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MINUTES

BOARD OF PROFESSIONAL GEOLOGISTS

GENERAL BUSINESS MEETING

**HILTON COCOA BEACH OCEANFRONT
1550 N. ATLANTIC AVE
COCOA BEACH, FL 32931
321.799.0003**

**APRIL 22, 2015
&
APRIL 23, 2015**

Approved July 22, 2015

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MEMBERS PRESENT

Mervin Dale, Vice-Chair
Michael Alfieri
Lou Bush
Jacqueline Lloyd
Norman Meeks
Stanley Warden
Michael DeNeve

MEMBERS ABSENT

Robert Poppell – (Excused)

OTHERS PRESENT

Richard Morrison, Executive Director
Robert Milne, Board Counsel
Donald Shaw, Government Analyst II
Stephanie McGraw, Court Reporter for Angell Reporting Service, Inc.
Christopher O'Brien
Heath Bush
Charles Thomas
Eric Rodriguez Martinez
Amy Long
Peter Muckenhaupt
Fred Kaub

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The meeting was called to order by Mr. Dale, Vice-Chair, at 1:04 p.m. on Wednesday, April 22, 2015. Mr. Dale led the board in the Pledge of Allegiance and Mr. Bush gave the invocation.

50 **ELECTIONS**

51

52 • **Chair**

53

54 Mr. Bush nominated Mervin Dale for Chair of the Board. Mr. DeNeve seconded the
55 motion.

56

57 Motion passed unanimously.

58

59 • **Vice-Chair**

60

61 Mr. DeNeve nominated Michael Alfieri for Vice-Chair of the Board. Mr. Bush
62 seconded the motion.

63

64 Motion passed unanimously.

65

66 **BOARD MEMBER ORIENTATION**

67

68 Mr. Morrison introduced the new board members, Mr. Norman Meeks and Mr. Stanley
69 Warden, and asked them to give the board a brief introduction.

70

71 Mr. Morrison then provided a summary of the role of the Department, the Board
72 Members' responsibilities, and provided general information about the profession.

73

74 Mr. Shaw gave a brief summary on the travel policy for Board Members.

75

76 Mr. Milne gave a brief presentation on the Florida Public Records Law and the Sunshine
77 Law.

78

79 **APPLICATION REVIEW**

80

81 • **Examination**

82

83 Kenneth Guilbeault

84

85 Mr. Guilbeault was not present.

86

87 After discussion the following motion was made:

88

89 MOTION: Ms. Lloyd made a motion to approve the application to sit for the
90 examination.

91

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

93

94

95

96 Peter G. Muckenhaupt

97

98 Mr. Muckenhaupt was present and he was sworn in by the court reporter.

99 Mr. Muckenhaupt previously appeared in front of the Board in January of 2015
100 requesting the board approve his application for endorsement. During that meeting
101 the Board concluded that the applicant had not provided evidence of having
102 previously passed an examination and granted Mr. Muckenhaupt a continuance to
103 allow him to decide on how he would like to proceed with his application. Mr.
104 Muckenhaupt submitted a request to Board staff stating that he wished to change his
105 previous application for endorsement to an application to sit for the examination.
106

107 After discussion the following motion was made:

108
109 MOTION: Mr. DeNeve made a motion to approve the application to sit for the
110 examination.

111 SECOND: Mr. Bush seconded and the motion passed unanimously.
112

113 German Ojeda

114
115 Mr. Ojeda was not present.
116

117 Mr. Ojeda's application was continued from the previous meeting to allow him to
118 provide supplemental documentation to verify he had met the experience
119 requirements.
120

121 After discussion and review of the supplemental documentation the following motion
122 was made:

123
124 MOTION: Mr. DeNeve made a motion to approve the application to sit for the
125 examination.

126 SECOND: Mr. Alfieri seconded and the motion passed unanimously.
127

128 Eric Martinez Rodriguez

129
130 Mr. Martinez Rodriguez was present and he was sworn in by the court reporter.
131

132 After discussion the following motion was made:

133
134 MOTION: Mr. Bush made a motion to approve the application to sit for the
135 examination.

136 SECOND: Mr. DeNeve seconded and the motion passed unanimously.
137

138 • **Endorsement**

139
140 Heath Bush

141
142 Mr. Heath Bush was present and he was sworn in by the court reporter.
143

144 After discussion the following motion was made:

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146 MOTION: Mr. DeNeve made a motion to approve the application for endorsement.

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

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Chris Drabandt

Mr. Drabandt was not present

After discussion the following motion was made:

MOTION: Mr. Bush made a motion to approve the application for endorsement.

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

Thomas Gaieck

Mr. Gaieck was not present.

