

# MINUTES

## BOARD OF PROFESSIONAL GEOLOGISTS

### GENERAL BUSINESS MEETING

THE RITZ-CARLTON, SARASOTA  
1111 RITZ-CARLTON DRIVE  
SARASOTA, FLORIDA 34236

APRIL 23, 2014

&

APRIL 24, 2014

#### **MEMBERS PRESENT**

Louie G. Bush, Chair  
James Funderburk, Vice-Chair – (1<sup>st</sup> day only)  
Michael Alfieri – (1<sup>st</sup> day only)  
Dr. Jon Arthur  
Matthew Cain – (1<sup>st</sup> day only)  
Michael DeNeve

#### **MEMBERS ABSENT**

Mervin Dale – (Excused - both days)  
Robert Poppell – (Excused - both days)

#### **OTHERS PRESENT**

Richard Morrison, Executive Director  
Robert Milne, Board Counsel  
Stacey Buccieri, Government Analyst II  
Scott Grier  
John Mullen  
Kevin Coughlin  
Kyle Zigler  
Fred Kaub

The meeting was called to order by Mr. Bush, Chair, at 1:02 p.m. on Wednesday, April 23, 2014. Mr. Bush led the board in the Pledge of Allegiance and prayer.

## RECONSIDERATION OF PREVIOUSLY DENIED LICENSURE BY EXAMINATION APPLICATION FOR JOHN L. MULLEN

Mr. Mullen was present and sworn in by the court reporter.

Mr. Milne presented this case stating that Mr. Mullen's application for licensure by examination was denied at the May 2013 board meeting. The denial was based on Mr. Mullen's application and transcripts not demonstrating the required 24 semester hours of third or fourth year or graduate level courses as required in section 492.105(1)(d)2., F.S.

Mr. Mullen submitted the course syllabus for the courses in question.

After discussion the following motion was made:

MOTION: Mr. Funderburk made a motion to vacate the previous Notice of Intent to Deny and approve Mr. Mullen's application for licensure by examination.

SECOND: Mr. Cain seconded and the motion passed 5 to 1. Dr. Arthur opposed.

### APPLICATION REVIEW

#### Endorsement

Mark Greg Densmore

Mr. Densmore was not present for the review of his application.

After discussion the following motion was made:

MOTION: Mr. Cain made a motion to approve Mr. Densmore's application for licensure by endorsement.

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

Shaun C. Malin

Mr. Malin was not present for the review of his application.

After discussion the following motion was made:

MOTION: Mr. Cain made a motion to approve Mr. Malin's application for licensure by endorsement.

SECOND: Dr. Arthur seconded and the motion passed unanimously.

## Examination

Kevin Patrick Coughlin

Mr. Coughlin was present and sworn in by the court reporter.

After discussion the following motion was made:

MOTION: Mr. Cain made a motion to approve Mr. Coughlin's application to sit for the examination.

SECOND: Mr. DeNeve seconded and the motion passed 4 to 2. Dr. Arthur and Mr. Funderburk opposed.

Scott Allen Grier

Mr. Grier was present and sworn in by the court reporter.

After discussion the following motion was made:

MOTION: Mr. Funderburk made a motion to approve Mr. Grier's application to sit for the examination.

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

Kyle Taylor Zigler

Mr. Zigler was present and sworn in by the court reporter.

After discussion the following motion was made:

MOTION: Mr. DeNeve made a motion to approve Mr. Zigler's application to sit for the examination.

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

Brian Collins

Mr. Collins was not present for the review of his application.

After discussion the following motion was made:

MOTION: Mr. Cain made a motion to approve Mr. Collins' application to sit for the examination.

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

## REVIEW AND APPROVAL OF THE MINUTES

- January 2014 General Business Meeting

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

MOTION: Mr. DeNeve made a motion to approve these minutes.

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

## DISCUSSION ITEMS

### LEGISLATIVE

#### SB 404 – Enrolled Version

Mr. Bush reported Senate Bill 404 was passed in all committees and was now with the Governor awaiting his signature. Mr. Bush and his wife Wanda was in attendance at the House of Representatives' Meeting when the bill was passed.

#### Rules Impacted by the Law Change

Mr. Bush stated this is a task the board will have to take on should the governor sign the SB 404 into law.

Mr. Funderburk recommended the board consider changing Rule 61G16-5.004, F.A.C., by striking section (4)(C ).

After discussion, the board agreed this rule should be included on the list of rules affected by the passing of SB 404.

