The meeting was called to order by Deborah Hill, Chair, at 4:15 p.m.

**MEMBERS PRESENT**

Deborah Hill, Board Chair  
Steven Hyde, Board Member  
Robin Petzold, Board Member  
George Grubbs, Board Member  
Frank Conkling, Board Member  
Nicholas Campanile, Board Member  
David Schryver, Board Member  
Chris McLaughlin, Board Member  
Jenna Harper, Executive Director  
Regenia Lee, Government Analyst  
Patrick Creehan, Board Counsel  
Rob Summers, Prosecuting Attorney

**OTHERS PRESENT**

Cory Fedrick, PSAM Investigator  
John Cooper  
Don Elder  
Robert Strayer  
Jorge Diaz Ramirez  
Odalys C. Bello  
Pedro E. Gonzalez  
Jack Breed  
W. Lamar Evers  
Greg Bowers  
Danny Williams  
David Melvin  
John M. Clyatt  
Joseph Rager  
Jerrod Fusco  
Christopher Morin  
Joseph Fanton  
Ryan Kuhn  
Harley Davidson  
Devin Platt  
Tim Morris  
Dianne Collins
REVIEW AND APPROVAL OF THE NOVEMBER 2017 GENERAL BUSINESS MINUTES

After discussion the following motion was made:

MOTION: Mr. Campanile made a motion to approve the November 2017 minutes as submitted.
SECOND: Mr. Petzold seconded.
ACTION: The motion passed unanimously.

GENERAL BUSINESS – PART II - February 7, 2018

(Started at 8:31 a.m. and adjourned at 10:51 a.m.)

The meeting was called to order by Deborah Hill, Chair, at 8:31 a.m.

MEMBERS PRESENT

Deborah Hill, Board Chair
Steven Hyde, Board Member
Robin Petzold, Board Member
George Grubbs, Board Member
Frank Conkling, Board Member
Nicholas Campanile, Board Member
David Schryver, Board Member
Chris McLaughlin, Board Member
Jenna Harper, Executive Director
Regenia Lee, Government Analyst
Patrick Creehan, Board Counsel
Rob Summers, Prosecuting Attorney

OTHERS PRESENT

Corey Fedrick
W. Lamar Evers
Dianne Collins
Alvin Gloer
Cheryl Poole
Danny Williams
David Melvin
Don Elder

DISCIPLINARY PROCEEDINGS – ROB SUMMERS

Poole Engineering & Surveying, Inc. – 1705-17779 – LB6705 – Noticed: January 18, 2018
(PCP Members: Fusco & Talbott)

After discussion the following motion was made:

MOTION: Mr. Campanile made a motion to adopt the Proposed Settlement Stipulation. The Board shall issue a reprimand against the Respondent’s license and the Respondent shall pay an administrative fine in the amount of $1,750.00 for three counts - $750.00, $500.00, $500.00 and pay administrative costs in the amount of $225.47.
SECOND: Mr. Petzold seconded.
ACTION: The motion passed unanimously.
Ralph Swerdloff – 1608-32335 – Noticed: January 18, 2018
(PCP Members: Fusco, Talbott & Cooner)

After discussion the following motion was made:

MOTION: Mr. Hyde made a motion to adopt the Proposed Voluntary Relinquishment form and accept the Respondent's voluntary relinquishment of his license as a Professional Surveyor and Mapper in the state of Florida.
SECOND: Mr. Petzold seconded.
ACTION: The motion passed unanimously.

REQUEST FOR A DECLARATORY STATEMENT FROM DAVID MELVIN

Mr. Melvin addressed the Board and asked them to consider making a Declaratory State on the following:

5J-17.052 – Boundary Survey Requirements, F.A.C

(1) Boundaries of Real Property:
(a) The surveyor and mapper shall make a determination of the position of boundary of real property in complete accord with the real property description shown on the survey map or report and map. In order to ensure adequate and defensible real property boundary locations:
(1) Every parcel of land whose boundaries are surveyed shall be made to conform with the record title boundaries of such land, taking into account relevant requirements of law concerning whether the survey is original or a resurvey.

