

# Board of PROFESSIONAL LAND SURVEYORS



NEWSLETTER

Vol. 3, No. 2

May 1985

## To Challenge . . . Or Not To Challenge

By Susan Tully, Attorney

Board of Professional Land Surveyors

In its November 1984 meeting, the Board of Professional Land Surveyors requested that I, as counsel to the Board, outline the reasons which precluded the Board's hiring outside counsel to challenge the rules proposed by the Board of Professional Engineers defining the term, "engineering surveys."

Briefly, the Engineers proposed two rules, both of which are on appeal in the First District Court of Appeal (DCA Case No. AY-273 & BE-345). The subject of the proposed rules raises questions about the ability of one board to challenge another board's rule. To understand the reasons why the Board of Land Surveyors was not permitted to hire a lawyer to "do battle" with the Board of Engineers over the proposed rules, the regulatory scheme provided by the Legislature in setting up the Department of Professional Regulation (DPR) and its boards must be examined.

The purpose of this article is not to argue the merits of the regulatory system created in Chapter 455, Florida Statutes (DPR's enabling act); but rather to explain the effect of the system upon the situation existing between the Boards of Engineers and Land Surveyors. Please note that this article contains only the personal views of the author and is not an Attorney General's opinion.

Within Chapter 455, the Legislature envisioned a regulatory scheme in which a central agency would provide staff and services to approximately 30 boards contained within the agency; each board would operate under its own practice act and would have jurisdiction over persons licensed, or desiring to be licensed, by that board. The rule of DPR itself has been likened by one court to an "umbrella," an agency housing all the boards (*DPR v. Hall*, 398 So.2d 978 [Fla. 1st DCA 1981]).

In Chapter 455, the Legislature required the Department of Legal Affairs to provide legal services to each board (Section 455.221(1), F.S.). Each DPR board has assigned to it an assistant attorney general whose job is

to serve as legal advisor to the board and to defend the board when sued.

Although the function of the advisor is to provide legal services to the board, the primary responsibility of the advisor is "to represent the interests of the citizens of the state by vigorously counseling the boards with respect to their obligations under the laws of the state." It is the responsibility of the advisor to caution the board that its duty is to protect the interests of the public rather than the interests of the profession if the two conflict.

The legal advisor is required by Section 455.221(1) to provide legal services to the boards; however, the advisor's obligation to provide legal services does not extend to prosecution of lawsuits which are beyond the official duties of the regulated board. The actions of the legal counsel on behalf of the board must be authorized by law.

Section 455.221(1) provides that a board may retain independent counsel subject to the prior approval of the Attorney General; however, such counsel may be retained only for the limited purpose of providing "legal advice" to a board. The statute does not authorize the Attorney General to approve the employment of outside counsel for the purpose of initiating litigation on behalf of the board.

In the situation confronted by the Board of Land Surveyors in seeking to challenge the rule proposed by the Board of Engineers, an additional factor was that both boards have assigned legal counsel from the Attorney General's office. For this reason the Board of Land Surveyors requested that the Attorney General authorize employment of independent counsel pursuant to Section 455.221(1), F.S., due to the appearance of a conflict. The law provides that independent counsel may be retained only to give legal advice on a specific matter rather than for the purposes of initiating litigation; therefore, this request could not be granted.

(continued on page 5)

