

MINUTES

BOARD OF PROFESSIONAL GEOLOGISTS

GENERAL BUSINESS MEETING

**HILTON PENSACOLA BEACH GULF FRONT HOTEL
12 VIA DE LUNA DRIVE
PENSACOLA BEACH, FLORIDA 32561**

OCTOBER 24, 2012

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OCTOBER 25, 2012

MEMBERS PRESENT

Louie G. Bush, Chair
James Funderburk, Vice-Chair
Mervin Dale
Dr. Jon Arthur
Robert Poppell

MEMBERS ABSENT

Matthew Cain (Excused)

OTHERS PRESENT

Richard Morrison, Executive Director
David Flynn, Board Counsel
Stacey Buccieri, Government Analyst II
Danielle S. Davis
Charles E. Dowman V

The meeting was called to order by Mr. Bush, Chair, at 9:33 a.m. on Wednesday, October 24, 2012. Mr. Bush led the board in the Pledge of Allegiance and a moment of silent prayer.

PROPOSED LEGISLATION DISCUSSIONS

EXPERIENCE LAUGUAGE

Mr. Flynn stated that this would be a legislative change and would need to be included in the Department's legislative package. It was placed on the agenda so the board could come up with new proposed language to be submitted to the department to be included in the legislative package for 2014.

Mr. Bush asked if the board would have anyone to help support this if it were picked up by the department. Dr. Arthur stated that once the board has the proposed language ready for this item and the GIT program, he would help the board get it to FAPG to see if they would help support it. Mr. Morrison also stated that he would continue to push the Department to add these items to its legislative package.

After discussion the following language was agreed upon by all members:

AMENDMENTS TO SECTION 492.105

Section 492.105(1)(d)2: Satisfactory completion of at least 30 semester hours or ~~45 quarter hours~~ of geological courses, ~~24 of which must be at the third or fourth year of graduate level.~~

Section 492.105(1)(e):Substantial Rewrite: Deleted all of (e).

Section 492.105(1)(e)1.:Has at least 5 years of verified geological work experience, which shall include a minimum of 3 years of geological work under the supervision of a professional geologists registered under Chapter 492, a professional engineer registered under Chapter 471, or other qualified professional. The ability of the applicant shall have been demonstrated by his or her having performed the work in a responsible position as determined by the board: or

Section 492.105(1)(e)2.:have a minimum of 5 years of verified experience in responsible charge of geological work, as determined by the board.

GEOLOGIST IN TRAINING

Mr. Bush asked Mr. Dale to lead this discussion since he has put together a package of laws and rules from other states with GIT programs.

After discussion the board agreed on the following requirements:

- Complete 30 hours of the Geology Curriculum
- Take the fundamentals portion of the ASBOG examination

- Be sponsored by the Geology Department
- Be in their final year

The board also discussed the following language for the definition:

Geologist In Training – means a person who has met the academic requirements set in 492.105(1)(d), F.S., and who has been certified by the board as a geologist in training.

Mr. Bush asked that the GIT discussion be placed on the January 2013 agenda in Tampa and allow Dr. Arthur to have some time to invite representatives from FAPG and the universities to attend.

After discussion the board agreed to model the GIT language after 492.105, F.S., and insert the requirements for GIT in the same format as the professional geologist.

DEFINITION OF RESPONSIBLE CHARGE

The board agreed on the following language for their definition of responsible charge:

Shall mean one who is accountable for and exercises direct control and personal supervision of one self's and others geological work with initiative, skill and independent scientific judgment.

After discussion the following motion was made:

MOTION: Dr. Arthur made a motion to approve the drafted language and have Mr. Flynn continue to move forward with the rule making process. Dr. Arthur's motion also included the required financial analysis regarding this proposed rule. Specifically that it would not have an adverse impact on small business or it would not directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule.

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

DEFINITION OF RESPONSIBLE POSITION

The board agreed on the following language for their definition of responsible position:

Shall mean one who performs geological work with initiative, skill and independent scientific judgment, under the supervision and direction of a professional geologist licensed under 492, a professional engineer licensed under 471 or other qualified professional.

After discussion the following motion was made:

MOTION: Dr. Arthur made a motion to approve the drafted language and have Mr. Flynn continue to move forward with the rule making process. Dr. Arthur's motion also included the required financial analysis regarding this proposed rule. Specifically, that it would not have an adverse impact on small business or it would not directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule.

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

DISCIPLINARY GUIDELINES

Mr. Flynn stated that the board rules do not address the failure of a licensee to timely report any crime that they are convicted of or found guilty of, or entered a plea of nolo contendere to.

After discussion the board agreed to have Mr. Flynn move forward with the following language:

61G16-9.001 Disciplinary Guidelines

(1) No Change.

(2) Whenever the Board finds a licensee guilty of violating a provision of Chapter 455, F.S., the following Penalty Guidelines shall be followed:

(a) through (p) No Change.

