



Board office letters misunderstood by title insurance companies

Through an unfortunate set of circumstances, communication from the board office has been used to create confusion in the title insurance industry and, consequently, problems for surveyors. On Oct. 22, 1993, the Fidelity Title and Guaranty Company submitted the following letter to the board office:

I have noted a trend on land surveys that I have received recently to place limiting or qualifying language in the certification block of the survey. The following is typical of the language I have seen:

"to the best of my knowledge and belief", "known to me", "is correct to the best of my knowledge"

I am not aware of the authority or background that would allow for this limiting or qualifying language to become a part of the certification regarding minimum standards for land

surveys. I would appreciate any assistance you could give me regarding changes in the Code (Ch 21HH-6) that authorizes the new language.

I would also request that you send me a copy of the most recent version of Chapter 21HH-6, Florida Administrative Code and any additional educational material you may have in this regard."

On Oct. 28, 1993, the board office replied as follows:

We are responding to your letter of October 22, 1993, concerning certain limiting or qualifying statements appearing on surveys which your company receives.

Chapter 472, Florida Statutes and 21HH, Florida Administrative Code do

not provide for any type of qualifying clause regarding compliance with Minimum Technical Standards.

If you are receiving surveys with these qualifying statements, you should report such violations to the Department of Business and Professional Regulation, Bureau of Complaints, 1940 North Monroe Street, Tallahassee, Florida 32399-0782.

A copy of Chapter 472, F.S. and 21HH, F.A.C. are enclosed for your reference.

The information contained in the Oct. 28, 1993 letter is correct but it should not be construed to mean that surveyors cannot certify

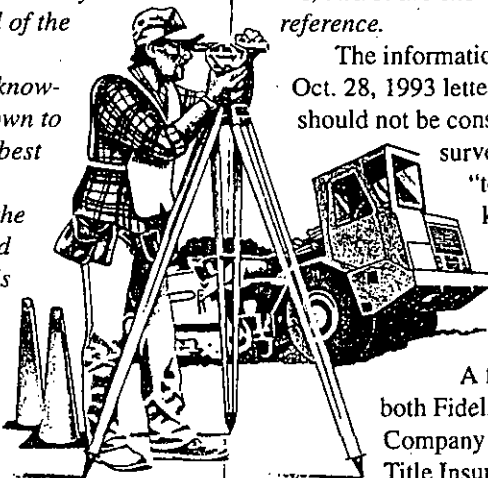
"to the best of their knowledge and belief" as to matters other than minimum technical standards.

A follow-up letter to both Fidelity Title Insurance Company and First American Title Insurance Company, clarified the situation. A portion of the letter is quoted as follows:

There is absolutely nothing wrong with a certification that reads as follows:

This is to certify that I have recently surveyed the property described hereon and that said above ground survey and sketch are accurate to the best of my knowledge and belief. I further certify that this survey meets the minimum technical standards in Section 472.027, Florida Statutes (or Rule Chapter 61G17-6..., F.A.C.)

While no caveat should exist for the phrase: "I hereby certify that this survey complies with the minimum technical standards," caveats for additional certification are not prohibited by the Board.



MESSAGE FROM THE CHAIR

Chair commends AD Hoc committee

by Margarita Weidener, Chair

I want to commend the members of the AD Hoc Committee to Study Revisions to Chapter 177, for a job well done. They gave numerous hours of their time to this important task. Chapter 177 was in dire need of revisions! (For further details please see the *AD Hoc* article inside this newsletter. Committee Chair, Greg Clary; Committee Members: Steve Woods, Harley Gilmore, Dave Gibson, Buell Harper, Bob Graham, Glenn McGregor, Patricia Gail Oliver, Leland Burton, Ronnie Taylor.)

Another committee which has been working hard is the AD HOC Committee on Rulemaking for Disciplinary Proceedings for Land Surveying Business. The committee has made the following recommendations:

- Revise the LB application as soon as possible.
- LB application to be reviewed and approved by the Application Committee.
- Implement new rules to deny applications.
- Suggest to the department, when a complaint against a land surveyor is received that they research the possibility of opening a complaint against the business also.
- The board should enforce a suitable fine in cases against LB's.
- Send out a mailing to all land surveying businesses requesting them to update their application.
- The Committee will define responsible charge as it relates to

see Chair's article, page 2

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MESSAGE FROM THE SECRETARY

1994 brings new challenges and opportunities for BPR



George Stuart,
BPR Secretary

by George Stuart, BPR Secretary

We are beginning a new year, with new challenges, new responsibilities, new goals and wonderful opportunities for all of us.

