

**STATE OF FLORIDA  
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS**

**DEPARTMENT OF AGRICULTURE  
AND CONSUMER SERVICES,**  
Petitioner,

vs.

Case No. 2008043157

**MAURICE W. BEALL,**  
Respondent,

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**FINAL ORDER APPROVING SETTLEMENT STIPULATION**

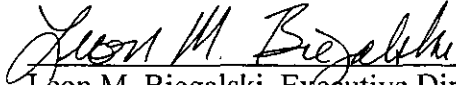
**THIS CAUSE** came before the Board of Professional Surveyors and Mappers (“Board”) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, at a meeting held on February 17, 2010, in Tallahassee, Leon County, State of Florida, for determination of whether to accept the proposed Settlement Stipulation (“Stipulation”) entered into by the parties in the above styled cause. Respondent was present at the hearing. Petitioner was represented by Mr. Eric H. Miller, Esquire.

Upon consideration of the Administrative Complaint, the proposed Stipulation, and the presentation of the parties, and being otherwise fully advised of the premises, **IT IS HEREBY ORDERED AND ADJUDGED:**

1. The proposed Stipulation is hereby approved and adopted. A copy of the Stipulation is attached hereto as Exhibit “A” and incorporated herein.
2. The parties shall adhere to and abide by all the terms and conditions of the Stipulation.

3. Failure to comply with the terms of the Stipulation, including timely payment of any fines and/or costs assessed, shall cause the Respondent to be subjected to further discipline.
4. This Final Order shall be placed in and become a part of the Respondent's official records and shall take effect upon being filed with the Agency Clerk of the Department of Agriculture and Consumer Services, whose seal is affixed hereon.

DONE AND ORDERED this 4<sup>th</sup> day of March, 2010.

  
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Leon M. Biegalski, Executive Director,  
Board of Professional Surveyors and Mappers  
For JEFFERY COONER, Chair

**NOTICE OF RIGHT JUDICIAL REVIEW**

A party who is adversely affected by this Final Order is entitled to judicial review, pursuant to Section 120.68, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a notice of appeal with the Agency Clerk of the Department of Agriculture and Consumer Services and a second copy, accompanied by filing fees prescribed by law, with the District Court of Appeal, First District, or with the District Court of Appeal in the appellate district where the party resides. The Notice of Appeal must be filed within thirty (30) days of rendition of the Order to be reviewed.

Filed with the Clerk, this 30<sup>th</sup> day of March, 2010.

  
\_\_\_\_\_  
Agency Clerk

Copies by Certified U.S. Mail, RRR# 7009 2250 0003 5751 3298  
Maurice W. Beall, P.O. Box 1297 Dade City, FL 33526-1297

By hand delivery:  
Bennett M. Miller, Board Counsel

STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION  
BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS

DEPARTMENT OF BUSINESS AND  
PROFESSIONAL REGULATION,

Petitioner,

v.

DBPR Case No. 2008-043157

MAURICE W. BEALL,

Respondent.

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SETTLEMENT STIPULATION

MAURICE W. BEALL, hereinafter referred to as "Respondent," and the Department of Business and Professional Regulation, hereinafter referred to as "Department," hereby stipulate and agree to the following joint Stipulation and Final Order of the Board of Professional Surveyors and Mappers, hereinafter referred to as "Board," incorporating this Stipulation and agreement in the above-styled matter.

STIPULATED FACTS

1. For all times pertinent hereto, Respondent was a licensed Surveyor and Mapper in the State of Florida, license number LS 4281. Respondent's address of record is 12222 Highway 301, Dade City, FL 33525.

2. Respondent is charged by an Administrative Complaint with eight (8) violations of chapter 472, *Florida Statutes*, and/or the rules enacted pursuant thereto. A true and correct

copy of the Administrative Complaint is attached hereto and incorporated by reference as Exhibit "A."

3. Respondent neither admits nor denies the matters of fact alleged in the Administrative Complaint attached hereto as Exhibit "A."

#### STIPULATED CONCLUSIONS OF LAW

4. Respondent in his capacity as a licensed Surveyor and Mapper admits that in such capacity he is subject to the provisions of chapters 455 and 472, *Florida Statutes*, and the jurisdiction of the Department and the Board.

5. Respondent admits that the facts set forth in the foregoing stipulated facts, if proven, would constitute a violation of chapter 472, *Florida Statutes*, as alleged in the Administrative Complaint.

6. Respondent agrees that the Board's acceptance of the Stipulation constitutes disciplinary action within the meaning of sections 472.033(1) and 455.227(1)(f), *Florida Statutes*.

#### STIPULATED DISPOSITION

7. Respondent shall not, in the future, violate chapters 455 and 472, *Florida Statutes*, or the rules promulgated pursuant thereto.

