

Board of PROFESSIONAL LAND SURVEYORS



NEWSLETTER

Vol. 4, No. 1

March, 1985

Minimum Technical Standards

Point of Intersection, Not a Property Corner

It has become clear to the Florida Board of Professional Land Surveyors that in various parts of the state there has been a common practice that can now only be considered as a violation of the Minimum Technical Standards. However, no action has been taken against anyone to date due to this violation since the practice is so widespread. The practice that is being spoken to is the placement of a property corner at the point of intersection (PI) on corner lots in recorded plats that have a corner radius, and not at the Point of Curvature (PC) or the Point of Tangency (PT).

In reality, in a situation as described, the PC and PT are the actual property corners and should be monumented. The PI is not a property corner. The failure to place monumentation at the PC and PT would now be a violation of the Minimum Technical Standards [21HH-6.03(18)], which requires monumentation at all property corners.

Also, since the curve is the property line, then to comply with the Standards, the significant parts of the curve must be shown [21HH-6.03(7)].

With this statement, practitioners should now be aware that the Florida Board of Professional Land Surveyors will be expecting that the previous practice described cease and that the placement of property corners will be expected on all corner lots having corner radii at the PC and PT.

How To File A Complaint

By Florida Statute, complaints must be in writing and signed in order to be considered by the Department of Professional Regulation. The complainant should provide his or her name, address, and telephone number. The name, address, and telephone number of the subject of the complaint should also be included.

Sufficient details and background information should be provided to allow the Complaint Analyst reviewing the complaint to understand the overall situation as the complainant sees it. Copies of the relevant documents should also be submitted.

If it is determined that the allegations set forth in the complaint indicate a possible violation of the Land

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New Legislation

Chapter 85-20 Committee Substitute for Senate Bill No. 132

An act relating to title insurance; creating s. 627.7842, F.S.; providing that certain exceptions are prohibited from policies issued in this state in certain circumstances; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 627.7842, Florida Statutes, is created to read:

627.7842 Policy exceptions.—

(1) No title insurance policy shall be issued in this state with exceptions from coverage to the policy form approved by the department for the following:

(a) If a survey meeting the minimum technical standards for surveying required by the Department of Professional Regulation and certified to the title insurer by a registered Florida surveyor has been completed on the property within 90 days before the date of closing, the title policy may only except from coverage those encroachments, overlays, boundary line disputes, and other matters which are actually shown on the survey.

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**Department of
Professional Regulation
Board of Professional
Land Surveyors**

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Orlando, FL 32804
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Tallahassee, FL 32301
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**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

Panel Reviews 46 Cases

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

**October 1985/January 1986
Cases Reviewed**

| | |
|---|----|
| Probable Cause found with Administrative Complaint | 22 |
| Probable Cause found with Letter of Guidance | 10 |
| No Probable Cause found | 9 |
| Referred for further investigation | 5 |

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

**Examination Report
Land Surveyor Examination
October 24-25, 1985**

| | # | % |
|---|-----------|-------------|
| Original Candidates Examined | 67 | 46.9 |
| Retake Candidates Examined | 76 | 53.1 |
| Total Candidates Examined | 143 | 92.3 |
| Candidates Not Appearing | 12 | 7.7 |
| Total Candidates Scheduled | 155 | 100 |
| Original Candidates Passed for Licensure or Certification | 30 | 51.7 |
| Retake Candidates Passed for Licensure or Certification | 28 | 48.3 |
| Total Candidates Passed for Licensure or Certification | 58 | 40.6 |
| Original Candidates Failing | 37 | 43.5 |
| Retake Candidates Failing | 48 | 56.5 |
| Total Candidates Failing | 85 | 59.4 |
| Totals | 143 | 96.6 |

