MINUTES

BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS

GENERAL BUSINESS MEETING – PART I

HILTON COCOA BEACH OCEANFRONT
1550 NORTH ATLANTIC AVENUE
COCOA BEACH, FLORIDA 32931

August 2, 2018 (Part I) and August 3, 2018 (Part II)

The meeting was called to order by Deborah Hill, Chair, at 3:09 p.m. (Part I)

BOARD MEMBERS AND STAFF PRESENT

Deborah Hill, Board Chair
Steven Hyde, Board Vice Chair
Robin Petzold, Board Member
Christopher McLaughlin, Board Member
Nick Campanile, Board Member
David Schryver, Board Member
Frank Conkling, Board Member
George Grubbs, Board Member
Jenna Harper, Executive Director
Regenia Lee, Government Analyst
Robert Summers, Board Counsel
Erik Sayler, Prosecuting Attorney

OTHERS PRESENT

Anthony Justice
John W. Cooper
James Elson
Lou Campanile
David Silon
W. Lamar Evers
Nickolas Fusco
Tyler Hastings
Colton Cilento
James Yorio
Don Elder
Torben Madson
Wilma Rowe
Steve Levine
Calma Ramharrack
Marcio Marques, Jr.
Miguel Cuevas
Alvin Gloer
Paul (Rick) Burns
John Lovelette
Danny Williams
Robert Schuler
John Clyatt

Board of Professional Surveyors and Mappers
August 2018 General Business Meeting
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REVIEW AND APPROVAL OF THE MAY 2018 GENERAL BUSINESS MINUTES

After discussion, the following motion was made:

MOTION: Mr. Hyde made a motion to approve the May 2018 minutes as amended.
SECOND: Mr. Petzold seconded.
ACTION: The motion passed unanimously.

APPLICATION - REINSTATEMENT NULL AND VOID – JOHN HOWARD LOVELETTE (PRESENT)

After discussion, the following motion was made:

MOTION: Mr. Hyde made a motion to DENY Mr. Lovelette’s request for reinstatement based on not having an unusual hardship in conformation with Chapter 472, F.S.
SECOND: Mr. McLaughlin seconded.
ACTION: The motion passed unanimously.

APPLICATION - REINSTATEMENT NULL AND VOID – ROBERT WAYNE RICHMOND (PRESENT)

After discussion, the following motion was made:

MOTION: Mr. Petzold made a motion to DENY Mr. Richmond’s request for reinstatement based on not having an unusual hardship in conformation with Chapter 472, F.S.
SECOND: Mr. Grubbs seconded.
ACTION: The motion passed unanimously.

After further discussion and testimony from Mr. Richmond, the following AMENDED motion was made:

MOTION: Mr. Campanile made a motion to APPROVE Mr. Richmond’s request for reinstatement.
SECOND: Mr. McLaughlin seconded.
ACTION: The motion passed with the following votes:
Mr. Campanile – Yay
Mr. McLaughlin – Yay
Mr. Grubbs - Yay
Ms. Hill – Yay
Mr. Schryver – Nay
Mr. Petzold – Nay
Mr. Conkling – Nay
Mr. Hyde recused himself from the vote.

CHAIRPERSON’S REPORT – DEBORAH HILL

Ms. Hill said that effective July 15, 2018, revised Rule 5J-17 was adopted. She said that Robert Summers is the new Board Counsel and Erik Saylor is the new prosecuting attorney. Ms. Hill said that the informational rules meeting would be held in September 2018 in Orlando. She said that several of the Board members would be attending the upcoming NCEES conference in August 2018.
EXECUTIVE DIRECTOR’S REPORT – JENNA HARPER

Ms. Harper said that the information rules meeting would be held in September 2018 in Orlando and that information for that meeting would be e-mailed to the profession. Ms. Harper said that the NCEES conference would be held on August 14-15, 2018. She said that she would not be able to attend due to an unexpected life event. She said that biennial renewals would start in December 2018. She stated that she would be working on the Florida Jurisdictional Examination questions and hopefully would have a functioning exam by September-October 2018.

BOARD COUNSEL REPORT – ROBERT SUMMERS

Mr. Summers said that he was happy to be named the new PSAM Board Counsel.

QUESTION ON GIS DATA COLLECTION

On July 9, 2018, Ms. Harper received an e-mail with the following question: “I would like help in determining the difference between performing GIS Data Collection and Surveying work. There are GIS personnel collecting utilities (water valves, cleanouts, manholes, etc.) using GPS. The data is then being displayed in a layer within a GIS format. The collection is not being done by a licensed surveyor or firm. Since this has not been previously mapped and they are actually measuring and displaying the features, would that be considered an unlicensed activity.”

Mr. Summers responded to this question by stating that it is not up to the Board to opine. Mr. Petzold stated that there are no “Rules for Tools”.