Description of how the statutes, rules, or orders may substantially affect the petitioner in the petitioner's particular set of circumstances:

The petitioner is a licensed surveyor & mapper in the State of Florida. As a licensed Florida Surveyor & Mapper, with necessary education and experience in land boundary surveys, wishes to perform boundary surveys in Florida, as provided for in Florida Statutes Chapter 472, and Chapter 5J-17 Florida administrative Code. Interpretation of rules regarding boundary surveys substantially affect the petitioner in the following particular set of circumstances:

This request for a declaratory statement is concerning the interpretation of the meaning of the term “record title boundaries”, as shown in the rule, 5J-17.052 F.A.C. (shown above). The petitioner interprets the term to mean the subject property’s boundaries as determined from the land description shown on the most current deed or other written conveyance filed in the public records of the county in which the property is located. Under this interpretation the petitioner does not yield to a senior boundary location as shown on any other written conveyance found in the public records, when locating and marking the subject property’s boundaries. Does the State concur with interpretation? Is the petitioner in compliance with this rule if the boundary survey is made to conform solely with the current deed or other conveyance, as found in the appropriate public records?

After discussion, Mr. Creehan said that there cannot be a Declaratory Statement on this request but needs to be in a rule change.

After discussion the following motion was made:

MOTION: Mr. Conkling made a motion that a declaratory statement does not apply to this situation and must be made in a rule change.
SECOND: Mr. Schryver seconded.
ACTION: The motion passed unanimously.
REQUEST FOR CLARIFICATION ON CHANGES TO 5J-17, F.A.C. E-MAIL FROM ALAN NAUMOWICZ

Mr. Naumowicz submitted an e-mail to Ms. Harper on November 21, 2017 requesting clarification on the following:

1. 5J-17.051 (b) & (c) – Explain what is meant by “The accuracy of data shall be independently verified.”
2. 5J-17.051 (b) & (c) – I perform surveys on assumed datums. What documentation needs to be shown on the survey regarding my horizontal accuracy on an assumed datum and the methodology used to determine the accuracy?
3. 5J-17.052 (2) – The requirements state that we are to perform “research of records with sufficient scope and depth”, but does not state what that means and the extent of research that should be carried out. If I am doing a survey on a lot, say Lot 5…and the adjacent parcel legal is described as Lot 4…would this conform to the requirements as sufficient scope and depth?

After discussion, the Board concurred that Mr. Naumowicz should use his professional judgement in interpreting the rules.

DISCUSSION ON CHAPTER 177, FLORIDA STATUTES – E-MAIL FROM MICHAEL SWEENEY

Mr. Sweeney submitted an e-mail to Ms. Harper on November 20, 2017 regarding changes made to Chapter 177, Florida Statutes, in reference to Title Reports for Plats. He stated in his e-mail that it was changed in 2017 and he was concerned that he had missed a change that may affect Brevard County. Mr. Schryver stated that the code in his county doesn’t allow for this. He said that it would be a Title Certification and not a report and it would be completed by an attorney. He said he thought that it’s going to fall on individual counties to address within their county codes. Ms. Hill said that she was concerned that the Board was not made aware of this change. Ms. Hill said that former board member Gail Oliver has suggested creating a workgroup to address the update of Chapter 177, Florida Statutes.

CHAIRPERSON’S REPORT – DEBORAH HILL

Ms. Hill said that the 5J-17 rule changes have been finalized and will be sent to JAPC.

