

1 **MINUTES**

2
3 **BOARD OF PROFESSIONAL GEOLOGISTS**
4 **GENERAL BUSINESS MEETING**

5
6 **Department of Business and Professional Regulation**
7 **Board Conference Room**
8 **1940 North Monroe Street**
9 **Tallahassee, Florida 32399**

10
11 **January 27-28, 2003**

12
13 **Call to Order**

14
15 Ms. Francisco called the meeting to order January 27, 2003 at 1:20 p.m.

16
17 MEMBERS PRESENT:

18 Valerie Francisco, PG, Chair
19 Dawn Blackledge, PG, Vice-Chair
20 Skip Hutton, PG
21 Gabrielle Enos, PG
22 Tom Kwader, Ph.D., PG
23 Tom Scott, Ph.D., P.G.

24
25 MEMBERS ABSENT

26 NONE

27
28 OTHERS PRESENT:

29 Leon Biegalski, Executive Director
30 Christa Patterson, Government Analyst I
31 Susan Bodell, Board Counsel
32 Erica Glover, Board Counsel
33 Eric Hurst, Prosecuting Attorney

34
35 **REVIEW AND APPROVAL OF OCTOBER 21-22, 2002 GENERAL BUSINESS**
36 **MEETING MINUTES**

37
38 The Board reviewed the October 21-22, 2002 minutes and after discussion the following
39 motion was made.

40
41 MOTION: Ms Enos made a motion to approve the October 21-22, 2002 general
42 business meeting minutes as amended.

43 SECOND: Dr. Scott seconded the motion and the motion passed unanimously.

44
45 **TASK FUNCTION FORM**

46
47 Ms. Francisco reviewed the task function form with members. The board reviewed the
48 revised board member list and made some additional revisions. The board asked staff
49 to update the board member list with revisions.

51 Mr. Biegalski advised the board that 2003 legislative proposal was submitted to the
52 Department for consideration. Mr. Biegalski stated that Dr. Scott and Ms. Enos assisted
53 him with written language to justify the proposal.
54

55 Ms. Enos advised the board that the newsletter had not been completed and that she
56 was currently working on the draft. Ms. Enos encouraged members for their input and
57 asked that if they had any articles to please submit them to Ms. Patterson.
58

59 Mr. Biegalski advised the board that the last newsletter was mailed in February.
60

61 **PROSECUTING ATTORNEY REPORT - Eric Hurst**
62

63 Mr. Hurst reported he received two names from Ms. Patterson who would possibly
64 consider providing consultant services to the Department. Mr. Hurst advised the board
65 that he was in the process of contacting these individuals.
66

67 Mr. Hurst reviewed the prosecuting attorney's report with the board. Mr. Hurst advised
68 the board that the probable cause panel met and reviewed two cases.
69

70 Mr. Hurst stated that at the last meeting the board expressed concerns that geology
71 complaints were being closed without proper review. Mr. Hurst advised the board that
72 this was not the case, geology complaints are not being filed.
73

74 Mr. Hurst stated that in the past 12 months there have only been four geology cases
75 opened, two of the cases were reviewed by the probable cause panel, one case is a
76 unlicensed activity, and one case is still pending investigation.
77

78 Mr. Biegalski advised the board that due to the complexity of geology cases a geology
79 consultant reviews all cases.
80

81 Ms. Enos asked Mr. Hurst if a geology consultant reviewed the unlicensed activity cases.
82 Mr. Hurst stated that he did not know and that the board would need to ask the Division
83 of Regulations or Laura Gaffney.
84

85 Mr. Hurst stated that he has been informed that all geology cases would be forwarded to
86 the probable cause panel for review.
87

88 Mr. Hurst stated that at the October 2002 meeting the board shared their concerns that
89 complaints are being filed with local environmental crime units and the complaints were
90 not being reported to the Department. Mr. Hurst advised the board that he drafted a
91 letter to be mailed to state attorney's office in each circuit and a copy of the draft was in
92 their agenda materials.
93

94 The board reviewed Mr. Hurst's letter and asked that the letter be mailed. The board
95 thanked Mr. Hurst for his efforts.
96

97 Ms. Blackledge asked Mr. Hurst to provide an unlicensed activity report at each meeting.
98 Mr. Hurst stated that he would provide an unlicensed activity report at the next meeting.
99

100 Mr. Hurst stated that at the October 2002 meeting the board asked him to follow-up on a
101 disciplinary case regarding Mr. Jeffrey Humenik. Mr. Hurst advised the board that a final

