

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

July 13-14, 2005

Call to Order / Roll Call

Pamela Nobles, Chair, called the meeting to order July 13, 2005 at 3:00 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

Brian Stabley, Board Counsel
John Knap, Executive Director
Christa Patterson, Government Analyst
Ted Madson
Harley Gilmore
Nicholas Messina
David Melvin
Marilyn Evers
Henry Echezabal
Jonathon Nobles
Steve Gordon

REVIEW AND APPROVAL OF GENERAL BUSINESS MEETING MINUTES

April 13-14, 2005 - General Business Meeting Minutes

The board reviewed the April 13-14, 2005 general business meeting minutes and after review the following motion was made.

MOTION: Mr. Blankenship made a motion to approve the April 13-14, 2005 general business meeting minutes with corrections.

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

April 13, 2005 – Privatization Committee Meeting Minutes

MOTION: Ms. Nobles made a motion to approve the April 13, 2005, privatization committee meeting minutes.

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

May 26, 2005- TCC General Business Meeting Minutes

MOTION: Ms. Sutphin made a motion to approve the May 26, 2005, telephone conference call minutes.

SECOND: Mr. Cooner 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.

Ms. Nobles advised the board that the letter to the Secretary of the Department requesting that the board be privatized was completed and mailed. Ms. Patterson advised the board that she hand delivered the letter to Jerry Wilson, Deputy Division Director, and he stated he would hand deliver the letter to the Secretary's office.

BOARD COUNSEL REPORT – Brian Stabley

Mr. Stabley reviewed with the board the rules report.

COMMITTEE REPORTS

Application Committee – Lou Bush

Mr. Bush reported the application committee's recommendations.

Examination

Recommended denial of Cameron Hill's application for licensure by examination. Mr. Bush stated he fell short of the 25 semester hours of surveying and mapping subjects as required in Section 472.013 (2)(b), F.S.

Recommended approval of Cristina Kinman's application for licensure by examination.

Recommended denial of Aimara Diaz La Rosa's application for licensure by examination. Mr. Bush stated she fell short of the 32 semester hours of study as required in Section 472.013 (2)(b), F.S.

Recommended approval of Christopher Lefakis' application for licensure by examination pending verification of an additional 3 months of experience.

Recommended approval of Nicholas Messina, Jr.'s, application for licensure by examination. Mr. Bush stated his application was being considered in accordance to the Osorio case.

The committee agreed that Mr. Messina was a graduate of an approved course of study in surveying and mapping.

Endorsement

Recommended approval of Jeff Arrington's application for licensure by endorsement.

Recommended denial of Dale Roy Hayward's application for licensure by endorsement. Mr. Bush stated the licensure requirements are not substantially equivalent in accordance to Section 472.015 (3) (a) (2), F.S. Mr. Cooner stated Ohio laws only required four years of experience and only two years in responsible charge.

Recommended denial of William Nix's application for licensure by endorsement. Mr. Bush stated Mr. Nix did not have a license prior to July 1, 1999 and the licensure laws in Wisconsin were not substantially equivalent in accordance to Section 472.015 (3)(a)(2), F.S. Mr. Cooner stated the experience requirements were not substantially equivalent.

Recommended denial of William Manning's application for licensure by endorsement. Mr. Cooner stated Mr. Manning's license was not issued prior to July 1, 1999 and the licensure laws in New Jersey were not substantially equivalent in accordance to Section 472.015(3)(a)(2), F.S. Mr. Cooner stated New Jersey only required three years of experience.

Mr. Bush stated that the committee asked Mr. Stabley to send Mr. Manning a letter in addition to the notice of intent to deny advising Mr. Manning that he may want to consider reapplying for licensure by examination.

Recommended approval of Todd Douglas Shelly's application for licensure by endorsement.

Recommended denial of Egbert Visagie's application for licensure by endorsement. Mr. Bush stated Mr. Visagie was not licensed prior to July 1, 1999. Mr. Cooner stated the licensure laws in Virginia were not substantially equivalent in accordance to Section 472.015 (3)(a)(2), F.S. Mr. Cooner stated that Virginia had a couple of different avenues for licensure and with the information that was provided he could not identify the provision under which Mr. Visagie was licensed.

Mr. Bush reported that the committee suggested that the department encourage the applicants to attend the meeting when their application is being reviewed by the committee. Ms. Patterson stated she would send the applicant's a notice.

