

44 **REVIEW AND APPROVAL OF THE JULY 2008 GENERAL BUSINESS MINUTES**

45

46 The Board reviewed the minutes and after discussion, the following motion was made:

47

48 MOTION: Mr. Bush made a motion to approve the minutes with corrections.

49 SECOND: Ms. Sutphin seconded and the motion passed unanimously.

50

51 **DISCIPLINARY PROCEEDINGS – Eric Hurst**

52

53 **Hearing- No Disputed Facts**

54

55 **Carleton John Bates**

Case # 2006-035091

56

57 No one was present for this case.

58

59 Ms. Poppell was recused due to her participation on the Probable Cause Panel.

60

61 Mr. Hurst presented this case to the board and after discussion the following motions
62 were made:

63

64 MOTION: Ms. Sutphin made a motion that there were no disputed issues of material
65 fact and to adopt the Findings of Fact as alleged in the Administrative
66 Complaint and move all case materials into evidence.

67 SECOND: Ms. Clodfelter seconded and the motion passed unanimously.

68

69 MOTION: Ms. Sutphin made a motion to adopt the Conclusions of Law as contained
70 in the Administrative Complaint.

71 SECOND: Mr. Bush seconded and the motion passed unanimously.

72

73 MOTION: Ms. Sutphin made a motion to impose a \$2,000 fine, \$583.41 in costs,
74 suspension of Respondent's license with the suspension stayed as long
75 as he complies with the terms of probation, completion of a MTS course
76 within 90 days of the final order, and probation.

77 SECOND: Ms. Clodfelter seconded and the motion passed unanimously.

78

79

80 **John William Walker**

Case # 2007-043436

81

82 Mr. Walker was present for this case.

83

84 Ms. Poppell was recused due to her participation on the Probable Cause Panel.

85

86 Mr. Hurst presented this case to the board and after discussion the following motions
87 were made:

88

89 MOTION: Ms. Sutphin made a motion that there were no disputed issues of material
90 fact and to adopt the Findings of Fact as alleged in the Administrative
91 Complaint and move all case materials into evidence.

92 SECOND: Mr. Lebron seconded and the motion passed unanimously.

93

94 MOTION: Ms. Sutphin made a motion to adopt the Conclusions of Law as contained
95 in the Administrative Complaint.
96 SECOND: Mr. Lebron seconded and the motion passed unanimously.
97
98 MOTION: Ms. Sutphin made a motion to impose a \$2,750 fine, \$526.70 in costs,
99 suspension of Respondent's license with the suspension stayed as long
100 as he complies with the terms of probation, completion of a MTS and a
101 boundary course within 90 days of the final order, and probation.
102 SECOND: Mr. Lebron seconded and the motion passed unanimously.

103
104 **Grusenmeyer-Scott-Walker, Inc. Case # 2007-050050**
105

106 Mr. Walker was present for this case.

107
108 Ms. Poppell was recused due to her participation on the Probable Cause Panel.

109
110 Mr. Hurst presented this case to the board and after discussion the following motions
111 were made:

112
113 MOTION: Ms. Sutphin made a motion that there were no disputed issues of material
114 fact and to adopt the Findings of Fact as alleged in the Administrative
115 Complaint and move all case materials into evidence.

116 SECOND: Ms. Clodfelter seconded and the motion passed unanimously.

117
118 MOTION: Ms. Sutphin made a motion to adopt the Conclusions of Law as contained
119 in the Administrative Complaint.

120 SECOND: Ms. Clodfelter seconded and the motion passed unanimously.

121
122 MOTION: Ms. Sutphin made a motion to impose a \$5,000 fine, \$444.70 in costs.

123 SECOND: Ms. Clodfelter seconded and the motion passed 6 to 1. Mr. Greer
124 opposed.

125
126 **Timothy Bruce Alcorn Case # 2007-043459**
127

128 Mr. Alcorn was present for this case.

129
130 Ms. Poppell was recused due to her participation on the Probable Cause Panel.

