MINUTES

BOARD OF PROFESSIONAL GEOLOGISTS
GENERAL BUSINESS MEETING

Department of Business and Professional Regulation
Board Conference Room
1940 North Monroe Street
Tallahassee, Florida 32399

January 27-28, 2003

Call to Order

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

MEMBERS PRESENT:
Valerie Francisco, PG, Chair
Dawn Blackledge, PG, Vice-Chair
Skip Hutton, PG
Gabrielle Enos, PG
Tom Kwader, Ph.D., PG
Tom Scott, Ph.D., P.G.

MEMBERS ABSENT
NONE

OTHERS PRESENT:
Leon Biegalski, Executive Director
Christa Patterson, Government Analyst I
Susan Bodell, Board Counsel
Erica Glover, Board Counsel
Eric Hurst, Prosecuting Attorney

REVIEW AND APPROVAL OF OCTOBER 21-22, 2002 GENERAL BUSINESS MEETING MINUTES

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

MOTION: Ms Enos made a motion to approve the October 21-22, 2002 general business meeting minutes as amended.
SECOND: Dr. Scott seconded the motion and the motion passed unanimously.

TASK FUNCTION FORM

Ms. Francisco reviewed the task function form with members. The board reviewed the revised board member list and made some additional revisions. The board asked staff to update the board member list with revisions.
Mr. Biegalski advised the board that 2003 legislative proposal was submitted to the Department for consideration. Mr. Biegalski stated that Dr. Scott and Ms. Enos assisted him with written language to justify the proposal.

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

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

PROSECUTING ATTORNEY REPORT - Eric Hurst

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

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

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

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

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

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

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

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

The board reviewed Mr. Hurst’s letter and asked that the letter be mailed. The board thanked Mr. Hurst for his efforts.

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

Mr. Hurst stated that at the October 2002 meeting the board asked him to follow-up on a disciplinary case regarding Mr. Jeffrey Humenik. Mr. Hurst advised the board that a final
order was issued to Mr. Humenik December 31, 2001. Mr. Hurst stated that Mr. Humenik was found in violation and penalties were imposed.

The board reviewed the final order and felt additional penalties should have applied due to the severity of the violations.

Ms. Francisco asked how a final order was issued and the board’s probable cause panel did not review the case. Mr. Biegalski stated that he was unsure but felt it had to do with the Department’s interpretation of the statute. Mr. Biegalski stated that at one time the Department’s attorneys were questioning if the board had statutory authority to have a probable cause panel.

Mr. Hurst advised the board that now a probable cause panel had been appointed the panel will review cases and the panel could recommend penalties.

The board shared their concerns regarding the lack of communication between the board and the Department. The board felt that the Department should have shared the information regarding the complaint against Mr. Humenik with them.

The board asked Mr. Hurst to notify the board of any disciplinary action taken against geologists or a geologist business.

Ms. Bodell stated that now a probable cause panel has been appointed and established the board should be aware of the cases. Ms. Bodell suggested that each time a new prosecuting attorney is appointed the board advise him or her that they want to be informed of geology disciplinary action.

After discussion it was the consensus of the board that the board should have disciplinary authority.

APPLICATION REVIEW

The board reviewed 17 applications.

COMMITTEE REPORTS

Application Review – Tom Kwader

Dr. Kwader reported that the board reviewed applications and the following motions were made.

MOTION: Dr. Kwader made a motion to approve Jeffrey Duncan and John Waekliem by endorsement.
SECOND: Ms. Francisco seconded the motion and the motion passed unanimously.

MOTION: Dr. Kwader made a motion to deny Victoria Rushing and Stephen Threet by endorsement.
SECOND: Ms. Blackledge seconded the motion and the motion passed unanimously.

MOTION: Dr. Kwader made a motion to approve Kathleen Stetser by endorsement.
MOTION: Dr. Kwader made a motion to approve Samantha Andrews, Brian Armstrong, Angela Chelette, David Jacobs, Shawn Komlos, Wes Marc Leon, Carla-Marie Mackle, Omar Rodriguez, and Curtis Smith by examination.
SECOND: Ms. Blackledge seconded the motion and the motion passed unanimously.

MOTION: Dr. Kwader made a motion to deny Ricky Schaeffer, and Daniel Thomas Stump by examination.
SECOND: Dr. Scott seconded the motion and it passed unanimously.

Finance Committee- Dawn Blackledge

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

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

Professional Communication – Gabrielle Enos

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

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

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

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

Ms. Patterson stated she would contact Ms. Blackledge once the travel authorization was approved.
Legislative Issues – Tom Scott

Dr. Scott reported he was only aware of one bill that affected the practice of geology. Dr. Scott stated that it was a senate bill that would impact the use of explosives in mines and this bill also provides for damages.

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

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

Probable Cause Panel

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

Executive Director’s Report – Leon Biegalski

No report

Board Counsel Report – Susan Bodell

Ms. Bodell introduced Ms. Erica Glover as the new attorney for the board of geology. Ms. Bodell stated that she had been reassigned to another board and that it had been a pleasure working with them. The board thanked Ms. Bodell for service and the board welcomed Ms. Glover.

Chair Report – Valerie Francisco

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

OLD/NEW BUSINESS

Copy of Reminder Letter to Geology Businesses

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

Copy of Response Letter to Dr. Walt Schmidt

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

ELECTION OF OFFICERS

MOTION: Ms. Enos made a motion to nominate Ms. Blackledge for chair.
SECOND: Ms. Francisco seconded the motion and it passed unanimously.

