

MINUTES

BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS

General Business Meeting

Tradewinds Sand Pimper Hotel
6000 Gulf Blvd.
St. Pete Beach, Florida 33708

July 12-13, 2006

Call to Order / Roll Call

Dennis Blankenship, Chair, called the general business meeting to order July 12, 2006 at 8:30 a.m.

Members Present

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

Members Not Present

Others Present

Brian Stabley, Board Counsel
Rick Morrison, Executive Director
Christa Patterson, Government Analyst
Charles Tunnicliff, Prosecuting Attorney
David A. Melvin
Richard Powell
Michael Aiello
Donald Leonie
Alvin Gloer
David O'Brien
Samuel Hall
Iarelis Diaz
Scott Harris
Art Mastronicola
Jesus Lejara
Edward Waekerman
David W. Gibson

Mr. Blankenship stated the board's committee and workshop meetings would be conducted under the umbrella of the general business meeting and once the committee's made their

recommendations to the full board, the full board would vote on the committees' recommendations.

CONTINUING EDUCATION COMMITTEE MEETING

Committee Members Present:

Mary Hanna Clodfelter, Chair
Sidney Greer
Louis Lebron

Ms. Clodfelter called the continuing education committee meeting to order.

REVIEW OF CONTINUING EDUCATION PROVIDERS AND COURSE APPLICATIONS

Each committee member reported their recommendations of their application reviews.

Lorman Business Center, Inc.

Ms. Clodfelter reported her recommendations to the board.

Deny the course "Florida Condominium Law Deconstructed". She stated that the course was not in compliance with Rule 61G17-5.0051 (1)(c), F.A.C.

Approve the course "Ethics for Land Surveyors" for 2 hours general.

Deny the course "Introduction to New Technology" and the course "The Land Surveyors Field Guide to Client Types". She stated that the courses were not in compliance with Rule 61G17-5.0051 (1)(c), F.A.C.

Approve the course "Astronomy for Land Surveyors" for 2 hours general.

Approve the course "Legal Descriptions- Do's and Don'ts" for 2 hours general.

Florida Environmental Network, Inc.

Approve the course "Environmental Permitting Summer School" for 13 hours MTS/L&R.

Florida Surveying and Mapping Society

Approve the course "Overview of NGS Blue Booking Procedures and FGCC Position Accuracy Standards" for 3 hours general.

Approve the course "Litigation and the Surveyor" for 3 hours general.

Mr. Greer reported his recommendations to the board.

Approve the course "Employee and Labor Law issues in Surveying and Mapping" for 3 hours general.

Mr. Greer referred the following two courses to Mr. Bush for his expertise as a photogrammetrist.

Mr. Bush reported his recommendations to the board.

Approve the course "Remote Sensing" for 3 hours general.

Approve the course "Close Range Photogrammetry Workshop" for 3 hours general.

Mr. Greer continued to report his recommendations.

Approve the course "Accuracy Assessment of LIDAR Digital Terrain Mode Data" for 3 hours general.

Approve the course "Mean High Water Observations and Computations" for 8 hours general.

Approve the course "Swamp and Overflowed Lands" for 6 hours general.

Approve the course "Business Planning for the Storm" for 3 hours general. Ms. Clodfelter stated that the application was missing the signed page of the applications. Ms. Patterson stated that BET may have the signed page. Ms. Clodfelter stated she would recommend that the application be approved pending verification of a signed application page.

Approve the course "Development and Implementation of a Fleet Safety Program" for 3 hours general.

Approve the course "Georgia Minimum Technical Standards" for 6 hours general.

Mr. Lebron reported his recommendations to the board.

Approve the course "Public Land Survey System" for 6 hours general.

Approve the course "GPS Ortho Derived Heights- Guidelines and Planning and Evaluating a GPS Vertical Survey" for 6 hours general.

Approve the course "John Harrison and the Story of Longitude" for 1 hour general.

Approve the course "61G17-6 MTS Review" for 2 hours MTS/L&R.

Approve the course "Florida Laws Review" for 2 hours MTS/L&R.

Approve the course "Mason and Dixon and Their Famous Line" for 1 hour general.

Approve the course "Understanding Land Descriptions, Surveys and Boundary Evidence" for 6 hours general.

Approve the course 61G17-6 – Minimum Technical Standards for 6 hours MTS/L&R.

MOTION: Mr. Greer made a motion to approve the recommendations of the committee

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

Ms. Clodfelter asked the board to approve the continuing education committee's recommendations.

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

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

There being no other business the continuing education committee adjourned at 8:45 a.m.

APPLICATION REVIEW COMMITTEE MEETING

Mr. Bush called the application review committee meeting to order.

Committee Members Present:

Lou Bush, Chair

Jeff Cooner

Louis Lebron

REVIEW AND APPROVAL OF THE APRIL 2006 APPLICATION REVIEW COMMITTEE MEETING MINUTES

The committee reviewed the April 2006 application review committee meeting minutes and after discussion the following motion was made.

MOTION: Mr. Lebron made a motion to approve the application review committee meeting minutes.

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

REVIEW/CONSIDERATION OF APPLICATIONS

Each committee member reported their recommendations to the board.

Mr. Bush reported the following recommendations to the board.

Approve Thomas Asbeck's application for licensure by endorsement (Photogrammetry). Mr. Asbeck was present at the meeting and was not presented by counsel.

Approve Michael Arlington Garrett's application for licensure by examination. Mr. Garrett was present at the meeting and was not represented by counsel.

Approve Samuel Thomas Hall's application for licensure by examination. Mr. Hall was present at the meeting and was not represented by counsel.

Mr. Cooner reported his recommendations to the board.

Approve Richard Harris' application pending receipt of the official transcript from the University of Florida verifying his surveying and mapping 4 year degree. Mr. Harris was present at the meeting and was not represented by counsel. Mr. Harris stated that he would have the transcript submitted to the board office.

Ms. Sutphin advised Mr. Stabley that she would like to recuse herself from the consideration of Richard Harris' application.

After discussion it was the consensus of the committee to table consideration of Jesus Lajar's application for licensure by examination to the next meeting. Mr. Lajar was present

at the meeting and was not represented by counsel. Mr. Bush stated Mr. Lajar would need to submit additional information regarding his work experience in responsible charge. Mr. Lajar stated he would waive the 90 days and that he would contact the State of Georgia for information for the Florida board to consider. Ms. Nobles stated the Georgia board requires 3 years verification in responsible charge and stated that she felt the Georgia requirements were substantially equivalent to Florida's. Ms. Sutphin agreed. Mr. Stabley stated that the application would be reviewed with the additional information at the next meeting.

Mr. Lebron reported his recommendations to the board.

