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MINUTES

BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS

GENERAL BUSINESS MEETING

**SHERATON ORLANDO DOWNTOWN HOTEL
60 SOUTH IVANHOE BLVD.
ORLANDO, FLORIDA 32804**

APRIL 11 – 12, 2007

Call to Order/Roll Call

Dennis Blankenship, Chair, called the meeting to order on April 11, 2007 at 5:10 p.m.

Members Present

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

Members Not Present

None

Others Present

June McKinney, Board Counsel
Richard Morrison, Executive Director
Stacey Merchant, Government Analyst
Charles Tunnicliff, Prosecuting Attorney
Harley Gilmore
Marilyn Evers
Art Mastronicola
Alvin Gloer
W. Lamar Evers
Henry Echezabal
Dave Gibson
Wallace Bodkin
Danny L. Wilson
Angel Cortada

51 Eric Matthews

52

53 **COMMITTEE REPORTS**

54

55 **Probation Review Committee Report**

56

57 Ms. Nobles reported the following recommendation.

58

59 Extend Environmental Land Services probation for another six months with a required
60 appearance at the October 2007 meeting. This appearance would be required for Mr.
61 Welch and the surveyor of record for this company. A list of all surveying work and a list
62 of all geology work would be required by September 10, 2007.

63

64 After discussion the following motion was made.

65

66 MOTION: Ms. Sutphin made a motion to accept the recommendations of this
67 committee.

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

69

70 Mr. Blankenship and Mr. Cooner recused themselves from this matter.

71

72 Mr. Blankenship adjourned the general business meeting at 5:45 p.m. so that the
73 probations committee could reconvene.

74

75 **Call to Order/Roll Call**

76

77 Dennis Blankenship, Chair, called the meeting to order on April 12, 2007 at 8:04 a.m.

78

79 **Members Present**

80 Pamela Nobles

81 Lou Bush

82 Louis LeBron

83 Jeffrey Cooner, Vice-Chair

84 Beverly Sutphin

85 Sidney Greer

86 Dennis Blankenship, Chair

87 Mary Hanna Clodfelter

88 Fran Poppell

89 Alvin Gloer

90 W. Lamar Evers

91

92 **Members Not Present**

93 None

94

95 **Others Present**

96 June McKinney, Board Counsel

97 Richard Morrison, Executive Director

98 Stacey Merchant, Government Analyst

99 Charles Tunnicliff, Prosecuting Attorney

100 Harley Gilmore

101 Marilyn Evers
102 Art Mastronicola

103
104 **DISCIPLINARY HEARINGS – CHARLES TUNNICLIFF**
105

106 Mr. Blankenship turned this portion of the meeting over to Vice-Chair Jeff Cooner
107 because of his participation with the probable cause panel.

108
109 After discussion, the following motions were made:

110
111 MOTION: Mr. Bush made a motion that the standard for anyone having to complete
112 a MTS course would be within 90 days.

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

114

115 MOTION: Mr. Bush also made a motion that all orders also include language
116 regarding if the stay of suspension is lifted it would be permanent.

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

118

119 **Motion for Waiver**

120

121 Kenneth F. Walker – Case #'s 2004-021455 & 2003-052039

122

123 Mr. Blankenship and Ms. Poppell were recused due to their participation on the probable
124 cause panel.

125

126 The board requested that these case be tabled to allow the Department to contact Mr.
127 Walker due to his serious health issues.

128

129 **Settlement Stipulations**

130

131 W. Nelson Thaxton – Case # 2006-007400

132

133 Mr. Blankenship and Ms. Poppell were recused due to their participation on the probable
134 cause panel.

135

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

137

138 Mr. Tunncliff reviewed the case with the board and after discussion the following motion
139 was made.

140

141 MOTION: Ms. Sutphin made a motion to accept this settlement stipulation as
142 presented.

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

144

145 Regional Engineering, Inc. – Case # 2004-047089

146

147 Mr. Blankenship and Ms. Poppell were recused due to their participation on the probable
148 cause panel.

149

150 No one was present for this case.

151

152 Mr. Tunncliff reviewed the case with the board and after discussion the following motion
153 was made.

154
155 MOTION: Ms. Sutphin made a motion to accept the settlement stipulation as
156 presented.

