

MINUTES

BOARD OF PROFESSIONAL GEOLOGISTS GENERAL BUSINESS MEETING

Embassy Suites Hotel
9300 Baymeadow Road
Jacksonville, Florida

October 29, 2003

CALL TO ORDER

Ms. Blackledge called the meeting to order October 29, 2003 at 9:00 a.m.

MEMBERS PRESENT:

Dawn Blackledge, PG, Chair
Tom Scott, Ph.D., PG, Vice-Chair
Valerie Francisco, PG
Donald McNeill, Ph.D. PG
James Pease, PG
Stuart Smith

MEMBER(S) NOT PRESENT:

Gabrielle Enos, PG

Ms. Blackledge advised the board that Ms. Enos was attending the ASBOG meeting held at the same hotel the board was meeting in.

OTHERS PRESENT:

Juanita Chastain, Executive Director
John Knap, Executive Director
Christa Patterson, Government Analyst
Barbara Edwards, Board Counsel
Eric Hurst, Prosecuting Attorney
Jerry Wilson, Deputy Division Director, Professions
Rand Edelstein
John Davis
Mr. McDowell

REVIEW AND APPROVAL OF THE JULY 29-30, 2003 GENERAL BUSINESS MEETING MINUTES

The board reviewed the July 29-30, 2003 minutes and after review the following motion was made.

MOTION: Dr. Scott made a motion to approve the minutes with corrections.
SECOND: Ms. Francisco seconded the motion and it passed unanimously.

TASK FUNCTION FORM

The board reviewed the task function form. Dr. Scott reported that the Florida Association of Professional Geologists (FAPG) advised him that they did not have the funding to hire a consultant to do an analysis of privatization. Dr. Scott stated that a representative from FAPG requested to address the board in this matter. Ms. Blackledge stated that FAPG could address the board during the discussion of old business.

Ms. Blackledge advised the board that the phase one letter had not been drafted and that she would work with Ms. Edwards on the draft.

Ms. Blackledge advised the board that the revisions made to the board's proposed legislative language was submitted to the Division Director's office. Ms. Blackledge asked the board if they had any comments on the revisions. The board did not make any comments to the revisions. Ms. Blackledge asked Ms. Chastain if the Department had any comments on the revisions. Ms. Chastain advised the board she had not been contacted by the legislative office but would follow-up and report back to the board. Ms. Blackledge stated she would like to contact Ms. Carr and thank her for her efforts on supporting the board's proposal.

Mr. Wilson assured the board he would also follow-up with the Department's Legislative Office.

DISCUSSION OF PRIVATIZATION

Ms. Blackledge advised the board that discussion of privatization was not a new agenda item and has been discussed in length in the past by the board. Ms. Chastain advised the board that in their board meeting folders was a memorandum from Mr. G.W. Harrell, Special Counsel that gave an overview of the different models of privatization. Dr. Scott stated that the privatization language for the Board of Professional Surveyor and Mappers has been submitted to the Legislature as Senate Bill 472 and is sponsored by Mr. Clancy.

Mr. Smith asked what the goal was for the board to privatize. Dr. Scott stated it would give the board more control over the practice of Geology and stated that past board members felt the Department was providing good services to the board. Ms. Francisco stated that the board in the past has had difficulty with the Department's legal service. Ms. Blackledge stated that privatization may streamline and expedite current board functions, maybe be cost efficient, and the board would maybe have more control.

Mr. Pease asked the board if the proposed legislative changes go through and the board gets the authority of discipline, would there be a need to move forward with privatization. Dr. Scott stated the Department has improved, but past board members were not impressed. Mr. Edelstein stated that past board members were concerned with the way the Department was reporting the board's budget and past staff was not knowledgeable with the new methods of budget reporting. Ms. Blackledge stated she had attended a new board member seminar and budget was addressed but she still did not understand the numbers. Ms. Blackledge stated all members should attend the new board members

seminar. Mr. Wilson stated that a video was available and that he would forward the information to the new members.

Ms. Francisco stated that the board's budget needs to be monitored to assure that the board does not go in the red. Mr. Wilson asked the board if a representative for the Department's accounting office had been present at any of their meetings. Ms. Blackledge stated a representative from the accounting office was present at their last meeting. Ms. Blackledge stated there has been improvements in the reporting system but it is still fuzzy math.

MOTION: Dr. Scott made a motion to table discussion of privatization for twelve months and to continue monitoring the Department's performance.
SECOND: Dr. McNeill seconded the motion and it passed unanimously.

Ms. Blackledge advised the board that if the discussion of privatization returns in the future the person who brings up the issue must be ready to champion the discussion. Ms. Blackledge stated she would continue to monitor the board's budget.

