

# Board of PROFESSIONAL LAND SURVEYORS



NEWSLETTER

Vol. 4, No. 3

November, 1986

## What's in a Name, Recertification, Update, or Resurvey

*Prepared by James Shiskin*

*Approved by the Board*

Prior to the advent of the Minimum Technical Standards adopted in 1981, as a general rule, the Florida Surveyor would proceed under one of the following situations when working with prior surveys:

1. He would provide to his client a recertified or updated survey by only visually inspecting the parcel to see that there were no changes to the prior survey without verifying that property corners still existed; or
2. He would perform a limited amount of survey work to locate any additions or changes to the site since the previous survey without possibly verifying the existence of all property corners; or
3. He would perform a total resurvey, since he in fact, physically needed to reset and/or verify property corners to accomplish the needs of the client while accounting for all changes on the site.

Since the implementation of the Standards, the Board of Land Surveyors has responded to various questions regarding the aforementioned survey situations. The position of the Board, relative to the intent of the Standards are:

1. If a previous survey is to be released with a current date, regardless of the date of the original survey, the surveyor must adhere to, and certify to the compliance with the Standards, of which includes, but not limited to, the need to verify and/or reset all property corners and show or reference all changes to the site improvements.
2. If an existing survey is to be released with a current date certified by a former member of a firm, (by changing employment, or being deceased), or of a survey acquired by a firm, now having the records and surveys of a now non-existent firm, the surveyor must adhere to the Standards and certify to the compliance with the Standards.
3. If there is a request to make a revision on the survey drawing that does not require field measurements, such as a revision due to a drafting error, or the addi-

tion of an entity that the survey is to be certified to, or any revision requested not used to circumvent the Standards, then the survey drawing can be amended with a note placed thereon reflecting the revision made, while clearly not implying that the survey has been updated, recertified, or resurveyed.

The Board's intent is that all surveys released, regardless of what title is applied to each, is that the intent of the Standards are followed and that in no way should there be an attempt to circumvent the Standards by merely applying a phrase or a definition that tends to imply that the survey is in compliance with the Standards, when in reality it is not.

### Land Surveyor & Land Surveyor Intern Examination Exam Date: April 10-11, 1986

	Surveyors		Surveyor Interns	
	#	%	#	%
Original Candidates Examined	70	47.6	12	92.3
Retake Candidates Examined	77	52.4	1	7.7
Total Candidates Examined	147	94.8	13	100.0
Candidates Not Appearing	8	5.2	-0-	-0-
Total Candidates Scheduled	155	100.0	13	100.0
Original Candidates Passed for Licensure or Certification	29	58.0	8	88.9
Retake Candidates Passed for Licensure or Certification	21	42.0	1	11.1
Total Candidates Passed for Licensure or Certification	50	34.0	9	69.2
Original Candidates Failing	41	42.3	4	100.0
Retake Candidates Failing	97	55.7	-0-	-0-
Total Candidates Failing	97	66.0	4	30.8
Totals	147	91.9	13	8.1

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

**Leonard Wood**  
6400 Manatee Ave., W., Ste. H  
Bradenton, FL 33529  
Term: 5/18/86 to 5/17/90

**EXECUTIVE DIRECTOR**

**Allen R. Smith, Jr.**  
130 North Monroe Street  
Tallahassee, FL 32399-0750  
1-(904)-488-9912

**DPR SECRETARY**

**Fred Roche**

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Newsletter Coordinator

**Directory**

Board of  
Professional Land Surveyors  
and

Department of  
Professional Regulation  
130 North Monroe Street  
Tallahassee, Florida 32399-0750

Licensing Laws & Rules  
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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

# License Renewal Time Approaching

All current Florida Professional Land Surveyors' licenses will expire on January 1, 1987. If the State Board of Professional Land Surveyors has not received your renewal fee by that date, your license will become inactive on February 1, 1987. Renewal notices will be mailed in mid-November.

You should be aware that if you fail to pay your renewal fee but continue to practice surveying with an inactive license, you will be in violation of Chapter 472, F.S., the Land Surveyor Registration Law, and subject to possible discipline by the State Board of Professional Land Surveyors.

