

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59

MINUTES

BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS

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

**JULY 29, 2009 COMMITTEE/GENERAL BUSINESS MEETINGS at 8:30 a.m.
&
JULY 30, 2009 GENERAL BUSINESS MEETING at 8:30 a.m.**

The meeting was called to order by Jeffrey Cooner, Chair, at 11:15 a.m. on July 29, 2009.

Members Present

Jeffrey Cooner, Chair
Arthur Mastronicola, Vice Chair
Louis Lebron
Sidney Greer
Howard Ehmke
Beverly Sutphin
Mary Hanna Clodfelter
Frances Poppell
Nickolas Fusco

Members Absent

None

Others Present

Diane Guillemette, Board Counsel
Eric Hurst, Prosecuting Attorney
Richard Morrison, Executive Director
Stacey Merchant, Government Analyst
LuAnn Stiles
Leon Biegalski
Bennett Miller
Eric Miller
Patti Kight
Ceda Rudd
Michael Savage
Harley Gilmore
Marilyn Evers
W. Lamar Evers
Louis G. Bush
William D. Pinkston
Thomas W. Brooks, Jr.
Matt Laluzerne
Pablo Ferrari
James Farren
Jerry Todd
David A. Melvin
Alvin Gloer
Ray Niles
Gail Oliver
W. Lanier Mathews, II
Bruce A. Klein
Daniel M. Chett
George Aylor

60 David Smith
61 Mark Johnson
62 Steve Kellogg

63
64 Mr. Cooner began addressing the Board at 11:15 a.m.

65
66 Mr. Cooner welcomed staff members from the Florida Department of Agriculture and Consumer Services
67 (DACS) to the meeting.

68
69 Mr. Cooner began by briefly discussing the changes made by SB1744 which include the Board's move to DACS
70 on October 1, 2009; he encouraged the Board to review the bill. Mr. Cooner stated for the record that a
71 provision is in the bill for an assessment to be paid by the industry to offset costs of moving from DBPR to DACS.
72 Discussion regarding the assessment followed.

73
74 After introducing the following people from the DACS, LuAnn Stiles, Director of the Division of Consumer
75 Services, Leon Biegalski, candidate for Executive Director, Bennett Miller, Board Counsel, Eric Miller,
76 Prosecuting Attorney and Patti Kight, Government Analyst. The floor was yielded to Ms. Stiles and Mr. Biegalski
77 to give an overview of the progress made to bring the Board over to DACS.

78
79 After discussion from the Board and others in attendance regarding fiscal issues and future assessments, Mr.
80 Cooner requested Florida Surveying and Mapping Society (FSMS) to help publicize the move and to ask for
81 patience from their membership during the transition noting that this is occurring in a short period of time. Mr.
82 Greer questioned the possibility of privatization. Mr. Cooner, Mr. Villella, and Mr. Ferrari stated that with the
83 move to DACS the issue of privatization has been taken off the table at this time. Discussion regarding the move
84 and possible assessment continued.

85
86 Mr. Cooner presented Mr. Biegalski for the position of Executive Director. After discussion the following motion
87 was made:

88
89 MOTION: Mr. Ehmke made a motion to appoint Leon Biegalski as the Executive Director of the Board of
90 Professional Surveyors and Mappers

91 SECOND: Mr. Mastronicola seconded and the motion passed. Ms. Sutphin was absent, excused, for the
92 vote.

93
94 Mr. Cooner thanked Richard Morrison, Stacey Merchant and Diane Guillemette for their service to the Board.

95
96 Mr. Cooner recessed the meeting at 11:55 a.m.

97
98 Mr. Cooner briefly reconvened the meeting at 2:55 p.m. to discuss the next Board meeting. Due to the transition,
99 Mr. Cooner suggested that the meeting take place in Tallahassee. After discussion it was decided that the next
100 Board meeting would take place in Tallahassee on October 13, 14, and 15.

101
102 Mr. Cooner yielded the floor to the Continuing Education Committee.

103
104 The meeting was reconvened by Mr. Cooner at 3:40 p.m.

105
106 **REVIEW AND APPROVAL OF THE APRIL 2009 GENERAL**
107 **BUSINESS MEETING MINUTES**

108
109 After discussion the following motion was made:

110
111 MOTION: Mr. Fusco made a motion to approve the April 2009, General Business Meeting minutes with
112 corrections.

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

114
115 **BOARD COUNSEL REPORT**

116
117 Ms. Guillemette reminded the Board of the Sunshine Law and that any business that is discussed must first be
118 noticed as required.