## Board of Professional Land Surveyors

### MEMBERS

**Brenda Wallace**  
Public Member/Chairman  
5612 Falcon Street  
Jacksonville, FL 32202  
Term: 12/82 to 12/86

**Adela V. Gonzalez**  
Public Member/Vice Chairman  
2245 S.W. 16th Court  
Miami, FL 33145  
Term: 6/82 to 6/86

**Lewis Kent**  
P. O. Box 683  
St. Petersburg, FL 33731  
Term: 1/84 to 12/87

**Barney Herrick**  
638 West Winter Park Street  
Orlando, FL 32804  
Term: 1/82 to 12/85

**Broward Davis**  
P. O. Box 12367  
Tallahassee, FL 32308  
Term: 12/82 to 12/86

**James Shiskin**  
18800 N.W. 2nd Avenue  
Miami, FL 33169  
Term: 1/84 to 12/87

**Leif Johnson**  
P. O. Box 1550  
Ft. Myers, FL 33902  
Term: 5/82 to 5/86

### EXECUTIVE DIRECTOR

**Allen R. Smith, Jr.**  
130 North Monroe Street  
Tallahassee, FL 32301  
1-(904)-488-9912

### 1985 Calendar

**January 10 & 11**  
Board Meeting / Tallahassee

**February 21 & 22**  
Board Meeting / Tallahassee

**April 11 & 12**  
Board Meeting / Jacksonville

**April 18 & 19**  
Examinations Are Administered

**May 16-18**  
Southern Zone, Virgin Islands

**June 27 & 28**  
Board Meeting / Tallahassee

**August 11-14**  
NCEE Annual Meeting / South Carolina

**September 5 & 6**  
Board Meeting / Tallahassee

**November 7 & 8**  
Board Meeting / Fort Myers

### Directory

**Board of Professional Land Surveyors**  
and  
**Department of Professional Regulation**  
130 North Monroe Street  
Tallahassee, Florida 32301

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

## Do Copies Need a Signature?

At its January 1985 meeting, the Board discussed the recurring question of whether copies of survey drawings may bear a copied signature or whether the copy must have an original signature. Rule 21HH-6.03(3), F.A.C. requires that copies of sealed survey drawings have a raised embossed seal. Rule 21HH-7.02 requires all final drawings prepared in accordance with the standards be signed and sealed. Upon discussion, the Board interpreted the rules as requiring a copy of a survey drawing to be sealed and to have either a copy of the original signature or an original signature. A copy of an original signature does not include a stamped signature, but can be a photocopy of the signature on the original drawing.

## Panel Reviews 30 Cases

The results of Probable Cause Panel meetings, where it is determined whether or not charges against licensees are warranted, are as follows:

### January 14, 1985: 15 cases reviewed

Probable cause found ..... 11  
No probable cause found ..... 3  
More information needed ..... 1

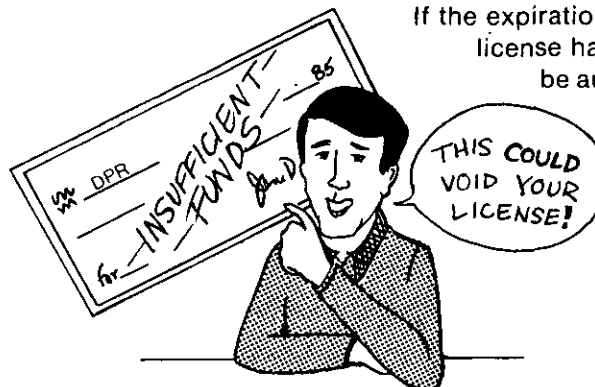
### February 22, 1985: 15 cases reviewed

Probable cause found ..... 10  
No probable cause found ..... 3  
More information needed ..... 2

When probable cause is found against a licensee, charges are filed.

## Attention All Licensees

The Department is receiving an increasing number of checks for license renewals which are being dishonored by the licensees' banks. When this occurs, the licenses in question are deemed not to be renewed.



If the expiration date of a licensee's previous license has passed, the licensee will not be authorized to practice until such time as the dishonored check has been made good, and the reactivation fee and bad check fee have been paid by certified check or money order.

Anyone practicing with a license issued on the basis of a dishonored check is in violation of the practice act, and is subject to possible disciplinary action.

DPR LICENSES

# Renewal Notices Mailed

## Inactive License Law Changes

Professional land surveyors who have allowed their licenses to become inactive are in danger of losing them entirely after only four years, rather than the formerly prescribed 10 years, according to a recent revision of F.S. 472.019, which went into effect October 1, 1983.