(q) Violation of: 455.227(1)(t)	Failing to timely report in writing to the board within 30 days after the licensee is convicted or found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction.	Misdemeanor: Reprimand; a fine from \$100 to \$250; probation not to exceed 6 months. Felony: Reprimand; a fine from \$500 to \$1000; suspension with conditions of reinstatement or revocation.	Misdemeanor: Reprimand; a fine from \$500 to \$1000; a period of suspension with conditions for reinstatement or revocation. 3 rd Misdemeanor: Reprimand; \$1000 fine; and Revocation. Felony: Reprimand; Revocation; and \$1000 fine.
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(3) through (6) No Change.

APPLICATION REVIEW

Endorsement

Danielle Sheheen Davis

Ms. Davis was present for the review of her application.

After discussion the following motion was made:

MOTION: Mr. Funderburk made a motion to approve Ms. Davis' application for licensure by endorsement.

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

Charles Edward Dowman V

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

After discussion the following motion was made:

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

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

Eric C Jorgeson

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

After discussion, it was the consensus of the board that Mr. Jorgeson did not meet the statutory requirements for licensure by endorsement because he has not taken and passed one of the required examinations.

Mr. Jorgeson had also requested a provisional license and requested that his application be considered for provisional license if he did not qualify for licensure by endorsement.

After discussion the following motion was made:

MOTION: Dr. Arthur made a motion to approve Mr. Jorgeson's application for provisional licensure.

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

Timothy Douglas Nelson

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

After discussion the following motion was made:

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

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

John David Pugh

Mr. Pugh 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. Pugh's application for licensure by endorsement.

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

Shane R. Schmidt

Mr. Schmidt 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. Schmidt's application for licensure by endorsement.

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

Holly Anne Trejo

Ms. Trejo 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. Trejo's application for licensure by endorsement.

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

Alan Paul Troup

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

After discussion the following motion was made:

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

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

Examination

Aurora Cassell Bouchier

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

After discussion the following motion was made:

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

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

Chad Ward

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

After discussion the following motion was made:

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

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

Eda Ortiz Wiederstein

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

After discussion the following motion was made:

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

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

Walsta Jean Baptiste

Ms. Baptiste 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. Baptiste's application for licensure by examination.

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

Mr. Bush recessed this meeting until 8:30 a.m. C.S.T. on October 25, 2012.

Mr. Bush called the meeting to order at 8:36 a.m. C.S.T. on October 26, 2012.

MEMBERS PRESENT

Louie G. Bush, Chair
James Funderburk, Vice-Chair
Mervin Dale
Dr. Jon Arthur
Robert Poppell

MEMBERS ABSENT

Matthew Cain (Excused)

OTHERS PRESENT

Richard Morrison, Executive Director
David Flynn, Board Counsel
Stacey Buccieri, Government Analyst II
Danielle S. Davis
Charles E. Dowman V

Mr. Bush led the board in the Pledge of Allegiance and a moment of silent prayer.

REVIEW AND APPROVAL OF THE MINUTES (BOARD ACTION ITEM)

- July 2012 General Business Meeting

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

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

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

- September 18, 2012 Telephone Conference Call

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

MOTION: Mr. Funderburk made a motion to approve these minutes.

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

EXECUTIVE DIRECTOR'S REPORT – Richard Morrison

Mr. Morrison reviewed the complaints and investigations report with the board.

Mr. Morrison also reviewed the Operating Account Financial Report ending March 31, 2012, and the Unlicensed Activity Financial Report ending March 31, 2012.

BOARD COUNSEL'S REPORT – David Flynn

Mr. Flynn reported that rule 61G16- 4.004 was repealed effective 10/19/12.

DISCUSSION OPINIONS OF THE ENGINEERING BOARD ON PE'S ENGAGED IN THE IDENTIFICATION AND REMEDIATION OF SINKHOLE ACTIVITY/LOSS AND DAMAGES

This matter was added to the agenda for information purposes.

Mr. Funderburk explained this process to the board.

After discussion the board directed Mr. Morrison to have the Division of Regulation look into this matter to see if there are any possible violations of Chapter 492, F. S., regarding the sealing of this document.

TASK FUNCTION FORM

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

NEW BUSINESS

ELECTION OF OFFICERS

After discussion it was the consensus of the board that one term or four meetings as Chair is not always long enough to get business completed and the following motion was he following motion was made:

MOTION: Mr. Poppell made a motion to retain Mr. Bush as Chair and Mr. Funderburk as Vice-Chair.

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

2013 MEETING DATES/LOCATIONS

After discussion the board decided on the following 2013 dates and locations:

- January 23 & 24, 2013 – Tampa Embassy Suites UF
- April 24 & 25, 2013 – St. Augustine Casa Monica
- July 24 & 25, 2013 – Fort Lauderdale
- October 23 & 24, 2013 – Tallahassee

The board also set February 13, 2013 for a Telephone Conference Call if needed.

With no other business to discuss, the meeting was adjourned at 11:45 a.m.