Approve Timothy Whitaker's application for licensure by examination. Mr. Whitaker was not present at the meeting and was not represented by counsel.

Approve Norman Grey Ribelin's application for a temporary surveyors and mappers license. Mr. Cooner suggested that an investigator follow-up on the project after one year to assure that the project was completed or stopped. Mr. Ribelin was not present at the meeting and was not represented by counsel.

Mr. Stabley stated he would complete an order of the approval of Norman Grey Ribelin's application.

Approve Brad Jennings Lashley's application for a surveyor in training. Mr. Lashley was not present at the meeting and was not represented by counsel.

Deny Judson Howell's application for licensure by endorsement but to approve his application by examination. The committee verified Mr. Howell had taken and passed both parts of the NCEES examination and stated Mr. Howell would not have to take those exams again. Mr. Howell was not present at the meeting and was not represented by counsel.

The committee reviewed the employment verification form and application forms. After review it was the consensus of the committee to change the word "Routine" to "Other".

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

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

Mr. Bush asked the board to approve the application review committee's recommendations.

MOTION: Ms. Nobles made a motion to approve the application review committee recommendations with the exception of the approval of Richard Harris' application.

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

Ms. Sutphin recused herself from the consideration and vote of Richard Harris' application.

MOTION: Mr. Greer made a motion to approve Richard Harris' application for licensure by examination.

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

There being no other business the application review committee adjourned.

PRIVATIZATION COMMITTEE MEETING

Committee Members Present:

Pam Nobles, Chair
Jeff Cooner
Dennis Blankenship

Ms. Nobles called the privatization committee meeting to order.

REVIEW AND APPROVAL OF THE APRIL 2006 PRIVATIZATION COMMITTEE MEETING MINUTES

MOTION: Mr. Cooner made a motion to approve the April 2006 privatization committee meeting minutes.

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

Ms. Nobles provided the committee and board members with a copy of the revised Business Case Report and a copy of the deficiency notice provided by DMS.

Ms. Nobles advised the board that the entire business case report was not submitted to the Governor's Office. Ms. Nobles stated that if the entire business case report would have been submitted there would not have been so many deficiencies noted by DMS. Ms. Nobles advised the board that she went back through the business case report and added additional language.

The board reviewed the additions Ms. Nobles made to the business case report. Mr. Cooner suggested that budget information be included in the business case report under the section of "Current Environment". Mr. Cooner stated that the department does not ask the board for input on budget issues and he would like to see that be included in the business case report. Ms. Nobles agreed.

Ms. Nobles stated that in order for the business case report to be considered during next year's legislative session the board would need to make the submittal soon. Mr. Cooner stated that the challenge would be that its an election year.

Ms. Nobles stated that maybe the board should ask FSMS to contact Ron Villella and ask him when would be a good time to resubmit the business case report. Mr. Greer advised the board that he was sure that the business case report was not going to be considered by the legislators next year. Mr. Greer strongly suggested that the board wait until the new Governor was in place.

Mr. Blankenship asked Ms. Nobles if the Bureau of Education and Testing issue needed to be included in the business case report. Ms. Nobles stated that she felt that was a recent issue and Mr. Ashoo was working on correcting the problem.

Mr. Bush stated that the business case report needs to be moved forward. Mr. Bush stated three secretaries have past and the board has not had any progress.

After discussion the following motion was made.

MOTION: Mr. Greer made a motion to allow Mr. Blankenship to investigate the appropriate time to submit the business case report, make changes to the report if changes are necessary, and to move forward if appropriate.
SECOND: Mr. Cooner seconded the motion and it passed unanimously.

Mr. Stabley stated that even though he has no formal position to privatization, he would suggest that the board make a motion to adopt the revisions made to the business case report.

Ms. Nobles asked the full board to approve the privatization committee's actions.

MOTION: Mr. Greer made a motion to allow Mr. Blankenship to amend the business case report to include budget, make any other changes if he feels it necessary to move the business case forward, and to approve the privatization committee actions.

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

Mr. Bush stated that nothing was going to change at the department and that the board needs to move forward with its quest to privatize.

Mr. Cooner stated that it's not the staff the board works with but how the department employees are limited by the department's system.

There being no other business the meeting adjourned.

RULES WORKSHOP

Mr. Cooner called the rules workshop to order and stated for the record that there was a board quorum present.

REVIEW AND APPROVAL OF THE APRIL 2006 RULES WORKSHOP MINUTES

The board reviewed the April 2006 rules workshop minutes and after discussion the following motion was made.

MOTION: Mr. Greer made a motion to approve the April 2006 rule workshop minutes.
SECOND: Ms. Sutphin seconded the motion and it passed unanimously.

REVIEW AND DISCUSSION

Domestic Equivalency Rule (New) – Dave Gibson

Mr. Cooner advised the board the Dr. Gibson was present at the meeting. Mr. Cooner stated that the board entered into a contract agreement with Dr. Gibson to provide the board guidance with preparing a rule to address domestic school equivalency. Mr. Cooner advised the board that Dr. Gibson and Brian Stabley worked together and provided the board with proposed language which was included in their agenda materials.

Rule 61G17-3.0025, F.A.C. (New)

Dr. Gibson advised the board that Rule 61G17-3.0025, F.A.C. would address domestic equivalency education program criteria for applicants who graduated from Non-ABET

accredited surveying and mapping degree programs. Dr. Gibson reviewed the proposed language Mr. Stabley provided to Rule 61G17-3.0025, F.A.C.

Ms. Nobles advised the board that NCEES was in the process of offering foreign degree evaluation services. Ms. Nobles stated that at the Southern Zone meeting she approached Betsy Brown, Executive Director, of NCEES, and asked if they were considering providing domestic school evaluation services. Ms. Brown stated NCEES would be offering domestic school evaluations in September 2006.

Mr. Stabley stated that if the board approved and adopted the proposed rule he felt the language would provide the board the flexibility for evaluation of domestic school degrees.

After discussion it was the consensus of the board to watch the progress of the NCEES domestic school degree evaluation program before implementing a rule to use their services for domestic school degree evaluations.

MOTION: Ms. Sutphin made a motion to approve the proposed language to Rule 61G17-3.0025, F.A.C. as presented by Mr. Stabley.

