

MINUTES

BOARD OF PROFESSIONAL GEOLOGISTS GENERAL BUSINESS MEETING

Embassy Suites at University of South Florida – Busch Gardens
3705 Spectrum Blvd.
Tampa, Florida

January 19-20, 2005

CALL TO ORDER

Dr. McNeill called the meeting to order January 19, 2005 at 1:00 p.m.

MEMBERS PRESENT:

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

MEMBERS NOT PRESENT:

Tom Scott, Ph.D. PG, Chair

OTHERS PRESENT:

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

REVIEW AND APPROVAL OF GENERAL BUSINESS MEETING MINUTES

October 5, 2004

The board reviewed the October 5, 2004 telephone conference call general business meeting minutes and after review the following motion was made.

MOTION: Ms. Blackledge made a motion to approve the October 5, 2004 general business meeting minutes.

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

October 20-21, 2004

The board reviewed the October 20-21, 2004 general business meeting minutes and after review the following motion was made.

MOTION: Ms. Blackledge made a motion to approve the October 20-21, 2004 general business meeting minutes.

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

REVIEW OF THE TASK FUNCTION FORM

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

Dr. McNeill advised the board that a copy of the draft newsletter was included in their board members folders. Dr. McNeill advised the board that they would review the draft newsletter during the communications portion of the meeting. The board agreed.

Ms. Edwards asked Ms. Patterson if she had received all the materials she was responsible for. Ms. Patterson advised Ms. Edwards that she had received the information.

Mr. Knap stated that the department was in the process of conducting the geology business certification audit and that he would provide the board with a written report of the audit progress at the next meeting. Mr. Knap stated that during the audit they would also be cleaning up the department records of who the responsible geologists of record was for the business certification holders.

Dr. McNeill asked Mr. Knap the status of board member appointments. Mr. Knap stated he notified Mr. Wilson of the vacancies. Mr. Blackledge stated she knew of persons who had applied. Dr. McNeill asked Mr. Knap to contact the Governor's appointment office to see if there were any pending board member applications.

Dr. McNeill asked Mr. Smith if he was able to speak with a representative from the department regarding the board's web site. Mr. Smith advised the board that the contact person at the department was Grant Logan. Mr. Smith stated that he had not had the opportunity to speak with Mr. Logan but would provide a report at the next meeting.

Ms. Blackledge advised the board that she had been notified by a licensee that the departments call center hold time was 20-30 minutes. Ms. Blackledge asked that a representative from the call center be present at the next meeting to address the concern with the call center hold time.

Dr. McNeill asked Mr. Knap if the hold time of 20-30 was normal. Mr. Knap stated he would request that a representative from the call center address the board regarding the board's concern.

Ms. Edwards asked the board to remind her what the board was going to accomplish by drafting a rule regarding reapplication by person whose license had been revoked by the board. Ms. Edwards advised the board that Chapter 455, F.S. stated that a revoked license is permanent unless the board adopts a rule that states otherwise. Ms. Edwards stated that she felt that if the board did not want to revoke a license then the board should suspend the license.

Mr. Knap advised the board that included in their board member folders was a copy of the Board of Professional Surveyors and Mappers rule regarding revocation of a license. Ms. Edwards state that if the board revoked a license she would think the board would want it to be permanent so why would the board need a rule.

Dr. McNeill advised the board that he would table discussion and consideration of rule draft until the report portion of the meeting.

APPLICATION REVIEW

Dr. McNeill asked members if they had received the application review materials. All members stated that they had received the materials. Ms. Blackledge and Ms. Coton stated they did not review the information prior to the meeting. Ms. Blackledge stated that she would not consider reviewing the application materials until she was at the meeting. Ms. Coton agreed.

Ms. Blackledge stated again for the record that she felt copying the application materials was a waste of paper and she preferred the way the board reviewed the original applications in the past. Dr. McNeill stated he preferred receiving the materials prior to the meeting. Dr. McNeill advised the board that receiving the materials prior to the meeting gave him the opportunity to review the materials when time allowed in his schedule.

