

# Board of PROFESSIONAL LAND SURVEYORS



NEWSLETTER

Vol. V, No. 2

May 1987

## Minimum Technical Standards

The Minimum Technical Standards were implemented by the Board of Land Surveyors September 1, 1981, nearly six years ago. It is now felt by the present Board that a review is necessary to determine:

- (1) if **clarification** is necessary in any section,
- (2) if **revision** is necessary in any section,
- (3) if **deletion** is necessary of any section, or
- (4) if any **new sections** are necessary for **addition** to these standards.

To make these determinations, the Board requests all Surveyors who feel that the Standards would be improved by clarification, revision, deletion or addition to respond to the Board office in writing by July 1, 1987, in the following manner:

### 1. CLARIFICATION OR REVISION

- A. State the section of the Standards which you feel needs revision.
- B. State the problem that you feel exists with the particular section.
- C. Phrase that portion of the Standards as you feel would clarify it.

### 2. DELETION

- A. State the section of the Standards which you feel needs deletion.
- B. State why you feel that portion of the Standards should be deleted.

### 3. ADDITIONS

- A. State why you feel an addition should be made to the Standards.
- B. Phrase the addition as you feel it should be worded if added to the Standards.

Upon receipt of suggestions from practicing Surveyors, the Board will compile those it feels are warranted for consideration. This compilation will also include those portions of the Standards for which the Board has previously released letters of clarification or declaratory statements. As during the formalization of the present Standards, the Board will then hold workshops at various locations in the State to discuss the various suggestions before making any decisions on how or where to amend the Standards. These workshops would be held hopefully during the last few months of 1987 with the Rule (21HH-6) being officially amended by the end of 1987 or the early part of 1988.

## Land Surveyor Petitions for Statement

On February 27, 1987, the Board of Professional Land Surveyors received a petition from Stephen B. Sliger, PLS, requesting a declaratory statement be made by the Board on Rule 21HH-6, F.A.C. The complete texts of the petition and Board response are printed below:

### Final Order

Pursuant to Section 120.565, Florida Statutes, and Rule 28-4, Florida Administrative Code, the above referenced petition of Stephen B. Sliger, a registered land surveyor, came before the Board of Professional Land Surveyors for consideration on March 6, 1987, in Tallahassee, Florida. The Petition for Declaratory Statement had previously

been noticed in the Florida Administrative Weekly, page 756, Vol. 13, No. 9, published February 27, 1987.

Upon consideration of the petition and being otherwise fully advised in the premises, the Board makes the following findings and conclusions:

*(Continued on page 2)*

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**Petition for Declaratory Statement**

(from page 1)

**Findings of Fact**

1. Petitioner, Stephen B. Sliger, is a licensed land surveyor in the State of Florida, having been issued license No. 3794.

2. Petitioner, as of the filing of the Petition for Declaratory Statement, is employed by Sliger & Associates, a firm engaging in the practice of land surveying, located at 3921 South Nova Road, Port Orange, Florida 32019.

3. Petitioner states that he is in doubt as to the meaning of the word "shown" used in the context of 21HH-6.03(15).\*

*\*Petitioner had referenced 21HH-6.03(12); however, the language pertaining to easements is found in 21HH-6.03(15).*

4. Petitioner's question is: does Rule 21HH-6.03(15) require that when easements are shown upon a survey drawing that they be graphically portrayed?

5. Petitioner, Stephen B. Sliger, states that a client has requested that easements not shown graphically on the record plat be not shown on his survey plats, and states further that an (unnamed) attorney for a title company has interpreted the word "shown" to mean graphically portrayed. Therefore, Petitioner is in doubt as to whether the word "shown" within 21HH-6.03(15) means that an easement may be shown by a note or that it must be graphically portrayed upon the drawing.

**Conclusions of Law**

1. The Board has jurisdiction of this matter pursuant to Section 120.565, Florida Statutes, and Rule Chapter 28-4, Florida Administrative Code.

2. The Board concludes that Petitioner has the requisite substantial interest to bring this Petition and further concludes that the Petition is in substantial compliance with Rule Chapter 28-4, Florida Administrative Code.

