

MINUTES

BOARD OF PROFESSIONAL GEOLOGISTS GENERAL BUSINESS MEETING

Casa Monica Hotel
95 Cordova Street
St. Augustine, Florida

July 27-28, 2005

CALL TO ORDER

Dr. McNeill called the meeting to order July 27, 2005 at 1:05 p.m.

MEMBERS PRESENT:

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

MEMBERS NOT PRESENT:

Tom Scott, Ph.D. PG

OTHERS PRESENT:

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

REVIEW AND APPROVAL OF THE APRIL 27-28, 2005 GENERAL BUSINESS MEETING MINUTES

The board reviewed the April 27-28, 2005 general business meeting minutes. After review the following motion was made.

MOTION: Mr. Pease made a motion to approve the April 27-28, 2005 general business meeting minutes with corrections.

SECOND: Mr. Smith 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 asked Ms. Patterson if there was a schedule for the next newsletter. Ms. Patterson advised the board that the last newsletter was published in January 2005 and was mailed to licensees in February 2005. Ms. Patterson stated that the board's newsletter is mailed annually.

Ms. Patterson stated that a draft should be ready for board review at the October 2005 meeting. Ms. Patterson asked board members to submit their articles to her by September 26, 2005.

Dr. McNeill asked the board if they had any suggestions for newsletter articles.

Mr. Smith asked that licensees be reminded in the newsletter that the board has a web site and give them the address for reference. Dr. McNeill stated he would do an article for the newsletter.

Ms. Patterson advised the board that licensees and individuals that are interested in becoming licensed visit the board web site.

Dr. McNeill asked the board if a review article on how the board calculates applicants' work experience would be a helpful tool to the applicants.

Mr. Pease suggested doing an article on how the board calculates work experience and education.

Ms. Blackledge stated that she would do an article on how the board evaluates education. Mr. Pease stated he would do an article on how the board calculates experience.

Ms. Edwards asked that the articles be sent to her for review prior to publication. Mr. McNeill and Mr. Pease stated they would send the articles to her first.

Dr. McNeill suggested adding the Florida Association of Professional Geologists (FAPG) link to the board's web site. Mr. Smith stated he would contact the department to see if the FAPG link could be added.

Ms. Patterson suggested including the board's new disciplinary rule in the newsletter. The board agreed.

Ms. Blackledge asked if there has been an increase of licensees licensed per year. Mr. Knap stated that the population has not had a major increase. Ms. Blackledge asked Mr. Knap if he could provide her with the number of licenses issued by year from 1995 – 2005. Mr. Knap stated he would provide her with the information if it is available at the next meeting.

Ms. Coton handed out information that she had obtained regarding other states geologist in training (GIT) programs. Ms. Coton advised the board that Mississippi, Oregon, and South Carolina have well established GIT programs. Ms. Coton stated that Arkansas has a pilot GIT program they started in 2004.

Ms. Coton stated in the state of Kentucky they do not have a GIT program but two major universities in Kentucky require all undergraduates to take the ASBOG Fundamentals exam upon leaving the school.

Dr. McNeill asked if a board approves the students to take the exam. Ms. Coton stated that the professors require the students to apply to the Kentucky board to take the exam and the students are given no special treatment. Ms. Coton stated that they are not required to pass the Fundamentals exam to complete their education. Ms. Coton stated

that the university professors are using the data to have an idea of how their students are doing in the program.

Ms. Coton advised the board that there were currently ten states that have a GIT program. Ms. Coton stated that Florida currently has a population of 1,808 and considering other states statistics she would anticipate Florida would have at least eight GIT's registered if the program was available.

Mr. Knap advised the board that on an average 35 candidates take the ASBOG Fundamentals exam each administration. Mr. Knap advised the board that the 35 average included those who have failed the exam in the past.