Formerly, licensed land surveyors had 10 years to reactivate inactive licenses. Now, however, a license that has

been inactive for more than four years will automatically expire. Once it expires, it becomes null and void.

Land surveyors whose licenses have expired will need to apply for licensure under current standards and legal qualifications and may require retesting.

Those land surveyors who permit their licenses to become inactive cannot, by law, practice.

## New Rules Adopted by the Board

Below is the full text of two rules recently adopted by the Board. The first rule indicates changes in fees for Initial Application and Examination and for Reexamination. It also includes a new fee—that of Late Renewal Penalty. The second rule delineates constraints on the use of calculators in examinations.

(*Italics* = rule as it read before being amended. **Boldface** = approved amendments.)

### 21HH-8.01 FEES

(1) Pursuant to Section 472.011, F.S., the Board hereby establishes the following fees for applications, examination, re-examination, licensing and renewal, temporary registration, **late renewal**, reactivation, registration by endorsement, and replacement of certificate.

(2) Land Surveying Fees (individuals and firms)

- (a) Initial Application and examination—~~\$100.00~~ **\$150.00**
- (b) Initial Licensure—\$50.00
- (c) Renewal—\$100.00 per biennium
- (d) Reactivation—\$50.00
- (e) Registration by Endorsement—\$100.00
- (f) Temporary Registration (individual)—\$25.00
- (g) Temporary Registration (firm)—\$50.00
- (h) Registration for a Certification of Authorization (firm)—~~\$100.00~~
- (i) Biennial Renewal of Certificate of Authorization (firm)—\$100.00
- (j) Reexamination—~~\$50.00~~ **\$100.00** per part
- (k) Duplicate Certificate—\$50.00
- (l) **Late Renewal Penalty—\$20.00**

(3) Land Surveyors Intern Fees

- (a) Registration—\$30.00
- (b) Reexamination—\$30.00 per examination

#### Specific Rulemaking Authority:

Section 472.011, 455.213(2), F.S.

**Law Implemented:** Section 472.011, 472.019(2), F.S.

**History:** New 12/14/79, Amended 8/81, 7/82, 3/84, 4/85.

#### Name of Person(s) Originating Rule Amendment:

Allen R. Smith, Jr., Executive Director.

#### Name of Person(s) Approving Rule Amendment:

Board of Professional Land Surveyors.

**Date of Approval:** February 22, 1985.

### 21HH-4.01

Written examination designated; general requirements

The Florida Board of Land Surveyors hereby determines that a written examination shall be taken and passed prior to any applicant, other than those applying for licensure endorsement, receiving a license to practice as a land surveyor or land surveyor intern in the State of Florida. The examination shall be prepared in part by the National Council of Engineering Examiners (NCEE) and in part by a consultant or testing service employed by the Department of Professional Regulation. The examination will consist of two parts: The first part will be of duration of eight hours or as designated NCEE; the second part will be of duration of not less than eight hours. Except as provided by NCEE testing requirements, examinations are open book, that is, the use of notes, reference books, **and slide rule, and calculators are is permitted. Programmable and non-programmable calculators are permitted so long as they are: hand-held, silent, battery-operated, non-printing, self-contained, and without auxiliary memory capabilities, video screens, or peripheral equipment.** All such materials including pens and pencils are to be furnished by the applicant. Applicants should come equipped with ordinary drawing instruments. National examination security requirements as set forth by the NCEE and such security requirements as are set forth by the Department shall be followed throughout the administration of the examination.

**Specific Rulemaking Authority:** Section 455.217(1), F.S.

**Law Implemented:** Section 455.217(1), F.S.

**History:** New 1/3/80, Amended 1/5/84, 4/85.

#### Name of Person(s) Originating Rule Amendment:

Board of Professional Land Surveyors.

