

## MINUTES

### BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS

#### General Business Meeting

Department of Business and Professional Regulation  
Board Conference Room  
1940 North Monroe Street  
Tallahassee, Florida

January 10-12, 2006

#### Call to Order / Roll Call

Dennis Blankenship, Chair, called the meeting to order January 10, 2006 at 1:46 p.m.

#### Members Present

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

#### Members Not Present

Fran Poppell

#### Others Present

Brian Stabley, Board Counsel  
John Knap, Executive Director  
Christa Patterson, Government Analyst  
Eric Hurst, Prosecuting Attorney  
David Nale  
Ted Madson  
John O'Neill  
Alvin Gloer  
Kenneth Mahler  
Art Mastronicola  
Marilyn Evers  
Ryan King  
Harley Gilmore  
Henry Echezabal  
Orlando Grandal  
Allen Nobles

Mr. Blankenship advised the board that Ms. Poppell's afternoon absence was excused.

#### REVIEW AND APPROVAL OF GENERAL BUSINESS MEETING MINUTES

## October 12-13, 2005 - General Business Meeting Minutes

The board reviewed the October 12-13, 2005 general business meeting minutes and after review the following motion was made.

MOTION: Mr. Greer made a motion to approve the October 12-13, 2005 general business meeting minutes with corrections.

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

## December 14, 2005 – General Business Meeting Minutes by Telephone Conference

Ms. Patterson advised the board that the December 14, 2005 minutes had not been completed and will be submitted to the board at their next meeting.

### **PROSECUTING ATTORNEY REPORT – Eric Hurst**

Mr. Hurst reviewed his case report with the board and after discussion the following motion was made.

MOTION: Mr. Greer made a motion to accept Mr. Hurst's report.

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

### **BOARD COUNSEL REPORT – Brian Stabley**

Mr. Stabley reviewed his rules report with the board.

Mr. Stabley reviewed with the board new procedures for probationers that are not complying with the terms of the final order. Mr. Stabley stated that the probation review committee members will review the probation tracking form and identify those individuals not in compliance with the terms of the final order and the probationer will be noticed to appear at the next probation review committee meeting for non-compliance.

Ms. Sutphin asked if the non-compliance appearance was going to be mailed by the department by certified mail. Ms. Patterson advised the board that the notice would be mailed out by certified mail. Mr. Stabley advised the board that the new procedure will be in place for the April 2006 meeting.

Mr. Stabley advised the board that at the April 2006 meeting he would be providing the board with a board member training. Mr. Stabley reminded members not to email or call each other about board business.

Mr. Bush asked Ms. Patterson if the department issued identification cards. Ms. Patterson advised the board that the department did not provide identification cards. Ms. Patterson stated that the identification cards are issued by the Department of State.

Mr. Knap stated he would follow-up with the Director's office to see if identification cards are still being offered by the Department of State and would report back to the board at the next meeting.

### **REVIEW OF THE TASK FUNCTION FORM FROM THE OCTOBER 2005 MEETING**

The board reviewed the task function form. The board noted that the task had been completed.

Mr. Stabley reported that he reviewed the statutes relevant to the possibility of the board delegating authority to the Department to renew courses that have no changes and that have been approved by the board in the past. Mr. Stabley stated that the board does not have the authority to delegate the task.

The board discussed the procedure that would take place during the MTS rule hearing. Mr. Cooner asked Ms. Patterson to be sure to have a sign in sheet for the MTS hearing.

## **OLD/NEW BUSINESS**

### Presentation of OPPAGA ADRA Recommendations – Ronald Stafford, Alternative Dispute Resolutions Coordinator, Division of Professions and Regulation

Mr. Stafford was present at the meeting and he addressed the board. Mr. Stafford provided the board with mediation statistical information. Mr. Stafford advised the board that the department does offer mediation and asked the board if there were any rules that the board may consider using dispute resolutions instead of investigation or prosecution.

After discussion the board thanked Mr. Stafford for attending the meeting and providing the board with the information. It was the consensus of the board not to take any action.

## **COMMITTEE REPORTS**

### Application Review Committee

Mr. Bush reported that the application review committee made the following recommendations.

#### Surveyor in Training

Approved Kenneth Mahler's request to withdraw his application for a surveyor in training.

#### Chapter 455.271 (6)(b), Florida Statutes

Mr. Bush reported that Thomas Snyder was present at the meeting and that the application was continued to the following day general business meeting.