131
132 Mr. Hurst presented this case to the board and after discussion the following motions
133 were made:

134
135 MOTION: Ms. Sutphin made a motion that there were no disputed issues of material
136 fact and to adopt the Findings of Fact as alleged in the Administrative
137 Complaint and move all case materials into evidence.

138 SECOND: Ms. Clodfelter seconded and the motion passed unanimously.

139
140 MOTION: Ms. Sutphin made a motion to adopt the Conclusions of Law as contained
141 in the Administrative Complaint.

142 SECOND: Ms. Clodfelter seconded and the motion passed unanimously.
143

144 MOTION: Ms. Sutphin made a motion to impose a \$1,500 fine, \$627.71 in costs,
145 suspension of Respondent's license with the suspension stayed as long
146 as he complies with the terms of probation, completion of a boundary
147 course within 90 days of the final order, and probation. Ms. Sutphin
148 stated the degree of harm to the public and financial hardship in these
149 economic times as mitigating circumstances.
150 SECOND: Mr. Bush seconded and the motion passed unanimously.
151

152 **J. Sherman Frier & Associates, Inc. Case # 2007- 049582**

153
154 Mr. Alcorn was present for this case.

155
156 Ms. Poppell was recused due to her participation on the Probable Cause Panel.

157
158 Mr. Hurst presented this case to the board and after discussion the following motion was
159 made:

160
161 MOTION: Ms. Sutphin made a motion to accept the settlement stipulation as
162 presented.

163 SECOND: Mr. Mastronicola seconded and the motion passed unanimously.
164

165 **Waivers**

166
167 **Vizcaya Land Surveyors, Inc. Case # 2007- 036740**

168
169 This case was pulled by Mr. Hurst.
170

171 **PETITION FOR WAIVER AND VARIANCE**

172
173 **American Congress for Surveying and Mapping**

174
175 A request was made by this organization for a continuance. The continuance was
176 granted.
177

178 **RECONSIDERATION HEARING OF APPLICATION DENIALS**

179
180 **Layton Hobbs**

181
182 Mr. Hobbs was not present.
183

184 Ms. Guillemette presented this case stating that Mr. Hobbs' application for
185 Photogrammetry license by endorsement was denied at the January 2008 board
186 meeting. Mr. Hobbs' timely requested an informal hearing before the board and
187 submitted additional information to be considered.
188

189 After discussion the following motion was made:
190
191
192
193

194 MOTION: Ms. Sutphin made a motion to uphold the previous denial of this
195 application based on failure to provide the required verified experience
196 and failure to show proof of having completed at least 25 hours of
197 surveying courses.

198 SECOND: Ms. Clodfelter seconded and the motion passed unanimously.

199

200 **Beth Braun**

201

202 Ms. Braun was present.

203

204 Ms. Guillemette presented this case stating that Ms. Braun's application for license by
205 endorsement was denied at the April 2008 board meeting. Ms. Braun timely requested
206 an informal hearing before the board.

207

208 She also asked that the board convert the application from endorsement to an
209 application for license by examination. Ms. Braun provided a more detailed explanation
210 of her work history for the board to consider.

211

212 After discussion the following motion was made:

213

214 MOTION: Ms. Sutphin made a motion to approve this application by examination.

215 SECOND: Mr. Greer seconded and the motion passed unanimously.

216

217 **Thomas Pearl**

218

219 Mr. Pearl was present.

220

221 Ms. Guillemette presented this case stating that Mr. Pearl's application for license by
222 examination was denied at the September 2007 telephone conference call. Mr. Pearl
223 did not receive his Notice of Intent to Deny. Mr. Pearl requested an informal hearing
224 before the board and was continued from the April 2008 board meeting to allow him
225 more time to provide verified work experience.

