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3 **MINUTES**
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5 **BOARD OF PROFESSIONAL SURVEYORS & MAPPERS**
6

7 **GENERAL BUSINESS MEETING**
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9 **GAYLORD PALMS RESORT & CONVENTION CENTER**
10 **6000 WEST OSCEOLA PARKWAY**
11 **KISSIMMEE, FLORIDA 32746**
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13 **APRIL 9, 2008 COMMITTEE/GENERAL BUSINESS MEETINGS**
14 **&**
15 **APRIL 10, 2008 GENERAL BUSINESS MEETING**
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18 The meeting was called to order Jeffrey Cooner, Chair, at 8:35 a.m.
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20 **Members Present**

21 Jeffrey Cooner, Chair
22 Beverly Sutphin, Vice-Chair
23 Dennis Blankenship
24 Lou Bush
25 Mary Hanna Clodfelter
26 Louis Lebron
27 Pamela Nobles
28

29 **Others Present**

30 Diane Guillemette, Board Counsel
31 Eric Hurst, Prosecuting Attorney
32 Richard Morrison, Executive Director
33 Stacey Merchant, Government Analyst II
34 Arthur Mastronicola, Jr.
35 Robby Litherland
36 Nick Fusco
37 Kelley Garner
38 Bob Carden
39 Michael D. French
40 Tracey D. Conley
41 Lisa M. Nesi
42 Leslie Docampo
43 Robert Dubois
44 Harley Gilmore
45 Alvin Gloer
46 David Melvin
47 Walter Volkmann
48 Brandon Robbins
49 Henry A. Echezabal, Sr.
50 W. Lamar Evers
51 Marilyn Evers
52 Ron Schumann
53 Hulon E. Walsingham

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Mr. Cooner presented Ms. Nobles with a plaque and thanked her on behalf of the board for many years of hard work and dedication with this board. The board members agreed Ms. Nobles will be greatly missed.

REVIEW AND APPROVAL OF THE JANUARY 2008 GENERAL BUSINESS MINUTES

The Board reviewed the minutes and after discussion, the following motion was made:

- MOTION: Ms. Clodfelter made a motion to approve the minutes with corrections.
- SECOND: Mr. Lebron seconded and the motion passed unanimously.

DISCIPLINARY PROCEEDINGS – Eric Hurst

Waivers

Charles Robert DeFoor Case # 2006-067399

Mr. DeFoor was present with Attorney Hans Kinnen.

Ms. Nobles was recused due to her participation on the Probable Cause Panel.

Mr. Hurst presented this case to the board and after discussion the following motions were made:

- MOTION: Ms. Sutphin made a motion to find that the Respondent was properly served the Administrative Complaint and has waived the right to a hearing.
- SECOND: Mr. Lebron seconded and the motion passed unanimously.
- MOTION: Mr. Blankenship made a motion to adopt the Findings of Fact and Conclusions of Law as contained in the Administrative Complaint.
- SECOND: Mr. Lebron seconded and the motion passed unanimously.
- MOTION: Ms. Sutphin made a motion to move all case materials into evidence.
- SECOND: Ms. Clodfelter seconded and the motion passed unanimously.
- MOTION: Ms. Sutphin made a motion to impose a \$3,000 fine, \$483.98 in costs, suspension of Respondent's license with the suspension stayed as long as he complies with the terms of probation, completion of an MTS course within 90 days of the final order, and probation. Ms. Sutphin stated the length of time the licensee has practiced surveying and the degree of financial hardship the licensee has incurred as mitigating circumstances.
- SECOND: Mr. Lebron seconded and the motion passed unanimously.

Charles "Rob" DeFoor & Assoc., Inc. Case # 2006-067400

Mr. DeFoor was present with Attorney Hans Kinnen.

Ms. Nobles was recused due to her participation on the Probable Cause Panel.

Mr. Hurst presented this case to the board and after discussion the following motions were made:

- MOTION: Ms. Sutphin made a motion to find that the Respondent was properly served the Administrative Complaint and has waived the right to a hearing, to adopt the Findings of Fact and Conclusions of Law as contained in the Administrative Complaint, to move all

110 case materials into evidence.