Mr. Smith reported that the excel link of licensed geologists was added to the board's web site. Mr. Knap advised the board that the instructions on how to download the information was included on the board's web page. Dr. McNeill thanked Mr. Smith for working with the department on the new link.

Dr. McNeill advised the board that at the last meeting Dr. Scott suggested the board consider proposed legislative language to require licensed geologists to complete continuing education as a condition of license renewal. Mr. Knap advised the board that he would invite the Bureau of Education and Testing to the next meeting to discuss the 100% monitoring program.

Ms. Blackledge stated she would not be in support of proposed language to require continuing education. Ms. Blackledge asked if the board voted at the April 2005 meeting to support proposed legislation. Dr. McNeill stated that the continuing education discussion was an agenda item for the next day meeting and a vote would be considered at that time.

Mr. Pease advised the board that it was brought to his attention that there was not an example of a board seal in the board rules. Ms. Edwards reported that the Florida Administrative Code official book did have the seal included in the rule. Mr. Knap stated that he would follow up to see if the seal could be included in the rule that is posted on the internet.

Ms. Blackledge advised the board that in the past she was assigned to review education and now she is assigned to review experience. Ms. Blackledge stated she would prefer to be assigned to review education. Dr. McNeill stated that in the future she would be assigned to review education. Ms. Blackledge thanked Dr. McNeill.

APPLICATION REVIEW

The board recessed to allow board members time to review the applications for licensure.

Endorsement

Charles Hughes

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

MOTION: Ms. Blackledge made a motion to deny Mr. Hughes' application for licensure by endorsement. Ms. Blackledge stated that he did not take a licensure examination.

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

Mark Preddy

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

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

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

James Smith

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

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

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

James Tan

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

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

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

Examination

Brian Burke

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

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

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

Lee John Florea

The board reviewed Mr. Florea's application for licensure by examination. After discussion it was the consensus of the board that Mr. Florea completed the required education.

The board discussed Mr. Florea's work experience in detail and stated that the verification of work experience from the University of South Florida (TA position) was not responsible charge work experience.

- MOTION: Ms. Blackledge made a motion to deny Mr. Florea's application for licensure by examination. Ms. Blackledge stated Mr. Florea has only documented 40 months of responsible charge work experience.
- SECOND: Ms. Coton seconded the motion and it passed.

Mr. Smith opposed the motion.

Pamela Green

The board reviewed Ms. Green's application for licensure by examination. After discussion and review it was the consensus of the board that Ms. Green's degree was awarded December 2001 and she documented 43 months of post-degree work experience.

- MOTION: Mr. Pease made a motion to deny Ms. Green's application for licensure by examination. Mr. Pease stated Ms. Green only documented 43 months of post-degree work experience.
- SECOND: Ms. Coton seconded the motion and it passed unanimously.

Kevin Koenig

The board reviewed Mr. Koenig's application for licensure by examination. It was the consensus of the board that Mr. Koenig completed his degree April 30, 1999. After discussion the board verified Mr. Koenig documented 53 months of post-degree experience.

- MOTION: Mr. Pease made a motion to deny Mr. Koenig's application for licensure by examination. Mr. Pease stated Mr. Koenig only documented 53 months of responsible charge post-degree work experience.
- SECOND: Ms. Blackledge seconded the motion and it passed unanimously.

James Simmons

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

- MOTION: Mr. Smith made a motion to approve Mr. Simmons' application for licensure by examination.
- SECOND: Mr. Pease seconded the motion and it passed unanimously.

Andrew Sway

The board reviewed Mr. Sway's application for licensure by examination. It was the consensus of the board that Mr. Sway completed the required education but has not documented the required post-degree work experience.

- MOTION: Mr. Pease made a motion to deny Mr. Sway's application for licensure by examination. Mr. Pease stated Mr. Sway only documented 27 months of responsible charge post-degree work experience.
- SECOND: Ms. Blackledge seconded the motion and it passed unanimously.