EXECUTIVE DIRECTOR’S REPORT

Ms. Harper stated that Jack Breed’s class would be coming to Tallahassee for their senior tour and that she would be addressing them about the Board functions and how to become surveyors and mappers in the state of Florida. She said that March 18-24, 2018 is National Surveyors’ Week. She said that last year that she and Alan Nobles visited a local elementary school and talked with the students about surveying. She said that she is going to make this presentation again this year in a couple of Leon County elementary schools and an elementary school in Miami. She said that Commissioner Putnam has invited the Board chair and the FSMS President to the Capitol on March 7, 2018 where he will be presenting a Board Resolution. She said that the NCEES Southern Zone meeting would be held in Charlottesville, Virginia in April 2018. She said that registration is going on for the next two weeks and to please register as soon as possible. She said that the NCEES National Conference would be held in Scottsdale, Arizona. She said that there was a bill proposal in South Dakota that would allow many states to have a compact where they would allow temporary licensure for many different professions. NCEES is not supportive of this bill. Ms. Harper said that the Board office is still accepting applications for a consumer member and there has been couple of interviews conducted.
BOARD COUNSEL REPORT – Patrick Creehan

Mr. Creehan stated that he is working on cleaning up the rule revision and would be sending the revisions to the Capitol and JAPC when he returns to Tallahassee.

COMMITTEE REPORTS

EXAM COMMITTEE REPORT – FRANK CONKLING

Mr. Conkling said that during the Exam Committee meeting, that there was discussion on starting the process of reviewing the Florida Jurisdictional Examination question item bank. He said that Ms. Harper would be giving the list of questions to the Committee and the Committee would be reviewing them to purge questions that are now irrelevant. The results are due to Ms. Harper from the Committee no later than March 11, 2018.

PROBABLE CAUSE PANEL REPORT – ROBIN PETZOLD

Mr. Petzold said that there were 5 cases – 1 was a Letter of Guidance and 4 were cases were dismissed.

APPLICATION REVIEW COMMITTEE – NICK CAMPANILE

Mr. Campanile said that there were 18 applications reviewed by the Committee – 5 Initial applications were approved, 2 approved with contingencies, 1 denied, 3 endorsement applications approved and 7 SIT applications approved.

After discussion, the following motion was made:

MOTION: Mr. Schryver made a motion to accept the Application Committee’s report.
SECOND: Mr. Petzold seconded.
ACTION: The motion passed unanimously.

CONTINUING EDUCATION COMMITTEE – GEORGE GRUBBS

Mr. Grubbs stated that there were 3 requests for CE credits and 1 was approved and 2 denied.

After discussion, the following motion was made:

MOTION: Mr. Conkling made a motion to accept the Continuing Education Committee’s report.
SECOND: Mr. Schryver seconded.
ACTION: The motion passed unanimously.

PROBATION REVIEW COMMITTEE REPORT – DAVID SCHRYVER

Mr. Schryver stated that the Probation Committee met yesterday and all members were present. He said that they reviewed the 1st Set of Surveys from John Cooper who provided 3 surveys for review. One of the surveys was found to be in compliance while the other two were not. He was not approved and not removed from Probation, therefore, a request for a 2nd Set of Surveys was made. He said that Steven Cartechine is within his timeframe of meeting the requirements, John W. Cooper will remain on probation, James D. Elson’s suspension has been lifted and he was in a serious traffic crash and would not be working for several months and the Committee has extended more time to him, Miguel Garay has not complied with his terms and has been referred to the Department for Failure to Abide by Final Order, Indian River Survey, Inc. has been removed from discipline
tracking, New Bearings, Inc. has not complied with their terms and has been referred to the Department for Failure to Abide by Final Order, Ralph Swerdloff has not complied with the terms of his probation and was tabled for today's General Business meeting, and Donald Ramsey did not abide by his Final Order and a new case was created for Failure to Abide by Final Order and an Administrative Complaint is ongoing within the Department.

After discussion, the following motion was made:

MOTION: Mr. Campanile made a motion to accept the Probation Review Committee Report.
SECOND: Mr. Conkling seconded.
ACTION: The motion passed unanimously.