**Land Surveyor Intern Examination
October 24-25, 1985**

| | # | % |
|---|----------|-----------|
| Original Candidates Examined | 2 | 40 |
| Retake Candidates Examined | 3 | 60 |
| Total Candidates Examined | 5 | 83.3 |
| Candidates Not Appearing | 1 | 16.7 |
| Total Candidates Scheduled | 6 | 100 |
| Original Candidates Passed for Licensure or Certification | 2 | 66.7 |
| Retake Candidates Passed for Licensure or Certification | 1 | 33.3 |
| Total Candidates Passed for Licensure or Certification | 3 | 60 |
| Original Candidates Failing | 0 | 0 |
| Retake Candidates Failing | 2 | 100 |
| Total Candidates Failing | 2 | 40 |
| Totals | 5 | 3.4 |

Disciplinary Actions Taken by Board

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.

Julius Blackmon, LS 2935, Melbourne, FL September 5, 1985—Violation: 472.033(a)(g), 472.027, 472.227(1)(b), 21HH-2.01(3), 21HH-6. Signing surveys not prepared under responsible supervision, direction and control; failure to follow generally accepted and prevailing standards in the practice of surveying in Florida; failure to follow *Minimum Technical Standards*. Administrative fine \$1,000; 27 months probation; 25 surveys submitted during probation on designated schedule; continuing education on *Minimum Technical Standards*.

Frederick Bolt, LS 3510, Milton, FL, September 5, 1985—Violation: 472.033(1)(a)(g)(h), 472.027, 472.021, 455.277(1)(b), 21HH-2.01, 21HH-6. Carelessness in the practice of Land Surveying; failure to follow general acceptable care and skill recognized by fellow land surveyors; failure to follow *Minimum Technical Standards*. Administrative fine \$1,000; 27 months probation; 25 surveys submitted during probation on designated schedule; continuing education on *Minimum Technical Standards*.

Amons Courtney, LS 2819, Milton, FL, September 5, 1985—Violation: 472.033(1)(a), 472.027, 455.227(1)(b), 21HH-2.01(1), 21HH-6. Failure to comply with terms of Final Order rendered in previous case; work submitted during second investigation failed to meet *Minimum Technical Standards*; failure to practice land surveying with level of care and skill recognized by a reasonably prudent similar land surveyor as being acceptable under similar conditions and circumstances. Previous case is no longer in effect. New Final Order calls for Administrative fine \$750; 27 months probation; 25 surveys to be submitted during probation on designated schedule; continuing education in *Minimum Technical Standards*.

Robert Gabioud, LS 2448, Orlando, FL, September 5, 1985—Violation: 472.033(1)(a)(g)(h), 472.027, 455.227(1)(b), 21HH-2.01(3)(5), 21HH-6.02, 6.03, 6.04, 6.06. Gross negligence and carelessness in the practice of land surveying; failure to follow *Minimum Technical Standards*. Administrative fines and Investigation costs in the amount of \$2,672; caution on future practice; 5 years probation during which time no violations of Chapters 472 and 455, F.S., shall occur. Land surveying work shall be monitored by a land surveyor approved by the Board. Monitor shall make quarterly reports to the Board on the respondent's practice; respondent shall also submit quarterly reports on the progress of his land surveying practice; continuing education both formal and informal as directed by the monitor and/or Board. Resolution of all land disputes and proof of resolution shall be submitted to the Board on a monthly basis.

Lincoln Herreid, LS 3015, Miami, FL, September 5, 1985—Violation: 472.033(1)(a)(g)(h), 455.227(1)(b), 21HH-6.03(1)(6)(7)(8)(18)(19)(20), 21HH-6.04(1)(2), 21HH-6.06(7). Failure to follow *Minimum Technical Standards*; misconduct in the practice of land surveying in Florida. Administrative fine \$1,500; 1 year suspension of license followed by 3 years probation; 30 surveys submitted during probation on a designated schedule. APPEAL BOARD ACTION TO DISTRICT COURT AS A RESULT, Suspension is stayed. A \$1,500 bond was posted to the Board and submission of surveys on a designated schedule. Original terms of Final Order will be imposed depending on results of appeal.

