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

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

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.
ELECTIONS

- Chair
  Mr. Bush nominated Mervin Dale for Chair of the Board. Mr. DeNeve seconded the motion.
  Motion passed unanimously.

- Vice-Chair
  Mr. DeNeve nominated Michael Alfieri for Vice-Chair of the Board. Mr. Bush seconded the motion.
  Motion passed unanimously.

BOARD MEMBER ORIENTATION

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

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

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

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

APPLICATION REVIEW

- Examination
  Kenneth Guilbeault
  Mr. Guilbeault was not present.

  After discussion the following motion was made:

  MOTION: Ms. Lloyd made a motion to approve the application to sit for the examination.
  SECOND: Mr. DeNeve seconded and the motion passed unanimously.

Peter G. Muckenhaupt
Mr. Muckenhaupt was present and he was sworn in by the court reporter.
Mr. Muckenhaupt previously appeared in front of the Board in January of 2015 requesting the board approve his application for endorsement. During that meeting the Board concluded that the applicant had not provided evidence of having previously passed an examination and granted Mr. Muckenhaupt a continuance to allow him to decide on how he would like to proceed with his application. Mr. Muckenhaupt submitted a request to Board staff stating that he wished to change his previous application for endorsement to an application to sit for the examination.

After discussion the following motion was made:

MOTION: Mr. DeNeve made a motion to approve the application to sit for the examination.
SECOND: Mr. Bush seconded and the motion passed unanimously.

German Ojeda

Mr. Ojeda was not present.

Mr. Ojeda’s application was continued from the previous meeting to allow him to provide supplemental documentation to verify he had met the experience requirements.

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

MOTION: Mr. DeNeve made a motion to approve the application to sit for the examination.
SECOND: Mr. Alfieri seconded and the motion passed unanimously.

Eric Martinez Rodriguez

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

After discussion the following motion was made:

MOTION: Mr. Bush made a motion to approve the application to sit for the examination.
SECOND: Mr. DeNeve seconded and the motion passed unanimously.

• Endorsement

Heath Bush

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

After discussion the following motion was made:

MOTION: Mr. DeNeve made a motion to approve the application for endorsement.
SECOND: Mr. Alfieri seconded and the motion passed unanimously.
Chris Drabant

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

Charles Schick

Mr. Schick was not present.

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

After discussion the following motion was made:

MOTION: Mr. Bush made a motion to approve the application to sit for the examination.
SECOND: Mr. DeNeve seconded and the motion passed unanimously.

Geologist-in-training

Phillip Bambach

Mr. Bambach was not present.

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

After discussion the following motion was made:

MOTION: Mr. DeNeve made a motion to approve the fundamentals portion of the examination.
SECOND: Mr. Alfieri seconded and the motion passed unanimously.

Jerry Harding

Mr. Harding was not present.

After discussion the following motion was made:

MOTION: Ms. Lloyd made a motion to approve the fundamentals portion of the examination.
SECOND: Mr. Alfieri seconded and the motion passed unanimously.

Amy Long

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

After discussion the following motion was made:

MOTION: Mr. Bush made a motion to deny the application as the applicant failed to demonstrate that she had completed 30 semester hours or 45 quarter hours of geological coursework.
SECOND: Mr. Meeks seconded and the motion passed unanimously.

Ms. Long then requested that the Board vacate the denial of her application and allow her to withdraw her application.

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

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

Scott Miller

Mr. Miller was not present.

After discussion the following motion was made:

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

Caroline Parisi

Mr. Parisi was not present.

After discussion the following motion was made:

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

Anthony Pezzotti

Mr. Pezzotti was not present.

After discussion the following motion was made:

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

Charles Thomas

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

After discussion the following motion was made:
MOTION: Mr. Bush made a motion to approve the application to sit for the fundamentals portion of the examination.
SECOND: Ms. Lloyd seconded and the motion passed unanimously.

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

**PETITION FOR DECLARATORY STATEMENT**

- **Dr. Subodh Acharya**

  Dr. Acharya was not present.

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

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

  **MOTION:** Mr. DeNeve made a motion to grant the petition and to issue the Order of Declaratory Statement with amendments.
  **SECOND:** Mr. Alfieri seconded and the motion passed unanimously.

**REVIEW AND APPROVAL OF THE MINUTES**

January 2015 General Business Meeting

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

**MOTION:** Mr. Bush made a motion to approve the minutes as amended.
**SECOND:** Ms. Lloyd seconded and the motion passed unanimously.

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

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

**MEMBERS PRESENT**

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

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.

CHAIR’S REPORT
Mr. Dale had nothing to report.

ATTORNEY GENERAL’S REPORT
Mr. Milne went over the Rule Report with the Board.
Mr. Milne also briefly discussed the Annual Regulatory Plan and requested the Board consider a motion to delegate the authority to develop the Annual Regulatory Plan to Mr. Milne and Mr. Morrison.
MOTION: Mr. Bush made a motion to delegate the authority to develop the Annual Regulatory Plan to Mr. Milne and Mr. Morrison.
SECOND: Mr. Alfieri seconded and the motion passed unanimously.

EXECUTIVE DIRECTOR’S REPORT
Mr. Morrison discussed the budget projections with the board.
Mr. Morrison also reviewed the Complaints and Investigations Report.

PROSECUTING ATTORNEY’S REPORT
The prosecuting attorney was not at the meeting because there were no disciplinary cases on the agenda.

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

**NEW BUSINESS**

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

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

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

**PUBLIC COMMENT**

There was no public comment at this time.

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