3. Rule 21HH-6.03(15) provides:

**Open and notorious evidence of easements or rights of way on or across the land surveyed shall be located or noted and shown upon the drawing. If location of easements or rights of way of record, other than those on record plats, is required, this information must be furnished to the land surveyor.**

4. In answer to Petitioner's question of whether the word "shown" as used in Rule 21HH-6.03(15), F.A.C., means that after an easement is located that it may be noted upon the drawing or that it must be graphically portrayed upon the drawing, the Board concludes that either a notation or a graphic portrayal on the drawing is technically correct insofar as each provides the necessary information; however, the Board is of the opinion that a graphic portrayal is more readily understood by the general public. The Board further concludes that if the surveyor chooses to show the easement on the drawing by note rather than by graphic portrayal, the note should be prominently displayed upon the drawing.

WHEREFORE, the Board concludes that although showing an easement on the drawing either by note or by graphic portrayal is technically correct insofar as each method provides the necessary information, the Board is of the opinion that a graphic portrayal is more readily understood by the general public, and that if the surveyor chooses to show the easement by note rather than by graphic portrayal, that the note be prominently displayed upon the drawing.

DONE AND ORDERED this 23rd day of March, 1987.

**Proposed Board Meetings: Calendar Year 1987**

July 9 & 10 ..... Board Meeting, Tampa  
Aug. 13-16 ..... NCEE Annual Meeting, Baltimore, MD  
Sept. 10 & 11 ..... Board Meeting & Application Review, Tallahassee  
Oct. 29 & 30 ..... Examinations are Administered  
Nov. 19 & 20 ..... Board Meeting, Tallahassee

# 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 and action taken.

## January 1987 Board Meeting

**Denuzzio, Ralph D. (LS 3444).** 472.021(1) & (5), 472(1)(a), 472.033(1)(a), (e), (g) & (h), 21HH-2.01(3) & (5) & 21HH-7.03 for offering land surveying services to branch offices without a certification of authorization. Reprimanded and \$500 administrative fine.

**Gintz, Frederick H. (LS 4100).** 472.003(1)(a), (g) & (h), 455.227 (1)(b), 21HH-2.01(3) & (5) & 21HH-6 for signing and sealing a set of surveys that did not meet Minimum Technical Standards. \$500 administrative fine, 27 months probation, submittal of 25 surveys, Continuing Education

on Minimum Technical Standards as directed by the Board.

**Kitner, Russell B., Jr. (LS 3382).** 472.033(1)(e), (g) & (h), 21HH-2.01(3) & (5) for not filing certified corner records. Due to mitigating circumstances, the case was dismissed.

**Venega, Walter (LS 3106).** 472.033(1)(a), (g) & (h), 455.227 (1)(b), 21HH-2.01(3) & 21HH-6.03 for signing and sealing a set of surveys that did not meet Minimum Technical Standards. \$250 administrative fine, issued a Letter of Guidance.

## March 1987 Board Meeting

**Grant, John (LS 1141).** 472.033(1)(a), (g) & (h), 455.227 (1)(b), 21HH-2.01(3) & 21HH-6 for performing a survey which did not comply with Minimum Technical Standards. \$750 administrative fine, 27 months probation, 25 surveys with record plats, Continuing Education on Minimum Technical Standards, course in Legal Principles I & II, completion of Board's study guide.

**Henderson, Olive C. (LS 1574).** 472.033(1)(a), (g) & (h), 455.227(1)(b), 21HH-2.01(3) & 21HH-6 for performing a survey which did not comply with Minimum Technical Standards. \$250 administrative fine, suspension stayed pending successful completion of 27 months probation, 25 surveys with field notes and record plats, Continuing Education on Minimum Technical Standards, completion of Board's study guide.

**Justice, Tom (LS 1005).** 472.033(1)(a), (e), (g) & (h), 455.227 (1)(b), 21HH-2.01(3) & 21HH-6 for preparing survey which did not meet Minimum Technical Standards, failure to file a certified corner records which demonstrates negligence, incompetence or misconduct and constitutes a failure to perform a statutory or legal obligation. \$600 administrative fine, suspension stayed pending continuation of submittals of 25 surveys with field notes and record plats, Continuing

Education on Minimum Technical Standards, completion of course on Legal Principles I & II or its equivalent, completion of Board's study guide.