The board reviewed the application materials and Dr. McNeill assigned the following members to either review the education or experience.

Ms. Coton – Experience
Mr. Smith – Education
Ms. Blackledge – Experience
Mr. Pease - Experience and Education
Dr. McNeill – Experience and Education

Ms. Patterson advised the board that an addendum agenda had been passed out and asked that the board review the materials.

After review by the board the following motions were made.

Craig Kennedy

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

George Sherman

MOTION: Mr. Pease made a motion to approve George Sherman's application for licensure by endorsement.
SECOND: Mr. Smith seconded the motion and it passed unanimously.

James Cohlmeier

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

Sajjad Din

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

Andrew Glasbrenner

The board reviewed Mr. Glasbrenner's application and it was the consensus of the board that Mr. Glasbrenner would need to verify two weeks of geological work experience.

Ms. Patterson advised the board that since Mr. Glasbrenner's work experience would be complete prior to the examination she would recommend that the application be approved pending verification of the two weeks work experience.

MOTION: Mr. Pease made a motion to approve Andrew Glasbrenner's application for licensure by examination pending confirmation by staff that Mr. Glasbrenner was continuously employed for two weeks.

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

Ralph Meder

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

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

Shawn Ouellette

The board reviewed Mr. Ouellette's application for licensure by examination. Mr. Pease stated that during his review he had a hard time verifying that the applicant had completed the education core course requirements.

The board reviewed Mr. Ouellette's transcript and after discussion it was the consensus of the board that the applicant completed the education requirements.

The board reviewed Mr. Ouellette's experience verification forms. Dr. McNeill stated he verified 58 months. Ms. Coton stated that after her review she verified 62 months but she did note that some of the work experience was part time. Ms. Francisco stated some of the work experience verification overlapped. Dr. McNeill stated that the most current experience verification was documented up to December 17, 2004.

Mr. Pease stated that during his review he did not give credit for the work experience with Craig Dunkelberger. Mr. Pease stated the time frame of experience with Mr. Dunkelberger was prior to Mr. Ouellette completing his degree.

After discussion it was the consensus of the board that Mr. Ouellette was three months short of completing the work experience requirements for licensure.

MOTION: Ms. Blackledge made a motion to deny Mr. Ouellette's application for licensure by examination. Ms. Blackledge stated Mr. Ouellette was three months short of full time work experience verification.

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

James Schneider

The board reviewed Mr. Schneider's application for licensure by examination. After review of Mr. Schneider education it was the consensus of the board that he completed

the required education. Dr. McNeill stated that Mr. Schneider completed his BS degree in May 11, 1996 and most of his work experience was part time. The board stated that only two years of education can be counted toward the 7 years of experience. After discussion it was the consensus of the board Mr. Schneider verified 25 months of full time work experience.

Mr. Pease stated Mr. Schneider might be able to use graduate work experience, but the board would need information on what Mr. Schneider was doing during that time period. Dr. McNeill stated the verification from USF was not documented properly.

MOTION: Mr. Pease made a motion to deny Mr. Schneider's application for licensure by examination. Mr. Pease stated he did not meet the work experience requirements.

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

Matthew M. Theisen

The board reviewed Mr. Theisen's application for licensure by examination and it was the consensus of the board that he completed the requirements to sit for the examination.

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

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

Kathleen Moran

The board reviewed Ms. Moran's application for licensure by examination. After discussion it was the consensus of the board that Ms. Moran completed the education requirements. Dr. McNeill stated he reviewed experience and verified 60 months. Mr. Pease agreed. Ms. Coton stated she verified 60 months. Dr. McNeill stated Ms. Moran's degree was issued in 1997, and some of her experience verified was pre degree.

After discussion it was the consensus of the board that Ms. Moran verified 54 months of acceptable post degree experience.

MOTION: Mr. Pease made a motion to deny Ms. Moran's application for licensure by examination. Mr. Pease stated the applicant has not verified the required work experience.

