

MINUTES

BOARD OF PROFESSIONAL GEOLOGISTS GENERAL BUSINESS MEETING

Sirata Beach Resort
5300 Gulf Blvd.
St. Pete Beach, Florida 33706

July 28-29, 2004

CALL TO ORDER

Dr. Scott called the meeting to order July 28, 2004 at 1:07 p.m.

MEMBERS PRESENT:

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

MEMBERS NOT PRESENT:

Stuart Smith

OTHERS PRESENT:

John Knap, Executive Director
Christa Patterson, Government Analyst
Barbara Edwards, Board Counsel
Eric Hurst, Prosecuting Attorney

REVIEW AND APPROVAL OF GENERAL BUSINESS MEETING MINUTES

Dr. Scott advised staff that a page was missing from the April 20-21, 2004 meeting minutes. Ms. Patterson asked the board to table review of the minutes to allow her time to contact the office and have the information faxed. The board agreed.

REVIEW OF THE TASK FUNCTION FORM

Ms. Patterson reviewed the task function with the board and the board did not take any action.

REVIEW AND DISCUSSION OF LEGISLATIVE LANGUAGE PASSED DURING THE 2004 SESSION- SB 2276

Ms. Edwards advised the board that the language included in their agenda material was the final language approved by the legislature.

DISCUSSION OF DRAFTING AND IMPLEMENTING DISCIPLINARY RULES

Ms. Edwards advised the board that included in their agenda material was the proposed disciplinary rule draft. Ms. Edwards stated that prior to the meeting she had worked on the draft language with Mr. Pease. Ms. Edwards advised the board that the proposed language was drafted using the Board of Engineers disciplinary language.

Ms. Edwards stated that since the board did not have any past experience with disciplinary authority she did not feel the board would need to discuss non-compliance, mediation, and citations at this time.

Ms. Enos agreed with Ms. Edwards and stated the disciplinary authority was new to the board and she did not want the board to rush.

Ms. Blackledge asked Ms. Edwards where the board stood with the new legislative language. Ms. Edwards stated that if a geology complaint was made after July 1, 2004 then the board was charged with the disciplinary process.

Ms. Edwards stated that the goal of reviewing the proposed disciplinary rule draft was to come to an agreement of draft rule language.

Ms. Edwards explained that even if the disciplinary rule process was not completed the board could proceed to follow the proposed draft as long as the rule was in development.

Dr. Scott explained that the rule was a working draft. Ms. Edwards stated that whatever the board agrees upon during the meeting the rule could be changed at a later date.

Ms. Edwards advised the board that the proposed language on page 68 was very important for the board to consider. The board reviewed section 3 on page 68 and after discussion the following motion was made.

MOTION: Mr. Pease made a motion to adopt subsection (3) on page 68 with necessary changes to be consistent with the board of geology.
SECOND: Ms. Enos seconded the motion and it passed unanimously.

Ms. Enos asked the board to review proposed language on page 70 of their agenda materials regarding Confidentiality of Investigations. Ms. Edwards stated that she did not agree with the language in that rule and advised the board that it was contradictory to Chapter 455, F.S., and complaint confidentiality during the complaint process.

Ms. Edwards conducted an overview of the complaint process. Ms. Edwards stated that when a complaint is received by the Department the complaint is reviewed by a complaint analyst for legal sufficiency, and if legal sufficiency is found the complaint is forwarded to the Probable Cause Panel for review. If the panel finds probable cause the case is referred to the board for consideration. Ms. Edwards stated that the licensee has appeal rights and that there are different levels of appeal processes.

Ms. Edwards asked the board if the board had appointed a probable cause panel. Dr. Scott advised Ms. Edwards there were three appointed and that that Ms. Francisco, Dr. Kwader and himself.

Mr. Knap advised the board that unlicensed activity complaints are public information.

Ms. Edwards handed out a draft of proposed disciplinary guidelines including recommendations regarding penalties. The board reviewed page by page and made some changes to the proposal. (See attached handout with changes made by the board) Ms. Edwards stated she would notice the rule development and provide the board with the final draft and it will include the matrix, section (3) on page 68 and the conditions.

MOTION: Mr. Pease made a motion to approve the proposed draft of the disciplinary guidelines with changes and to ask Ms. Edwards to bring the final draft for review at the October 2004 meeting.

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

Dr. Scott thanked Mr. Pease for working with Ms. Edwards on the draft and thanked Ms. Edwards for doing such a great job.

The board asked Ms. Patterson to update the laws and rules booklet to include a copy of 455, Florida Statutes. Ms. Patterson advised the board that she would update the laws and rules booklet with Chapter 455 and a current copy of Chapter 492.

APPLICATION REVIEW

The board reviewed seven (7) applications for examination and ten (10) applications for licensure by endorsement.

Mr. Peace, Ms. Francisco, and Ms. Enos reviewed experience and Dr. Scott and Dr. McNeill reviewed education.

MOTION: Ms. Francisco made a motion to approve Joseph Gibson, Guy Means, Christopher Peters, Jeremy Turner, William Webster, and Christopher Werner applications for licensure by examination.

