

**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. 2006-012705

WILLIAM BOYD,
Respondent,

AMENDED FINAL ORDER

THIS CAUSE came before the Board of Professional Surveyors and Mappers (“Board”) pursuant to Sections 120.569 and 120.57(2), Florida Statutes, at a meeting held on May 12th and May 13th, 2010, in the City of Orlando, Orange County, State of Florida, for determination of the status of the Respondent’s progress in completing the probationary sentence imposed in the previous Final Order and consideration of a payment plan in the above styled cause. Respondent was present at the hearing. Petitioner was represented by Mr. Bennett M. Miller, Esq.


Upon consideration of the previous Final Order and the presentation of the parties, and being otherwise fully advised of the premises, **IT IS HEREBY ORDERED AND ADJUDGED:**

1. The previous Final Order is hereby re-approved and re-adopted, except as specifically amended herein. A copy of the Final Order is attached hereto as Exhibit “A” and incorporated herein.
2. Paragraph 1(b) on Page Two of the Final Order is hereby amended to add the following sentences in addition to the language already contained in the previous Final Order: The Respondent shall make payments of \$1,120.13 until such time as

the final balance is paid in full. The first payment is due June 10th, 2010, and due thereafter on the 10th day of each month until the balance is paid in full.

3. Payment shall be made by personal check, certified funds or money order and shall be mailed or otherwise delivered to the Executive Director of the Florida Board of Professional Surveyors and Mappers, 2005 Apalachee Pkwy., Tallahassee, FL 32399-6500.
4. All other terms and conditions of the Final Order shall remain in full force and effect. In the event, the language in this Amended Final Order conflicts with the previous Final Order, this Amended Final Order shall control.
5. Failure to comply with the terms of this Amended Final Order, including timely payment of any fines and/or costs assessed may cause the Respondent to be subjected to further discipline.
6. This Amended 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 18th day of May, 2010.



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 21st day of May, 2010.



Agency Clerk

Copies by Certified U.S. Mail, RRR# 7009 0080 0002 4471 2239
William Boyd, 2051 Laura Lane, West Palm Beach, FL 33415

By hand delivery:
Bennett M. Miller, Board Counsel

Final Order No. BPR-2008-07703 Date: **9-12-08**
FILED

Department of Business and Professional Regulation
AGENCY CLERK

Sarah Wachman, Agency Clerk
By: *Brandon M. Nichol*

STATE OF FLORIDA
BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,
Petitioner,

-vs-

CASE NO.: 2006-012705

LICENSE NO.: LS 6334

WILLIAM BOYD,
Respondent.

FINAL ORDER

THIS MATTER came before the Board of Professional Surveyors and Mappers (Board) pursuant to Sections 120.569 and 120.57(2), Florida Statutes, on October 10 and 11, 2007 in Tallahassee, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A), in the above-styled case. Respondent returned an election of rights form stating that he did not dispute the facts as alleged and waived his appearance before the Board. Respondent was not present at the hearing. Petitioner was represented by Eric R. Hurst, Esquire.

Upon consideration and review of the evidence presented, the Board **FINDS:**

1. No material facts are in dispute.
2. The allegations of fact set forth in the Administrative Complaint are approved.

3. The conclusions of law alleged and set forth in the Administrative Complaint are approved, adopted, and incorporated herein by reference, as the conclusions of law of the Board

4. The violations set forth warrant disciplinary action by the Board.

THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

1. Respondent is placed on probation.

(a) Respondent's license is suspended. However, the suspension is stayed so long as Respondent complies with the terms of probation. If Respondent successfully completes probation, the suspension shall terminate. If Respondent fails to comply with the requirements set forth, then the stay shall be lifted. Once the stay is lifted, the license shall remain in suspended status until Respondent appears before the Board to demonstrate compliance with the Final Order.

(b) Respondent shall pay a fine in the amount of Two Thousand Seven Hundred and Fifty Dollars (\$2,750), and investigative costs in the amount of Six Hundred Ten Dollars and Forty Cents (\$610.40). Respondent shall remit the fines and costs to the Executive Director of the Board of Professional Surveyors and Mappers. Said costs shall be paid within thirty (30) days after the date of filing of the Final Order.

(c) Respondent shall submit proof of professional liability insurance or a statement that professional liability insurance is not required 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 this Final Order.

(d) Respondent shall complete a Minimum Technical Standards (MTS) continuing

education course within ninety (90) days of the date of entry of the Final Order. Respondent shall submit proof of completion of the course directly to the Executive Director of the Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750, within 14 days of the course completion.

(e) Respondent shall complete a Boundary continuing education course within ninety (90) days of the date of entry of the Final Order. Respondent shall submit proof of completion of the course directly to the Executive Director of the Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750, within 14 days of the course completion.

(f) Respondent shall provide the Board with a list of all signed and sealed surveys within 120 days of the date of the filing of this Final Order. 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 and sealed surveys, along with copies of the relevant field notes, the relevant full size record 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.

(g) Respondent is required to appear before the Probation Committee of the Board at such times as directed by the Executive Director. In connection with each probation appearance, Respondent shall answer questions under oath. In addition, Respondent shall provide such other information or documentation as is requested by either the Department, the Board, or the Probation Committee. Respondent shall forward said

documentation to the Board in advance of the probation appearance.