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SECOND: Ms. Clodfelter seconded and the motion passed unanimously.

MOTION: Ms. Sutphin made a motion to impose a \$1,500 fine, \$483.98 in costs. Ms. Sutphin stated the length of time the licensee has practiced surveying and the degree of financial hardship the licensee has incurred as mitigating circumstances.

SECOND: Mr. Lebron seconded and the motion failed 4 to 2.

MOTION: Mr. Bush made a motion to have a letter of reprimand sent and require the costs of \$483.98 be paid.

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

Hearing – No Disputed Facts

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Weidener Surveying & Mapping, P.A. Case # 2007-008244

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Ms. Weidener was present.

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Ms. Nobles was recused due to her participation on the Probable Cause Panel.

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Mr. Hurst presented this case to the board and after discussion the following motions were made:

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MOTION: Ms. Sutphin made a motion that there were no disputed issues of material fact and adopt the Findings of Fact as alleged in the Administrative Complaint and move all case materials into evidence.

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SECOND: Ms. Clodfelter seconded and the motion passed unanimously.

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MOTION: Ms. Sutphin made a motion to adopt the Conclusions of Law as contained in the Administrative Complaint.

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SECOND: Ms. Clodfelter seconded and the motion passed unanimously.

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MOTION: Ms. Sutphin made a motion to impose no penalty. Ms. Sutphin stated the length of time the licensee has practiced surveying and the fact that the business license is about to be retired as mitigating circumstances.

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

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William Kitchen Case # 2006-017702 Blankenship

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Mr. Kitchen was present without his attorney but stated that he was willing to go forward with the case.

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Mr. Blankenship was recused due to his participation on the Probable Cause Panel.

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Mr. Hurst presented this case to the board and after discussion the following motions were made:

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MOTION: Ms. Sutphin made a motion that there were no disputed issues of material fact and adopt the Findings of Fact as alleged in the Administrative Complaint and move all case materials into evidence.

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

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MOTION: Ms. Sutphin made a motion to adopt the Conclusions of Law as contained in the Administrative Complaint.

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

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166 MOTION: Ms. Sutphin made a motion to impose a \$3,000 fine, \$444.50 in costs, suspension of
167 Respondent's license with the suspension stayed as long as he complies with the terms
168 of probation, completion of a boundary course within 90 days of the final order, and
169 probation. The motion also included allowing Mr. Kitchen to pay \$500 a month and to
170 have the probation run concurrent with the his previous case.
171 SECOND: Mr. Lebron seconded and the motion passed unanimously.
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173 **Settlement Stipulations**

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175 **Hamilton Engineering & Surveying, Inc. Case # 2005-023278**

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177 Attorney Rex Ware was present for this case.

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179 Mr. Blankenship was recused due to his participation on the Probable Cause Panel.

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181 Mr. Hurst presented this case to the board and after discussion the following motion was made:

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183 MOTION: Ms. Sutphin made a motion to accept this settlement stipulation as presented.

184 SECOND: Mr. Lebron seconded and the motion passed unanimously.
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186 **Charles H. Folgelsonger Case # 2005-004220**

187
188 Attorney Kenneth Metzger was present for this case.

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190 Mr. Blankenship was recused due to his participation on the Probable Cause Panel.

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192 Mr. Hurst presented this case to the board and after discussion the following motion was made:

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194 MOTION: Ms. Sutphin made a motion to accept this settlement stipulation as presented.

195 SECOND: Ms. Nobles seconded and the motion passed unanimously.
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197 **William J. Ratcliff Case # 2006-057187**

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199 Mr. Ratcliff and Attorney Adam Hall were present for this case.

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201 Mr. Blankenship was recused due to his participation on the Probable Cause Panel.

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203 Mr. Hurst presented this case to the board and after discussion the following motion was made:

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205 MOTION: Ms. Sutphin made a motion to accept this settlement stipulation as presented.

