MINUTES

BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS

GENERAL BUSINESS MEETING – PART I

HILTON GARDEN INN – GAINESVILLE
4075 SW 33RD PLACE
GAINESVILLE, FLORIDA 32608

THURSDAY, JANUARY 24, 2019

Thursday, January 24, 2019 (Part I) and Friday, January 25, 2019 (Part II)

The meeting was called to order by Steven Hyde, Board Chair, at 1:30 p.m. (Part I)

BOARD MEMBERS AND STAFF PRESENT

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

OTHERS PRESENT

Corey Fedrick
Michael Neff
W. Lamar Evers
John N. Breed
Dianne Collins
Trisha Burton
Alvin Gloer
John Clyatt
Jeffrey Whitmore
Joseph Gore
Lou Campanile
REVIEW AND APPROVAL OF THE OCTOBER 2018 GENERAL BUSINESS MINUTES

After discussion, the following motion was made:

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

APPLICATION - REINSTATEMENT OF NULL AND VOID – JOSEPH ROBERT GORE (PRESENT)

After discussion, the following motion was made:

MOTION: Mr. Campanile made a motion to APPROVE Mr. Gore’s Application for Null and Void Reinstatement.
SECOND: Mr. Petzold seconded.
ACTION: The motion passed unanimously.

CHAIRPERSON’S REPORT – STEVEN HYDE

Mr. Hyde said that the NCEES Southern Zone meeting would be held in Boise, Idaho on May 16-18, 2019.

EXECUTIVE DIRECTOR’S REPORT – JENNA HARPER

Ms. Harper welcomed Mr. Fountain to the Board as a consumer member. She said that there are two pending re-appointment applications in the Commissioner’s office for George Grubbs and Nick Campanile that were filed last summer. She stated that Mr. Petzold’s term ended in October of 2018, but he is serving until a new candidate has been selected by Commissioner Fried as his replacement. She reported that the 2019-2021 renewal season is in full swing and will end on February 28, 2019. She said that the National Surveyor’s Week is the week of March 17, 2019, and she asked everyone to send pictures for the newsletter. She said that Governor Ron DeSantis has sent out letters to 23 licensing boards notifying them of his plans for deregulation. She said that he will be holding a workshop on January 31, 2019 in Orlando inviting every board chair and executive director of every professional licensing board to attend with him, the Lt. Governor and the Florida Department of Business and Professional Regulation. She said the Department has not received that letter and the Commissioner’s staff told the Board staff not to be concerned at this point. She said that she and Mr. Hyde would be attending the NCEES Board’s President Assembly scheduled for February 8-9, 2019 in Atlanta.

BOARD COUNSEL REPORT – ROBERT SUMMERS

Mr. Summers said that he and Ms. Harper have been working on the Notice of Proposed Rule language and the two-form system on the Request for Determination of Eligibility for Reinstatement and the Application for Null and Void Reinstatement. Mr. Summers reported that he, Ms. Harper, Ms. Lee, Mr. Fedrick, and Mr. Sayler met regarding the internal investigation and legal processes to make sure that the Board staff was continuing to make strides to keep communication open and to ensure that our daily work continues to run smoothly and efficiently. He said that the rulemaking process would continue to move forward, and the Complaint Form suggested changes would be taken into consideration. He said that the rule webinar would be re-visited and the questions that have been submitted would be reviewed by the legal team. Mr. Hyde asked Mr. Summers to provide the questions that have been submitted to the Rules committee for review and Mr. Summers said he would get back with him.
Ms. Harper said that there were 3 delegates eligible to attend the NCEES Southern Zone Meeting in Boise, Idaho, May 16-18, 2019. She asked the members to think about going and let her know as soon as possible so that she could register them. She also reported that the NCEES Annual Meeting would be held in Washington, D.C. on August 14-17, 2019.

COMMITTEE REPORTS

PROBABLE CAUSE PANEL – ROBIN PETZOLD

Mr. Petzold reported that there were 4 confidential hearings – 2 were companion cases and probable cause was found in all 4 of those cases. In 1 individual case, probable cause was found, and 1 case was closed by the Committee, at the attorney’s recommendation. There were 2 non-confidential hearings and both cases were closed.

PROBATION COMMITTEE – CHRIS MCLAUGHLIN

Mr. McLaughlin said there was a motion to remove New Bearings, Inc. from discipline tracking upon the voluntarily relinquishment of the business license, and a motion was made to release Whisler & Associates from disciplinary tracking.