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

Stephen Scruggs

The board reviewed Mr. Scruggs' application for licensure by examination. After review it was the consensus of the board the Mr. Scruggs completed the education requirements.

The board reviewed each experience form in detail and after review it was the consensus of the board that Mr. Scruggs only verified 52 months of acceptable work experience. It was the consensus of the board that experience as a geophysical

assistant would not count toward the experience requirements in accordance to 61G16-5.004 (4), F.A.C.

MOTION: Mr. Pease made a motion to deny Mr. Scruggs' application for licensure by examination.

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

Ms. Blackledge addressed the board regarding the new application review process. Ms. Blackledge stated that she felt the board was being treated like children just because some discussion took place during the board's review process.

Ms. Edwards stated that the way the board reviewed the applications in the past violated the sunshine law. Ms. Edwards stated that there was so much discussion between members it was hard to get every board member's comments on the record. Mr. Smith stated that the board's learning curve had improved and discussion was no longer necessary. Mr. Smith stated that he did not think copies of the application were necessary and it was a waste of paper. Ms. Coton stated that even when the board reviewed original files after the discussion a detailed report was provided to the full board and was on the record very clear.

Dr. McNeill advised the board that he was in favor of the new application review process, but he was open to suggestions.

Ms. Blackledge advised the board that reviewing the education and experience of each applicant was time consuming and when the board reviewed the files during the meeting the chairman assigned each member to review education or experience.

Ms. Edwards suggested that the board meet two hours earlier to review the files. After discussion the board did not agree to this suggestion.

Dr. McNeill suggested that the staff assign each member prior to the meeting to either review education or experience. Dr. McNeill stated this would possibly cut down review time.

After discussion the board agreed that staff would mail out copies of applications prior to the meeting and assign each member with either reviewing the experience or education. Dr. McNeill stated that during the board meeting each application would be discussed and voted on. Dr. McNeill stated he felt this would give each member the opportunity to review prior to the meeting if their schedule allows.

Ms. Patterson stated she would implement the procedure at the next meeting.

The meeting recessed at 3:30 p.m. Dr. McNeill stated the meeting would reconvene January 20, 2005 at 9:00 a.m.

January 20, 2005

Dr. McNeill called the meeting to order January 20, 2005 at 9:00 a.m.

MEMBERS PRESENT:

Dawn Blackledge, PG,
Donald McNeill, Ph.D. PG, Vice -Chair

James Pease, PG
Gabrielle Enos, PG
Stuart Smith
Valerie Coton, PG

MEMBERS NOT PRESENT:

Tom Scott, Ph.D. PG, Chair

OTHERS PRESENT:

John Knap, Executive Director
Christa Patterson, Government Analyst
Barbara Edwards, Board Counsel
Eric Hurst, Prosecuting Attorney
Matthew Coe
James McDorman
Maggie Meyer, Court Reporter

Ms. Patterson stated for the record that there was a court reporter present.

INFORMAL HEARING OF APPLICATION DENIALS

Matthew Coe

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

The court reporter swore in Mr. Coe. Ms. Edwards reviewed with the board Mr. Coe's notice of intent to deny.

Mr. Coe addressed the board and stated that he felt he had completed the required education and work experience for licensure by examination.

Dr. McNeill advised Mr. Coe that a degree in Biology was not a related degree in accordance to the board rules. Mr. Coe stated that he felt the board should review related degrees on a case by case bases.

Mr. Coe stated he did not agree with Dr. McNeill and advised the board that in the past the board accepted Biology degrees as a degree related to Geology. Dr. McNeill noted Mr. Coe was currently taking additional courses and asked Mr. Coe if once he completed the additional courses would the University be willing to award him a degree in Geology. Mr. Coe answered yes. Mr. Pease reviewed with the board Mr. Coe's additional courses.

Ms. Blackledge stated that the experience must take place after the applicant completes the 30 semester hours and the 7 core courses. Dr. McNeill stated the experience was sufficient but the experience was not acceptable since Mr. Coe had not completed the education requirements.