In recent years the Board has been enforcing this renewal requirement very seriously, and the Probable Cause Panel has investigated numerous complaints concerning expired licenses. Although Panel members hear such excuses as: "I wasn't aware it had expired," "I changed address and the mail wasn't forwarded," "My ex-wife must have thrown it away," etc., these are not considered valid reasons for failing to renew.

Evidence of the Board's strict adherence to this position may be seen in the disciplinary actions published in this newsletter. Unpublished correspondence and admonitions also fill the files of the Board.

The Board is aware that this newsletter goes only to active registrants, and some surveyors who should be aware of this notice may not receive it. We therefore urge all surveying employers and supervisors to insist that current surveyor employees, and all future surveyor employees, confirm that they are properly licensed.

Changes of address should be reported in writing to the Department of Professional Regulation, Board of Professional Land Surveyors, 130 North Monroe St., Tallahassee, FL 32399-0750.

Recipients of this newsletter are also asked to mention the upcoming renewal date to technical and social friends.

The renewal requirement also applies to firms' Certificates of Authorization.

## Panel Reviews 45 Cases

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

### July & September, 1986 Cases Reviewed

Probable Cause found with Administrative Complaint .....	17
Probable Cause found with Letter of Guidance .....	9
No Probable Cause found .....	10
Referred for further investigation .....	9

When Probable Cause is found against a licensee, charges are filed.

# Disciplinary Actions Taken by Board

The Board has taken action concerning the following licensees. Although every effort is made to ensure that the information is correct, before making any specific decisions 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, address and action taken.

## JULY, 1986

**Ivan D. King, Jr., LS #1851—472.033(1)(g), (h) & (e); 21HH-2.01(3) & (5)** for failure to file certified corner records. \$250 Administrative Fine; six month suspension of license; however, suspension to be stayed until September 1, 1986 to allow Respondent to come to the Board meeting scheduled for August 29, 1986 for the purpose of presenting mitigating evidence.

**Robert A. Turso, LS #2360—472.027, 21HH-2.01(3), 21HH-6, 455.027 (1)(b), 472.033(1)(a), (g) & (h), 472.021** for affixing his seal and signature to surveys without knowledge as to their accuracy, which were not personally prepared by the Respondent or under his responsible supervision, direction and control, but were prepared by a person who is not licensed to practice land surveying; said surveys did not meet the Minimum Technical Standards; practicing land surveying through a corporation which did not hold a Certificate of Authorization to offer such services. \$750 Administrative Fine; Reprimand; 27 months probation to run concurrently with the probation imposed in the 12/13/85 Final Order on Case #58882.

**W. Monroe Hazen, Jr., LS #3624—472.027, 472.033(1)(a), (g) & (h), 21HH-2.01, 21HH-6** for affixing his seal and signature to a survey which was not personally prepared by the Respondent or prepared under his responsible supervision, direction, and control; said survey did not meet the Minimum Technical Standards. \$1,000 Administrative Fine; 15 months probation with submittal of 15 surveys, 5 due within 3 months of the filing of the Final Order and 5 due every 6 months thereafter during probation; attendance of the first Minimum Technical Standards seminar available in his area with evidence of attendance and successful completion to be furnished by the proctor or instructor of said seminar.

**John D. Holt, LS #2665—472.021, 472.027, 455.227(1)(b), 472.033(1)(a), (g) & (h), 21HH-2.01(3) & (5), 21HH-6** for signing and sealing a set of surveys which did not meet the Minimum Technical Standards and for practicing land surveying through a corporation which did not hold a Certificate of Authorization to offer such services. \$750 Administrative Fine; 27 months probation with submittal of 25 surveys, 5 due within 3 months of the filing of the Final Order and 5 due every 6 months thereafter during probation; attendance of the first Minimum Technical Standards seminar available in his area with evidence of attendance and successful completion to be furnished by the proctor or instructor of said seminar.

**Larry E. Miller, LS #1919—472.027, 455.227(1)(b), 472.033(1)(a), (g) & (h), 21HH-2.01(3) & (5), 21HH-6** for signing and sealing a set of surveys which did not meet the Minimum Technical Standards and for violating the terms of two previous Final Orders filed against him in that he was specifically directed to comply with the rules and statutes of the Board at all times. \$500 Administrative Fine; 3 months suspension with completion of the remainder of the probation imposed through the 5/7/85 Final Order following the expiration of the period of suspension and that Respondent shall continue to be monitored by the Board.