102 order was issued to Mr. Humenik December 31, 2001. Mr. Hurst stated that Mr.
103 Humenik was found in violation and penalties were imposed.
104
105 The board reviewed the final order and felt additional penalties should have applied due
106 to the severity of the violations.
107
108 Ms. Francisco asked how a final order was issued and the board's probable cause panel
109 did not review the case. Mr. Biegalski stated that he was unsure but felt it had to do with
110 the Department's interpretation of the statute. Mr. Biegalski stated that at one time the
111 Department's attorneys were questioning if the board had statutory authority to have a
112 probable cause panel.
113
114 Mr. Hurst advised the board that now a probable cause panel had been appointed the
115 panel will review cases and the panel could recommend penalties.
116
117 The board shared their concerns regarding the lack of communication between the
118 board and the Department. The board felt that the Department should have shared the
119 information regarding the complaint against Mr. Humenik with them.
120
121 The board asked Mr. Hurst to notify the board of any disciplinary action taken against
122 geologists or a geologist business.
123
124 Ms. Bodell stated that now a probable cause panel has been appointed and established
125 the board should be aware of the cases. Ms. Bodell suggested that each time a new
126 prosecuting attorney is appointed the board advise him or her that they want to be
127 informed of geology disciplinary action.
128
129 After discussion it was the consensus of the board that the board should have
130 disciplinary authority.
131
132 **APPLICATION REVIEW**
133
134 The board reviewed 17 applications.
135
136 **COMMITTEE REPORTS**
137
138 Application Review – Tom Kwader
139
140 Dr. Kwader reported that the board reviewed applications and the following motions
141 were made.
142
143 MOTION: Dr. Kwader made a motion to approve Jeffrey Duncan and John
144 Waekliem by endorsement.
145 SECOND: Ms. Francisco seconded the motion and the motion passed unanimously.
146
147 MOTION: Dr. Kwader made a motion to deny Victoria Rushing and Stephen Threet
148 by endorsement.
149 SECOND: Ms. Blackledge seconded the motion and the motion passed
150 unanimously.
151
152 MOTION: Dr. Kwader made a motion to approve Kathleen Stetser by endorsement.

153 SECOND: Ms. Blackledge seconded the motion and the motion passed
154 unanimously.
155
156 MOTION: Dr. Kwader made a motion to approve Samantha Andrews, Brian
157 Armstrong, Angela Chelette, David Jacobs, Shawn Komlos, Wes Marc
158 Leon, Carla-Marie Mackle, Omar Rodriquez, and Curtis Smith by
159 examination.
160 SECOND: Ms. Blackledge seconded the motion and it passed unanimously.
161
162 MOTION: Dr. Kwader made a motion to deny Ricky Schaeffer, and Daniel Thomas
163 Stump by examination.
164 SECOND: Dr. Scott seconded the motion and it passed unanimously.
165

166 Finance Committee- Dawn Blackledge
167

168 Ms. Blackledge reported she had not received any information regarding the board's
169 financial matters. Mr. Biegalski advised the board that he recently received the board's
170 first quarterly report and would provide a copy to the board.
171

172 Mr. Biegalski handed out the quarterly report and reviewed the report with the board.
173 Ms. Blackledge stated that she still does not understand the format of the reports and
174 stated she would continue to review the reports and report any significant changes to the
175 board.
176

177 Professional Communication – Gabrielle Enos
178

179 Ms. Enos reported that she was currently in the process of drafting the newsletter. Ms.
180 Enos reminded members if they had any input they would like to offer for the newsletter
181 to provide the information to Ms. Patterson.
182

183 Mr. Enos stated that Florida would host the next ASBOG annual workshop. Ms. Enos
184 stated that the location of the meeting had not been finalized however, they were looking
185 in the Sarasota area. Ms. Enos requested that a staff person attend the meeting to
186 assist with registration and to attend the administrator's meeting. Mr. Biegalski asked
187 Ms. Enos to notify him of the dates and location.
188

189 Ms. Enos asked the board to consider having a one-day board meeting before the
190 ASBOG workshop. After discussion by the board they stated they would consider
191 having a one-day meeting. Ms. Francisco asked staff to include this in the 2003-2004
192 travel spending plan.
193

194 Ms. Enos advised the board that the next ASBOG exam workshop is scheduled to be
195 held April 10-13, 2003 in Nebraska. Ms. Francisco stated she would be unable to attend
196 and asked Ms. Blackledge if she would attend in her place. Ms. Blackledge advised the
197 board she could attend the meeting.
198

199 Ms. Patterson stated she would contact Ms. Blackledge once the travel authorization
200 was approved.
201
202

202 Legislative Issues – Tom Scott

203

204 Dr. Scott reported he was only aware of one bill that affected the practice of geology.

205 Dr. Scott stated that it was a senate bill that would impact the use of explosives in mines
206 and this bill also provides for damages.

