

**MINUTES
BOARD OF PROFESSIONAL GEOLOGISTS**

GENERAL BUSINESS MEETING

**THE DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONS' BOARD ROOM
1940 NORTH MONROE STREET
TALLAHASSEE, FLORIDA 32399**

**JANUARY 22, 2014 @ 1:00 PM
&
JANUARY 23, 2014 @ 9:00 AM**

MEMBERS PRESENT

Louie G. Bush, Chair
Michael Alfieri
Dr. Jon Arthur
Matthew Cain
Mervin Dale
Michael DeNeve
Robert Poppell

MEMBERS ABSENT

James Funderburk, Vice-Chair - Excused

OTHERS PRESENT

Richard Morrison, Executive Director
Robert Milne, Board Counsel
Pooja Patel, Prosecuting Attorney
Stacey Buccieri, Government Analyst II
Telisha Grimmage
Charles McCrackin
Jackson Hubbard
Mike Minard
Edward Watson

The meeting was called to order by Mr. Bush, Chair, at 1:04 p.m. on Wednesday, January 22, 2014. Mr. Bush led the board in the Pledge of Allegiance and prayer.

PROBABLE CAUSE PANEL MEETING UPDATE

The probable cause panel met at 10:00 a.m. on January 22, 2014 and took the following action on one public case:

2012-004124 (Reconsideration)

After discussion, the following motion was made:

MOTION: Dr. Scott made a motion to rescind the previous finding of Probable Cause and to have a letter of guidance sent to the Respondent.

SECOND: Mr. Dale seconded and the motion passed unanimously.

The Probable Cause Panel also tabled one private case due to the lack of a quorum.

APPLICATION REVIEW

Endorsement

Matthew Brian Vest

Mr. Vest was not present for the review of his application.

After discussion the following motion was made:

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

SECOND: Dr. Arthur seconded and the motion passed unanimously.

Chad B. Weaver

Mr. Weaver was not present for the review of his application.

After discussion the following motion was made:

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

SECOND: Mr. Cain seconded and the motion passed unanimously.

Examination

Frederick Ingalls Chandler

Mr. Chandler was not present for the review of his application.

After discussion the following motion was made:

MOTION: Mr. Dale made a motion to approve Mr. Chandler's application to sit for the examination.

SECOND: Mr. Cain seconded and the motion passed unanimously.

Elizabeth Geddes

Ms. Geddes was not present for the review of her application.

After discussion the following motion was made:

MOTION: Mr. Dale made a motion to approve Ms. Geddes' application to sit for the examination.

SECOND: Mr. Poppell seconded and the motion passed unanimously.

Justin Tyler Hertzog

Mr. Hertzog was not present for the review of his application.

After discussion the following motion was made:

MOTION: Mr. DeNeve made a motion to approve Mr. Hertzog's application to sit for the examination.

SECOND: Mr. Cain seconded and the motion passed unanimously.

Jackson Durain Hubbard

Mr. Hubbard was present for the review of his application.

After discussion the following motion was made:

MOTION: Mr. Dale made a motion to approve Mr. Hubbard's application to sit for the examination.

SECOND: Dr. Arthur seconded and the motion passed unanimously.

Kristina Dawn Mallams

Ms. Mallams was not present for the review of her application.

After discussion the following motion was made:

MOTION: Dr. Arthur made a motion to approve Ms. Mallam's application to sit for the examination.

SECOND: Mr. Dale seconded and the motion passed unanimously.
Charles McCrackin

Mr. McCrackin was present for the review of his application.

After discussion the following motion was made:

MOTION: Mr. Cain made a motion to approve Mr. McCrackin's application to sit for the examination.

SECOND: Dr. Arthur seconded and the motion passed unanimously.

Michael S. Minard

Mr. Minard was present for the review of his application.

After discussion the following motion was made:

MOTION: Mr. Dale made a motion to approve Mr. Minard's application to sit for the examination.

SECOND: Dr. Arthur seconded and the motion passed unanimously.

John Leslie Mullen

Mr. Mullen was not present for the review of his application.

After discussion, it was the consensus of the board that Mr. Mullen's application and transcripts did not demonstrate the 24 semester hours of third or fourth year or graduate level courses required in section 492.105(1)(d)2., F.S.

After further discussion the following motion was made:

MOTION: Dr. Arthur made a motion to deny Mr. Mullen's application to sit for the examination for failing to demonstrate the required education, pursuant to section 489.105(1)(d)2., F.S.

SECOND: Mr. Alfieri seconded and the motion passed unanimously.

Michael W. Savka

Mr. Savka was not present for the review of his application.