After discussion, the following motion was made:

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

APPLICATION REVIEW COMMITTEE – DEBORAH HILL

Ms. Hill said that there were 4 examination applications, 1 endorsement application, 3 Surveyor-in-Training applications and 2 initial applications. She reported that the Committee approved all applicants.

After discussion, the following motion was made:

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

CONTINUING EDUCATION REVIEW COMMITTEE – GEORGE GRUBBS

Mr. Grubbs reported that there were 3 requests for continuing education credits. 1 was approved by the Committee and 2 were discussed with no action. He reported that there was a motion to withdraw a vote from the October 18, 2018 meeting. He reported that there was a discussion on the carryover of continuing education credits.

After discussion, the following motion was made:

MOTION: Mr. Petzold made a motion to approve the Continuing Education Review Committee report as presented.
SECOND: Mr. Schryver seconded.
ACTION: The motion passed unanimously.
EXAM COMMITTEE – FRANK CONKLING

Mr. Conkling reported that the minutes were reviewed and approved. He said that, after discussion, it was determined that the Exam Committee needs to stay active and work was set forth for the next couple of Committee meetings.

After discussion, the following motion was made:

MOTION: Mr. McLaughlin made a motion to approve the Exam Committee report as presented.
SECOND: Mr. Grubbs seconded.
ACTION: The motion passed unanimously.

RULES COMMITTEE – DAVID SCHRYVER

Mr. Schryver said the Committee approved the October 2018 meeting minutes. Ms. Harper led a discussion on the draft notice of proposed rules. He said that the proposed rules were approved by the Committee, and that Ms. Harper and Mr. Summers would move forward with the rule. He said there was public comment on changing the Complaint Form and possibly creating a separate form for unlicensed activity complaints.

After discussion, the following motion was made:

MOTION: Mr. Conkling made a motion to approve the Rules Committee report as presented.
SECOND: Mr. McLaughlin seconded.
ACTION: The motion passed unanimously.

NCEES LIAISON REPORT – ROBIN PETZOLD

Mr. Petzold said that the Future of Surveying Task Force was dissolved by NCEES, however, it has continued because the super committee was set up and they continue to meet on their own. Mr. Petzold said that he attended the meeting in Redwing, Minnesota and at that meeting, it was decided that a list of schools in the U.S. would be assigned to the committee members to compile a list of contacts, schools, etc. to increase the participants in the National Surveying Award. Mr. Petzold said that he is the chair of the NCEES Education Committee and would be meeting in Atlanta, Georgia on February 10, 2019, to discuss 7 charges. He said that he would report on this at the April Board meeting. He said that the Southern Zone Survey Awards are due by March 15, 2019 and, currently, there was only one submission. He stated that he has been asked to chair the jury for the National Surveying Award on June 27, 2019, in Clemson, South Carolina. He said that the NCEES Southern Zone Meeting is scheduled for May 16-18, 2019, in Boise, Idaho, and the NCEES Annual Meeting would be held in August in Washington, D.C.

NSPS LIAISON REPORT – NICK CAMPANILE

Mr. Campanile reported the following:

Each year NSPS and State Surveying Societies/Associations give out approximately $350,000.00 in scholarships. And, each year, through the National Society of Professional Surveyors Foundation, over $30,000 in scholarships are funded. The application deadline was January 15, 2019, but there still is a 2018-2019 $5000 Trig-star Scholarship - Deadline June 30, 2019.

Northwestern Michigan College will offer a new degree in surveying beginning with the fall 2019 semester. National labor forecasts call for 10 to 14 percent job growth in surveying through 2026.
DataScout, LLC had recently submitted a Freedom of Information Act (FOIA) request to the Arkansas Geographic Information Office (AGIO). DataScout, LLC has 200,091 land surveys and related documents to use as they wish.

HB 1649, a bill pre-filed for the 2019 General Assembly session in Virginia, would permit on a statewide basis, for boundaries between counties to be determined by agreement of the counties using GIS maps. The bill provides a generic process for resolving boundary disputes and anomalies between jurisdictions. Such boundary adjustments could affect individual citizens' taxes, healthcare, voting rights, and other government programs, services and rights and a county Geographic Information System (GIS) is not an authoritative source of boundary data, may not be ground-truthed, or of sufficient accuracy for use as a governmental boundary.

