MINUTES

BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS

GENERAL BUSINESS MEETING

Hilton Garden Inn – Tampa/Ybor City Historic District
1700 East 9th Avenue
Tampa, Florida 33605

TUESDAY, APRIL 30, 2019

The meeting was called to order by Steven Hyde, Board Chair, at 10:05 a.m.

BOARD MEMBERS AND STAFF PRESENT

Steven Hyde, Board Chair
George Grubbs, Board Vice Chair – Excused Absence
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
Corey Fedrick, Investigator

OTHERS PRESENT

Josh Miller
Gary McDaniel
Tim Simpson
Elvis Torres
Todd Boyle
Don Elder
Francisco Rivera
Marvin H. Cox
Ali Gonzalez Perez
Anthony Manary
Alan H. Allbert
W. Lamar Evers
Jason Janes
Alvin Gloer
Neil Shultz
Steven Sonberg
Hongbu Su
John Richard Noland, Jr.
Harley Davidson
Joshua Bragg
REVIEW AND APPROVAL OF THE JANUARY 2019 GENERAL BUSINESS MINUTES

After discussion, the following motion was made:

MOTION: Mr. Petzold made a motion to approve the January 2019 minutes.
SECOND: Mr. Conkling seconded.
ACTION: The motion passed unanimously.

APPLICATION - REINSTATEMENT OF NULL AND VOID APPLICATIONS

MARVIN H. COX, LS3439 (Present)

After discussion, the following motion was made:

MOTION: Mr. Campanile made a motion to APPROVE Mr. Cox's Application for Null and Void Reinstatement based on the unusual hardships presented by Mr. Cox.
SECOND: Mr. Fountain seconded.
ACTION: The motion passed with 2 Nays from Mr. Hyde and Mr. Schryver.

STEVEN RAY SONBERG, LS6656 (Present)

After discussion, the following motion was made:

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

DAVID C. YAPLE, LS5347 (Not Present)

After discussion, the following motion was made:

MOTION: Mr. Conkling made a motion to TABLE Mr. Yaple’s Application for Null and Void Reinstatement until the next meeting of the Application Review Committee Meeting scheduled for July 23, 2019 and request his attendance at that meeting.
SECOND: Mr. McLaughlin seconded.
ACTION: The motion was tied with 4 Yays from Mr. Grubbs, Mr. Conkling, Mr. Campanile and Mr. McLaughlin and 4 Nays from Mr. Fountain, Mr. Petzold, Mr. Hyde and Mr. Schryver. Mr. Conkling withdrew his motion.

After discussion, the following motion was made:

MOTION: Mr. Conkling made a motion to TABLE Mr. Yaple’s Application for Null and Void Reinstatement until the next meeting of the Application Review Committee Meeting scheduled for July 23, 2019 with assurance that he is properly noticed.
SECOND: Mr. Fountain seconded.
ACTION: The motion passed unanimously.
CHAIRPERSON'S REPORT – STEVEN HYDE

Mr. Hyde said that he and Ms. Harper attended the NCEES President’s Assembly on February 8-9, 2019 in Atlanta, Georgia.

EXECUTIVE DIRECTOR’S REPORT – JENNA HARPER

Ms. Harper reported that the 2019-2021 renewal period has ended and there were very few licensees that have not renewed their licenses and have become delinquent and Null and Void. She said that she and Mr. Hyde attended the March 2019 Florida Cabinet meeting in observance of the Florida’s Surveyor’s week in which a proclamation was given to the Board by the Cabinet. Ms. Harper stated that the NCEES Southern Zone meeting would be held on May 16-18, 2019 in Boise, Idaho. She said that due to circumstances beyond her control, that she would not be attending; however, she said that Mr. Campanile, Mr. Petzold, and Mr. Hyde are scheduled to attend. She said that Mr. Petzold is a candidate for the NCEES Southern Zone Assistant Vice President and the voting would be held at that meeting. Ms. Harper reported that the new Board member that would be replacing Mr. Petzold has not yet been named by the Commissioner’s office.