119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177

RULES REPORT

Ms. Guillemette discussed the following rule with the Board:

61G17-6.003, F.A.C.

Mr. Mastronicola stated that the information that is on the technical review sheet is different than the rule. He submitted a request to the Rule Committee for consideration. Ms. Guillemette recommended amending the review sheet to reflect the requirements of the rule. Ms. Clodfelter stated that she is currently working with Mr. B. Miller to verify the accuracy. Mr. B. Miller indicated that he is in the process of reviewing the form.

61G17-8.0011 F.A.C.

After discussion the following motions were made:

MOTION: Mr. Mastronicola made a motion to revise 61G17-8.0011(2) F.A.C. to read: The examination fee is \$125 for the Florida examination.

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

MOTION: Ms. Clodfelter made a motion that there is economic impact on small business.

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

MOTION: Mr. Ehmke made a motion to revise 61G17-8.0011(10) F.A.C. to read: The fee for reexamination is \$125 each.

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

(Discussion continued see lines 157 – 168)

61G17-5.0031 F.A.C.

Ms. Guillemette recommended adding section (f) to read: The completion of general education courses or seminars approved by regulatory entities of other jurisdictions for continuing education credit hours.

After discussion, the Board was unable to come to a decision regarding the proposed rule change. Mr. Mastronicola asked Ms. Guillemette to review additional options and report back to the Board.

(Discussion continued see lines 170 – 173)

61G17-8.0011 F.A.C.

After further discussion it was determined that the proposed language was incorrect as it did not take into consideration fees collected for the NCEES examinations and the following motions were made:

MOTION: Mr. Greer made a motion to restore 61G17-8.0011(2) F.A.C. to: The examination fee is \$120 each for each part of the examination.

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

MOTION: Mr. Fusco made a motion to restore 61G17-8.0011(10) F.A.C. to read: The fee for reexamination is \$120 each for each part.

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

61G17-5.0031 F.A.C.

Mr. Mastronicola requested that Ms. Guillemette work with Mr. B. Miller to review additional options making the amendment fair to current and future providers and report back to the Board.

61G17-5.0043 F.A.C.

178 After discussion the following motions were made:

179

180 MOTION: Mr. Cooner made a motion that the Board found no economic impact on small businesses.

181 SECOND: Mr. Mastronicola seconded and the motion passed unanimously.

182

183 MOTION: Mr. Mastronicola made a motion to amend 61G17-5.0043(10) F.A.C. to read: Allow only one
184 continuing education credit for each fifty (50) minutes of classroom, audio or video instruction.

185 SECOND: Mr. Fusco seconded and the motion passed unanimously.

186

187 61G17-9.005 F.A.C.

188

189 After discussion the following motion was made:

190

191 MOTION: Mr. Mastronicola made a motion to amend 61G17-9.005 F.A.C. to read: Violations of Section
192 472.003, F.S. involving licensees, either individuals or business entities holding certificates of
193 authority, who failed to pay any final judgment entered against the licensee in any civil
194 proceeding against the licensee involving the licensee's practice of surveying and mapping, can
195 be mediated pursuant to Section 455.2235, F.S.

196

197 After further discussion it was determined that further research should be done on this proposed amendment to
198 take into consideration Chapter 472, F.S. as it was revised to allow for the move to the Department of Agriculture
199 and Consumer Services. Mr. Mastronicola withdrew his motion.

200

201 61G17-4.001 F.A.C.

202

203 Ms. Guillemette reported that this rule was adopted on June 17, 2009 and became effective on July 7, 2009.

204

205 61G17-3.001 F.A.C.

206

207 Ms. Guillemette reported that this rule was adopted on June 17, 2009 and became effective on July 7, 2009.

208

209 Additional information

210

211 Ms. Guillemette addressed the email from Ms. Oliver who indicated that there are conflicts regarding the rules as
212 written. She specifically recommended that the Board address the language in 61G17-4.003 F.A.C. and 61G17-
213 4.004 F.A.C. After discussion the following motion was made:

214

215 MOTION: Mr. Mastronicola made a motion to open these rules 61G17-4.003 F.A.C. and 61G17-4.004
216 F.A.C. for development.