226

227 After discussion the following motion was made:

228

229 MOTION: Ms. Sutphin made a motion to approve this application by examination.

230 SECOND: Mr. Greer seconded and the motion passed unanimously.

231

232 **Buchheit and Associates, Inc.**

233

234 Ms. Buchheit was present.

235

236 Ms. Guillemette presented this case stating that the applications for continuing education
237 provider and for a continuing education course were denied at the April 2008 board
238 meeting. The applicant timely filed a request for reconsideration and included additional
239 information not previously provided to the board.

240

241 After discussion the following motion was made:

242

243 MOTION: Ms. Sutphin made a motion to approve this application by examination.

244 SECOND: Mr. Greer seconded and the motion passed unanimously.

245 **Danny S. Wheeler**

246

247 Mr. Wheeler was not present.

248

249 Ms. Guillemette presented this case stating that the application for license by
250 examination was considered by the board on September 6, 2005. The Notice of Intent
251 to Deny was filed on September 22, 2005. Mr. Wheeler timely requested an informal
252 hearing. That hearing was never held.

253

254 Now Mr. Wheeler wishes to present information to address the deficiencies listed in the
255 Notice of Intent to Deny. Since he never had the informal hearing he requested, the
256 2005 application is technically still open.

257

258 After discussion the following motion was made:

259

260 MOTION: Mr. Mastronicola made a motion to continue this application and request
261 Mr. Wheeler provide more verified experienced and clarify his course
262 information.

263 SECOND: Ms. Sutphin seconded and the motion passed unanimously.

264

265 **PROSECUTING ATTORNEY'S REPORT – Eric Hurst**

266

267 Mr. Hurst gave the following report:

268

269 As of June 19, 2008, there was 1 new case in legal, 6 cases awaiting outside action, 13
270 cases set for probable cause, 12 cases sent out to experts and 15 cases with an
271 administrative complaint filed. There were also 1 case with an informal hearing
272 requested, 5 cases ready for default, 1 case with formal hearing requested and 2 cases
273 in settlement negotiations, 2 cases for reconsideration at the probable cause panel, 5
274 cases were set for board presentation and 17 cases were awaiting final action.

275

276 **CHAIRMAN'S REPORT**

277

278 Mr. Cooner welcomed Mr. Mastronicola to the board. Mr. Cooner also welcomed Mr.
279 Greer and Ms. Poppell back to the board.

280

281 Mr. Cooner and Mr. Morrison updated the board on the progress and cost of the
282 delinquent license investigations.

283

284 After discussion the following motion was made:

285

286 MOTION: Ms. Sutphin made a motion to have the Department continue with these
287 investigations.

288 SECOND: Mr. Lebron seconded and the motion passed unanimously.

289

290 Mr. Cooner also asked the board to give him input for the upcoming 2009-2010 budget.

291

292 After discussion the board requested funding for the attendance of 1 board member and
293 1 staff member to the FSMS Annual Meeting, all board members and staff to attend both
294 the NCEES Southern Zone and the Annual Conference. The board also requested 2
295 board members attend ACSM.

296 **BOARD COUNSEL'S REPORT**

297

298 Ms. Guillemette reported that she and Mr. Morrison traveled to Ocala for the hearing for
299 Mr. Counts. Ms. Guillemette stated that she felt that the Administrative Law Judge
300 would have a decision by the October board meeting.

301

302 **EXECUTIVE DIRECTOR'S REPORT**

303

304 Mr. Morrison reviewed the board's financial reports with the board.

305

306 Mr. Morrison also reviewed the complaints and investigation report with the board.

307

308 **COMMITTEE REPORTS**

309

310 **Probation Committee**

311

312 Ms. Clodfelter gave the following report:

313

314 **1ST SET OF SURVEYS REVIEW**

315

- 316 • **Jon M. Shoemaker**
317 **License # 7371**
318 **Case # 2005-054428**
319 **Licensure Status: Probation**
320 **Surveys: 1st set review**

