berryman's request for a formal
324 hearing.
325 SECOND: Mr. Armenteros seconded the motion and it passed unanimously.
326
327 Mr. Martin advised the committee that since the hearing was requested within the 21
328 days the board could proceed with an informal hearing.
329
330 The board reviewed Mr. Berryman's application for licensure by endorsement. After
331 discussion the following motions were made.
332
333 Mr. Cooner stated for the record he was going to recuse himself from voting.
334
335 The board reviewed Mr. Berryman's application by endorsement and after discussion the
336 following motions were made.
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338 MOTION: Ms. Nobles made a motion to treat the 1968 California civil engineering
339 license as equivalent to a Florida surveyors and mappers license.
340 SECOND: Mr. Bush seconded the motion and it passed unanimously.
341
342 MOTION: Ms. Nobles made a motion to approve the 1968 California licensure
343 requirements as substantially equivalent in accordance to 472.015 (2),
344 F.S.
345 SECOND: Mr. Bush seconded the motion and it passed.
346
347 Ms. Sutphin opposed.
348
349 MOTION: Mr. Bush made motion to withdraw Mr. Berryman's notice of intent to
350 deny and approve Mr. Berryman's application for licensure by
351 endorsement.
352 SECOND: Mr. Armenteros seconded the motion and it passed.
353
354 Ms. Sutphin opposed.
355
356 Mr. Martin stated he would send Mr. Berryman a Final Order. Ms. Nobles advised Mr.
357 Berryman that he would have to take the Florida examination. Ms. Patterson advised
358 Mr. Berryman that he would receive written notice of the examination date.
359

PETITION FOR DECLARATORY STATEMENT

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361
362 Mr. Alan Burger and Mr. Wright were present at the meeting. Mr. Burger reviewed the
363 petition with the board.
364

365 MOTION: Mr. Armenteros made a motion to accept the petition as legally sufficient.
366 SECOND: Mr. Bush seconded the motion and it passed unanimously.
367

368 The petition addressed the issue of a licensed certificate of authorization subcontracting
369 field services to individuals who are not licensed surveyors. After discussion it was the

370 consensus of the board that there is not an exemption for subcontractors and contracting
371 unlicensed agents outlined in the petition is a violation of Chapter 472, F.S.

372
373 MOTION: Ms. Nobles made a motion that the activity in the petition was in violation
374 of Chapter 472, F.S.

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

376

377 **PROSECUTING ATTORNEY REPORT – Mr. Charlie Pellegrini**

378

379 Mr. Pellegrini reported there were 38 surveyor and mapper cases pending and 12 of
380 those cases were waiting for consultant reports to be returned. Mr. Pellegrini advised
381 the board that they were in the process of hiring an additional consultant.

382

383 Ms. Nobles advised the board that she had a conflict with the October 15-16, 2003
384 meeting dates. After discussion the board changed the meeting dates to October 8-9,
385 2003.

386

387 **BOARD COUNSEL REPORT – Paul Martin**

388

389 Mr. Martin provided the board with a report and he reviewed the report with members.
390 Mr. Martin advised the board that he would respond to Ms. Printy's letter regarding the
391 continuing education rule as soon as he returned to the office. Mr. Martin advised the
392 board that he also received a letter from Ms. Printy regarding rule 61G17-1.010, FAC,
393 and he stated that he did agree with the majority of Ms. Printy's comments and asked
394 the board if he could bring some proposed language to the next meeting. The board
395 agreed.

396

397 Mr. Martin stated that he would also bring proposed language for the board probation
398 rule. Mr. Martin suggested a consultant. The board agreed and asked Mr. Martin to
399 draft proposed language for the July 2003 rules workshop.

400

401 The board discussed the process of license renewals. Ms. Chastain advised the board
402 that if a licensee does not renew his or her license the license goes delinquent and then
403 if the licensee does not change the status of the license during the next renewal the
404 licensee is notified that the license goes null and void.

405

406 Mr. Martin advised the board that in accordance to Chapter 455 the board does not have
407 the authority to reinstate a null and void license, the person would have to reapply for
408 licensure and meet current licensure requirements.

409

410 **COMMITTEE REPORTS – Continued**

411

412 Probation Committee Report – Omar Armenteros

413

414 Mr. Armenteros reported that the probation committee met and the committee
415 recommended suspension of Edwin Matthews' license. Mr. Armenteros stated the
416 committee reviewed his 2nd set of surveys and his surveys were not in compliance to
417 minimum technical standards.

418

419 Mr. Armenteros reported that the committee recommended Carrol Godwin and Kenneth
420 Monie be released from probation.

421

422 Mr. Armenteros reported that the committee reviewed a letter from Mr. Rene
423 Aiguesvives requesting that the board accept his minimum technical standards

424 correspondence course. Mr. Armenteros stated that the stipulation required Mr.
425 Aiguesvives to complete a course in person. Mr. Armenteros stated that the committee
426 recommended his request be denied.

427
428 MOTION: Mr. Blankenship made a motion to approve the probation committee's
429 report.

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

431

432 ACSM- Beverly Sutphin

433

434 Ms. Sutphin reported she attended the ACSM meeting in Phoenix, Arizona. Ms. Sutphin
435 stated the ACSM is moving forward with proposed changes to their by-laws and a ballot
436 will be out sometime in May 2003.

437

438 Examination Committee – Pam Nobles

439

440 Ms. Oliver was present at the meeting and Ms. Nobles asked Ms. Oliver to address the
441 board. Ms. Oliver advised the board that she has contracted with the Department as an
442 exam consultant. Ms. Oliver advised the board that she had written a memo that was
443 included in their board members folders regarding some of the examination issues. Ms.
444 Oliver asked the board if they had any questions. The board didn't have any questions.