Certificate of Authorization

Recommended that the following applications for certificate of authorization be approved pending receipt of a \$1000.00 fine for practicing without a certificate of authorization.

Atlas Surveying and Mapping Inc.
Del Rio Land Surveying Inc.
Scott's Surveying Services, Inc.

Retired Status Applications

Recommended that Jim David Baughman's and James Elie Lott's retired status applications be approved.

Examination Committee – Pam Nobles

Ms. Nobles advised the board that the Bureau of Education and Testing (BET) provided a written report regarding the status of creating additional photogrammetry questions. Ms. Nobles reviewed the report with the board. Ms. Nobles advised that she felt BET did not understand how important it was to have the questions in place for the October 2005 administration of the examination and that she would continue to stay on top of BET on the progress of the questions.

Mr. Gordon stated that he felt that there would be at least 100 applicants to apply under the new photogrammetry language.

Ms. Nobles advised the board that she would be attending the NCEES annual meeting in Memphis along with Ms. Patterson, Mr. Blankenship, and Mr. Cooner. Ms. Nobles stated that she thought it was really important for staff to attend the meeting.

ACSM – Beverly Sutphin

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

Probable Cause Panel – Dennis Blankenship

Mr. Blankenship reported that the probable cause panel met and the panel dismissed twenty-two cases, one case was withdrawn, four cases were tabled, and found probable cause on ten cases.

Continuing Education Committee – Beverly Sutphin

Ms. Sutphin reported that the continuing education committee met and Ms. Sutphin read into the record the committee's recommendations.

Recommended approval of the following courses.

- **FLORIDA ASSN. OF SAFETY COUNCILS (0002453)**
- Maintenance of Traffic Intermediate Level Training
(general) 12 hrs
- **ADVANCED SURVEYING TECHNOLOGY, INC. (0001372)**
- Land Desktop Survey DTM & Earthworks
(GENERAL) 8 hrs
- **FLORIDA SURVEYING AND MAPPING SOCIETY (0001369)**
- Geographic Information System (HOMESTUDY)
(GENERAL) 6 hrs
- Surveying History (HOMESTUDY)
(GENERAL) 6 hrs
- Practical Geometry for Surveyors
(HOMESTUDY) (GENERAL) 6 hrs
- Elevation Certificate Training
(GENERAL) 1 hr

- Letter of Map Amendment/ Letter of Map Revision (LOMA/LOMR) (GENERAL) 1 hr
- Letter of Map Amendment/ Letter of Map Revision (LOMA/LOMR) (GENERAL) 2 hrs
- Trees of Northern Florida (GENERAL) 2 hrs
- Trees of Northern Florida (GENERAL) 6 hrs
- What is LABINS (GENERAL) 1 hr
- **FDEP BUREAU OF SURVEY & MAPPING (0001393)**
- The Latest in LABINS (GENERAL) 2 hrs
- **EXISTING PROVIDER – COURSE RENEWAL**
- **LLS SEMINARS & PUBLISHING CO. (0001374)**
- A New Market for Land Surveyors: The Integration of Surveys into GIS (GENERAL) 16 hrs
- **(NAME CHANGE)**
Florida Land Surveyor's Council Retreat (MTS / L & R) 12 hours MTS/L&R and 12 hours general Surveyors Business & Marketing Seminar (GENERAL) 8 hrs
- Surveying Ethics Seminar (GENERAL) 8 hrs
- Standard Legal Seminar (GENERAL) 24 hrs
- **GAG COMPUTER SOFTWARE, INC**
- The Laws of Florida and Their Effect on Surveyors (MTS/L & R) 6 hrs
- Minimum Technical Standards (MTS/ L & R) 6 hrs
- Satisfying ALTA Positional Tolerance (GENERAL) 6 hrs
- Alternate Data Collection Methods (GENERAL) 6 hrs (#)
- **GEOPAK CORP. (0001383)**
- Geopak Survey I (GENERAL) 14 hrs
(MATERIAL CHANGE & CREDIT USE CHANGE) MUST BE TREATED AS NEW COURSE
- Geopak Site I (GENERAL) 21 hrs
(MATERIAL CHANGE & CREDIT USE CHANGE) MUST BE TREATED AS NEW COURSE
- Geopak Survey Workshop (GENERAL) 4 hrs **(NEW)**

Recommended approval of the following courses.