#### Photogrammetry (Endorsement Application)

Approved David Nale's application for licensure by endorsement.

#### Examination

Tabled consideration of Richard Harris' application to the July 2006 meeting.

#### Endorsement

Approved Mr. Merritt's application for licensure by endorsement.

#### Certificate of Authorization

Approved Continental Aerial Surveying Inc.'s application for a certificate of authorization pending receipt of a \$1000.00 fine for offering surveying and mapping service prior to being issued a license.

Approved Pinnacle Mapping Technologies Inc.'s application for a certificate of authorization.

Amended Mr. Voleker's notice of intent to deny.

MOTION: Mr. Greer made a motion to approve the application review committee report and to table consideration of Thomas Snyder's application to the next day general business meeting.

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

MOTION: Ms. Sutphin made a motion for the full board to review applicants applying to be considered under 455.271 (6)(b), Florida Statutes.

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

#### Exam Committee – Pam Nobles

Ms. Nobles reported that after the October 2005 administration of the exam, the exam booklets were mailed from the exam site to the Department and then from the Department to NCEES. Ms. Nobles stated that during the mailing transition 69 booklets did not make it to NCEES. Mr. Knap stated that the exams books were shipped back as per the specifications of NCEES. Mr. Knap stated that an investigation was held and it was determined that the UPS machine shredded the exam booklets.

Ms. Nobles stated that there were a lot of nervous people including herself. Mr. Cooner asked if the board was liable and if the board was insured through the Department. Ms. Nobles stated she was not sure of the liability of the board. Ms. Nobles stated the board would be responsible and that the board should consider contracting directly with NCEES with the administration of the exam.

After discussion it was the consensus of the board to request that staff invite a representative from ELESE to the April 2006 meeting. The board stated that they would like to know what ELESE has to offer and the cost involved with using their services.

Ms. Nobles stated that the board needs to evaluate the time, effort and money involved with administering the essay exam, and is the essay exam necessary. Ms. Nobles stated that as part of the NCEES exam, the essay portion is covered. Mr. Blankenship stated that considering the expense he would like to see the Florida exam administered via computer. Ms. Nobles stated there are other exam formats for the board to consider.

Mr. Bush asked Ms. Nobles how the board would handle the photogrammetry candidates. Ms. Nobles stated that they would be treated the same as other endorsement candidates.

#### NCEES Committee – Pam Nobles

Ms. Nobles reported that the Southern Zone meeting will be taking place in April in Savannah, Georgia. Mr. Blankenship asked members who was interested in attending. Ms. Nobles, Ms. Sutphin, Mr. Cooner, Mr. Blankenship, and Mr. Bush stated they would be interested in attending. Ms. Nobles stated Ms. Patterson should attend also.

### Rules Committee – Jeff Cooner

Mr. Cooner reported that the following rules were reviewed by the board.

Approved the proposed changes to Rule 61G17-5.001, F.A.C.

The board discussed the continuing education requirements for an inactive licensee requesting to change their licensure status to active. Mr. Stabley and Ms. Nobles stated they would work together on proposed language to address the MTS issue for the board to consider at the April 2006 meeting.

Approved the proposed changes to Rule 61G17-5.0031 (4), F.A.C.

Approved the proposed changes to Rule 61G17-5.0051, F.A.C.

Approved the proposed language to Rule 61G17-8.0011, F.A.C.

Approved the proposed language to Rule 61G17-9.007, F.A.C., with changes as discussed.

Approved the proposed language with changes to Rule 61G17-10.001, F.A.C.

Mr. Cooner stated that the Department is in the process of negotiating a contract to use Dave Gibson as a consultant to assist the board with draft language for a rule to address domestic school approval.

Mr. Cooner asked Mr. Knap to keep him informed of the contract negotiation process.

MOTION: Ms. Nobles made a motion to approve the rule workshop report.

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

### ACSM Liaison – Beverly Sutphin

Ms. Sutphin reported that the next ACSM meeting was scheduled to be held April 21-26, 2006 in Orlando and she planned on attending the meeting.

### Probable Cause Panel – Dennis Blankenship

Mr. Blankenship reported that the panel reviewed 60 cases total, Two (2) cases were reconsiderations, 26 cases were administrative complaints, and 32 cases were proposed closing orders. Mr. Blankenship reported that six (6) cases were dismissed with letters of guidance, 16 cases were dismissed, 17 cases were tabled for additional expert review, one (1) case was withdrawn by the prosecutor, and 20 cases probable case was found.

