

MINUTES

BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS

General Business Meeting

Hawthorn Suites Hotel
7450 Augusta National Drive
Orlando, Florida

July 14-15, 2004

Call to Order / Roll Call

Pamela Nobles, Chair, called the meeting to order July 14, 2004 at 2:30 p.m.

Members Present

Pamela Nobles, Chair
Dennis Blankenship, Vice Chair
Lou Bush
Louis Lebron
Jeffrey Cooner
Beverly Sutphin
Fran Poppell
Sidney Greer
Omar Armenteros

Members Not Present

Others Present

Paul Martin, Board Counsel
Charlie Pellegrini, Prosecuting Attorney
Brian Higgins, Prosecuting Attorney
John Knap, Executive Director
Christa Patterson, Government Analyst
Jerry Wilson, Deputy Division Director
Arthur Mastronicola
Mohammad Far
Tony Pursley
Harley Gilmore
Ted Madson
Alvin Gloer
Michael Aiello
David Melvin
Kevin Walsh
Rene Aiguesvives
Daryl Burgis
William Hayes
Charles Palomb
Benigno Suarez
Marilyn Evers
Beverly Sutphin

Russ Daly
Jeffrey Carlen
Steven Quesnel
Henry Echezabal

PLEDGE OF ALLEGIANCE

REVIEW AND APPROVAL OF THE APRIL 8, 2004 GENERAL BUSINESS MEETING MINUTES

MOTION: Mr. Blankenship made a motion to approve the April 8, 2004 general business meeting minutes with corrections.
SECOND: Mr. Greer seconded the motion and the motion passed unanimously.

Ms. Patterson advised the board that included in their meeting folders was a draft of the June 24, 2004 general business meeting minutes. Ms. Patterson asked the board to review the minutes.

After review the following motion was made.

MOTION: Mr. Greer made a motion to approve the June 24, 2004 general business meeting minutes.
SECOND: Mr. Cooner seconded the motion and it passed unanimously.

REVIEW OF THE TASK FUNCTION FORM

Ms. Nobles reviewed the task function form with the board. The board discussed the number of hours a licensee would receive for attending board meetings. Ms. Patterson advised the board that in accordance to the board's rule a licensee could obtain 2 hours per day and 18 hours total for the renewal period.

BOARD COUNSEL REPORT – Paul Martin

Mr. Martin passed out a rules report and reviewed the report with the board. Mr. Martin also passed out a draft copy of rule 61G17-2.0015, F.A.C., and asked the board to review the draft for consideration of adoption.

After review and discussion the board made the following motion.

MOTION: Mr. Greer made a motion to approve the draft of rule 61G17-2.0015, F.A.C.
SECOND: Mr. Lebron seconded the motion and it passed unanimously.

COMMITTEE REPORT

Application Committee

Mr. Blankenship reported that the application review committee met and reviewed 15 applications and following the review of the applications the committee made the following recommendations.

Stephen Calder denied for licensure by examination. Mr. Calder did not verify a 4-year degree.

Roberto Roque DeGuzman approved for licensure by examination.

Gary Florence approved for licensure by examination.

William Young denied for licensure by examination. Mr. Young did not verify the required work experience.

Ramon A. Viamontes denied for licensure by examination. Mr. Viamontes did not verify the required education.

Donald E. Bowen, Jr. approved for licensure by endorsement.

Clyde William Faust, III, approved for licensure by endorsement.

Loren Gibson approved for licensure by endorsement.

Johnny Eugene Holley denied for licensure by endorsement. Mr. Holley did not verify that he held an active license in another state or territory prior to July 1, 1999.

Young Lee denied for licensure by endorsement. Mr. Lee did not verify enough supervised experience.

Karner Surveying, Inc. approved for a certificate of authorization.

Thomas Bon denied for licensure by examination. Mr. Bon did not verify he completed the required education.

David Green approved for licensure by examination.

Robert Swilley approved for licensure by examination.