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

158

159 George M. Aylor, Jr. – Case # 2005-054639

160

161 Mr. Blankenship and Ms. Poppell were recused due to their participation on the probable
162 cause panel.

163

164 Mr. Aylor was not present at the meeting.

165

166 Mr. Tunncliff reviewed the case with the board and after discussion the following motion
167 was made.

168

169 MOTION: Mr. Greer made a motion to accept the settlement stipulation as
170 presented.

171 SECOND: Mr. LeBron seconded and the motion passed.

172

173 Mr. Bush was opposed.

174

175 Michael J. Aiello – Case # 2005-002465

176

177 Mr. Blankenship and Ms. Poppell were recused due to their participation on the probable
178 cause panel.

179

180 Mr. Aiello was not present at the meeting.

181

182 Mr. Tunncliff reviewed the case with the board and after discussion the following motion
183 was made.

184

185 MOTION: Ms. Sutphin made a motion to amend this case to include a \$3,000 fine,
186 \$742.20 costs, probation and completion of a boundary course within 90
187 days.

188 SECOND: Mr. LeBron seconded and the motion passed unanimously.

189

190 ACM Surveying, Inc. – Case # 2005-005081

191

192 Mr. Blankenship and Ms. Poppell were recused due to their participation on the probable
193 cause panel.

194

195 No one was present for this case.

196

197 Mr. Tunncliff reviewed the case with the board and after discussion the following motion
198 was made.

199

200 MOTION: Ms. Sutphin made a motion to accept the settlement stipulation as
201 presented.

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

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William N. Kitchen – Case # 2006-003679

Mr. Blankenship and Ms. Poppell were recused due to their participation on the probable cause panel.

Mr. Kitchen was not present at the meeting.

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

MOTION: Ms. Sutphin made a motion to accept this settlement stipulation.

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

William N. Kitchen – Case # 2006-017702

Mr. Blankenship and Ms. Poppell were recused due to their participation on the probable cause panel.

Mr. Kitchen was not present at the meeting.

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

MOTION: Ms. Nobles made a motion to reject the settlement stipulation and to counter-offer that the probation in this case run concurrent with the probation in the above case and a boundary course to be taken within 90 days.

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

Countrywide Surveying, Inc. – Case #'s 2005-022020 & 2005-022037

Mr. Blankenship and Ms. Poppell were recused due to their participation on the probable cause panel.

No one was present for this case.

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

MOTION: Ms. Sutphin made a motion to accept this settlement stipulation as presented.

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

Hulon E. Walsingham – Case #'s 2005-017476 & 2005-017522

Mr. Blankenship and Ms. Poppell were recused due to their participation on the probable cause panel.

No one was present for this case.

254
255 Mr. Tunncliff reviewed the case with the board and after discussion the following motion
256 was made.
257
258 MOTION: Ms. Sutphin made a motion to accept this settlement stipulation as
259 presented.
260 SECOND: Mr. Greer seconded and the motion passed unanimously.
261

262
263 **Hearing – No Disputed Facts**

264
265 William F. Grizzell – Case # 2004-009137
266

267 Mr. Blankenship and Ms. Poppell were recused due to their participation on the probable
268 cause panel.
269

270 Mr. Grizzell was present at the meeting and represented by Attorney Daryl Kennedy.
271

272 Mr. Tunncliff reviewed the case with the board and after discussion the following
273 motions was made.
274

275 MOTION: Mr. Bush made a motion to find that they were no disputed material facts.
276 SECOND: Ms. Nobles seconded and the motion passed unanimously.
277

278 MOTION: Mr. Bush made a motion to adopt the findings of fact as alleged in the
279 administrative complaint and move all case materials into evidence.
280 SECOND: Ms. Sutphin seconded and the motion passed unanimously.
281

282 MOTION: Ms. Sutphin made a motion to accept the conclusions of law.
283 SECOND: Mr. Greer seconded and the motion passed unanimously.
284

285 MOTION: Ms. Sutphin made a motion to access a fine of \$3,250 and costs of
286 \$809.16 to be paid within 120 days of the final order, probation including
287 a MTS and a Boundary course. If the stay of suspension is lifted it will be
288 permanent.
289 SECOND: Mr. Bush seconded and the motion passed unanimously.
290

291 Morris Surveying & Mapping, Inc. – Case # 2005-036824
292

293 Mr. Blankenship and Ms. Poppell were recused due to their participation on the probable
294 cause panel.
295

296 Mr. Morris was present at the meeting and represented by Attorney Garvin Bowdin.
297

298 Mr. Tunncliff reviewed the case with the board and after discussion the following motion
299 was made.
300

301 MOTION: Ms. Sutphin made a motion to accept the settlement stipulation as
302 presented.
303 SECOND: Mr. LeBron seconded and the motion passed unanimously.
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Ellery P. Morris – Case # 2005-029779

Mr. Blankenship and Ms. Poppell were recused due to their participation on the probable cause panel.