BOARD COUNSEL REPORT – ROBERT SUMMERS

Mr. Summers said that since the Rules Committee has voted to accept the response to JAPC and the Notice of the Proposed Rule change, that he would move forward with the process of getting it adopted. He said that during the last meeting, Mr. Hyde requested that the Webinar questions be turned over to the Rules Committee for review. Mr. Summers said that he would be turning over the questions soon.

COMMITTEE REPORTS

PROBABLE CAUSE PANEL – ROBIN PETZOLD

Mr. Petzold reported that there was one case that resulted in probable cause, two cases that resulted in Letters of Guidance along with their two companion cases, and one case that resulted in a closing order along with the companion case for the company.

PROBATION COMMITTEE – CHRIS MCLAUGHLIN

Mr. McLaughlin reported that one case was closed, one was released from probation, and one would be reviewed at the next meeting.

After discussion, the following motion was made:

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

APPLICATION REVIEW COMMITTEE – ROBIN PETZOLD

Mr. Petzold reported that there were 22 examination applications, six endorsement applications, eight Surveyor-in-Training applications. He said that the remaining applications were discussed - two initial applications which one was denied, and one was approved upon contingency, and two SIT applications that were approved.
After discussion, the following motion was made:

**MOTION:** Mr. Grubbs made a motion to approve the Application Review Committee report.

**SECOND:** Mr. Campanile seconded.

**ACTION:** The motion passed unanimously.

**CONTINUING EDUCATION REVIEW COMMITTEE – GEORGE GRUBBS**

Mr. Grubbs reported that there was one application approved for a new continuing education provider.

**MOTION:** Mr. Petzold made a motion to approve the Continuing Education Review Committee Report.

**SECOND:** Mr. McLaughlin seconded.

**ACTION:** The motion passed unanimously.

**EXAM COMMITTEE – FRANK CONKLING**

Mr. Conkling reported that the minutes were reviewed and approved and that there was a discussion on the future of the Florida Jurisdictional Examination.

After discussion, the following motion was made:

**MOTION:** Mr. Petzold made a motion to approve the Exam Committee.

**SECOND:** Mr. Campanile seconded.

**ACTION:** The motion passed unanimously.

**RULES COMMITTEE – DAVID SCHRYVER**

Mr. Schryver reported the Committee approved the January 2019 meeting minutes and that Ms. Harper led a discussion regarding the response from JAPC about the proposed rule changes.

After discussion, the following motion was made:

**MOTION:** Mr. Campanile made a motion to approve the Rules Committee report.

**SECOND:** Mr. Petzold seconded.

**ACTION:** The motion passed unanimously.

**NCEES LIAISON REPORT – ROBIN PETZOLD**

Mr. Petzold said that he is the Chairperson for the NCEES Education Committee and that a committee meeting was held at the NCEES President’s Assembly meeting in Atlanta, Georgia. He said that there is a total of 7 charges and that one of the charges was that there is a motion that will be coming out in April to accept engineering technology. He also reported that the National Surveying award criteria would be changed for 2-year schools and that he is the Chairperson of that committee. He said he was also the Chairperson for the NCEES Southern Zone awards and 2 nominations were submitted.

**NSPS LIAISON REPORT – NICK CAMPANILE**

Mr. Campanile reported the following:

The FAA has proposed new rules that would allow small, unmanned drones to fly without a permit over people and even at night. According to the FAA report, requests to operate at night are “by far” the FAA’s most common waiver request.
The Kentucky Board of Licensure voted to discontinue the two-hour State Specific Exam for land surveying license candidates. Rationale that has been reported for this action includes the removal of an additional layer of regulatory barrier to encourage licensure.