George Ibarra, LS 2534, Miami, FL, September 5, 1985—Violation: 472.033(1)(a)(g)(h), 472.027, 455.227(1)(b), 21HH-2.01(3)(5), 21HH-6. Failure to comply with *Minimum Technical Standards*; failure to follow generally accepted and prevailing standards of land surveying in Florida. Administrative fine \$1,000; 27 months probation; 25 surveys submitted during probation on a designated schedule; continuing education on *Minimum Technical Standards*.

Joseph Morgan, LS 1409, Shalimar, FL, September 5, 1985—Violation: 472.033(g), 21HH-6.03(1)(3)(8)(10), 21HH-6.05(2). Failure to follow *Minimum Technical Standards*; negligence in the practice of land surveying; failure to follow generally accepted and prevailing standards of practice for land surveying in Florida. Administrative fine \$1,000; 27 months probation; 25 surveys to be submitted during probation on a designated schedule; continuing education on *Minimum Technical Standards*.

Narcisco Ramirez, LS 2779, Miami, FL, September 5, 1985—Violation: 472.033(1)(a), 472.027, 455.227(1)(b), 21HH-2.01(3)(5), 21HH-6.03(2)(4)(6)(8)(12)(18)(20), 21HH-6.06(1). Carelessness, negligence; failure to follow *Minimum Technical Standards*. Administrative fine \$1,000; 27 months probation; 25 surveys to be submitted during probation on a designated schedule; continuing education on *Minimum Technical Standards*.

Norman Schille, LS 3319, Lakeland, FL, September 5, 1985—Violation: 472.033(1)(a)(g)(h), 472.027, 472.021, 455.227(1)(b), 21HH-6, 21HH-2.01. Failure to follow *Minimum Technical Standards*; failure to follow generally accepted standards of practice of land surveying in Florida; failure to file Certificate of Authorization for Land Surveying Business. Revocation within 90 days of the filing date on the Final Order. Said revocation will be

(continued next page)

Discipline

(continued from page 3)

stayed providing fine and first surveys are submitted within 30 days of filing date on Final Order. If Stay remains in effect, a 27 month probation is imposed; 25 surveys to be submitted during probation on a designated schedule; continuing education on Minimum Technical Standards.

Robert Lazenby, LS 2260, Lakeland, FL, November 25, 1985—Violation: 472.033(1)(a)(b)(h), 472.027, 455.227(1)(b), 21HH-2.01(3)(5), 21HH-6. Failure to follow Minimum Technical Standards; failure to follow generally prevailing standards in the practice of land surveying in Florida. Administrative fine \$264.52; 27 months probation; 25 surveys submitted during probation on a designated schedule; continuing education as deemed necessary during probation.

Jay Sweet, LS 2599, West Palm Beach, FL, November 25, 1985—Violation: 472.033(1)(a)(g)(h), 472.021, 472.027, 455.227(1)(b), 21HH-2.01(3)(5), 21HH-6. Failure to comply with Minimum Technical Standards; failure to follow generally accepted and prevailing standards of land surveying practice in Florida; failure to evidence a Certificate of Authorization for firm. Administrative fine \$282.30; 5 years probation during which time any and all surveys prepared by respondent shall be submitted to the Board for review at six month intervals; continuing education on Minimum Technical Standards.

Robert Turso, LS 2360, Lake Worth, FL, November 25, 1985—Violation: 472.033(1)(a)(g)(h), 472.027, 455.227(1)(b), 21HH-2.01(3)(5), 21HH-6, FAC. Administrative fine \$129.41; 27 months probation; 25 surveys to be submitted during probation on a designated schedule.

Complaints

(continued from page 1)

Surveyors Practice Act (Chapter 472, Florida Statutes) or the Rules of the Land Surveyors Board (Chapter 21HH, FAC), an inquiry will begin into the facts of the complaint and the complainant will be notified of such.