Although the Tax Cuts and Jobs Act (TCJA) was signed into law in late 2017, consultants and lawyers are still learning of new incentives beneficial to individuals and businesses alike. In response to a member inquiry, NSPS provided an analysis finding that surveying firms operating as a pass-through entity would be eligible for a new 20 percent deduction on ‘qualified business income’. This new deduction replaces the domestic production activities deduction which allowed up to a 9 percent deduction for businesses that mostly operated in the United States.

Once again, the National Flood Insurance Program has been given a short-term extension until May 31, 2019.

The Tennessee Certified Floodplain Surveyors (CFS) program is honoring 11 new Surveyors to this program, bringing the total number to 33 statewide. Tennessee is the second state in the nation (the other is North Carolina).

National Surveyors Week is March 17-23, 2019 and is always celebrated during the week in March following the 3rd Sunday.

The North Dakota Society of Professional Land Surveyors is having a conference in Grand Forks, North Dakota on February 6-8, 2019, in case anyone is interested in attending.

**NEW/OLD BUSINESS**

Ms. Collins commented on the Virginia issue that was reported by Mr. Campanile. She said that the Virginia Association of Surveyors is on top of the situation.

**RECESSMENT**

The General Business Meeting, Part I, recessed at 2:40 p.m.
MINUTES
BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS
GENERAL BUSINESS MEETING – PART II
HILTON GARDEN INN – GAINESVILLE
4075 SW 33RD PLACE
GAINESVILLE, FLORIDA 32608
FRIDAY, JANUARY 25, 2019
The meeting was called to order by Steven Hyde, Board Chair, at 8:30 a.m. (Part II)

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

OTHERS PRESENT
Corey Fedrick
W. Lamar Evers
Dianne Collins
Lou Campanile

DISCIPLINARY PROCEEDINGS – ERIK SAYLER
Informal Hearing
Robert Thompson – 1801-04848 – Noticed: January 10, 2019
(PCP Members: Talbott, Fusco & Petzold)

After discussion, the following motion was made:

MOTION: Ms. Hill made a motion to adopt the proposed settlement stipulations that the Respondent will pay an administrative fine of $1,250.00, pay administrative cost in the amount of $693.94, and order the Respondent to put on probation subject to the conditions outlined in the Settlement Stipulation. The terms of the probation are as follows: A) Probation shall take effect from the date of the Final Order approving the Settlement Stipulation. If the Respondent fails to comply with any of the terms of the probation, the Respondent could be subject to further prosecution and additional discipline. B) The Respondent shall complete a board-approved continuing education
course in Standards of Practice within 120 days from the date of the Board’s Final Order is rendered in this matter. C) The Respondent shall provide the Board with a list of signed and sealed surveys which shall contain a minimum of 3 surveys which were performed by the Respondent within 120 days from the date of the Final Order. D) These surveys shall be subject to the Department’s review process as described in Rules 5J-17.016, .083 and .085 F.A.C. and attend the Probation Committee meeting at which the surveys are to be reviewed. E) The Respondent’s review surveys must be found to meet or exceed the Standards of Practice. Failure to comply with this provision may result in Respondent being referred to the Department for non-compliance with the Final Order of the Board. Respondent shall submit proof of professional liability insurance pursuant to Section 472.015(5), F.S. to the Board office within 90 days from the date of the Board’s Final Order as rendered in this matter or a statement that professional liability insurance is not required.

SECOND: Mr. Conkling seconded.

ACTION: The motion passed unanimously.

Accurate Land Surveyors – 1801-03143 – Noticed: January 10, 2019

(PCR Members: Talbott, Fusco & Petzold)

After discussion, the following motion was made:

MOTION: Mr. Campanile made a motion to adopt the Settlement Stipulation that the Respondent shall pay an administrative fine of $1,250.00 and shall pay the administrative cost in the amount of $697.56.

SECOND: Mr. Conkling seconded.

ACTION: The motion passed unanimously.

Ms. Harper said that Mr. Petzold was unable to attend the meeting today due to a family emergency. His absence is excused by 5J-17.002(1). She also reported that it is time for the awards ceremonies for NCEES and award nominations are being requested. She said, with the Board’s agreement, that she would like to nominate Mr. Petzold for the NCEES Distinguished Service Award. The Board concurred.

Ms. Lee said that Mr. Hyde suggested holding the April 2019 PSAM meeting in Tampa/Ybor City rather than St. Petersburg/Clearwater. The Board agreed with moving the location of the meeting to Ybor City.

PUBLIC COMMENT

None

ADJOURNMENT - The meeting was adjourned on 9:00 a.m.