321

322 The committee recommended accepting these surveys and releasing him from
323 probation.

324

- 325 • **Timothy Bruce Alcorn**
326 **License # 6332**
327 **Case # 2006-054571**
328 **Licensure Status: Probation**
329 **Surveys: 1st set review**

330

331 The committee recommended accepting these surveys and releasing him from
332 probation.

333

- 334 • **Jeffrey Morrow**
335 **License # 6332**
336 **Case # 2006-054571**
337 **Licensure Status: Probation**
338 **Surveys: 1st set review**

339

340 The committee recommended accepting these surveys and releasing him from
341 probation.

342

343 At the conclusion of this report, the following motion was made:

344

345

346

347 MOTION: Ms. Sutphin made a motion to accept the recommendations of this
348 committee.

349 SECOND: Mr. Bush seconded and the motion passed unanimously.

350

351 **Application Review Committee**

352

353 Mr. Bush gave the following report:

354

355 **William Allen Brock**

356

357 It was the consensus of the committee that Mr. Brock would not meet the requirements
358 for licensure by Endorsement.

359

360 The committee recommended Mr. Brock's application for licensure by Endorsement be
361 denied for failure to show that he holds a four year degree as required in 472.015(3)(a)
362 2., F.S.

363

364 **Thomas Maxell Beer**

365

366 The committee recommended Mr. Beer's application for licensure by endorsement be
367 denied for failure to show that he meets the requirements in 472.015(3)(a) 2., F.S.

368

369 **John Francis Bloodgood**

370

371 The committee recommended Mr. Bloodgood's application by endorsement be approved.

372

373 **Tracey D. Conley**

374

375 The committee recommended Ms. Conley's application by endorsement be denied for
376 failure to show that she held a valid license to practice surveying and mapping issued by
377 another state of the United States that the criteria for issuance of the license was
378 substantially the same as the licensure criteria that existed in Florida at the time the
379 license was issued as required in 472.015(3)(a)2, F.S. The committee also
380 recommended approval of Ms. Conley's application by examination and to accept her
381 NCEES scores.

382

383 **James Michael Denney**

384

385 The committee recommended Mr. Denney's application for licensure by Endorsement be
386 denied for failure to show that he meets the requirements in 472.015(3)(a)1., or
387 472.015(3)(a)2., F.S.

388

389 **G. Michael Kovalik**

390

391 The committee recommended Mr. Kovalik's application by endorsement be approved.

392

393 **Jonathan Franklin Murphy**

394

395 The committee recommended Mr. Murphy's application by endorsement be denied for
396 failure to show that he held a valid license to practice surveying and mapping issued by
397 another state of the United States that the criteria for issuance of the license was

398 substantially the same as the licensure criteria that existed in Florida at the time the
399 license was issued as required in 472.015(3)(a)2, F.S.

400

401 **Examination**

402

403 **Eric Stuart**

404

405 The committee recommended Mr. Stuart's application by examination be approved.

406

407 **Ernesto Alberto-Rivera**

408

409 The committee recommended Mr. Alberto-Rivera's application by examination be
410 approved.

411

412 **Brenda J. Eyre**

413

414 The committee recommended Ms. Eyre's application by examination be denied because
415 she failed to show the required amount of experience in responsible charge as required
416 in 472.013, F.S.

417

418 **Lisa Michele Nesi**

419

420 The committee recommended Ms. Nesi's application by examination be approved.

421

422 **Travis Dutton Park**

423

424 Mr. Park elected to waive his 90 day deemer requirement so that his application could
425 be continued to allow more time to provide another experience verification form from
426 Russell Parks.

427

428 **William Darryl Pinkston**

429

430 The committee recommended Mr. Pinkston's application by examination be denied
431 because he failed to meet the educational requirements in 472.013(2)(b), F.S.

432

433 **Brandon Michael Robbins**

434

435 The committee recommended Mr. Robbin's application by examination be denied
436 because he failed to show the required amount of experience as required in 472.013,
437 F.S.

