

MINUTES
BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS

General Business Meeting

**Radisson Barceló Hotel
8444 International Drive
Orlando, Florida**

October 4-5, 2006

Call to Order / Roll Call

Dennis Blankenship, Chair, called the meeting to order October 4, 2006 at 3:00 p.m.

Members Present

Dennis Blankenship, Chair
Jeffrey Cooner, Vice Chair
Pamela Nobles
Louis Lebron
Beverly Sutphin
Sidney Greer
Fran Poppell
Mary Hanna Clodfelter

Members Not Present

Lou Bush

Others Present

Diane Guillemette, Board Counsel
Richard Morrison, Executive Director
Christa Patterson, Government Analyst
Eric Hurst, Prosecuting Attorney
Art Mastronicola
David Melvin
Robert Debors
John Richard Noland, Jr.
Marilyn Evers
Harley Gilmore
Alvin Gloer
Tome Drone
Christopher Beers
Jake Kearney
Kevin Wilmott
Greg Duque
Beverly Jones
Patricia Gail Oliver
Michael Whitling

Mr. Blankenship advised the board that Lou Bush's absence was excused.

REVIEW AND APPROVAL OF MINUTES

June 20, 2006, General Business Meeting Minutes

The board reviewed the June 20, 2006 general business meeting minutes and after review the following motion was made.

MOTION: Ms. Sutphin made a motion to approve the June 20, 2006 general business meeting minutes.
SECOND: Mr. Greer seconded the motion and it passed unanimously.

July 12-13, 2006, Committee/General Business Meeting Minutes

The board reviewed the July 12-13, 2006 committee and general business meeting minutes and after review the following motion was made.

MOTION: Mr. Greer made a motion to approve the July 12-13, 2006 minutes with corrections.
SECOND: Ms. Clodfelter seconded the motion and it passed unanimously.

BOARD COUNSEL REPORT – Diane Guillemette

Ms. Guillemette reported that the Mahar K. Jadav District Court of Appeals case was dismissed. Mr. Guillemette advised the board that Mr. Jadav did not make an appeal request within the time allotted.

REVIEW OF THE TASK FUNCTION FORM

Ms. Patterson reviewed the task function form with the board.

The board asked Ms. Guillemette to follow-up on the board's authority to impose conditions on re-exam candidates.

Ms. Patterson advised the board that Gary Ribelin who was issued a temporary license was approved by the Board at their June 2006 meeting for licensure by endorsement.

Mr. Cooner stated that he did not draft a letter to Secretary Marsteller regarding how the department handled the DOAH Martin case. Mr. Cooner stated that with the upcoming changes in administration he did not feel sending a letter to the Secretary would be effective. The board asked Mr. Cooner to draft the letter and provide the board with a draft of the letter at the next meeting.

After discussion the following motion was made.

MOTION: Mr. Greer made a motion to table drafting the letter to the Secretary Marsteller.
SECOND: Mr. Lebron seconded the motion and it passed unanimously.

PROSECUTING ATTORNEY'S REPORT- Eric Hurst

Mr. Hurst reviewed his report with the board.

COMMITTEE REPORTS

Application Review Committee – Louis Lebron

Mr. Lebron reported the application review committee's recommendations.

- Table consideration of Mr. Beer's application to the next meeting. .
- Approve Mr. Drone's application by endorsement.
- Table consideration of Mr. Duque's application to the next meeting.
- Table consideration of Mr. Kearney's application to the next meeting.
- Table consideration of Mr. Hufias application
- Deny Mr. Wilmott's application for licensure by endorsement.
- Approve Mr. Burdette's application by examination.
- Approve Mr. Chauvez's application for licensure by examination.
- Approve Mr. Jarvis' application for licensure by examination.
- Approve Mr. Salicetti's application for examination.

MOTION: Ms. Sutphin made a motion to approve the application review committee's recommendations.

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

Exam Committee – Pam Nobles

Ms. Nobles reported that Lyra Erath has not been replaced but was told that she was going to be replaced. Mr. Morrison stated that Steven Allen has been assigned to the board. Ms. Nobles stated that Ms. Erath is still contacting her regarding upcoming meetings and was still providing the exam committee members short notice regarding the meetings.

Ms. Nobles stated that she has not seen an exam challenge on the board's agenda in a long time. Ms. Nobles asked Mr. Morrison to follow-up with the Bureau of Education and Test to find out if any exam challenges have been requested and, if so, how was BET handling those requests. Ms. Guillemette stated exam challenges from DOAH should be presented to the board for final action. Ms. Nobles stated that the board has not delegated the authority to the department to handle exam challenge final orders.