Michael Kelley denied for licensure by examination. Mr. Kelley did not verify he completed the required education.

Mr. Blankenship advised the board that the committee reviewed Mr. Elliot Lee Whitney's application to reinstate a null and void license in accordance to HB 1457 and the committee recommended that the application be denied. Mr. Blankenship stated that HB 1457 required applicants to verify the following:

- The individual license was scheduled to be renewed during the biennium period beginning in 2001.
- The license of the individual was in good standing at the time of the beginning of the renewal cycle.
- The individual properly petitioned the Department for relief relating to the circumstances under which the license became null and void.
- During the period that the license was null, the individual did not commit a felony, violate a practice act, or engage in unlicensed activity for which a penalty is imposed.
- The individual must submit an application to the Board of Professional Surveyors and Mappers for reinstatement in a manner prescribed by rule of the Board and pay the

appropriate application fee in an amount equal to the fee currently imposed for initial licensure.

Mr. Blankenship stated that Mr. Whitney submitted an application and stated that the only requirement Mr. Whitney had not verified nor documented was the requirement that during the period the license was null, the individual did not commit a felony, violate a practice act, or engaged in unlicensed activity. The board reviewed the materials and agreed.

The board discussed their concerns regarding Mr. Whitney's employment with the Santa Rosa County and still holding the employment title of County Surveyor. It was the consensus of the board that they would need verification or documentation that Mr. Whitney had not violated a practice act, or engage in unlicensed activity. Mr. Martin advised the board that if they vote to deny Mr. Whitney's applications, Mr. Whitney would have hearing rights he could consider.

It was the consensus of the board to deny Mr. Whitney's application.

MOTION: Mr. Armenteros made a motion to approve the application review committee's report.

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

Examination Committee and NCEES Committee – Pam Nobles

Ms. Nobles advised the board that she had requested from the Bureau of Education and Testing a comparison of candidates who have taken the Florida Jurisdictional Essay and the candidates who take the NCEES exam. Ms. Nobles stated that in the past the exam committee was advised by the Bureau of Education and Testing that the department used a one on one correlation.

Ms. Nobles advised the board that at the August NCEES meeting there would be a vote to consider using an exam administration service approved by the council. Ms. Nobles stated that if this happens, would the board still want to consider administering the Florida exams. Ms. Nobles stated that the statistical information provided by the Bureau of Education and Testing verified that there was only one candidate who was scheduled to take the exam for the 1st time and she knew this information was not correct. Ms. Nobles stated that the comparison information had flaws and at this time she could not attest to the number of candidates and the pass and fail rate.

After discussion the board asked Ms. Nobles to report the outcome of the NCEES vote at the next meeting.

Ms. Nobles advised the board that at the October 2004 administration of the examination the candidates would no longer choose the essay question. Ms. Nobles stated that the exam committee would choose the essay question for each administration of the examination. Ms. Nobles stated that the photogrammetry candidates would have the option to choose the photogrammetry question. Ms. Nobles advised the board that the exam candidates were notified of this change by mail.

Rule Committee – Jeff Cooner

Mr. Cooner conducted an overview of the rules workshop held earlier that day. Mr. Cooner advised the board that the language of right of way surveys was deleted from the draft and made a few changes to the map accuracy section of the rule. Mr. Cooner stated that the board did not draft a rule to address the 45-day continuing education course application deadline.

Mr. Cooner stated that when the board adopts the final language to the MTS rule he would suggest deleting the current language and adopting the new. Mr. Cooner stated he and Mr. Bush would be working on draft language to present at the next meeting.

ACSM – Beverly Sutphin

Ms. Nobles advised the board that Ms. Sutphin's father had passed away and that she was unable to attend the conference. Ms. Oliver advised the board that she had attended the ACSM2004 Registration Board Forum and that she had provided a written report that was included in the board's meeting materials.

Probable Cause Panel – Dennis Blankenship

Mr. Blankenship reported that the probable cause panel met and reviewed 16 cases. Mr. Blankenship advised the board that 5 cases were closed, 1 case was closed with a letter of guidance, 2 cases were referred back to the department for additional investigation, and in 8 cases probable cause was found.