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

MOTION: Ms. Francisco made a motion to approve Charles Anderson, Andrew Clark, David Lipson, Kathleen McGurty, Mark Mitchell, Russell Richamond, Bruce Miller and Matthew Valentine applications for licensure by endorsement.

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

MOTION: Ms. Blackledge made a motion to approve Roger Baldwin's request for reconsideration and approve his application by endorsement.

SECOND: Dr. McNeill seconded the motion and it passed unanimously.

MOTION: Mr. Pease made a motion to approve Ryan Hill's application for licensure by examination pending verification of supervisor qualifications.

SECOND: Dr. McNeill seconded the motion and it passed unanimously.

MOTION: Ms. Blackledge made a motion to deny James McDonman's application for licensure by endorsement. Mr. McDonman did not verify that he meets the education requirement.

SECOND: Dr. McNeill seconded the motion and it passed unanimously.

The board discussed Mr. Kafka's application for licensure by endorsement. The board noted that Mr. Kafka had taken the ASBOG examination in South Carolina and his license in South Carolina is not active. Mr. Kafka is also licensed in Tennessee and the Tennessee license is active. After discussion by the board the following motion was made.

MOTION: Ms. Blackledge made a motion to approve Todd Kafka's application for licensure by endorsement.

SECOND: Dr. McNeill seconded the motion and it passed.

Ms. Enos opposed.

The board discussed the length of time the ASBOG examination was acceptable. Dr. Scott gave the example of a licensee passing the ASBOG examination and the licensee allows his license to go to a null and void status, the licensee is required to re-apply and in the past has been required to take the ASBOG examination again. Ms. Enos stated the board in the past required the licensee to take the ASBOG again. After discussion by the board Ms. Edwards suggested that the board consider developing a rule. Dr. Scott stated this issue really needs to be discussed and asked Ms. Patterson to include this issue on the October agenda.

The meeting recessed at 5:30 p.m.

Dr. Scott called the meeting to order July 29, 2004 at 9:00 a.m.

MEMBERS PRESENT:

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

MEMBERS NOT PRESENT:

Stuart Smith

OTHERS PRESENT:

John Knap, Executive Director
Christa Patterson, Government Analyst
Barbara Edwards, Board Counsel
Eric Hurst, Prosecuting Attorney
Terrance Lee Virtue
Rebecca Crowder

Bill Neimier

INFORMAL HEARING OF NOTICE OF INTENT TO CONDITIONALLY CERTIFY FOR EXAMINATION IN OCTOBER 2004 – Terrance Lee Virtue

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

Ms. Edwards reviewed the notice of intent to deny with the board. Mr. Virtue did not provide any additional documentation for the board to review. The board advised Mr. Virtue that he would need to provide verification that the supervisor Mr. Platt was a qualified supervisor. The board requested that Mr. Virtue provide the board with Mr. Platt's resume and transcript and verification of licensure if he holds a license.

The board did not take any action and tabled consideration of the informal hearing to the next meeting. Ms. Patterson asked Mr. Virtue to submit the additional information to the board office by August 9, 2004 if he would like for the board to review the additional information at the September 2004 conference call.

Ms. Edwards asked the board for clarification regarding a qualified geologist. Ms. Edwards stated that the board has made it clear that if the supervisor is a licensed geologist or licensed engineer in Florida or in another state then they qualify. Ms. Edwards asked the board if qualified geologists was a person who meets Chapter 492, Florida Statute, education, experience requirements for licensure but does not hold a license, and has not passed the examination.

The board agreed and asked staff to revise the experience verification form to request additional information regarding the credentials of the a qualified geologists.

Mr. Carlos Lemos was present at the meeting and he requested to address the board. Mr. Lemos advised the board that he was the owner of Indian Technologies, and is an active member of the FAPG.

Mr. Lamos gave the board an update of current activities of the FAPG. Mr. Lamos stated that the FAPG has become active and hired a professional lobby firm McCloud and Associates. Mr. Lamos stated Laura McCloud handled the lobbying efforts and did a great job and the requested changes to Chapter 492, F.S. were successful. Mr. Lamos stated that the FAPG membership has increased at least 50 %. Mr. Lamos advised the board that FSMS was in the process of mailing out a survey to get feed back on the CCNA issues and how it would impact the profession. Mr. Lamos stated the survey would also be sent to out of stated licensees.

Mr. Lamos asked the board if they were still supporting the legislative language for a Geologist Intern program. Dr. Scott stated that at this time the board would need to re-visit the issue prior to making a recommendation. Mr. Lamos stated he knew the board was concerned with cost and that he understood.

The board thanked Mr. Lamos for attending the meeting and updating the board with current FAPG activities.

Ms. Blackledge advised the board that she called and thanked Diane Carr for her support during the 2004 legislative session and she asked members to be sure to contact her and thank her also.