**James A. Hill, LS #912—472.027, 455.227(1)(b), 472.033(1)(a), (g) & (h), 21HH-2.01(3) & (5), 21HH-6** for signing and sealing a set of surveys which did not meet the Minimum Technical Standards. \$750 Administrative Fine; 27 months probation with submittal of 25 surveys, 5 due within 3 months of the filing of the Final Order and 5 due every 6 months thereafter during probation; attendance of the first Minimum Technical Standards seminar available in his area with evidence of attendance and successful completion to be furnished by the proctor or instructor of said seminar.

## AUGUST, 1986

**Ivan D. King, Jr., LS #1851—472.033(1)(e), (g) & (h), 21HH-2.01(3) & (5)** for not filing certified corner records with DNR on two separate surveys as required by law. \$250 Administrative Fine; 6 months suspension of license which is stayed until December 1, 1986 to allow Respondent to present copies of the two certified corner records filed with DNR to the Board at its meeting of November 20 and 21, 1986. Further Respondent is to submit to the Board copies of certified corner records filed with the DNR for any surveys he does requiring such records to be filed with DNR within the 12 months following the date of filing of this Final Order.

**Buddy Wilkinson, LS #2308—455.227(1)(b), 472.033(1)(a), (g) & (h), 21HH-2.01(3) and 21HH-6** for negligence in (I) performing a survey which neither correctly described the subject property nor complied with the Minimum Technical Standards and (II) for performing corrective surveys of the same property which did not comply with the Minimum Technical Standards. \$500 Administrative Fine; 27 months probation

with submittal of 25 surveys, 5 due within 3 months of the filing of the Final Order and 5 due every 6 months thereafter during probation; attendance of the first Minimum Technical Standards seminar available in his area with evidence of attendance and successful completion to be furnished by the proctor or instructor of said seminar; compliance with Chapter 455 and 472, F.S. and the rules promulgated thereunder while on probation.

**Gary B. Castel, LS #4129—472.027, 455.227(1)(b), 472.033(1)(a), (g) & (h), 21HH-2.01(3) & (5), and 21HH-6** for performing a survey which did not comply with the Minimum Technical Standards which is in violation of a previous Order filed by the Board on 2/20/85 whereby Mr. Castel became licensed. \$1,000 Administrative Fine; placed on probation for 1 year commencing at the termination of the 27 month period of probation imposed by the order of 2/20/85, during which time the Respondent shall attend the next available seminar under Minimum Technical Standards.

**Edwin G. Brown, LS #2919—472.027, 455.227(1)(b), 472.033(1)(a), (g) & (h), 21HH-2.01(3) & (5), and 21HH-6** for performing a survey which failed to comply with the Minimum Technical Standards. DISMISSED: after reviewing the evidence in mitigation of the allegations tendered, the Board determined that the Respondent has not violated the provisions as set forth.

**Marion E. Gordon, LS #2259—472.033(1)(g) & (h), 177.051, 177.091(5), (10), (11) & (14), 21HH-2.01(3) & (5) and 21HH-6** for negligence and misconduct in the performance of surveys on three separate projects which resulted in specific violation of: 21HH-6.03(4) & (6), multiple violations of 21HH-6.03(1), (2), (7), (18) & (20). DISCLAIMER: The Stipulation accepted by the Board contained a disclaimer on one of the sited projects (Red Bug Pointe Office Park) which stated that the survey in question was not intended for recording, but was submitted by the owner for permitting purposes only. \$500 Administrative Fine; successful completion of the next available seminar on the Minimum Technical Standards offered in his geographical area, 1 year probation which is to run consecutively with the probation imposed by the Final Order dated 10/8/84 in Case #0042786. At least 10% of Respondent's land surveying practice shall be monitored by Mr. Dominic F. Cavone who shall submit detailed quarterly reports concerning his findings relating to the quality of land surveying practice exhibited by Respondent and, more specifically, a detailed report analyzing Respondent's practice of land surveying in comparison with that level of care and skill which is recognized by a reasonably prudent similar land surveyor as being acceptable under similar conditions and circumstances. Respondent shall also submit quarterly reports concerning his progress in his land surveying practice.

