

MINUTES

BOARD OF PROFESSIONAL GEOLOGISTS GENERAL BUSINESS MEETING

Wyndham Reach Resort & Hotel
1435 Simonton Street
Key West, Florida 33040

April 28-29, 2005

CALL TO ORDER

Dr. McNeill called the meeting to order April 28, 2005 at 1:00 p.m.

MEMBERS PRESENT:

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

MEMBERS NOT PRESENT:

Dawn Blackledge, PG

OTHERS PRESENT:

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

REVIEW AND APPROVAL OF THE JANUARY 19-20, 2005 GENERAL BUSINESS MEETING MINUTES

The board reviewed the January 19-20, 2005 general business meeting minutes and after review the following motion was made.

MOTION: Mr. Pease made a motion to approve the January 19-20, 2005 general business meeting minutes with corrections.

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

REVIEW OF THE TASK FUNCTION FORM

Dr. McNeill reviewed the task function with the board.

Dr. McNeill advised the board that the newsletter was mailed in February 2005 and that the board should start working on the next one.

Dr. McNeill asked Mr. Knap if he had a report on the geology business audit. Mr. Knap advised the board that the report was in their board members' folders and that he would

review the report with the board when he provides the board with the executive director's report.

Dr. McNeill asked Mr. Knap if a call center representative would be present at the meeting. Mr. Knap advised the board that he would cover a report during the ED report.

Dr. McNeill asked if staff had received any word from the Governor's Appointment Office of a replacement for Ms. Enos. Mr. Knap advised the board that he has not received any information on a replacement. The board asked Mr. Knap to follow-up with the appointment's office to see if they had any board member appointment applications.

Ms. Patterson advised the board that if they knew of anyone interested in becoming a board member to give them her number and she would provide the number to the appointment's office.

Dr. McNeill asked Mr. Smith if he was able to speak with a representative of the department regarding the board's request to change items on the board's web page. Mr. Smith reported that he was able to speak with Grant Logan and was advised that the board's web site was standardized and the board could not request to change the appearance of the web sites.

Dr. McNeill asked Mr. Smith if the board would be able to include a search for a license link on the board's web page. Mr. Smith stated the department was concerned with maintaining the link and they were going to have to research that question. The board thanked Mr. Smith for contacting the department.

Mr. Knap conducted an overview of the department's download licensees program. Mr. Knap advised the board that the public does have access to the program on the department's web site.

Dr. McNeill asked Ms. Patterson if the follow-up FAPG legislation letter had been mailed. Ms. Patterson advised Dr. McNeill that the department's communications office was in the process of review the letter. Ms. Patterson advised the board that as soon as the letter was approved by communications it would be mailed.

APPLICATION REVIEW

Dr. McNeill advised board members that they were assigned either reviewing education or experience.

Ms. Patterson advised Dr. McNeill that Dr. Scott was assigned to review education, Dr. McNeill was assigned to review education and experience since Ms. Blackledge would not be present, Mr. Pease would be assigned to review experience, Ms. Coton was assigned to review experience, and Stuart Smith was assigned to review education.

The board recessed on their own for one hour to review applications.

Ms. Edwards asked Ms. Patterson to provide a copy of the old rule regarding equivalent state licensure examination at each meeting. Ms. Patterson stated she would provide a copy for reference at each meeting.

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

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

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

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

MOTION: Mr. Smith made a motion to deny Mr. Cox's application for licensure by endorsement. Mr. Smith stated that the work experience documented was not acceptable. Mr. Smith stated it appeared Mr. Cox was sub contracting work and the board was unsure on how Mr. Cox was being supervised. Mr. Smith stated that the experience forms did not document if the work experience was full or part time hours.

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

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

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

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

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

MOTION: Ms. Coton made a motion to approve Roger Peebles' application for licensure by endorsement.

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

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

MOTION: Dr. Scott made a motion to approve Jason Shiflet's application pending verification by board office staff that he completed an additional 2 months of full-time supervised work experience.

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

The board reviewed John Charles Abbott's application for licensure by examination and after discussion the following motion was made.

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

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

The board reviewed Karen Lee Cheney's application for licensure by examination and after discussion the following motion was made.

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

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

The board reviewed Thomas Colios' application for licensure by examination.

Dr. Scott stated Mr. Colios did not complete the required core courses. Dr. McNeill agreed. Dr. Scott stated the applicants would have to complete at least 50% of the courses listed in Rule 61G16-5.002, F.A.C.

The board discussed and reviewed Mr. Colios work experience.

Ms. Coton advised the board that in the past the board did not approve the applicant's experience unless the applicant documented that they completed the required education. After discussion it was the consensus of the board that applicants are not given experience credit until the applicant completes the core course requirements.

After discussion the following motion was made.

MOTION: Dr. Scott made a motion to deny Thomas Colios' application for examination. Dr. Scott stated Mr. Colios does not meet the requirements of Rule 61G16-5.002, F.A.C. and experience does not count since the education requirements had not been met.