#### HB 315 and Companion Bill SB 376

Mr. Cain stated these Bills have died in committee meetings since he requested their inclusion in this agenda.

No further action was required at this time.

## FREQUENTLY ASKED QUESTIONS

The board reviewed the existing Frequently Asked Questions.

After discussion the board agreed new Frequently Asked Questions should be added to agenda on the Task Sheet. Board members can also email questions and proposed answers to the board office to be included on the agenda.

#### THE POSSIBLE NEED TO FORM A JOINT COMMITTEE WITH THE BOARD OF PROFESSIONAL ENGINEERS AND THE BOARD OF PROFESSIONAL GEOLOGISTS TO ADDRESS UNLICENSED ACTIVITY AND THE PROFESSIONAL PRACTICES OF BOTH BOARDS.

Mr. Morrison stated he received a request from the Executive Director of the Board of Professional Engineers to form a Joint Committee.

After discussion, the board directed Mr. Morrison to inform the Executive Director they are interested in forming a joint committee to address the unlicensed activity practices. Mr. Funderburk also is going to speak with the Vice Chair of the Board of Professional Engineers about his concerns.

#### ASBOG UPDATE

Mr. Funderburk attended the ASBOG meeting as a Subject Matter Expert and voting delegate.

Mr. Funderburk stated from the exam perspective second, third and fourth time ASBOG test takers grades are getting worse. They are failing which means the exam is truly testing minimum competency.

Also on the back of the exam answer sheets are questions such as where a candidate's degree was earned, type of degree, etc. Some interesting statistics are candidates with a PHD. passed 91% and candidates with a B.S. degree passed 51%. This information also allows tracking of how well students from schools perform on the exam. Educational committees are being formed and schools are now able to get involved.

Mr. Funderburk also reported on the results of the ASBOG Task Analysis 2010: A Study of the Practice of Geology in the United States and Canada.

Mr. Bush recessed this meeting until 9:00 a.m. on April 24, 2014.

Mr. Bush called the meeting to order at 9:03 a.m. on April 24, 2014.

**MEMBERS PRESENT**

Louie G. Bush, Chair  
Dr. Jon Arthur  
Michael DeNeve

**MEMBERS ABSENT**

Mervin Dale – (Excused - both days)  
Robert Poppell – (Excused - both days)  
James Funderburk, Vice-Chair – (Excused - 2nd day only)  
Matthew Cain – (Excused - 2nd day only)  
Michael Alfieri- (Excused - 2nd day only)

**OTHERS PRESENT**

Richard Morrison, Executive Director  
Robert Milne, Board Counsel  
Stacey Buccieri, Government Analyst II  
Fred Kaub

Mr. Bush led the board in the Pledge of Allegiance and prayer.

**EXECUTIVE DIRECTOR'S REPORT – Richard Morrison**

Mr. Morrison reviewed the Operating Account Financial Report ending December 31, 2013 and the Unlicensed Activity Financial Report ending December 31, 2013 with the board.

Mr. Morrison also reviewed the Complaints and Investigations Report.

**BOARD COUNSEL'S REPORT – Robert Milne**

Mr. Milne stated he would review the board's rules prepare the listing of the rules affected by the passing of SB404 to include in the Board's Annual Regulatory Plan which would be due before the July 2014 board meeting. Mr. Milne stated he would forward the list of rules to Mr. Morrison and Mr. Bush for review before it would be submitted.

**PROSECUTING ATTORNEY'S REPORT – Ian Brown**

There was no Prosecuting Attorney's Report given at this meeting.

## TASK FUNCTION FORM

Mr. Bush reviewed the task function form with the board and staff. Completed items will be removed and all new items will be added.

## NEW BUSINESS

### CONTINUING EDUCATION

Dr. Arthur suggested placing "Continuing Education Requirement Consideration" on the Task Form with a date of summer 2015.

After discussion, the board agreed to place this item on the Task Form for discussion in 2015.

## OLD BUSINESS

Mr. Funderburk suggested the use of Mediators to help resolve disputes between state agencies and consultant professional geologists as discussed at the January 2014 meeting and reflected in the Minutes reviewed by the board at this meeting. Mr. Funderburk stated a list of Mediators could be found at [Floridacourts.org](http://Floridacourts.org).

## PUBLIC COMMENT

Mr. Fred Kaub was recognized in the audience by Mr. Bush. Mr. Kaub is a licensed Professional Geologist from Delray Beach, Florida.

The board thanked Mr. Kaub for attending the meeting.

With no other business to discuss, the meeting was adjourned at 10:30 a.m.