

## MINUTES

### BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS

#### General Business Meeting

Department of Business and Professional Regulation  
Board Conference Room  
1940 North Monroe Street  
Tallahassee, Florida

April 13-14, 2005

#### Call to Order / Roll Call

Pamela Nobles, Chair, called the meeting to order April 13, 2005 at 2:15 p.m.

#### **Members Present**

Pamela Nobles, Chair  
Lou Bush  
Louis Lebron  
Jeffrey Cooner  
Beverly Sutphin, Vice Chair  
Sidney Greer  
Omar Armenteros  
Dennis Blankenship

#### **Members Not Present**

Fran Poppell

#### **Others Present**

Richard Matthews  
Harley Gilmore  
David Melvin  
Denis Riordan  
Alvin Gloer  
Missy Rudd  
Shelly Duorak  
Henry Echezabal  
Gail Oliver  
Steve Gordon  
Ronnie Taylor

#### REVIEW AND APPROVAL OF GENERAL BUSINESS MEETING MINUTES

##### January 5-6, 2005 - General Business Meeting Minutes

The board reviewed the January 5-6, 2005 general business meeting minutes and after review the following motion was made.

MOTION: Ms. Sutphin made a motion to approve the January 5-6, 2005 general business meeting minutes.

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

#### February 24, 2005 – TCC General Business Meeting Minutes

MOTION: Ms. Sutphin made a motion to approve the February 24, 2005, telephone conference call general business meeting minutes.

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

#### **REVIEW OF THE TASK FUNCTION FORM**

Ms. Nobles reviewed the task function form with the board and the board noted that the majority of the tasks had been completed.

#### **BOARD COUNSEL REPORT – Brian Stabley**

Mr. Stabley reviewed with the board the rules report.

#### **APPREANCE BY THE BUREAU OF EDUCATION AND TESTING**

Mr. Gus Ashoo, Ms. Melissa Howard and Ms. Cassandra Cox were present at the meeting.

Mr. Ashoo introduced Ms. Cox to the board and advised the board that Ms. Cox was the person now responsible for processing the board's continuing education applications. The board welcomed Ms. Cox.

Ms. Sutphin asked Mr. Ashoo if he could provide the board with a course list report at each meeting. Mr. Ashoo stated that he could provide a course approval report at each meeting.

Ms. Nobles advised the board that when she checked her continuing education record the record was not correct. Ms. Nobles stated that the hours for attending board meetings were listed but were not counted toward general hours.

Ms. Patterson stated that once she was aware of Ms. Nobles problem she contacted the continuing education office and Mr. George Ayrish assisted her. Ms. Patterson stated that there was a maximum number in the program and there should not have been. Ms. Patterson stated this has been removed and Ms. Nobles continuing education record should be correct now.

Ms. Nobles asked Mr. Ashoo if the Bureau of Education and Testing notified the licensees that this had been corrected. Mr. Ashoo stated no.

The board advised Mr. Ashoo that the licensees should have been contacted. Ms. Nobles stated that she believed that there may be some licensees out there that did not renew because the Department's continuing education record was not correct.

#### **COMMITTEE REPORTS**

##### **Application Committee – Lou Bush**

Mr. Bush reported that the application review committee met and reviewed applications for licensure by endorsement, examination, surveyor in training, and one certificate of authorization.

Mr. Bush advised the board that the committee recommended the following.

Approve Mark William Lendon's application for licensure by examination.

Approve Ramon Antonio Casme's application for licensure by endorsement.

Deny Ercil Edward Godwin's application for licensure by endorsement and recommend that his application be approved for examination.

Deny Cory E. Rushing's application for licensure by endorsement and recommend his application be approved for examination.

Approve Abraham Ira Remchuk's application for surveyor in training.

Approve Monaweck Surveying Inc. and Racheater & Associates, Inc. applications for certificate of authorization.

Approve David Atwell, Lee Dowling, James Glass, and Carl George Miller's applications for retired status.

MOTION: Mr. Blankenship made a motion to approve the application committee report.

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

#### **Examination Committee- Pam Nobles**

Ms. Nobles advised the board that the exam committee requested that the Bureau of Education and Testing hire a consultant to write an additional photogrammetry question for the essay examination. Ms. Nobles stated that if the proposed legislation is passed then the questions would need to be ready for the October 2005 administration of the exam.