If formal charges are filed, an attorney from DPR will be assigned to prosecute the case. If an investigation does not produce enough evidence to prosecute or it appears there is no violation of the licensing law, the case will be dismissed. The complainant will be notified of the final disposition.

Complaints should be sent to:

DPR—Complaints
130 North Monroe Street
Tallahassee, Florida 32301

Uniform Complaint Forms for the purpose of filing a complaint may be obtained by calling toll-free, **1-800-342-7940**. The regular toll line is **904-488-6602**.

(see chart on page 6)

Norman Brown, LS 2660, Brooksville, FL, January 9, 1986—Violation: 472.033(1)(a)(g)(h), 472.027, 455.227(1)(b), 21HH-2.01(3)(5) 21HH-6. Failure to comply with Minimum Technical Standards; failure to comply with generally accepted and prevailing standards for practicing land surveying in Florida. Administrative fine \$1,000; 27 months probation; 25 surveys to be submitted during probation on a designated schedule; continuing education on Minimum Technical Standards.

Russell Cain, LS 2952, Brooksville, FL, January 9, 1986—Violation: 472.033(1)(a)(g)(h), 472.027, 455.227(1)(b), 21HH-2.01(3)(5), 21HH-6. Failure to comply with Minimum Technical Standards; failure to comply with generally accepted and prevailing standards for practicing land surveying in Florida. Administrative fine \$1,000; 27 months probation; 25 surveys to be submitted during probation on a designated schedule; continuing education on Minimum Technical Standards.

Thomas Howard, LS 1266, Tallahassee, FL, January 9, 1986—Violation: 472.033(1)(a)(g)(h), 472.027, 455.227(1)(b), 21HH-2.01(3)(5), 21HH-6. Failure to comply with Minimum Technical Standards; failure to comply with generally accepted and prevailing standards for practicing land surveying in Florida. Administrative fine \$1,000; 27 months probation; 25 surveys to be submitted during probation on a designated schedule; continuing education on Minimum Technical Standards.

Hulon Walsingham, LS 3257, Lynn Haven, FL, January 9, 1986—Violation: 472.033(1)(a)(g)(h), 472.027, 455.227(1)(b), 21HH-2.01(3)(4), 21HH-6. Failure to comply with terms of Final Order rendered in previous case in that surveys submitted did not comply with Minimum Technical Standards; failure to comply with generally accepted and prevailing standards of practice for land surveying in Florida. Terms of previous case are no longer in effect. New Final Order calls for 15 months probation; 25 surveys to be submitted on a designated schedule; continuing education on Minimum Technical Standards.

Candidates Who Were Approved And/Or Sat For Exam

Land Surveyors April 10 & 11, 1986

| | |
|--------------------------|-----------------------------|
| Bacon, Barry Scott | Mack, James Russell |
| Barker, John Charles | Massey, George William, Jr. |
| Battle, Richard Hamilton | McFaden, William Pickens |
| Davis, Richard Michael | Miller, Aaron Francis |
| Dietz, Donna C. | Moody, John William |
| Edgerton, Richard Ernest | O'Neal, Timothy Thomas |
| Elgin, Douglas William | Powell, Richard Gary |
| Ferrer, Joaquin Jose | Putz, Richard Allen |
| Harrell, Randy Wayne | Repass, Fred W. |
| Hayhurst, William Edward | Reynolds, Tracy Allen |
| Hendricks, John William | Sentell, Gilbert L. |
| Hilton, Samuel E. | Smith, James Morris, Jr. |
| Johnson, William Elliott | Snowman, Dennis H. |
| Jones, David Roy | Weber, Jon Peter |
| Julian, James Frank | Whitaker, Scott Clifford |
| Krueger, Davis Richard | White, Roye Eugene |
| Kyser, Marvin Anthony | Young, George E. |