It was the consensus of the board that the additional courses would complete the education requirements Mr. Coe was lacking. Ms. Blackledge and Ms. Coton advised the board that Mr. Coe had not completed the courses yet.

The board reviewed Mr. Coe's transcript and agreed Mr. Coe completed 27 semester hours. It was the consensus of the board that at the end of the semester Mr. Coe would have completed the 30 hours of core courses.

After discussion the following motions were made.

MOTION: Ms. Coton made a motion that Mr. Coe completed 27 hours toward the core courses in geology as of January 20, 2005.

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

MOTION: Mr. Pease made a motion that Mr. Coe had not obtained the required work experience subject to the education requirement for licensure pursuant to 61G16-5.004 (4)(a), F.A.C..

SECOND: Ms. Coton seconded the motion.

Ms. Blackledge advised the board that she opposed the motion due to rule 61G16-5.004 (4) (a), F.A.C. Ms. Blackledge asked the board to discuss their interpretation of the rule. Ms. Edwards read the rule to the board.

Ms. Blackledge stated she felt Mr. Coe has completed the work experience requirements and the he should receive credit for his work experience. Dr. McNeill stated that he agreed and the board should be able to use some of the experience Mr. Coe has verified.

Ms. Coton did not agree, and stated that the education core courses should be completed prior to post degree experience being counted. Ms. Coton stated that she felt applicants need to complete the education requirements prior to approving credit for work experience.

Mr. Smith stated that after hearing the discussion he would also oppose the motion.

The motion failed.

MOTION: Mr. Pease made a motion that Mr. Coe's had not demonstrated that he meet the requirements for licensure at this time in accordance to rule 61G16-5.004 (4) (a), F.A.C. and 492.105, F.S.

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

Mr. Coe advised the board that he would submit a new application.

James McDorman

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

Ms. Edwards reviewed with the board Mr. McDorman's notice of intent to deny. Ms. Edwards stated Mr. McDorman was denied for licensure by endorsement.

Mr. McDorman addressed the board and provided the board with additional information regarding his education. The board reviewed the additional information and after review it was the consensus of the board that the applicant would need to provide course descriptions for the board to review.

The board asked Mr. McDorman if he had taken a licensure examination in another state. Mr. McDorman stated he took the ASBOG examination and that the license verification submitted should verify his scores.

After discussion the following motions were made.

MOTION: Ms. Blackledge made a motion that Mr. McDorman failed to demonstrate that he completed the 30 hours of geological course work including 24 hours of upper level courses.

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

MOTION: Ms. Coton made a motion that Mr. McDorman failed to demonstrated that he meets the endorsement requirements in accordance to 492.108 (1) (a), F.S.,

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

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

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

MOTION: Mr. Pease made a motion that the additional information provided by Mr. McDorman would be part of Mr. McDorman's application record.

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

REVIEW AND DISCUSSION OF RULE 61G16-9, FLORIDA ADMINISTRATIVE CODE-DISCIPLINARY GUIDELINES

Ms. Edwards distributed copies of the proposed language to the board.

The board reviewed each page of the proposal and amended the document. Ms. Edwards advised the board that she would make the changes and finalize the document when she returned to the office.

MOTION: Mr. Pease made a motion to approve rule 61G16-9, F.A. C. as amended and move forward with adoption process.

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

REPORTS

Chairman's Report – Tom Scott

Dr. Scott was not present at the meeting.

Board Counsel Report – Barbara Edwards

Ms. Edwards asked the board to consider amending section 492.105 (2) (c), F.S. Ms. Edwards advised the board that since the laws and rules examination was on longer administered the statute should be changed.

After discussion it was the consensus of the board that a laws and rules examination was not necessary and the statute should be changed.

MOTION: Ms. Coton made a motion to request that section 492.105 (2) (c), be proposed as legislation to be deleted.
SECON: Mr. Pease seconded the motion and it passed unanimous.

