

**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. 2009031657

Lic. No. LB 5986

**ENVIRONMENTAL LAND SERVICES, INC.**

Respondent,

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**ORDER LIFTING STAY OF SUSPENSION**

**THIS CAUSE** came before the Board of Professional Surveyors and Mappers ("Board") on May 11, 2011 in the City of Tallahassee, Leon County, State of Florida, for consideration of the Respondent's completion of the terms of the Final Order, in the above styled case. Respondent was not present at the hearing. The Board was represented by Mr. Bennett M. Miller, Esq.

Upon review of the evidence presented, the **BOARD FINDS:**

1. The Respondent was disciplined under the terms of a previous Final Order of the Board on November 10, 2009.
2. A copy of the previous Final Order is attached to this Order and incorporated herein.
3. The Respondent was required to pay fines and costs within a specified time.
4. To date, no payment has been made to the Department.
5. Based upon the foregoing, the Committee found that there had been willful non-compliance with the terms of the probationary sentence, as stated in the previous Final Order, without justification or excuse.
6. Therefore, the Respondent has violated probation.


7. An Order lifting the stay of suspension and imposing a license suspension is appropriate.

**THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:**

1. The report and recommendation by the Committee is hereby adopted.
2. Respondent's license is hereby **SUSPENDED** until such time as there is compliance with the terms of the previous Final Order.
3. If the Respondent files a Petition for Reinstatement in conformity with the applicable administrative rules, the Board may consider the Petition and may reinstate the license.
4. The Respondent **SHALL SURRENDER** its seal by mailing same to the Executive Director of the Board of Professional Surveyors and Mappers, 2005 Apalachee Pkwy., Tallahassee, FL 32399-6500, within thirty (30) days of the entry of this Order.

This Order shall become effective upon being filed with the Agency Clerk of the Department of Agriculture and Consumer Services, whose seal is affixed hereon.

**DONE AND ORDERED** this 20<sup>th</sup> day of May, 2011.

  
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Leon M. Biegalski, Executive Director,  
Board of Professional Surveyors and Mappers  
For Arthur Mastronicola, Jr., 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 24<sup>th</sup> day of May, 2009.



Agency Clerk

Copies by Certified U.S. Mail, RRR, # 7006 0100 0003 1115 9611  
7006 0100 0003 1115 9642  
Respondent Name & address:  
Environmental Land Services, Inc., 3677 Central Avenue, Suite G, Ft. Myers, FL 33901  
Philip L. Burnett, Registered Agent, 2449 First Street, Ft. Myers, FL 33902  
By hand delivery:  
Bennett Miller, Board Counsel

**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. 2009-031657

**ENVIRONMENTAL LAND SERVICES, INC.,  
Respondent,**

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**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*, on November 18, 2010, in the City of St. Augustine, St. Johns County, State of Florida, for consideration of the Administrative Complaint in the above styled cause. The Respondent was not present and was not represented by counsel. Petitioner was represented by Mr. Eric H. Miller, Esq. The Board was represented by Mr. Bennett M. Miller, Esq.

Upon consideration and review of the motion and the arguments of the parties, the Board makes the following **FINDINGS OF FACT**:

1. The Respondent was served with the Administrative Complaint. A copy of the Administrative Complaint is attached to this Final Order as Exhibit "A" and incorporated herein.
2. The Respondent did not return the Election of Rights form.
3. The Respondent has waived its right to dispute the material facts and is not entitled to a Section 120.57(1), *Florida Statutes*, hearing.
4. No material facts are in dispute.

EXHIBIT #1


5. The allegations of fact set forth in the Administrative Complaint are approved and adopted as findings of fact in this Final Order.
6. 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.
7. The violations set forth warrant disciplinary action by the Board.

**THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:**

8. The Respondent is adjudicated guilty as to each count in the Administrative Complaint.
9. Respondent shall pay a fine in the amount of two thousand (\$2000.00) dollars and investigative costs of one hundred and eighty (\$180.00) dollars. Respondent shall make funds payable to the Board of Professional Surveyors and Mappers and remit the fines and costs to the Executive Director of the Board of Professional Surveyors and Mappers at 2005 Apalachee Pkwy., Tallahassee, FL 32399-6500. Said costs shall be paid within thirty (30) days after the date of the filing of the Final Order.
10. To further assure payment of fines and costs, it is further order that the Respondent's license to practice shall be suspended with the imposition of the suspension being stayed for ninety (90) days from the date of the filing of the Final Order. If the ordered fines and costs are paid within ninety days, then the suspension ordered shall not be imposed upon the Respondent and shall be lifted. However, if the Respondent fails to pay the fines and costs within said period, then immediately upon expiration of the stay, the Respondent shall surrender the license to the Department.

11. Should the Respondent violate any condition of the probation, it shall be considered a violation of Section 472.033(1)(h), *Florida Statutes*, and shall result in further disciplinary action by the Board.
12. A change in licensure status or the voluntary or involuntary dissolution of the business entity does not relieve the Respondent of the obligation to pay fines or costs imposed in this Final Order.
13. This Final Order shall become effective upon filing with the Agency Clerk of the Department.

DONE AND ORDERED this 8<sup>th</sup> day of December, 2010.

  
Leon M. Biegalski, Executive Director,  
Board of Professional Surveyors and Mappers  
For ARTHUR MASTRONICOLA, JR., 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 9<sup>th</sup> day of December, 2010.

Paul W Belmont  
Agency Clerk

790 2780 0000 9455 7007 2<sup>nd</sup> TIME

Copies by U.S. Mail: RRR#: 7009 0080 0002 4471 2420  
Respondent Name & address:  
Environmental Land Services, 3677 Central Avenue, Suite G, Fort Myers, FL 33901

By hand delivery:  
Patrick Crechan, Prosecuting Attorney