438

439 **Walter Volkmann**

440

441 The committee recommended Mr. Volkmann's application by examination be denied
442 because he failed to show the required amount of experience as required in 472.013,
443 F.S.

444

445

446

447

448

449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498

Peter Michael Zarrella

Mr. Zarrella waived his 90 day deemer requirement and the committee recommended that this application be continued to the October 2008 meeting to allow Mr. Zarrella time to provide the required two more sets of transcripts.

Eric Matthews

The committee recommended Mr. Matthews's application by examination be approved.

Surveyor In Training

Bart Comeaux

The committee recommended Mr. Comeaux's application be approved.

Kelley R. Garner

The committee recommended Mr. Garner's application be approved.

Margarita Mittaylova-Slackova

Ms. Mittaylova-Slackova was not present.

The committee recommended Ms. Mittaylova-Slackova's application be approved.

At the conclusion of this report, the following motion was made:

MOTION: Mr. Lebron made a motion to accept the recommendations of this committee.

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

EXAMINATION COMMITTEE

Ms. Sutphin gave the following report:

The following statistics were provided for the April 2008 examinations:

Fundamentals portion of the NCEES examination there were 30 first time takers from Florida and 90% passed. The number of repeat takers from Florida was 19 and 26.3% passed.

Principles and Practice portion of the NCEES examination there were 15 first time takers from Florida and 46.7% passed. There were 38 repeat takers and 18.4% passed.

Florida Jurisdictional Essay portion there were 68 candidates and 28 passed for a 41.17% pass rate.

Photogrammetry portion there were 5 candidates and 2 passed for a 40% pass rate.

499 Florida Multiple Choice portion there were 37 candidates and 27 passed for a 72.9%
500 pass rate.

501
502 Ms. Sutphin also reported that the Bureau of Education and Testing is aware of the
503 changes with the Florida Jurisdictional exam format and are starting to make changes to
504 try to meet the deadline of the April 2009 exam.

505
506 Ms. Sutphin will work with the Bureau of Education to help ensure this deadline is met.
507

508 **NCEES COMMITTEE**

509
510 Mr. Cooner gave the following report:

511
512 Mr. Cooner reviewed the statistics that he received at the NCEES Southern Zone
513 meeting regarding their examinations. The statistics included such information as
514 passing rate by the type of degrees that the candidates held.

515
516 Mr. Cooner reported that there has been some controversy in the NCEES budget and
517 now they are trying to come up with a real budget without all the padding in the numbers.

518
519 Mr. Cooner also reported that NCEES is now going to an off site backing up of their
520 examination information. All backup of the examination information was being done on
521 site and could have been lost in a catastrophic situation.

522 523 **RULES COMMITTEE**

524
525 Ms. Sutphin gave the following report:

526
527 The rules committee recommended that the board go forward with the changes as
528 proposed with rule chapter 61G17-4, F.A.C., to change the examination format.

529
530 After discussion, the following motion was made:

531
532 MOTION: Ms. Sutphin made a motion to indicate that the changes in the examination
533 Format would not impact small businesses.

534 SECOND: Ms. Clodfelter seconded and the motion passed unanimously.

535
536 Ms. Guillemette stated that she needed a vote to allow her to notice for promulgation the
537 language submitted as amended due to one error regarding the examination in rule
538 chapter 61G17-4.

539
540 MOTION: Ms. Sutphin made a motion to allow Ms. Guillemette to notice this rule
541 chapter for promulgation.

542 SECOND: Ms. Clodfelter seconded and the motion passed unanimously.

543 544 **ACSM LIASON**

545
546 There was no report at this time.

547 548 **PROBABLE CAUSE PANEL**

549

550 Mr. Mastronicola gave the following report:

551

552 Mr. Cooner removed Mr. Blankenship from the Probable Cause Panel.

553

554 Mr. Mastronicola reported that the panel reviewed 14 cases and found probable cause in
555 6 cases.

556

557 **CONTINUING EDUCATION COMMITTEE**

558

559 Ms. Clodfelter gave the following report:

560

561 The committee made the following recommendations:

562

563 100% EDUCATION BY MICKISSOCK – to approve this Provider.