#### Name of Person(s) Approving Rule Amendment:

Board of Professional Land Surveyors.

**Date of Approval:** February 22, 1985.

# Licenses Issued to 54 New Land Surveyors

The following persons passed the October 1984 examination and were approved for licensure on February 21, 1985.

- |   |  |  |   |
|---|--|--|---|
| Lic. #4130<br>Allen, Albert Charles, III<br>4419 S.W. Grove St.<br>Stuart, FL 33997       | Lic. #4145<br>Elbare, Mark J.<br>8701 Hyaleah Rd.<br>Tampa, FL 33617                     | Lic. #4158<br>Jackson, Robert Wark, Jr.<br>3259 N.W. 35th Way<br>Lauder Lakes, FL 33309        | Lic. #4171<br>Rodriguez, Pablo<br>15621 S.W. 297 St.<br>Miami, FL 33033                     |
| Lic. #4131<br>Ball, Robert M.<br>2 Evergreen Circle<br>Ormond Beach, FL 32074             | Lic. #4146<br>Felipe, Manuel<br>9525 S.W. 15 St.<br>Miami, FL 33174                      | Lic. #4159<br>Jeffers, Jefry Alan<br>4294 Empire Way<br>Green Acres, FL 33463                  | Lic. #4172<br>Rowledge, William Albert<br>3102 W. Van Buren Dr.<br>Tampa, FL 33611          |
| Lic. #4132<br>Belton, William Brian<br>2369 Michael Lane<br>Clearwater, FL 33575          | Lic. #4147<br>Fisher, John Bennett<br>8641 Leeper Circle<br>Anchorage, AK 99504          | Lic. #4160<br>Johnson, Willard Eugene<br>1187 Rowayton Circle<br>West Palm Beach, FL 33414     | Lic. #4173<br>Sanborn, Wayne Alan<br>5919 Otis Ave.<br>Tampa, FL 33604                      |
| Lic. #4133<br>Blaszyk, Robert Paul<br>6251 N.W. 15 St.<br>Margate, FL 33063               | Lic. #4148<br>Fogelsonger, Charles H.<br>6375 30th St., N.<br>St. Petersburg, FL 33702   | Lic. #4161<br>Jones, Larry Reid<br>8906 Locust<br>Tampa, FL 33604                              | Lic. #4174<br>Sarver, Michael David<br>840 N. Victoria Park Rd.<br>Ft. Lauderdale, FL 33304 |
| Lic. #4134<br>Bloomster, Otto Robert, Jr.<br>641 E. 59th St.<br>Hialeah, FL 33013         | Lic. #4149<br>Fosness, Gayle<br>2122 Chrysler Ave.<br>Sarasota, FL 33580                 | Lic. #4162<br>Kerwin, Terry Lee<br>P.O. Box 508<br>Whitehall, WI 54773                         | Lic. #4175<br>Seidler, Stephen Alan<br>5191 1st Ave. N.W.<br>Naples, FL 33999               |
| Lic. #4135<br>Buckley, Stephen Curtis<br>873 Vance Circle, N.E.<br>Palm Bay, FL 32905     | Lic. #4150<br>George, Kermit H.<br>Rt. 1, Box 480D<br>Floral, AL 36442                   | Lic. #4163<br>Kurtz, Eric David<br>6904 Manatee Ave. W. 67A<br>Bradenton, FL 33529             | Lic. #4176<br>Silvie, Daniel R.<br>9 Highland Ave.<br>Dunedin, FL 33528                     |
