MINUTES

BOARD OF PROFESSIONAL GEOLOGISTS

GENERAL BUSINESS MEETING

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONS BOARD ROOM
1940 NORTH MONROE STREET
TALLAHASSEE, FLORIDA 32399

MAY 15, 2013 @ 9:00 AM
&
MAY 16, 2013 @ 9:00 AM

MEMBERS PRESENT
Louie G. Bush, Chair
Matthew Cain
Mervin Dale
Dr. Jon Arthur (Excused, Arrived at 11:33 a.m.)
Robert Poppell

MEMBERS ABSENT
James Funderburk, Vice-Chair - Excused

OTHERS PRESENT
Richard Morrison, Executive Director
Lynette Norr, Board Counsel
Robert Milne, Board Counsel
Stacey Buccieri, Government Analyst II
Ken Lawson, Secretary
Tim Vaccaro, Deputy Secretary
G.W. Harrell, Director, Division of Professions
Carolyn Rankine, Court Reporter (Accurate Stenotype Reporters, Inc.)
G.W. Stelter
Hollis Ann Morantes
James T. Calhoun

The meeting was called to order by Mr. Bush, Chair, at 9:02 a.m. on Wednesday, May 15, 2013. Mr. Bush led the board in the Pledge of Allegiance and a moment of silent prayer.
Mr. Bush introduced Ken Lawson, Secretary of the Department. Secretary Lawson thanked the board members for volunteering their time and all of their hard work. Secretary Lawson also stated that Mr. Morrison had briefed him on some of the board’s concerns and he would be happy to help where he can.

The first concern is the board’s legislative language regarding a Geologist In Training designation. Secretary Lawson stated that the Department would look into it and if it worked with the Department’s Legislative Package they would consider adding it to that package.

Secretary Lawson stated he understood the board had two vacant positions and that he had Deputy Secretary Vaccaro reach out to the Governor’s Appointment Office to ensure they understood the need to fill these vacant positions.

INFORMAL HEARING FOR HOLLIS ANN MORANTES’ EXAMINATION APPLICATION

Ms. Morantes was present for the reconsideration of her application.

Ms. Norr presented this case stating that Ms. Morantes’ application for licensure by examination was denied at the January 2013 board meeting. The denial was based on Ms. Morantes’ work experience overlapping while she was attending school to complete her degree.

Ms. Morantes submitted a corrected experience verification form correcting her starting date as it was originally submitted incorrectly.

After discussion the following motion was made:

MOTION: Mr. Cain made a motion to approve Ms. Morantes’ application for licensure by examination.

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

APPLICATION REVIEW

Endorsement

Brooke Yoko Bennett

Ms. Bennett was not present for the review of her application.

After discussion the following motion was made:

MOTION: Mr. Cain made a motion to approve Ms. Bennett’s application for licensure by endorsement.

SECOND: Mr. Dale seconded and the motion passed unanimously.
James T. Calhoun

Mr. Calhoun was present for the review of his application.

After discussion the following motion was made:

MOTION: Mr. Dale made a motion to approve Mr. Calhoun’s application for licensure by endorsement.
SECOND: Mr. Poppell seconded and the motion passed unanimously.

Andrew Peter Gobeil

Mr. Gobeil 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. Gobeil’s application for licensure by endorsement.
SECOND: Mr. Poppell seconded and the motion passed unanimously.

Denise McCoy

Ms. McCoy was not present for the review of her application.

After discussion the following motion was made:

MOTION: Mr. Cain made a motion to approve Ms. McCoy’s application for licensure by endorsement.
SECOND: Mr. Dale seconded and the motion passed unanimously.

Elliot Jay Nightingale

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

After discussion it was the consensus of the board that they were unable to determine the nature of the work Mr. Nightingale performed. The board tabled the application until May 16th to allow staff time to contact Mr. Nightingale for clarification.

This application was reopened on May 16th and staff reported that they were unable to reach Mr. Nightingale.

After discussion the following motion was made:
MOTION: Mr. Dale made a motion to deny Mr. Nightingale’s application for licensure by endorsement because the board was unable to determine the positions held and nature of the work performed by Mr. Nightingale.

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

Ford Nicholas Shore

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

After discussion the following motion was made:

MOTION: Mr. Dale made a motion to approve Mr. Shore’s application for licensure by endorsement.

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

James Wesley Sterling

Mr. Sterling 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. Sterling’s application for licensure by endorsement.

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

Margaret Wessel

Ms. Wessel was not present for the review of her application.

After discussion the following motion was made:

MOTION: Mr. Dale made a motion to deny Ms. Wessel’s application for licensure by endorsement because her experience verification forms were not completed by a licensed or qualified geologist or professional engineer registered under chapter 471 as qualified in the field or discipline of professional engineering involved, as required by Chapter 492.105(1)(e), F.S.,

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

Examination

Jonathan Arthur Croci

Mr. Croci was not present for the review of his application.
After discussion the following motion was made:

MOTION: Mr. Dale made a motion to approve Mr. Croci’s application for licensure by examination.
SECOND: Dr. Arthur seconded and the motion passed unanimously.

Kris Crockett

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

After discussion the following motion was made:

MOTION: Dr. Arthur made a motion to approve Mr. Crockett’s application for licensure by examination.
SECOND: Mr. Dale seconded and the motion passed unanimously.

Mark James

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

After discussion the following motion was made:

MOTION: Mr. Dale made a motion to approve Mr. James’ application for licensure by examination.
SECOND: Mr. Poppell seconded and the motion passed unanimously.

