

## MINUTES

### BOARD OF PROFESSIONAL GEOLOGISTS GENERAL BUSINESS MEETING

Crown Plaza Oceanfront  
3200 North Ocean Drive  
Singer Island, Florida 33404

January 25-26, 2006

#### CALL TO ORDER

Dr. McNeill, Chair, called the meeting to order January 25, 2006, at 1:00 p.m.

#### MEMBERS PRESENT:

James Pease, PG, Vice Chair  
Tom Scott, Ph.D. PG  
Stuart Smith  
Valerie Coton, PG  
Dawn Blackledge, PG  
Donald McNeill, Ph.D., PG, Chair

#### MEMBERS NOT PRESENT:

#### OTHERS PRESENT:

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

#### REVIEW AND APPROVAL OF THE OCTOBER 26-27, 2005 GENERAL BUSINESS MEETING MINUTES

The board reviewed the October 26-27, 2005 general business meeting minutes and after review the following motion was made.

MOTION: Mr. Pease made a motion to approve the October 26-27, 2005 general business meeting minutes with corrections.

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

Dr. Scott advised the board that Dr. Walt Schmidt was having very serious health issues. The board asked Dr. Scott to advise Dr. Schmidt that he was in their prayers and to get well soon.

#### REVIEW OF THE TASK FUNCTION FORM

Dr. McNeill reviewed the task function form with the board.

## **APPLICATION REVIEW**

The board recessed briefly to review application materials.

### **Reconsideration Endorsement**

#### **Steven Stagstad**

Dr. McNeill advised the board that Mr. Stagstad's application was denied by the board at their September 2005 telephone conference call meeting. Ms. Edwards reviewed Mr. Stagstad's notice of intent to deny with the board. Ms. Edwards advised the board that the reason for denial was that the board could not determine if the Idaho licensure examination was substantially equivalent to the ASBOG exam.

Steven Stagstad was present at the meeting and he was not represented by counsel. Mr. Stagstad addressed the board and he also provided additional information regarding the Idaho licensure examination.

Mr. Stagstad asked the board to accept the examination from Idaho. The board reviewed the additional information provided by Mr. Stagstad.

Ms. Coton stated that the Idaho licensure exam was structured similar to the ASBOG exam. Ms. Coton advised the board that ASBOG purchased the item back from Idaho when Idaho moved forward to administer the ASBOG exam. After a detailed review Ms. Coton stated that she felt the Idaho exam was substantially equivalent.

After discussion the following motions were made.

MOTION: Dr. Scott made a motion to approve the Idaho examination as substantially equivalent to the ASBOG exam.  
SECOND: Mr. Smith seconded the motion and it passed unanimously.

Mr. Pease opposed the motion.

MOTION: Mr. Smith made a motion to vacate Mr. Stagstad's notice of intent to deny and to approve his application for licensure by endorsement.  
SECOND: Ms. Coton seconded the motion and it passed unanimously.

### **Examination**

#### **Weixing Guo**

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

The board reviewed Mr. Guo's application for licensure and after review the following motion was made.

MOTION: Mr. Pease made a motion to approve Mr. Guo's application for licensure by examination.  
SECOND: Ms. Blackledge seconded the motion and it passed unanimously.

## **Perry Frix**

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

The board reviewed Mr. Frix's application and after review the following motion was made.

MOTION: Ms. Blackledge made a motion to approve Mr. Frix's application for licensure by examination.

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

## **Richard George**

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

The board reviewed Mr. George's application and after review the following motion was made.

MOTION: Dr. Scott made a motion to deny Mr. George's application for licensure by examination. Dr. Scott stated that the board only accepted work experience verification from Tackman.

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

## **Derek McGregor**

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

The board reviewed Mr. McGregor's application and after review the following motions were made.

MOTION: Dr. McNeill made a motion to approve Mr. McGregor's 33 months of work experience with Mr. Soto.

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

MOTION: Dr. McNeill made a motion to approve Mr. McGregor's 24 months of work experience with Mr. Cleary.

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

MOTION: Mr. Pease made a motion to approve Mr. McGregor's application for licensure by examination pending verification of 3 additional months full time work experience.

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

## **Cara Rothfuss**

Ms. Rothfuss was not present at the meeting and was not represented by counsel.

The board reviewed Ms. Rothfuss' application and after review the following motion was made.

MOTION: Dr. Scott made a motion to approve Ms. Rothfuss' application for licensure by examination.

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

### **Betty Sellers**

Ms. Sellers was not present at the meeting and was not represented by counsel.

The board reviewed Ms. Sellers' application for licensure and after review the following motion was made.

MOTION: Mr. Pease made a motion to approve Ms. Sellers' application for licensure by examination.

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

### **Frank Winslow**

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

The board reviewed Mr. Winslow's application and after review the following motion was made.

MOTION: Mr. Pease made a motion to approve Mr. Winslow's application for licensure by examination.