QUESTION ON DRONE USE

On July 13, 2018, Ms. Harper received an e-mail with the following question: “I was wondering about the use of drones for surveying and how this technology would meet the Standards of Practice…..”

Mr. Petzold and Mr. Conkling stated that professional judgement should be used.

The General Business Meeting, Part I, recessed at 3:23 p.m.
The meeting was called to order by Deborah Hill, Chair, at 8:30 a.m. (Part II)

BOARD MEMBERS AND STAFF PRESENT
Deborah Hill, Board Chair
Steven Hyde, Board Vice Chair
Robin Petzold, Board Member
Christopher McLaughlin, Board Member
Nick Campanile, Board Member
David Schryver, Board Member
Frank Conkling, Board Member
George Grubbs, Board Member
Jenna Harper, Executive Director
Regenia Lee, Government Analyst
Robert Summers, Board Counsel
Erik Sayler, Prosecuting Attorney

OTHERS PRESENT
W. Lamar Evers
Ted Madson
Wilma Rowe
Don Elder
Danny Williams
John Howard Lovelette

DISCIPLINARY PROCEEDINGS – ERIK SAYLER
Informal Hearing Settlement Stipulation
Ralph Whisler IV – 1712-50295 – Noticed: July 9, 2018 (Not Present)
(PCP Members – Petzold, Fusco & Talbott)

After discussion, the following motion was made:

MOTION: Mr. Campanile made a motion to accept the prosecutor’s response and recommendations regarding the settlement stipulation and all its inclusions.
SECOND: Mr. Petzold seconded.
ACTION: The motion passed unanimously.
After discussion, the following amended motion was made:

MOTION: Mr. Campanile made a motion to accept the prosecutor’s response and recommendations regarding the settlement stipulation and all inclusions.
SECOND: Mr. Hyde seconded.
ACTION: The motion passed unanimously.

(PCP Members – Petzold, Fusco & Talbott)

After discussion, the following motion was made:

MOTION: Mr. Campanile made a motion to accept the prosecutor’s response and recommendations regarding the settlement stipulation and all inclusions.
SECOND: Mr. Hyde seconded.
ACTION: The motion passed unanimously.

Informal Hearing (Voluntary Relinquishment)

Vincent Ballantoni – 1710-27543 – Noticed July 9, 2018 (Not Present/Represented by Ted Madson)
(PCP Members – Petzold, Fusco & Talbott)

After discussion, the following motion was made:

MOTION: Mr. McLaughlin made a motion to accept the voluntary relinquishment agreement.
SECOND: Mr. Campanile seconded.
ACTION: The motion passed unanimously.

COMMITTEE REPORTS

PROBABLE CAUSE PANEL – ROBIN PETZOLD

Mr. Petzold reported that there was 1 candidate and 1 business in which probable cause was found, 2 letters of guidance, 2 closing orders dismissed for 2 candidates, and 1 business and another closing order for a business.

PROBATION COMMITTEE – DAVID SCHRYVER

Mr. Schryver reported that there was 2nd Set of Survey Reviews for Mr. John Cooper. Mr. Cooper passed his survey review and was released from probation pending a full vote by the Board. He also reported that there was a 1st Set Survey Review for James Elson and that did not pass. The Committee requested a 2nd Set of Survey Reviews from Mr. Elson and he remains on probation.

After discussion, the following motion was made:

MOTION: Mr. Hyde made a motion to approve the Probation Review Committee report.
SECOND: Mr. Conkling seconded.
ACTION: The motion passed unanimously.
APPLICATION REVIEW COMMITTEE – NICK CAMPANILE

Mr. Campanile reported that there was a total of 30 applicants and 6 applicants of the 30 were in attendance. He stated that 20 of the applicants were initial applications of which 15 were approved, 2 were approved with contingency, 2 were denied, and 1 was tabled. He stated there were 6 endorsement applicants of which 4 were approved, 1 was denied, and 1 tabled. He stated that there were 4 SIT applicants who were all approved pending a full vote from the Board.

After discussion, the following motion was made:

MOTION:  Mr. Petzold made a motion to approve the Application Review Committee report.
SECOND:  Mr. Conkling seconded.
ACTION:  The motion passed unanimously.

CONTINUING EDUCATION REVIEW COMMITTEE – GEORGE GRUBBS

Mr. Grubbs reported that there were 4 continuing education provider applications. All were approved.

After discussion, the following motion was made:

MOTION:  Mr. Petzold made a motion to approve the Continuing Education Review Committee report.
SECOND:  Mr. Schryver seconded.
ACTION:  The motion passed unanimously.

EXAM COMMITTEE – FRANK CONKLING

Mr. Conkling reported that there was discussion regarding the Florida Jurisdictional Examination questions that are being revised. He said that there would be a meeting of the Exam Committee at a later date, and he would report on results of the committee meeting at the next Board meeting in St. Augustine.

After discussion, the following motion was made:

MOTION:  Mr. Hyde made a motion to approve the Exam Committee report.
SECOND:  Mr. Schryver seconded.
ACTION:  The motion passed unanimously.