John William Roberts

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

After discussion the following motion was made:

MOTION: Mr. Dale made a motion to approve Mr. Roberts’ application for licensure by examination.
SECOND: Dr. Arthur seconded and the motion passed unanimously.

REVIEW AND APPROVAL OF THE MINUTES (BOARD ACTION ITEM)

- January 2013 General Business Meeting

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

MOTION: Dr. Arthur made a motion to approve these minutes with corrections.
SECOND: Mr. Dale seconded and the motion passed unanimously.
EXECUTIVE DIRECTOR’S REPORT – Richard Morrison


Mr. Morrison also reviewed the Complaints and Investigations Report and the Prosecuting Attorney’s Case Report with the board.

BOARD COUNSEL’S REPORT – Lynette Norr

Lynette Norr asked the board to look at the Annual Regulatory Plan from last year so that she could update it.

After discussion the board decided that rules 61G16-3.001 and 61G16-9.001 should be listed on their Annual Regulatory Plan.

Ms. Norr asked the board to review the following language for rule 61G16-3.001 and if it is correct to vote to have it move forward in the rule making process.

The language reads as follows:

**61G16-3.001 Schedule of Fees.**

The following fees are prescribed by the Board:

1. **Application for Licensure by Examination:**
   a. The application fee for licensure by examination shall be one hundred fifty dollars ($150) and shall be nonrefundable.
   b. The examination fee for licensure by examination shall be two hundred and fifty dollars ($250), per examination, and shall be refundable if the applicant is found to be ineligible to take the licensure examination.
   c. The initial license fee shall be one hundred dollars ($100.00).

2. through 4. No Change.

After discussion the following motions were made:

**MOTION:** Dr. Arthur made a motion to continue this language through the rulemaking process.

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

**MOTION:** Mr. Cain made a motion that the board agreed that this proposed rule would not directly or indirectly increase regulatory costs in excess of $200,000 in the aggregate within 1 year after the implementation of the rule.

**SECOND:** Mr. Dale seconded and the motion passed unanimously.

Ms. Norr also informed the board that rule 61G16-1.009 - Definitions would be effective May 1, 2013.
The meeting was recessed until 9:00 a.m. on Thursday.

The meeting was called to order by Mr. Bush, Chair, at 9:05 a.m. on Thursday, May 16, 2013. Mr. Bush led the board in the Pledge of Allegiance and a moment of silent prayer.

MEMBERS PRESENT
Louie G. Bush, Chair
Matthew Cain
Mervin Dale
Dr. Jon Arthur
Robert Poppell

MEMBERS ABSENT
James Funderburk, Vice-Chair (Excused)

OTHERS PRESENT
Richard Morrison, Executive Director
Marlene Stern, Board Counsel
Stacey Buccieri, Government Analyst II
Linda Butler, Senior Management Analyst
Roger Maas, Prosecuting Attorney

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

COMPLAINTS PROCESS – DIVISION OF REGULATION
Mr. Bush introduced Linda Butler with the Division of Regulation. Ms. Butler explained how the complaint process works to the board and answered several questions about this process.

The board relayed their concerns about cases that are technical in nature and requested that the Department use their consultant in those cases. The board directed Mr. Morrison to relay this request to the Office of the General Counsel.

Mr. Morrison introduced Roger Maas, prosecuting attorney to the board.

Mr. Maas addressed the board about the past backlog of disciplinary board cases and stated that he plans to move any cases he receives as quickly as he can.

The board relayed their concerns about cases that are technical in nature and requested that the Department use their consultant in those cases.
Mr. Morrison and Mr. Maas to relay this request to the Office of the General Counsel.

Mr. Maas agreed and stated that he has a case now with the Department’s Expert Rand Edelstein.

After further discussion, it was agreed that before a case that is technical in nature is dismissed, the prosecuting attorney should have the expert look at it or bring it to the probable cause panel.

NEW BUSINESS

There was no new business at this time.

OLD BUSINESS

Mr. Bush briefed Dr. Arthur on the discussion concerning putting together the Legislative package for the Geologist In Training designation from the day before. Mr. Bush explained that the board would like to put together a package which includes letter of support from the colleges and universities that offer geology programs. Mr. Bush also explained that the package should also include a cover page briefly explaining what the board is trying to accomplish. The package will also include supporting information from people that are affected by geologists.

Dr. Arthur suggested sending this information in an email blast to all of the targeted schools. Dr. Arthur stated that he could put together an email distribution list to send to the targeted colleges and universities.

After further discussion it was decided the board would use the Listserve through AIPG/FAPG to reach out to licensed Professional Geologists to possibly gain a single letter of support from the upper executives of each geology business in Florida. Dr. Arthur stated that he would put together an email distribution list to send to the targeted colleges and universities.

The board also developed the following mission statement, “To establish a Geologist In Training Program that will allow an individual who has met the education requirements or is in their final/senior year of geological studies to be certified as a Geologist In Training once passing part one of the ASBOG exam.”

The goal of the Geologist In Training Program is to encourage graduates and students in their final year of a geological program to take part one of the ASBOG examination while the material is still fresh in their mind.
The board also worked on a list of benefits for having a Geologist In Training to be included in their legislative package. Mr. Bush will organize this language and send it to Mr. Morrison to email to all board members for their review.

With no other business to discuss, the meeting was adjourned at 11:55 a.m.