### Continuing Education Committee – Beverly Sutphin

Ms. Sutphin reported the following continuing education committee recommendations.

Approve the following courses:

### **FLORIDA ASSN. OF SAFETY COUNCILS (0002453)**

- Maintenance of Traffic Intermediate Refresher Course (General) 6 hrs

### **FLORIDA SURVEYING AND MAPPING SOCIETY (0001369)**

- History of Height Modernization both National and in Florida (General) 1.5 hrs
- GIS, the Internet & Workflow Automation: Combining Technologies to Increase Productivity (General) 1.5 hrs
- GPS Data Collection and Post-Processing (General) 1.5 hrs
- How LABINS Affects GIS (General) 1.5 hrs
- Utilizing GIS (Geographic Information Systems) in Surveying & Mapping Projects (General) 1.5 hrs
- Surveying and GIS: The Geospatial Connection (General) 1.5 hrs
- Standard Legal Seminar (General) 24 hours
- Florida Land Surveyor's Council Retreat (MTS) 24 hours

MOTION: Mr. Greer made a motion to approve the continuing education committee recommendations.

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

#### Privatization Committee – Pam Nobles

Ms. Nobles reported that the privatization committee approved the management corporation board member appointment application and requested that the application be forwarded to FSMS and that the application be placed on the board's web page.

Ms. Nobles stated that she would respond to the Department's bullet list.

#### **EXECUTIVE DIRECTOR – John Knap**

Mr. Knap was not present during this part of the meeting. Mr. Blankenship asked the board to review the information and if they had any questions Mr. Knap could address them later.

#### **CHAIRPERSON'S REPORT – Dennis Blankenship**

Mr. Blankenship advised the board that during the disciplinary cases he would be recused and Mr. Cooner would be chairing the disciplinary portion of the meeting. Mr. Blankenship thanked Mr. Cooner in advance for taking on the extra workload.

Mr. Blankenship presented Ms. Nobles with a Chair Service Plaque. Ms. Nobles thanked the board.

The meeting recessed at 3:55 p.m. and the board reconvened July 11, 2006 at the conclusion of the probation review committee scheduled to begin at 8:00 a.m.

Mr. Blankenship called the general business meeting to order January 11, 2006 at 10:00 a.m.

#### **Members Present**

Pamela Nobles

Lou Bush

Louis Lebron

Jeffrey Cooner, Vice Chair  
Beverly Sutphin  
Fran Poppell  
Sidney Greer  
Dennis Blankenship, Chair

**Members Not Present**

**Others Present**

Brian Stabley, Board Counsel  
John Knap, Executive Director  
Christa Patterson, Government Analyst  
Eric Hurst, Prosecuting Attorney  
Mr. Rowell  
Harley Gilmore  
Art Mastronicola  
Nicholas Franklin  
Orlando Grandal  
Thomas Jenkins  
Roger Hagler  
Alvin Gloer  
John O'Neill  
Robert Burns  
John Burns  
Clint Finstad  
Marilyn Finstad  
James Almond  
Ted Madson  
Terry Anderson  
Elena Dima  
Richard Powell  
Mary Hanna Clodfelter

**COMMITTEE REPORTS (continued)**

Probation Review Committee – Pam Nobles

Ms. Nobles reported that the probation committee met and made the following recommendations.

Robert Burns 1<sup>st</sup> set of surveys were reviewed and the committee found that the surveys were not in compliance and committee requested that Mr. Burns submit a 2<sup>nd</sup> set for probation review.

Thomas Jenkins' 2<sup>nd</sup> set of surveys were reviewed and a recommendation was made to remove Mr. Jenkins from probation even though his 2<sup>nd</sup> set of probation surveys were not in compliance.

Send Frank Daniel a notice of non-compliance.

Send William Hazlett a letter advising him he has 10 days to send in proof of insurance.

Remove Robert Holland from the probation tracking form.

Send James Fowler a letter requesting that he send in back- up materials to his probation surveys.

Send an investigator to pick up Bruce Klein's professional seal.

Send an investigator to pick up Charles Palomba's professional seal.

Send an investigator to pick up Julio Sergio Pita's professional seal.