#### **NCEES Committee – Pam Nobles**

Ms. Nobles advised the board that she would be attending the NCEES president's meeting in Kansas City and stated that the NCEES was going to re-consider using an exam administrator for the NCEES surveyor examination. Ms. Nobles stated that it would be very important for a staff person to attend the annual meeting to be able to provide input to the changes that may occur with this change.

After discussion it was the consensus of the board that board members and staff should be present at the NCEES annual meetings.

Mr. Greer advised the board that he arranged a meeting with Mr. Jerry Wilson regarding the issue of sending staff to the annual meeting. Mr. Greer stated he would report back to the board following the meeting with Mr. Wilson.

#### **Rules Committee – Jeff Cooner**

Mr. Cooner reported that a rules workshop was held and he provided the board with an overview of the meeting.

61G17-3.004, Florida Administrative Code

Mr. Cooner stated the board considered proposed changes to Rule 61G17-3.004, F.A.C., and the board voted to approve the proposed changes.

61G17-5.0041, Florida Administrative Code

Mr. Cooner stated the board considered proposed changes to Rule 61G17-5.0041 (f), F.A.C., and the board voted to approve the proposed language and to move the language of rule 61G17-5.0041(f). F.A.C. to Rule 61G17-5.0043.

61G17-5.0043 (2), Florida Administrative Code

Mr. Cooner stated the board considered proposed language to rule 61G17-5.0043, F.A.C. and that the board voted to approve the following language.

(2) Furnish each participant with an individual certificate of attendance that complies with paragraph 61-6.015(4) (a), F.A.C. Continuing education providers must provide their Florida Department of Business and Professional Regulation (DBPR) continuing education provider number on all course advertisements and on all course completion certificates issued to individuals completing a continuing education course. Additionally, continuing education providers must identify in advertisements and on certificates of completion whether the offered continuing education course has been approved for general continuing education credit, laws and rules continuing education credit, minimum technical standards (MTS) continuing education credit, or a combination of MTS and laws and rules continuing education credit.

(a). An attendance record shall be maintained by the provider for four (4) years and shall be available for inspection by the Board, its designee, the Department, or the Department's designee.

(b). Providers must electronically provide to the Department a list of attendees taking a course within five (5) business days of the completion of the course. The list shall include the provider's name, the name and license number of the attendee, the date the course was completed, the course number and the total number of hours successfully completed.

(c). If the instructor is receiving credit as set forth in paragraph 61G17-5.0031(3)(c), F.A.C., the instructor shall be listed as an attendee with the same information required above.

(d). Providers shall maintain security of attendance records and certificates. For correspondence study courses, the provider must electronically supply the list of those individuals successfully completing the course by the 5<sup>th</sup> of the month

following the calendar month in which the provider received documentation and was able to determine the successful completion of the course by the individual.

61G17-5.0043 (14), Florida Administrative Code

Mr. Cooner reported that the board considered proposed language to Rule 61G17-5.0043, F.A.C. and after discussion by the board some changes were made and the board voted to approve the following language.

**Rule 61G17-5.0043(14), F.A.C.: All approved continuing education providers must submit an affidavit stating that any instructors offering to teach minimum technical standards have attended during the licensure biennium, either a minimum technical standards workshop, rules workshop, or board meeting.**

61G17-9.006, Florida Administrative Code

Mr. Cooner stated the board considered proposed language to rule 61G17-9.006, F.A.C. and after discussion the board voted not to support the proposed language.

Mr. Cooner stated that after discussion the board requested that Mr. Stabley draft proposed language to require the probationer to provide a list of surveys for the probation committee to choose from.

61G17-5.0051 (1) (d), Florida Administrative Code

Mr. Cooner stated the board tabled consideration of the proposed language to Rule 61G17-5.0051, F.A.C. to the July 2005 meeting. Mr. Cooner stated additional information was necessary prior to board consideration.

61G17-5.0051 (1)(d), Florida Administrative Code

Mr. Cooner stated after discussion it was the consensus of the board that a rule was necessary to address domestic school approval and that the board would move forward.

Mr. Cooner stated that each board member would forward a list of courses they felt were ABET equivalent. Mr. Cooner stated the information would need to be received by Mr. Stabley by May 13, 2005.

Mr. Stabley stated he would contact Joseph Silney's Evaluation Services to see if he could obtain information on the procedures they use for evaluations of degrees.

MOTION: Mr. Blankenship made a motion to approve the rules committee report.

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

ACSM Committee – Beverly Sutphin

Ms. Sutphin reported that she attended the ASCM meeting in Las Vegas, Nevada. Ms. Sutphin thanked the board for allowing her to attend. Ms. Sutphin stated that she attended the standards development meeting and advised the board that even though Florida did not have a representative on the standards development team, Florida is looked up to for

national standards. Ms. Sutphin stated that she was proud to be a representative of the Florida board.