After discussion and a detailed review of the material provided the following motion was made:

MOTION: Mr. Bush made a motion to deny the application for endorsement as the applicant did not provide proof that he was licensed through written examination in at least one state, trust, territory, or possession of the United States, the examination requirements of which have been approved by the board as substantially equivalent to or more stringent than those of this state, and has not received a score on such examination which is equal to or greater than the score required by this state for licensure by examination.

SECOND: Ms. Lloyd seconded and the motion passed unanimously.

Christopher O'Brien

Mr. O'Brien was present and he was sworn in by the court reporter.

After discussion and a detailed review of the application the Board agreed to allow Mr. O'Brien to continue the review of his application to a later meeting to give him time to correct inconsistencies in his application, specifically his experience verification information.

MOTION: Mr. Alfieri made a motion to continue the review of the application to a later meeting.

SECOND: Mr. DeNeve seconded and the motion passed.

Mr. O'Brien then appeared in front of the Board later in the day with supplemental information and requested the Board review the supplemental information.

MOTION: Mr. Bush made a motion to reopen the review of Mr. O'Brien's application.

SECOND: Mr. Alfieri seconded the motion.

After review of the supplemental information the following motion was made:

MOTION: Mr. Bush made a motion to approve the application.

197 SECOND: Ms. Lloyd seconded the motion and the motion passed unanimously.

198

199 Charles Schick

200

201 Mr. Schick was not present.

202

203 Prior to the meeting, Mr. Schick provided board staff a request to convert his
204 application for endorsement to an application to sit for the examination.

205

206 After discussion the following motion was made:

207

208 MOTION: Mr. Bush made a motion to approve the application to sit for the
209 examination.

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

211

212 • **Geologist-in-training**

213

214 Phillip Bambach

215

216 Mr. Bambach was not present.

217

218 Ms. Lloyd stated she knew Mr. Bambach but that this relationship would not impede
219 upon her ability to be fair and partial in reviewing Mr. Bambach's application.

220

221 After discussion the following motion was made:

222

223 MOTION: Mr. DeNeve made a motion to approve the application to sit for the
224 fundamentals portion of the examination.

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

226

227 Jerry Harding

228

229 Mr. Harding was not present.

230

231 After discussion the following motion was made:

232

233 MOTION: Ms. Lloyd made a motion to approve the application to sit for the
234 fundamentals portion of the examination.

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

236

237 Amy Long

238

239 Ms. Long was present and she was sworn in by the court reporter.

240

241 After discussion the following motion was made:

242

243 MOTION: Mr. Bush made a motion to deny the application as the applicant failed to
244 demonstrate that she had completed 30 semester hours or 45 quarter hours of
245 geological coursework.

246 SECOND: Mr. Meeks seconded and the motion passed unanimously.
247
248 Ms. Long then requested that the Board vacate the denial of her application and
249 allow her to withdraw her application.

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251 MOTION: Mr. Bush made a motion to vacate the denial of the application.
252 SECOND: Ms. Lloyd seconded and the motion passed unanimously.

253
254 MOTION: Mr. Bush made a motion to allow the applicant to withdraw her
255 application.
256 SECOND: Mr. Warden seconded and the motion passed unanimously, and Ms.
257 Long was permitted to withdraw her application.

258
259 Scott Miller

260
261 Mr. Miller was not present.

262
263 After discussion the following motion was made:

264
265 MOTION: Mr. DeNeve made a motion to approve the application to sit for the
266 fundamentals portion of the examination.
267 SECOND: Mr. Bush seconded and the motion passed unanimously.

268
269 Caroline Parisi

270
271 Mr. Parisi was not present.

272
273 After discussion the following motion was made:

274
275 MOTION: Ms. Lloyd made a motion to approve the application to sit for the
276 fundamentals portion of the examination.
277 SECOND: Mr. DeNeve seconded and the motion passed unanimously.

278
279 Anthony Pezzotti

280
281 Mr. Pezzotti was not present.

282
283 After discussion the following motion was made:

284
285 MOTION: Ms. Lloyd made a motion to approve the application to sit for the
286 fundamentals portion of the examination.
287 SECOND: Mr. DeNeve seconded and the motion passed unanimously.

288
289 Charles Thomas

290
291 Mr. Thomas was present and he was sworn in by the court reporter.

292
293 After discussion the following motion was made:

294

295 MOTION: Mr. Bush made a motion to approve the application to sit for the
296 fundamentals portion of the examination.

297 SECOND: Ms. Lloyd seconded and the motion passed unanimously.

298

299 The Board requested that the minutes reflect that Mr. Thomas' application was the
300 first geologist-in-training application to be approved by the Florida Board of
301 Professional Geologists.