MOTION: Ms. Enos made a motion to nominate Dr. Scott for vice-chair.
SECOND: Dr. Kwader seconded the motion and it passed unanimously.
January 28, 2003

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

MEMBERS PRESENT:
Valerie Francisco, PG, Chair
Dawn Blackledge, PG, Vice-Chair
Skip Hutton, PG
Gabrielle Enos, PG
Tom Kwader, Ph.D., PG
Tom Scott, Ph.D., P.G.

MEMBERS ABSENT
NONE

OTHERS PRESENT:
Leon Biegalski, Executive Director
Christa Patterson, Government Analyst I
Susan Bodell, Board Counsel
Erica Glover, Board Counsel
Eric Hurst, Prosecuting Attorney
David Minnaci
Les Smith

UNLICENSED ACTIVITY UPDATE

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

Ms. Chastain presented an overview of the activities currently taking place in the Department’s unlicensed activity program.

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

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

Ms. Chastain advised the board that it would be valuable knowledge for Mr. Reddinger to meet with some of the Tallahassee board members to educate Mr. Reddinger in the types of unlicensed activities in the geology field.
Dr. Scott and Dr. Kwader stated they would make arrangements and meet with Mr. Reddinger. Mr. Biegalski advised the members that they would have to meet with Mr. Reddinger separately.

Ms. Chastain advised that board that the Department has hired a private consultant to develop the unlicensed activity media campaign. Ms. Chastain stated that she hoped the media campaign would be up and running by the end of the fiscal year.

Ms. Chastain closed her presentation by handing out a statistics report on unlicensed activities. The board reviewed the report and made some suggestions to the format of the report.

Dr. Kwader stated that he knew of a complaint that was hand delivered to the Department a couple of months ago and the complaint was not listed on the report. Mr. Reddinger stated he would go and search for the complaint.

Ms. Francisco asked Ms. Chastain to keep the board informed of geology unlicensed activity complaints. Mr. Biegalski stated Mr. Hurst stated he would provide a report at each meeting.

Mr. Biegalski advised the board that Ms. Laura Gaffney is the Department’s unlicensed activity prosecuting attorney.

Ms. Enos stated that since the board does not have disciplinary authority the Department does not communicate with the board. Ms. Enos asked the unlicensed activity office and the prosecuting attorney’s office to communicate with the board regarding complaints when it is legal to do so.

After discussion it was the consensus of the board that an agenda item for the next meeting would be a flow chart of the organization of the Department. The board asked that the flow chart include the investigative process, and the time frame of the complaint process.

The board discussed the way investigator’s handle geology complaints and felt the investigators need training. Mr. Biegalski advised the board that investigators use a handbook and the handbook has sections for each profession.

Dr. Walt Schmidt advised the board that in the past the Department held an annual investigator’s workshop and board members were invited board members to attend and participate in the investigators training sessions. Dr. Schmidt stated that this was great for training purposes.

The board discussed ways to educate Department staff regarding geology practice. It was the consensus of the board that a list of good and bad geology would be impossible to list. Dr. Schmidt stated that this issue had already been addressed by past board members and an article was published in a past newsletter. The board asked Dr. Schmidt to provide a copy of that information to Ms. Patterson so she could include it in the next agenda.

Ms. Chastain stated that at this time an investigators’ workshop had not been scheduled but if a workshop were scheduled she would notify Mr. Biegalski.
Mr. Reddinger suggested to the board that they create a check sheet for investigators.

Mr. Biegalski obtained a copy of the investigator’s handbook. Mr. Biegalski reported that the handbook did not have a section for geology. Mr. Biegalski stated the handbook did not include a geology section due to the investigators relying on the geology consultants.

After discussion it was the consensus of the board that a check sheet was not necessary since a consultant reviews the cases.

Mr. Biegalski reminded the board that geology unlicensed activity cases are reviewed by legal and consultants and geology licensed cases are reviewed by the probable cause panel members.

Mr. Reddinger obtained the information regarding the hand delivered complaint. Mr. Reddinger reported that the complaint was located and is in the Departments complaint process.

Ms. Enos stated that she was very concerned with the time delay in processing the hand delivered unlicensed activity complaint.

After discussion it was the consensus of the board to provide the Department with a bullet format document outlining the practice of geology and the Department would use this information during initial review of the cases.

Mr. Schmidt stated he would provide copies of old newsletters to Ms. Patterson to include on the next agenda.

Mr. David Minacci and Mr. Les Smith were present at the meeting. Mr. Minacci addressed the board. Mr. Minacci advised the board that he was currently contracted with the Board of Architecture and Interior Design to provide all investigative and prosecutive work. Mr. Minacci stated all functions for the contract are conducted through his office. Mr. Minacci stated that Mr. Smith was employed with the Department’s investigative office for many years and now works directly with him. Mr. Minacci stated having Mr. Smith’s expertise in the investigative field makes his office operation run smoothly and efficiently.

Ms. Francisco asked the board for their comments regarding the possibility of using Mr. Minacci’s services.

After discussion by the board it was the consensus of the board that additional discussion and information was necessary prior to approaching the Department.

Ms. Francisco asked staff to obtain information regarding Mr. Minacci’s contract and to include this information on the next agenda for discussion.

Dr. Scott asked if Mr. Biegalski had any knowledge of the meeting that was to be held with the Department of Environmental Protection regarding the possibility of moving the board function to the DEP office. Mr. Biegalski advised the board that the first meeting was cancelled and has not been rescheduled.
Ms. Patterson advised the board that the next board meeting is scheduled in Cape Canaveral and the meeting dates were May 14-15, 2003. Ms. Patterson stated she would be mailing the confirmation letters out soon.

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