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

Rule 61G17-3.0025, FAC (NEW)

Domestic Equivalency Education Program Criteria for Applicants Who Graduated from Non-ABET Accredited Surveying and Mapping Degree Programs

(1) In order to satisfy the licensure requirements of Section 472.013(2)(a) of the Florida Statutes, a surveyor and mapper applicant who graduated from a non-ABET accredited United States educational institution must have received a degree in surveying and mapping of 4 years or more in a surveying and mapping degree program that meets the following criteria:

a. 21 minimum semester credits in communications, social science, and humanities;

b. 15 minimum semester credits in basic science;

c. 15 minimum semester credits in mathematics;

d. 45 minimum semester credits of surveying and mapping courses with at least 15 semester credits in surveying and mapping sciences including but not limited to measurement theory, survey graphics, adjustments, cartography, photogrammetry, geodesy, computations, GIS theory, and at least 15 semester credits in surveying and mapping practice specialties including but not limited to legal principles, survey practice, boundary surveying, topographic mapping, route surveying, construction surveying, subdivision design, geodetic surveying, and GIS applications;

e. Coverage of at least five (5) of six (6) surveying and mapping science areas, which are: (1) field surveying instruments and methods, (2) photogrammetric mapping and image interpretation and remote sensing, (3) surveying calculation and data adjustments, (4) geodetic coordinates and astronomy, (5) cartographic representation, projections, and map production, and (6) computer-based multi-purpose cadastre, geographic information systems;

f. Coverage of land boundaries in the surveying and mapping practice specialties; and

g. A minimum of 120 semester credits in the degree program.

Specific Authority 472.013, F.S. Law Implemented 472.008, 472.013, F.S.

Mr. Stabley reviewed the proposed changes to Rule 61G17-3.0021, F.A.C. with the board and after discussion the following motion was made.

MOTION: Ms. Sutphin made a motion to approve the proposed language to Rule 61G17-3.0021, F.A.C., with some changes. Ms. Sutphin stated the reference to the quarter hours would be removed from both sections of the proposed language.

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

Rule 61G17-3.0021, FAC: Education

(1)-(2)(a): No Change.

(2)(b) Completed a specific four (4) year course of study which included at least thirty-two (32) semester hours of study, or its academic equivalent, which included twenty-five (25) semester hours in courses labeled by the college or university as courses in surveying and mapping or in any combination of courses in civil engineering, forestry, mathematics, photogrammetry, land law, and the physical sciences; and

(c) Provide the Board with evidence of having completed twenty-five (25) semester hours in surveying and mapping subjects or related courses from a college or university according to the following criteria:

1. 3 minimum semester credits in mathematics, at the level of college algebra or higher;
2. 3 minimum semester credits in basic physical sciences, such as physics or chemistry at the level of general physics (non-calculus) or general chemistry or higher;
3. 6 minimum semester credits in additional physical sciences including but not limited to forestry, engineering sciences, computer science, computer systems, programming, geology, geography, dendrology, astronomy, biology, soil mechanics, civil engineering, oceanography, and other engineering sciences; and
4. 12 minimum semester credits in surveying, mapping, photogrammetry, and land law including, but not limited to the following: fundamentals of surveying and mapping, boundary surveying, route surveying, topographic surveying, descriptions, legal aspects, real estate law, subdivision design, geographic information systems, data computations and adjustments, map projections and geometric geodesy and photogrammetry.

Specific Authority 472.013 FS. Law Implemented 472.005, 472.013 FS. History—New 9-7-93, Amended 5-30-95, 10-1-97, 5-17-00, 11-2-00, 2-5-01.

The board thanked Dr. Gibson for providing the board with his services.

Mr. Conner introduced Don Mahoney from Florida Atlantic University and Mr. Mahoney addressed the board. Mr. Mahoney advised the board that he was in the process of working on a Geomatics program at Florida Atlantic University and was interested in the board's discussion regarding the education requirements for licensure. Mr. Mahoney stated that after listening to the board's discussion the majority of his questions were answered.

Dr. Gibson provided the board with a history of the reason why the title surveying and mapping program was changed to a Geomatic program. Dr. Gibson stated it was changed for education marketing reasons.

Rule 61G17-5.001, F.A.C.

Mr. Stabley provided the board with proposed changes to Rule 61G17-5.001, F.A.C. and he reviewed the changes with the board. After discussion the following motion was made.

MOTION: Ms. Nobles made a motion to approve the proposed changes to Rule 61G17-5.001, F.A.C. as presented by Mr. Stabley.

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

RULE 61G17-5.001, F.A.C., Continuing Education Requirements for Reactivation of Inactive License

A license which has been inactive for more than one year may be reactivated upon application to the Department and demonstration to the Board by the licensee of having completed one (1) continuing education credit in surveying and mapping related courses or seminars per inactive month up to a maximum of ~~twenty-four (24)~~ forty-eight (48) continuing education credits which must be completed within one year prior to the date of application for reactivation. This education for licensure reactivation shall be related to the licensee's field of practice and shall include a minimum of six (6) hours of Minimum Technical Standards (MTS) continuing education credits and six (6) hours of laws and rules continuing education credits. Verification of the above-mentioned education shall be in the form of a continuing education course certificate of completion that complies with subsection 61G17-5.0043(2), F.A.C.

Specific Authority 472.019(2) FS. Law Implemented 455.271(9), 472.019(2) FS. History—New 10-29-80, Formerly 21HH-5.01, Amended 2-7-91, Formerly 21HH-5.001, Amended 3-28-94, 5-30-95, 10-13-97, 6-29-00, 6-22-03, 6-20-06.

Rule 61G17-3.003, F.A.C.

Mr. Stabley stated that the board may want to consider including the NCEES foreign degree evaluation services as an option in their rule since the NCEES is now providing a service of foreign degree evaluations.

Ms. Sutphin stated that she would like the board to monitor the progress of NCEES foreign degree evaluations prior to including them as an option for candidates to use their services.

Mr. Greer stated he felt including the NCEES foreign degree evaluations was a conflict. Ms. Nobles stated she did not agree. Mr. Cooner stated he could understand Mr. Greer's concern. Ms. Nobles stated that the ones already referenced in the rule are doing a good job.

After discussion it was the consensus of the board not to include NCEES foreign degree evaluation services in their rule.

Correspondence from Harley Gilmore regarding Rule 61G17-5.0043 (11) and (19), F.A.C.

Harley Gilmore was not present at the meeting. Mr. Stabley advised the board that Mr. Gilmore's letter addressed the issue of the licensee being at a disadvantage after completing a home study/internet course. Mr. Stabley stated that Mr. Gilmore is requesting

that the board remove the language that requires the licensee to sign and seal the exam after completing the home study/internet course.

Mr. Stabley advised the board that section (19) references subsection (5), and this reference should be changed to reference subsection (11) since it relates to correspondence courses. The board agreed and after discussion the following motion was made.

MOTION: Ms. Nobles made a motion to approve Mr. Stabley's proposal to change subsection (5) in section (19) to reference subsection (11).