| Lic. #4136<br>Burdette, Guy Martin<br>14096 Greentree Dr.<br>West Palm Beach, FL 33414    | Lic. #4151<br>Glaubitz, Scott Merton<br>4185 Lorraine Ave.<br>Naples, FL 33942           | Lic. #4164<br>Lamb, John R.<br>2788 Shawnee Rd.<br>West Palm Beach, FL 33406                   | Lic. #4177<br>Sizemore, Jerry Milton<br>6636 Trousdale Rd.<br>Knoxville, TN 37921           |
| Lic. #4137<br>Cleveland, Keith L.<br>354 Ixora Rd.<br>Palm Harbor, FL 33563               | Lic. #4152<br>Gronvold, Gerald Lawrence<br>735 8th St., South<br>Naples, FL 33940        | Lic. #4165<br>Lucas, Ronald Walter<br>2624 Yule Tree Drive<br>Edgewater, FL 32032              | Lic. #4178<br>Stivender, James Akin, Jr.<br>P.O. Box 152<br>Leesburg, FL 32748              |
| Lic. #4138<br>Coffell, Laythel Shane<br>2829 Villamore Avenue<br>Tallahassee, FL 32304    | Lic. #4153<br>Hall, Charles H.<br>1520 N.E. 4th Lane<br>Cape Coral, FL 33909             | Lic. #4166<br>Mastronicola, Arthur Albert, Jr.<br>10213 Arbor Ridge Trail<br>Orlando, FL 32817 | Lic. #4179<br>Thie, Daryl Irvin<br>289 Penny Circle<br>Land O'Lakes, FL 33539               |
| Lic. #4139<br>Cory, Jeffrey Wilson<br>1342 Tumblin Dr.<br>New Smyrna Beach, FL 32069      | Lic. #4154<br>Harrell, Henry Eldred<br>5010 Tillie Lane<br>Tallahassee, FL 32304         | Lic. #4167<br>McDonald, Larry Paul<br>121 Wellington Rd.<br>Ft. Walton Beach, FL 32548         | Lic. #4180<br>Wallem, Ralph M.<br>R.R. 2<br>Huntingburg, IN 47542                           |
| Lic. #4140<br>Deans, Douglas W.<br>445 S.W. 5th Ave.<br>Florida City, FL 33034            | Lic. #4155<br>Hatfield, Mark Allen<br>544 W. Alverde<br>Clewiston, FL 33440              | Lic. #4168<br>McKee, Dann Lindsay<br>P.O. Box 2316<br>Winter Park, FL 32790                    | Lic. #4181<br>Walters, Tommy Clark<br>110 Oak Grove Dr.<br>Palatka, FL 32077                |
| Lic. #4141<br>Dillingham, John Henry<br>3045 118th Ave.<br>Allegan, MI 49010              | Lic. #4156<br>Hollingsworth, Jeffrey Douglas<br>2536 Seaford Circle #Z<br>Lutz, FL 33549 | Lic. #4169<br>Noel, Vincent J.<br>504 Shady Pine Way, #C-2<br>West Palm Beach, FL 33406        | Lic. #4182<br>Weygand, Kenneth Bryson<br>2130 Highland Ave., 311<br>Birmingham, AL 35205    |
| Lic. #4142<br>Dunham, Edward Scott<br>1255 S. Beach St., #2097<br>Daytona Beach, FL 32017 | Lic. #4157<br>Ingram, Kevin Joel<br>36 Forrest Hills Lane<br>Boca Raton, FL 33432        | Lic. #4170<br>Osgard, Earl Leroy, Jr.<br>925 Orchid Dr.<br>Royal Palm Beach, FL 33411          | Lic. #4183<br>Wigglesworth, Riley Eugene<br>1105 N.W. 33rd Ave.<br>Gainesville, FL 32609    |
| Lic. #4144<br>Eddy, Larry G.<br>10704 Spurs Court<br>Jacksonville, FL 32223               |  |  | Lic. #4184<br>Yongue, Thadus Wayne<br>700 S. 4th St.<br>ChIPLEY, FL 32428                   |