Mr. Morris was present at the meeting and represented by Attorney Garvin Bowdin.

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

MOTION: Ms. Nobles made a motion to accept the settlement stipulation as presented.

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

East Coast Land Surveying, Inc. – Case # 2006-017714

Mr. Blankenship and Ms. Poppell were recused due to their participation on the probable cause panel.

Mr. Sanzone was present at the meeting.

After discussion, Mr. Sanzone agreed to the amended settlement stipulation and the following motion was made.

MOTION: Ms. Sutphin made a motion to amend this agreement to include a \$1,000 fine, \$426.25 costs to be paid within 90 days.

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

Anthony C.M. Sanzone – Case # 2006-017128

Mr. Blankenship and Ms. Poppell were recused due to their participation on the probable cause panel.

Mr. Sanzone was present at the meeting.

After discussion, Mr. Sanzone agreed to the amended settlement stipulation and the following motion was made.

MOTION: Ms. Sutphin made a motion to amend this agreement to include a \$1,750 fine, \$496.25 costs, probation and completion of a MTS course.

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

At this time Mr. Cooner turned the meeting back over to Mr. Blankenship.

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COMMITTEE REPORTS

Board Counsel’s Rules Report

Ms. McKinney reported that she and Mr. Cooner had met and were working on some proposed language for Rule 61G17-7.0025 – Procedures for Signing and Sealing Electronically Transmitted Plans.

Ms. McKinney stated that she received a letter from the Joint Administrative Procedures Committee (JAPC) regarding a minor change with the proposed language for Rule 61G17-9.004 – Citations.

After discussion the following motion was made:

- MOTION: Ms. Sutphin made a motion to change the word “shall” to “may”.
- SECOND: Ms. Nobles seconded and the motion passed unanimously.

Ms. McKinney reported that the following rules have been adopted:

61G17-2.005 – Statement Regarding Lack of Insurance – effective 12/6/06.

61G17-3.0025 – Surveying and Mapping Degree Programs – effective 1-29-07.

61G17-5.001- Continuing Education Requirements – effective 1-29-07.

Review of the Task Function Form

Mr. Morrison went over the Task Function Form with the board.

Ms. McKinney stated that she would bring some proposed language in reference to limiting or imposing conditions on applicants that do not pass the exams. The language should include such conditions as to the number of times an applicant can sit for the exams and possibly requiring additional courses or continuing education hours.

Mr. Morrison reported the Application for Reinstatement of A Null and Void License is almost complete and the board’s rule is already in effect.

Ms. Nobles stated that she had completed a draft of the checklist for disciplinary cases that she would give to Mr. Morrison to pass on to Mr. Hurst for use with future cases.

Probation Review Committee Report

Ms. Nobles reported the following recommendations:

- Accept Myron Eugene Barker’s surveys and release him from probation.
- To not find Franklin D. Snowden 1st set of surveys in compliance and request a second set of surveys.
- Accept Nicholas Franklin’s surveys and release him from probation.
- Accept Timothy W. Tew’s surveys and release him from probation.

- 406 • To not find Alberto Varas' 1st set of surveys in compliance and request a
407 second set of surveys.
408 • Extend Environmental Land Services' term of probation 6 months
409 requiring an appearance at the October 2007 meeting with a detailed list
410 of all surveys performed from this date until September 5, 2007, and all
411 geology projects performed from this date until September 5, 2007, with
412 both lists in the board office by September 10, 2007. Also included in the
413 stipulation was that Mr. Welch and the surveyor of record for ELS must
414 appear at the October 2007 board meeting.

415
416 MOTION: Mr. Cooner made a motion to approve the probation review
417 committee's recommendations.

418 SECOND: Ms. Poppell seconded and the motion passed unanimously.
419

420 **Application Review Committee**

421

422 Mr. Bush reported the following recommendations by the application
423 review committee:

424

- 425 • Approve Wallace Bodkin's application for licensure by
426 endorsement.
427 • Approve Wayne Westerman's application for licensure by
428 endorsement.
429 • Approve Danny L. Wilson's application for licensure by
430 endorsement.
431 • Continue Angel Cortada's application for licensure by examination
432 to July 2007 meeting. Mr. Cortada waived his 90 day requirement.
433 • Approve Jeffrey Michael Fillion's application for licensure by
434 examination.
435 • Approve Leonardo C. Maqueira's application for licensure by
436 examination.
437 • Approve Juan Carlos Melendez's application for licensure by
438 examination.
439 • Approve Orlin O Merritt's application for surveyor in training.
440 • Approve Eric Matthews' application for surveyor in training upon
441 receipt of a letter of good standing from his university.
442 • Approve Allen E. Beck's application for retired status.
443 • Approve James Edward Booth's application for retired status.
444

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

447 SECOND: Mr. LeBron seconded and the motion passed unanimously.
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Exam Committee

Ms. Nobles reported that she would be attending the NCEES Southern Zone Meeting on April 26, 27 & 28, 2007.