William Townley

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

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

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

Mary Stewart

The board reviewed Ms. Stewart's application for licensure by examination. It was the consensus of the board that Ms. Stewart completed the required education. Ms. Coton stated Ms. Stewart's degree was awarded August 2000. The board reviewed the experience forms submitted and stated the employment dates overlapped and time frames were very confusing.

MOTION: Mr. Pease made a motion to deny Ms. Stewart's application for licensure by examination. Mr. Pease stated Ms. Stewart did not document the required post-degree responsible charge work experience properly.

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

The board suggested Ms. Stewart resubmit employment verification on new employment verification forms and check the employment dates being verified.

The board recessed at 5:30 p.m. and will reconvene July 28, 2005 at 9:00 a.m.

Dr. McNeill called the meeting to order July 28, 2005 at 9:00 a.m.

MEMBERS PRESENT:

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

MEMBERS NOT PRESENT:

Tom Scott, Ph.D. PG

OTHERS PRESENT:

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

RECONSIDERATION OF JAMES SCHNEIDER'S APPLICATION FOR LICENSURE BY EXAMINATION

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

There was a court reporter present at the meeting and swore in Mr. Schneider.

Ms. Edwards reviewed the notice of intent to deny with the board. Ms. Edwards advised the board that Mr. Schneider has not demonstrated that he has completed the required post-graduate work experience.

Dr. McNeill reviewed with the board Mr. Schneider's work experience documented in his file. Dr. McNeill stated that Mr. Schneider's application was reviewed and denied by the board at the January 2005 meeting. Dr. McNeill advised Mr. Schneider that the board reviewed three work experience verifications from Northern Illinois University, University of South Florida, and SDII Global. Dr. McNeill stated that on March 29, 2005 the board office received a letter from Mr. Schneider summarizing his work experience.

The board reviewed Mr. Schneider's job responsibilities obtained at Northern Illinois University and after discussion it was the consensus of the board that the work experience was not geological work experience in responsible charge and was part of his master thesis.

Mr. Schneider addressed the board and asked the board to reconsider his documented work experience.

The board reviewed Mr. Schneider's job responsibilities obtained at Northern Illinois University and this work experience was related to his master's dissertation.

The board reviewed his work experience from SDII Global and stated it was full-time work experience.

The board discussed the work experience at the University of South Florida. Ms. Blackledge stated that she felt Mr. Schneider should receive some credit for the experience he completed. Ms. Blackledge stated she felt the work experience was in responsible charge even though it was during the school year. Ms. Blackledge advised the board that universities do take breaks and Mr. Schneider could have been working.

Ms. Blackledge stated she felt Mr. Schneider shouldn't receive credit for work experience during his master's degree but should receive some credit for work in his doctoral degree program.

Mr. Pease stated he was not willing to give Mr. Schneider credit for research conducted during his degree as responsible charge work experience. Mr. Pease stated the law already allows two years of experience for an individual's education.

Mr. Schneider advised the board that he was working under a contract to the University.

Dr. McNeill stated when you are working on contract at that level a person would have responsible charge duties.

Ms. Blackledge stated that work experience as a part-time researcher or teacher should not be counted for responsible charge work experience when obtained in a Bachelor's or Master's course of study.

Ms. Blackledge stated that experience during a doctoral program should be reviewed on an individual basis for credit.

Ms. Coton stated she did not agree and stated each applicants work experience should be reviewed on a case by case basis. Dr. McNeill agreed.

MOTION: Ms. Blackledge made a motion that the board would not allow work experience credit for part-time research or teaching that is obtained in a Bachelors or Master course of study.

The motion failed, no one seconded the motion.

After discussion the following motion was made.

MOTION: Ms. Blackledge made a motion to give Mr. Schneider partial work experience credit for his employment at University of South Florida.

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

Mr. Pease and Ms. Coton opposed the motion.

Ms. Edwards asked the board to provide the exact amount of credit the board would consider from the University of South Florida.