Licenses Issued to 56 New Land Surveyors

The following persons passed the October 1985 examination and were approved for licensure on January 10, 1986

- Ammerman, Fred Paul**
License # LS4220
805 N.W. 2nd Ave.
Mulberry, FL 33860
- Avjean, David William**
License # LS4221
c/o Long, Brown & Assoc.
4085 University Drive
Fairfax, VA 22030
- Baker, Joseph Clarence**
License # LS4222
1390 Vancouver Ave., S.E.
Palm Bay, FL 32917
- Baumann, Lawrence Leonard**
License # LS4223
3562 Inverness Drive
Sarasota, FL 34243-3717
- Bell, Galen**
License # LS4224
1131 Farwell Ave.
Orlando, FL 32807
- Blow, Myron**
License # LS4225
6820 Palmetto Cir., S.
Apt. #201
Boca Raton, FL 33433
- Castleberry, Elzie Carol**
License # LS4226
2016 Aruba Ct.
Kissimmee, FL 32741
- Christian, Daniel J.**
License # LS4227
234 DeSoto Rd.
West Palm Beach, FL 33405
- Cole, Cyrus Leslie**
License # LS4228
1300 Hillsboro Blvd., #202
Deerfield Beach, FL 33441
- Cooke, Christopher Brian**
License # LS4229
10661 S.W. 108th Ave.
Apt. 1D
Miami, FL 33176
- Copeland, Richard Alan**
License # LS4230
219 Homeland Rd.
Port St. Lucie, FL 33452
- Craft, David Mason**
License # LS4231
PEH Engineers, Inc.
P. O. Box 22738
Lexington, KY 40522
- Crate, Richard George**
License # LS4232
3401 N. Lakeview Dr.
Tampa, FL 33618
- Dell'Osso, William Domenick**
License # LS4233
7740 N.W. 44th Ct.
Lauderhill, FL 33321
- Douglas, Elwyn Herman**
License # LS4234
P. O. Box 659
Cross City, FL 32628
- Dunn, James Michael, II**
License # LS4235
3430 Holliday Ave.
Apopka, FL 32703
- Ganung, Roger Clayton**
License # LS4236
226 Cara Vista
DeBarry, FL 32713
- Gibbons, Thomas Frank**
License # LS4237
P. O. Box 674
Lithia, FL 33547
- Gibson, Charles N., Jr.**
License # LS4238
2816 Candlewood St.
Clearwater, FL 33519
- Graver, Robert William**
License # LS4239
4001 N.W. 43rd St., Ste. 21
Gainesville, FL 32606
- Hawkins, Henry Clift, III**
License # LS4240
Rt. 2, Box 94-C
Valley, AL 36854
- Hodge, Ernest Dean**
License # LS4241
3027 Bucida Dr.
Sarasota, FL 33582
- Holland, Robert Eric**
License # LS4242
P. O. Box 2255
Panama City, FL 32402
- Jackson, Jimmy Wayne**
License # LS4243
620 Clearn Ct.
Casselberry, FL 32708
- Jordan, Wray Dexter**
License # LS4244
5150-C Elmhurst Rd.
West Palm Beach, FL 33417
- Krick, Gary B.**
License # LS4245
139 Good Heart Ave.
Lake Mary, FL 32746
- LaCorte, Thomas Gerard**
License # LS4246
1189 Wycliffe St.