REVIEW OF RULE 61G16- 8.001, FLORIDA ADMINISTRATIVE CODE

Ms. Edwards advised the board that rule 61G17-8.001 was the rule referencing the exemption of spouses of members of the armed forces from licensure renewal provisions. Ms. Edwards advised the board that she received a letter from Ms. Printy from the Joint Administrative Procedures Committee commenting on the rule draft. Ms. Edwards stated that she agreed with Ms. Printy's comments and made revisions to the draft. The board reviewed the revisions and following discussion by the board the following motion was made.

MOTION: Mr. Pease made a motion to approve the revisions to rule 61G16-8.001.

SECOND: Dr. McNeill seconded the motion and it passed unanimously.

REVIEW AND APPROVAL OF THE APRIL 21-22, 2004 GENERAL BUSINESS MEETING MINUTES

MOITON: Mr. Pease made a motion to approve the April 21-22, 2004 general business meeting minutes.

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

REPORTS

Chair Report – Tom Scott

Dr. Scott advised the board that Dr. Kwader brought to his attention that the board may want to discuss electronic seals. Dr. Scott stated that the board has rule 61G17-2.005, F.A.C., in place. After discussion it was the consensus of the board that there were different methods of electronic seals and at this time the board did not want to take any action.

Board Counsel Report – Barbara Edwards

Ms. Edwards advised the board that she would notice the disciplinary rule without any language so at the next meeting the board can finalized the draft. Ms. Edwards stated she was going to research the licensure denial, she stated licensure denials may not be listed in the licensing rules for reason of denial. Ms. Edward stated she would let the board know.

Finance Report – Dawn Blackledge

Ms. Blackledge stated that the sweep had taken place and the board was in a deficit. Ms. Blackledge stated that the profession was coming up to a renewal period and with that in mind the revenues would bring the board funds to a positive. Ms. Blackledge stated that the board would need to continue to watch the count balance.

Ms. Enos advised the board that the cost to the applicants to take the ASBOG examination was \$250.00 and the cost to the board is \$275.00. Ms. Francisco stated

that the legislative language to increase the fee was taken out of the 2004 legislative package. Ms. Patterson advised the board that the fail candidates pay \$250.00 no matter if they are taking one section of the exam or both. Ms. Enos stated that the board should consider a legislative change to increase fees. Ms. Francisco stated the board needs to cover their cost. Ms. Blackledge suggested increasing the application fee. Mr. Knap stated that the board would just then need to consider changing their rule regarding application fees. The board asked Ms. Edwards to draft proposal rule change to consider at the next meeting.

Communication- Gabrielle Enos

Ms. Enos asked members to provide articles for the next newsletter

Executive Director – John Knap

Mr. Knap advised the board that the geology manual had been completed and that he would bring the manual to each meeting. Mr. Knap stated the manual contains past minutes, exam information, legislative information, and he invited members to review the manual and to make suggestions.

Mr. Knap reminded members to submit their financial disclosures.

Mr. Knap provided the board with a geology quarterly enforcement report and he reviewed the report with the board.

Ms. Enos asked Mr. Knap if staff ever found the past ASBOG rules regarding exam history. Ms. Enos stated that it was changed in 1999. Mr. Knap stated he would try to obtain a copy.

NEW/OLD BUSINESS

ASBOG 2005 Task Analysis Survey – Valerie Francisco and Gabrielle Enos

Ms. Enos advised the board that the ASBOG 2005 Task Analysis Survey and the survey included a list of geologist tasks. Ms. Enos stated that the data collected from the survey would be used to develop the examination blueprint. Ms. Enos stated the surveys were due back July 1st but thought the deadline had been extended.

Ms. Francisco stated she would attend the next ASBOG meeting. Ms. Enos advised the board that she would continue to attend the ASBOG meetings as an officer of ASBOG.

2004-2005 Board Meeting Schedule

After discussion it was the consensus of the board to meet the following dates and locations.

January 19-20, 2005 – Pensacola, Florida (Dr. McNeill and Mr. Pease would fly to the meeting)

April 27-28, 2005 – Key Largo, Florida

July 27-28, 2005 – St. Augustine, Florida

October 26-27, 2005 – Tallahassee, Florida

Board Committee Appointment List

Ms. Patterson advised the board that she did not have a committee appointment list and asked the board to verify committee appointments.

The board verified the following committee appointments.

Finance – Dawn Blackledge

Legislative – Tom Scott

Communications – Gabrielle Enos

Probable Cause Panel – Tom Scott, Valerie Francisco, and Tom Kwader

Applications – Valerie Francisco

ASBOG – Valerie Francisco

Ms. Enos advised the board that her board member term would expire in October and asked Mr. Knap to contact the Governor's Appointments office to ask that they start looking for a replacement.

Dr. McNeill suggested that the board consider mailing out a roster of licensees and licensed business by geographic and alpha order. Dr. McNeill stated this would also be a good opportunity to send out current laws and rules to licensees and businesses. The board agreed with Dr. McNeill's suggestion and asked Mr. Knap to provide them with an estimate of the cost at the next meeting.

There being no other business the meeting adjourned 11:05 a.m.