After discussion the following motion was made:

MOTION: Mr. Cain made a motion to approve Mr. Savka's application to sit for the examination.

SECOND: Mr. Alfieri seconded and the motion passed unanimously.

Joshua Grieb Smith

Mr. Smith was not present for the review of his application.

After discussion the following motion was made:

MOTION: Mr. Dale made a motion to approve Mr. Smith's application to sit for the examination.

SECOND: Mr. Cain seconded and the motion passed unanimously.

Benjamin Stormont

Mr. Stormont was not present for the review of his application.

After discussion the following motion was made:

MOTION: Mr. Cain made a motion to approve Mr. Stormont's application to sit for the examination.

SECOND: Dr. Arthur seconded and the motion passed unanimously.

Edward Watson

Mr. Watson was present for the review of his application.

After discussion the following motion was made:

MOTION: Mr. Dale made a motion to approve Mr. Watson's application to sit for the examination.

SECOND: Mr. Deneve seconded and the motion passed unanimously.

Derek Richcreek

Mr. Richcreek was not present for the review of his application.

After discussion, it was the consensus of the board that Mr. Richcreek's application did not demonstrate the 7 years of professional geological work experience, which includes a minimum of 3 years of professional geological work under the supervision of a licensed or qualified geologist or professional engineer registered under chapter 471 as qualified in the field or discipline of professional engineering involved; or have a minimum of 5 accumulative years' experience in responsible charge of geological work as required in section 492.105(e), F.S.

After further discussion the following motion was made:

MOTION: Mr. Dale made a motion to deny Mr. Richcreek's application to sit for the examination because he failed to demonstrate the experience requirements in section 492.105(1)9(e).

SECOND: Dr. Arthur seconded and the motion passed unanimously.

REVIEW AND APPROVAL OF THE MINUTES

July 2013 General Business Meeting Minutes

The board reviewed the minutes and after discussion the following motion was made:

MOTION: Dr. Arthur made a motion to approve these minutes with corrections.

SECOND: Mr. Dale seconded and the motion passed unanimously.

October 2013 General Business Meeting Minutes

The board reviewed the minutes and after discussion the following motion was made:

MOTION: Mr. Dale made a motion to approve these minutes with corrections.

SECOND: Mr. Deneve seconded and the motion passed unanimously.

EXECUTIVE DIRECTOR'S REPORT – Richard Morrison

Mr. Morrison introduced Ms. Telisha Grimmage to the board. Ms. Grimmage is the new Administrative Assistant for the Board Office and will be handling travel vouchers for reimbursement of travel expenses as well as many other duties. The board welcomed Ms. Grimmage.

Mr. Morrison reviewed the Operating Account Financial Report ending September 30, 2013 and the Unlicensed Activity Financial Report ending September 30, 2013 with the board.

Mr. Morrison also reviewed the Complaints and Investigations Report.

Gabrielle Enos, former board member, attended the National Association of State Boards of Geology (ASBOG) meeting and provided Mr. Morrison with an update which he passed on to the board. Mr. Morrison reported ASBOG was preparing to conduct another Task Analyst Survey (TAS). This is the process that the organization has used to develop test blue prints every five years. The survey is mailed to 200 licensed Professional Geologists in each of the Member States. ASBOG is asking for help to get the word out to licensees about the survey and to encourage participation. Mr. Morrison shared the "Hot Topic" which was placed on the Board's web page concerning the Task Analysis Survey.

The meeting was recessed until 9:00 a.m. on Thursday, January 23, 2014.

The meeting was called to order by Mr. Bush, Chair, at 9:04 a.m. on Thursday, January 23, 2014. Mr. Bush led the board in the Pledge of Allegiance and prayer.

MEMBERS PRESENT

Louie G. Bush, Chair
Michael Alfieri
Dr. Jon Arthur
Matthew Cain
Mervin Dale
Michael DeNeve
Robert Poppell

MEMBERS ABSENT

James Funderburk, Vice-Chair - Excused

OTHERS PRESENT

Richard Morrison, Executive Director
Robert Milne, Board Counsel
Pooja Patel, Prosecuting Attorney
Stacey Buccieri, Government Analyst II
Telisha Grimmage, Administrative Assistant II

BOARD COUNSEL'S REPORT – Robert Milne

Mr. Milne stated there were no rules under development at this time.

Mr. Milne also explained he would refrain from researching avenues to update the examination fee rule until we see if the Geologist In Training Legislative language passes. If this Legislative language passes it may help solve the examination fee problem.