206 SECOND: Mr. Lebron seconded and the motion passed unanimously.
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208 **Larry G. Eddy Case# 2007-0045240**

209
210 Mr. Glenn Broadstreet was present for this case. Ms. Guillemette advised Mr. Broadstreet that since he
211 is not an attorney he could not represent Mr. Eddy.

212
213 Mr. Blankenship was recused due to his participation on the Probable Cause Panel.

214
215 Mr. Hurst presented this case to the board and after discussion the following motion was made:

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217 MOTION: Ms. Sutphin made a motion to accept this settlement stipulation as presented.

218 SECOND: Ms. Nobles seconded and the motion passed unanimously.
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220 **Glenn M. Broadstreet Case # 2005-028335**

222 Mr. Glenn Broadstreet was present for this case.

223

224 Mr. Blankenship was recused due to his participation on the Probable Cause Panel.

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228 Mr. Hurst presented this case to the board and after discussion the following motion was made:

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230 MOTION: Mr. Lebron made a motion to accept this settlement stipulation as presented.

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

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233 **Tri-State Land Surveyors, Inc. Case # 2005-036983**

234

235 Mr. Glenn Broadstreet was present for this case.

236

237 Mr. Blankenship was recused due to his participation on the Probable Cause Panel.

238

239 Mr. Hurst presented this case to the board and after discussion the following motion was made:

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

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

243

244 **American Surveying & Mapping, Inc. Case # 2005-065636**

245

246 Mr. Galen Bell and Attorney Stephen Bull were present for this case.

247

248 Ms. Nobles was recused due to her participation on the Probable Cause Panel.

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250 Mr. Hurst presented this case to the board and after discussion the following motion was made:

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252 MOTION: Ms. Sutphin made a motion to accept this settlement stipulation as presented.

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

254

255 **Galen K. Bell Case # 2005-065622 Nobles, Poppell and Echezabal**

256

257 Mr. Galen Bell and Attorney Stephen Bull were present for this case.

258

259 Ms. Nobles was recused due to her participation on the Probable Cause Panel.

260

261 Mr. Hurst presented this case to the board and after discussion the following motions were made:

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263 MOTION: Ms. Sutphin made a motion to reject this settlement stipulation as presented.

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

265

266 MOTION: Ms. Sutphin made a motion to counter-offer the same terms that were listed in the
267 settlement stipulation with the addition of a boundary course within 90 days.

268 SECOND: Ms. Clodfelter seconded and the motion passed unanimously.

269

270 Mr. Bell accepted the counter-offer and Mr. Hurst accepted on behalf of the Department.

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272 **Louis R. Ramirez Case # 2007-026804**

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274 Mr. Ramirez was present for this case.

275

276 Mr. Blankenship was recused due to his participation on the Probable Cause Panel.

277

278 Mr. Hurst presented this case to the board and after discussion the following motions were made:

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280 MOTION: Ms. Sutphin made a motion to reject this settlement stipulation as presented.

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

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285 MOTION: Ms. Sutphin made a motion to counter-offer a fine of \$2,500, \$515.61 in costs, and

286 probation. The motion also included allowing Mr. Ramirez to make payments of \$250.

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

288

289 Mr. Ramirez accepted the counter-offer and Mr. Hurst accepted on behalf of the Department.

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291 **RECONSIDERATION HEARING OF APPLICATION DENIALS**

292

293 **THOMAS PEARL**

294

295 Mr. Pearl was present.

296

297 Ms. Guillemette presented this case stating the Mr. Pearl had originally applied for licensure by
298 examination and had been previously denied at the January 2008 board meeting. Mr. Pearl had timely
299 requested a hearing to have his application reconsidered.

300

301 After discussion, it was the consensus of the board that Mr. Pearl still failed to provide proof of
302 experience as required in Section 472.013(2), F.S. and Rule 61G17-3.001(1), F.A.C., and the following
303 motion was made:

304

305 MOTION: Mr. Bush made a motion to continue Mr. Pearl's application to the next scheduled
306 meeting to allow him time to have Gerald Johnson complete one experience verification
307 form covering all of the required experience.