# Candidates Who Were Approved and/or Sat For Exam

## Land Surveyors April 18 & 19, 1985

Aiguesvives, Rene  
Ammermann, Fred Paul  
Bauer, Wesley B.  
Bishman, Donald Walter  
Chaudhry, Mohammad Talib  
Collins, Paul Andrew  
Cook, Christopher B.  
Cook, Dennis Steve  
Cousins, Richard Everard  
Divine, Wilbur Fisk, V  
Dummer, David H., Jr.  
Ehmke, Howard J., II  
Fralick, Dick

Fugua, James Michael  
Gavin, John Arthur  
Ghiotto, Philip Martin  
Goldsmith, Charles E.  
Hasan, Sheikh Mohammad  
Heiner, Harold L., Jr.  
Jent, Dennis Robert  
Jones, Robert Michael  
King, Philip Ray  
Lavetsky, Joseph John  
Melton, James O'Neal  
Perekovich, John A.

Platt, Michael David  
Reagan, Mark Warren  
Reeves, William Robert, Jr.  
Raymond, David Wilbur  
Robbins, Mark David  
Rutan, Stephen Gary  
Stroop, Gerald D., Jr.  
Vaughn, Steven D.  
White, Perry Clark  
Woods, Diane S.  
Woolam, Scott Edson  
Woodward, Douglas M.  
Yancy, Herbert E.

## To Challenge . . . Or Not To Challenge

(continued from page 1)

Furthermore, because one board is not specifically authorized to challenge the proposed rule of another board, the Attorney General was required to furnish legal services only to the Board of Engineers, whose proposed rule was being challenged and not to the Board of Land Surveyors who was not authorized to challenge. In the opinion of the Attorney General's office, no conflict of interest ever arose between the assistant attorneys general assigned to the Board of Land Surveyors and Board of Engineers because the Attorney General had no statutory obligation or authority to provide legal services to the Board of Land Surveyors in an administrative challenge to a proposed rule.

Within the regulatory scheme envisioned by the Legislature, the role of each board is to regulate only its licensees. Protection of those licensed by the board from the activities of licensed professionals in other disciplines is not a statutory responsibility of the board. Under these circumstances, such activity is more appropriately the concern of the professional association that can use private as opposed to public funds to safeguard the economic interests of its members from perceived encroachment by other professions.

Each board is entitled to interpret its law the way it chooses, provided the interpretation is legally reasonable and permissible. Areas of disagreement between or among two or more boards are not uncommon when the nature of services offered by the professions overlap.

Although there are some services which are exclusively reserved to a particular profession, it is not unusual for some comparable services to be offered by related professions. Conflicts arise when one board enunciates its interpretation by rule; a remedy by the opposing profession is to challenge the rule. Questions arise as to who may challenge the rule.

By law the Secretary of DPR may challenge a board's rule when it is an invalid exercise of delegated legislative authority, unreasonably restricts competition, does not significantly protect the public, or unnecessarily increases the cost of professional services without a corresponding benefit to the public (Section 455.211, F.S.). Additionally, the Secretary is determined to be a substantially affected party for the purposes of Section 120.54(5), F.S. Therefore, it is clear that the Secretary of DPR could bring an administrative action to challenge a rule of a board if that board has overstepped its statutory authority.

Additionally, a private professional association may challenge the rule of another profession's board if it can allege that it is substantially affected or injured by the rule. This injury may be economic in nature (*Florida Medical Association, et al. v. DPR, et al.*, 426 So.2d 1112 [Fla. 1st DCA 1983]). A board itself is not specifically authorized to directly challenge another board's rule. Nor is the Attorney General authorized to provide legal services to a board wishing to initiate such a challenge. A board is authorized, however, to appeal a final order in a rule challenge proceeding when the board is an adversely affected party (Section 455.211(2), F.S.).