217 SECOND: Mr. Fusco seconded and the motion passed unanimously.

218

219 Included in Ms. Oliver's email was a question regarding 61G17-4.001(3) F.A.C. "Applicants should come
220 equipped with ordinary drawing instruments." After further discussion the following motion was made:

221

222 MOTION: Mr. Mastronicola made a motion to open 61G17-4.001 F.A.C. for rule development.

223 SECOND: Mr. Ehmke seconded and the motion passed unanimously.

224

225 **EXECUTIVE DIRECTOR'S REPORT – Richard Morrison**

226

227 Mr. Morrison reviewed the financial reports with the Board.

228

229 Mr. Morrison reviewed the complaint and investigative statistics.

230

231 Mr. Morrison reviewed the April 2009 examination statistics.

232

233 Mr. Cooner adjourned the meeting at 5:05 p.m. on July 29, 2009

234

235 **CALL TO ORDER/ROLL CALL**

236

237 The meeting was called to order by Jeffrey Cooner, Chair, at 8:35 a.m. on July 30, 2009.

238

239 **Members Present**

240 Jeffrey Cooner, Chair

241 Arthur Mastronicola, Vice Chair

242 Sidney Greer

243 Howard Ehmke

244 Mary Hanna Clodfelter

245 Nicholas Fusco

246

247 **Members Absent**

248 Louis Lebron

249 Beverly Sutphin

250 Frances Poppell

251

252 **Others Present**

253 Diane Guillemette, Board Counsel

254 Eric Hurst, Prosecuting Attorney

255 Richard Morrison, Executive Director

256 Stacey Merchant, Government Analyst

257 LuAnn Stiles

258 Leon Biegalski

259 Bennett Miller

260 Eric Miller

261 Ceda Rudd

262 Patti Kight

263 David A. Melvin

264 Shirley Melvin

265 W. Lamar Evers

266 Marilyn Evers

267 Andrew Carbaugh

268 Clyde McNeil

269 Harley Gilmore

270 Ray Niles

271 Wayne N. Pond

272 Julio C. Rodriguez

273 Alvin Gloer

274 Gail Oliver

275 Pablo Ferrari

276 Robert Sears

277 W. Lanier Mathews, II

278

279 Mr. Cooner stated for the record that Mr. Lebron is absent, but has been excused by the Board. Ms. Sutphin and
280 Ms. Poppell would be late and was excused by the Board. Ms. Poppell arrived at 10:30 a.m. and Ms. Sutphin
281 arrived at 11:10 a.m.

282

283 Mr. Cooner stated that the members present represented a quorum, Mr. Ehmke, Ms. Clodfelter, Mr. Fusco, Mr.
284 Cooner, and Mr. Greer.

285

286 **DISCIPLINARY PROCEEDINGS – Eric Hurst**

287

288 **Del William Hayner**

Case #2007-048159

289

290 Mr. Hayner was present.

291

292 Mr. Mastronicola and Ms. Poppell were recused because of their participation on the probable cause panel in
293 this case.

294

295 Mr. Hurst presented this case to the Board and after discussion the following motions were made:

Board of Professional Surveyors and Mappers

July 2009 General Sessions Minutes

Page 5 of 14

296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354

MOTION: Mr. Fusco made a motion to find that there are no disputed issues of material fact and to adopt the Findings of Fact as alleged in the Administrative Complaint and move all case materials into evidence.

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

After further discussion the following motions were made:

MOTION: Mr. Ehmke made a motion to adopt the Conclusions of Law as contained in the Administrative Complaint.

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

MOTION: Ms. Clodfelter made a motion to impose a \$750 fine, \$748.25 in costs, and permanently restrict Respondent's license to producing FEMA elevation certificates only. Respondent must include a statement that Respondent's practices are restricted to FEMA elevations certificates. Respondent must provide the Board with quarterly reports showing what type of surveys he has performed. A MTS course must be taken within one year. Respondent must include a recent FEMA certification course. If Respondent wishes to have full licensure, he must petition the Board and meet the probationary requirements.

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

Wayne N. Pond

Case #2008-14053

Mr. Pond was present. Mr. Pond's Attorney David P. Rankin was not present. Ms. Guillemette asked Mr. Pond if he wanted to go forward without his Attorney. Mr. Pond stated that he did.

Mr. Mastronicola and Ms. Poppell were recused because of their participation on the probable cause panel in this case.

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

MOTION: Mr. Greer made a motion to accept the Settlement Stipulation for case number 2008-14053.

SECOND: Mr. Fusco seconded and the motion was defeated.

MOTION: Ms. Clodfelter made a motion to offer a counter Settlement Stipulation amending the language in the Terms of Probation section 11 B to state, in part, that Respondent shall complete and submit a list of surveys to the Board office.

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

Mr. Pond and Mr. Hurst agreed to the amended terms of the Settlement Stipulation.