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

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310 **DOUGLAS TIMOTHY**

311

312 Mr. Timothy was present.

313

314 Ms. Guillemette presented this case stating Mr. Timothy had originally applied for licensure by
315 examination and had been previously denied at the December 2007 telephone conference call. Mr.
316 Timothy had timely requested a hearing to have his application reconsidered.

317

318 After discussion, it was the consensus of the board that Mr. Timothy still failed to provide proof of
319 experience as required in Section 472.013(2), F.S. and Rule 61G17-3.001(1), F.A.C., and the following
320 motion was made:

321

322 MOTION: Ms. Sutphin made a motion to continue Mr. Timothy's application to the January 2009
323 board meeting to allow him time to obtain enough verified experience. The board
324 suggested Mr. Timothy submit one new experience verification form from P. Jeffrey
325 Young.

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

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328 **OCTOBER 2007 EXAMINATION STATISTICS**

329

330 Mr. Morrison reviewed this report with the board. This information was provided for the board's review
331 only and no formal action was taken.

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333 **PROSECUTING ATTORNEY'S REPORT – Eric Hurst**

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334

335

Mr. Hurst gave the following report:

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As of March 18, 2008, there were 0 new cases in legal, 3 cases awaiting outside action, 29 cases set for probable cause, 5 cases sent out to experts and 1 case with an administrative complaint filed.

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There was also 1 case with an informal hearing requested, 1 case ready for default, 3 cases with formal hearings requested and 2 cases in settlement negotiations, 8 cases for reconsideration at the probable cause panel, 13 cases were set for board presentation and 21 cases were awaiting final action.

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CHAIRPERSON'S REPORT – JEFF COONER

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Mr. Cooner reported that himself, Mr. Lebron, Mr. Bush and Ms. Nobles would be attending the upcoming NCEES meeting in Puerto Rico.

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EXECUTIVE DIRECTOR'S REPORT- Richard Morrison

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Mr. Morrison reviewed the board's financial reports with the board.

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352

Mr. Morrison also reviewed the complaints and investigation report with the board.

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BOARD COUNSEL'S REPORT- Diane Guillemette

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Ms. Guillemette reviewed her litigation report with the board at this time. Ms. Guillemette stated that Mr. Counts had requested a rule challenge as well as a formal hearing and the hearing date was set for April 22, 2008.

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Ms. Guillemette also stated that the Plaintiff in the Finstad Federal case had sent a request to reopen the case.

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Ms. Guillemette also gave the board a review on the Sunshine Law and provided them some useful information.

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COMMITTEE REPORTS

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Probation Committee – Pam Nobles

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370

Ms. Nobles gave the following report:

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1ST SET OF SURVEYS REVIEW

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- **Hulon Walsingham**
License # 3257
Case # 2005-017476 & # 2005-017522
Licensure Status: Probation
Surveys: 1st set review

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The committee recommended accepting these surveys and releasing him from probation.

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2nd SET OF SURVEYS REVIEW

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- **Ronald Schumann**
License # 2239
Case # 2007-07378
Licensure Status: Probation
Surveys: 2nd Set Review

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389
390 The committee recommended accepting these surveys and releasing him from probation.

391
392 At the conclusion of this report, the following motion was made:

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394 MOTION: Ms. Sutphin made a motion to accept the recommendations of this committee.
395 SECOND: Mr. Bush seconded and the motion passed unanimously.

396
397 **Application Committee – Lou Bush**

398
399 Mr. Bush gave the following report:

400
401 The committee made the following recommendations:

402
403 **Endorsement**

404
405 **Joseph Gary Bowman**

406
407 The committee recommended Mr. Bowman's application be denied for failure to provide proof that he held
408 a license to practice surveying and mapping issued prior to July 1, 1999 as required in 472.015(3)(a)1.,
409 F.S. Mr. Bowman's application was also denied for failure to show that he held a valid license to practice
410 surveying and mapping issued by another state of the United States that the criteria for issuance of the
411 license was substantially the same as the licensure criteria that existed in Florida at the time the license
412 was issued as required in 472.015 (3)(a)2, F.S. The committee also recommended contingent approval for
413 the application for licensure by Examination if he requests to convert the application from licensure by
414 Endorsement to licensure by Examination within 30 days. Mr. Bowman's NCEES scores were accepted.