207

208 Mr. Biegalski stated that the board's 2003 legislative package was submitted to the
209 Department's legislative office.

210

211 The board asked Mr. Biegalski to provide them with an legislative update at the next
212 meeting.

213

214 Probable Cause Panel

215

216 Dr. Kwader reported that the probable cause panel met and reviewed two cases and that
217 probable cause was found on both cases.

218

219 **Executive Director's Report – Leon Biegalski**

220

221 No report

222

223 **Board Counsel Report – Susan Bodell**

224

225 Ms. Bodell introduced Ms. Erica Glover as the new attorney for the board of geology.

226 Ms. Bodell stated that she had been reassigned to another board and that it had been a
227 pleasure working with them. The board thanked Ms. Bodell for service and the board
228 welcomed Ms. Glover.

229

230 **Chair Report – Valerie Francisco**

231

232 Ms. Francisco reported she would be speaking at the FAPG meeting regarding 2003
233 legislative package.

234

235 **OLD/NEW BUSINESS**

236

237 Copy of Reminder Letter to Geology Businesses

238

239 Ms. Francisco advised the board that the letter had been mailed. Some of the members
240 commented that their office received the letter.

241

242 Copy of Response Letter to Dr. Walt Schmidt

243

244 Ms. Francisco reviewed the letter with the board and advised members that the letter
245 had been mailed. Ms. Francisco stated that she and Mr. Biegalski signed the letter.

246

247 **ELECTION OF OFFICERS**

248

249 MOTION: Ms. Enos made a motion to nominate Ms. Blackledge for chair.

250 SECOND: Ms. Francisco seconded the motion and it passed unanimously.

251

252 MOTION: Ms. Enos made a motion to nominate Dr. Scott for vice-chair.

253 SECOND: Dr. Kwader seconded the motion and it passed unanimously.

254
255 Board recessed at 5:45 p.m.

256
257 **January 28, 2003**

258
259 Ms. Francisco called the meeting to order January 28, 2003 at 9:10 a.m.

260
261 MEMBERS PRESENT:

262 Valerie Francisco, PG, Chair
263 Dawn Blackledge, PG, Vice-Chair
264 Skip Hutton, PG
265 Gabrielle Enos, PG
266 Tom Kwader, Ph.D., PG
267 Tom Scott, Ph.D., P.G.

268
269 MEMBERS ABSENT

270 NONE

271
272 OTHERS PRESENT:

273 Leon Biegalski, Executive Director
274 Christa Patterson, Government Analyst I
275 Susan Bodell, Board Counsel
276 Erica Glover, Board Counsel
277 Eric Hurst, Prosecuting Attorney
278 David Minnaci
279 Les Smith

280
281 **UNLICENSED ACTIVITY UPDATE**

282
283 Ms. Juanita Chastain and Mr. Mark Reddinger, from the Division of Regulation, were
284 present at the meeting and Ms. Chastain addressed the board.

285
286 Ms. Chastain presented an overview of the activities currently taking place in the
287 Department's unlicensed activity program.

288
289 Ms. Chastain reported that their office is now providing a 24-hour turn around time for
290 incoming callers and for individuals who walk in. Ms. Chastain stated that due to the
291 complexity of geology practice all complaints are forwarded to the field for investigation.
292 Ms. Chastain advised the board that unlicensed activity complaint forms are available on
293 the Department's web site and can be processed through the Departments on line
294 services.

295
296 Mr. Reddinger advised the board that as part of his job duties he reviews the Florida
297 yellow pages from around Florida for possible unlicensed activity. Mr. Reddinger stated
298 that he does this for all professions.

299
300 Ms. Chastain advised the board that it would be valuable knowledge for Mr. Reddinger
301 to meet with some of the Tallahassee board members to educate Mr. Reddinger in the
302 types of unlicensed activities in the geology field.