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

Ms. Sutphin asked Mr. Stabley if the board had in the past requested that Rule 61G17-5.0043, F.A.C. reference video courses. Mr. Stabley stated that the rule does reference video courses in Rule 61G17-5.0043 (19), F.A.C. Mr. Stabley stated video courses are correspondence courses.

Mr. Cooner stated that Mr. Gilmore should be present when the board considers his correspondence and the board agreed and the following motion was made.

MOTION: Mr. Bush made a motion to table consideration of Mr. Gilmore's letter to the October 2006 meeting.

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

Mr. Stabley provided the board with an update on the adoption of the revisions made to the MTS rule following the April 2006 meeting. Mr. Stabley stated that after the April 2006 meeting two minor changes were noted. Mr. Stabley stated that in his rules report he provided the board with the noted changes to Rules 61G17-6.003 and 004, F.A.C. Mr. Stabley stated that if the board approves these minor changes then the minor changes will go into effect shortly.

MOTION: Ms. Nobles made a motion to approve Mr. Stabley changes to Rules 61G17-6.003 and 004, F.A.C.

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

Mr. Cooner asked the full board to vote on the rule workshop recommendations.

MOTION: Mr. Greer made a motion to approve the actions of the rule workshop.

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

Ms. Nobles advised the board that the probation review rule revisions were in effect. Ms. Nobles stated that Eric Hurst would need to be notified of the change so he can start implementing the new probation review procedures. Ms. Nobles suggested that a letter be sent to the prosecuting attorney's office.

Mr. Stabley stated that the probable cause panel and the board have been noticing licensees putting disclaimers on their surveys. Mr. Stabley stated that after listening to discussion regarding disclaimers, he felt the disclaimers could become a problem. Mr. Stabley asked the board if the MTS rules address disclaimers. Mr. Cooner provided the board with an example of a disclaimer. Mr. Cooner stated that he has a boundary survey and it has limited language that says this can not be used for construction of a fence.

Mr. Stabley stated that the surveyor is limiting the use of the boundary survey to the public and would lead you to think that the survey was not liable for construction of the fence so how liable would the boundary survey be. Mr. Cooner stated that he felt the public would be very confused.

Ms. Sutphin stated that she did not see how the board could regulate disclaimers.

After discussion it was the consensus of the board that disclaimers are part of contract agreements. It was also the consensus of the board that if the disclaimer was to undermine the survey then the board felt there would be a need to address the disclaimer.

Ms. Poppell asked the board if surveyors ask their clients questions about the use of the survey before they provide the service to the client. Ms. Nobles stated that a good surveyor would ask the client questions first.

Ms. Poppell stated that if disclaimers were a problem for the public then she would support a rule. Ms. Nobles stated she was unsure at this time if a rule was necessary.

Ms. Clodfelter stated she would not support drafting a rule to address disclaimers.

Mr. Blankenship stated that he felt there were MTS rules already adopted that could address disclaimers if it becomes a problem.

Mr. Lebron stated he would not be in support of a rule to address disclaimers.

Mr. Cooner stated that he felt if the board developed a rule addressing disclaimers those who are misusing disclaimers would find a way around them.

Ms. Sutphin stated she could go either way.

After discussion the board did not take any action.

There being no other business the rule workshop adjourned at 5:40 p.m.

GENERAL BUSINESS MEETING

REVIEW AND APPROVAL OF MINUTES

March 2, 2006 General Business Meeting Minutes

The board reviewed the March 2, 2006 general business meeting minutes and after review the following motion was made.

MOTION: Ms. Sutphin made a motion to approve the March 2, 2006 general business meeting minutes.

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

April 12-13, 2006 General Business Meeting Minutes

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

MOTION: Mr. Greer made a motion to approve the April 12-13, 2006 general business meeting minutes with corrections.
SECOND: Ms. Poppell seconded the motion and it passed unanimously.

BOARD COUNSEL REPORT – Brian Stabley

Mr. Stabley stated he reviewed the rules report with the board during the rules workshop and he did not have anything else to report at this time.

REVIEW OF THE TASK FUNCTION FORM

Mr. Blankenship reviewed the task function form with the board.

Mr. Stabley advised the board that he reviewed Chapter 455.271, F.S. and after his review it was his legal opinion that the board did not have the authority to limit the number of times a re-examination candidate could take the licensure exam. Ms. Nobles asked Mr. Stabley if the board could require conditions of the re-exam candidates. Mr. Stabley stated he would have to research and report at the October 2006 meeting.

COMMITTEE REPORTS

Exam Committee- Pam Nobles

Ms. Nobles reported that Gail Oliver recently resigned as a consultant to the Bureau of Education and Testing. Ms. Nobles stated that Ms. Oliver's resignation was due to the actions of BET staff.

Mr. Blankenship advised the board that as chair he responded in writing to the department regarding Ms. Oliver's resignation letter. Mr. Blankenship stated that it was the department and board's loss. Mr. Blankenship stated that he also made a request for Lyra Erath to be replaced. Mr. Blankenship stated her actions at the April 2006 meeting were unacceptable.

Ms. Nobles stated that there may be problems with getting new MTS questions in place for the October 2006 exam. Ms. Nobles stated that Ms. Oliver is an expert with writing exam questions and her knowledge of the re-write of the MTS rules was going to be missed by the exam committee members.

NCEES Committee – Pam Nobles

Ms. Nobles stated that she participated in June on the NCEES exam committee. Ms. Nobles stated that the next meeting was the NCEES Annual meeting that will be held in Anchorage Alaska.

ACSM Committee – Beverly Sutphin

Ms. Sutphin stated that she attended the ACSM meeting in Orlando and that she was able to attend the board member forum which she found to be very informative. Ms. Sutphin stated that Louisiana recently changed their laws to require a 4 year degree but they failed to provide a window for those who did not have a four year degree to come in by endorsement. Ms. Sutphin stated that a majority of the states have the same type of problems that the Florida board does. Ms. Sutphin stated that the attendance at the

conference was very poor. Ms. Sutphin stated that the continuing education courses they offered were outstanding.

Probable Cause Panel – Dennis Blankenship

Mr. Blankenship reported that the probable cause panel met and they reviewed 49 cases. Mr. Blankenship advised the board that 28 cases were administrative complaints, 25 cases probable cause was found.

Mr. Blankenship stated that the department provided the panel with cursory reviews. Mr. Blankenship stated that the cursory reviews were sent back to the department. Mr. Stabley stated that the cursory review should go to an expert prior to being submitted to the panel. Mr. Blankenship stated that he would like to request that cursory reviews not be submitted to the panel.

Mr. Blankenship stated that he would like to invite Mr. Rambo to the January 2007 probable cause panel meeting to provide Mr. Rambo additional training through listening to the panel discussions regarding the cases.