## Notice From National Ocean Service Advisor

The National Geodetic Survey Division of the National Ocean Service, National Oceanic and Atmospheric Administration, has assigned Mr. Ronnie L. Taylor as the Regional Geodetic Coordinator for Florida. His duties will include the preservation of the geodetic reference system of horizontal and vertical control monuments as well as providing training and assistance to other users.

Mr. Taylor has fifteen years of extensive geodetic and control survey experience which includes triangulation, leveling, and Global Positioning System surveys. He has served as Assistant Project Director on a first order leveling party and has attended the Defense Mapping Agency Advanced Geodetic Computations Course at Ft. Belvoir, Virginia. Most recently, Mr. Taylor completed a one year program in geodesy and computations at the Oregon Institute of Technology in Klamath Falls.

Mr. Taylor can be reached at 904/668-2224.

# Notice of Proposed Rule Adoption, 21HH-9

Rule Titles	Rule Numbers
Purpose .....	21HH-9.001
Violations and Penalties (statute) .....	21HH-9.002
Violations and Penalties (Minimum Technical Standards) .....	21HH-9.003
Aggravating or Mitigating Circumstances .....	21HH-9.004

## Purpose, Summary and Effect

The purpose of the proposed rule is to comply with Section 2, Chapter 86-90, Laws of Florida, which requires each board within the Department of Professional Regulation to adopt by rule disciplinary guidelines which the board will follow in imposing discipline upon applicants or licensees whom it regulates. Section 2, Chapter 86-90, Laws of Florida, requires that such rules be in effect by January 1, 1987. The purpose of this rule is to notify applicants and licensees of the range of penalties which will routinely be imposed unless the board finds it necessary to deviate from the guidelines for the stated reasons given within the rule.

**SPECIFIC AUTHORITY:** Section 2,  
Chapter 86-90, Laws of Florida

**LAW IMPLEMENTED:** Section 2  
Chapter 86-90, Laws of Florida

**HISTORY:** New

## Summary of Economic Impact Statement

To the extent that the proposed rule sets forth ranges of penalties which will be imposed upon licensees and applicants for violations of Part II, Chapter 489, F.S., there may be an economic impact upon persons violating the law or rules; however, the effect of this rule is within that anticipated by Section 2, Chapter 86-90, Laws of Florida and all penalties enumerated within the proposed rule are within the limits of discipline set forth in Section 489.533(2), F.S.

**IF REQUESTED WITHIN 21 DAYS FROM THE DATE OF THIS NOTICE, A PUBLIC HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**

**Date:** November 21, 1986

**Time:** 9:00 a.m.

**Place:** Large Conference Room, Department of Professional Regulation, 130 N. Monroe St., Tallahassee, FL.

THE PERSON TO BE CONTACTED REGARDING A COPY OF THE RULE AND THE ECONOMIC IMPACT STATEMENT IS: Allen R. Smith, Jr., Executive Director, Board of Professional Land Surveyors, 130 N. Monroe St., Tallahassee, FL 32399-0750.

## The Full Text of the Proposed Rule

### 21HH-9.001: Purpose

Pursuant to Section 2, Chapter 86-90, Laws of Florida, the board provides within this rule disciplinary guidelines which shall be imposed upon applicants or licensees whom it regulates under Chapter 472, F.S. The purpose of this rule is to notify applicants and licensees of the range of the penalties which will routinely be imposed during a formal or informal hearing unless the board finds it necessary to

deviate from the guidelines for the stated reasons given within this rule. The ranges of penalties provided below are based upon a single count violation of each provision listed; multiple counts of the violated provisions or a combination of violations may result in a higher penalty than that for single, isolated violation. Each range includes the lowest and highest penalty and all penalties falling between. For purposes of this rule, the order of penalties, ranging from lowest to highest, is: reprimand, fine, probation, restriction, suspension and revocation or denial; pursuant to Section 472.033(3), combinations of these penalties are permissible by law. Nothing in this rule shall preclude any discipline imposed upon an applicant or licensee pursuant to a stipulation or settlement agreement, nor shall the ranges of penalties set forth in this rule preclude the probable cause panel from issuing a letter of guidance upon a finding of probable cause where appropriate.