302

303 **PETITION FOR DECLARATORY STATEMENT**

304

305 • **Dr. Subodh Acharya**

306

307 Dr. Acharya was not present.

308

309 Mr. Milne presented this case stating that Dr. Acharya filed a petition for declaratory
310 statement on January 14, 2015, and filed an amended petition for declaratory
311 statement on February 6, 2015. The petition requested the Board's interpretation of
312 Chapter 492.116, Florida Statutes, regarding whether the petitioner should be
313 licensed as a professional geologist to practice in his position as a postdoctoral
314 associate. The original petition was noticed in the Florida Administrative Register on
315 January 22, 2015, and the amended petition was noticed in the Florida
316 Administrative Register on February 20, 2015.

317

318 After discussion and review of a proposed Order of Declaratory Statement provided
319 by Mr. Milne, indicating that Dr. Acharya, as a state employee by virtue of his
320 employment with the University of Florida, is exempt from licensure pursuant to
321 section 492.116 (3), Florida Statutes, the following motion was made:

322

323 MOTION: Mr. DeNeve made a motion to grant the petition and to issue the Order of
324 Declaratory Statement with amendments.

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

326

327 **REVIEW AND APPROVAL OF THE MINUTES**

328

329 January 2015 General Business Meeting

330

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

332

333 MOTION: Mr. Bush made a motion to approve the minutes as amended.

334 SECOND: Ms. Lloyd seconded and the motion passed unanimously.

335

336 The meeting was recessed until 9:00 a.m. on Thursday, April 23, 2015.

337

338 The meeting was called to order by Mr. Dale, Chair, at 9:01 a.m. on Thursday, April 23,
339 2015.

340

341 **MEMBERS PRESENT**

342 Mervin Dale, Chair

343 Michael Alfieri, Vice-Chair

344 Lou Bush
345 Michael DeNeve
346 Jacqueline Lloyd
347 Norman Meeks
348 Stanley Warden

349
350 **MEMBERS ABSENT**

351 Robert Poppell – (Excused)

352
353 **OTHERS PRESENT**

354 Richard Morrison, Executive Director
355 Robert Milne, Board Counsel
356 Donald Shaw, Government Analyst II
357 Stephanie McGraw, Court Reporter for Angell Reporting Service, Inc.

358
359 **CHAIR'S REPORT**

360
361 Mr. Dale had nothing to report.

362
363 **ATTORNEY GENERAL'S REPORT**

364
365 Mr. Milne went over the Rule Report with the Board.

366
367 Mr. Milne also briefly discussed the Annual Regulatory Plan and requested the Board
368 consider a motion to delegate the authority to develop the Annual Regulatory Plan to Mr.
369 Milne and Mr. Morrison.

370
371 MOTION: Mr. Bush made a motion to delegate the authority to develop the Annual
372 Regulatory Plan to Mr. Milne and Mr. Morrison.

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

374
375 **EXECUTIVE DIRECTOR'S REPORT**

376
377 Mr. Morrison reviewed the Operating Account Financial Report ending December 31,
378 2014 and the Unlicensed Activity Financial Report ending December 31, 2014 with the
379 board.

380
381 Mr. Morrison discussed the budget projections with the board.

382
383 Mr. Morrison also reviewed the Complaints and Investigations Report.

384
385 **PROSECUTING ATTORNEY'S REPORT**

386
387 The prosecuting attorney was not at the meeting because there were no disciplinary
388 cases on the agenda.

389
390
391
392 **TASK FORM**

393
394 Mr. Dale reviewed the task function form with the board and staff. Completed items will
395 be removed and new items will be added, including discussion of the updated
396 application checksheet and the distribution to board members of the most up-to-date
397 laws and rules.

398
399 **NEW BUSINESS**

400
401 Discussion took place regarding the coordination of a meeting in the future with the
402 University of South Florida's Geology Department. The Board agreed to have the
403 October meeting take place in Tampa in order to best facilitate coordination with the
404 University. Mr. Dale tasked himself to draft a letter, to be reviewed by the Board, in
405 which the Board would reach out to the universities in Florida informing them of the new
406 GIT program and trying to schedule meetings to take place in the future in which
407 students at each university could come and sit in at a Board meeting. Mr. Dale tasked
408 Mr. Shaw to compile a list of geology department heads at the universities in the state.

409
410 Mr. Shaw informed the Board that he would send the members the newest copy of the
411 laws and rules booklet.

412
413 Mr. Dale appointed the probable cause panel, to consist of Mr. Bush, Mr. DeNeve, and
414 previous board member Mr. Tom Scott.

415
416 **PUBLIC COMMENT**

417
418 There was no public comment at this time.

419
420 With no other business to discuss, the meeting was adjourned at 10:55 A.M.