Deltona, FL 32725
- LaMure, Michael C.**
License # LS4247
719 92nd Ave., N.
Naples, FL 33963
- Landseadel, Kenneth Alan**
License # LS4248
2323 36th Ave., S.
New Port Richey, FL 33552
- Lavetsky, Joseph John**
License # LS4275
8455 S.E. May Terrace
Hobe Sound, FL 33345
- Liggett, Albert Wilson**
License # LS4249
P. O. Box 030014
Ft. Lauderdale, FL 33303-0014
- Long, Jeroid E.**
License # LS4250
950 SW. North Globe Ave.
Port St. Lucie, FL 33453
- McGhin, Clifton Blaine**
License # LS4251
1127 Clark St.
Tallahassee, FL 32301
- McGregor, Glenn Edward**
License # LS4252
1610 E. 12th St.
Jacksonville, FL 32206
- Moore, Harold W.**
License # LS4253
1524 Donald St.
Jacksonville, FL 32205
- Perry, Robert Edwin**
License # LS4254
4931 N.W. 83rd Ave.
Lauderhill, FL 33321
- Persaud, Gobin**
License # LS4255
7312 Whitewater Ct.
Orlando, FL 32811
- Platt, Michael David**
License # LS4256
148-C Springwood Cir.
Longwood, FL 32750
- Porter, Charles Edward**
License # LS4257
1666 Ashwood Circle
Doctors Inlet, FL 32030
- Quinn, Eugene Franklin**
License # LS4258
610 N.W. 9th Circle
Williston, FL 32696
- Robinson, Michael Stanley**
License # LS4259
3761 Peaceful Place
Orlando, FL 32810
- Roddenberry, James Thurman**
License # LS4261
P. O. Box 126
Sopchoppy, FL 32358
- Roslere, Ronald Eugene**
License # LS4260
#2 Marina Plaza
Sarasota, FL 33577
- Salmon, Robert M.**
License # LS4262
P. O. Box 934
Cocoa Beach, FL 32931
- Sears, Robert Dew Millner**
License # LS4263
629 Ololu Dr.
Winter Park, FL 32789
- Short, Merrell Bryan**
License # LS4264
376 Westwind Ct.
Lake Mary, FL 32746
- Silvestre, Carlos, Jr.**
License # LS4265
P. O. Box 4183
Ocala, FL 32678
- Traylor, Dale Virgil**
License # LS4266
Rt. 1, Box 108
Lawtey, FL 32058
- Van Horn, Daniel Lee**
License # LS4267
6141 N.W. 45th Ave.
Ft. Lauderdale, FL 33319
- Vaughn, Steven Dwalne**
License # LS4268
322 N.W. Cornell Ave.
Port St. Lucie, FL 33452
- Vincent, John Lawrence**
License # LS4269
6720 N.E. 108th St.
Bellevue, FL 32620
- Waby, John L.**
License # LS4270
208 N.W. Monroe Cir., N.
St. Petersburg, FL 33702
- Wegener, Roy A., Jr.**
License # LS4271
30 Player Road, Apt. A
Indian Harbour Beach, FL 32937
- Wilson, Gary Glenn**
License # LS4272
8206 Elm Dr.
Traverse, MI 49684
- Woodward, Douglas M.**
License # LS4273
2169 45th Terrace, S.W.
Naples, FL 33999
- Yancy, Herbert E.**
License # LS4274
3203 Tennessee Ave.
Ft. Pierce, FL 33450