**SPECIFIC AUTHORITY:** Section 2  
Chapter 86-90, Laws of Florida

**LAW IMPLEMENTED:** Section 2  
Chapter 86-90, Laws of Florida

**HISTORY:** New

### 21HH-9.002: Violations and Penalties (Statute)

In imposing discipline upon applicants and licensees, the board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violation set forth below. The underlined statutory language is intended to provide a description of the violation and is not a complete statement of the violation; the complete statement may be found in the statutory provision cited directly following each violation description.

**Violation:** (a) Violation of any provision of Section 472.031 or 455.227(1). [472.033(1)(a), F.S.]

**Penalty:** Fine of \$250 to denial or revocation of licensure.

**Violation:** (b) Attempting to procure a license to practice land surveying by bribery or fraudulent misrepresentations. [472.033(1)(b), F.S.]

**Penalty:** For an applicant: denial of an application and not allowing the applicant to reapply from 2 to 5 years, depending upon the circumstances. For a licensee: to revoke the license and not allow a reapplication for 2 to 5 years, depending upon the circumstances.

**Violation:** (c) Action taken against license by another jurisdiction. [472.033(1)(c), F.S.]

**Penalty:** Imposition of discipline, comparable to that imposed by other jurisdiction, depending upon action taken by other jurisdiction and how the offense is viewed in Florida: reprimand through denial or revocation of license.

**Violation:** (d) Conviction of crime directly relating to practice or ability to practice. [472.033(1)(d), F.S.]

**Penalty:** Fine of \$250 to \$1,000 to denial or revocation of license.

**Violation:** (e) Filing a false report or wilfully failing to file a required report. [472.033(1)(e), F.S.]

**Penalty:** Fine of \$250 to \$1,000 depending upon severity of the falsity and injury to the consumer, if any.

*continued on next page*

# Proposed Rule Adoption

continued from page 4

**Violation: (f) False, fraudulent, deceptive or misleading advertising.** [472.033(1)(f), F.S.]

**Penalty:** Reprimand, probation, or fine up to \$500, or any combination thereof.

**Violation: (g) Fraud, deceit, negligence, incompetency, or misconduct in the practice of land surveying.** [472.033(1)(g), F.S.]

**Penalty:** Reprimand to denial or revocation of licensure depending upon severity or offense and injury to the client or public.

**Violation: (h) Failure to perform legal obligation, or violation of 472, a rule of the board or department (including a violation of the minimum technical standards adopted pursuant to Section 472.027, F.S. and contained in Rule 21HH-6, F.A.C.), or violation of a lawful order of the board or department, or failing to comply with a lawfully issued subpoena.** [472.033(1)(h), F.S.]

**Penalty:** Reprimand to denial or revocation of license depending upon severity of offense and harm to the consumer or public.

**Violation: (i) Practicing on a revoked, suspended, or inactive license.** [472.033(1)(i), F.S.]

**Penalty:** For practicing on an inactive license; fine of \$100 for each month license inactive up to \$1,000; for practicing on a suspended license: \$1,000 fine to one (1) year suspension; for practicing on a revoked license: referral to the State Attorney and denial of application for licensure for two (2) to three (3) years.

**Violation: (j) Failure to properly certify partnerships and corporations.** [472.021(1), F.S.]

**Penalty:** Administrative fine of \$250.

**SPECIFIC AUTHORITY**

Section 2

**LAW IMPLEMENTED:**

Chapter 86-90, Laws of Florida  
Section 2

**HISTORY:**

Chapter 86-90, Laws of Florida,  
New

## 21HH-9.003: Violations and Penalties (Minimum Technical Standards)

In imposing discipline upon licensees for violations of Section 472.033(1)(h), for failure to achieve the minimum technical standards contained in Rule 21HH-6, the board shall follow the guidelines set forth below. Where appropriate, the probable cause panel may issue a letter of guidance for a licensee's failure to attain the minimum technical standards.

**Violation: (a) Failure to provide any of the following data: type of survey; certificate; name; address; date; or signature; north arrow and scale; reference to all bearings.** [21HH-6.03(3)(4)(5), F.A.C.]