Mr. Morrison stated he would follow-up with BET regarding the board's exam challenge concerns.

NCEES – Pam Nobles

Ms. Nobles advised the board that she and Mr. Morrison attended the NCEES annual meeting in Alaska. Ms. Nobles stated there were many items passed at the annual meeting that will effect the board.

Ms. Nobles stated that NCEES approved a national exam registration system that will be in place by 2008. Ms. Nobles stated that anyone that sits for a NCEES exam will have to register. Ms. Nobles stated that exam scores will not be given out only a pass or a fail report will be offered. Ms. Nobles stated that the exam rules regarding items being brought into the exam site are being revised.

Rules Committee – Jeff Cooner

Ms. Guillemette reported the rule workshop actions.

- Leave Rule 61G17-3.0021, F.A.C. as is and to drop adoption of the changes.
- Notice Rule 61G17-9.0045, F.A.C. for rule development.
- Delete section (1) of Rule 61G17-9.0045, F.A.C.
- Approve proposed language to Rule 61G17-9.004, F.A.C. with changes to section (2).
- Approve proposed changes to Rule 61G17-3.0025, F.A.C. with changes.
- Approve the technical changes to Rule 61G17-5.0043, F.A.C.
- Approve proposed changes to Rule 61G17-5.001, F.A.C.
- Remove the language in Rule 61G17-5.0043 (11) that require the surveyor to affix their signature, date and seal to correspondence exams.

MOTION: Ms. Nobles made a motion to approve the rule workshop actions.

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

ACSM – Beverly Sutphin

Ms. Sutphin reported that she did not have anything to report at this time.

Probable Cause Panel – Dennis Blankenship

Mr. Blankenship reported that the probable cause panel committee reviewed 36 cases, 17 cases were closed, 15 cases probable cause was found and 4 cases were referred back to the department for additional investigation.

Continuing Education Committee – Mary Hanna Clodfelter.

Ms. Clodfelter reported the continuing education committee meeting recommendations.

FLORIDA DEPARTMENT OF TRANSPORTION. (0001380)

Ms. Clodfelter reported the following recommendations.

- Approve the course “Use of Photogrammetry for Route Surveys” for 11.25 hours of general credit pending receipt of a corrected certificate.
- Approve the course “Introduction to Least Squares Processing using the Electronic Field Book” for 11 hours general credit pending receipt of corrected certificate.
- Approve the course “Interpretation of Global Positioning System Processing” results for 11.25 hours of general credit.
- Approve the course “GPS for Route Surveys” for 18.5 hours of general credit.

LORMAN BUSINESS CENTER, INC (0000837)

Ms. Clodfelter stated that the course application for “Administration and Enforcement of Wetlands and Endangered Species Regulations” for 6 hours general credit did not include the new instructor’s name. However, the instructor’s vita information was included. Ms. Clodfelter stated that she would recommend approval of the course pending receipt of an amended application with the instructor’s name included and a corrected certificate.

REDVECTOR.COM, INC. (0001771)

Approve the following courses offered by RedVector pending receipt of an amended certificate.

- Akin v. Godwin – A Dave Gibson Lot & Block Case for 2 hours general
- Barbs v. Walker – A Dave Gibson Public Lands – Related Case for 2 hours general
- Boundary Agreements for 4 hours general
- Dave Gibson's All-Star Lot & Block Boundary Cases for 6 hours general
- Dave Gibson's All-Star Mets & Bounds Boundary Cases for 6 hours general
- Easements: Part1 Basic Elements for 3 hours general.
- Easements: Part 2 Roads & Highways for 2 hours general
- Easements: Part 3 Reversion Rights for 3 hours general
- Ethics for Surveyors & Mappers for 1 hour general
- Florida: Laws for Surveyors for 6 hours general
- Florida: Minimum Technical Standards for 6 hours MTS/L&R
- Frost's Survey – A Dave Gibson Metes and Bounds Case for 2 hours general
- Giving a Deposition for 1 hour general
- Henderson et al – A Dave Gibson Mets & Bounds Case for 2 hours general
- Lot 21 – A Dave Gibson Lot & Block Case for 2 hours general
- Palm Court – A Dave Gibson Lot & Block Case for 2 hours general
- Palm Harbor – A Dave Gibson Lot & Block Case for 2 hours general
- Rivers v. Lozeau – A Dave Gibson Public Lands Case for 2 hours general
- Sequential v. Simultaneous Conveyancing for 4 hours general
- Simple 300x100 Parcel - A Dave Gibson Metes and Bounds Case for 2 hours general
- Stefanic et al – A Dave Gibson Metes and Bounds Case for 2 hours general

Ronald Milstid's Correspondence.

