

Board of LAND SURVEYORS



NEWSLETTER

Vol. 1, No. 1

January 1983

Minimum Standards Are the Law

By Broward P. Davis

For the past two years, I have been reviewing complaints against land surveyors lodged throughout the State of Florida by citizens and professional land surveyors.

While considering these complaints, several attitudes justifying poor practices of land surveying have become apparent:

"I have been doing it this way for 40 years and have a good reputation. I don't want to read the Minimum Standards and I will not change."

"To expedite matters, I did it this way."

"Well, I made the survey for *Jim Doe*; therefore, *John Doe* has no right to rely on my survey."

"The realtor told me to do it that way; I did it without checking the adjoining deed, so it's the realtor's fault."

"I don't like Minimum Standards and I don't know why they were ever developed."

"The banks won't pay anything extra for the survey, so I can do a sloppy job."

In addition to other laws such as the Plat Law, the Mean High Water Statute, etc., Minimum Standards control your profession and each land surveyor has the responsibility to know all laws and rules governing his practice.

None of the twenty-five professions allows people outside of the profession to set poor standards. Permitting clients, lawyers, real estate professionals and others to dictate your principles and ethics in land surveying does not excuse you from liability.

If you do not make yourself aware of the laws and rules governing the profession of land surveying, you can be quite sure that the day will come when you will make the trip to Tallahassee to explain to your Governing Board the reason for your performance. It may earn you a trip to court as well.



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Surveyors**

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**Calendar
1983**

January 20 & 21
BOARD MEETING AND
REVIEW OF APPLICATIONS
Tallahassee

March 24 & 25
BOARD MEETING
Tallahassee

April 14 & 15
EXAMINATION
Orlando

June 16 & 17
BOARD MEETING
Tallahassee

August 11 & 12
BOARD MEETING AND
REVIEW OF APPLICATIONS
Tallahassee

October 13 & 14
BOARD MEETING
Tallahassee

October 27 & 28
EXAMINATION
Orlando

December 15 & 16
BOARD MEETING
Tallahassee

Directory

**Board of Land Surveyors
and**

The Department of Professional Regulation
130 North Monroe Street
Tallahassee, Florida 32301

Change of Address 1-(904)-487-1395
Licensing Laws and Rules
You Must Follow 1-(904)-488-9912
License Renewal Information 1-(800)-342-2837
1-(904)-487-1395
Complaints Against a Licensee 1-(800)-342-7940
Other Questions/Board Office 1-(904)-488-9912

**Chairman's
Column**

By Lewis Kent



The Bottom Line: Certified As To Survey

Your State Board of Land Surveyors is now completing its third year. The question might now be asked, have the changes we talked about for 20 years really taken place? I'll leave this answer up to you, but I hope upon finishing this article you will agree with me that we have made great strides—with much work left to do.

First, the Legislature mandated the creation of the Board of Land Surveyors, and furthered the adoption of *Minimum Technical Standards for Land Surveying*. These both are now in place and are crucial to further progress in the profession and in protecting the public health, safety, and welfare.

Being a society that expects "instant results," we sometimes lose sight of what progress it takes to achieve our professional and civic goals. In many ways we have met the enemy and it is us. We now have adequate rules on the books to regulate the surveying profession; however, they are not as effectively enforced as they could be . . . WHY? Is it because of the belief that the Board of Land Surveyors is a police force for the profession? The fact is, the Board does not have investigative powers until *after a complaint* is received, at which time, the Department of Professional Regulation investigates and the Board of Land Surveyors rules whether or not the licensee did, in fact, violate Statutes or Rules. THE POINT BEING, THAT UNLESS THE PROFESSIONAL AND THE PUBLIC AT LARGE IDENTIFY AND REPORT SUBSTANDARD WORK, THE POOR WORK WILL CONTINUE TO EXIST. Prior to *Minimum Standards*, the term *Certified as to Survey* had no standards to quantify those items necessary to support a good survey. Therefore, few cases were reported. Many public hearings around the State yielded the MINIMUM standard we now operate under, and have given meaning to such words as Boundary, Survey, Topographic Survey, etc.