L & J Surveying & Engineering, LLC

Case #2007-048080

Mr. John Jay Johnson was present representing the company.

Ms. Poppell was recused because of her participation on the probable cause panel in this case.

Mr. Hurst presented this case to the Board and after discussion the following motion was made:

MOTION: Mr. Greer made a motion to accept the Settlement Stipulation for case 2007-048080.

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

John Jay Johnson

Case #2007-40027

Mr. John Jay Johnson was present.

Ms. Poppell was recused because of her participation on the probable cause panel in this case.

Mr. Hurst presented this case to the Board and after discussion the following motion was made:

Board of Professional Surveyors and Mappers

July 2009 General Sessions Minutes

Page 6 of 14

355
356 MOTION: Mr. Greer made a motion to accept the Settlement Stipulation for case 2007-40027.
357 SECOND: Mr. Ehmke seconded and the motion passed unanimously.

358
359 **Target Surveying, Inc. Case #2007-000863**

360
361 Mr. Clyde O. McNeal was present representing the company. Mr. McNeal's attorney was not present. Ms.
362 Guillemette asked Mr. McNeal if he wanted to go forward without his Attorney. Mr. McNeal stated that he did.

363
364 Mr. Mastronicola was recused because of his participation as the Expert Witness in this case.

365
366 Mr. Hurst presented this case to the Board and after discussion the following motion was made:

367
368 MOTION: Mr. Greer made a motion to accept the Settlement Stipulation for case 2007-000863.
369 SECOND: Mr. Fusco seconded and the motion passed unanimously.

370
371 **Clyde O. McNeal Case #2007-000869**

372
373 Mr. Clyde O. McNeal was present. Mr. McNeal's attorney was not present. Ms. Guillemette asked Mr. McNeal if
374 he wanted to go forward without his Attorney. Mr. McNeal stated that he did.

375
376 Mr. Mastronicola was recused because of his participation as the Expert Witness in this case.

377
378 Mr. Hurst presented this case to the Board and after discussion the following motion was made:

379
380 MOTION: Mr. Greer made a motion to accept the Settlement Stipulation for case 2007-000869.
381 SECOND: Ms. Clodfelter seconded and the motion passed unanimously.

382
383 **Robert Dew Sears Case #2008-014008**

384
385 Mr. Sears was present.

386
387 Mr. Mastronicola and Ms. Poppell were recused because of their participation on the probable cause panel in
388 this case.

389
390 Mr. Hurst presented this case to the Board and after discussion the following motion was made:

391
392 MOTION: Ms. Clodfelter made a motion to reject the Settlement Stipulation for case 2008-014008.
393 SECOND: Mr. Fusco seconded and the motion passed unanimously.

394
395 MOTION: Ms. Clodfelter made a motion to offer a counter Settlement Stipulation amending the language in
396 the Terms of probation section 10B to state, in part, Respondent shall complete and submit a list
397 of surveys to the Board office.

398 SECOND: Mr. Fusco seconded and the motion passed unanimously.

399
400 Mr. Sears and Mr. Hurst agreed to the amended terms of the Settlement Stipulation.

401
402 **Sears Surveying Company Case #2008-014023**

403
404 Mr. Robert Dew Sears was present representing the company.

405
406 Mr. Mastronicola and Ms. Poppell were recused because of their participation on the probable cause panel in
407 this case.

408
409 Mr. Hurst presented this case to the Board and after discussion the following motions were made:

410
411 MOTION: Ms. Clodfelter made a motion to accept the Settlement Stipulation for case 2008-014023.
412 SECOND: Mr. Greer seconded and the motion passed unanimously.

414 **Marcel Gustave Mayer** **Case #2006-012745**

415
416 Mr. Mayer was not present.

417
418 Mr. Mastronicola and Ms. Poppell were recused because of their participation on the probable cause panel in
419 this case.

420
421 Mr. Hurst presented this case to the Board and after discussion the following motions were made:

422
423 MOTION: Ms. Clodfelter made a motion that Respondent was properly served the Administrative
424 Complaint, but declined to exercise his right to a hearing and to adopt the Findings of Fact and
425 Conclusions of Law as contained in the Administrative Complaint moving all case materials into
426 evidence.

427 SECOND: Mr. Fusco seconded and the motion passed unanimously.

428
429 MOTION: Ms. Clodfelter made a motion to impose a \$500 fine, \$969.83 in costs with probation.
430 Respondent must take a MTS course, provide liability insurance and submit a list of surveys to
431 the Board.