# Examination Report

## Land Surveyor Examination October 25-26, 1985

	Surveyors	
	#	%
Original Candidates Examined .....	52	49.1%
Retake Candidates Examined .....	54	50.9%
Total Candidates Examined .....	106	94.6%
Candidates Not Appearing .....	6	5.4%
Total Candidates Scheduled .....	112	100.0%
Original Candidates Passed for Licensure or Certification .....	28	50.9%
Retake Candidates Passed for Licensure or Certification .....	27	49.1%
Total Candidates Passed for Licensure or Certification .....	55	100.0%
Original Candidates Failing .....	24	47.1%
Retake Candidates Failing .....	27	52.9%
Total Candidates Failing .....	51	100.0%
Totals .....	106	93.8%

## Land Surveyor Intern Examination October 25-26, 1985

	Surveyor Interns	
	#	%
Original Candidates Examined .....	7	100%
Retake Candidates Examined .....	0	-
Total Candidates Examined .....	7	100%
Candidates Not Appearing .....	0	-
Total Candidates Scheduled .....	7	100%
Original Candidates Passed for Licensure or Certification .....	7	100%
Retake Candidates Passed for Licensure or Certification .....	0	-
Total Candidates Passed for Licensure or Certification .....	7	100%
Original Candidates Failing .....	0	-
Retake Candidates Failing .....	0	-
Total Candidates Failing .....	0	-
Totals .....	7	6.2%

# 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, license number, city, violation and action taken.

**William E. Overstreet, LS 2032, Ft. Walton Beach.** Statute Violation: 472.033 (1)(g) & (h), 21HH-6, 21HH-6.03(4) & (7) failed to meet Minimum Technical Standards. Final Order: Reprimand, \$100 fine. November 14, 1984.

**Delbert Alfrey, LS 2223, Venice.** Statute Violation: 472.027, 472.033 (1)(a), (g) & (h), 21HH-2.01, 21HH-6, 455.227(1)(b) survey failed to meet Minimum Technical Standards. Final Order: \$450 fine, 27 mos. probation, review of 25 surveys with field notes, 1st five due in 3 mos., 5 due every 6 mos. thereafter. January 14, 1985.

**Thomas H. Allen, LS 1663, Pensacola.** Statute Violation: 472.027, 472.033 (1)(a), 21HH-2.01, 21HH-6, 455.227(1)(b) gross carelessness and negligence, surveys failed to meet Minimum Technical Standards. Final Order: \$1,000 fine, 27 mos. probation, review of 25 surveys with field notes, 1st five due in 3 mos., 5 due every 6 mos. thereafter. January 14, 1985.

**Charles A. Buckner, LS 1083, O'Brien.** Statute Violation: 472.033(1)(g) negligence, incompetency, misconduct. Final Order: No further action. January 14, 1985.

**Ralph G. Purvis, LS 1955, West Palm Beach.** Statute Violation: 472.027(1)(b), 21HH-6, 472.033(1)(a), (g) & (h), 21HH-2.01(3) & (5) survey failed to meet Minimum Technical Standards, *negligence, misconduct, failure to perform a legal obligation held by a licensed land surveyor.* Final Order: \$1,200 fine, 6 mos. suspension of license, upon completion of suspension, 27 mos. probation, review of 25 surveys with field notes, 1st five due in 3 mos., 5 due every 6 mos. thereafter. January 14, 1985.

**George Larkum Davis, LS 3196, Ft. Myers.** Statute Violation: 472.027, 472.033(1)(a), (g) & (h), 21HH-2.01(3), 21HH-6, 455.227(1)(b) for failing to meet the Minimum Technical Standards. Final Order: \$600 fine, 27 mos. probation, review of 25 surveys, 1st five due in 3 mos., 5 due every 6 mos. thereafter. January 15, 1985.

**Louis P. Johnston, LS 2173, Gulf Breeze.** Statute Violation: 472.033(1)(a), (g) & (h), 472.021, 472.031(1)(a), 455.227(1)(b), 21HH-2.01 negligence, misconduct, practicing without a Certificate of Authorization for his firm. Final Order: \$2,500 fine, 6 mos. suspension of license, upon completion of suspension, 27 mos. probation, review of 25 surveys with field notes, 1st five due in 3 mos., 5 due every 6 mos. thereafter. January 14, 1985.