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

### **Endorsement**

#### **Barry Doll**

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

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

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

#### **David Felter, Jr.**

The board reviewed Mr. Felter's application and after review the following motion was made.

MOTION: Mr. Pease made a motion to deny Mr. Felter's application for licensure by endorsement but approve by examination pending additional fees.

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

#### **Lea Lucille Millet**

Ms. Millet was not present at the meeting and was not represented by counsel.

The board reviewed Ms. Millet's application and after discussion the following motion was made.

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

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

### **Kevin Strumpler**

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

The board reviewed Mr. Strumpler's application and after discussion the following motion was made.

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

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

### **Examination**

#### **David Burris**

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

The board reviewed Mr. Burris' application and after discussion the following motion was made.

MOTION: Mr. Pease made a motion to approve Mr. Burris' application for licensure by examination.

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

#### **Gary Foster**

Mr. Foster was not present and was not represented by counsel.

The board reviewed Mr. Foster's application and after review the following motion was made.

MOTION: Dr. Scott made a motion to approve Mr. Foster's application for licensure by examination.

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

#### **Joseph Haber**

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

The board reviewed Mr. Haber's application and after discussion the following motion was made.

MOTION: Dr. Scott made a motion to approve Mr. Haber's education but to deny the application for licensure by examination. Dr. Scott stated Mr. Haber did not complete the required core courses until January 2005 and therefore the post degree experience does not begin until January 2005. Dr. Scott stated Mr. Haber has documented 11 months of experience from January 2005 to November 2005 and accepts those months of experience.

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

### **Bradley Reddick**

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

The board reviewed Mr. Reddick's application and after review the following motion was made.

MOTION: Ms. Blackledge made a motion to approve Mr. Reddick's application for licensure by examination.

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

### **James Alexander**

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

The board reviewed Mr. Alexander's application and after discussion the following motion was made.

MOTION: Dr. Scott made a motion to deny by endorsement but approve for exam. Dr. Scott stated Mr. Alexander did not take a licensure examination.

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

### **Endorsement**

#### **Ronald Hazen**

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

The board reviewed Mr. Hazen's application and after review the following motion was made.

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

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

#### **David Settles**

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

The board reviewed Mr. Settles' application and after review the following motion was made.

MOTION: Ms. Coton made a motion to deny Mr. Settles' application for licensure by endorsement. Ms. Coton stated Mr. Settles documented only 44 months of acceptable experience.

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

Ms. Edwards advised the board that she would draft proposed language regarding applicant's work experience for the board to consider at their next meeting. The board agreed that the rule could use some changes to clarify to what is acceptable.

## **Mary Stuart**

Ms. Stuart was not present at the meeting and was not represented by counsel.

Ms. Patterson advised the board that Ms. Stuart had been previously denied by the board because she lacked verification of experience. The board reviewed the notice of intent to deny and after review the following motions were made.

MOTION: Mr. Pease made a motion to vacate the notice of intent to deny.

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

MOTION: Mr. Pease made a motion to deny Ms. Stuart's application for licensure by examination. Mr. Pease stated Ms. Stuart lacks verification of 5 months of full time work experience.

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

The board recessed at 6:05 p.m. and will reconvene January 26, 2006 at 9:00 .am.

Dr. McNeill called the general business meeting to order January 26, 2006 at 9:00 a.m.

### MEMBERS PRESENT:

James Pease, PG, Vice Chair

Tom Scott, Ph.D. PG

Stuart Smith

Valerie Coton, PG

Dawn Blackledge, PG

Donald McNeill, Ph.D., PG, Chair

### MEMBERS NOT PRESENT:

### OTHERS PRESENT:

John Knap, Executive Director

Christa Patterson, Government Analyst

Barbara Edwards, Board Counsel

Eric Hurst, Prosecuting Attorney

Thomas Colios

Peter Cocotos

Richard Welch

## **REVIEW AND CONSIDERATION OF THOMAS COLIOS' REQUEST FOR AN INFORMAL HEARING REGARDING APPLICATION DENIAL**

Thomas Colios was present at the meeting and was represented by Peter Cocotos, Esquire.

Ms. Edwards reviewed Mr. Colios' notice of intent to deny with the board.

Mr. Colios addressed the board and provided the board with additional information regarding his education credentials and experience.

The board discussed Mr. Colios' education and experience and after discussion the following motions were made.

MOTION: Dr. Scott made a motion to approve Mr. Colios' application based on the syllabus Mr. Colios provided.

SECOND: Ms. Blackledge seconded the motion.

Mr. Pease, Mr. Smith, and Ms. Coton opposed the motion and the motion failed.

MOTION: Dr. Scott made a motion that the finding of fact was that Mr. Colios lacked two core courses, physical geology and historical geology.

SECOND: Ms. Coton seconded the motion and the motion passed.

Mr. Pease and Ms. Blackledge opposed the motion.