**Miller, Larry E. (LS 1919).** Voluntary relinquishment of license.

**Penny, Lawrence R. (LS 1472).** 472.033(1)(a), (g) & (h), 455.227(1)(b), 21HH-2.01(3) & 21HH-6 for negligence, incompetence and misconduct for performing a survey which did not meet Minimum Technical Standards. \$500 administrative fine, 27 months probation, Continuing Education on Minimum Technical Standards, completion of Board's study guide, 25 surveys with record plats.

**Thompson, Robert L (LS 3869).** 472.033(1)(a), (g) & (h), 455.227(1)(b), 21HH-2.01(3), (5) & 21HH-6 for affixing his signature and seal to a survey without knowledge as to its accuracy, which was not personally prepared by the respondent or under his responsible supervision, direction and control and said survey did not meet Minimum Technical Standards. \$500 administrative fine, 27 months probation, Continuing Education on Minimum Technical Standards, completion of Board's study guide, 25 surveys with record plats.

## Panel Reviews Cases: February & April 1987

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

Probable Cause found with Administrative Complaint .....	22
Probable Cause found with Letter of Guidance .....	5
No Probable Cause found .....	6
Referred for further investigation .....	7

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

# Candidates to Sit for Exam

*The following applicants were approved by the Board of Professional Land Surveyors to sit for the April 1987 Examination.*

Adams, Guy Percy  
Allen, Otis Richard  
Anderson, Charles H.  
Bassett, Mark Edward  
Beekman, Willard Lee  
Boschetti, Dennis Alvin  
Bowden, John Mark  
Burton, Henley Lee  
Byrd, Gary Foster  
Cornell, Kevin Michael  
Cornell, Walter Aden, Jr.  
Cross, Robert Dale  
Dean, Richard Norman  
Eidson, Ronald Joe  
Farner, George William, Jr.  
Faulhaber, Richard Joseph  
Ferguson, Terry Dale

Fox, Dalton William  
Franklin, Nicholas Hamlin  
Gillham, Thomas F.  
Griffin, Jennings Eugene  
Herring, John Cullen  
Irvine, Anthony Rhys  
Jackson, Richard Michael  
Johns, Arnold Jacob  
Kelley, Patrick Michael  
Langham, Fred P.  
Marley, Susan M.  
Meaders, Robert Frank  
Miller, George L.  
Mills, Brian Arthur  
Myers, Thomas William  
Myers, Wayne Carl  
Noles, Richard Mark  
Oslund, Allan Frank

Pace, Calvin Richard  
Perry, Robert Johnson  
Petzold, Robin Barry  
Pomeroy, William Britt, Jr.  
Pursely, Tony Lee  
Robb, Frank Edward  
Robbins, Jon S.  
Robertson, Billy James  
Ross, Melvin A.  
Solitro, Michael W.  
Stevenson, James Thomas  
Story, John Marshall  
Strom, Earl Nathan  
Surrency, Ray V.  
Working, Robin L.  
Wright, Don Wayne  
Vaughan, Robert Alan

## Board of Surveyors to Utilize NCEE Part III Exam

With what is felt to be a major improvement in the content of the NCEE Land Surveying Examinations over the past ten years, the Board of Surveyors has decided to commence utilizing NCEE's Part III Examination, hopefully in October 1987.

Presently, the State of Florida uses Parts I and II prepared by NCEE which is the Fundamentals of Surveying being the first 8 hours of the two day examination. The second day of the examination is prepared by consultants employed by the Office of Examinations of the Department of Professional Regulation.

With the anticipated change, Part III of the NCEE Examination will cover the first 4 hours of the second day of the examination and will cover Principles and Practices. The makeup of this portion of the examination will be approximately 24% for Computational Techniques, 14% for

Standards and Ethics, 30% for Legal Principles, and 32% for Data Evaluation.

Part IV, the Florida Jurisdictional portion of the examination, will be prepared by consultants for DPR and will have a makeup of approximately 18% for Local History, 10% for Standards and Ethics, 28% for Legal Principles, 6% for Field Research, 22% for Written Communications, and 16% for Record Sources. This breakdown is consistent with the NCEE Matrix.

The total examination will now follow the NCEE Examination Matrix which is based upon a National Task Analysis Review finalized in 1984. The Board feels that with the improvement of the NCEE examination, it can now produce the State specific portion of the examination more efficiently with the overall testing product being of excellent quality.

This newsletter was promulgated at a cost of \$1,009.35 or \$.35 per copy to inform licensees about the licensing laws and rules of the Land Surveying profession.

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