The Board solicits your help in rooting out poor and fraudulent practice by reporting the violator who embarrasses the profession, and can do potential damage to the public. We all realize how distasteful it is to report a fellow professional; however, you *must* become part of the solution in order to continue making progress in the Land Surveying Profession.

The bottom line is, the *Minimum Standards for Land Surveying* is the tool, and you are the solution. The Board of Land Surveyors will do everything within its power to do its part. (P.S.—The Department of Professional Regulation is processing complaints in approximately 90 days now, and they should be complimented for this and encouraged to keep up the good work.)

It has been an honor for me to serve as your chairman of the Board of Land Surveyors for the past year, and I commend you for the active support and progress in making this the great profession that it is.

Davis/Wallace Reappointed

Broward Davis and Brenda Wallace have been reappointed to the Board for 4-year terms by Governor Bob Graham. Davis is a professional member and Wallace is a public member on the Board.

Disciplinary Actions

The Board has taken disciplinary action concerning the following licensees. Although every effort is made to ensure that the information is correct, before making any specific decision based upon this information, you should check with the Board office to assure accuracy. The listing may not reflect a change occurring near or following the publication date. Further, the listing does not reflect pending appeals or requests for rehearings. Each order is listed as follows with the name, the address, the charges, and the action taken.

Richard Cayll, LS 1437, Satellite Beach, FL.
Statute Violation: 472.033(1)(g) Negligence; incompetency. Signed and sealed documents not prepared under his supervision, direction or control. *Disciplinary Action:* Reprimand and \$500 fine. August, 1982.

John Majeka, LS 718, Daytona Beach, FL.
Statute Violation: 472.033(1)(g) Negligence; incompetency. Did not show type of survey, angles or corners in accordance with Minimum Standards. *Disciplinary Action:* \$400 fine, one-year probation and review of work every six months. November, 1982.

Robert M. Gabloud, LS 2448, Winter Park, FL.
Statute Violation: 472.033(1)(g) Gross negligence. Failed to disclose a 10 ft. fence encroachment. *Disciplinary Action:* Reprimand and \$750 fine. Two-year probation and review of work every six months. August, 1982.

Marion Page, LS 961, Jacksonville FL.
Statute Violation: 472.033(1)(g) Negligence; incompetence in preparation of survey. *Disciplinary Action:* Reprimand and restitution of \$145. July, 1982.

Ronald Kesselring, LS 2556, Apopka, FL.
Statute Violation: 472.033(1)(a)(g)(h) Negligence. Failure to set or identify PRM's in accordance with Minimum Standards. *Disciplinary Action:* \$700 fine, one-year probation and review of work every six months. November, 1982.

Albert F. Tague, LS 2579, Bradenton, FL.
Statute Violation: 472.033(1)(g) Negligence; incompetence in preparation of recorded plat. *Disciplinary Action:* \$1000 fine, restitution of \$2000, 5-year probation and quarterly reports to Board. June, 1982.

Filing a Complaint: A Responsibility

The filing of a complaint against a fellow professional is a very serious matter and should be given careful consideration before taking action. Many of us are reluctant to file a complaint against other land surveyors because we empathize with them, which is understandable, but we must all remember our responsibility to protect the public, which is the bottom line.