Privatization Committee – Pam Nobles

Ms. Nobles asked the board to consider including as a reason for privatization the revolving door of the prosecuting attorney.

MOTION: Ms. Sutphin made a motion to include the revolving door of the prosecuting attorney's office for a reason to privatize.

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

Mr. Greer opposed the motion.

EXECUTIVE DIRECTORS REPORT – Richard Morrison

Mr. Morrison reviewed the operating and unlicensed activity reports with the board.

Mr. Morrison provided the board with a complaint and investigation statistics report.

After review by the board Ms. Sutphin asked Mr. Morrison if he could provide the board with the number of complaints received by the department for the past three years. Mr. Morrison stated he would research Ms. Sutphin's request and report at the next meeting.

Ms. Nobles asked Mr. Morrison if there was going to be a sweep of funds this year. Mr. Morrison stated that he was unaware if the legislature approved a sweep for the upcoming fiscal year.

Mr. Morrison shared information regarding the disaster plan with board members. Mr. Morrison stated that the information was a great tool for the public to use.

Mr. Morrison advised the board that the department mailed a letter out to the board Chairs requesting board budget input. Mr. Morrison stated that the department was looking at sending the letter out earlier next year.

Mr. Morrison advised the board that he knew the board had issues with the department regarding travel budget. Mr. Morrison advised the board that he is willing to work with the board on trying to accomplish the board's goal in their attendance at NCEES meeting. Mr. Morrison stated that the board may want to consider centralizing there meetings at locations such as Orlando or Tampa to save money.

Mr. Bush stated that he was very upset with the department not providing the board with the tools they need such as board member attendance at the NECEES meetings. Mr. Bush stated that the executive directors prior to Mr. Morrison tried to assist the board with travel issues and they all failed.

Ms. Nobles stated that the travel budget issue has been going on since 2000 and she was tired of hearing that the department wants to work with the boards regarding budget issues.

Mr. Blankenship asked the board to consider Mr. Morrison's recommendations when considering the board 2007 meeting schedule.

Mr. Morrison advised the board that information regarding the travel increases that were approved during this year's legislative session was included in their board meeting folders.

CHAIRPERSON'S REPORT – Dennis Blankenship

No report.

OLD/NEW BUSINESS

ASPRS Correspondence – Brian Stabley

Mr. Stabley advised the board that he responded to the correspondence and that he provided the board with a copy of his response.

The board reviewed the Mr. Stabley correspondence and Mr. Bush noted that the correspondence needed to be corrected. Mr. Bush asked Mr. Stabley to notify Mr. Plasker that the applicant must be a subordinate to certified photogrammetrist by the American Society. Mr. Stabley stated he would make the correction.

General Counsel Board Member Training – Brain Stabley

Mr. Stabley advised the board that the board member training booklet was included in their agenda materials. Mr. Stabley reviewed each page with the members.

The board recessed at 6:40 p.m. and will reconvene July 13, 2006 following the probation review committee meeting.

PROBATION REVIEW COMMITTEE

Ms. Nobles called the probation review committee meeting to order July 13, 2006 at 8:10 a.m.

COMMITTEE MEMBERS PRESENT:

Pam Nobles, Chair
Beverly Sutphin

Louis Lebron
Jeff Cooner

MEMBERS PRESENT:

Dennis Blankenship, Chair
Mary Hanna Clodfelter
Lou Bush
Fran Poppell
Sidney Greer

OTHERS PRESENT:

Richard Morrison, Executive Director
Christa Patterson, Government Analyst
Brian Stabley, Board Counsel
Charles Tunnickliff, Prosecuting Attorney
Richard Alan Welch
Art Mastronicola
Marcus Balantasis
Timothy Tew
Robert Bogle
Marie Bogle
Steven Quensel
Ted Madson
Larry Efrid
Steven Davidson
Bobby Goodman
Thurman Roddenbery
David Melvin
Frank Daniel
Stephen Kilmon
Alvin Gloer
R.D. Whithead
Richard Powell
Shirin Vesely

REVIEW AND APPROVAL OF THE APRIL 2006 PROBATION REVIEW COMMITTEE MINUTES

The application review committee reviewed the April 2006 minutes and after review the following motion was made.

MOTION: Ms. Sutphin made a motion to approve the April 2006 probation review committee minutes.
SECOND: Mr. Lebron seconded the motion and it passed unanimously.

1st set of Surveys Review

Frank Daniel

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

Ms. Sutphin reported that she reviewed exhibit numbers one and two and both surveys were not in compliance. Ms. Sutphin stated that exhibit number one had MTS violations and Mr. Daniel did not provide survey plats to exhibit number two so she was unable to review the survey. Ms. Sutphin stated she found both surveys not in compliance.

Ms. Nobles reported that she reviewed exhibit numbers three and four and found both surveys not to be acceptable.

Mr. Lebron reported that he reviewed exhibit numbers five and six and found both surveys to be not in compliance.

MOTION: Ms. Sutphin made a motion to not accept Mr. Daniel's 1st set of surveys and require that Mr. Daniel submit a 2nd set of surveys for probation review. Ms. Sutphin stated that Mr. Daniel would need to correct survey #06315 and provide client with a corrected copy and provide the board office with a copy also.

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

Larry Efrid

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

Ms. Nobles reported she reviewed exhibit numbers three and four and found both surveys to be in compliance.

Ms. Sutphin reported she reviewed exhibit numbers one and two and found both surveys to be in compliance. Ms. Sutphin stated that the continuing education courses and the surveys were not submitted to the board office on time and she felt this should be considered.

Mr. Efrid apologized for not submitting the information on time. He stated he was in the hospital. Ms. Sutphin advised Mr. Efrid he should have notified the board office of the situation.

Mr. Lebron reported he reviewed exhibit numbers four and five and found both surveys to be acceptable.

MOTION: Ms. Sutphin made a motion to accept Mr. Efrid's surveys but to keep Mr. Efrid on probation for not complying with the time limits of the final order.

Mr. Stabley advised Ms. Sutphin that the rule states that if the probation complies to the terms of the final order then the probationer should be released from probation.

No one seconded the motion.

MOTION: Mr. Lebron made a motion to release Mr. Efrid from probation.

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

William Hazlett

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

Ms. Sutphin reported that she reviewed exhibit numbers one and two and found both surveys not in compliance.

Ms. Nobles reported she reviewed exhibit numbers three and four and found both surveys not in compliance.

Mr. Lebron reported that he reviewed exhibit numbers five and six and found exhibit number six in compliance and found exhibit number five not to be in compliance.