Executive Director – John Knap

Mr. Knap advised the board that he was aware the board would be considering the option of using an exam administrator service and with that in mind he would gather some information regarding other professions using exam administrator services. Mr. Knap stated that he was made aware of some problems with using testing agents such as candidates not approved to take the licensure examination and contacting the vendor directly and being able to take the exam. Mr. Martin stated that the Engineers board was in the process of contract negotiation with the NCEES exam administrator service and they only allow approved candidates to take the exam.

Mr. Martin assured the board that the NCEES exam administrator service was very secure. Mr. Martin stated that if the board contracted like the Engineer board did that the Department staff would provide to the exam administrator an approval list of candidates to take the examination each administration.

Mr. Knap reviewed the unlicensed activity and operating account with the board. Mr. Knap also provided the board with complaints and investigative statistics and he reviewed the statistic report with the board. Mr. Knap reminded board members to turn in their financial disclosure form to the Commission on Ethics.

Ms. Nobles passed out a letter she had received from the Department regarding Budget. Ms. Nobles stated that the letter asked for the board's input on the budget. Ms. Nobles

stated no matter how much budget is allocated to travel the Department never approves staff personnel to attend the Annual meetings.

The board reviewed the information and asked Ms. Nobles to respond in writing requesting a 10% increase to the operation budget.

Mr. Knap advised the board that the examination and endorsement applications were revised as approved at the last meeting and were waiting on Department approval before implementation.

CHAIRPERSON'S REPORT – Ms. Nobles

Ms. Nobles stated she would respond to the Department's letter requesting the board input on the proposed budget. Ms. Nobles advised the board that the Department of Business and Professional Regulation was currently being audited under a 5-year Office of Planning and Accountability. Ms. Nobles advised the board that OPAGA contacted all the board Chairs and asked questions regarding the Department's performance. Ms. Nobles stated the review was a requirement by law. Ms. Nobles stated that the report has been completed by OPAGA and it would be shared with the legislature.

The meeting adjourned July 14, 2004 at 4:30 p.m. to reconvene July 15, 2004 following the probation review committee meeting.

July 15, 2004

Ms. Nobles called the general business meeting to order July 15, 2004 at 9:15 a.m.

Members Present

Pamela Nobles, Chair
Dennis Blankenship, Vice Chair
Lou Bush
Louis Lebron
Jeffrey Cooner
Beverly Sutphin
Fran Poppell
Sidney Greer
Omar Armenteros

Members Not Present

Lou Bush

Others Present

Paul Martin, Board Counsel
Charlie Pellegrini, Prosecuting Attorney
Brian Higgins, Prosecuting Attorney
John Knap, Executive Director
Christa Patterson, Government Analyst
Arthur Mastronicola
Mohammad Far
Tony Pursley
Harley Gilmore
Ted Madson

Alvin Gloer
Michael Aiello
David Melvin
Kevin Walsh
Rene Aiguesvives
Daryl Burgis
William Hayes
Charles Palomb
Benigno Suarez
Marilyn Evers
Beverly Sutphin
Russ Daly
Jeffrey Carlen
Steven Quesnel
Henry Echezabal

DISCIPLINARY PROCEEDING – Brian Higgins

Preston Polhill
Case # 2003-074911

Ms. Nobles stated for the record that Mr. Blankenship and Ms. Poppell were recused due to their participation on the probable cause panel.

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

Mr. Higgins reviewed with the board the motion for default and after discussion by the board the following motions were made.

MOTION: Ms. Sutphin made a motion to approve the motion for default.

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

MOTION: Mr. Greer made a motion to revoke Mr. Polhill's license and impose a \$1200.00 fine and \$1012.08 in cost.

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

Fredrick Halfen
Case # 2003-073621

Ms. Nobles stated for the record that Mr. Blankenship and Ms. Poppell were recused due to their participation on the probable case panel.