New Legislation

(continued from page 1)

(b) If at closing the seller signs an affidavit swearing that there is no person in possession of the property or with a claim of possession to the property except the seller, the title policy shall not exclude from coverage rights or claims of parties in possession not shown by the public records.

(c) If at closing the seller signs an affidavit swearing that no improvements have been made to the property within the past 90 days for which payment has not been

made in full, the title policy shall not except from coverage any lien or right to a lien for services, labor, or material furnished, which is imposed by law and not shown by the public record.

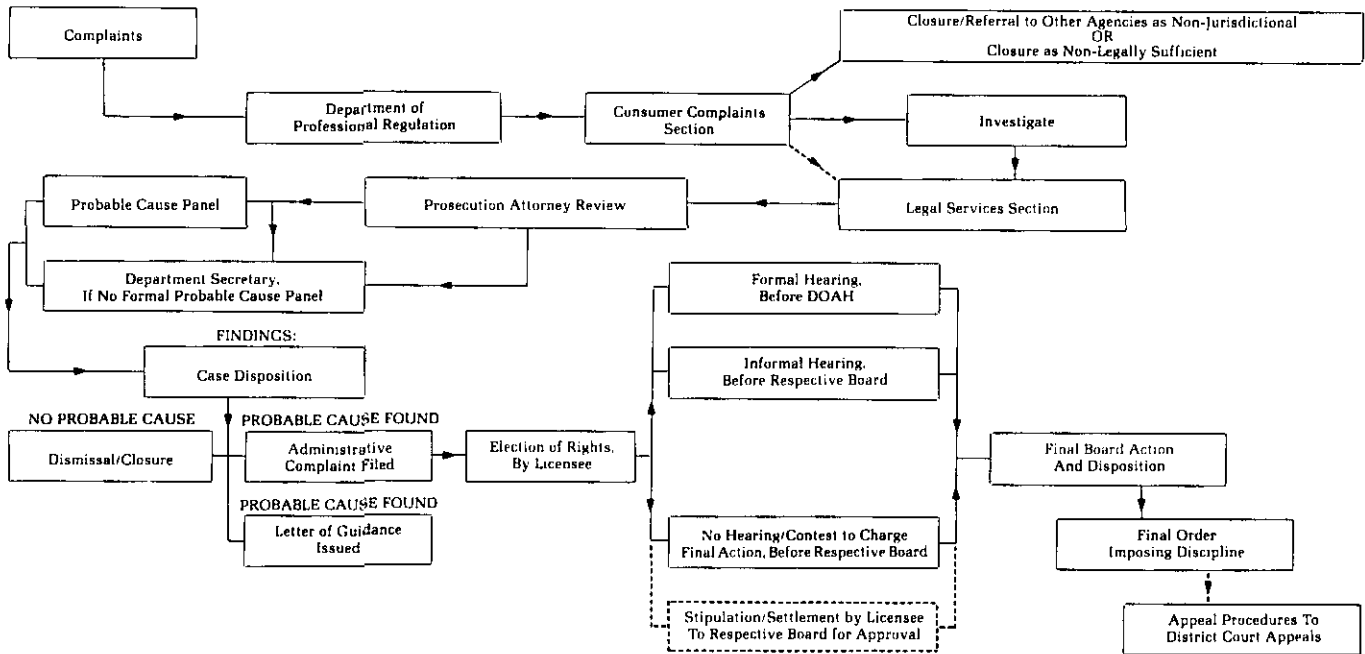
(2) The title insurer or agent issuing the title policy may except from coverage the items specified in subsection (1) if he has knowledge of facts requiring such exceptions, notwithstanding the survey or affidavits. However, he shall disclose such facts to the proposed insured.

Section 2. This act shall take effect October 1, 1985.

Approved by the Governor May 24, 1985.

Filed in Office Secretary of State May 24, 1985.

PROCESS OF A COMPLAINT



Proposed Schedule for Board Meetings Calendar Year 1986

| | |
|-----------------------|---|
| January 9 & 10 | Board Meeting & Application Review, Tallahassee |
| March 6 & 7 | Board Meeting & Application Review, Tallahassee |
| April 10 & 11 | Examinations are Administered |
| April 24 | Board Meeting (1 day meeting), Ft. Myers |
| May 8, 9 & 10 | NCEE Southern Zone Meeting, San Antonio, TX |
| July 10 & 11 | Board Meeting, Tallahassee |
| August 9, 10, 11 & 12 | NCEE Annual Meeting, St. Louis, MO |
| August 29 | Board Meeting (1 day meeting), Tallahassee |
| October 2 & 3 | Board Meeting, Tallahassee |
| October 23 & 24 | Examinations are Administered |
| November 20 & 21 | Board Meeting, Tallahassee |

This newsletter was promulgated at a cost of \$1,163.50 or \$.41 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 32301

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