One goal I have set is making sure the merger teams appointed late last year complete their mission on time and carry out their charge - to implement the changes recommended in the merger plan and to make sure any changes suggested will result in cost savings for the department, efficiency in the way we operate, and additional or improved services to consumers.

Our merger teams will be looking at many different issues - those affecting the department as a whole, those affecting our licensees, and those affecting our employees and consumers. The teams will be tackling matters involving training, administrative and personnel issues, consolidation of pari-mutuel departments, consolidation of records administration, the operation of BPR's Orlando Service center, the merger of our licensing units, the merger of our microfilming units, the creation of a Division of Legal Affairs, increased law enforcement powers, the creation of a Division of Investigations and Inspections, the consolidation of our field offices, and the creation of a Division of Real Property which would be accomplished by merging the Division of Real Estate with the Division of Florida Land Sales.

I have appointed chairs for each of these teams and selected the team members carefully from a cross section of BPR employees, board members and association representatives. Committee members were chosen from all over the state, not just the Tallahassee area, because I wanted to make sure that every possible viewpoint was represented.

Of course, not every employee or board member or association member could be asked to serve on these committees. But that doesn't mean you can't be involved, since anyone can sit in on the merger meetings. The meetings are held in Tallahassee via conference call for those out-of town participants. Committees will be getting together several times a month and copies of the minutes of the meeting will be available soon after each meeting takes place.

I urge everyone involved in the business of BPR to become a part of this exciting process. It will mean a lot of changes for the department, but I know with the cooperation of all of you those changes will be positive ones.

Chair's message continued from page 1

land surveying businesses.

All of the above recommendations were approved by the board and we are in the process of implementing them. All businesses holding an active certificate of authorization (LB license) will be requested to update their application. Those not responding will be submitted to the department for investigation. A

prompt response is required. It is the responsibility of each LB to report any changes in the LB license within 30 days of its occurrence.

If you know of a business that might be operating without a current LB license, or that has not reported any changes, please contact the department immediately.

AD Hoc committee completes mission

The Committee presented a draft of the proposed revisions to Chapter 177 at the board's meeting in Gainesville, Dec. 10, 1993. After lengthy discussions and minor revisions, the proposed revisions were approved by the board. The revised Chapter 177 was expected to be introduced in the legislature in February.

Disciplinary News

The following individuals have met the terms of the Final Order and have been released from probation: John B. Benson, William C. Keating, Calvin J. Reed and Michael W. Solitro.

DISCIPLINARY ACTIONS TAKEN BY THE BOARD

The Board has taken disciplinary action concerning the following licensees. This listing may not reflect a change occurring near or following the publication date. Before making any decisions based upon this information, check with the Board Office to ensure accuracy. Further, the listing does not reflect pending appeals or requests for a hearing. Each order is listed as follows with the name, charges and action taken.

Jay A. Bonner, License # LS-0004088, BPR Case No. 91-05693—was charged with being negligent in the practice of land surveying. Action: License suspended, however suspension stayed to allow for 24 months of probation, pay \$1,000 fine, complete Minimum Technical Standards course within six months, submit six signed and sealed surveys for review.

William E. Carmelia, License # LS-0003820, BPR Case No. 90-09009, Count I and Count II—Failure to evidence the required continuing education for license renewal. Action: License suspended until \$1,000 fine is paid, submits proof of 48 hours of board-approved continuing education and appear before the board to demonstrate his compliance with these terms.

Laythel Coffell, License # LS-0004138, BPR Case No. 91-05939, Count I and Count II—Guilty of fraud or deceit, or of negligence, incompetency, or misconduct in the practice of land surveying. Action: License suspended, however suspension stayed to allow for 24 months of probation, pay \$2,000 fine, complete Minimum Technical Standards course within six months, submit six signed and sealed surveys for review.