Mr. Halfen was not present at the meeting but was represented by Mr. Mitchell.

Mr. Higgins reviewed the settlement stipulation with the board and after discussion the following motion was made.

MOTION: Mr. Cooner made a motion to accept the settlement stipulation.

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

Ms. Nobles stated for the record Mr. Blankeship was recused due to his participation on the probable cause panel.

Mr. Langbehn was present at the meeting and was represented by Miariam Wilkinson.

Mr. Higgins reviewed with the board the settlement stipulation and after discussion the following motion was made.

MOTION: Mr. Cooner made a motion to accept the settlement stipulation as represented.

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

INFORMAL HEARING OF APPLICATION DENIALS

Examination

Timothy Delaney

Mr. Delaney was present at the meeting and was not represented by counsel. Mr. Delaney was sworn in by the court reporter.

Mr. Martin reviewed the notice of intent to deny with the board. Mr. Martin stated Mr. Delaney had not verified that he had completed the required work experience.

Mr. Delaney advised the board that his experience has been out of state as a photogrammetrist. After discussion and review the board made the following motion.

MOTION: Mr. Blankenship made a motion to uphold the notice of intent to deny.

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

Jose Perez

Mr. Perez was present at the meeting and was not represented by counsel. Mr. Perez was sworn in by the court reporter.

Mr. Martin reviewed the notice of intent to deny with the board and stated Mr. Perez had not documented experience that meets requirements for licensure. The board stated Mr. Perez would have to verify 6 years of experience working with a licensed professional that meets board rules and was in responsible charge.

MOTION: Mr. Armenteros made a motion to table Mr. Perez's informal hearing to the October 2004 meeting to allow time for Mr. Perez to obtain additional documentation.

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

Dean Warhaft

Mr. Warhaft was present at the meeting and was not represented by counsel. Mr. Warhaft was sworn in by the court reporter.

Mr. Martin reviewed the notice of intent to deny with the board and advised the board Mr. Warhaft did not have the required education. Mr. Martin advised the board that Mr. Warhaft requested a formal hearing proceeding.

MOTION: Ms. Sutphin made a motion to deny the request for a formal hearing.
SECOND: Mr. Armenteros seconded the motion and it passed unanimously.

Mr. Warhaft reviewed his transcripts with the board and after review and discussion the following motion was made.

MOTION: Mr, Armenteros made a motion to approve Mr. Warhaft's application for licensure by examination.
SECOND: Mr. Blankenship seconded the motion and it passed unanimously.

Richard Welch – Re-examination application

Mr. Welch was present at the meeting and was represented by Mr. McCain.

Mr. Cooner asked to be recused.

Mr. Welch was sworn in by the court reporter.

Mr. Martin reviewed with the board the notice of intent to deny. Mr. Martin advised the board that Mr. Welch was currently under investigation by the department.

Mr. McCain addressed the board and stated the board does not have the right to not allow Mr. Welch to take the examination. Mr. McCain asked the board to allow Mr. Welch to take the exam and if he passes not issue the license until the Investigations are resolved.

Mr. Martin did not agree with Mr. McCain and stated the board does have the right not to allow Mr. Welch to take the examination in accordance to 455.213 (3), Florida Statutes. Mr. McCain stated that he agreed with Mr. Martin regarding original application but advised Mr. Martin that Mr. Welch's application was a re-examination application. Mr. Martin did not agree.

After discussion the following motion was made.

MOTION: Mr. Greer made a motion to uphold the notice of intent to deny.
SECOND: Mr. Cooner seconded the motion and it passed unanimously.

Endorsement

Kenneth Carlisle

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

Mr. Carlisle was sworn in by the court reporter.

Mr. Martin reviewed with the board the notice of intent to deny and advised the board that Mr. Carlisle does not hold a current active license in another state and the licensure requirements in that state at the time were not equivalent.