Send Mr. Simmons an order to allow him the opportunity to relinquish his license.

MOTION: Ms. Sutphin made a motion to approve the probation review committee report with the exception of accepting Mr. Jenkins 2<sup>nd</sup> set of surveys.

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

Thomas Jenkins was present at the meeting and was not represented by counsel.

The board discussed Mr. Jenkins 2<sup>nd</sup> set of probation surveys and after discussion the following motion was made.

MOTION: Mr. Bush made a motion to find that Thomas Jenkins 2<sup>nd</sup> set of probation surveys were not in compliance and suspend his license.

SECOND: Ms. Nobles seconded the motion and the motion passed.

Mr. Greer opposed the motion.

Mr. Stabley advised Mr. Jenkins that he would receive an order by certified mail.

Mr. Cooner advised the board that the board would consider Thomas Snyder's application under Section 455. 271 (6)(b), Florida Statutes.

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

The board reviewed Mr. Snyder's application and after discussion the following motion was made.

MOTION: Mr. Cooner made a motion to deny Thomas Snyder's application to reinstate his license. Mr. Cooner stated Mr. Snyder did not make a good faith effort in accordance to Section 455.271 (6) (b), F.S.

SECOND: Ms. Sutphin seconded the motion.

Ms. Poppell, Mr. Cooner, Mr. Greer and Mr. Lebron opposed the motion and the motion failed.

After discussion it was the consensus of the board that Mr. Snyder had a hardship. The board suggested Mr. Snyder apply for licensure by endorsement.

MOTION: Mr. Cooner made a motion to deny Thomas Snyder's application to reinstate his license because Mr. Snyder did not make a good faith effort since he did not contact the department prior to his license going null and void.  
SECOND: Ms. Nobles seconded the motion and it passed.

Ms. Poppell opposed the motion.

## **DISCIPLINARY PROCEEDINGS – Eric Hurst**

### **Recommended Order**

Elena Dima  
Case # 2003-069228

Mr. Blankenship, Mr. Bush, and Ms. Poppell were recused.

Mr. Hurst reviewed the recommended order with the board.

Ms. Dima was present at the meeting and was not represented by counsel. Mr. Stabley asked Ms. Dima if her attorney was aware she attending the meeting without him. Ms. Dima answered yes.

After discussion the following motions were made.

MOTION: Ms. Sutphin made a motion to approve the recommended order as conclusion of law.

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

MOTION: Ms. Sutphin made a motion to adopt the recommendations of the order and accept modifications.

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

MOTION: Ms. Sutphin made a motion to adopt the finding of facts and conclusions of law.

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

MOTION: Ms. Sutphin made a motion to move the case materials into evidence.

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

### **Motion for Waiver of Rights**

Delta Surveyors, Inc.  
Case # 2005-009222

Lawrence Dale Rowell was present at the meeting and was not represented by counsel.

Mr. Blankenship was recused due to his participation on the probable cause panel.

Mr. Hurst advised the board that the case was going to be heard as an informal hearing instead of a motion for waiver of rights. Mr. Hurst stated there was a companion case on Mr. Rowell's surveyor license and the case number was 2004-044581. Mr. Hurst stated that Mr. Rowell advised him that he did not respond because he thought it was the same case.

Mr. Stabley asked Mr. Rowell if he understood that the hearing was being heard as an informal hearing. Mr. Rowell stated he would like to proceed with an informal hearing.

Mr. Hurst proceeded with an informal hearing regarding case 2005-009222 and reviewed the case with the board.

MOTION: Mr. Bush made a motion to find that there were no disputed issues of material fact.

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

MOTION: Ms. Nobles made a motion to adopt the findings of fact and conclusion of law and move case materials into evidence.

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

Mr. Rowell addressed the board and Mr. Stabley advised Mr. Rowell that he was disputing the facts of the case. After discussion the following motion was made.

MOTION: Mr. Bush made a motion to move the case to the Division of Administrative Hearing (DOAH).

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

Roger Allen Hagler d/b/a Roger Dean Kiser & Associates  
Case # 2003-096354

Roger Hagler was present at the meeting and was not represented by counsel.

Mr. Blankenship and Ms. Poppell were recused due to their participation on the probable cause panel.

Mr. Hurst reviewed the case with the board and after discussion the following motions were made.

MOTION: Ms. Sutphin made a motion to find that there were no disputed issues of material fact.