Lars Dohm, License # LS-0002358, BPR Case No. 92-06375—was charged with failure to evidence the required continuing education for license renewal. Action: License suspended until



Board meeting schedule for 1994

MAY 6 - Application Committee, Probable Cause Panel and Continuing Education Committee - Tallahassee.

JUNE 13 & 14 - Full Board meeting in Orlando. Probation Committee will meet in conjunction with the full board.

AUG. 26 - Application Committee, Probable Cause Panel and Continuing Education Committee - Tallahassee.

SEPT. 29 & 30 - Full Board meeting in Panama City. Probation Committee will meet in conjunction with the full board.

NOV. 9 - Application Committee, Probable Cause Panel and Continuing Education Committee - Tallahassee.

NOV. 30, DEC. 1 & 2 - Full Board meeting in Tallahassee. Probation Committee will meet in conjunction with the full board.

licensee pays a \$1,000 fine and completes 24 hours of land surveying courses that are specifically approved by the board. **Eduardo M. Ensenat, License # LS-0004613, DPR Case No. 91-12506**—was charged with being negligent in the practice of land surveying. Action: License suspended, however suspension stayed to allow for 24 months of probation, pay \$1,000 fine, complete Minimum Technical Standards course within six months, submit six signed and sealed surveys for review.

STAY ON LICENSE LIFTED FOR NON-COMPLIANCE

The following licensees have been suspended due to non-compliance with the terms of probation: C. W. West, Narciso J. Ramirez, Robert A. Turso, Gary Hunt, and Lars Dohm.

Rule changes and updates

CHANGES DUE TO MERGER 21HH IS NOW 61G17

Because of the merger of the Department of Business Regulation and the Department of Professional Regulation, on July 1, 1993, new numbers have been assigned to the board's rules. Chapter 21HH, Florida Administrative Code, is now 61G17.

Please make this change at your earliest convenience.

CHANGES TO 61G17-8.001 FEES

Revisions to Rule 61G17-8.001 were necessary due to the increase costs for the examination administered by NCEES.

These revisions were effective Oct. 13, 1993:

Land Surveyor Fees:

Initial application - \$125 plus \$115 for examination

Reexamination - \$120 per part

Land Surveyor Intern Fees:

Examination - \$60

Reexamination \$60 per examination

UNCHANGED RULES

After much discussion and two public hearings the following rules remain unchanged:

61G17-6.003 (21HH-6.003) MTS for Surveys (Field and Office)

61G17-6.0051 (21HH-6.0051) Geodetic Surveys



BPR is accessible to the hearing impaired through use of the Florida Telephone Relay System. The hearing impaired can communicate with BPR and vice versa.

A hearing impaired person, using TDD equipment, can call the Florida Telephone Relay System at **1-800-955-8771**. The caller must know the number they wish to contact. The operator answers the call and remains on the line to interpret the conversation. BPR employees calling a hearing impaired person with access to TDD can call **1-800-955-8770**. The operator will contact the number and remain on the line to interpret the call.

Questions or additional information? Contact Bobby Colston at 488-7407, SunCom 278-7407.

Change of address

The Board of Professional Land Surveyors requires that all licensees maintain a current address on file with the board office. Change of address must be reported to the board office within 60 days. Failure to submit the new address, whether or not it is in Florida, may result in disciplinary action against a licensee.

Changes of address must be submitted in writing to the Board of Professional Land Surveyors, 1940 North Monroe Street, Tallahassee, Florida 32399-0756.

Zip+4 it to us

Because BPR receives more than 5,000 pieces of mail each day, we have developed a mailing system to give faster service.

All general correspondence addressed to the Board of Professional Land Surveyors should be sent to the following address with the zip + 4 suffix:

Board of Professional Land Surveyors
1940 North Monroe Street
Tallahassee, Florida 32399-0756

CHANGE OF ADDRESS FORM

Please print or type all information

Date: _____

Name of Licensee: _____

License Number: _____ Social Security # _____

Old Address: _____ New Address: _____

(Delete) _____ (Add) _____

Phone: () _____

Mail completed form to:

Department of Professional Regulation
Board of Professional Land Surveyors
1940 North Monroe Street, Tallahassee, FL 32399-0756

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