

MINUTES

BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PROBATION COMMITTEE MEETING

October 13, 2004

Renaissance Resort
500 Legacy Trail
St. Augustine, Florida 32092

The meeting was called to order by Omar Armenteros, Committee Chair, at 8:00 a.m.

COMMITTEE MEMBERS PRESENT

Omar Armenteros
Pam Nobles
Jeff Cooner
Louis Lebron (Alternate)

COMMITTEE MEMBERS ABSENT

OTHERS PRESENT:

Brian Stabley, Board Counsel
John Knap, Executive Director
Christa Patterson, Government Analyst
Brian Higgins, Prosecuting Attorney
Fran Poppell
Henry Echezabal
Sherman Frier
Harley Gilmore
David Melvin
Ralph Swerdloff
Thomas Bon
Nicholas Franklin
John Herrick
Tom Wallace
Stephen Calder
William Hayhurst
Ed Dudley
W. Lanier Mathews, II
Allen Nobles
James Almond
Russell Daly
Beverly Sutphin

REVIEW AND APPROVAL OF THE JULY 15, 2004 PROBATION REVIEW COMMITTEE MEETING MINUTES

MOTION: Mr. Lebron made a motion to approve the July 15, 2004 probation review committee meeting minutes.

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

1st SET OF SURVEYS TO BE REVIEWED

James Frier
Case # 2002-00034

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

Mr. Armenteros asked each committee member to report their review of the surveys they were provided.

Mr. Lebron reported that he reviewed exhibit numbers 5 and 6 and both surveys had minor violations but were in compliance to minimum technical standards. Mr. Lebron stated the surveys had a few labeling issues.

Ms. Nobles reported that she reviewed exhibit numbers 3 and 4 and found both surveys not in compliance to minimum technical standards. Ms. Nobles stated exhibit number 3 had three violations, did not have closed traverse, field notes were not complete, and could not follow the measurements. Ms. Nobles stated that during the review of exhibit number 4 she could not follow the field notes, and there were no closures, no measurements, and she couldn't find the ties.

Mr. Armenteros reported that he reviewed exhibit numbers 1 and 2. Mr. Armenteros stated that exhibit number 1 was in compliance. Mr. Armenteros stated exhibit number 2 had insufficient measurements and the survey was not in compliance to minimum technical standards.

Mr. Armenteros stated that Mr. Frier's Final Order reads that all 6 surveys must be in compliance to minimum technical standards.

MOTION: Ms. Nobles made a motion to reject Mr. Frier's 1st set of surveys and require Mr. Frier to submit 2nd set of surveys by December 3, 2004.

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

Joseph Tucker
Case # 2002-08222

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

Mr. Lebron reported that he reviewed exhibit numbers 5 and 6 and found minor violations. Mr. Lebron stated that he felt the surveys were in compliance to minimum technical standards; however, he did not see evidence of insurance. Ms. Patterson advised Mr. Lebron that the board office had received verification of insurance.

Ms. Nobles reported that she reviewed exhibit numbers 3 and 4. Ms. Nobles stated exhibit number 3 had four violations, no closed traverse and no redundancy of measurements. Ms. Nobles stated exhibit number 4 had two violations, no closed traverse and no redundancy of measurements. Ms. Nobles stated she did not find the surveys to be in compliance to minimum technical standards.

Mr. Armenteros reported that he reviewed exhibit numbers 1 and 2 and found minor violations. Mr. Armenteros stated that he had the same issues as Ms. Nobles but also had problems regarding computations. Mr. Armenteros stated that on the surveys Mr. Tucker showed

computed line tied from the building to the property lines, but did not provide information to identify the measurements. Mr. Armenteros stated that the field notes should include measurement of the block and the field notes need to be more detailed. Mr. Armenteros stated both surveys were not in compliance to minimum technical standards.

MOTION: Ms. Nobles made a motion to reject the 1st set of surveys and requested that a 2nd set of surveys be submitted to the Department by December 3, 2004.

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

2nd SET OF SURVEYS TO BE REVIEWED

William Hayhurst
Case #2002-01938

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

Mr. Lebron reported that he reviewed exhibit number 5 and the survey was in compliance to minimum technical standards. Mr. Lebron stated he did not have exhibit number 6.

Ms. Nobles reported that she reviewed exhibits number 3 and 4 and found minor marginal violations but found the surveys to be in compliance.

Mr. Armenteros reported that he reviewed exhibit numbers 1 and 2 and found both surveys to be in compliance but advised Mr. Hayhurst to check over his abbreviations.