MOTION: Ms. Sutphin made a motion to reject Mr. Hazlett's 1st set of surveys and require Mr. Hazlett to submit a 2nd set of surveys.

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

Kermit Roan

Mr. Roan was present at the meeting and was represented by Shirin Vesely, Esquire.

Ms. Nobles reported she reviewed exhibit numbers three and four and found both surveys to be in compliance.

Mr. Lebron reported that he reviewed exhibit numbers five and six and found both surveys to be in compliance.

Ms. Sutphin reported that she reviewed exhibit numbers one and two and found both surveys not in compliance.

MOTION: Mr. Lebron made a motion to remove Mr. Roan from probation.

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

Ms. Sutphin opposed the motion.

James Roddenbery

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

Ms. Nobles was recused from the review of Mr. Roddenbery's surveys. Mr. Cooner reviewed Mr. Roddenbery's probation surveys.

Mr. Cooner reported that he reviewed exhibit numbers three and four and found both surveys to be in compliance.

Mr. Lebron reported that he reviewed exhibit numbers five and six and found both surveys to be in compliance.

Ms. Sutphin reported that she reviewed exhibit numbers one and two and found both surveys in compliance.

MOTION: Ms. Sutphin made a motion to release Mr. Roddenbery from probation.

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

Robert Whitehead

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

Ms. Sutphin reported that she reviewed exhibit numbers one and two and found exhibit number one in compliance and exhibit number two was not in compliance.

Ms. Nobles reported that she reviewed exhibit numbers three and four and found both surveys not in compliance.

Mr. Lebron reported that he reviewed exhibit numbers five and six and found both surveys to be in compliance.

MOTION: Mr. Lebron made a motion not to accept the 1st set of surveys and require Mr. Whitehead to submit a 2nd set of surveys.

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

2nd Set Survey Review

Robert Bogle

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

Ms. Sutphin reported that she reviewed exhibit numbers one and two and found both surveys to be in compliance.

Ms. Nobles reported that she reviewed exhibit numbers three and four and found both surveys to be in compliance.

Mr. Lebron reported that he reviewed exhibit numbers five and six and found both surveys to be in compliance.

MOTION: Ms. Sutphin made a motion to release Mr. Bogle from probation.

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

Due to the number of disciplinary cases scheduled the probation review committee recessed until after the disciplinary cases.

Due to Mr. Blankenship's participation on the probable cause panel Mr. Cooner chaired the disciplinary proceedings of the general business meeting.

DISCIPLINARY PROCEEDINGS – Eric Hurst

DOAH Recommended Order

Stephen Phillip Kilmon Case # 2002-00579

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

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

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

MOTION: Mr. Greer made a motion to accept the finding of facts.
SECOND: Mr. Bush seconded the motion and it passed unanimously.

MOTION: Mr. Bush made a motion to adopt the conclusions of law.
SECOND: Mr. Greer seconded the motion and it passed unanimously.

MOTION: Mr. Greer made a motion to adopt the recommended order and dismiss the case.
SECOND: Mr. Lebron seconded the motion and it passed unanimously.

Hearings Not Disputing Issues of Material Fact

**Hillsborough Surveying, Inc.
Case # 2005-024932 and
Timothy Tew
Case #2005-024928**

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

Mr. Tew was present at the meeting and was not represented by counsel. Mr. Tew advised Mr. Stabley that he was owner of Hillsborough Surveying Inc.

Mr. Tunncliff reviewed case number 2005-024932 with the board and after discussion the following motions were made.

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

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

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

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

MOTION: Mr. Bush made a motion to impose a penalty of \$750.00 fine and cost in the amount of \$334.28 to be paid within 30 days of entry of the final order.

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

Mr. Tunncliff reviewed case number 2005-024928 with the board and after discussion the following motions were made.

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

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

MOTION: Mr. Bush made a motion to adopt the conclusions of laws as contained in the administrative compliant.

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

MOTION: Mr. Bush made a motion to impose the following penalties: \$750.00 fine and cost in the amount of \$423.31 to be paid within 30 days of entry of the final order, probation, complete MTS and boundary course within 90 days of entry of the final order, provide proof of insurance within 30 days of entry of final order, stay of suspension for one year, and provide probation surveys in compliance to Rule 61G17-9.006 and 007, F.A.C.

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

Alachua County Land Surveying, Inc.
Case #2005-001221

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

Stacy Hall was present at the meeting and was not represented by counsel. Mr. Stabley asked Mr. Hall his relationship with Alachua County Land Surveying, Inc. Mr. Hall stated the company is not currently operating and the licensure status is currently delinquent. Mr. Hall stated he was the president of the company.

Mr. Hall asked if he could request at this time to voluntarily relinquish the license. He stated he did not want to re-open the office.

Mr. Tunncliff asked Mr. Hall if agreed on the record to voluntarily relinquish certificate of authorization for Alachua County Land Surveying, Inc. Mr. Hall stated for the record that he agreed to relinquish the license to resolve the disciplinary case 2005-001221

Mr. Stabley asked the board if they would consider Mr. Hall's request to voluntarily relinquish the certificate of authorization.

MOTION: Ms. Sutphin made a motion that there were no disputed issues of material fact and adopt the finding of facts.

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

MOTION: Ms. Sutphin made a motion to adopt the conclusions of law.

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

MOTION: Mr. Bush made a motion to accept the voluntary relinquishment of the certificate of authorization license number 2903 and relinquishing the license would resolve the disciplinary case.

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

Ms. Sutphin opposed the motion.

Stacy Hall
Case # 2005-014798

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

Mr. Blankenship and Ms. Poppell were recused due to their 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 there were no disputed issues of material fact and to adopt the finding of facts as alleged in the administrative complaint 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 as contained in the administrative complaint.

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

MOTION: Ms. Sutphin made a motion to impose the following penalties: \$1500.00 fine and cost in the amount of \$512.25 to be paid within 30 days of entry of the final order, complete MTS and boundary course within 90 days of entry of the final order, provide probation surveys in compliance to Rule 61G17-9.006, and 007, F.A.C., provide proof of insurance within 30 days of entry of final order or provide statement of non-insurance.

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

Motion for Waiver

Daniel William Talbott
Case # 2004-012884

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

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

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

MOTION: Ms. Nobles made a motion to find that the respondent was properly served the administrative complaint and waived his rights to a hearing and find that there are not disputed issues of material fact and adopted the findings of fact as alleged in the administrative complaint and move all case materials into evidence and to adopt the conclusions of law.

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

MOTION: Ms. Sutphin made a motion to impose the following penalties: \$579.30 in costs and \$250.00 fine to be paid within 30 days of entry of the final order.