- PDHONLINE.ORG.
- GPS Surveying (HOMESTUDY) (GENERAL) 12 hrs
- Alternated Dispute Resolution (HOMESTUDY) (GENERAL) 4 hrs
- Basic Project Management (HOMESTUDY) (GENERAL) 12 hrs

Recommended approval the following courses.

- **PDHONLINE.ORG (002496)**

- Technical Report Writing (HOMESTUDY)
(GENERAL) 6 hrs
- Flood Plain Studies (HOMESTUDY)
(GENERAL) 1 hr
- Base Flood Elevations by Approximate Methods
(HOMESTUDY) (GENERAL) 4 hrs
- Intellectual Property Issues for Architects, Engineers & Surveyors
(HOMESTUDY) (GENERAL) 2 hrs
A Surveyor's Guide to the FEMA NFIP Elevation Certificate
(HOMESTUDY) (GENERAL) 3 hrs
- Land Surveying Safety Guide
(HOMESTUDY) (GENERAL) 2 hrs
- Land Boundary Surveys I
(HOMESTUDY) (GENERAL) 6 hrs **(NEW)**
- Land Boundary Surveys II (HOMESTUDY)
(GENERAL) 2 hrs **(NEW)**
- GPS: Theory, Practice and Application
(HOMESTUDY) (GENERAL) 3 hrs **(NEW)**
- Coordinates (HOMESTUDY)
(GENERAL) 8 hrs **(NEW)**
- Basic Public Lands (HOMESTUDY)
(GENERAL) 4 hrs **(NEW)**
- GPS Modernization (HOMESTUDY)
(GENERAL) 2 hrs **(NEW)**
- Construction Layout (GENERAL) 15 hrs **(NEW)**

Recommended approval of the following courses.

- **PDHONLINE.ORG (002496)**
- Vertical Curves (HOMESTUDY)
(GENERAL) 4 hrs **(NEW)**
- Adverse Possession (HOMESTUDY)
(GENERAL) 2 hrs **(NEW)**
- Easements (HOMESTUDY) (GENERAL) 1 hr **(NEW)**
- Riparian Rights (HOMESTUDY) (GENERAL) 1 hr **(NEW)**
- Survey Markers and Monumentation
(HOMESTUDY) (GENERAL) 6 hrs **(NEW)**
- Professional Liability (HOMESTUDY)
(GENERAL) 3 hrs **(NEW)**
- Quality Assurance (HOMESTUDY) (GENERAL) 3 hrs **(NEW)**
- The Land Surveyors as Expert Witness
(HOMESTUDY) (GENERAL) 1 hr **(NEW)**
- Ethics for Surveyors (HOMESTUDY)
(GENERAL) 1 hr **(NEW)**
- **ACADEMIC SERVICES CORPORATION (0001367)**
COURSES RECONSIDERATION FOR MTS/L & R
- Survey Laws & Principles (MTS/L & R) 4 hrs
- Survey Laws & Principles (MTS/L & R) 6 hrs
(HOMESTUDY)
- Survey Laws & Principles (MTS/L & R) 4 hrs **(INTERNET)**

- Survey Laws & Principles MTS/L & R) 8 hrs (**INTERNET**)

Recommended approval of Mr. Cole's request for 18 hours of general continuing education credits. Ms. Patterson stated she would notify BET of the approval.

MOTION: Mr. Cooner made a motion to approve all of the committee reports.

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

Ms. Sutphin asked Ms. Patterson to advise Mr. Cole that there is a deadline for his request and next time the committee may not consider his request if he does not comply with the board rule which addresses his type of request.

MOTION: Ms. Sutphin made a motion to send Mr. Cole a letter advising him of the deadline.

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

Ms. Patterson stated she would send Mr. Cole a letter.

Privatization Committee – Pam Nobles

Ms. Nobles advised the board that the committee did not meet but the letter requesting privatization has been delivered to the Secretary. Ms. Nobles advised the board that the copy of the letter was handed out to them for review.

Mr. Gordon asked if the business case report was submitted with the letter. Ms. Nobles stated she was not sure. Ms. Patterson stated the report was not attached. Ms. Nobles asked Mr. Knap to obtain the report and forward to the Secretary's office.

Executive Director's Report – John Knap

Mr. Knap reviewed with the board the financial reports and the complaint and investigative statistic report.

Mr. Knap advised the board that the travel spending plan for 05-06 was included in their agenda materials.