415
416 **Beth Ann Braun**

417
418 The committee recommended Ms. Braun's application for licensure by Endorsement be denied due to
419 failure to provide proof that she held a valid license to practice surveying and mapping issued by another
420 state of the United States that the criteria for issuance of the license was substantially the same as the
421 licensure criteria that existed in Florida at the time the license was issued as required in 472.015 (3)(a)2,
422 F.S.

423
424 **Robert G. Carden, Sr.**

425
426 The committee recommended Mr. Carden's application for licensure by Endorsement be approved. Mr.
427 Carden's NCEES scores were accepted.

428
429 **Tracey D. Conley**

430
431 The committee recommended Ms. Conley's application for licensure by Endorsement be withdrawn and
432 considered by Examination and to allow her to waive the 90 day deemer requirement to allow the
433 application to be continued to verify 3 more months of responsible charge experience.

434
435 **Robby Lee Litherland**

436
437 The committee recommended Mr. Litherland's application for licensure by Endorsement be denied for
438 failure to show that he holds a license to practice surveying and mapping issued prior to July 1, 1999 as
439 required in 472.015(3)(a)1., F.S. Mr. Litherland's application was also denied for failure to show proof that
440 he held a valid license to practice surveying and mapping issued by another state of the United States that
441 the criteria for issuance of the license was substantially the same as the licensure criteria that existed in
442 Florida at the time the license was issued as required in 472.015 (3)(a)2, F.S.

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444 **Examination**

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Leslie Danay Docampo

The committee recommended Ms. Docampo's application for licensure by Examination be approved.

Michael Damien French

The committee recommended Mr. French's application for licensure by Examination be approved.

Brad Jennings Lashley

The committee recommended Mr. Lashley's application for licensure by Examination be approved.

Brandon Michael Robbins

The committee recommended Mr. Robbins' application for licensure by examination be continued to the July 2008 board meeting to allow him time to provide 6 more months of verified experience in responsible charge.

Walter Volkmann

The committee recommended Mr. Volkmann's application for licensure by examination be continued to the July 2008 board meeting to allow him time to provide 16.5 more months of verified experience in responsible charge.

Zhi W. Yang

The committee recommended Mr. Yang's application for licensure by Examination be denied due to failure to provide proof of 48 months of verified experience in responsible charge as required in 472.013(2)(a), F.S.

Surveyor In Training

Kelly Garner

The committee recommended Mr. Garner's application as a Surveyor in Training be continued to the July 2008 board meeting to allow him to provide proof that he graduated with a degree in surveying and mapping as required in 472.013(3), F.S.

Lisa Michelle Nesi

The committee recommended Ms. Nesi be allowed to withdraw her application as a surveyor in training due to failure to provide proof that she had a degree in surveying and mapping as required in 472.013(3), F.S.

Land Surveyor Business

BLS Surveyors & Mappers, Inc.

This application was placed on the agenda in error. No action was taken at this time.

JMM Surveying and Mapping, LLC.

The committee recommended approval of this application contingent upon the payment of a \$1,000 assessment for operating without a Certificate of Authorization.

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At the conclusion of this report, the following motion was made:

MOTION: Ms. Sutphin made a motion to accept the recommendations of this committee.
SECOND: Ms. Clodfelter seconded and the motion passed unanimously.

Examination Committee – Pam Nobles

There was nothing to report at this time.

NCEES Committee – Pam Nobles

There was no report at this time.

Rules Committee – Jeff Cooner

Mr. Cooner gave the following report:

The committee recommended changes to the following rules:

Chapter 61G17-6 - reviewed minimum standards and legislative objectives.

Chapter 61G17-6.002 – noticed as part of chapter.

Chapter 61G17-6.003 – General Survey, Map and Report Content Requirements – separated requirements from regulatory objectives.

Chapter 61G17-4 – deletion of essay portion of examination.