**Points Per Survey:** 1 point for each violation for a maximum of 5 points per survey.

**Violation: (b) Improper measurements.** [21HH-6.03(2), F.A.C.]

**Points Per Survey:** 3

**Violation: (c) Survey not in accordance with description.** [21HH-6.03(6), F.A.C.]

**Points Per Survey:** 3

**Violation: (d) Failure to show all discrepancies between survey and description.** [21HH-6.03(6), F.A.C.]

**Points Per Survey:** 3

**Violation: (e) Failure to properly show angles or curve data.** [21HH-6.03(7), F.A.C.]

**Points Per Survey:** 2

**Violation: (f) Failure to properly show measurements in recorded lots and blocks.** [21HH-6.03(8), F.A.C.]

**Points Per Survey:** 2

**Violation: (g) Failure to show proper information in metes and bounds description.** [21HH-6.03(9), F.A.C.]

**Points Per Survey:** 2

**Violation: (h) Failure to show lot and block numbers.** [21HH-6.03(10), F.A.C.]

**Points Per Survey:** 2

**Violation: (i) Failure to show all dimensions in recorded subdivisions.** [21HH-6.03(11), F.A.C.]

**Points Per Survey:** 2

**Violation: (j) Failure to locate or show recorded public and private rights of way.** [21HH-6.03(12), F.A.C.]

**Points Per Survey:** 2

**Violation: (k) Failure to show open and notorious evidence of boundaries.** [21HH-6.03(13), F.A.C.]

**Points Per Survey:** 3

**Violation: (l) Failure to show or note visible encroachments.** [21HH-6.03(14), F.A.C.]

**Points Per Survey:** 3

**Violation: (m) Failure to show or note underground encroachments not located.** [21HH-6.03(14), F.A.C.]

**Points Per Survey:** 2

**Violation: (n) Failure to locate and show open and notorious evidence of easements or rights of way.** [21HH-6.03(15), F.A.C.]

**Points Per Survey:** 3

**Violation: (o) Failure to show location of fixed improvements or failure to locate fixed interior improvements.** [21HH-6.03(16), F.A.C.]

**Points Per Survey:** 3

**Violation: (p) Failure to locate and show cemeteries and burial grounds if open and notorious or if their existence and location is furnished to surveyor.** [21HH-6.03(18), F.A.C.]

**Points Per Survey:** 3

**Violation: (q) Failure to describe monuments correctly.** [21HH-6.03(18), F.A.C.]

**Points Per Survey:** 2

**Violation: (r) Failure to set monuments correctly.** [21HH-6.03(18), F.A.C.]

**Points Per Survey:** 5

**Violation: (s) Improper monuments.** [21HH-6.03(19), F.A.C.]

continued on next page

# Proposed Rule Adoption

continued from page 5

## Points Per Survey: 3

**Violation:** (t) Inaccurate measurements. [21HH-6.03(20), F.A.C.]

## Points Per Survey: 3

**Violation:** (u) Incorrect vertical control or topographic survey. [21HH-6.04, F.A.C.]

## Points Per Survey: 3

**Violation:** (v) Incorrect construction lay-out survey. [21HH-6.05(1), F.A.C.]

## Points Per Survey: 2

**Violation:** (w) Incorrect record or as-built surveys. [21HH-6.05(2), F.A.C.]

## Points Per Survey: 2

**Violation:** (x) Incorrect quantity surveys. [21HH-6.05(3), F.A.C.]

## Points Per Survey: 2

**Violation:** (y) Insufficient metes and bounds descriptions. [21HH-6.06(1), F.A.C.]

## Points Per Survey: 2

**Violation:** (z) Failure to maintain field notes. [21HH-6.06(2), F.A.C.]

## Points Per Survey: 3

**Violation:** (aa) Improperly updating a boundary survey. [21HH-6.06(4), F.A.C.]

## Points Per Survey: 3

**Violation:** (bb) Failure to meet requirements exceeding the standards when required by client or other regulations. [21HH-6.06(5), F.A.C.]

## Points Per Survey: 3

**Violation:** (cc) Abuse of special purpose surveys. [21HH-6.06(6)(7), F.A.C.]

## Points Per Survey: 3

**Violation:** (dd) Altering a survey drawing without obtaining the written consent of signing parties. [21HH-6.06(8), F.A.C.]