Ms. Patterson asked each member to bring their calendar to the next day meeting so the meeting dates could be set.

Ms. Nobles advised the board that she recently received a request from the Department to review the budget. Ms. Nobles read the letter to the board. Ms. Nobles suggested sending a response requesting funds be appropriated for start up money for privatization. Mr. Gordon stated that the board needs to request a set amount of money for the fiscal year from the Department. Mr. Gordon stated the Department has to have approval through the Governor. Mr. Gordon stated that the request would have to be ready for review during the 2006 legislative session. Ms. Nobles stated she would work with Mr. Gordon on a draft.

Ms. Sutphin asked Mr. Knap to check the continuing education provider list to see if there were any expired providers listed. Mr. Knap stated he would provide the board with a report at the next meeting. Ms. Sutphin stated she feared there were expired providers offering courses to licensees. Mr. Knap stated the provider should not be offering courses if the provider does not have a current license.

CHAIRPERSON'S REPORT- Pam Nobles

Ms. Nobles reported that the majority of members did not respond to the request of a list of courses for the domestic equivalency rule. Mr. Greer stated he was exempt from providing a list. Ms. Nobles asked members who did not respond to please do so immediately.

OLD/NEW BUSINESS

Changes to Chapter 455.271, F.S.

Mr. Stabley advised the board that during the 2005 legislative session revisions were made to Chapter 455.271, F.S. Mr. Stabley reviewed the revisions with the board and advised the board that they now had authority, at their discretion, to reinstate the license of an individual whose license has gone null and void. Mr. Stabley advised the board that they could consider draft rules to what the board would consider to be unusual hardship.

Mr. Cooner stated that in life there are many situations to where someone may have a hardship.

Mr. Stabley asked Mr. Knap what the time frame was for a license to go null and void. Mr. Knap advised the board that it takes four (4) years; the licensee would have missed two renewal periods.

Mr. Stabley asked Ms. Patterson how she would respond if a licensee called the board office and stated they were unable to renew due to a situation. Ms. Patterson stated she would advise the licensee to place their license on an inactive status, but also advise them that they could not practice until the licensure status was changed back to active.

Mr. Stabley advised the board that there was already in place avenues the licensee could take.

After discussion the following motion was made.

MOTION: Ms. Sutphin made a motion not to support drafting rules for Chapter 455.271, F.S.
SECOND: Mr. Blankenship seconded the motion and it passed unanimously.

Changes to Chapter 472, F.S.

Mr. Stabley reviewed the changes with the board and thanked the Florida Society of Surveyors and Mappers for their 2005 legislative support.

The meeting recessed at 4:20 p.m. and will reconvene July 14, 2005 following the probation committee meeting.

Ms. Nobles called the general business meeting to order July 14, 2005 at 10:35 a.m.

Ms. Nobles stated that Ms. Poppell's and Mr. Greer's absence is excused.

Members Present

Pamela Nobles, Chair

Lou Bush
Louis Lebron
Jeffrey Cooner
Beverly Sutphin, Vice Chair
Omar Armenteros
Dennis Blankenship

Members Not Present

Fran Poppell
Sidney Greer

Others Present

John Knap, Executive Director
Brian Stabley, Board Counsel
Christa Patterson, GA I
Charles Tunnicliff
Thomas Berry
Jeff Peters
Michael Boswell
David Melvin
Larry Efrid
Roger Hall
Robert Holland
Scott Gursenmeyer
Daniel Ferrans
Ted Madson
James Rowland
Michael Boswell
Henry Echezabal
David Huff

DISCIPLINARY PROCEEDINGS – Charles Tunnicliff

Motion for Wavier and Final Order

A Advanced Consultants
Case # 2003-073310

There was no one present from A Advanced Consultants and A Advanced Consultants did not have counsel present at the meeting.

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

Mr. Tunnicliff reviewed the case with the board and after discussion the following motions were made.

MOTION: Ms. Sutphin made a motion that the respondent was properly served with the administrative compliant and has waived the right to a hearing.

SECOND: Mr. Cooner 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 compliant.

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. Bush seconded the motion and it passed unanimously.

MOTION: Ms. Sutphin made a motion to accept the settlement stipulation and change the fine to \$18,000.00

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

Carney-Nehaus, Inc.
Case # 2003-084935

There was no one present from Carney-Nehaus, Inc. and were not represented by counsel at the meeting.