SECOND" Ms. Nobles seconded the motion and it passed unanimously.

MOTION: Ms. Sutphin made a motion to adopt the findings of fact and conclusion of law and move case materials into evidence.

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

Mr. Hagler addressed the board and the board discussed Mr. Hagler's felony conviction. The board asked Mr. Hagler if he was still using drugs. Mr. Hagler stated he is clean. Mr. Stabley asked the board to consider if a felony conviction of possession of cocaine related to the practice of surveying and mapping.

MOTION: Mr. Bush made a motion to adopt the conclusions of law as contained in the administrative complaint.

SECOND: Mr. Lebron seconded the motion and it passed.

Ms. Sutphin opposed the motion.

MOTION: Ms. Nobles made a motion to reprimand Mr. Hagler and fine him \$500.00 and costs in the amount of \$319.73 to be paid with 180 days.

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

Mr. Bush opposed the motion.

### **Settlement Stipulations**

Devino and Associates, Inc.

Case # 2005-001221

& Nicholas Franklin

Case #2004-059607

Nicholas Franklin was present at the meeting and was not represented by counsel.

Mr. Blankenship and Ms. Poppell were recused due to their participation on the probable cause panel.

Mr. Hurst reviewed both cases with the board and after discussion the following motions were made.

MOTION: Mr. Sutphin made a motion to reject the settlement stipulation as presented.

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

The board requested that separate settlement stipulations be issued for the company and the licensee.

Ms. Nobles advised the board that Mr. Franklin has been before the board regarding disciplinary cases in the past. Mr. Hurst stated that Mr. Franklin was disciplined by the board back in 2001.

MOTION: Mr. Greer made a motion to allow the department to renegotiate with stiffer penalties.

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

FLA Surveys Corp.

Case # 2004-056439

& Clinton Finstad

Case # 2004-058599

Mr. Finstad was present at the meeting and was represented by Ted Madson.

Mr. Blankenship was recused due to his participation on the probable cause panel.

Mr. Hurst reviewed the cases with the board and after discussion the following motion was made.

MOTION: Ms. Nobles made a motion to approve both settlement stipulations.

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

James Richard Almond

Case # 2003-063200

James Almond was present at the meeting and was not represented.

Mr. Blankenship and Ms. Poppell were recused due to their participation on the probable cause panel.

Mr. Hurst reviewed the case with the board and after discussion the following motion was made.

MOTION: Ms. Sutphin made a motion to approve the settlement stipulation as presented.  
SECOND: Mr. Greer seconded the motion and it passed unanimously.

Anglewise Corporation  
Case # 2003-085050 & 2003-069812

There was no one present at the meeting to represent Anglewise Corporation.

Mr. Blankenship was recused due to his participation on the probable cause panel.

Mr. Hurst reviewed the case with the board and after discussion the following motion was made.

MOTION: Ms. Sutphin made a motion to find that there are no disputed issues of material fact.  
SECOND: Mr. Greer seconded the motion and it passed unanimously.

MOTION: Ms. Sutphin made a motion to adopt the findings of fact as alleged in the administrative complaint and to move all case materials into evidence.  
SECOND: Ms. Nobles seconded the motion and it passed unanimously.

MOTION: Ms. Sutphin made a motion to adopt the conclusions of law.  
SECOND: Mr. Lebron seconded the motion and it passed unanimously.

MOTION: Mr. Greer made a motion to fine \$7000.000, pay costs in the amount of \$230.99, and revoke the license.  
SECOND: Ms. Sutphin seconded the motion and it passed unanimously.

George William Farner  
Case # 2005-058599  
& Hall, Farner & Associates  
Case # 2005-003417

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

Mr. Blankenship was recused due to his participation on the probable cause panel.

Mr. Hurst reviewed the case with the board and after discussion the following motion was made.

MOTION: Mr. Greer made a motion to approve both settlement stipulation as presented.

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

Ms. Sutphin opposed the motion.

Alberto Lorenzo-Luaces  
Case # 2002-009661

Mr. Lorenzo-Luaces was not present at the meeting and was not represented by counsel.

Mr. Blankenship was recused due to his participation on the probable cause panel.

Mr. Hurst reviewed the case with the board and after discussion the following motion was made.

MOTION: Ms. Nobles made a motion to accept the settlement stipulation as presented.