MOTION: Ms. Blackledge made a motion to approve on a case by case basis 13.5 months of responsible charge work experience obtained from the University of South Florida.

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

It was the consensus of the board the he would receive 24 months of credit for his education.

The board reviewed Mr. Schneider's work experience from SDII Global and after discussion the following motion was made.

MOTION: Mr. Pease made a motion that the board approve 13.5 months of experience from the University of South Florida, and that was calculated by counting the last 18 months he spent there working 30 hours a week, approve 23 months at SDII Global pending verification that he was continually employed from November 16, 2004 to present, 24 months for education pursuant to statute, and giving him a total of 60.5 months of experience of the 84 months required.

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

Mr. Schneider disagreed with the board and asked the board to re-calculate his work experience from the University of South Florida.

Ms. Edwards stated Mr. Schneider was employed at the University of South Florida from August 31, 1992 to June 1, 1998.

After discussion it was the consensus of the board that Mr. Schneider should be given 20.25 months of credit for his time at the University of South Florida.

MOTION: Mr. Pease made a motion to vacate the motion to approve 60.5 hours of Mr. Schneider's work experience.

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

MOTION: Mr. Pease made a motion to approve 67.25 of work experience in responsible charge as of July 29, 2005.

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

MOTION: Mr. Pease made a motion of conclusion of law that Mr. Schneider has not obtained the required work experience to be eligible to take the licensure examination.

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

Ms. Edwards stated Mr. Schneider would receive a Final Order by mail. Ms. Edwards advised Mr. Schneider that if he submitted another application she would suggest he submit a copy of the Final Order with his new application.

Mr. Schneider thanked the board for their efforts.

REVIEW OF THE 2005 LEGISLATIVE CHANGES – SB 1012

Ms. Edwards advised the board that during the 2005 legislative session changes were made to Chapter 455.271, Florida Statutes. Ms. Edwards stated that the board has the authority to draft and adopt rules at their discretion to reinstate the license of an individual whose license has become null & void under certain conditions.

Ms. Edwards reviewed the statute changes with the board. Ms. Edwards suggested that the board adopt rules using the same standards used for granting a rule waiver. Ms. Edwards stated that one of the standards was to show good cause.

Ms. Edwards stated she would provide draft language at the next meeting.

Mr. Knap advised the board that they do not have to adopt rules. Mr. Knap stated if the door is open the request could flood in. Mr. Knap stated from his understanding the board did not have to adopt rules if they choose not to. Ms. Edwards agreed.

Ms. Patterson advised the board that if a licensee's license is null & void then the person can reapply for licensure.

MOTION: Mr. Pease made a motion not to draft rules in accordance to Chapter 455.271, Florida Statutes.

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

REVIEW AND DISCUSSION OF RULE 61G16-2, F.A.C. – Seals

Mr. Pease advised the board that the rule regarding the board approved seals to be used by licensed geologists does not include an example of the seal.

Ms. Coton stated she has seen an example of the seal on the board's website.

Ms. Patterson advised the board that she has been working with the board since 1999 and has not seen an example of the seal reflected in the rule since that time.

Ms. Edwards stated that at some time an example of the seal was included in the rule but it appears that the example must have been dropped.

Dr. McNeill stated he has an electronic version of the seal and he would provide it to Mr. Knap so he can include it on the board's web site.

The board did not take any action.

REVIEW AND DISCUSSION OF RULE 61G16-9, F.A.C. - Disciplinary Guidelines

Ms. Patterson advised the board that she provided a copy of the rule in their board member folders.

Dr. McNeill reviewed Cathleen Jonas and Peter Dohms comments regarding the disciplinary rule.

After discussion the following motions were made.