Dr. Scott stated he spoke with the Florida Association of Professional Geologists President, Dr. John Arthur, and stated that FAPG was in the process of raising money to hire a lobbyist to work on the CCNA and the water resources issues to get professional geologists added to the list of professions that could compete and sign off on various projects. Dr. Scott stated FAPG is considering hiring Mcloud and Associates for the lobbying group.

APPLICATION REVIEW

Ms. Blackledge reviewed the application procedure with the board. Ms. Edwards advised the board that when discussing the review of application files, the board members must be on the record and only one member can speak at a time.

Ms. Edwards advised the board that she noted in Chapter 492, F.S. that endorsement candidate were required to take the laws and rules exam. Ms. Patterson stated that since the time she has been employed with the Department, in 1999, there was not a laws and rules examination offered. Ms. Patterson stated she would follow-up with the Departments Exam Services office to confirm.

The board reviewed applications and after review the following motions were made.

MOTION: Dr. Scott made a motion to approve Kelly Leigh Bishop's application for examination.
SECOND: Ms. Blackledge seconded the motion and it passed unanimously.

MOTION: Dr. Scott made a motion to approve James Howell's application for licensure by endorsement.
SECOND: Ms. Blackledge seconded the motion and it passed unanimously.

MOTION: Ms. Blackledge made a motion to deny Sasson Moradian's for licensure by endorsement. Candidate lacked verification of meeting the education requirements, and did not take a licensure examination.
SECOND: Mr. Pease seconded the motion and it passed.

Ms. Francisco opposed the motion.

MOTION: Ms. Blackledge made a motion to approve Tracy Arlene Thrift's application for endorsement pending verification that the 33 months of work experience was supervised by either a qualified geologist or engineer.

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

Ms. Blackledge introduced Mr. John Davis, a licensed geologists in the area and Mr. McDowell from the Jacksonville investigation office.

REPORTS

Chair Report – Dawn Blackledge

Ms. Blackledge reported she would be working with Ms. Edwards on a letter to the Legislature advising them of the board's legislative proposal intent.

Board Counsel Report – Barbara Edwards

Ms. Edwards stated that the board did not have any rules pending at this time and that she looked forward to working with the board in the future.

Prosecuting Attorney's Report – Eric Hurst

Mr. Hurst advised the board that he provided an unlicensed activity report in their meeting materials. Dr. Scott stated that he knew Mr. Hurst did not process the unlicensed activity compliant cases but wanted to know the person who did. Mr. Hurst stated Ms. Laura Gaffney is the contact person for the board's unlicensed activity. Dr. Scott stated there was an unlicensed activity complaint on Sydney Buccus that was submitted to the Department months ago but was not listed on the report. Ms. Chastain stated unlicensed activity cases could be accessed on the Department's web site. Ms. Blackledge asked Ms. Chastain to follow-up on the status.

The board and Mr. Hurst discussed the probable cause panel process. Ms. Blackledge stated Dr. Kwader was assigned to that panel, but is no longer a board member. Ms. Edward's stated that if the board wishes, Dr. Kwader could participate on the probable cause panel as a former board member. Ms. Blackledge asked staff to contact Dr. Kwader to see if he would like to continue to participate on the probable cause panel.

Mr. Edelstein stated there where many Geology unlicensed activity cases not accounted for by the Department. Mr. Edelstein stated he has contacted the Department numerous times regarding a status on the complaint and has had no response. Mr. Wilson stated he would follow-up on Mr. Edelstein case. Mr. Knap stated he would provide the board with a more detailed unlicensed activity report.

Finance Report – Dawn Blackledge

Ms. Chastain reviewed with the board the June 30, 2003 and 2002 finance statements. Ms. Chastain advised the board that the Department's cost allocation methology was

included in their board meeting folders. Ms. Chastain stated that the Governor has mandated a sweep of funds and at this time Ms. Carr had not determined the allocation methodology of how to handle the sweep. Ms. Blackledge stated the board would not have any control of how the allocation methodology will be handled by the Department.

Mr. Edelstein stated that many years back, the Department provided the board with a year to year projection chart. Ms. Chastain advised the board that the executive director prepares each year, for office use, a 5 year projection of the board's budget, but does not usually share the information with the board.

Communication – Gabrielle Enos

During the communications report Ms. Enos was present at the meeting.

Ms. Enos advised the board that during the annual ASBOG meeting members would be voting on proposed changes to the ASBOG Charter and by-law language. Ms. Enos reviewed the proposed changes with the board.

The board reviewed Charter Article 3 and the board was in support of the proposed changes to the language.