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

Kermit E. Roan  
Case # 2004-034368

Kermit Roan was not present at the meeting and was not represented by counsel.

Mr. Blankenship was recused due to his participation on the probable cause panel.

Mr. Hurst reviewed the case with the board and after discussion the following motion was made.

MOTION: Ms. Nobles made a motion to approve the settlement stipulation as presented.

SECOND: Mr. Greer seconded the motion.

Mr. Bush, Ms. Sutphin and Mr. Lebron opposed the motion and the motion failed.

The board discussed the terms of the settlement stipulation and after discussion the following motion was made.

MOTION: Ms. Nobles made a motion to approve the settlement stipulation as presented.

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

Mr. Bush opposed the motion.

Alberto Varnas  
Case # 2002-008960

Alberto Varnas was not present at the meeting and was not represented by counsel.

Mr. Blankenship and Ms. Poppell were recused due to their participation on the probable cause panel.

Mr. Hurst reviewed the case with the board and after discussion the following motion was made.

MOTION: Ms. Sutphin made a motion to reject the settlement stipulation.  
SECOND: Mr. Bush seconded the motion and it passed unanimously.

Russell Scott Ward  
Case # 2004-004519

Russell Ward was not present at the meeting and was not represented by counsel.

Ms. Poppell was recused due to her participation on the probable cause panel.

Mr. Hurst reviewed the case with the board and after discussion the following motion was made.

MOTION: Ms. Nobles made a motion to reject the settlement stipulation.  
SECOND: Ms. Sutphin seconded the motion and it passed unanimously.

Ms. Nobles suggested that the next stipulation include probation.

Thomas John Monaweck  
Case # 2005-009222

Thomas Monaweck was not present at the meeting and was presented by counsel.

Mr. Blankenship was recused due to his participation on the probable cause panel.

Mr. Hurst reviewed the case with the board and after discussion the following motion was made.

MOTION: Ms. Nobles made a motion that the respondent was properly served with the administrative complaint and waived his right to a hearing.  
SECOND: Mr. Greer seconded the motion and it passed unanimously.

MOTION: Ms. Nobles made a motion to adopt the findings of fact and conclusion of law.  
SECOND: Mr. Greer seconded the motion and it passed unanimously.

MOTION: Ms. Nobles made a motion to move all case materials to evidence.  
SECOND: Mr. Greer seconded the motion and it passed unanimously.

MOTION: Ms. Sutphin made a motion to fine Mr. Monaweck \$3,500.00, pay costs in the amount of \$1,994.49 and suspend his license for six months.  
SECOND: Ms. Nobles seconded the motion and it passed unanimously.

Roger Dean Kiser d/b/a Roger Dean Kiser and Associates  
Case # 2003-096354, 2004-011340, and 2004-004585

Roger Kiser was not present at the meeting and was not presented by counsel.

Mr. Blankenship was recused due to his participation on the probable cause panel.

Mr. Hurst reviewed the cases with the board and the following motions were made.

MOTION: Ms. Nobles made a motion that the respondent was properly served the administrative complaint and has waived his rights to a hearing.  
SECOND: Mr. Greer seconded the motion and it passed unanimously.

MOTION: Ms. Nobles made a motion to adopt the allegations of fact and conclusions of law as contained in the administrative complaint.  
SECOND: Mr. Greer seconded the motion and it passed unanimously.

MOTION: Ms. Nobles made a motion to move all case materials into evidence.  
SECOND: Mr. Greer seconded the motion and it passed unanimously.

MOTION: Ms. Sutphin made a motion to fine Mr. Kiser \$ 4,500.00, costs, and one year suspension.  
SECOND: Ms. Nobles seconded the motion and it passed unanimously.

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

#### Terry Anderson

Terry Anderson was present at the meeting and was not presented by counsel.

Mr. Stabley reviewed the notice of intent to deny with the board and Mr. Anderson addressed the board.

MOTION: Ms. Sutphin made a motion to continue Mr. Anderson's hearing to the April 2006 meeting to allow him time to provide additional work experience information.  
SECOND: Mr. Cooner seconded the motion and it passed unanimously.

#### Orlando Grandal

Orlando Grandal was present at the meeting and was not represented by counsel.

Mr. Stabley reviewed the notice of intent to deny with the board. Mr. Stabley advised the board that Mr. Grandal made application under Section 455.271 (6) (b), Florida Statutes.