- Approve Mr. Milstad's request for 18 hours of continuing education credits.

Michel Solitro's Correspondence

- Deny Mr. Solitro's request.

MOTION: Ms. Sutphin made a motion to approve the continuing education committee's recommendations.

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

Privatization Committee Report – Pam Nobles

Ms. Nobles stated there was nothing to report at this time.

Mr. Blankenship advised the board that the revisions to the business case were completed and he was still holding the request.

Mr. Greer stated that the business case report should not be submitted until the new administration was in place.

Marilyn Evers was present at the meeting and asked the board to consider submitting a letter to the department requesting budget for start up funds.

Ms. Evers stating that submitting the budget request would keep the department on notice that the board is still pursuing privatization.

After discussion the following motion was made.

MOTION: Ms. Nobles made a motion that Mr. Blankenship submit a letter to the department requesting the start up funds and the letter is to be completed and submitted within the next 30 days.

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

EXECUTIVE DIRECTOR'S REPORT – Richard Morrison

Mr. Morrison reviewed his reports with the board. The board did not take any action.

CHAIRPERSON'S REPORT – Dennis Blankenship

Mr. Blankenship stated he did not have anything to report.

OLD/NEW BUSINESS

Election of Officers

MOTION: Mr. Greer made a motion to elect Mr. Blankenship as Chair and Mr. Cooner as Vice Chair.

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

Ms. Sutphin opposed.

The board recessed October 4, 2006 at 5:30 p.m. and will reconvene October 5, 2006 after the probation review committee.

Mr. Blankenship called the general business meeting to order October 5, 2006 at 10: 00 a.m.

Members Present

Dennis Blankenship, Chair
Jeffrey Cooner, Vice Chair
Pamela Nobles
Louis Lebron
Beverly Sutphin
Sidney Greer
Mary Hanna Clodfelter
Fran Poppell
Lou Bush

Members Not Present

Others Present

Diane Guillemette, Board Counsel
Richard Morrison, Executive Director
Christa Patterson, Government Analyst
Eric Hurst, Prosecuting Attorney

Art Mastronicola
Harley Gilmore
Jim Bushouse
Jean Michael Melillo
Steve Quesner
Ralph Swerdloff
Leslie Howard
Alvin Gloer
Frank Daniel
Waldo Paez
David Graves
Michael Whitley
Robert Dubors
R. Whitehead
William Hazlett
John Richard Noland, Jr.
Marilyn Evers
Ted Madson
Robert Jackson
Gail Oliver
Myron Blow
Mr. Heekings, Esquire
Linda Jones
Mr. Welch

DISCIPLINARY PROCEEDINGS – Eric Hurst

Hearings Not Disputing Issues of Material Fact

David P. Graves
Case # 2004-059876

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

Mr. Hurst reviewed the case with the board and after discussion the following motion was made.

MOTION: Ms. Sutphin made a motion that there were no disputed issues of material fact.
SECOND: Ms. Nobles seconded the motion and it passed unanimously.

Mr. Graves addressed the board and reported to the board the steps he took to complete the surveys.

MOTION: Ms. Sutphin made a motion to adopt the conclusions of law as contained in the administrative compliant.
SECOND: Ms. Nobles seconded the motion and it passed unanimously.

MOTION: Mr. Bush made a motion to approve the following penalties: \$880.11 in costs, probation survey review, completion of a MTS course, and boundary control course.
SECOND: Mr. Lebron seconded the motion and it passed.

Ms. Sutphin opposed the motion.

Jean- Michel Melillo

Case # 2005-001239 and Case # 2005-003013 Melillo & Platt Surveying Inc.

Mr. Melillo was present at the meeting and was represented by Mr. Heekin's.

Mr. Hurst reviewed both cases with the board and after discussion the following motion was made.

MOTION: Ms. Nobles made a motion to adopt that there are no disputed issues and the finding of facts and to move all case materials into evidence.

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

MOTION: Ms. Sutphin made a motion to adopt the conclusions of law contained in the administrative complaint.

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

MOTION: Ms. Sutphin made a motion to approve the following penalties: written reprimand for both cases, \$610.32 in costs for case number 2005-001239, and \$554.34 in costs for case number 2005-003013.

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

Ms. Nobles opposed the motion.

First Financial Surveyors

Case # 2004-054984 and Case # 2004-044567

Mr. Hurst advised the board that he received a letter requesting to relinquish the business license. Mr. Hurst stated that the company was about to be dissolved and Mr. Burger asked the board to consider his request if not they would like to table consideration of the cases to the next meeting.

MOTION: Ms. Sutphin made a motion to deny the request for continuance to the next meeting.