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

433
434 **Marcel Gustave Mayer** **Case #2006-017122**

435
436 Mr. Mayer was not present.

437
438 Mr. Mastronicola and Ms. Poppell were recused because of their participation on the probable cause panel in
439 this case.

440
441 Mr. Hurst presented this case to the Board and after discussion the following motions were made:

442
443 MOTION: Ms. Clodfelter made a motion that Respondent was properly served the Administrative
444 Complaint, but declined to exercise his right to a hearing and to adopt the Findings of Fact and
445 Conclusions of Law as contained in the Administrative Complaint moving all case materials into
446 evidence.

447 SECOND: Mr. Fusco seconded and the motion passed unanimously.

448
449 MOTION: Ms. Clodfelter made a motion to impose a \$500 fine, \$728.65 in costs along with probation that
450 will run concurrently with case number 2006-012475.

451 SECOND: Mr. Ehmke seconded and the motion passed unanimously.

452
453 **Leonard F. Hinson** **Case #2009-020535**

454
455 Mr. Hinson was not present.

456
457 Mr. Hurst presented this case to the Board and after discussion the following motion was made:

458
459 MOTION: Ms. Clodfelter made a motion to accept the Voluntary Relinquishment Agreement.

460 SECOND: Mr. Fusco seconded and the motion passed unanimously.

461
462 Ms. Clodfelter requested that an Investigator attempt to acquire the seal or verify that Respondent is no longer
463 operating as a professional surveyor.

464
465 **John Richard Litton** **Case #2007-046654**

466
467 Mr. Litton was not present.

468
469 Mr. Mastronicola and Ms. Poppell were recused for their participation on the probable cause panel in this case.

470
471 Mr. Hurst presented this case to the Board and after discussion the following motions were made:

473 MOTION: Mr. Greer made a motion to accept the Settlement Stipulation for case 2007-046654.
474 SECOND: Mr. Ehmke seconded and the motion passed unanimously.

475
476 **Litton Land Surveyors** **Case #2007-046660**

477
478 A representative for Litton Land Surveyors was not present.

479
480 Mr. Mastronicola and Ms. Poppell were recused for their participation on the probable cause panel in this case.

481
482 Mr. Hurst presented this case to the Board and after discussion the following motion was made:

483
484 MOTION: Mr. Greer made a motion to accept the Settlement Stipulation for case 2007-046660.
485 SECOND: Mr. Ehmke seconded and the motion passed unanimously.

486
487 **RECONSIDERATION OF PREVIOUSLY DENIED APPLICATION**

488
489 **Andrew William Carbaugh**

490
491 Mr. Carbaugh was present.

492
493 Mr. Carbaugh was asked to provide a transcript from Valencia Community College to document one additional
494 credit in an approved course to fulfill the education requirement. Mr. Carbaugh will also need to provide
495 employment verification showing a total of 72 months in responsible charge.

496
497 After discussion the following motion was made:

498
499 MOTION: Ms. Clodfelter made a motion to continue the Notice of Intent to Deny to allow Mr. Carbaugh an
500 opportunity to provide a transcript from Valencia Community College and employment
501 verification showing a total of 72 months in responsible charge. Mr. Carbaugh has until
502 September 15, 2009, to supply this information to the Board office in order to be reconsidered at
503 the October meeting.
504 SECOND: Mr. Mastronicola seconded and the motion passed unanimously.

505
506 **Julio C. Rodriguez**

507
508 Mr. Rodriguez was present. Ms. Lina Hurtado was present to act as interpreter for Mr. Rodriguez.

509
510 Mr. Rodriguez provided an unsigned Verification of Employment form from Mr. Oscar E. Baez, of Miami,
511 indicating that he has worked 3.5 months routine and 76 months in responsible charge. During the discussion it
512 appears that Mr. Rodriguez worked part time for Mr. Baez while residing in Tampa. The Board has requested
513 clarification of this from Mr. Rodriguez which he was unable to supply at the time of this meeting.

514
515 After discussion the following motion was made:

516
517 MOTION: Mr. Mastronicola made a motion to continue the Notice of Intent to Deny to allow Mr. Rodriguez
518 an opportunity to provide a signed Verification of Employment form showing a total of 72 months
519 in responsible charge. Mr. Rodriguez has until September 15, 2009, to supply this information to
520 the Board office in order to be reconsidered at the October meeting.
521 SECOND: Mr. Ehmke seconded and the motion passed 6 to 1. Ms. Poppell was opposed.