MOTION: Ms. Nobles made a motion to approve Mr. Hayhurst's surveys and to remove Mr. Hayhurst from probation.

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

Mr. Hayhurst advised the committee that he had applied and received a certificate of authorization for his business. Mr. Hayhurst stated that a complaint was made and asked if the complaint would be dropped since he was now in compliance to regulation. Mr. Knap advised Mr. Hayhurst that a complaint was initiated and that the complaint was in the process.

PROBATION SUMMARY REPORT

The committee reviewed the probation summary report. Ms. Patterson stated that she would be working on revising the format.

The committee stated Mr. Bruce Klein was not in compliance to the final order and that the stay of suspension should be lifted.

The committee shared their concerns regarding licensees not complying with the final order. After discussion it was the consensus of the committee that the stay of suspension should be lifted as stated in the final order. Mr. Stabley agreed with the committee and stated that if the final order states that the stay of suspension should be lifted then the board has the authority.

MOTION: Ms. Nobles made a motion to move consideration of suspension to the full board.

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

The committee asked that the Department to send an investigator to assure Edwin Matthews is not practicing with a suspended license. Ms. Nobles reminded the committee that Mr. Matthews

petitioned the board to lift the stay of suspension and the board requested Mr. Matthews submit 6 surveys for the probation committee to review. Ms. Patterson advised the committee that Mr. Matthews has not submitted the surveys but she has been in contact with him and also sent a follow-up letter advising him of the deadline for the October meeting.

After discussion the committee instructed Mr. Knap to send an investigator out to assure Mr. Matthews is not practicing with a suspended license.

Mr. Armenteros stated that in Mr. Matthews' case there was not a rule in place to address a suspended licensee requesting that the stay of suspension be lifted. The committee agreed. Mr. Cooner stated he could assist with developing draft language.

Mr. Bush advised the committee that in accordance to Chapter 472, F.S. a suspended license cannot be renewed. Mr. Stabley stated that a suspended license could go delinquent and then it would go null and void.

Mr. Greer asked Ms. Patterson to include the probationer's address but only include the City and State on the tracking form.

Mr. Cooner stated he was concerned with the licensees who have not complied and suggested that a watch list be prepared to alert the committee if a licensee is not complying with the final order.

Mr. Cooner stated that as a procedure of the board when a licensee is suspended a request to send an investigator out to assure the suspended licensee is not practicing. Mr. Knap reminded the committee that as a follow-up from a prior committee request an investigator was sent out to check if suspended licensees were practicing. Mr. Knap stated that he would follow-up.

After discussion it was the consensus of the committee that staff send a letter of suspension requesting that the licensee return the license and seal to the Department and after two weeks send an investigator to the licensee's place of practice to assure that the licensee is not practicing.

Mr. Stabley advised the committee that the full board would need to vote to lift the stay of suspension. Mr. Stabley advised the committee that if a suspended licensee does not return the license and seal to the Department within 30 days then revocation is possible. The committee asked that the suspended licensee be reminded of this in the letter requesting the return of the license and seal.

Mr. Armenteros asked that another column be added to the tracking form to track if the suspended licensees return their license and seal.

NEW/OLD BUSINESS

Mr. Armenteros reported that as a condition of removing Gabriel Denes from probation he was required to submit corrected surveys. Mr. Armenteros stated that he received the corrected surveys and that the surveys were in compliance.

Mr. Armenteros suggested that the committee strongly consider drafting rules to require that the licensee submit a list of surveys completed while on probation and then the probation committee choose the surveys to be submitted for review. Mr. Armenteros also suggested that the

committee consider hiring a consultant to review the surveys and provide the committee a report. Mr. Cooner stated that he agreed.

The committee shared their concerns regarding a licensee not complying to the final order. After discussion it was the consensus of the committee that the stay of suspension should be lifted as stated in the final order. Mr. Stabley agreed with the committee and stated that if the final order states that the stay of suspension should be lifted then the board has the authority. The committee discussed the Settlement Stipulation and Final Order probation language and how each one is different and that the probation language is not consistent. It was the consensus of the committee that language of all 6 surveys must be in compliance should not be used in the Orders.

After discussion the committee stated that the Stipulations and Final Orders should be consistent to Rule 61G17-9.007 (3)(a), F.A.C.

MOTION: Ms. Nobles made a motion to suggest to the full board that the Stipulations and Final Orders read that the surveys must meet minimum level of competency as determined by the probation committee.

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

There being no other business the meeting adjourned 9:38 a.m.