

MINUTES

BOARD OF PROFESSIONAL GEOLOGISTS GENERAL BUSINESS MEETING

Hampton Inn Cocoa Beach
3425 North Atlantic Ave.
Cocoa Beach, Florida 32931

April 26-27, 2006

CALL TO ORDER

Mr. Pease, Chair, called the meeting to order April 26, 2006, at 1:00 p.m.

MEMBERS PRESENT:

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

MEMBERS NOT PRESENT:

OTHERS PRESENT:

Richard Morrison, Executive Director
Christa Patterson, Government Analyst
Barbara Edwards, Board Counsel
Eric Hurst, Prosecuting Attorney
Jason Lennane
Daniel Vanderipe
Mr. Bentkowski
Joseph Haber
Michael Burns
Cain Diehl
Walter Woods

Mr. Pease introduced to the board James Funderburk and Richard Morrison. Mr. Pease advised the board that Mr. Funderburk was a new board member and Mr. Morrison was the new executive director for the board.

The board welcomed Mr. Funderburk and Mr. Morrison and stated they were looking forward to working with them.

REVIEW AND APPROVAL OF THE JANUARY 25-26, 2006 GENERAL BUSINESS MEETING MINUTES

The board reviewed the January 25-26, 2006 general business meeting minutes and after review the following motion was made.

MOTION: Dr. Scott made a motion to approve the January 25-26, 2006 general business meeting minutes with corrections.

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

Mr. Pease advised the board that Ms. Patterson completed the September 2005 telephone conference call minutes and asked that the board review for approval.

The board reviewed the September 2005 minutes and after review the following motion was made.

MOTION: Ms. Blackledge made a motion to approve the September 2005 minutes with corrections.

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

REVIEW OF THE TASK FUNCTION FORM

Mr. Pease reviewed the task function form with the board.

Mr. Smith advised the board that the newsletter had been completed and mailed to licensees.

Dr. Scott asked that the next newsletter include an article requesting that licensees update their licensure record to include their email address. Mr. Morrison stated that would not be a problem.

Mr. Morrison advised the board that the department set a schedule for newsletters to be mailed. Mr. Morrison stated that the next time a newsletter was scheduled to be mailed was May 2006. After discussion the board agreed that May was too soon following their last newsletter and asked that the scheduled be reconsidered.

APPLICATION REVIEW

Mr. Pease asked each member if they had the opportunity to review the application materials. Some members did not have the opportunity to review the materials so the board recessed for 45 minutes to allow members the opportunity to review the materials.

Ms. Coton asked Ms. Patterson if it would be possible for members to travel the day before the meeting to allow them the opportunity to review application materials the night before the meeting. Ms. Patterson stated that as long as the board did not go over the approved travel spending allotment she did not see it as being a problem. Ms. Patterson asked members to notify her prior to the meeting of their travel arrangements. Ms. Patterson stated that prior notice would allow her the opportunity to notify the hotel and work out government rates for the night prior to the meeting. The board agreed to notify Ms. Patterson prior to the meeting arrangement being finalized.

Mr. Pease recognized those applicants who were in attendance at the meeting and the board addressed their applications first.

James Lennane

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

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

MOTION: Dr. Scott made a motion to approve Mr. Lennane's application for licensure by endorsement pending verification that Mr. Lennane was employed full time through September 12, 2006 and bring the application back to the board at their October 2006 meeting for review.

SECOND: Ms. Coton seconded the motion.

Dr. McNeill, Ms. Blackledge, Mr. Smith and Mr. Pease opposed the motion. Ms. Blackledge stated that 8 months was a long time to track the application. The motion did not pass.

Ms. Edwards advised the board that they were required to take action of either approval or denial. Ms. Edwards stated that Mr. Lennane's application was complete with supporting documents and it appears that the applicant at this time does not meet the experience requirements.

After discussion the following motion was made.

MOTION: Dr. McNeill made a motion to deny Mr. Lennane's application for licensure by endorsement. Ms. Blackledge stated Mr. Lennane lacked verification of employment verification.

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

Ms. Coton, Mr. Pease and Dr. Scott opposed the motion.

James Edward Bentkowski

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

The board reviewed Mr. Bentkowski's application for licensure by endorsement and after discussion the following motion was made.

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

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

John Diehl

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

The board reviewed Mr. Diehl's application for licensure by examination and after discussion the following motion was made.

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

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

Michael J. Burns

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

The board reviewed Mr. Burns' application for licensure by endorsement and after discussion the following motion was made.