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

Daniel William Talbott
Case # 2005-038282

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

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

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

MOTION: Ms. Sutphin made a motion to find that the respondent was properly served the administrative complaint and waived his right to a hearing, adopted the finding of facts and conclusions of law as contained in the administrative complaint and move the case materials into evidence.

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

MOTION: Mr. Greer made a motion to impose the following penalties: \$1013.39 in costs and \$2,500.00 fine to be paid within 30 days of entry of the final order, complete MTS and boundary course with in 90 days of entry of the final order, probation survey review in accordance to Rule 61G17-9.006 and 007, F.A.C.

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

Settlement Stipulations

Treasure Coast Land Surveying Case# 2005-049289

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

Gerald Tansky was present at the meeting and was not represented by counsel. Mr. Stabley asked Mr. Tansky to identify his relationship with Treasure Coast Land Surveying. Mr. Tansky stated he was an officer of the company.

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

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

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

Gerald W. Tansky Case # 2005-042705

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

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

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

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

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

Mr. Tansky advised the board that he completed a MTS course recently and asked the board to accept the course. The board accepted the MTS course.

Mr. Stabley advised that Mr. Tansky was bound by the settlement stipulation he already signed. Mr. Tansky would not be required to submit the list of surveys.

Bobby Goodman, Inc.
Case # 2005-036853

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

Mr. Goodman was present at the meeting and was represented by Mr. Balantasis, Esquire.

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

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

Bobby Goodman, Inc.
Case # 2005-029810

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

Mr. Goodman was present at the meeting and was represented by Mr. Balantasis, Esquire.

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

Stephen Quensel
Case # 2004-009255

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

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

Ms. Sutphin advised the board that she knew the parties in the case.

Mr. Stabley asked Ms. Sutphin if she felt she could be fair and impartial when considering the case. Ms. Sutphin answered yes and Ms. Sutphin did not recuse herself from the vote.

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

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

ENVIRONMENTAL LAND SERVICES, INC. PROBATION APPEARANCE

Mr. Blankenship was recused due to his participation on the probable cause panel and Mr. Cooner stated that he would like to recuse him self also.

Mr. Stabley advised the board the attorney for Environmental Land Services, Inc., was unable to attend the meeting. Mr. Stabley advised the board that Mr. Welch was present at the meeting

Mr. Stabley asked the board if they would consider tabling the probation appearance to the October 2006 meeting.

Mr. Welch addressed the board. Mr. Welch advised the board that Mr. McCain did not provide Environmental Land Services, Inc. notice of the meeting until yesterday. Mr. Welch provided the board with the fax copy of the notice his office received.

Ms. Nobles stated that it was very clear at the April 2006 meeting that those individuals should appear at the next meeting. Mr. Welch stated that he understood.

Ms. Nobles stated that it is expected that Mr. Holderfield and Mr. Watson be present at the October 2006 meeting. Mr. Welch stated that he understood what the board was requesting.

MOTION: Ms. Sutphin made a motion to continue the probation appearance to the October 2006 meeting and to send notices to Mr. Holderfield and Mr. Watson at the ELS address.

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

INFORMAL HEARING OF APPLICATION DENIALS

Steven M. Davidson

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

Mr. Stabley advised the board that Mr. Davidson requested an administrative review hearing pursuant to section 120.569, F.S. 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 deny Mr. Davidson request for formal hearing because Mr. Davidson failed to dispute any issues of material fact. Ms. Sutphin stated she would approve his request for an informal hearing.

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

Mr. Davidson addressed 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. Bush seconded the motion and it passed unanimously.

OMAR ARMENTEROS PLAQUE PRESENTATION

Mr. Armenteros was present at the meeting and Ms. Nobles presented the plaque of service to Mr. Armenteros. Mr. Armenteros thanked the board and the board thanked Mr. Armenteros for his past board member services.

Motion for Waiver (continued)

Timothy Simmons
Case # 2005-038629

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

Timothy Simmons 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 motions were made.

- MOTION: Ms. Sutphin made a motion that the respondent was properly served with the administrative compliant and declined his right to a hearing, adopt the finding of facts and conclusions of law as contained in the administrative compliant, move the case materials into evidence and accept the motion for waiver.
- SECOND: Ms. Nobles seconded the motion and it passed unanimously.

The board discussed penalties. Mr. Stabley asked Mr. Tunncliff if there were any mitigating circumstances for the board to consider. Mr. Tunncliff stated that there was case number 2004-056692 where in the board found them to be in violation of not complying to the terms of the final order. Mr. Stabley asked Mr. Tunncliff if any of the violations were minimum technical standards. Mr. Tunncliff stated yes.

- MOTION: Mr. Greer made a motion that there were aggravating circumstance and the license is revoked.
- SECOND: Mr. Conner seconded the motion and it passed unanimously.

Mr. Stabley stated that Mr. Simmons had requested at one time to voluntarily relinquish his license. Mr. Stabley stated that Mr. Simmons was provided a form to sign but Mr. Simmons never responded. Mr. Tunncliff agreed.

Settlement Stipulations (continued)

AFN Consulting, Inc.
Case # 2005-002359

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

There was not anyone present at the meeting on behalf of AFN Consulting, Inc. and they were not represented by counsel.

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

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

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

David Graves

Case # 2004-059876

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

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

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

MOTION: Mr. Lebron made a motion to accept the settlement stipulation as presented.

SECOND: Ms. Clodfelter seconded the motion.

Ms. Nobles, Jeff Cooner, and Beverly Sutphin opposed the motion.

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

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

The board suggested that when the department re-negotiates the terms of the settlement stipulation that the department include a boundary control course and fine in the amount of \$3,500.00.

Nicholas Franklin

Case # 2004-059607

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

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

Mr. Stabley advised the board that Mr. Franklin submitted a letter advising the board that he could not attend due to eye surgery.

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

MOTION: Mr. Bush made a motion to accept the settlement stipulation as presented.

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

Jacob Gomis

Case # 2004-052817

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

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

Mr. Tunncliff reviewed the settlement stipulation 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: Ms. Nobles seconded the motion and it passed unanimously.

The board suggested that when the department re-negotiates the terms of the settlement stipulation that they include a boundary control course and increase the fine to \$4,700.00 and the fine could be paid in payments.

J. H. Manucy, Inc.
Case # 2004-048947

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

There was no one present at the meeting on behalf of J.H. Manucy, Inc and was not represented by counsel.

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

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

The board suggested that when the department re-negotiate the terms of the settlement stipulation that the department increase the fine to \$4,750.00 and submit proof to the board office of the release of the lien.

Donald Barbee
Case # 2005-033948

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

Mr. Barbee was not present at the meeting was not represented by counsel.