8. FINE & COSTS: Pursuant to Rule 61G17-9.0025(3) and (18), Florida Administrative Code, the Board shall impose an administrative fine in the amount of two thousand dollars

(\$2,000.00). Respondent shall also pay administrative costs, excluding attorney's fees, of eight hundred thirty dollars and twenty seven cents (\$210.99), for a total of two thousand two hundred ten dollars and ninety nine cents (\$2,210.99). Said fine and costs shall be paid by the Respondent to the Executive Director of the Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750, in six (6) equal monthly installments due on the 15<sup>th</sup> of each month following the entry of the Final Order by the Board of Professional Land Surveyors and Mappers, which Final Order incorporates this Stipulation. Respondent's failure to pay the fine by the time it is due may result in further disciplinary action by the Board.

10. PROBATION: Respondent's license to practice surveying and mapping is hereby suspended. However, the suspension shall be stayed as long as the Respondent complies with the terms of probation. If the Respondent fails to comply with any term of probation, the stay shall be lifted and the matter shall be deferred to the Department of Business and Professional Regulation for further disciplinary action.

Terms of probation shall be as follows:

A. Respondent shall submit proof of professional liability insurance pursuant to section 472.015(5), Florida Statutes, to the Executive Director of

the Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750, within thirty (30) days of the entry of the Final Order by the Board of Professional Surveyors and Mappers, which Final Order incorporates this Stipulation.

B. Respondent shall provide the Board with a list of all signed and sealed surveys within 120 days of the entry of the Final Order by the Board of Professional Surveyors and Mappers, which Final Order incorporates this Stipulation. The Board's Probation Committee Chair will randomly select six (6) of the Respondent's surveys for review from the list. Within five (5) calendar days of being notified by the Board which surveys have been selected, Respondent shall have posted and submit to the Board office the selected signed sealed surveys, along with copies of the relevant field notes, the relevant full size records plats, all measurement and computation records, and all other documents necessary for a full and complete review of the surveys, in accordance with Rules 61G17-9.006 and 61G17-9.007, Florida Administrative Code. If such surveys fail to meet minimum levels of competency, the matter shall be referred to the Department of Business and Professional Regulation for further disciplinary action.

C. Respondent shall attend and complete a Minimum

Technical Standards (MTS) continuing education course within ninety (90) days from the date of entry of the Final Order by the Board of Professional Surveyors and Mappers, which Final Order incorporates this Stipulation. Respondent shall submit proof of completion of the above-mentioned course to the Board office at 1940 North Monroe Street, Tallahassee, Florida 32399-0750, within the allotted time frame.

D. Respondent shall successfully complete a boundary control course within ninety (90) days from the date of entry of this final order. Respondent shall submit proof of completion of the above-mentioned course to the Board office within the allotted time frame.

E. Failure to comply with any of the terms of the stipulated agreement shall be considered a violation of probation.

11. It is expressly understood that a violation of the terms of this Stipulation shall be considered a violation of chapter 472, *Florida Statutes*, for which disciplinary actions may be taken.

12. It is expressly understood that this Stipulation is subject to the approval of the Board and has no force and effect until the Board enters a Final Order adopting same.

13. This Stipulation is executed by Respondent for the

purpose of avoiding further administrative action in this matter. In the event that the Stipulation is not approved by the Board, then neither party may use this Stipulation against the other, and the Stipulation shall be deemed null and void.

14. Respondent and the Department fully understand that this Stipulation, and the subsequent Final Order incorporating same, will not in any way preclude additional proceedings by the Board and/or Department against the Respondent for acts or omissions not specifically detailed in the investigative findings of probable cause.

15. Respondent and the Department expressly waive all further procedural steps, and Respondent expressly waives all rights to seek judicial review of, or to otherwise challenge or contest the validity of, this Stipulation and the Final Order of the Board, if said Stipulation is accepted by the Board and incorporated in the Final Order.

16. Respondent waives the right to seek any attorney's fees or costs from the Department in connection with this disciplinary proceeding.

WHEREFORE, the parties hereto request the Board of Professional Surveyors and Mappers to enter a Final Order accepting and implementing the terms contained herein.

Signed this 1<sup>ST</sup> day of SEPTEMBER 2009.

M. W. Beall

MAURICE W. BEALL  
Respondent

Approved this 9<sup>th</sup> day of October 2009.

[Signature]

Eric R. Hurst  
Assistant General Counsel

Counsel for the Department:

Eric R. Hurst  
Assistant General Counsel  
Florida Bar Number 0879673  
Department of Business and  
Professional Regulation  
Office of the General Counsel  
Northwood Centre  
1940 North Monroe Street, Suite 42  
Tallahassee, Florida 32399-2202

ERH/kem  
Case Number: 2008-043157

<b>FILED</b>	
Department of Business and Professional Regulation	
Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	8/7/2009
File #	

STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION  
BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS

DEPARTMENT OF BUSINESS AND  
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Case No. 2008-043157

MAURICE W. BEALL,

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, Department Of Business and Professional Regulation, files this Administrative Complaint before the Board of Professional Surveyors and Mappers, against Respondent, Maurice W. Beall, and alleges:

1. Petitioner is the state agency charged with regulating the practice of land surveying and mapping, pursuant to Section 20.165, Florida Statutes, and Chapters 455 and 472, Florida Statutes.

2. At all times material to this complaint, Respondent was licensed professional surveyor and mapper in the State of Florida, having been issued license number LS 4281.