During a recent visit with the West Virginia Society of Professional Surveyors, NSPS Executive Director, Curt Sumner, was informed of a proposal currently under consideration in the West Virginia legislature. House Bill 2697, the Occupational Licensing Consumer Choice Act, which was recently introduced in the West Virginia legislature, and is pending further legislative action, would allow unlicensed practice of a variety of licensed activities. Language in the "Legislative Purpose" stated in the Bill proposes to "expand opportunities, promote innovation and increase competition by allowing consumers to make decisions in hiring and contracting with providers of their choice; relieve providers from burdensome occupational licenses; promote the use of less-restrictive regulatory alternatives to occupational licenses to protect consumers' health and safety; encourage trade associations and similar private organizations to self-regulate; promote interstate mobility and flexible labor markets; and reduce the exposure of members of occupational licensing boards to liability under federal and state antitrust laws." There is language in the "Definitions" section of the Bill which would allow non-licensed individuals to provide services to the public if they present a "non-licensed disclosure" statement to prospective clients. A proposed example for such disclosure reads: Provider's Disclosure: "West Virginia state law requires providers of the service that you, the consumer, are agreeing to purchase in this contract to hold an occupational license. I am not licensed by the state, but by providing this non-licensed disclosure I am allowed by (cite this section) to perform the service in this contract."

IN-FLIGHT Data, a Canadian commercial drone operator, was awarded three Guinness World Records for drone flights recently carried out as part of a groundbreaking project with help from senseFly, a provider of fixed-wing drone solutions. The records are:

- Longest cumulative beyond visual-line-of-sight battery-powered UAV flight: 1692 miles
- Longest cumulative urban flight for a beyond-visual-line-of-sight civilian UAV (small class – up to 25 kg): 257 miles
- Longest single urban flight for a beyond-visual-line-of-sight civilian UAV (small class – up to 25 kg): 25 miles

The NSPS held its 18th Annual Student Competition in April. The winners are:

Baccalaureate Degree Division:
1st Place – University of Akron
2nd Place – Texas A&M
3rd Place – Kennesaw State University

Associate Degree Division:
1st Place - Central New Mexico Community College
2nd Place – East Los Angeles Community College
3rd Place – NE Wisconsin Technical College

NSPS announces scholarship winners – there were 15 scholarship winners totaling over $30,000.

RECESSMENT

The General Business Meeting recessed at 11:35 a.m. and reconvened at 1:10 p.m.

NCEES UPDATES – JENNA HARPER

Ms. Harper reported that the Department has agreed to fund the meeting registration for anyone that would like to attend the NCEES National Meeting in Washington, D.C.
SIGNING AND SEALING PROJECT CONTROL SHEETS

Ms. Harper said that she has been asked to present the Board with a letter that was addressed to the Florida Board of Professional Engineers received from the Florida Department of Transportation (FDOT). Mr. Campanile said that the issue is that FDOT engineers would be signing and sealing an overall plan set that includes survey control. He said that they are using information that has been provided by certified surveyors and being used for engineering design. The surveyor or engineer may be asked to re-certify the plans and that is allowed. Since the Project Control sheets have already been certified and presented to the FDOT, that is your document of record as it is just being added to the plans.

DISCIPLINARY PROCEEDINGS – ERIK SAYLER

Informal Hearing

John R. Beach – 1801-03822 – Noticed April 5, 2019
(PCP Members: Talbott, Petzold & Hyde)

After discussion, the following motion was made:

MOTION: Mr. Campanile made a motion to adopt the proposed settlement stipulation that the Respondent will pay an administrative fine of $2000.00, pay administrative cost in the amount of $992.64 and order the Respondent to be placed on probation subject to the conditions outlined in the Settlement Stipulation.

SECOND: Mr. Schryver seconded.
ACTION: The motion passed unanimously. Recusals – Mr. Hyde and Mr. Petzold

John R. Beach & Associates, Inc. – 1801-01503 – Noticed on April 5, 2019
(PCP Members: Talbott, Petzold & Hyde)

After discussion, the following motion was made:

MOTION: Mr. Campanile made a motion to adopt the proposed settlement stipulation that the Respondent will pay an administrative fine of $2000.00, pay administrative cost in the amount of $994.44 and order the Respondent to be placed on probation subject to the conditions outlined in the Settlement Stipulation.

SECOND: Mr. Grubbs seconded.
ACTION: The motion passed unanimously. Recusals – Mr. Hyde and Mr. Petzold

Jose Senas – 1801-04463 – Noticed on April 5, 2019
(PCP Members: Talbott, Petzold & Hyde)

After discussion, the following motion was made:

MOTION: Mr. Campanile made a motion to adopt the proposed settlement stipulation as amended that the Respondent will pay an administrative fine of $1,900.00, pay administrative cost in the amount of $524.80 and order the Respondent to be placed on probation subject to the conditions outlined in the Settlement Stipulation.