There was no other activity to report.

Rules Committee

There was no activity to report.

Probable Cause Panel

Mr. Blankenship reported that the probable cause panel meeting was held on April 10, 2007. Mr. Blankenship reported that the panel reviewed 16 cases. 4 cases were closed with letters of guidance, 9 cases probable cause was found and 2 cases were tabled.

Continuing Education Committee

Ms. Clodfelter reported the following continuing education committee recommendations:

Deny the following course offered by Lorman Business Center, Inc.

- Condominium Defect Claims (6 hours – General)

Approve these courses offered by the Alabama Society of Professional Land Surveyors upon receipt of revised certificates showing these courses as approved.

- Urban Land Boundary Retracement Practices & Procedure (General) (6 hrs)
- Engineer and Land Surveyors Liability (General) (6 hrs)
- Legal research for the Land Surveyor (General) (6hrs)
- Property Rights and the Land Surveyor (General) (6 hrs)
- The Land Surveyor in Court (General) (6 hrs)

Approve courses 1 – 48 and approve course 49 offered by the Florida Surveying and Mapping Society upon receipt of a course timeline.

- 61G17-6 Minimum Technical Standards for Surveyors (MTS/L &R) (6 hrs)
- 61G17-6 Minimum Technical Standards for Surveyors (MTS/L &R) (6 hrs) (Correspondence)
- ALTA/ACSM Land Title Survey Standards (General) (6hrs)

- 498 • Certified Floodplain Surveyor Standards (General) (2hrs)
- 499 • Florida Law Chapter 455 & 472 – “ A Look from the Other Side of
- 500 the Table: (MTS/L & R) (2hrs)
- 501 • Florida Laws Affecting Professional Surveyor and Mappers
- 502 (MTS/L & R) (6hrs)(Correspondence)
- 503 • Florida Statutes Chapter 177 Part I, Platting (MTS/L & R) (6hrs)
- 504 • Florida Laws Affecting Professional Surveyor and Mappers
- 505 (MTS/L & R) (6hrs)(Classroom)
- 506 • Florida Laws on Sovereignth Land (MTS/L & R) (2hrs)
- 507 • Florida Statutes Chapter 177, Part I Platting
- 508 (MTS/L & R) (6hrs)(Correspondence)
- 509 • Map Modernization and the North Carolina Floodplain Mapping
- 510 Program (General) (2hrs)
- 511 • Remote Sensing Application to Surveying and Mapping
- 512 (General) (6hrs)
- 513 • Surveyors and Their Roles in the National Flood Insurance Program
- 514 (NFIP)(General) (3.5hrs)
- 515 • The “New” Licensure Paths for Surveying and Mapping Under
- 516 Chapter 472, FS, (MTS/L & R) (2hrs)
- 517 • Workplace Safety for Surveyors and Mappers (General) (2hrs)
- 518 • Homeland Security – Public Infrastructure (General) (2hrs)
- 519 • NGS Positional Accuracy Standards (General) (2.5hrs)
- 520 • Public Land Survey System (General) (6hrs)
- 521 • Workers Compensation, Drug Testing, Protecting Field Equipment
- 522 (General) (2hrs)
- 523 • Geographic Information Systems(General)(6hrs)(Correspondence)
- 524 • The History of Surveying (General) (6hrs) (Correspondence)
- 525 • Practical geometry for Surveyors (General) (6hrs)(Correspondence)
- 526 • Elevation Certificate Training (General) (6hrs)Classroom)
- 527 • Letter of Map Amendment/Letter of Map Revision (LOMA/LOMR)
- 528 (General) (1hr)
- 529 • Letter of Map Amendment/Letter of Map Revision
- 530 (LOMA/LOMR)(General) (2hr)
- 531 • Trees of Northern Florida (General) (2hrs)
- 532 • Trees of Northern Florida (General) (6hrs)
- 533 • What is LABINS? (General) (1hr)
- 534 • Understanding Land Descriptions
- 535 Surveys and Boundary Evidence: Part I (General) (1.5hrs)
- 536 • Understanding Land Descriptions
- 537 Surveys and Boundary Evidence:Part II (General) (1.5hrs)
- 538 • Condominium and Conversions (General) (3hrs)
- 539 • History of Surveying in Florida – Part I (General) (1.5hrs)
- 540 • History of Surveying in Florida – Part II (General) (1.5hrs)
- 541 • A Crash Course in AutoCAD (General) (2hrs)
- 542 • Safety for Surveyors (General) (2hrs)