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

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

Scott Richard Bechir
Case # 2005-024750

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

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

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

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

Frankin Snowden
Case # 2005-006769

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

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

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

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

Regional Engineering, Inc.
Case # 2004-047089

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

There was no one present at the meeting on behalf of Regional Engineering, Inc. and was not represented by counsel.

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

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

The board suggested that the department re-negotiate the settlement stipulation and increase the fine amount.

Myron E. Barker
Case #2005-021730

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

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

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

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

INFORMAL HEARING OF APPLICATION DENIAL (Continued)

Andrew Bush

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

Mr. Stabley reviewed the notice of intent to deny with the board. Mr. Stabley advised the board that Mr. Bush requested a formal hearing and through that hearing process DOAH referred the matter back to the board. Mr. Stabley reviewed the DOAH order relinquishing jurisdiction. Mr. Stabley stated that Mr. Bush was scheduled for an informal hearing. Mr. Bush responded to the informal hearing notice requesting that the board reconsider his application since he was unable to attend the board meeting.

MOTION: Ms. Nobles made a motion to deny Mr. Bush's request to reconsider his application.

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

MOTION: Ms. Nobles made a motion that there were no disputed issues of material fact.

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

MOTION: Ms. Nobles made a motion to affirm and uphold the amended notice of intent to deny.

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

PROSECUTING ATTORNEY'S REPORT- Mr. Tunnicliff

Mr. Tunnicliff advised the board that the prosecuting attorney's report had errors. Mr. Tunnicliff reviewed the report with the board.

Ms. Nobles shared her concerns with Mr. Tunnicliff with the way the department has been handling the cases. Ms. Nobles stated that there are standard steps for the investigators and department staff to use and the steps are not being followed and important cases have slipped through the cracks and were not handled properly by the department. Ms. Nobles stated that the board has been extremely clear to department and she did not understand why the board has to keep repeating itself. Ms. Nobles stated it was very frustrating to the board to reject stipulations when it should be clear to the way the board wants the stipulations written.

Mr. Tunnicliff stated that he would like to set up a meeting with Ms. Nobles and Mr. Hurst to review the stipulation language. Mr. Bush and Mr. Blankenship stated that there should be a standard format language for the boards stipulated agreements for the department to go by. Mr. Bush stated he was very frustrated and that it was a waste of time at each meeting rejecting the stipulation for normal format language that the board has requested numerous times. Ms. Nobles stated that she would meet with Mr. Tunnicliff and Mr. Hurst to discuss standard format language for stipulations.

Mr. Blankenship advised the board that at the April 2006 meeting the board requested that Mr. Cooner write a letter to Secretary Marstiller sharing the board's concerns with the way the Charles E. Martin case was handled by the department. Mr. Cooner stated that he felt it was appropriate to allow the department the opportunity to respond to the board's question prior to sending the Secretary a letter.

Mr. Blankenship advised the board that Mr. Tunncliff handed out a letter from Mr. Hurst regarding the board's questions to the way the Charles E. Martin case was handled. The board reviewed the letter.

The board asked Mr. Tunncliff why Mr. Higgins did not respond since he was the one who handled the case. Mr. Tunncliff stated Mr. Higgins provided Mr. Hurst input to the response.

Mr. Cooner reviewed the response letter submitted by Mr. Hurst to the board.

Mr. Bush stated that he could not believe that the department failed to call a surveyor as an expert because no expert, surveyor or otherwise, is allowed to testify about the ultimate issue in a case. Mr. Bush asked Mr. Tunncliff if a surveyor could have been brought into the case and been cross examined as to what the practice of a surveyor and mapper is. Mr. Bush asked if that would have been allowed and asked Mr. Tunncliff to answer yes or no.

Mr. Tunncliff stated that once he made such request, his request was rejected and was rightfully so. Mr. Tunncliff stated that he really could not answer that question because he was unsure as to how he would introduce the expert and the questions he would ask. Mr. Tunncliff stated if you wanted a surveyor to describe what he does in the process of doing a survey then the questions could have been asked. Mr. Bush stated that if the attorney would have prepared the questions properly then a surveyor cross examination would have been allowed. Mr. Tunncliff stated some times its acceptable it just depends.

Mr. Bush stated that Mr. Martin was charged and convicted with child molestation and Mr. Martin is allowed to go on third party property without notification to the land owner and stated he could not see how the department does not see that as related to the practice of surveying and mapping.

The board shared their concerns with the way the Charles E. Martin case was handled and asked Mr. Cooner to draft a letter to the Secretary sharing the board's concerns.

Ms. Sutphin stated that she would like to go on record stating she did not see how a letter to the Secretary would accomplish anything.

Ms. Poppell stated that the department needs to be made aware of what happened with the case because she feels the public could be harmed and she was embarrassed for the board that Mr. Martin can continue to practice with no restrictions on other people's property.

Mr. Cooner stated he would draft a letter to Secretary Marstiller regarding the department's response. Mr. Morrison asked Mr. Cooner to see the letter prior to being mailed to Secretary Marstiller.

REPORTS (continued)

Probation Review Committee Report

Ms. Nobles reported the following recommendations.

Reject Frank Daniel's 1st set of surveys and require that Mr. Daniel submit a 2nd set of surveys for probation review. Mr. Daniel would need to correct survey #06315 and

provide the client with a corrected copy and provide the board office with a copy also.

Release Larry Efrid from probation.

Reject William Hazlett's 1st set of surveys and require Mr. Hazlett to submit a 2nd set of surveys.

Release Kermit Roan from probation.

Release Thomas Roddenbery from probation.

Reject 1st set of surveys and require Robert Whitehead to submit a 2nd set of surveys.

Release Robert Bogle from probation.

Ms. Nobles reviewed the probation summary report with the board. No action was taken by the committee.

Mr. Stabley reviewed a letter submitted by Edward Matthews requesting to make payments on his cost required by the board's final order. The committee stated they would approve his request to make payments. Mr. Stabley stated he would send an order to Mr. Matthews.

The committee reviewed the revised MTS check sheet and the committee made some minor changes. Ms. Patterson stated she would revise the form and provide copies to the committee members.

MOTION: Mr. Lebron made a motion to approve the probation review committee actions.

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

OLD/NEW BUSINESS

The board discussed the proposed 2006/2007 meeting schedule and it was the consensus of the board to meet at the following dates and locations.

October 3-5, 2006 – Orlando, Florida
January 9-11, 2007 – Tallahassee, Florida
April 10-12, 2007 – Tampa, Florida
July 10-12, 2007 – St. Augustine, Florida
October 9-12, 2007 – Orlando, Florida

The board discussed having the probation review committee meetings on the committee days. After discussion no action was taken by the board.

There being no other business the meeting adjourned at 5:10 p.m.