(h) The burden shall be solely upon Respondent to remember the requirement for said appearance, and to take the necessary steps in advance of said appearance to contact the Board office and ascertain the specific time, date, and place of said appearance. Respondent shall not rely on getting notice of said appearance from the Board or the Department.

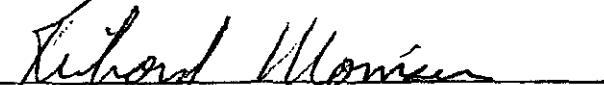
(i) Should Respondent's license to practice surveying and mapping be suspended or otherwise placed on inactive status, or if Respondent leaves the practice of surveying and mapping for thirty (30) days or more, the probation period shall be tolled and shall resume running at the time Respondent reactivates the license or returns to the active practice of surveying and mapping. Respondent shall then serve the time remaining in the term of probation.

2. Should Respondent violate any condition of the probation, it shall be considered a violation of Section 472.033(1)(h), F.S., and shall result in further disciplinary action by the Board.

3. A change in licensure status, including the suspension, revocation, voluntary relinquishment, or involuntary relinquishment of your license does not relieve Respondent of the obligation to pay fines or costs imposed in this Order.

**This Final Order shall become effective upon filing with the clerk of the
Department of Business and Professional Regulation.**

DONE AND ORDERED this _____ day of _____, 2007.


RICHARD MORRISON, Executive Director
Board of Professional Surveyors and Mappers

NOTICE OF RIGHT TO 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 BUSINESS AND PROFESSIONAL REGULATION 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.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by Certified Mail to: WILLIAM BOYD, P.O. Box 2388, West Balm Beach, FL 33402 and 2051 Laura Lane, West Palm Beach, FL 33415 and by hand/interoffice delivery to: Eric R. Hurst, Esq., Office of the General Counsel, 1940 N. Monroe St., Ste. 60, Tallahassee, Florida 32399-2202; The Office of the Board of Surveyors and Mappers, 1940 N. Monroe Street, Tallahassee, Florida 32399; and Diane L. Guillemette, Senior Assistant Attorney General, PL-01 The Capitol, Tallahassee, Florida 32399-1050, on or before 5:00 p.m., this 12th day of September, 2008

Brandon M. Nichols

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

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

v.

Case No. 2006-012705

WILLIAM T. BOYD,

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION ("Petitioner"), files this Administrative Complaint before the Board of Professional Surveyors and Mappers ("Board") against WILLIAM T. BOYD, ("Respondent"), 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 hereto, Respondent was a licensed professional surveyor and mapper in the State of Florida, having been issued license number LS 6334.
3. Respondent's address of record with Petitioner is P.O. Box 2388, West Palm Beach, Florida 33402.
4. This investigation was predicated upon a complaint from Khamedat Persaud ("Complainant"), who alleges that Respondent performed two incorrect surveys which are

incorrect because they have differences. These differences have made it impossible to sell Complainant's property.

5. 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; violating any provision of chapter 472, and for failing to comply with any order or rule promulgated by the Board, constitutes grounds for which disciplinary action may be taken.

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

Upon 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 disciplinary action may be taken.

7. A review of the surveys using the Minimum Technical Standards (MTS) pursuant to Chapter 61G17-6.003 through 6.004, Florida Administrative Code, revealed the following:

(1) 61G17-6.003(3)(h)- subject failed to locate the North and East boundary of Section 31.

(2) 61G17-6.003(3)(i)- No field measurements were shown or noted on the map to support the ties to the North and East boundary of Section 31 on the map of the survey.

(3) 61G17-6.003(3)(j)- No bearing reference is shown on the survey map.

(4) 61G17-6.004(2)(a)2.- The boundaries of Section 31 were never located by survey measurements.

(5) 61G17-6.004(2)(b)2.- There was no effort made to revise the survey to reflect the true boundary position.

(6) 61G17-6.004(c)2.- There was a legal obligation to revise the survey map to reflect the true relationship of the fence adjacent to Complainant's easterly boundary, and also show other improvements on the property.

COUNT I

8. Based on the foregoing, Respondent violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.003(3)(h), Florida Administrative Code, by failing to locate the North and East boundary of Section 31.

COUNT II

9. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.003(3)(i), Florida Administrative Code, by failing to show field measurements on the map.

COUNT III

10. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.003(3)(j), Florida Administrative Code, by failing to show a bearing reference on the survey map .

COUNT IV

11. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.004(2)(a)2., Florida Administrative Code, by failing to locate the boundaries called for in Section 31.

COUNT V

12. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.004(2)(b)2., Florida Administrative Code, by failing to revise the survey to reflect the true boundary position.

COUNT VI


13. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of , Rule 61G17-6.004(c)2., Florida Administrative Code, by failing to revise the survey map to reflect the true relationship of the fence and improvements.

COUNT VII

14. Based on the foregoing, Respondent has violated Section 472.033(1)(g), Florida Statutes, by failing to adhere to Minimum Technical Standards (MTS).

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 13th day of July 2007.


Eric R. Hurst
Assistant General Counsel

Counsel for the Department:

Eric R. Hurst
Assistant General Counsel
Florida Bar No. 0879673
Department of Business and
Professional Regulation
1940 North Monroe Street
Tallahassee, FL 32399-2202
Telephone: (850) 921-8656

FILED

Department of Business and Professional Regulation
AGENCY CLERK

CLERK Sarah L. Washman
DATE 7-23-2007

ERH/ecb

PCP: 7-10-2007

Blakenship and Echezabal