To begin with, all complaints must be submitted in writing on the uniform complaint form, which may be obtained by writing or calling the department:

D.P.R. CONSUMER COMPLAINTS
130 N. Monroe Street
Suite 225
Tallahassee, Florida 32301
1-800-342-7940

Verbal complaints are no longer accepted, but you can call the toll-free number and request a complaint form to fill out and sign. DO NOT contact Board Members regarding complaints. The form is fairly simple to fill out. Below are some guidelines to assist further:

1. *Contacting subject:* This is mainly a consumer item (i.e., subject failed to properly respond to client's complaint). I do not recommend contacting the subject in most cases. Let the Board determine if it's an isolated violation or a pattern of unprofessional practice.
2. *Documents:* It is very important to include all pertinent documents with the complaint. You should keep a copy of all documents submitted to ensure against loss by mail, etc.
3. *Witnesses:* All available information pertaining to witnesses should be included in the complaint, as this will assist in the investigation. When violations are based only on the documents submitted (i.e., minimum standards, plats, condominiums, etc.), witness information is unimportant if the documents speak for themselves.
4. *Details of complaint:* This should be a concise description of all facts and events pertinent to the complaint. Although not requested on the form, it is very important to list the alleged violations (e.g., survey does not meet the Minimum Technical Standards for Land Surveying [Chapter 21:HH-6 Florida Administrative Code]). This information will expedite the processing and investigation of the complaint. The extent of actual or potential damage to the public could also be noted, as it is helpful to the Board (e.g., PRM's missing from plats—result in excessive survey costs to the public).

In conclusion, Professional Land Surveyors have a duty to provide the type of high quality services the public can rely on. Those who will not or cannot provide this should not be practicing.

A Public Member's Viewpoint

By Brenda Wallace

Board membership, public or professional, means to render service to those we represent. A public member on the Board of Land Surveyors renders service to the public utilizing the services of land surveyors. It requires that I learn the laws that govern surveyors and stay in tune with the needs of the individuals (public) I represent.

Because I'm learning the laws, Board membership has been educational. To be an effective Board member you need to know as much as possible about the subject matter with which the Board is concerned and the real-world context within which the Board operates. You need to learn about the technical, economic and practical aspects of the business.

As a Board member, you have an opportunity to see firsthand the legislative process and the laws applied. There is the opportunity to review proposed bills before they become law. As a public member you must ask yourself, how will this proposal affect the consumers you represent, while being also sensitive to the professionals; and you must endeavor always to react objectively, knowing when to compromise.

Board members are responsible for ruling on disciplinary charges against the professionals the Board regulates. In reviewing these cases, you must ask yourself how consumers have been affected. Another consideration should also be what infringements have been made that could be corrected before affecting the consumers.

Board membership has allowed me to establish a good working relationship with people I would not otherwise have come in contact with. Board membership has afforded me the opportunity to serve the greatest state in America. As a Board member I have come to realize the true meaning of citizenship in the greatest country in the world. It is only through serving that you truly enjoy the rights and privileges you are born with as an American citizen. My Board membership has given me a renewed dedication for the State of Florida.

Land Surveyor and Land Surveyor Intern Examination April 15-16, 1982

	TOTALS					RESULTS			
	Surveyors		Surveyor Interns			Surveyors		Surveyor Interns	
	#	%	#	%		#	%	#	%
Original Candidates Examined	33	24%	5	71%	Original Candidates Passed for Licensure or Certification	14	21%	5	71%
Retake Candidates Examined	106	76%	2	29%	Retake Candidates Passed for Licensure or Certification	53	79%	2	29%
Total Candidates Examined	139	95%	7	88%	Total Candidates Passed for Licensure or Certification	67	48%	7	100%
Candidates Not Appearing	8	5%	1	12%	Original Candidates Failing Exam	19	26%	0	
Total Candidates Scheduled	147	100%	8	100%	Retake Candidates Failing Exam	53	74%	0	
					Total Candidates Failing Exam	72	52%	0	
					TOTALS	139	100%	7	100%

This newsletter was developed and printed at a cost of \$328 or \$.164 per copy, and mailed at a cost of \$.11 per copy, to inform licensees about the licensing laws and rules of the Land Surveying profession.

**Board of Land Surveyors
130 North Monroe Street
Tallahassee, Florida 32301**

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