The board reviewed Charter Article 4 and the board was in support of the proposed changes to the language.

The board reviewed the By-law Part 4 and the board was in support of the proposed changes to the language.

The board reviewed the By-law Part 7 and the board was in support of the proposed changes to the language.

The board reviewed the By-law Part 8 and Mr. Smith, Ms. Enos, and Ms. Francisco opposed the proposed changes to the language.

Ms. Enos invited the office staff and board members to attend the annual ASBOG meeting and stated she would vote on the proposed changes accordingly.

Ms. Patterson advised the board that the newsletter included in their board materials was a rough draft. The board asked Ms. Patterson to check the delinquent status licensees to assure they had not renewed since the report was run by the Department. The board asked Mr. Knap to include an unlicensed activity article in the newsletter. The board asked staff to forward a copy of the newsletter to them when finalized.

Executive Director's Report – Juanita Chastain

Ms. Chastain reported that this would be the last meeting she would be attending and she introduced Mr. Knap as the board's new executive director. The board thanked Ms. Chastain for her leadership.

Ms. Chastain advised the board that they would need to consider drafting a rule in accordance to 455.02, Florida Statutes addressing armed forces renewal exemption provisions. Ms. Chastain provide the board with a copy of the Funeral board's rule

regarding armed forces renewal exemption and the board stated they would like to consider drafting a rule similar to the Funeral board's rule. Ms. Edwards stated Chapter 455.02 exempts the spouse of the military personnel. Ms. Edwards explained the joints administrative procedure process to the board. Ms. Edwards suggested using the same language as the Funeral board since Joint Administrative Procedures Commission had already approved the language.

MOTION: Dr. Scott made a motion to ask Ms. Edwards to move forward with rule development and to use the Funeral board's language as a guide.

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

Ms. Chastain asked Ms. Edwards to give the board an overview of the sunshine law. Ms. Edwards advised the board that there were two Florida Statutes that the board needed to be aware of the public record statutes and the sunshine statute. Ms. Edwards advised the board that noticed board meetings were published in the Florida Administrative weekly for at least seven days prior to the meeting date. Ms. Edwards stated that noticing the meeting notifies the public that the board meeting would be taking place and meetings are open to the public. Ms. Edwards stated that any topic that is likely to come before the board for discussion or determination, the discussion or determination must take place during a publicly noticed meeting. Ms. Edwards stated that board members can not write notes to each other, can not call one another to discuss board business, and to be advised that email between members is public record information. Ms. Edwards stated no one member of the board can speak on behalf of the board.

Ms. Francisco asked Ms. Edwards to address the issue of the general public calling a board member to discuss what happened at a past meeting. Ms. Edwards stated you can provide general information but members have to be careful with the way you say it and not speak on behalf of another member. Ms. Edwards stated that it was very important that the individual knows you are speaking for your self and not the board. Ms. Edwards stated application issues and complaint issues should be referred to the board office staff.

NEW/OLD BUSINESS

Review and discussion of traditional tasks performed by Florida professional geologists

Dr. Scott advised the board that included in their board meeting materials was the revised traditional tasks. Dr. Scott asked the board if they had any comments or suggestions. Ms. Blackledge advised the board that the purpose of the traditional tasks was to assist the Department with training issues for inspectors, investigators and staff. Mr. McNeill asked if the geology tasks listed would hurt the board with future issues. Dr. Scott stated that some type of disclaimer should be added to the form.

After discussion, the board asked Ms. Patterson to email the information to each member and ask each member to respond within 30 days. Dr. Scott asked Ms. Patterson to forward the member's responses to him and he would make revisions and would submit the final format at the January 2004 meeting. Ms. Blackledge asked members not to bring their suggestions to the January meeting but to please provide their comments to Ms. Patterson prior to the January 2004 meeting.

Correspondence from National Ground Water Association

The board reviewed the letter from the National Ground Water Association. After discussion it was the consensus of the board that a licensed geologist should be the one giving the interpretation of migration of contamination through the subsurface and for a licensed geologist to provide recommendations for sampling of geologic materials. Ms. Blackledge stated she would draft a response and forward to Ms. Edwards for review prior to mailing.

For Your Information

Ms. Blackledge asked Mr. Knap to provide the board, if available, with a five to six year budget projection. Mr. Knap stated he would follow-up and report at the next meeting.

The board discussed their future meeting schedule and after discussion the board agreed upon the following dates and locations.

January 28-29, 2004 – Tallahassee, Florida

April 21-22, 2004 – Tampa, Florida

July 28-29, 2004 – Destin, Florida

October 20-21, 2004 – Tallahassee, Florida

There being no other business the meeting adjourned at 4:20 p.m.