564

565 1st Course: PLSS - Applications (GENERAL) (5 hrs) – to approve this course
566 contingent upon the receipt of a revised certificate showing the category.

567 2nd Course: Creating & Transferring – Rights in Real Property (GENERAL) (5 hrs) – to
568 approve this course contingent upon the receipt of a revised certificate
569 showing the category.

570

571 3rd Course: Boundary Control (GENERAL) (8 hrs) - to approve this course contingent
572 upon the receipt of a revised certificate showing the category.

573

574 4th Course: Evidence, Exhibits & Testimony Boundaries and Beyond –
575 (GENERAL) (8 hrs) - to approve this course contingent upon the receipt
576 of a revised certificate showing the category.

577

578 5th Course: PLSS – Basics (GENERAL) (10 hrs) - to approve this course contingent
579 upon the receipt of a revised certificate showing the category.

580

581 6th Course: Coastal Water Boundaries (GENERAL) (12 hrs) - to approve this course
582 contingent upon the receipt of a revised certificate showing the category.

583

584 LORMAN BUSINESS CENTER, INC. (0000837)

585

586 1st Course: Condominium Construction Issues in Florida (General) (6 hrs) - to deny
587 this course because it is not relevant to the practice of surveying and
588 mapping.

589 2nd Course: Understanding Geotechnical Reports and Design (General) (6 hrs) – to
590 deny this course because it is not relevant to the practice of surveying
591 and mapping.

592

593 3rd Course: Construction Claims in Florida (General) (6 hrs) - to deny this course
594 because it is not relevant to the practice of surveying and mapping.

595

596 4th Course: Plat and Subdivision Law (General) (6 hrs) - to approve this course
597 contingent upon the receipt of a revised certificate showing the category.

598

599

600

601 PROFESSIONAL DEVELOPMENT SEMINARS, INC. (0001368)
602
603 1st Course: Historical Figures of Surveying (GENERAL) (6 hrs) – to approve this
604 course.
605
606 2nd Course: Historical Figures of Surveying (Correspondence)(GENERAL) (6 hrs) – to
607 approve this course.
608
609 FLORIDA SURVEYING AND MAPPING SOCIETY (0001369)
610
611 1st Course: Creating Geodetic Descriptions with Windesc (General) (6 hr) - to
612 approve this course.
613
614 2nd Course: Creating Vertical Observation Datasets with Translev (General) (6 hr) - to
615 approve this course.
616
617 3rd Course: GRAV-D Gravity for the Re-definition of the American Vertical Datum
618 (General)(1 hr) – to approve this course.
619
620 ADVANCED SURVEYING TECHNOLOGY (0001372)
621
622 1st Course: Plan Production- Sheet Set Manager (General) (8 hrs) – to approve this
623 course contingent upon receipt of a revised certificate stating this course
624 was approved by the Florida Board of Professional Surveyors and
625 Mappers.
626
627 Request from Martin T. Blethen for continuing education credits – to deny this request
628 for CE credits because they were given by an approved provider.
629
630 At the conclusion of this report, the following motion was made:
631
632 MOTION: Mr. Lebron made a motion to accept the recommendations of this committee.
633 SECOND: Mr. Greer seconded and the motion passed unanimously.
634
635 **PRIVATIZATION COMMITTEE**
636
637 There was no report at this time.
638
639 **REVIEW OF THE TASK FUNCTION FORM FROM THE JULY 2008 MEETING**
640
641 Mr. Cooner reviewed the task function form with the board members and staff. The
642 board requested that Ms. Merchant place contingent approved applications on the form
643 in the future for tracking.
644
645 With no further business to discuss the meeting was adjourned at the 12:19 p.m.