SECOND: Mr. Conkling seconded.
ACTION: The motion passed unanimously. Recusals – Mr. Hyde and Mr. Petzold
Longitude Surveyors, LLC – 1801-03164 – Noticed on April 5, 2019
(PCP Members: Talbott, Petzold & Hyde)

After discussion, the following motion was made:

MOTION: Mr. Campanile made a motion to adopt the proposed settlement stipulation as amended that the Respondent will pay an administrative fine of $1,900.00, pay administrative cost in the amount of $524.80 and order the Respondent to be placed on probation subject to the conditions outlined in the Settlement Stipulation.
SECOND: Mr. Schryver seconded.
ACTION: The motion passed unanimously. Recusals – Mr. Hyde and Mr. Petzold

Informal Hearing (Voluntary Relinquishment)

New Bearings, Inc. – 1804-19391 – Noticed on April 5, 2019
(PCP Members: Talbott, Fusco & Petzold)

After discussion, the following motion was made:

MOTION: Mr. Campanile made a motion to adopt the voluntary relinquishment in lieu of discipline form and accept the Respondent’s voluntary relinquishment of its license as a professional and mapping business in the state of Florida.
SECOND: Mr. Conkling seconded.
ACTION: The motion passed unanimously. Recusal – Mr. Petzold

OLD/NEW BUSINESS

Mr. Campanile asked about the status of the January 31 deregulation of FDACS. Ms. Harper said that FDACS was not involved in the deregulation. Mr. Campanile also asked if there was pending legislation for engineering for decoupling. Ms. Harper stated that that is not on their radar at this time. Mr. Hyde said that he has been approached by another board asking if this Board would be considering decoupling. He said that the Board may want to revisit the subject in the future. Mr. Campanile said that during the current legislation session, there is mention of decoupling in HB827 filed by Representative Jackie Toledo. Ms. Harper said that she would check with the Board of Professional Engineering.

PUBLIC COMMENT

Mr. Todd Boyle said that he thought it would be beneficial to post past declaratory statements and a complete list of the history of employers for Surveyors of Record at www.freshfromflorida.com/PSM. He suggested having a way of reporting when a surveyor is working for a governmental entity. He also suggested posting a licensee employment history of surveyors and surveyor businesses online. Ms. Harper responded by stating that these are all great ideas, however, the records transferred to the Department by the Florida Department of Business and Professional Regulation were not in the best of order or legibility, if received at all. Mr. Boyle said that now that the raised seal is no longer required, and an ink stamp seal is used, he is concerned about the validity of an original seal. He also is concerned about licensees’ using Post Office Box numbers rather than physical addresses listed in the Department’s database.

Mr. Lou Campanile said that, on behalf of the Florida Surveying and Mapping Society (FSMS), Unlicensed Practices Committee, he is concerned about unlicensed practices in the state of Florida. He said that he has been working with Ms. Harper on practices that are currently being prosecuted but not all of them are on the list that was supplied to him. Ms. Harper said when a complaint comes into the Board office, they are coded by the database under unlicensed activity. The complaints are given to the PSAM
Investigator and, along with the PSAM Prosecuting Attorney, they decide what action would be taken. She said that there may be some cases on the list that are old, but we have had investigators and attorneys come and go and it depends on how and when they have handled the cases. Ms. Harper said that a cleanup may be in order. Ms. Harper suggested that he contact the investigator and prosecutor to see if they would be able to produce their spreadsheets.

Mr. Silva wanted to know if a student graduates with a 4-year surveying degree from Everglades University, if they would be eligible for full licensure and with 48 months of responsible charge. Mr. Summers said that the Board is not able to opine on whether this specific degree is considered a survey degree. Ms. Harper said that the education requirements for licensure are in Rule 5J-17.

**ADJOURNMENT** - The meeting was adjourned on 2:48 p.m.