At the conclusion of this report, the following motion was made:

MOTION: Ms. Clodfelter made a motion to accept the recommendations of this committee.
SECOND: Ms. Sutphin seconded and the motion passed unanimously.

ACSM Liaison – Beverly Sutphin

There was no report at this time.

Continuing Education Committee – Mary Hanna Clodfelter

Ms. Clodfelter gave the following report:

The committee made the following recommendations:

BUCHHEIT ASSOCIATES, INC. SURVEYORS & MAPPERS – to deny this providership due to failure to provide proof of the instructor’s qualifications.

1st Course: Tress & Their Importance to Surveying & Law (General - 8 hrs) – to deny this course because the providership application was denied and there was no category listed on the certificate.

FLORIDA DEPARTMENT OF TRANSPORTATION (0001380)

556 1st Course: Lot and Block Surveys in Florida - (General - 7 hrs) (#0007164, Expires 09/05/07) – to
557 approve this course.

558 2nd Course: FDOT Right-of-Way Mapping - (General- 29.25 hrs)(New Course) – to approve this
559 course.

560 LORMAN BUSINESS CENTER, INC. (0000837)

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562
563 1st Course: Construction Delay Claims (General - 6 hrs) – to deny this course because it is not
564 relevant to the practice of surveying and mapping.

565
566 2nd Course: Coastal and Land Development in 2008 Regulatory Jigsaw Puzzle (General - 6 hrs) - to
567 deny this course because it is not relevant to the practice of surveying and mapping.

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570 3rd Course: Real Estate Development From Beginning to End - (General - 6 hrs) - to deny this
571 course because it is not relevant to the practice of surveying and mapping.

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573 4th Course: Construction Claims (General -6 hrs) - to deny this course because it is not relevant to
574 the practice of surveying and mapping.

575
576 FLORIDA SURVEYING AND MAPPING SOCIETY (0001369)

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578 1st Course: A Surveyors Workshop – Introduction to the Flood Insurance (General - 1 hr) – to
579 approve this course.

580
581 2nd Course: Introduction to Photogrammetry for Land Surveyors (General -2 hrs) – to approve this
582 course.

583
584 3rd Course: Introduction to Airborne Sensors (General - 2 hrs) – to approve this course.

585
586 4th Course: Digital Elevation Modeling in a GIS World (General -2 hrs) – to approve this course.

587
588 FLORIDA ENVIRONMENTAL NETWORK, INC. (0001375)

589
590 1st Course: Growth Management & Environmental Permitting Short Course (General -13.5 hrs) – to
591 deny this course because it is not relevant to the practice of surveying and mapping,
592 incorrect timeline, no instructor biography and the outline did not provide sufficient
593 information to allow the board to make a determination on this course.

594
595 Alabama Society of Professional Land Surveyors (0001392)

596
597 1st Course: What Went Wrong? A Study in Surveyor Errors and Omissions (General -6 hrs) – to
598 approve this course contingent upon the receipt of a revised certificate showing the
599 provider number and category within 30 days.

600
601 2nd Course: Retracement and the 1973 “Manual” (General -6 hrs) – to approve this course contingent
602 upon the receipt of a revised certificate showing the provider number and category within
603 30 days.

604
605 At the conclusion of this report, the following motion was made:

606
607 MOTION: Ms. Sutphin made a motion to accept the recommendations of this committee.

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

609
610 **Privatization Committee- Jeff Cooner**

611
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612 Mr. Cooner provided the board with an update stating that it appeared everything was moving along
613 nicely.

614

615 Mr. Cooner also stated that there was some legislation out there to “deprivatize” the Architecture and
616 the Engineer Boards.

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618 Mr. Cooner stated that there was still hope but that they were just waiting on a legislative decision.

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620 After discussion the board decided not to go forward with the applications at this time.

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627 **REVIEW OF THE TASK FUNCTION FORM FROM THE JANUARY 2008 MEETING**

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629 Mr. Cooner reviewed the task function form with the members and staff. After discussion, several new
630 items were added.

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632 With no further business to discuss, the meeting was adjourned at 12:50 p.m.

633