## Points Per Survey: 3

When the board finds the licensee has violated Section 472.033(1)(h) by having failed to attain one or more of the minimum technical standards, the following table shall be relied upon in determining the penalty for Section 472.033(1)(h):

### Points Accumulated: 1-10

**1st Offense:** L/G\*—and fine of up to \$500 with probation including continuing education.

**2nd Offense:** L/G\*—up to \$750 fine with probation including continuing education.

**3rd Offense:** Fine of up to \$1,000 and continuing education.

### Points Accumulated: 11-20

**1st Offense:** \$500 to \$750 fine with probation including continuing education.

**2nd Offense:** \$750 fine to 3 month suspension with probation including continuing education.

**3rd Offense:** Fine of up to \$1,000 to 3 month suspension with probation including continuing education.

### Points Accumulated: 21-40

**1st Offense:** \$750 fine to 3 month suspension.

**2nd Offense:** 3 month to 1 year suspension with a \$1,000 fine.

**3rd Offense:** Minimum 1 year suspension with a \$1,000 fine.

### Points Accumulated: Over 40

**1st Offense:** 3 month to 1 year suspension with a \$1,000 fine.

**2nd Offense:** 1 year suspension with a \$1,000 fine.

**3rd Offense:** Revocation with \$1,000 fine.

\* L/G=Letter of Guidance issued by Probable Cause Panel.

SPECIFIC AUTHORITY: Section 2  
Chapter 86-90, Laws of Florida

LAW IMPLEMENTED: Section 2  
Chapter 86-90, Laws of Florida

HISTORY: Deleted by the Board 11/21/86

### 21HH-9.004: Aggravating or Mitigating Circumstances

When either the petitioner or respondent is able to demonstrate aggravating or mitigating circumstances to the board by clear and convincing evidence, the board shall be entitled to deviate from the above guidelines in imposing discipline upon an applicant or licensee. Absence of any such evidence of aggravating or mitigating circumstances before the hearing officer prior to the issuance of a recommended order shall not relieve the board of its duty to consider evidence of mitigating or aggravating circumstances. Maximum penalty set forth in Section 472.033(3), F.A.C.

(a) The severity of the offense;

(b) The degree of harm to the consumer or public;

(c) The number of counts in the administrative complaint;

(d) The number of times the offenses have previously been committed by the licensee or applicant;

(e) The disciplinary history of the applicant or licensee;

(f) The status of the applicant or licensee at the time the offense was committed;

(g) The degree of financial hardship incurred by a licensee as a result of the imposition of the fines or suspension of his practice.

Any penalties imposed by the board may not exceed the maximum penalties set forth in 472.033(2), F.A.C.

SPECIFIC AUTHORITY: Section 2  
Chapter 86-90, Laws of Florida

LAW IMPLEMENTED: Section 2  
Chapter 86-90, Laws of Florida

HISTORY: New

ORIGINATOR: Susan Tully Proctor  
OF PROPOSED RULE: Assistant Attorney General

APPROVER OF PROPOSED RULE

AMENDMENT: Board of Professional Land Surveyors

DATE OF PROPOSAL: October 16, 1986

# Candidates Who Passed April 1986 Exam And Are Eligible For Licensure

LS 0004276 Hoover, Robert Roy	LS 0004289 Dehoff, Dennis James	LS 0004302 Kelly, Thomas Michael	LS 0004315 Rohal, David Edward
LS 0004277 Rodriguez, Nestor Gabriel	LS 0004290 Dietz, Donna C.	LS 0004303 Lane, John Mitchell	LS 0004316 Sanchez, Lester J.
LS 0004278 Allison, Robert Lewis	LS 0004291 Dohy, Ronald P.	LS 0004304 Lehman, Frederick M.	LS 0004317 Sentell, Gilbert Levirgil
LS 0004279 Arnold, Floyd Erwin	LS 0004292 Edgerton, Richard Ernest	LS 0004305 Lewis, Fred Willard	LS 0004318 Small, William Franklin
LS 0004280 Bacon, Barry Scott	LS 0004293 Fehring, Duane D.	LS 0004306 Lindh, Bruce Allen	LS 0004319 Snyder, Thomas Eugene
LS 0004281 Beall, Maurice W., Jr.	LS 0004294 Gardner, Leonard Lawrence	LS 0004307 Massey, George William, Jr.	LS 0004320 Taylor, James Vernon
LS 0004282 Beck, Robert Palmer	LS 0004295 Gatch, James N., Jr.	LS 0004308 McFaden, William Pickens	LS 0004321 Toole, Bobby James
LS 0004283 Berry, Mark Emerson	LS 0004296 Goldsmith, Charles E.	LS 0004309 Miller, Aaron Francis	LS 0004322 Warnock, Ralph Wendell, Jr.
LS 0004284 Boeke, Harvey Michael	LS 0004297 Hernandez, Orlando	LS 0004310 Mott, William Arthur	LS 0004323 Weber, Jon Peter
LS 0004285 Carson, Rocky Lane	LS 0004298 Hilton, Samuel Ernest	LS 0004311 Nielsen, Roy Remmer	LS 0004324 Whitaker, Scott Clifford
LS 0004286 Cheney, John Franklin	LS 0004299 Huth, Christopher J.	LS 0004312 Ortiz, Rolando	LS 0004325 Whitley, William Lawrence
LS 0004287 Collins, Paul Andrew	LS 0004300 Ibarluzea, Txomin M.	LS 0004313 Reeves, William Robert, Jr.	LS 0004326 Zeff, Thomas Victor
LS 0004288 Daniel, William J. III	LS 0004301 Jones, David Roy	LS 0004314 Reynolds, Tracy Allen	LS 0000911 Moody, John William