Dr. McNeill asked the board if they would be in favor of drafting a rule to provide an avenue of a revoked licensee to reapply.

After discussion it was the consensus of the board that Chapter 455, F.S. stated that a revoked licensee is revoked and a rule was not necessary. Ms. Edwards stated that the revoked licensee could re-apply. Ms. Edwards stated that if the board would consider that the licensee could come back to the board from a revoked status then the board should not revoke the license but suspend the license.

After discussion the board agreed.

Finance Report – Dawn Blackledge

Ms. Blackledge stated that the operation and unlicensed activity financial reports were clear and that the board was not in the red.

Prosecuting Attorney Report – Eric Hurst

Mr. Hurst was present at the meeting. Mr. Hurst did not have anything to report.

Application Review Committee – Valerie Coton

Ms. Coton reported that the board reviewed applications and that the board had already voted on the actions.

Ms. Coton stated that since the new procedure of application review was in place that the application review committee report could be removed as an agenda item. The board agreed.

Communications – Stuart Smith

Ms. Patterson advised the board that the draft newsletter was included in their board member folders. Ms. Patterson reviewed the newsletter with the board and after discussion the board asked Ms. Patterson to finalize the newsletter and mail.

Mr. Smith asked Ms. Patterson to advise him of the responsibilities of the communication liaison. Ms. Patterson advised Mr. Smith that he was responsible for coordinating article deadlines and reminding members. Ms. Patterson stated she was responsible for drafting and mailing the newsletter.

Ms. Patterson provided the board with an overview of the newsletter process.

Executive Director's Report – John Knap

Geology Complaints Quarterly Report

Mr. Knap reported that there were no complaints at this time.

Department Collections Procedure

Mr. Knap reported that the department has assigned an attorney to handle collections of fee's not paid by licensees. Mr. Knap advised the board that included in their board member folders was an overview of the procedure.

NEW/OLD BUSINESS

Copy of Rules from 1998-1999

Ms. Patterson advised the board that she was able to obtain a copy of the boards past rule regarding past state examinations that the board considered approved examinations. Ms. Patterson advised the board that the language was amended some time in 1999.

Ms. Coton asked if the board could consider the old language when reviewing endorsement applications. Ms. Edwards stated the rule was amended and the language does not exist any more. Ms. Edwards advised the board that the board would need to use current language in rule 61G16-6, F.A.C., when reviewing endorsement applications unless the board wanted to consider amending the language to include the old language.

The board discussed avenues for the board to consider out of state examinations being equivalent to the ASBOG licensure examination.

Mr. Knap advised the board that the applicant would have to provide information regarding the examination they took. Mr. Knap stated that the department's Bureau of Education and Testing has provided an equivalency evaluation for other professions but everyone including the State would have to provide information regarding the examination.

Ms. Edwards stated it would be the responsibility of the applicant to show proof that the examination is equivalent.

After discussion it was the consensus of the board that it was the responsibility of the applicant to show proof of equivalency to the ASBOG examination.

Election of Officers

MOTION: Ms. Blackledge made a motion to nominate Dr. McNeill for Chair.

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

MOTION: Mr. Smith made a motion to nominate Mr. Pease for Vice-Chair.

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

Dr. McNeill advised the board that included in their board member folder was an email from Robert Skrob regarding FAPG proposed legislation.

The board reviewed the FAPG draft proposed legislative language and after discussion the following motion was made.

MOTION: Mr. Pease made a motion to support FAPG draft proposed language to Chapter 373.117, F.S.

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

The board asked Dr. McNeill to advised FAPG by email that the board was in support of the language.

The board asked Ms. Patterson where the next meeting was going to be held. Ms. Patterson advised the board that she was in the process of finalizing the hotel arrangements in Key West, Florida. Ms. Patterson advised the board that there was not an airport in Key Largo so Dr. Scott approved the move to Key West, Florida.

Ms. Patterson asked the board if the meeting dates could be moved to April 28-29, 2005. The board agreed. Ms. Patterson stated that once the arrangements were finalized she would notify members.

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