- 543 • Safety for Surveyors (General) (1hr)
- 544 • Survey Case Law – An Overview (MTS/L & R) (2hrs)
- 545 • Safety Case Law (MTS/L & R) (5hrs)
- 546 • Land and Boundary Information Systems (LABINS) (General) (2hrs)
- 547 • MTS- A Practical Application or Six Tips That May Help Prevent
- 548 A Board Appearance (MTS/L & R) (6hrs)
- 549 • MTS- A Practical Application or Six Tips That May Help Prevent
- 550 A Board Appearance (MTS/L & R) (3hrs)
- 551 • MTS- A Practical Application or Six Tips That May Help Prevent
- 552 A Board Appearance (MTS/L & R) (2hrs)
- 553 • Surveying Railroad Right-of-Way Corridors (General) (2hrs)
- 554 • Surveying in the Keys (General) (2hrs)
- 555 • The North American Vertical Datum of 1988 and Florida
- 556 (General) (2hrs)
- 557 • Geodetic Leveling – Part I (General) (6hrs)
- 558 • Geodetic Leveling – Part II (In-field/Classroom)(General) (6hrs)
- 559 • Geodetic and Tidal Vertical Datums (General) (6hrs)
- 560 • NGS Support for Real-Time Networks(General) (2hrs)

561

562

563 Deny Ralph J. Palmer's request for continuing education credit.

564

565 The committee also recommended administratively changing the continuing
566 education form and handling of course renewals with no changes at all.

567

568 MOTION: Mr. Cooner made a motion to accept the continuing education
569 committee's recommendations.

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

571

572 **Privatization Committee**

573

574 Mr. Cooner reported that the privatization committee meeting was held on April
575 12, 2007.

576

577 Mr. Cooner stated that Steve Gordon had addressed the committee and after
578 discussion the following items were reported:

579

580 The budget plan was at the Governor's Office awaiting final budget approval.

581

582 The applications needed to be updated and distributed

583

584 Mr. Blankenship thanked Mr. Cooner for his participation and cooperation with
585 this process.

586

587 Mr. Cooner requested that a telephone conference call be schedule in the next
588 month.

589

590 **Executive Director's Report**

591

592 Mr. Morrison reported that at this time the board had 95% of its licensees renew
593 their licenses.

594

595 Mr. Morrison also informed the board that all board member application were
596 submitted by the first week in April and that he expected to hear about
597 appointments soon.

598

599 Mr. Morrison also reviewed the complaint and investigation statistics and the
600 financial reports at this time.

601

602 **Old/New Business**

603

604 The board requested Ms. McKinney to check and see if the board has the
605 authority to require signage on vehicles.

606

607 Gary Florence and David Nale had a letter regarding the Photogrammetry exam
608 on the agenda.

609

610 Mr. Bush stated that he feels the weight of this subject falls on his shoulders as
611 the Photogrammetry Representative of the board.

612

613 Ms. Nobles directed back to the definitions because she feels Florida does not
614 license Photogrammetrists. She stated that some Surveyor and Mappers are
615 specialist in Photogrammetry and just because Surveyor and Mappers don't do it
616 that does not mean that they can't do it later

617

618 Ms. Nobles pointed out that grandfathering will end on 7/1/07.

619

620 Ms. Sutphin stated that she attended a discussion at ACSM where many states
621 are considering separate licenses for Photogrammetrists.

622

623 After discussion, it was requested by Ms. Nobles that the board invite a
624 representative from the Colonial States Examination to discuss their
625 examinations.

626

627 Mr. Florence stated that he felt that the questions on the exam didn't seem to be
628 the problem as much as the grading of the exams.

629

630 Mr. Cooner stated that he feels the board has enough information to realize that
631 there is a problem here.

632

633 Mr. Bush stated that he would like to not be in the position to have to defend the
634 examination.

635

636 Also, since it appeared that there may be more of a problem with the grading of
637 the Jurisdictional Essay Portion of the examination; Ms. Nobles requested that
638 Steve Allen include Ms. Nobles, Mr. Bush and Ms. Sutphin in the next grading of
639 these exams.

640

641 Mr. Morrison asked the board if they felt Steve Allen's response to Mr. Nale and
642 Mr. Florence's letter and the board agreed that it was.

643

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

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