Ms. Sutphin advised the board that she attended an approved ACSM continuing education workshop that was approved by the board for 8 hours but the course only lasted 6.5. Ms. Sutphin stated she wanted the board to be aware of this. Ms. Sutphin advised the board that there was not a provision in the rules for the providers to follow if an instructor gets sick or unable to instruct the course due to unforeseen circumstances.

The board did not take any action.

#### Probable Cause Panel – Dennis Blankenship

Mr. Blankenship reported that the probable cause panel members met and reviewed 35 cases, issued 20 closing orders and found probable cause in 15 cases.

#### Continuing Education Committee – Beverly Sutphin

Ms. Sutphin reported that the continuing education committee met and made the following recommendations.

#### **Florida Surveying and Mapping Society**

Ms. Sutphin stated that the committee recommended the following courses be approved.

- Emergency Management, Florida's Uninvited Visitors of 2004-1.5 hours general
- Rural Land Stewardship: An Incentive-based Growth Management Strategy for a Sustainable Rural Future in Florida -1.5 hours general
- Utilities Mapping for Water and Wastewater Systems Using GIS-1.5 hours general

#### **Lorman Business Center, Inc.**

Ms. Sutphin stated that the committee recommended the following courses for approval.

- Audodesk's Civil 3D – The Future of CADD 6 hours laws and Rules
- Problem Solving for Condominiums and Homeowners' Associations- 6 hours general
- Law of Easements: Legal Issues and Practical Considerations – 6 hours general

#### **Florida Department of Transportation**

Ms. Sutphin stated that the committee recommended the following courses for approval.

- FDOT 2004 Cross Sections and Typical Sections – 1 hour general
- FDOT 2004 V8 Workspaces – 1 hour general
- Best Practices for Electronic Delivery -1 hour general
- MicroStation 2004 Rules – 1 hour general
- Raster Manager – 1 hour general
- Creating MicroStation & Geopak Files from CAICE Data – 2 hours general
- Geopak Survey Tools – 1 hour general
- Using DWG Files in MicroStation and GEOPAK - 1 hour general
- Survey Workshop for 3.5 hours general

#### **Land Pro Seminars**

Ms. Sutphin stated that the committee recommended the following courses for approval.

- Introduction to Wetland Indicators (# 0006515, Expires 05/31/2005) – 6 hours general
- Florida Laws Affecting the Location of Wetland Boundaries(# 0006649, Expires 05/31/2005)- 6 hours laws and rules
- Tree Identification for Surveyors and Engineers (# 0006650, Expires 05/31/2005) – 6 hours general
- Shrubs and Vines of Florida (# 0006651, Expires 05/31/2005) – 6 hours general

**Professional Education Systems Institute, Inc.**

Ms. Sutphin stated that the committee recommended that the course “Easements; Right of Way and Other Encumbrances” for 6.75 hours of general be approved.

**Advanced Surveying Technology, Inc.**

Ms. Sutphin reported that the committee did not approve the following courses.

- Basic Level AutoCAD (# 0003681, Expires 05/31/2005) 16 hours general
- Data Collection (NAME CHANGE) (# 0003687, Expires 05/31/2005) 8 hours general
- Single Frequency GPS (NAME CHANGE) (# 0006647, Expires 05/31/2005) - 8 hours general
- Land Desktop for Surveyors (# 0006739, Expires 05/31/2005)- 18 hours general
- Land Desktop Survey (NEW) 8 hours general

Ms. Sutphin stated that the applications submitted were incomplete and did not provide enough information for the board to evaluate the applications.

MOTION: Mr. Blankenship made a motion to approve the continuing education committee’s report.

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

Privatization Committee – Pam Nobles

No report.

**EXECUTIVE DIRECTOR’S REPORT – John Knap**

Mr. Knap reviewed with the board the unlicensed activity financial account report, operating financial account report, and the complaints and investigative statistics report.

Ms. Nobles stated she would like to give the Chair report at the next days meeting.

**OLD/NEW BUSINESS**

NCEES Presentation

Ms. Nobles advised the board that the NCEES provides each board with a speaker’s kit regarding the surveying profession. Ms. Nobles stated the speakers kit was a great tool to use when speaking to individuals or group who are considering a career in surveying and mapping.

Ms. Oliver conducted the presentation for the board. The board thanked Ms. Oliver for conducting the presentation and stated they were impressed with the information.