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

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

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

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

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

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

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

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

MOTION: Dr. Scott made a motion to deny Mr. Kincaid's application for licensure by examination. Dr. Scott stated Mr. Kincaid did not verify supervised relationship and did not document experience in months and years not contract hours.

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

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

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

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

The board reviewed Ricky Schaeffer's application and it was the consensus of the board that Mr. Schaeffer completed the required education but the experience documentation was confusing. Dr. McNeill stated he would review the file and complete an experience timeline and would make a recommendation to the board at the next day meeting. The board agreed.

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

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

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

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

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

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

Janet Peterson, a representative from the Florida Association of Professional Geologists, was present at the meeting and asked to address the board.

Ms. Peterson asked the board if they would support proposed legislative language for a geologists in training (GIT) program. Ms. Peterson stated that the FAPG was considering proposed language to submit to the 2006 legislative session.

Mr. Smith stated that at one time the board was considering proposed language for a GIT program but did not submit the proposal.

Mr. Pease asked the board what would be the benefit of a GIT program. Dr. Scott stated it was like a first step toward obtaining a professional geologists licensure and it would benefit employers to know the person was in the process of taking and hopefully passing the fundamentals examination.

Ms. Edwards asked the board what stops a person from taking the ASBOG fundamentals examination. Ms. Patterson stated that the candidates have to be approved by the board and the department was the ASBOG exam administrator.

Dr. McNeill stated that he was new to the board at that time and was not familiar with what would be involved when considering a GIT program. Dr. McNeill stated a cost analysis would have to be completed prior to consideration of a GIT program.

Ms. Coton stated that the past board members supported the proposed legislation.

Dr. McNeill stated that more research would need to be done prior to making a decision. Dr. McNeill suggested that the board contact other states that have a GIT program and request to know the number of GITs that apply. Dr. McNeill stated the numbers of GITs may not cover the cost of starting the program.

Mr. Pease advised the board that he did not see any benefit for a GIT program. Mr. Pease stated that the Board of Engineer's EIT program was not a benefit and from a business point of view a GIT program would be a cost to the board.

Ms. Coton stated that her past employer would not hire an individual unless they were registered with the Board of Engineers as a EIT.

Dr. Scott stated that he felt a GIT program would be a stepping stone for the geology profession.

Mr. Smith stated that the GIT program would be a cost to the board and he would not support the program unless he is advised that the cost would not affect the board's budget.

The board discussed the possibility of FAPG administering the fundamentals examination and tracking the GIT program.

After discussion it was the consensus of the board that if a GIT program was established then the Department/Board would be the responsible parties for the program.

Ms. Coton stated she would contact other states to obtain information regarding the number of GITs they have registered and how many actually take the ASBOG fundamentals exam.

The board recessed at 4:30 p.m. and will reconvene April 29, 2005 at 9:00 a.m.

Dr. McNeill called the meeting to order April 29, 2005 at 9:03 a.m.

MEMBERS PRESENT:

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

MEMBERS NOT PRESENT:

Dawn Blackledge, PG

OTHERS PRESENT:

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

SHAWN V. OUELLETTE CORRESPONDENCE

Mr. Ouellette was not present at the meeting and was not represented by counsel. There was a court reporter present at the meeting for this portion of the meeting. Ms. Edwards advised the board that this was an informal hearing proceeding.

The board reviewed Mr. Ouellette's correspondence and stated Mr. Ouellette provided additional work experience information. Ms. Edwards reviewed the notice of intent to deny with the board and after discussion the following motions were made.

MOTION: Mr. Pease made a motion to adopt the findings of fact.
SECOND: Ms. Coton seconded the motion and it passed unanimously.

MOTION: Dr. Scott made a motion to adopt the conclusions of law.
SECOND: Mr. Pease seconded the motion and it passed unanimously.

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

APPLICATION REVIEW – Continued

Dr. McNeill reported that he reviewed Richy Schaeffer's application and found Mr. Shaffer to be short 9 months of full time work experience.

After discussion the following motion was made.

MOTION: Ms. Coton made a motion to approved Richy Schaeffer's application for the March 2006 administration of the examination pending verification by staff that Mr. Schaeffer has completed an additional 9 months of full time work experience after January 10, 2005.
SECOND: Dr. Scott seconded the motion and it passed unanimously.

Dr. Scott asked the board if they would support proposed legislative language to require, as part of the geologists renewal process, continuing education. Dr. Scott advised the board that other state licensure boards require continuing education as part of the renewal requirements.

Mr. Knap conducted an overview of the Department's 100% monitoring program. Mr. Knap advised that the board would have to review and approve continuing education providers and individual course programs.

Mr. Knap stated that the board would have to request a statue change and would have to adopt rules. Mr. Knap advised the board that there would be a cost involved to use the department's monitoring program.

Mr. Pease asked if the continuing education providers are charged. Ms. Patterson advised that if a legislative proposal is made the board needs to be sure that they request an application fee for the provider applications and course applications.