MOTION: Dr. McNeill made a motion to approve Mr. Burns' application for licensure by endorsement.

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

Daniel Vanderipe

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

The board reviewed Mr. Vanderipe's application for licensure by examination and after discussion the following motion was made.

MOTION: Dr. McNeill made a motion to approve Mr. Vanderipe's application for licensure by examination pending verification of 18 months of full time geological work experience from February 13, 2004 to September 6, 2005. Dr. McNeill stated Mr. Vanderipe has completed the required education requirements.

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

Mr. Pease opposed the motion.

Joseph Haber (Reconsideration)

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

Ms. Edwards advised the board that Mr. Haber's application was previously denied by the board at their January 26, 2006 meeting. Ms. Edwards stated that Mr. Haber's application was denied because he only submitted verification of 11 months work experience after he completed his bachelor's degree in environmental science and policy.

Mr. Haber asked the board to reconsider their decision. Mr. Haber asked the board to re-evaluate his core course credits. The board reviewed Mr. Haber's education and after discussion the following motion was made.

MOTION: Ms. Blackledge made a motion that Mr. Haber completed the required education requirements December 12, 2003.

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

Mr. Haber asked the board to reconsider approving his work experience from September 2002 to December 2003.

After review and discussion of Mr. Haber's work experience and considering that the board voted to approve the core course as of December 12, 2003 the following motion was made.

MOTION: Dr. Scott made a motion to approve Mr. Haber's request for 14.5 months work experience.

Motion failed due to a lack of a second.

MOTION: Ms. Coton made a motion to deny Mr. Haber's request for work experience credit from December 2000 to December 2003.

SECOND: Mr. Smith seconded the motion.

Mr. Pease, Ms. Blackledge, Dr. Scott and Dr. McNeill opposed the motion and the motion failed.

The board did not take any further action and the board moved forward with rule discussion.

DISCUSSION OF PROPOSED REVISIONS TO RULE 61G16-5, FLORIDA ADMINISTRATIVE CODE

61G16-5.001, F.A.C.

Ms. Edwards reviewed the proposed changes to Rule 61G16-5.001, F.A.C. with the board and after discussion it was the consensus of the board not to make any changes and no action was taken by the board.

61G16-5.002, F.A.C.

Ms. Edwards reviewed the proposed changes to Rule 61G16-5.002, F.A.C. with the board and after discussion it was the consensus of the board not to make any changes and no action was taken by the board.

61G16-5.004, F.A.C.

Ms. Edwards reviewed the proposed changes to Rule 61G16-5.004, F.A.C. with the board and it was the consensus of the board to approve the proposed language in section (3) and leave (4)(a) as is.

The board reviewed the board of engineer's rule that relates to the definition and calculation of work experience. The board asked Ms. Edwards to draft proposed language to include some of the language the engineer's board was using.

The board asked Ms. Edwards to draft proposed language and requested that the language be presented at the July 2006 meeting. Mr. Pease advised Ms. Edwards that the engineer's language was included in Mr. Haber's meeting materials.

The board advised Ms. Edwards that they would support the last sentence in the proposed language in (4) and (4)(b). The board reviewed proposed changes to (4)(c) and (d) and were in support of the proposed changes.

Ms. Edwards stated she would draft proposed language and bring the draft back to the board at their July 2006 meeting.

Walter Woods, a representative from the Florida Association of Professional Geologists was present at the meeting and asked to address the board. Mr. Woods asked the board if they would support legislative language for a Geologists In Training (GIT) program and as a condition of licensure renewal continuing education hours. Mr. Woods

stated that if the board was in support the FAPG Lobbyist would need to start working on the proposed language and working on support from the legislature. Mr. Woods asked the board of a straw vote on the issues.

Mr. Smith advised Mr. Woods that the board voted on the issues last year and that the board was not in support of a GIT program or a requirement of continuing education as a condition of renewal. Mr. Smith stated that the board discussed in length the pros and cons of a GIT program.

Mr. Pease reminded the board that Mr. Knap advised the board last year that if a requirement of continuing education was implemented it would increase the work load of the board. Mr. Pease stated that the board would have to participate in the department's 100% continuing education monitoring program and with that in mind the board would have to review each provider and course application that was submitted.

Dr. Scott asked Mr. Morrison to research the cost associated with the continuing education monitoring program and to bring a report to the July 2006 meeting. Dr. Scott stated he felt continuing education would be beneficial to the profession.

Ms. Blackledge stated the GIT and continuing education issues were brought up at every meeting and it needs to be left alone until maybe new members are appointed.