**John J. Matejka, LS 718, Daytona Beach.** Statute Violation: 472.027, 472.033(1)(a), (g) & (h), 21HH-2.01(3), 21HH-6, 455.227(1)(b) for failing to meet the Minimum Technical Standards. Final Order: License REVOKED until such time as respondent is able to demonstrate competency to practice land surveying. January 15, 1985.

**Harold A. Schuler, Jr., LS 860, Avon Park.** Statute Violation: 472.027, 472.033(1)(a), (g) & (h), 21HH-2, 21HH-6, 455.227(1)(b) for failing to meet the Minimum Technical Standards. Final Order: \$150 fine, 27 mos. probation, review of 25 surveys, 1st five due in 3 mos., 5 due every 6 mos. thereafter. January 15, 1985.

**Alfred Watson, LS 2330, Miami.** Statute Violation: 472.027, 472.033(1)(a), (g) & (h), 21HH-2.01, 21HH-6, 455-227(1)(b) for failing to meet the Minimum Technical Standards. Final Order: \$300 fine, 27 mos. probation, review of 25 surveys, 1st five due in 3 mos., 5 due every 6 mos. thereafter. January 15, 1985.

**David L. Cantrell, LS 2425, Naples.** Statute Violation: 21HH-6, 472.027, 21HH-2.01 455.227(1)(b), 472.033(a)(g) & (h) for failing to meet the Minimum Technical Standards. Final Order: License REVOKED until such time as respondent can prove competency to practice land surveying (accepted Motion for Default). March 26, 1985.

**Dennis Heasley, LS 3466, Bradenton.** Statute Violation: 472.033(1)(g), 21HH-2.01(5), 455.227(1)(a) & (b), 455.227(1), 472.033(1)(a) & (h) for filing false *per diem* statements relating to a contract with the State of Florida. Final Order: \$2,000 fine, 2 years probation, reprimand, 200 word essay on ethics and professionalism in land surveying to be submitted in 6 mos. March 26, 1985.

**Thomas E. Jenkins, LS 2019, Panama City.** Statute Violation: 472.027, 472.033(1)(a), (g) & (h), 455.227(1)(b), 21HH-2.01(3), 21HH-6 for failing to meet the Minimum Technical Standards. Final Order: \$450 fine, 27 mos. probation, review of 25 surveys with field notes, 1st five due in 3 mos., 5 due every 6 mos. thereafter. March 26, 1985.

**Ivan D. King, LS 1851, Winter Haven.** Statute Violation: 472.027, 21HH-2, 21HH-6, 455.227(1)(b), 472.033(1)(a), (g), (h) & (i) for failing to meet the Minimum Technical Standards. Final Order: \$450 fine, 15 mos. probation, review of 15 surveys with field notes, 1st five due in 3 mos., 5 due every 6 mos. thereafter. March 26, 1985.

**Robert Lester Rogers, LS 2313, Ocala.** Statute Violation: 472.033(1)(a) & (h), 472.021, 472.027, 455.227(1)(b), 21HH-2.01, 21HH-6 for negligence and failing to meet the Minimum Technical Standards. Final Order: Stipulation accepted. \$250 fine. March 26, 1985.

**E. R. Thomasson, LS 849, Naples.** Statute Violation: 472.027, 21HH-2.01(3), 21HH-6, 455.227(1)(b), 472.033(1), (g), & (h) for 2 counts of failing to meet the Minimum Technical Standards. Final Order: \$550 fine, 27 mos. probation, review of 25 surveys with field notes, 1st five due in 3 mos., 5 due every 6 mos. thereafter. March 26, 1985.

This newsletter was promulgated at a cost of \$1,208 or \$.43 per copy to inform licensees about the licensing laws and rules of the Land Surveyor profession.

**Department of Professional Regulation  
Board of Professional Land Surveyors  
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