Dr. Scott advised the board that he would not be attending the October 2005 meeting and stated he would meet with Mr. Knap and would speak with FAPG regarding a continuing education program prior to the October 2005 meeting.

Mr. Knap advised the board that he would invite the Bureau of Education and Testing to the October meeting to answer questions the board may have regarding the monitoring program.

NATIONAL ASSOCIATION OF STATE BOARDS OF GEOLOGY CONTINUING EDUCATION QUESTIONNAIRE

The board reviewed the questionnaire and asked staff to forward the information to the appropriate person.

ASBOG NOTICE OF FEE INCREASE TO THE FUNDAMENTALS PORTION OF THE EXAMINATION

The board discussed increasing the exam fee to cover the cost of increase to the fundamentals examination. The board discussed increasing the exam application fee to \$125.00.

After discussion the following motion was made.

MOTION: Dr. Scott made a motion to increase the exam application fee to \$125.00 to cover the cost of the exam increase.

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

Mr. Pease opposed the motion.

DISCUSSION OF RULE 61G16-2, FLORIDA ADMINISTRATIVE CODE – Seal

Mr. Pease advised the board that he requested that Rule 61G16-2, F.A.C. be placed on the board's agenda for discussion. Mr. Pease stated that it was brought to his attention that the board does not have an example of a geology seal in the rule.

Ms. Edwards stated that she would check the official records of the Florida Administrative Code and would report her findings at the next meeting. Ms. Edwards advised the board that the Florida Administrative Code was the official record.

REPORTS

Chair Report – Dr. Don McNeill

Dr. McNeill reported that the letter to the FAPG regarding legislation would be mailed as soon as it was approved by the department's communications office.

Dr. Scott stated that the sinkhole proposed legislation was changed and was currently being considered by the Legislature. The board discussed the history of the sinkhole legislation.

Board Counsel – Barbara Edwards

Ms. Edwards reviewed the rules report with the board. Ms. Edwards advised the board that she had received a letter from Suzanne Printy of the Joint Administrative Procedures Committee, regarding the board's disciplinary rule. Ms. Edwards advised the board that she responded to Ms. Printy's letter with suggested changes and Ms. Printy approved the changes. Ms. Edward stated that the rule should have an effective date within the next 6 months.

Dr. Scott advised the board that he has been notified that there are some interested parties who would like to make comments regarding the disciplinary rule. Ms. Edwards stated that anyone can forward their comments to the board office and the board office would include their information on the board agenda for review and consideration.

Finance Report – Dawn Blackledge

Ms. Blackledge was not present at the meeting. Mr. Knap reviewed the quarterly complaint report with the board.

Communication – Stuart Smith

The board discussed a license download link on the board's web site. Mr. Smith advised the board that the department had concerns regarding the maintenance of the link. Ms. Coton advised the board that in the law the board was required to provide a roster of licensee to the public. Mr. Knap advised the board that the download link of licensees was available on the department's online services page.

Ms. Patterson suggested that the instructions to download licensee's files be added to the board's web site.

After discussion the board asked Mr. Smith to keep in touch with the department to discuss possible solutions to the board's request to provide a roster of licensees on the board's web site. Dr. McNeill thanked Mr. Smith for his efforts.

Executive Director's Report – John Knap

Certificate of Authorization Audit

Mr. Knap provided the board with a written report regarding the Certificate of Authorization audit.

Mr. Knap advised the board that during the audit it was brought to his attention that there was a bigger problem than just the responsible charge records not being current and there being more than one responsible charge geologist.

Mr. Knap advised the board that 32 % of business records did not verify a geologist of record. Mr. Knap advised the board that according to the law there could be more than one geologist of record. Mr. Knap advised the board that when the information was transferred from the old system to the new, the information must not have been captured.

Mr. Knap advised the board that Ms. Patterson suggested doing a mail out to all businesses advising them that the department was in the process of updating their records and request that they complete a form advising the department of the responsible charge geologists. Mr. Smith asked why this information could not be part of the renewal process. Mr. Knap advised the board that the renewal cards are standardized and that licensees can renew online now.

The board supported the suggestion of the mail out and asked staff to include on the form a reminder of their statutory obligations.

Mr. Knap reviewed with the board a report provided by the customer contact center. The board requested that the customer contact center provide the board with a report to provide them the hold time for incoming calls. Mr. Smith stated that the customer contact center should be able to provide the report.

OLD/NEW BUSINESS

Sandy Nettles was present at the meeting and requested to address the board. Mr. Nettles advised the board that he was in the process of filing complaints on a current member of the board.

Mr. Nettles stated that if the complaint was not processed he would be appearing before the board again. Mr. Knap advised Mr. Nettles to forward his complaint information to the department. Mr. Nettles stated that he has documentation of geology reports being falsified.

Mr. Knap provided Mr. Nettles his number to the board office if he had any questions regarding the complaint process.

Dr. McNeill thanked Mr. Nettles.

There being no other business the meeting adjourned at 12:05 p.m.