Ms. Nobles advised the board to contact Ms. Patterson if they were interested in using the speaker's kit when doing a presentation.

Ms. Nobles advised the board that included in their board member folder was a copy of the District Court of Appeals Opinion regarding Jose Osorio, Sr., and that his matter would be discussed during the general business meeting April 14, 2005.

The meeting recessed at 4:25 p.m. to reconvene April 14, 2005 following the probation committee meeting.

Ms. Nobles called the general business meeting to order April 14, 2005 at 9:40 a.m.

**Members Present**

Pamela Nobles, Chair  
Lou Bush  
Louis Lebron  
Jeffrey Cooner  
Beverly Sutphin, Vice Chair  
Sidney Greer  
Omar Armenteros  
Dennis Blankenship

**Members Not Present**

Fran Poppell

**Others Present**

Jose Osorio  
Michael Aiello  
Ted Madson  
Gregory Mire  
Harley Gilmore  
Dennis Riordan  
Gail Oliver  
Henry Echezabal  
Jeremiah Slaymaker  
Joe White  
Marilyn Evers  
Art Mastronicola  
Ronnie Taylor  
Robert Skrob  
Dave Gibson  
Steve Gordon  
Russell Daly

**DISCIPLINARY PROCEEDINGS – Brian Higgins**

**Motion for Waiver and Final Order**

Bruce Andrew Klein  
Case # 2004-009347

Mr. Klein was not present and was not represented by counsel.

Mr. Higgins reviewed with the board the motion for waiver and final order and after discussion the following motions were made.

MOTION: Mr. Cooner made a motion to find that Mr. Klein was properly served with the administrative complaint.

SECON: Mr. Lebron seconded the motion and it passed unanimously.

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

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

MOTION: Ms. Sutphin made a motion to move all case material into evidence.

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

MOTION: Ms. Sutphin made a motion to accept the settlement stipulation and suspend Mr. Klein's license until he complies with all the requirements of the final order.

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

Julio Sergio Pita

Case # 2003-073500

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

Mr. Higgins reviewed the motion for waiver and final order with the board and after discussion the following motions were made.

MOTION: Mr. Sutphin made a motion to find that Mr. Pita was properly served with the administrative complaint.

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

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

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

MOTION: Mr. Greer made a motion to accept the settlement stipulation and include a boundary control course to be completed within 90 days.

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

### **Settlement Stipulation**

Robert Burns

Case # 2004-09222

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

Mr. Higgins reviewed the settlement stipulation with the board and after discussion the following motion was made.

MOTION: Mr. Sutphin made a motion to accept the settlement stipulation as presented.  
SECOND: Mr. Lebron seconded the motion and it passed unanimously.

Henry Wallace, II  
Case # 2004-008891

Mr. Wallace was not present at the meeting and was not presented by counsel.

Mr. Blankenship was recused from voting due to his participation on the probable cause panel.

Mr. Higgins reviewed the settlement stipulation with the board and after discussion the following motion was made.

MOTION: Mr. Armenteros made a motion to accept the settlement stipulation as presented.  
SECOND: Mr. Greer seconded the motion and it passed unanimously.

### **INFORMAL HEARING OF APPLICATION DENIALS**

Hal Bennett

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

Mr. Bennett made a written request to the board to postpone the informal hearing to the July 2005 meeting. The board agreed.

Joe Robert White

Mr. White was present at the meeting and was not represented by counsel. Mr. White was sworn in by the court reporter.

Mr. Stably reviewed the notice of intent with the board and after discussion the following motion was made.

MOTION: Ms. Sutphin made a motion to uphold the notice of intent to deny.  
SECOND: Mr. Cooner seconded the motion and it passed unanimously.

Andres Himiob

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

Mr. Himiob made a written request to the board to postpone the informal hearing to the July 2005 meeting. The board agreed.

### **REVIEW AND CONSIDERATION OF THOMAS MCMAHON'S PETITION IN ACCORDANCE TO SECTION 472.019, FLORIDA STATUTE**

Mr. McMahon was present at the meeting and was not represented by counsel. Mr. McMahon was sworn in by the court reporter.

Mr. Stabley reviewed Mr. McMahon's request with the board. The board stated that Mr. McMahon's license went null and void in 2001. Ms. Sutphin asked Mr. McMahon if he continued to practice after 2001 when his license was null and void. Mr. McMahon stated yes and that he was not aware that his license was null and void. Ms. Sutphin asked Mr. McMahon if he signed and sealed surveys during that time period and Mr. McMahon stated yes.