Mr. Martin stated that the statute requires that the applicant hold a valid license to practice in another state and Mr. Carlisle does not have a valid license in another state. Mr. Carlisle asked the board to consider his application by examination instead of endorsement. Mr. Martin stated that if the board upholds the denial than Mr. Carlisle could re-apply by examination. After discussion it was the consensus of the board that Mr. Carlisle would not meet current requirements. The board suggested that Mr. Carlisle consider having his license in another state reinstated.

MOTION: Ms. Sutphin made a motion to uphold the notice of intent to deny.

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

Edward Dudley

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

Mr. Dudley was sworn in by the court reporter.

Mr. Martin reviewed the notice of intent to deny with the board. Mr. Martin stated Mr. Dudley had not documented 8-year experience record under supervision and in responsible charge and the state's licensure requirements were not equivalent to Florida's licensure requirements at the time of licensure.

Mr. Dudley stated that his supervisor had passed away but could provide other supporting documentation. After discussion by the board the following motion was made.

MOTION: Ms. Sutphin made a motion to table consideration of the hearing to the October meeting to allow Mr. Dudley time to document his experience.

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

Margaret Washko

Ms. Washko was present at the meeting and was not represented by counsel.

Ms. Washko was sworn in by the court reporter.

Mr. Martin reviewed the notice of intent to deny with the board and stated Ms. Washko's application was denied due to lack of experience documentation.

Ms. Washko advised the board that she was unable to contact her supervisors. Ms. Washko stated she can get a letter from the head of the department were she was employed. The board stated that a licensed individual must document the information. After discussion by the board the following motion was made.

MOTION: Ms. Sutphin made a motion to table the informal hearing to the October meeting to allow Ms. Washko the time to provide the board with experience documentation for the board to consider.

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

Surveyor In Training

Harold Feliciano

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

Mr. Feliciano was sworn in by the court reporter.

Mr. Feliciano addressed the board and handed out additional information. The board reviewed the information and noted Mr. Feliciano had already taken the NCEES fundamental examination.

MOTION: Mr. Blankenship made a motion to uphold the notice of intent to deny.

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

Northstar Surveying and Mapping

There was no representative from Northstar Surveying and Mapping present at the meeting.

Mr. Martin reviewed with the board the notice of intent to deny and after review and discussion by the board the following motion was made.

MOTION: Mr. Cooner made a motion to approve the application for a certificate of authorization.

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

Ms. Nobles addressed Ms. Hekker. Ms. Hekker was present at the meeting to discuss disciplinary action against Mr. Pursley.

Ms. Nobles advised Ms. Hekker that the board had taken action and there would be no further action on that case by the board. Ms. Hekker shared her concerns with the board and stated the board has not heard the last from her.

APPEARANCE BY REDVECTOR

Mr. Knap advised the board that he sent an appearance letter to RedVector and that they sent an email advising him that they were unable to attend the meeting. The board instructed Mr. Knap to contact the department's continuing education office to verify if RedVector or the approved providers were reporting the licensee's hours. After discussion the board asked Mr. Knap to notify the approved providers using RedVector to appear at the next meeting.

DISCUSSION OF CHAPTER 455, F.S. PRIVATIZATION MODE

Mr. Gorden from FSMS addressed the board. Mr. Gorden offered to do the feasibility study for the board. Ms. Nobles asked the members if they wanted to continue consideration of privatization. After discussion by the board the following motion was made.

MOTION: Mr. Cooner made a motion to ask FSMS to conduct the feasibility study and to bring the report and supporting documentation to the October 2004 meeting.
SECOND: Mr. Lebron seconded the motion and it passed unanimously.

PROSECUTING ATTORNEY'S REPORT – Brian Higgins

Mr. Higgins reviewed his written report with the board.

The board asked Mr. Knap if the 100% monitoring program would have any impact on how the renewals would be handled. Mr. Knap advised the board that he would have to follow-up and report at the next meeting.

COMMITTEE REPORTS – Continued

Probation Committee Report – Omar Armenteros

Mr. Armenteros reported that the probation committee met and made the following recommendations.