PROSECUTING ATTORNEY'S REPORT – Pooja Patel

Ms. Patel reported there were two cases for this board. One public case was being closed and the other private case was being set for the next probable cause panel meeting.

Mr. Bush explained the function of the Probable Cause Panel to Mr. Alfieri and Mr. Deneve.

Mr. Bush stated if a case is before the probable cause panel and the two Professional Geologist members feel there is a finding of probable cause that case will move on to the full board. Mr. Bush explained that a case came before the panel with a recommendation to close the case and due to some technicalities it had to be closed even though the panel did not want to.

Mr. Bush explained he believes the professional geologist board members have the knowledge to make the decision on the severity of the infraction. Mr. Bush also stated all technical cases will go to an expert witness or the probable cause panel will act on that case until it is reviewed by the expert witness.

Mr. Bush also stated he would like for the board to take some time during the meeting on Thursday to define the areas of expertise needed by the expert witnesses to be used in future cases.

LEGISLATIVE DISCUSSIONS

- HB 223
- SB 404

Mr. Bush shared the highlights of a list of questions which had already been received and answered regarding this legislation.

Mr. Bush updated the board on the path of the Bills and the various meetings he had attended since they were filed.

Mr. Morrison thanked Mr. Bush for being available to speak at the Senate Committee as well helping to answer any questions that have been asked. Mr. Bush stated that he planned to be available when the Bill is presented to the House Committee.

Mr. Bush stated he felt the legislation was moving along the right path and had a good chance of passing.

The board reviewed and discussed the latest versions of the Bills.

EXPERT WITNESS DISCUSSION

Mr. Bush asked the professional geologist members to define areas of expertise needed by their expert witness. The following is the list of areas of expertise needed:

AREAS OF EXPERTISE IN GEOLOGY

1. HYDROGEOLOGY
2. COASTAL GEOLOGY
3. ENGINEERING GEOLOGY
4. FLUVIAL GEOMORPHOLOGY
5. GEOPHYSICS
6. ENVIRONMENTAL GEOLOGY
7. KARST GEOLOGY
8. GEOCHEMISTRY

The board also stated they wanted the Prosecuting Attorney to call an expert who is a former board member for guidance as to which area of expertise is needed for each case. The board recommended Sam Upchurch or Rick Powers as former board members to use.

DISCUSSION REGARDING THE BOARD OF PROFESSIONAL GEOLOGISTS ROLE, IF ANY, IN HELPING RESOLVE CASES WHERE GOVERNMENT AGENCIES, PRIMARILY DEP, ARE OFTEN IN THE POSITION OF DENYING A PERMIT APPLICATION THAT IS BASED ON DIFFERING OPINIONS OF AGENCY VERSUS CONSULTANT PROFESSIONAL GEOLOGISTS. THIS CAN LEAD TO DISPUTES AND NEED FOR A THIRD PARTY RESOLUTION. THIS CAN ALSO LEAD TO THE CONSULTANT GEOLOGIST CONTENDING THAT THE PROPOSED PERMIT APPLICATION MODIFICATION WOULD MAKE THE AGENCY PG THE GEOLOGIST OF RECORD. RECENTLY A COUPLE OF THESE DISPUTES HAVE BEEN REFERRED TO HEARING BY AN ADMINISTRATIVE LAW JUDGE (NOT A PG).

Dr. Arthur presented this matter explaining that there have been a couple of instances where a professional geologist is the applicant applying for a permit for some activity with a Government Agency. The agency will have a professional geologist on staff that reviews the application. In some cases the agency PG will deny the application and provide a lot of detail on how they feel it should be done properly to get the application approved. These two PGs are in conflict and the next step would be for the consultant PG to go to the Joint Administrative Procedures Committee (JAPC) to resolve the issue.

Dr. Arthur stated DEP has sent out a memo that said the dispute must be settled and would like to have it settled by a third party PG, such as the State Geologist or an expert witness, to avoid having it settled by an Administrative Law Judge with no geological background. Since the State Geologist is employed by DEP the applicant may not feel he is not unbiased.

Could the board have a role in helping settle these disputes? Mr. Milne stated that he does not believe the board could serve as a Quasi Judicial Body in these

cases. Mr. Morrison stated he feels that this would be outside of the board's authority.

TASK FUNCTION FORM

Mr. Bush reviewed the task function form with the board and staff. Completed items will be removed and all new items will be added.

NEW BUSINESS

There was no new business to discuss.

OLD BUSINESS

There was no old business to discuss.

PUBLIC COMMENT

There was no public comment.

With no other business to discuss, the meeting was adjourned at 10:50 a.m.