Ms. Nobles asked Mr. McMahon if he was practicing with a null and void license and Mr. McMahon stated yes. Ms. Nobles asked Mr. McMahon if McMahon Surveying and Mapping was an approved certificate of authorization by the board.

Mr. McMahon stated that he called the Department and was informed by staff that he did not need to apply for a certificate of authorization since his name was included in the name of the company. The board did not agree and stated that he was in violation of the statutes and should have applied for a certificate of authorization.

Mr. McMahon stated he has not had a complaint made on him or the business. The board stated it is a violation of the statute.

Mr. McMahon stated that it was not his intent to practice without a license and as soon as he realized his license was null and void he stopped practicing.

Mr. Bush stated it could understand a person missing one renewal period but missing two renewal periods he just could not understand.

Mr. McMahon stated he would not happen again if the board approved his reinstatement request. Mr. McMahon asked what the difference was between his reinstatement application compared to the one case that was approved.

Ms. Sutphin stated the difference with Mr. Whitney's case was that Mr. Whitney did not violate the practice act when his license was null and void. Ms. Sutphin stated Mr. Whitney submitted an affidavit stating he did not sign and seal any surveys.

MOTION: Mr. Blankenship made a motion to deny Mr. McMahon's petition to reinstate his license. Mr. Blankenship stated Mr. McMahon was in violation of Chapter 472, F.S., since he was offering and operating a surveying and mapping business without a certificate of authorization and was practicing with a null and void license.

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

Mr. Greer opposed the motion.

## **OLD/NEW BUSINESS**

### Jose Osorio, Sr. District Court of Appeals Opinion

Mr. Osorio, Sr. was present at the meeting and was not represented by counsel.

Mr. Stabley reviewed the District Court of Appeals' opinion with the board and after discussion by the board the following motion was made.

MOTION: Mr. Blankenship made a motion to vacate the notice of intent to deny.

SECOND: Ms. Sutphin seconded the motion.

Mr. Bush advised Mr. Stabley that he was concerned that Mr. Osorio had not documented the required work experience. Mr. Stabley advised the board that the final order only addressed education and did not address experience so the board should only address education.

Mr. Bush stated that he would not support approval since Mr. Osorio had documented that he completed the required work experience and Mr. Osorio has a past arrest history. Mr. Stabley stated that there must have been an error since the final order did not address experience nor the past arrest history. Mr. Stabley suggested that the board only address the education.

Mr. Osorio stated that he was arrested for shoplifting and that he was with children in the store and did not realize there were store items that had not been paid for.

Mr. Greer stated that he agreed with Mr. Stabley and suggested that the board only address the education.

The motion failed.

MOTION: Mr. Bush made a motion to deny Mr. Osorio's application due to incomplete experience documentation.

SECOND: Mr. Armenteros seconded the motion.

Ms. Sutphin, Ms. Nobles, and Mr. Greer opposed the motion and the motion failed.

Mr. Cooner asked Mr. Osorio to provide the board with an overview of his work experience. Mr. Osorio provided the board with an overview. After discussion by the board the following motion was made.

MOTION: Mr. Bush made a motion to vacate the notice of intent to deny.

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

MOTION: Mr. Bush made a motion to approve Mr. Osorio's application to take the licensure examination.

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

**PUBLIC HEARING REQUEST REGARDING RULE 61G17-6, FLORIDA  
ADMINISTRATIVE CODE- Florida Surveying and Mapping Society**

Steve Gordon was present at the meeting and addressed the board. Mr. Gordon reviewed with the board suggested proposed changes to the minimum technical standards rule and stated the suggested changes were very minor.

The board discussed Mr. Gordon's proposed changes to the Vertical Feature Accuracy section of the rule and after discussion the following motion was made.

MOTION: Mr. Cooner made a motion to approve the suggested changes as presented by Mr. Gordon on behalf of the Florida Surveying and Mapping Society.

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

The board discussed Mr. Gordon's suggested proposed changes to the Horizontal Feature Accuracy section of the rule and after discussion the following motion was made.

MOTION: Ms. Sutphin made a motion to approve the suggested changes as presented by Mr. Gordon on behalf of the Florida Surveying and Mapping Society.  
SECOND: Mr. Cooner seconded the motion and it passed unanimously.

Ms. Oliver asked Mr. Stabley when the final language to the MTS rule would be adopted. Mr. Stabley provided the board with an overview of the rule adoption process. Mr. Stabley did not provide a date.