3. Respondent's address of record is 12222 Highway 301, Dade City, FL 33525.

4. A complaint was filed by Robert W. Sickler alleging that Respondent's survey of Lot # 132, 12428 Woodlands Circle, Dade City, FL contained several errors.

5. A review of Respondent's surveys using the Minimum Technical Standards (MTS) pursuant to Chapter 61G17-6, Florida Administrative Code, revealed the following:

- a. 61G17-6.003(2)(b)2- Computation data provided was insufficient to confirm if records of the survey have been maintained.
- b. 61G17-6.003(3)(b)8- The bearings and distance along the property lines are not supported by measurements.
- c. 61G17-6.004(2)(a)3- No data was provided to confirm there were no discrepancies between the field measured distances and the records distances along the lot lines.
- d. 61G17-6.004(2)(b)7- The data supplied showing angles and distances to corners and improvements does not show a redundancy of measurements.
- e. 61G17-6.004(2)(c)2- The survey shows a wall straddling the south property line which is indicated as an encroachment but it is not labeled as such.

f. 61G17-6.004(2)(d)2- A 10 foot utility easement is shown on the plat of Lake Jovita Golf & Country Club Phase One, Plat Book 37, page 70 and included as page 26 of the investigative report. This easement is not shown on the maps of the survey submitted on pages 15, 28, and 29. It is shown only on the vacant lot survey on pages 14 and 27.

g. 61G17-6.004(2)(e)1- The wall on the south property line is not dimensioned to the side lot line or to a front or rear lot line. The wall is dimensioned to the south lot line on the revised survey but not to the front or rear lot line to sufficiently indicate the location of the wall.

6. Section 472.033(1)(h), Florida Statutes, states in pertinent part:

Failing to perform any statutory or legal obligation placed upon a licensed surveyor and mapper constitutes grounds for which the disciplinary action in subsection (2) may be taken.

7. Section 472.033(1)(g), Florida Statutes, states in pertinent part:

Proof that the licensee is guilty of fraud or deceit, or of negligence, incompetency, or misconduct, in the practice of surveying and mapping constitutes grounds for which the disciplinary action in subsection (2) may be taken.

COUNT I

8. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of 61G17-6.003(2)(b)2, Florida Administrative Code, by failing to provide sufficient computation data to confirm the records of the survey have been maintained.

COUNT II

9. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of 61G17-6.003(3)(b)8, Florida Administrative Code, by failing to support the bearings and distance along the property lines with measurements.

COUNT III

10. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of 61G17-6.004(2)(a)3, Florida Administrative Code, by failing to provide data to confirm there were no discrepancies between the field measured distances and the record distances along the lot lines.

COUNT IV

11. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of 61G17-6.004(2)(b)7, Florida Administrative Code, by failing to

show a redundancy of measurements in the data showing angles and distances to corners and improvements.

COUNT V

12. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of 61G17-6.004(2)(a)8.d, Florida Administrative Code, by failing label the wall straddling the south property line as an encroachment.

COUNT VI

13. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of 61G17-6.004(2)(d)2, Florida Administrative Code, by failing to show the ten (10) foot utility easement on the maps of the survey.

COUNT VII

14. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of 61G17-6.004(2)(c)2.c, Florida Administrative Code, by failing to dimension the wall on the south property line to the front or rear lot line.

COUNT VIII

15. Based on the foregoing, Respondent has violated Section 472.033(1)(g), Florida Statutes, by negligently

preparing the survey of Lot # 132, 12428 Woodlands Circle, Dade City, FL.

WHEREFORE, Petitioner respectfully requests an order from the Board imposing one or more of the following penalties: imposition of an administrative fine not to exceed one thousand dollars (\$1,000.00) for each count or separate offense, issuance of a reprimand, assessment of costs associated with investigation and prosecution, imposition of any or all penalties delineated within Section 455.227(2), Florida Statutes, and/or any other relief that the Board or the Department is authorized to impose pursuant to Chapters 455 and/or 472, Florida Statutes, and/or the rules promulgated thereunder.

Signed this 30<sup>th</sup> day of July, 2009.

CHARLES W. DRAGO, Secretary  
Department of Business and  
Professional Regulation

By: 

Eric R. Hurst  
Assistant General Counsel  
Florida Bar No. 0879673  
Department of Business and  
Professional Regulation  
Office of the General Counsel  
1940 N. Monroe Street, Ste. 42  
Tallahassee, FL 32399-2202  
(850) 921-8656 Telephone  
(850) 414-6749 Facsimile

PCP Date: 7-28-09  
PCP Members: Mastrorice, Poppo & Bush

ERH/kem

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Sections 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoenas and subpoenas duces tecum issued on his or her behalf if a hearing is requested. Rule 28-106.111, Florida Administrative Code, provides in part that if Respondent fails to request a hearing within twenty-one (21) days of receipt of an agency pleading, Respondent waives the right to request a hearing on the facts alleged.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 455.227(3)(a), Florida Statutes, the Board, or the Department when there is no Board, may assess costs related to the investigation and prosecution of the case excluding costs associated with an attorney's time, against the Respondent in addition to any other discipline imposed.