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

Mr. Tunncliff reviewed the case with the board and after discussion the following motions were made.

MOTION: Ms. Sutphin made a motion that the respondent was properly served with the administrative complaint and has waived the right to a hearing.

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

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

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

MOTION: Ms. Sutphin made a motion to accept the recommendations of the Department.

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

Robert Holland
Case # 2003-095446

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

Mr. Blankenship was not recused.

The court reporter swore Mr. Holland in.

Mr. Stabley asked Mr. Holland to provide him with his current address.

Mr. Holland stated his mailing address was 4241 Bay Meadows Road, Clary and Associates, Suite 3, Jacksonville, Florida.

Mr. Stabley asked Mr. Holland when he received the administrative complaint. Mr. Holland stated around May 1, 2005. Mr. Stabley asked Mr. Holland if he filed a written response to the administrative complaint. Mr. Holland stated he had not.

Mr. Holland stated he was not disputing material facts and would like to proceed with an informal hearing.

Mr. Tunncliff reviewed the case with the board and after discussion Mr. Holland asked the board to table consideration of his hearing to give him the opportunity to consider his avenues of hearings.

Ms. Nobles stated they would postpone his hearing to the end of the disciplinary proceedings.

Settlement Stipulations

Thomas Berry

Case# 2004-010462

Mr. Berry was present at the meeting and was represented by Jeff Peters.

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

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

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

James Bushouse

Case # 2003-086768

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

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

MOTION: Ms. Sutphin made a motion to reject the settlement stipulation as presented.

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

MOTION: Ms. Sutphin made a motion to offer a counter stipulation to include a boundary course within 90 days of the entry to the final order, and to increase the fine to \$4000.00.

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

Mr. Armenteros stated that when he reviewed the case materials he noted a letter from Baseline Engineering stating they have never had a complaint against their company. Ms. Nobles advised the board that the staff would check their records and if there have been cases in the past, Ms. Patterson would refer the letter back to Regulation to open a complaint for making a misleading statement to the investigators.

Mark Dragon

Case # 2004-021378

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

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

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

MOTION: Ms. Sutphin made a motion to offer a counter stipulation to include a boundary course to be completed within 90 days of entry to the final order, and proof of having insurance or verification of not having insurance.
SECOND: Mr. Armenteros seconded the motion and it passed unanimously.

Mr. Dragon stated he would accept the counter stipulation and would fax the proof of insurance to the board office.

Frank Daniel
Case # 2004-046064 and 2004-039229

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

Mr. Tunncliff reviewed the case 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. Lebron seconded the motion and it passed unanimously.

James Flower
Case # 2002-01940

Mr. Flower was not present at the meeting but was represented by Jeff Peters.

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

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

William Leslie Hazlett
Case # 2003-086780

This case was tabled to the October 2005 general business meeting.

Larry Efrid
Case # 2003-083213 and 2003-073592

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

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

The complainant, Ms. McCoy, was present at the meeting and she addressed the board with her concerns with the settlement stipulation. Ms. McCoy stated the settlement stipulation was too lenient considering the harm he has caused the public.

After discussion the following motions were made.

MOTION: Mr. Bush made a motion to reject the settlement stipulation as presented.
SECOND: Mr. Cooner seconded the motion and it passed unanimously.

MOTION: Mr. Cooner made a motion to offer a counter stipulation to include the fine be increased to \$8,000.00 to be paid in 18 payments, and a boundary course to be completed within 90 days of entry to the final order.
SECOND: Mr. Lebron seconded the motion and it passed.

Mr. Armenteros and Mr. Bush opposed the motion.

Mr. Madson stated Mr. Efrid accepted the counter stipulation.

Motion for Wavier and Final Order

Robert Eric Holland – Continued Case # 2004 -095446

Mr. Holland was present and thanked the board for giving him the opportunity to consider the information he had been provided at the meeting.

Mr. Holland asked the board to continue consideration of his informal hearing.

Mr. Stabley advised the board to move forward with an informal hearing.

After discussion the following motions were made.

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

MOTION: Ms. Sutphin made a motion to move all case materials into evidence.
SECOND: Mr. Cooner seconded the motion and it passed unanimously.

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

MOTION: Ms. Sutphin made a motion to change the recommendation of the Department to include an increase to the fine in the amount of \$500.00, costs of \$1,125.54, complete a MTS course, and proof of insurance or not having insurance, and probation would end when all requirements have been completed.
SECOND: Mr. Lebron seconded the motion and it passed unanimously.