Mr. Cooner advised the board that the minimum technical standards probation worksheet would need to be revised when the MTS rule changes were in effect. Mr. Cooner asked to be notified when the changes had an effective date and asked that the form be forwarded to him so he could revise the form.

### **REQUEST FOR DECLARATORY STATEMENT – Gregory Mire**

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

Mr. Mire advised the board that his request addressed the definition of a street and the use of the term permanent control point as described in Chapter 177 Part I, Florida Statute.

The board reviewed Mr. Mire's request and it was the consensus of the board that there were other statutes and ordinances that would affect the outcome of the answer. After discussion the following motion was made.

MOTION: Mr. Blankenship made a motion to not issue a declaratory statement.  
SECOND: Mr. Lebron seconded the motion and it passed unanimously.

Dr. Dave Gibson, former board member and professor at the University of Florida was present at the meeting and asked to address the board. Dr. Gibson introduced the senior class from the University of Florida to the board. The board welcomed the students and thanked them for attending.

### **PROSECUTING ATTORNEY'S REPORT – Brian Higgins**

Mr. Higgins reviewed his prosecuting attorney's report with the board.

### **COMMITTEE REPORTS – Continued**

Probation Review Committee – Omar Armenteros

Mr. Armenteros reported that the probation committee met and that the committee made the following recommendations.

- Mr. Aiello's 1<sup>st</sup> set of surveys were not in compliance and the committee voted to require Mr. Aiello to submit a 2<sup>nd</sup> set.
- Remove Mr. Franklin from probation.
- Voted to table consideration of Mr. Matthews' surveys to the next meeting and to require Mr. Matthews to be present at the meeting.

Mr. Armenteros stated that the probation review committee reviewed the probation summary report format layout and made the following recommendations.

- Remove Noe Aguilar from the probation summary report.
- Remove Jose Luis Sanfiel from the probation summary report.
- Remove Joseph Smith, Jr. from the probation summary report.
- Suspend Ralph Swerdloff and to send Mr. Swerdloff the suspension letter.

Mr. Armenteros advised the board that Ms. Patterson could not verify that the fees from Environmental Land Services had been received by the Department. Mr. Armenteros stated that Mr. Higgins will contact the attorney to the reason the fees have not been submitted and follow-up with Ms. Patterson. Mr. Armenteros stated that if the fees are not received by a reasonable date then the case will be referred back to open an additional compliant for non-compliance to final order.

MOTION: Mr. Blankenship made a motion to approve the probation review committee report.

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

### **OLD/NEW BUSINESS – Continued**

#### Privatization Discussion

Robert Skrob and Steve Gordon were present at the meeting and they addressed the board. Mr. Gordon asked the board to consider moving forward with privatization.

The board discussed and reviewed the budget information that was submitted with the proposal and some members noted that some of the numbers were not matching up. Mr. Skrob advised the board that the bottom total numbers were correct.

The board discussed the timeline and it was the consensus of the board to use July 2006 as the implementation timeline.

After discussion by the board the following motion was made.

MOTION: Mr. Blankenship made a motion to move forward with privatization and request Mr. Stabley to draft a letter to make a formal request to Diane Carr to privatize.

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

Mr. Gordon advised the board that the business plan would need to be attached with the letter. The board asked Mr. Gordon that the budget information in the business plan be corrected prior to attaching the information to the request.

### **CHAIRPERSON'S REPORT – Pam Nobles**

Ms. Nobles advised the board that for the past couple of months there was a lot of activity regarding proposed legislative language. Ms. Nobles stated that she would like to take the opportunity to thank the Department for keeping her informed of legislative activities.

Ms. Nobles advised the board that to assist in the preparation of upcoming meetings the board staff, prosecuting attorney, and board counsel have held meetings prior to the

scheduled board meeting to review and discuss agenda materials. Ms. Nobles stated that the meetings have helped in answering questions that may come up during the board meetings.

### **NEW/OLD BUSINESS – Continued**

Correspondence from Joanne Logozzo

The board reviewed Ms. Logozzo's letter regarding a waiver of the late fee for her 2005 renewal. The board reviewed the information and stated that she would be required to pay the late fee. Ms. Nobles asked Mr. Stabley to respond to her letter.

Ms. Nobles reminded members that the July 2005 board meeting location was moved to Tampa. Ms. Patterson advised the board that the meeting dates were July 13<sup>th</sup> and 14<sup>th</sup>.

There being no other business the meeting adjourned at 2:45 p.m.