The board advised Mr. Colios that he could take the courses online or on campus.

MOTION: Ms. Blackledge made a motion that the finding of fact was to accept the work experience from Waste Water Management pending his supervisor Mr. Burns completes the experience verification form.

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

Mr. Pease opposed the motion.

MOTION: Ms. Coton made a motion that the conclusions of law was that upon completing and passing the required courses, and documenting the required work experience, Mr. Colios would meet the requirements for licensure by examination.

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

Mr. Pease opposed the motion.

MOTION: Dr. Scott made a motion to vacate Mr. Colios' notice of intent to deny.

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

### **ONE YEAR PROBATION APPEARANCE – Richard Welch**

Mr. Welch was present at the meeting and provided the board with a written and detailed report of his professional activities.

Ms. Edwards advised the board that the probation appearance was a requirement of the board's disciplinary action of case number 2001-01856.

The board reviewed the information and thanked Mr. Welch for appearing at the meeting.

The board approved Mr. Welch's appearance and stated they would see him again at the October 2006 meeting for his final appearance.

## **REPORTS**

### Chair Report – Don McNeill

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No report.

#### Board Counsel Report – Barbara Edwards

Ms. Edwards reviewed the rules report with the board.

The board reviewed Rule 61G17-5.004 (4) (d), Florida Administrative Code, and it was the consensus of the board that the language could be more clear. Ms. Edwards stated she would draft proposed language and provide the board with a draft at the next meeting.

### **CONSIDERATION OF PROPOSED LEGISLATIVE LANGUAGE**

#### Chapter 492.108 (1) (d), Florida Statutes

Mr. Knap advised the board that Chapter 492.108 (1)(d), F.S. required licensure candidates to take a laws and rules examination. Mr. Knap stated that the board does not require a laws and rules exam and he would suggest deleting that language from the statute. Mr. Knap stated that he spoke to John McBride, the Department's Legislative Director, and Mr. McBride stated he would not suggest opening the statute up for such a small change. Mr. Knap stated that he did agree with Mr. McBride. The board agreed also and stated that if in the future the board has major changes proposed then the board would request the clean up of this section.

#### Chapter 492.104 (2), Florida Statutes

Mr. Knap advised the board that the board rule regarding the charge for the exam was up to the statute cap. Mr. Knap stated that if ASBOG increased their fees for the exam the board would not be able to cover the cost of the exam. Mr. Knap stated that at this time ASBOG is not going to increase their fees. The board did not take any action.

Mr. Knap advised the board that he spoke to the Department's budget office regarding the board's proposed rule change to increase the renewal fee from \$125.00 to \$150.00. Mr. Knap stated the budget office reviewed the projected numbers for the board and stated they did not see a need to increase the fee. The board questioned the Department's projected numbers but did not take any action.

MOTION: Mr. Pease made a motion to withdraw the proposed language to increase the renewal fee.

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

Ms. Blackledge opposed the motion.

### **REPORTS - Continued**

#### Finance Report – Dawn Blackledge

Ms. Blackledge stated that the finance reports do not make sense and that the board does not have any control over the numbers. Mr. Knap provided the board with a 5 year projection report.

## Prosecuting Attorney Report – Eric Hurst

Mr. Hurst reviewed his report with the board. Mr. Hurst advised the board that the probable cause panel held a meeting last week. Mr. Hurst stated it has not been 10 days since the meeting so if probable cause was found it is not public information yet.

Mr. Smith asked who the probable cause panel was. Ms. Patterson stated Dr. Kwader, Dr. Scott and Ms. Coton were on the probable cause panel.

## Communications – Stuart Smith

Mr. Smith stated the newsletter would be mailed out this week.

Mr. Knap advised the board that Dennis Yecke, Deputy Secretary, has requested that the board send two newsletters per year.

Mr. Smith asked the board to forward any items for the newsletter to him and he will coordinate the information with Ms. Patterson.

Mr. Knap advised the board that they would need to consider drafting rule to address Chapter 455.2761 (6) (d), Florida Statutes. Ms. Edwards stated she would work with Mr. Pease on some draft language for the board to consider at their next meeting.

## **NEW/OLD BUSINESS**

### Business Notice Mail Out Update

Mr. Knap advised the board that the request for geology certificate of authorization to update their geologists of record have been mailed and the department was in the process of updating the geology certificate of authorization records.

Ms. Patterson suggested that the board consider drafting an application process for changes to the businesses. The board asked Ms. Patterson to draft an application and provide a draft at the next meeting.

The board discussed the July 2006 meeting location and it was the consensus of the board to meet in Ft. Lauderdale.

### Election of Officers

MOTION: Dr. Scott made a motion to nominate James Pease for board chair.

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

Mr. Pease accepted the position.

MOTION: Dr. Scott made a motion to nominate Stuart Smith for vice-chair.

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

Mr. Smith accepted the position.

There being no other business the meeting adjourned at 12:20 p.m.