## Candidates To Sit For Exam

The following applicants were approved by the Board of Professional Land Surveyors to sit for the October 1986 Examination.

Allen, Donald Ray, Jr.	Elkins, Jeffrey Avery	Mire, Gregory S.	Shahan, Thomas Carson
Antes, Henry David	Esber, Alex Salem	Molica, Philip Pat	Singh, Hardoowar
Banks, Marvin Ray	Esber, Jonathon Wayne	Newkirk, William D.	Smith, Kevin Alan
Beaver, Robert Roy	Fleming, Gregory Steven	Norman, Michael William	Socarras, Carlos D.
Berg, Richard Alan	Frost, Frank Wayne	Norris, David Robert	Strickland, Timothy D.
Bernal, Thomas	Gary, John B.	Orta, Orlando	Tejeda, Guido V.
Blackham, William James	Grant, John Ronald	Osteen, Richard Dwight	Tew, Dennis M.
Boisseau, Richard Norman	Harden, David M.	Parikh, Bipinchandra B.	Tolton, Charles Edward
Bonin, Michael D.	Headberg, Brent Alan	Parrish, Bobby Lane	Tucker, Arthur William
Brown, J. Michael	Hoechst, John Dennis	Pederson, Gary L.	Vernon, Robert Charles
Capanille, Louis Ralph, Jr.	Hoover, Dennis Ray	Prohaska, Jon Allen	Vokoun, Thomas Craig
Carter, Robbie E.	Jackson, James Clyde, Jr.	Roberts, James Matthew	Wade, Clarence III
Chason, Robert E., Jr.	Johnson, Grady Byers II	Rowe, Donald W.	Wares, William Robert
Chomiak, Vlakhir	Jones, Dianne	Russell, Gerald Preston	Wellman, Russell E.
Coates, John William	Karner, Regina C.	Saunders, Keith Ray	White, Gregory David
Conner, Thomas Leroy	King, Thurman Blaine	Sender, Michael J.	
Corsat, Robert Shelton	Kirkup, Joseph		
Davie, Douglas M.	Knutsen, Lance Dean		
Davis, Jeffrey A.	Leddy, John Hall		
Dean, Richard Norman	Lewis, Terrance Alan		
Deater, Paul Louis	Lutes, Gary William		
DeFalco, Brett V.	McDaniel, William		
DeFalco, David Michael	McSweeney, Michael Laurin		
DelValle, Carlos Manuel	Mariotti, William James		
Doogan, John Treiber	Marshall, Richard E.		
Drexler, John Ervin	Miller, Dennie Thomas		
Dunphy, Stephen Joseph	Miller, Scott Vaughn		

### Board to Consider New Disciplinary Guidelines Rule

Date: November 21, 1986 Time: 9:00 a.m.  
Place: Department of Professional Regulation  
Conference Room  
130 N. Monroe St.  
Tallahassee, FL 32399-0750

This newsletter was promulgated at a cost of \$1,414.25 or \$.48 per copy to inform licensees about the licensing laws and rules of the Engineering profession.

**Department of Professional Regulation  
Board of Professional Land Surveyors  
130 North Monroe Street  
Tallahassee, Florida 32399-0750**

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