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

MOTION: Ms. Sutphin made a motion to move to find there are no disputed issues of material fact and to adopt the findings of fact as alleged in the administrative complaint and to move all case materials into evidence.

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

MOTION: Ms. Nobles made a motion to revoke First Financial Surveyors license.

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

Settlement Stipulations

William Grizzell

Case # 2004-009137

Mr. Grizzell was not present at the meeting and Mr. Hurst advised the board that Mr. Grizzell requested a continuance to the next meeting.

MOTION: Mr. Greer made a motion to approve Mr. Grizzell's request to continue the case to the next meeting.

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

MYRON W. BLOW'S MOTION TO MODIFY FINAL ORDER

Mr. Blow was present at the meeting and was represented by Ted Madson.

Ms. Guillemette reviewed the motion to modify the final order and after discussion the following motion was made.

MOTION: Ms. Nobles made a motion to deny Mr. Blow's request to modify the final order.

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

ENVIRONMENTAL LAND SERVICES, INC PROBATION APPEARANCE

Mr. Cooner turned the meeting over to Ms. Nobles. Mr. Cooner stated that he continues to recuse himself from the case.

Linda Jones, owner of ELS and Mr. Welch were present at the meeting and were represented by Ted Madson.

Ms. Jones advised the board that she brought to the meeting a detailed written report of the company's activities. Ms. Nobles shared her concerns with Ms. Jones to the matter of Mr. Holderfield and Mr. Watson not being present at the meeting. The board agreed with Ms. Nobles' comments. Ms. Patterson advised the board that notices to appear were sent to all parties.

It was the consensus of the board that ELS had not complied with the terms of the final order.

MOTION: Mr. Bush made a motion to lift the stay of suspension.

SECOND: Ms. Poppell seconded the motion and it passed.

Ms. Sutphin opposed the motion.

INFORMAL HEARING OF APPLICATION DENIAL

Matthew Bissett

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

Ms. Guillemette reviewed the notice of intent to deny with the board. After discussion the following motion was made.

MOTION: Mr. Greer made a motion to uphold the notice of intent to deny.

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

Mr. Bush advised the board that during the break Ms. Jones from ELS tried to take him by the arm in the hall way to discuss the board actions. Mr. Bush stated that he advised her that he would not discuss the board's action with her. Mr. Bush stated that when he went to put his suit case in the car and returned to the entrance of the hotel, Ms. Jones was a passenger in a car and rode by shacking her finger at him very sternly. Mr. Bush stated he would not be intimidated by her or her actions.

Mr. Madson stated he was unaware of her action and he apologized for her actions.

HARLEY GILMORE CORRESPONDENCE

The board reviewed Mr. Gilmore's letter and the board provided Mr. Gilmore clarification to Rule 61G17-9.007 (1) (a) (b), F.A.C., survey review.

Mr. Gilmore asked the board if the 120 days reference in the rule includes weekends and holidays. The board stated yes. Mr. Gilmore asked the board if the 5 calendar days reference in the rule meant post mark date. The board stated yes.

Mr. Gilmore thanked the board for the clarification to the probation survey review rule.

COMMITTEE REPORTS – CONTINUED

Probation Review Committee Report – Pam Nobles

Ms. Nobles reported the recommendations by the probation review committee

- Accept Mr. Paez's surveys and release him from probation.
- Accept the probation surveys and release Mr. Quensel from probation.
- Accept Mr. Swerdloff's probation surveys and to release him from probation.
- Table Mr. Daniel's probation review to the next meeting.
- Not accept Mr. Hazlett's second set of surveys and that the stay of suspension is lifted.
- Accept Mr. Whitehead's second set of surveys and to release him from probation.
- Find that Mr. Bushouse has not complied with the terms of the final order and to lift the stay of suspension and refer the case back to the department's regulation office.
- Notice Mr. Albritton for non-compliance.
- Notice Mr. Carr for non-compliance.
- Notice Alberto Luaces for non-compliance

MOTION: Mr. Cooner made a motion to approve the probation review committee's recommendations.

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

Ms. Nobles advised the board that the ABET accreditation review was going to be conducted at the University of Florida. Ms. Nobles stated that she would not be able to attend and that other members of the board should consider attending. Ms. Clodfelter stated she would check her schedule and let Ms. Patterson know.

Ms. Nobles advised the board that the NCEES President's Assembly meeting would be taking place sometime in February. Ms. Nobles suggested that Mr. Blankenship and a staff person attend.

OLD/NEW BUSINESS – CONTINUED

DBPR Training

Mr. Morrison provided the board with a power point board member training.

There being no other business the meeting adjourned at 1:30 p.m.