**NCEES COMMITTEE – ROBIN PETZOLD**

Mr. Petzold said that he attended the NCEES Education Committee meeting in Nashville, Tennessee. He said that he is Chairperson for the Southern Zone Distinguished Surveying Awards and there is one nomination. He said that he is also has been asked to Chair the jury for the National Surveying Award in June 2018. He said that he would be attending the NCEES Southern Zone meeting in Charlottesville, Virginia. He said that Mr. Hyde is on the Exam Committee and Pam Nobles is an Emeritus member on the Exam Committee.

**RULES COMMITTEE – STEVE HYDE**

Mr. Hyde said that the Rules Committee finalized the revisions to 5J-17, F.A.C. and the rules would be forwarded to JAPC.

After discussion, the following motion was made:

MOTION: Mr. Campanile made a motion to accept the Rules Committee report.
SECOND: Mr. Petzold seconded.
ACTION: The motion passed unanimously.

**NSPS LIAISON REPORT – NICK CAMPANILE**

**Tennessee Certified Floodplain Surveyor Program**
The Tennessee State NFIP Office announced that 21 surveyors are now Certified Floodplain Surveyors for the State of Tennessee. The inaugural exam had a 75 percent pass rate.

**Federal Land Rights Series – Boundary and Title Issues in the Federal Context**
There is a web link in the January 24 News & Views that yield some interesting situations and cases, one involving US Easement rights along the Atlantic Intracoastal Waterway.

**Nov 16 - NSPS Seeks to Preserve Licensing and Qualifications Based Selection (QBS)**
NSPS and the American Society of Civil Engineers issued a joint statement in November in support of the Geospatial Data Act. Included in the bill (as revised) are important sections that provide for maximum use of the private sector to avoid government duplication and competition, support contracting via the qualifications based selection (QBS) process, and preventing Federal preemption of state surveying licensing laws. A handful of organizations oppose these provisions and are seeking new legislation to bypass this important legislative language.

**New Senate NFIP Mapping Reform Bill**
Senator Roger Wicker (R-MS) introduced a bill to improve the National Flood Insurance Program (NFIP). S. 2090, the "Municipality Empowerment Mapping Achievement Act," would empower local communities to take an active role in flood mapping. This bill would establish a dynamic, database-derived digital display environment for flood hazard risk production and dissemination to include the spatial footprint and elevation of the structure relative to special flood hazard areas and base flood elevations.
NEW/OLD BUSINESS

Mr. Campanile asked about the status of applicant Paul Badr who was told at the November 2018 meeting that he would only have to take the Florida Jurisdictional Examination to become licensed. Ms. Lee said that after review by Board Counsel, Patrick Creehan, that Mr. Badr had been notified that he would have to take all three examinations in order to become licensed. Mr. Campanile said that the last meeting that Mr. Evers had brought up the subject of Survey Monumentation Certification through the Florida Department of Transportation. He said that he researched this and said that the reason for the additional identification is the surveyor is not working for the Department, but under contract on behalf of the Department. He said that the end result is if coming across one of the monuments with a right-of-way map, control survey or final monumentation map, the monumentation established is two routes of identification or at least gives a reference to the surveyor or whoever is inquiring.

Ms. Collins said that in her experience the Florida Department of Transportation caps have not been utilized for PLSS type corners and that they are only utilized in right-of-way monumentation in typical cases and when a surveyor does sectional work for a survey, they are typically to use their own caps and the way she views it is that the Florida Department of Transportation is no different than any other client.

Mr. Conkling said that he and Mr. Petzold were invited to participate on the Geomatics Advisory Committee. He said that they both attended and listened to some issues regarding continuing the program with ABET certification. Mr. Petzold said that their program will allow persons to graduate with a degree and they can take the exam for engineering and surveying. He said that they are struggling with some of the engineering courses and their enrollment is low and very few are graduating. He said that they are thinking of converting to a geomatics program to stay ABET accredited.

PUBLIC COMMENT

None

ADJOURNMENT

The meeting was adjourned by Deborah Hill at 10:51 a.m.