MOTION: Mr. Pease made a motion to raise the penalty in Rule 61G16-9.001 (1)(e), F.A.C. to \$1000.00

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

MOTION: Mr. Pease made a motion to reduce the penalty in Rule 61G16-9.001 (1)(a), F.A.C. to \$500.00

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

Ms. Edwards advised the board that she would provide Dr. Scott with an update regarding the board discussion and she would respond to the emails.

DISCUSSION OF GEOLOGISTS IN TRAINING PROGRAM

Ms. Coton provided the board with written information she gathered from other licensure states that have already implemented geologists in training programs (GIT).

Ms. Blackledge advised the board that in the past the board was in support of a GIT program and FAPG had drafted proposed legislation. Ms. Blackledge stated the proposed language was never submitted to the legislature.

Ms. Patterson advised the board that the GIT legislative language was pulled on the recent legislative package promoted by FAPG. Ms. Patterson stated that the Department felt that it was important that the board obtain disciplinary authority and the GIT was just a bonus so the GIT language was pulled.

Ms. Blackledge asked why the GIT program was presented again to the board to consider. Ms. Patterson stated that at the April 2005 meeting the FAPG was present and asked the board if they would be in support of FAPG moving forward during the 2006 session with the GIT proposed language.

It was the consensus of the board that they would like to see the language that was presented to the board in the past. Ms. Patterson stated she could provide the information at the next meeting.

Dr. McNeill asked Ms. Patterson to invite FAPG to the meeting to answer questions the board may have regarding possible legislation.

Dr. McNeill stated that the board needs to readdress the GIT issue and explore the possible costs and benefits.

Mr. Smith stated a GIT program may not be cost efficient and would need more information on the impact before he could make a decision.

Dr. McNeill advised the board that the GIT discussion would be tabled to the October 2005 meeting.

Ms. Blackledge stated that she is in support of a person being able to take the ASBOG fundamentals examination but she would not be in support of creating a GIT program to accomplish this. Ms. Blackledge stated it costs money for legislative lobbying support.

Ms. Blackledge stated that if FAPG moved forward with a GIT program the board would have to be ready to implement the program.

DISCUSSION OF CONTINUING EDUCATION PROGRAM

Mr. Knap provided the board with an overview of the Department's 100% monitoring program. Mr. Knap advised the board that they would have to implement an approval process for continuing education providers and courses and the board would receive a charge from the department for using the monitoring program. Mr. Knap stated that rules would have to be adopted, and asked if the board is ready for the additional workload.

Ms. Blackledge stated continuing education was a money making market and did not see it as being a benefit to the public.

After discussion it was the consensus of the board that they were not in support of proposing legislative language to implement a requirement for geologists to complete continuing education as a condition of license renewal.

REPORTS

Chair Report – Don McNeill

No report.

Dr. McNeill asked for the names of the members who serve on the probable cause panel. Ms. Patterson advised Dr. McNeill that Tom Scott, Tom Kwader, and Valerie Coton serve on the probable cause panel.

Dr. McNeill asked the members if anyone was interested in serving on the panel.

No one responded.

Board Counsel – Barbara Edwards

Ms. Edwards advised the board that when she returned to the office she would make the revisions for the changes made to the disciplinary rules.

Finance Report- Dawn Blackledge

Ms. Blackledge reviewed the financial reports with the board.

Prosecuting Attorney – Eric Hurst

No report

Executive Director – John Knap

Mr. Knap reviewed the 2005/2006 travel spending plan with the board and after discussion it was the consensus of the board to meet at the following locations and dates.

October 26-27, 2005 – Tallahassee, Florida
January 25-26, 2006 – West Palm Beach, Florida
April 26-27, 2006 – Orlando, Florida
July 26-27, 2005 – Marco Island, Florida
October 25-26, 2006 – Tallahassee, Florida

Mr. Knap reviewed the quarterly complaint report with the board.

NEW/OLD BUSINESS

Customer Contact Center Report

Mr. Knap advised the board the he was unable to obtain a report from the customer contact center regarding the caller hold time.

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