522
523 Ms. Guillemette recommended that DBPR investigate Mr. Baez's statements in reference to Mr. Rodriguez's
524 application.

525
526 **PETITION FOR DECLARATORY STATEMENT**

527
528 **Academic Services Corporation**

529
530 Mr. Harley Gilmore representing Academic Services Corporation was present.

532 After further discussion the following motion was made:

533

534 MOTION: Mr. Ehmke made a motion to deny the petition for declaratory statement based on a lack of
535 standing; and, 472.003(1), F.S., "... a salaried employee of the United States Government when
536 engage in work solely for the United States Government" does not require clarification.

537 SECONDED: Ms. Clodfelter seconded and the motion passed unanimously.

538

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

540

541 Mr. Hurst gave the following report:

542

543 Mr. Hurst has supplied appropriate DACS employees with a listing of all cases and status.

544

545 Mr. Cooner thanked Mr. Hurst for his service to the Board.

546

547 **CHAIRPERSON'S REPORT - Jeff Cooner**

548

549 Mr. Cooner gave the following report:

550

551 The Board of Professional Surveyors and Mappers will be moving to DACS effective on October 1, 2009. Mr.
552 Cooner has had discussion with staff from DBPR and DACS regarding the transition. He stated that he has
553 been assured that all efforts are being made to make the transition as smooth as possible. He reiterated the
554 possibility of an assessment to the industry to pay for services that will not be covered by the fiscal transfer.

555

556 **COMMITTEE REPORTS**

557

558 **Probation Committee – Mary Hanna Clodfelter**

559

560 Ms. Clodfelter gave the following report:

561 The Committee reviewed seven cases on July 29, 2009, and recommends finding the first set of surveys in
562 compliance and releasing the following cases from probation:

563

564 Daniel Croft Case number 2006-012031

565 Bruce A. Klein Case number 2001-001894

566 Larry J. Sharp Case number 2008-001171

567 David Lee Smith Case number 2007-036733

568

569 The Committee recommends finding the first set of surveys not in compliance and requesting a second set of
570 surveys for the following cases:

571

572 George Aylor, Jr. Case number 2005-054639

573 Mark A. Johnson Case number 2007-043361

574 Arturo R. Toirac Case number 2007-035879

575

576 MOTION: Mr. Ehmke made a motion to accept the recommendations of this Committee.

577 SECOND: Ms. Poppell seconded and the motion passed unanimously.

578

579 **Application Committee – Beverly Sutphin**

580

581 Ms. Sutphin gave the following report:

582

583 The Committee made the following recommendations:

584

585 **Endorsement**

586

587 **Thomas Whitson Brooks**

588

589 The Committee recommended approving Mr. Brooks's application for licensure by endorsement and accepting
590 his NCEES scores.

Board of Professional Surveyors and Mappers

July 2009 General Sessions Minutes

Page 10 of 14

591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649

James W. Farren

The Committee recommended approving Mr. Farren's application for licensure by endorsement.

Scott David Grundei

The Committee recommended approving Mr. Grundei's application for licensure by examination contingent upon conversion of his application from endorsement to an application by examination and accepting the NCEES score.

Examination

Anthony Campanile

The Committee recommended denying Mr. Campanile's application for licensure by examination based on the applicant's failure to provide documentation of 25 classroom hours of courses in surveying and mapping or related courses as required by 472.013(2)(b), F.S.

Timothy Jon DeVries

The Committee recommended approving Mr. DeVries' application for licensure by examination.

Matthew Robert Laluzerne

The Committee recommended approving Mr. Laluzerne's application for licensure by examination.

William D. Pinkston

The Committee recommended approving Mr. Pinkston's application for licensure by examination.

Certificate of Authority

Contractors Survey Corporation

The Committee recommended approving Contractors Survey Corporation's Certificate of Authority contingent upon receipt of a \$4,000 assessment to be paid in full within 30 days due to concerns of unlicensed activity.

MOTION: Mr. Mastronicola made a motion to accept the recommendations of this Committee.

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

Examination Committee – Beverly Sutphin

Ms. Sutphin reported that the April examination, the new format, had a pass rate of 75.47% of the 53 examinations that were administered. This percentage is in line with what the Bureau of Education and Testing expected. The Bureau of Education and Testing is continuing to build the item bank of examination questions and Ms. Sutphin encouraged the Board to contact the Bureau with any possible questions or subject matters.

NCEES Committee – Jeffrey Cooner

Mr. Cooner informed the Board that NCEES has recently made some changes to their logo and website.