INFORMAL HEARING OF APPLICATION DENIALS

Examination Applicants

Antonio Abelleira

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

Mr. Stabley reviewed the notice of intent to deny with the board and after discussion the following motions were made.

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

MOTION: Ms. Sutphin made a motion to approve Mr. Abelleira's application for examination.
SECOND: Mr. Lebron seconded the motion and it passed unanimously.

Hal Bennett

Ms. Nobles advised the board that Mr. Bennett's request for an informal hearing was tabled to the October 2005 general business meeting.

Roger Hall

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

Mr. Stabley reviewed the notice of intent to deny with the board and after discussion the following motions were made.

MOTION: Ms. Sutphin made a motion to remove the DUI ten years ago from the notice of intent to deny.
SECOND: Mr. Bush seconded the motion and it passed unanimously.

Mr. Hall requested that an informal hearing proceed.

MOTION: Mr. Blankenship made a motion to uphold the notice of intent to deny with revision of the DUI issue ten years ago.
SECOND: Mr. Cooner seconded the motion and it passed unanimously.

Dewey Huff

Mr. Huff was present at the meeting and was represented by Jeff Peters.

Mr. Stabley reviewed the notice of intent to deny with the board and after discussion the following motions were made.

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

MOTION: Ms. Sutphin made a motion to approve Mr. Huff's application for licensure.
SECOND: Mr. Lebron seconded the motion and it passed unanimously.

Endorsement Applicants

James Roland

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

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

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

Reinstatement of Licensure (House Bill 1457)

Thomas McMahon

Mr. McMahon was not present but was represented by Michael Boswell.

Ms. Stabley advised the board that Mr. Boswell on behalf of Mr. McMahon did not make a written petition for an informal or formal hearing. Mr. Stabley asked Mr. Boswell if he made a written request for a formal hearing. Mr. Boswell stated he had. Mr. Stabley asked Ms. Patterson if she had received the request. Ms. Patterson stated she had not received the request.

Mr. Boswell stated he emailed and faxed the request to Mr. Stabley yesterday. Mr. Stabley stated he was not in the office.

Mr. Boswell advised Mr. Stabley that he had requested a formal hearing.

The board did not take any action.

REVIEW AND CONSIDERATION OF SCOTT DAVID GRUSENMEYER'S PETITION IN ACCORDANCE TO SECTION 472.019, FLORIDA STATUTE

Mr. Grusenmeyer was present at the meeting and was represented by Anthony Cleveland.

The board reviewed his request and after discussion the following motion was made.

MOTION: Ms. Sutphin made a motion to approve Mr. Grusenmeyer's application and to reinstate his license.
SECOND: Mr. Lebron seconded the motion and it passed unanimously.

REQUEST FOR DECLARATORY STATEMENT – Harley Gilmore

Mr. Stabley reviewed the declaratory statement with the board and advised the board that they did not have the authority to issue a declaratory statement to Chapter 177, F.S.

After discussion the board declined to act on the request.

REQUEST FOR DECLARATORY STATEMENT- George Mire

Mr. Stabley stated the matter had already been resolved.

OLD/NEW BUSINESS

After discussion it was the consensus of the board to meet on the following dates and locations.

January 11-12, 2006 – Tallahassee, Florida

April 12-13, 2006 – St. Augustine, Florida

COMMITTEE REPORTS – Continued

Probation Review Committee – Omar Armenteros

Mr. Armenteros reported the probation review committee's recommendations.

To postpone review of Mr. Smith's probation surveys to the October 2005 meeting.

To postpone review of Mr. Jenkins' probation surveys to the October 2005 meeting.

To deny Mr. Bogel's 1st set of surveys and to require Mr. Bogel to submit a second set to be reviewed at the January 2006 meeting.

To release Mr. Brown from probation.

To release Mr. Aiello from probation but require Mr. Aiello to re-submit exhibit numbers five, six and one and forward the surveys to the committee.

To remove Mr. Matthews from suspension.

To remove Mr. Blackman from the probation summary report.

To suspend Waldo Francisco Paez's surveyor and mapper license and to refer the case back to the Department for non-compliance to the final order.

MOTION: Ms. Sutphin made a motion to approve the probation review committee report.

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

There being no other business the meeting adjourned at 3:10 p.m.