445

446 Mr. Wray Nolting was present at the meeting and Mr. Nolting addressed the board. The
447 board asked Mr. Nolting to provide the board with an outline of the Department's
448 examination security measures. Mr. Nolting stated that the Department takes exam
449 security very seriously and that there was a manual that was used. Mr. Nolting stated
450 that the NCEES testing booklets are delivered to the Department by secured carrier and
451 go directly to the exam site or to a vault. Mr. Nolting stated that the proctors at the exam
452 site have been working with the Department for many years and are very well trained on
453 booklet control. Mr. Nolting stated that the exam site is very controlled.

454

455 Ms. Nobles advised the board that they might want to consider different options for the
456 Florida Jurisdictional exam. Ms. Nobles stated with all the changes going on in the
457 profession the board might want to consider having one exam. Ms. Nobles asked
458 members to review Ms. Oliver's memo and at the July 2003 meeting the board would
459 have discussion.

460

461 Ms. Nobles asked Mr. Nolting who would be responsible if something happened to a
462 NCEES exam booklet. Mr. Nolting was not sure and stated that he would have to review
463 the contract. Ms. Nobles asked Ms. Chastain to provide a copy of the NCEES contract
464 on the July 2003 meeting agenda.

465

466 Probable Cause Panel – Dennis Blankenship and Henry Echezabal

467

468 Mr. Blankenship reported that the panel committee met. Mr. Blankenship stated that the
469 committee found probable cause on 1 case, referred 1 case back to the Department for
470 expert review, and two cases were dismissed.

471

472 Continuing Education Committee - Beverly Sutphin

473

474 Ms. Sutphin reported that the continuing education committee met and during this
475 meeting the continuing education provider and course renewals was discussed.

476

477 MOTION: Mr. Cooner made a motion to approve the existing list of continuing
478 education providers renewal.
479 SECOND: Mr. Bush seconded the motion and it passed unanimously.
480
481 MOTION: Mr. Cooner made a motion to grandfather the existing list of continuing
482 education provider courses for renewal.
483 SECOND: Mr. Blankenship seconded the motion and it passed unanimously.
484

485
486 Mr. Ron Villella from the Florida Surveyors and Mappers Society was present at the
487 meeting. Mr. Villella stated that the Society hired a consultant to conduct a study of the
488 possibility of privatizing support services and that the report was passed out at the
489 January 2003 meeting to be discussed at the April 2003 meeting.
490

491 Mr. Villella stated that he was aware that the board had new members and that the new
492 members may not have had time to review the information provided at the January 2003
493 meeting. Mr. Villella stated that at the FSMS annual meeting in September they would
494 like to bring forward a presentation to the society member but they do not want to go
495 forward with that if the board is not in agreement.
496

497 After discussion Ms. Nobles tabled review of the report to the July 2003 meeting. Mr.
498 Villella stated that he would ask Mr. Steve Gorden to attend the July 2003 meeting to
499 address any questions the board may have regarding the report.
500

501 After discussion the board asked Ms. Nobles to invite Natalie Lowe to the July 2003
502 meeting to discuss the Board of Engineers progress with privatization.
503

504 **Executive Director Report – Juanita Chastain**

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506 No report
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508 **Chairperson’s Report – Pam Nobles**

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510 No report
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512 **OLD/NEW BUSINESS**

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514 Mr. Cooner advised the board that he had obtained information on a company that was
515 offering washout surveys. Mr. Cooner stated the company was in violation and
516 requested that a complaint be initiated and during the investigation Mr. Cooner asked
517 that all records be requested. Ms. Chastain stated she would forward the information to
518 the complaint office.
519

520 **Unlicensed Activity Update**

521
522 Mr. Bush reported that he is continuing to monitor the surveyor and mapper unlicensed
523 activity complaints. Mr. Bush advised the board that a written report was included in
524 their board member folders. Mr. Bush reviewed the written report with members.
525

526 Mr. Bush asked members to consider opening the window for another grandfather period
527 for photogrammetrists. Mr. Bush stated that the previous grandfather time frame was
528 not long enough and there were many out of state photogrammetrist who missed the
529 deadline. Mr. Bush stated he would like to present proposed legislative language for the

530 board to consider at the July 2003 meeting. Ms. Nobles stated that additional
531 discussion was necessary and she tabled discussion to the July 2003 meeting.

532
533 **Mr. Carlos Vidal Correspondence**

534
535 The board reviewed Mr. Vidal's letter and it was the consensus of the board that Mr.
536 Vidal's signature would be approved as shown in the letter. The board asked Ms.
537 Patterson to send Mr. Vidal a letter.

538
539 **Discussion of 472.021 (2), F.S.**

540
541 Ms. Chastain advised the board that in the past the certificate of authorization licenses
542 have been issued in the fictitious name. Ms. Chastain stated that it has been brought to
543 the board office attention that this might not be in compliance to Chapter 471.021 (2),
544 F.S.

545
546 The board asked Mr. Martin to respond. Mr. Martin advised the board that the person
547 who applies for a certificate of authorization with a fictitious name should be issued a
548 license with the person's name that applied and then doing business as and the fictitious
549 name. Mr. Martin stated that if a corporation has a fictitious name and the corporation
550 has been issued a certificate of authorization than the corporation would need to apply
551 for a second license for the fictitious name.

552
553 There being no future business the meeting adjourned at 4:50 p.m.

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