Mr. Pease recessed the meeting at 6:20 p.m. to reconvene April 27, 2006 at 9:00 a.m.

April 27, 2006

CALL TO ORDER

Mr. Pease, Chair, called the meeting to order April 27, 2006, at 9:00 a.m.

MEMBERS PRESENT:

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

MEMBERS NOT PRESENT:

OTHERS PRESENT:

Richard Morrison, Executive Director
Christa Patterson, Government Analyst
Barbara Edwards, Board Counsel
Eric Hurst, Prosecuting Attorney
Mathew Coe
Gary Hunter, Jr.
Chad Gunter
Chuck Drake, PG

DISCIPLINARY PROCEEDINGS – Eric Hurst

Ms. Coton and Dr. Scott were recused due to their participation on the probable cause panel.

Chad Gunter the president of the company was present at the meeting and he was represented by Gary Hunter.

Mr. Hurst reviewed the case and settlement stipulation with the board and after review the following motion was made.

MOTION: Dr. McNeill made a motion to accept the settlement stipulation as represented.

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

INFORMAL HEARING OF APPLICATION DENIAL - Terri Virtue

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

Ms. Edwards reviewed the notice of intent to deny with the board. Ms. Edwards advised the board that Mr. Virtue's informal hearing was tabled by the board at their July 29, 2004 meeting. Ms. Patterson advised the board that she mailed Mr. Virtue numerous notices requesting that he contact the board office. Ms. Patterson stated he has not responded and has not provided any additional information regarding his work experience.

Ms. Edwards advised the board that Mr. Virtue was properly noticed of the meeting and the board should move forward with an informal hearing.

MOTION: Dr. Scott made a motion to uphold the notice of intent to deny.

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

Ms. Edwards stated she would issue a final order.

DISCUSSION OF MATTHEW COE'S DENIED APPLICATION

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

Ms. Edwards advised the board that Mr. Coe's application for licensure by examination was denied by the board at their September 1, 2005 meeting and Mr. Coe requested a formal hearing. Ms. Edwards asked the board to reconsider Mr. Coe's denial in view of the board's Colios decision. Ms. Edwards stated that the board determined that Mr. Coe did not complete the required education requirements until May 2005 and his work experience prior to May 2005 could not be counted.

Ms. Blackledge and Mr. Smith stated that there was a difference between Colios and Coe. She stated that Mr. Colios had 14 years of experience and a master's degree. Mr. Smith stated that until the core courses are completed a person could not obtain the required work experience. Mr. Pease stated that he felt Mr. Coe's work experience was similar to the Colios work experience.

The board reviewed Mr. Coe's education.

After review and discussion the following motion was made.

MOTION: Ms. Blackledge made a motion to amend the notice of intent to deny to state that Mr. Coe completed five of the seven core courses May 1, 2003.

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

Ms. Coton opposed the motion.

Dr. Scott stated he felt that the Colios and Coe work experience was similar and agreed with Ms. Edwards that if the Coe case went to DOAH it would be hard for the board to prevail. Ms. Blackledge did not agree.

Dr. McNeill reviewed Mr. Coe's work experience from June 1999 through May 1, 2003 and after discussion the following motion was made. Dr. Scott stated Mr. Coe was a project manager. Dr. McNeill stated that based on the Colios decision Mr. Coe's work experience should be counted as geological work.

MOTION: Mr. Pease made a motion to accept 50 % of Mr. Coe's work experience from June 1999 through May 1, 2003 as work experience in responsible charge. Mr. Pease stated Mr. Coe has 48 months of experience accepted.

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

Mr. Smith, Ms. Blackledge and Ms. Coton opposed the motion.

MOTION: Dr. Scott made a motion to vacate the notice of intent to deny that was filed by the agency clerk's office September 28, 2005 and issue a conditional approval.

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

Mr. Smith opposed the motion.

MOTION: Mr. Pease made a motion to approve Mr. Coe's application for licensure by examination pending verification of work experience from August 18, 2005 to May 31, 2006 by a qualified supervisor and verified on the board's experience verification forms.

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

Mr. Smith opposed the motion.

Ms. Blackledge and Ms. Coton stated that each application should be reviewed on an individual bases and one case should not set precedence to the board's application review process.

Ms. Edwards stated that if the Coe application denial case would have gone to DOAH she believes that the judges recommended order would set precedence for the board.

Mr. Pease stated that work experience accepted by the board can be discussed at the next meeting during rule discussion.