Mr. Cooner also informed the Board of information that he gleaned at the last NCEES meeting which he attended with Mr. Morrison. He cautioned the Board and all present that NCEES has a new logo and to be aware of the incoming mail. He took training courses on Robert's Rules of Order and ABET, the organization that evaluates degrees from universities, that he found interesting. He informed the Board that he learned that ELSEES, a branch of NCEES, has since been reabsorbed by NCEES, started administering examinations on behalf of the member states in 2000. Currently there are 44 member Boards that use NCEES for their exam administration. NCEES offers 5 foreign test sites as well as 140 sites in the United States and the territories.

650 They also offer candidate support, enforce exam deadlines, secure and store the exams, and have online exam
651 admission notices and scores. Exam services are administered by 5 staff that handles 20 different exams.
652

653 NCEES is in process of assigning applicants with unique identification numbers by July 2010. This identification
654 number will be a permanent number and all information filed with NCEES will be tagged to that unique number.
655 This will assist in a lot of the retake and collusion issues. This will also be beneficial when NCEES turns to
656 computer based testing.
657

658 Mr. Cooner informed the Board that he will be attending the NCEES Annual Meeting in Louisville, KY on August
659 12–15, 2009 with Leon Biegalski.
660

661 **ACSM Liason – Beverly Sutphin**

662
663 There was no report at this time.
664

665 **Rules Committee – Diane Guillemette**

666
667 Ms. Guillemette reported back to the Board in reference to 61G17-9.005 F.A.C. Mediation. The statutory site
668 reference in this rule is 472.331(h), F.S. which is the legal obligation for failure to pay final judgments in civil
669 proceedings.
670

671 After discussion the following motion was made:
672

673 MOTION: Ms. Sutphin made a motion to adopt rule 61G17-9.005 F.A.C. to read: Violations of Section
674 472.0331(h), F.S., involving licensees, either individuals or business entities holding certificates
675 of authority, who failed to pay any final judgment entered against the licensee in any civil
676 proceeding against the licensee involving the licensee's practice of surveying and mapping, can
677 be mediated pursuant to Section 455.2235, F.S.

678 SECOND: Ms. Clodfelter seconded and the motion passed unanimously.
679

680 Ms. Guillemette proceeded to give the following report to the Board:
681

682 61G17-4.001 F.A.C. will be opened for rule development to clarify exam site materials. As part of the
683 development, Ms. Guillemette will be revising the grading criteria language in 61G17-4.004 F.A.C. and
684 consideration of repeal language in 61G17-4.003 F.A.C.
685

686 61G17-6.003 F.A.C. is being reviewed by Mr. B. Miller to determine if the review sheet reflects the requirements
687 of the rule rather than change the rule.
688

689 61G17-8.0011 F.A.C. after discussion it was determined that no change should be made to this rule at this time.
690 Ms. Sutphin requested that the language in sections (6) and (7) be reviewed for clarification in regards to fees for
691 inactive and reactivate license status.
692

693 61G17-5.0031 F.A.C. Mr. Mastronicola asked that Ms. Guillemette work with Mr. B. Miller to review additional
694 options making the amendment fair to current and future providers and report back to the Board.
695

696 61G17-5.0043 F.A.C. will be revised to allow one continuing education hour for each fifty (50) minutes of
697 instruction.
698

699 61G17-4.001 F.A.C. was adopted on June 17, 2009 and became effective on July 7, 2009.
700

701 61G17-3.001 F.A.C. was adopted on June 17, 2009 and became effective on July 7, 2009.
702

703 MOTION: Ms. Clodfelter made a motion to approve the Rules Report as submitted.
704

705 SECOND Mr. Ehmke seconded and the motion passed unanimously.
706

706 **Probable Cause Panel – Arthur Mastronicola**

707
708 Mr. Mastronicola gave the following report:

Board of Professional Surveyors and Mappers
July 2009 General Sessions Minutes
Page 12 of 14

709
710 2 reconsiderations were closed.
711 16 administrative complaints were reviewed:
712 1 complaint was closed with a letter of guidance
713 15 complaints were found to have probable cause
714 19 closing orders
715 2 were found to have probable cause
716 1 was issued a letter of guidance
717 16 were closed

718
719 **Continuing Education Committee – Howard Ehmke**

720
721 Mr. Ehmke gave the following report:

722
723 The Committee made the following recommendations:

724
725 **ADVANCED SURVEYING TECHNOLOGY (0001372)**

726
727 Alignments (GENERAL) (1 hr) – Approve
728 Cross Sections (GENERAL) (1.5 hrs) – Approve
729 Introduction to Corridor Modeling (GENERAL) (4 hrs) – Approve
730 Parcels (GENERAL) (1 hr) – Approve
731 Preparing Base Maps (GENERAL) (3 hrs) – Approve
732 Profiles (GENERAL) (2 hrs) – Approve

733
734 **ADVANCED TECHNOLOGIES SOLUTIONS INC (0004664)**

735
736 AutoCAD Essentials (GENERAL) (24 hrs) – Deny
737 AutoCAD Update (GENERAL) (8 hrs) – Deny
738 Civil 3D Essentials (GENERAL) (24 hrs) – Deny
739 Field to Finish (GENERAL) (1 hr) – Approve contingent upon receipt of a sample certificate.
740 Transitioning from Land Development Desktop to Civil 3D (GENERAL) (8 hrs) – Deny

741
742 **AUBURN UNIVERSITY ENGINEERING CONTINUING EDUCATION (0001387)**

743
744 Auburn University Engineering Continuing Education failed to renew its providership, therefore the decision of
745 the Committee was:

746
747 2007 National Readjustment of the North American Datum 1983 (GENERAL) (3 hrs) – Deny
748 Business Ethics – Module I (GENERAL) (3 hrs) – Deny
749 Business Ethics – Module II (GENERAL) (3 hrs) – Deny
750 History of the Government Land Office (GENERAL) (3 hrs) – Deny
751 Soil Basics for Engineers (GENERAL) (6 hrs) – Deny

752
753 MOTION: Mr. Fusco made a motion to accept the recommendations of this Committee.
754 SECOND: Mr. Greer seconded and the motion passed unanimously.

755
756 After further discussion, Mr. Ehmke amended his report for Auburn University Engineering Continuing Education
757 to the following:

758
759 **AUBURN UNIVERSITY ENGINEERING CONTINUING EDUCATION (0001387)**

760
761 2007 National Readjustment of the North American Datum 1983 (GENERAL) (3 hrs) – Approve contingent upon
762 the renewal of Auburn University Engineering's Continuing Education Provider license
763 Business Ethics – Module I (GENERAL) (3 hrs) – Approve contingent upon the renewal of Auburn University
764 Engineering's Continuing Education Provider license
765 Business Ethics – Module II (GENERAL) (3 hrs) - Approve contingent upon the renewal of Auburn University
766 Engineering's Continuing Education Provider license

767 History of the Government Land Office (GENERAL) (3 hrs) - Approve contingent upon the renewal of Auburn
768 University Engineering's Continuing Education Provider license
769

770 MOTION: Mr. Ehmke made a motion to accept the amended recommendations of this Committee.

771 SECOND: Ms. Clodfelter seconded and the motion passed unanimously.
772

773 **MOVE TO DACS**
774

775 Mr. Cooner again presented Mr. Biegalski for the position of Executive Director to allow for further questions or
776 discussion. After discussion the following motion was made:
777

778 MOTION: Ms. Sutphin made a motion to appoint Leon Biegalski as the Executive Director of the Board of
779 Professional Surveyors and Mappers effective October 1, 2009 with transitional duties prior to
780 appointment.

781 SECOND: Ms. Clodfelter seconded and the motion passed unanimously.
782

783 **REVIEW OF THE TASK FUNCTION FORM FROM THE JANUARY 2009 MEETING**
784

785 Mr. Cooner reviewed the task function form with the Board and staff.
786

787 **NEW/OLD BUSINESS**
788

789 Mr. Greer asked the Board in the instance of Mr. Carbaugh's application where his employer is his father if there
790 is a way to verify the information supplied. After discussion it was determined that Mr. Carbaugh, the father, is
791 signing a form and attesting to the information supplied in it.
792

793 Mr. Henry Echezebel has resigned his position on the Board. Mr. Cooner thanked Mr. Echezebel in absentia for
794 his service to the Board. Mr. Cooner further stated that due to the open position on the Probable Cause Panel,
795 he appointed Mr. Lou Bush in his stead. Mr. Bush is a photogrammetrist and has expertise that will be
796 necessary if and when the Probable Cause Panel has a photogrammetry issue before it.
797

798 Mr. Echezebel included in his letter of resignation, a statement about the current MTS requirements that may
799 cause concerns about future public harm. Mr. Cooner asked the Board to think about possible ramifications for
800 future discussions.
801

802 With no further business, the meeting was adjourned at 12:12 p.m.