Committee made a motion to release Mr. Moody from probation.

Mr. Armenteros advised the committee that he approved a request from Mr. Frier to postpone review of his surveys to the next committee meeting due to family medical reasons.

Committee did not accept Mr. Hayhurst 1st set of surveys and made a motion to require Mr. Hayhurst to submit a 2nd set for review by September 1, 2004.

Committee made a motion to release Mr. Muldowney from probation.

Committee made a motion to release Mr. Burgis from probation.

Committee made a motion to release Mr. Denes from probation.

MOTION: Ms. Sutphin made a motion to approve the probation committee's report.
SECOND: Mr. Greer seconded the motion and it passed unanimously.

Continuing Education Committee – Beverly Sutphin

Ms. Sutphin reported that the continuing education committee met and made the following recommendations.

Committee made a motion to approve Mean High Water Observations and Computations for 6 hours general credit and Using Labins for fun and profit for 2 hours general credit.

The committee reviewed course applications submitted by Florida Surveyors and Mappers Society. Ms. Evers was present at the meeting and after discussion Ms. Evers asked the committee to withdraw course applications for Mean and High Water

Observation and Board Orientation for Florida Surveying and Mapping Society. The committee approved Ms. Evers' request.

The committee made a motion to approve the following courses, Time and Productivity Management for 6 hours general, Using Labins for fun and profit for 2 hours general, Evolution of Photogrammetric Mapping for 2 hours general, Red Cross – First Aid for 2 hours general, Tree Identification in North Florida for 2 hours general, Contracts and Proposals in Surveying and Mapping for 2 hours general, Surveying Business and Development for 2 hours general, Introduction to GIS for Surveyors and Mappers for 6 hours general, Historical Surveying for 6 hours general, Professional Ethics for the Professional Surveyor and Mapper for 3 hours general, Client Relations for Surveyors for 6 hours general, Integrating Survey Data and GIS- Improving the Spatial Quality of GIS Features for 2 hours general, USGS Calibration, Characterization, Validation & Verification; Activities Related to Digital Imaging Systems for 2 hours general, Introduction to ArcGIS I for 12 hours general, Parcel Creation in ArcGIS for 6 hours general, and Airborne Laser Mapping- Principles and Applications for 2 hours general.

The committee made a motion to approve the course The National Flood Insurance Program for 6 hours of continuing education.

The committee made a motion to deny the course Zoning and Land Use in Florida.

The committee reviewed the courses submitted by Lorman Business Center, Inc. After review and discussion it was the consensus of the committee that the courses should be approved for general hours and not laws and rules.

The committee made a motion to approve Water Rights, Allocation and Resource Management for 6 hours general and Real Estate Development From Beginning to End in Florida for 6 hours general.

The committee reviewed course applications submitted by Alabama Society of Professional Land Surveyors. After review the following motion was made.

The committee made a motion to approve General Safety Seminar for Surveyors for 6 hours general, Business Writing & Grammar Skills Made Easy & Fun for 6 hours general, and the History of the Public Domain & Subdivision of Townships for 6 hours general.

Mr. Armenteros advised the board that the committee made a motion that all continuing education providers must submit course applications 45-days prior to the course being offered and as a follow-up requested staff send a reminder notice to the approved providers and that the committee will not consider applications after the continuing education agenda has been finalized.

Ms. Sutphin advised the board that she had completed the project to identify the courses approved during the 2001 audit and it was included in the committee's agenda material.

MOTION: Mr. Lebron made a motion to approve the continuing education committee's report and recommendations.

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

OLD/NEW BUSINESS

2004/2005 Meeting Schedule

The board discussed their meeting schedule and it was the consensus of the board to meet the following dates and locations.

October 13-15, 2004 – Ft. Myers
January 11-13, 2005 – Tallahassee, Florida
April 13-15, 2005 – St. Augustine
July 13-15, 2005 – Pensacola
October 11-13, 2005 – West Palm Beach

There being no other business the meeting adjourned at 3:00 p.m.