Ms. Edwards asked Mr. Morrison if it was possible for the board to have a court reporter present during the application review portion of the meeting. Ms. Patterson stated that it would be costly to the board.

After discussion Mr. Morrison agreed that if Dr. McNeill reviewed the applications prior to the meeting and that if he felt a court reporter was necessary the board office would request a court reporter for the application review portion of the meeting.

APPLICATION REVIEW (continued)

Brian Boutin

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

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

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

June Mirecki

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

MOTION: Dr. McNeill made a motion to approve Ms. Mirecki's application for licensure by endorsement.

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

Brendon David Bailey

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

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

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

Stephen Randal Scruggs

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

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

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

Anthony R. Mellini, Jr.

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

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

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

Gregory Kibilko

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

MOTION: Ms. Blackledge made a motion to deny Mr. Kibilko's application by examination. Ms. Blackledge stated he does not have 60 months of experience and his post degree experience did not begin until May 1, 2003.

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

Scott Sigler

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

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

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

Todd Tubbert

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

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

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

Peter Thibodeau

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

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

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

Timothy Jellett

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

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

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

CHRIS LARSON CORRESPONDENCE

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

Ms. Patterson provided the board with an overview of the steps taken by the department to schedule Mr. Larson for the examination. Mr. Larson was asking the board to waive the fee associated with him not showing for the October 2005 examination.

MOTION: Dr. Scott made a motion to deny Mr. Larson's request.

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

REPORTS

Chair Report – Jim Pease

Mr. Pease stated he did not have anything to report at this time but reminded members to provide Mr. Smith information for the next newsletter.

Dr. Scott asked staff to include in the next newsletter an article requesting that each licensee update the department's records with their email address.

Mr. Smith stated he would be sending out a reminder to members.

Board Counsel Report- Barbara Edwards

Ms. Edwards reviewed the rules report with the board.

Finance Report – Dawn Blackledge

Ms. Blackledge advised the board that there was going to be a renewal of licenses this year and that would bring up the revenue unless another sweep was approved by the legislature.

Prosecuting Attorney's Report – Eric Hurst

Mr. Hurst reviewed the complaint statistic report with the board. The board did not take any action.

Ms. Coton stated that the probable cause panel members are not receiving all the reports in the materials. Mr. Hurst stated the panel receives all materials. Ms. Coton stated that there were some reports missing. Dr. Scott agreed with Ms. Coton. Mr. Hurst stated that the investigative file is not edited prior to the panel receiving the information. Ms. Edwards suggested that Mr. Hurst check the files prior to the mailing the materials. Mr. Hurst stated that the panel could request that the case be sent back to the department for additional investigation. Ms. Coton stated she was not aware that the panel could do that.

Executive Director Report – Richard Morrison

Mr. Pease introduced Mr. Morrison to the board as the new executive director. The board welcomed Mr. Morrison.

Mr. Morrison advised the board that the department's call center extended their work hours. Mr. Morrison advised the board that the department has a toll free number available to the public for reporting unlicensed activity.

NEW/OLD BUSINESS

Ms. Edwards asked the board to make a motion to request board members review the application materials prior to the meeting. Ms. Edwards stated that if all members review

the materials prior to the meeting the applicants who attend the meeting would not have to wait for the board to recess and reconvene.

MOTION: Dr. Scott made a motion to come to the meeting prepared to vote on meeting materials.

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

Mr. Pease presented a chairman plaque to Dr. McNeill. Dr. McNeill thanked the board.

Dr. Scott asked the board if they would consider discussion of a geology in training program at the July 2006 meeting.

MOTION: Dr. Scott made a motion to include on the July 2006 agenda board discussion of a GIT program.

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

Ms. Pease, Ms. Blackledge opposed the motion.

Dr. Scott asked the board if they would consider discussion of requiring continuing education hours as a condition of license renewal.

MOTION: Dr. Scott made a motion to include on the July 2006 agenda board discussion of continuing education hours as a condition of license renewal.

SECOND: Mr. Pease seconded the motion.

Mr. Pease, Ms. Blackledge, Dr. McNeill and Ms. Coton opposed the motion and the motion failed.

Ms. Blackledge asked the board if they would consider privatizing the board of professional geologists.

MOTION: Ms. Blackledge made a motion to revisit the possibility of the board going private.

SECOND: Dr. Scott seconded the motion.

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

Business Notice Mail Out Update

Ms. Patterson advised the board that the project was 98% completed. Ms. Patterson stated that there were a few businesses that still needed to respond.

There being no other business the meeting adjourned at 12:30 p.m.