The board reviewed Mr. Grandal's application materials and after discussion the following motion was made.

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

Mr. Knap asked the board to review their upcoming meeting locations and dates.

After discussion it was the consensus of the board to meet the following dates and locations.

April 11-13, 2006 – St. Augustine  
July 11-13, 2006 – St. Petersburg  
October 3-5, 2006 – Orlando

The board reviewed their schedules and advised Ms. Patterson that if a conference call is necessary they were available March 2, 2006.

The board recessed at 3:30 p.m. to reconvene January 12, 2006 at 8:00 a.m.

Mr. Blankenship called the general business meeting to order January 12, 2006 at 8:15 a.m.

**Members Present**

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

**Members Not Present**

**Others Present**

Brian Stabley, Board Counsel  
John Knap, Executive Director  
Christa Patterson, Government Analyst  
Eric Hurst, Prosecuting Attorney  
Mary Hanna Clodfelter  
Richard Powell  
Marilyn Evers  
Art Mastronicola  
Harley Gilmore  
Richard Nestler  
John Hilton  
Adolphine Keith-Lazowick  
James Strange  
Mr. Jackson  
Edward Wackerman  
James Akker  
John O'Neill  
Alvin Gloer  
Anthony Irvine  
Allen Nobles  
Michael Givens  
Ted Madson  
Mr. Brown  
Steve Stinson  
Scot McLanghlin

**REQUEST FOR A PUBLIC HEARING TO REVIEW THE REVISION TO MINIMUM TECHNICAL STANDARDS**

Mr. Blankenship stated that the request for a public hearing was not a rules workshop and that rule workshops regarding the minimum technical standards has been taking place without the State for the past two years. Mr. Blankenship asked that during the hearing only issues regarding the MTS rule be addressed.

Mr. Cooner advised the audience that if they were present to address the board regarding the revisions to the minimum technical standards then they would need to sign the sign-in sheet.

Mr. Stabley advised the board that James Stoner requested the hearing. Mr. Stabley stated that the board has been working on revisions to the MTS rule for over two years. Mr. Stabley provided an overview of the changes.

Mr. Stabley advised the board that Mr. Stoner is the one who is entitled to address the board regarding the revisions and that it would be up to the board if they would like to hear from other persons attending the meeting. Mr. Stabley stated the Mr. Stoner requested a hearing on the language of positional accuracy.

Mr. Cooner stated that he put the department staff and some board members on notice that he may have to resign from the board due to family obligations. Mr. Cooner stated his dad has been very ill and there may come a time in the future that he may have to resign from his position on the board to take care of family. Mr. Cooner stated that there have been rumors that his future resignation was due to the request for a rule hearing. Mr. Cooner stated for the record that was not true.

Mr. Cooner provided an overview of the changes to Rule 61G17-6, F.A.C.

Mr. Stoner was present at the meeting and he addressed the board. Mr. Stoner stated he was concerned with the positional accuracy language. Mr. Stoner provided the board with a handout. The handout provided bullet points of issues Mr. Stoner had with the proposed positional accuracy language.

Listed below are the individuals who signed in to address the board regarding the revisions to Rule 61G17-6, Florida Administrative Code. Each person was offered the opportunity to address the board.

Harley Gilmore  
Richard Powell  
John Lyons  
Roger Carter  
Dodie Keth Lazowick  
James Stoner  
John O'Neill  
Alvin Gloer  
Anthony Irvins  
Allen Nobles  
Ray Niles  
Lou Campanile  
James Acker  
Scott McLaughyn  
Michael Brown  
Ted Madson

After discussion Mr. Cooner reviewed proposed revisions and after discussion the following motions were made.

MOTION: Mr. Bush made a motion to leave the sketch language in the rule.

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

MOTION: Mr. Blankenship made a motion to approve revisions with some changes to vertical feature accuracy language as proposed by Mr. Cooner on page 36 of the board meeting materials.

SECOND Ms. Nobles seconded the motion and it passed unanimously.

MOTION: Ms. Nobles made a motion to approve the proposed revisions on page 37 of the board meeting materials.

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

Mr. Stabley advised the board that prior to submitting the rule for adoption, all of the issues such as rule numbering, page numbering, and grammar will be corrected. Mr. Stabley stated he would provide the board office and Mr. Cooner a copy of the final version of the MTS rule.

There being no other business the meeting adjourned at 11:45 a.m.