RULES COMMITTEE – STEVEN HYDE

Mr. Hyde said that the Committee reviewed 5J.17.041(a) regarding the removal of the language in the rule that allowed for instructors of courses to receive continuing education credits. He said that the Department would be sponsoring a rule meeting on September 17, 2018.

After discussion, the following motion was made:

MOTION:  Mr. McLaughlin made a motion to approve the Rules Committee report.
SECOND:  Mr. Conkling seconded.
ACTION:  The motion passed unanimously.
NCEES LIAISON REPORT – ROBIN PETZOLD

Mr. Petzold reported that he attended the NCEES Southern Zone meeting in Charlottesville, Virginia. He said that he is the Jury Chair for the NCEES National Surveying Award Committee and the following received awards – University of Akron, Oregon Institute of Technology, Idaho State University, the University of Maine, East Tennessee State University, Central New Mexico Community College, and Troy University. Runners-up were California State Polytechnic University, University of Alaska, and Ferris State University. He said that the University of Florida and the Florida Atlantic University did not submit applications this year. He reported that he would be Chair of the NCEES Education Committee for 2018-2019. He said that Annual NCEES meeting is coming up and that he and Ms. Hill, Mr. Hyde, Mr. Fusco, and Pam Nobles would be attending. He said that mobility is still an issue regarding three examinations – the PLSS exam, the Colonial States exam, and the technology/photogrammetry exam. He said that there are many states decoupling with a successful pass rate and he would like the Board to entertain decoupling for Florida.

NSPS LIAISON REPORT – NICK CAMPANILE

Mr. Campanile reported on the following:

NSPS meets with FAA administrator
NSPS met with Acting Administrator of the FAA and discussed implications of “congested area” interpretation.

Regulators want drones to have “visible” license plates
When you register a drone with the FAA, you may have to have a small license plate.

First Point of Beginning marker set
NSPS initiated the “Point of Beginning” program which was developed as an expansion of the "Final Point" program.

DJI will unlock geofencing for enterprise drone users
Professional drone pilots with authorization to fly in sensitive locations can now use a streamlined application process to receive unlocking codes within 30 minutes.

White House focuses on licensing and workforce development
Labor Secretary, Alex Acosta, recently wrote, "We must tear down unnecessary barriers to work. ... Excessive licensing forces individuals, like barbers, teachers and nurses, who move from state to state, to give up their career or retake certifications and pay high fees to get back to work." Acosta called on states to reevaluate their approaches, "States should also evaluate their approach to licensing — if licenses are unnecessary, eliminate them; if they are necessary for health and safety, streamline them." However, the President has restored a commonsense approach to regulation, which should “focus on protecting health and safety,” Secretary Acosta said.

NEW/OLD BUSINESS

Ms. Harper reminded the Board that the next quarterly Board meeting would be held on October 29-31, 2018, in St. Augustine, Florida. She said that Mr. Campanile has submitted his re-appointment request. She reported that Mr. Petzold and Mr. Grubbs have served their terms and their last meeting would be in St. Augustine. She said that as of October 31, 2018, there would be three vacancies. She said that she was told by the Commissioner’s office that they would be filled timely.
Mr. Hyde said that he would like the Board to research the decoupling idea so that the Board could start discussing the idea and to see what would be needed to move forward. He said that he would also like the Board members to visit the idea of changing the Florida Jurisdictional examination to a take home exam, etc. or doing away with it all together so that Florida would be the first state to have true comity with surveyors.

Mr. Petzold stated that he had a conversation several years ago with the former director of the Florida Surveying and Mapping Society (FSMS) about Null and Void applicants. He suggested that if you are a long-standing member with FSMS, who offers continuing education credits, and the member’s hardship is that they cannot afford the fees for the continuing education courses to renew their licenses, that the hardships of long standing members could be reviewed at the Chapter level, and then the Director of FSMS could address the FSMS Board and vote on whether the member truly has a hardship. He said that if the Board deems it a hardship, then allow the FSMS member to take the continuing education courses without fees. Mr. Petzold said that he thought this would be huge benefit for the FSMS members. Mr. Elder said that this idea makes sense and would allow FSMS to be supportive of their members and the profession.

Mr. Campanile asked Ms. Harper about a licensing sweep performed by the Board office during the renewal period for those who have not renewed from the previous biennium. Ms. Harper said that during the summer following the renewal, the Board office staff researches the surveyors who have gone into delinquency status and a letter is sent to the surveyors to remind them to renew their licenses.

PUBLIC COMMENT

Mr. Elder suggested to make a change to the inactive status section of Chapter 472, Florida Statutes, that requires that the continuing education credits be kept up-to-date when the license is reactivated. Ms. Harper said that this may just be an interpretation issue rather than changing the statute and would be addressed.

ADJOURNMENT - The meeting was adjourned on 10:09 a.m.