303

304 Dr. Scott and Dr. Kwader stated they would make arrangements and meet with Mr.
305 Reddinger. Mr. Biegalski advised the members that they would have to meet with Mr.
306 Reddinger separately.
307
308 Ms. Chastain advised that board that the Department has hired a private consultant to
309 develop the unlicensed activity media campaign. Ms. Chastain stated that she hoped
310 the media campaign would be up and running by the end of the fiscal year.
311
312 Ms. Chastain closed her presentation by handing out a statistics report on unlicensed
313 activities. The board reviewed the report and made some suggestions to the format of
314 the report.
315
316 Dr. Kwader stated that he knew of a complaint that was hand delivered to the
317 Department a couple of months ago and the complaint was not listed on the report. Mr.
318 Reddinger stated he would go and search for the complaint. .
319
320 Ms. Francisco asked Ms. Chastain to keep the board informed of geology unlicensed
321 activity complaints. Mr. Biegalski stated Mr. Hurst stated he would provide a report at
322 each meeting.
323
324 Mr. Biegalski advised the board that Ms. Laura Gaffney is the Department's unlicensed
325 activity prosecuting attorney.
326
327 Ms. Enos stated that since the board does not have disciplinary authority the
328 Department does not communicate with the board. Ms. Enos asked the unlicensed
329 activity office and the prosecuting attorney's office to communicate with the board
330 regarding complaints when it is legal to do so.
331
332 After discussion it was the consensus of the board that an agenda item for the next
333 meeting would be a flow chart of the organization of the Department. The board asked
334 that the flow chart include the investigative process, and the time frame of the complaint
335 process.
336
337 The board discussed the way investigator's handle geology complaints and felt the
338 investigators need training. Mr. Biegalski advised the board that investigators use a
339 handbook and the handbook has sections for each profession.
340
341 Dr. Walt Schmidt advised the board that in the past the Department held an annual
342 investigator's workshop and board members were invited board members to attend and
343 participate in the investigators training sessions. Dr. Schmidt stated that this was great
344 for training purposes.
345
346 The board discussed ways to educate Department staff regarding geology practice. It
347 was the consensus of the board that a list of good and bad geology would be impossible
348 to list. Dr. Schmidt stated that this issue had already been addressed by past board
349 members and an article was published in a past newsletter. The board asked Dr.
350 Schmidt to provide a copy of that information to Ms. Patterson so she could include it in
351 the next agenda.
352
353 Ms. Chastain stated that at this time an investigators' workshop had not been scheduled
354 but if a workshop were scheduled she would notify Mr. Biegalski.
355

356 Mr. Reddinger suggested to the board that they create a check sheet for investigators.
357
358 Mr. Biegalski obtained a copy of the investigator's handbook. Mr. Biegalski reported that
359 the handbook did not have a section for geology. Mr. Biegalski stated the handbook did
360 not include a geology section due to the investigators relying on the geology consultants.
361
362 After discussion it was the consensus of the board that a check sheet was not necessary
363 since a consultant reviews the cases.
364
365 Mr. Biegalski reminded the board that geology unlicensed activity cases are reviewed by
366 legal and consultants and geology licensed cases are reviewed by the probable cause
367 panel members.
368
369 Mr. Reddinger obtained the information regarding the hand delivered complaint. Mr.
370 Reddinger reported that the complaint was located and is in the Departments complaint
371 process.
372
373 Ms. Enos stated that she was very concerned with the time delay in processing the hand
374 delivered unlicensed activity complaint.
375
376 After discussion it was the consensus of the board to provide the Department with a
377 bullet format document outlining the practice of geology and the Department would use
378 this information during initial review of the cases.
379
380 Mr. Schmidt stated he would provide copies of old newsletters to Ms. Patterson to
381 include on the next agenda.
382
383 Mr. David Minacci and Mr. Les Smith were present at the meeting. Mr. Minacci
384 addressed the board. Mr. Minacci advised the board that he was currently contracted
385 with the Board of Architecture and Interior Design to provide all investigative and
386 prosecutive work. Mr. Minacci stated all functions for the contract are conducted
387 through his office. Mr. Minacci stated that Mr. Smith was employed with the
388 Department's investigative office for many years and now works directly with him. Mr.
389 Minacci stated having Mr. Smith's expertise in the investigative field makes his office
390 operation run smoothly and efficiently.
391
392 Ms. Francisco asked the board for their comments regarding the possibility of using Mr.
393 Minacci's services.
394
395 After discussion by the board it was the consensus of the board that additional
396 discussion and information was necessary prior to approaching the Department.
397
398 Ms. Francisco asked staff to obtain information regarding Mr. Minacci's contract and to
399 include this information on the next agenda for discussion.
400
401 Dr. Scott asked if Mr. Biegalski had any knowledge of the meeting that was to be held
402 with the Department of Environmental Protection regarding the possibility of moving the
403 board function to the DEP office. Mr. Biegalski advised the board that the first meeting
404 was cancelled and has not been rescheduled.
405

406 Ms. Patterson advised the board that the next board meeting is scheduled in Cape
407 Canaveral and the meeting dates were May 14-15, 2003. Ms. Patterson stated she
408 would be mailing the confirmation letters out soon.

409

410 There being on other business the meeting adjourned at 11:00 a.m.

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