

**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. 2008067200

HUGHES & ASSOCIATES SURVEYING, INC.,
Respondent,

FINAL ORDER IMPOSING FINE

THIS CAUSE came before the Board of Professional Surveyors and Mappers ("Board") pursuant to Sections 120.569 and 120.57(2), Florida Statutes, on February 18, 2010, in Tallahassee, Leon County, State of Florida, for consideration of the Administrative Complaint, in the above styled case. Respondent was not present at the hearing. Petitioner was represented by Mr. Eric H. Miller, Esquire. The Board was represented by Mr. Bennett M. Miller, Esq.

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

1. Respondent was served with the Administrative Complaint.
2. A copy of the Administrative Complaint is attached as Exhibit "A" and incorporated herein.
3. No material facts are in dispute.
4. The case materials were entered into evidence.
5. The allegations of fact set forth in the Administrative Complaint are approved, adopted, and incorporated herein by reference, as the findings of fact of the Board.

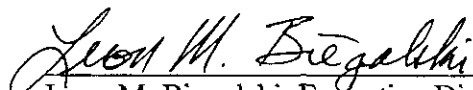
6. The conclusions of law alleged and set forth in the Administrative Complaint are approved, adopted, and incorporated herein by reference, as the conclusions of law of the Board.
7. The Respondent is adjudicated guilty on all counts of the Administrative Complaint and the violations set forth warrant disciplinary action by the Board.

THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

1. Respondent shall pay a fine in the amount of ONE THOUSAND AND SEVEN HUNDRED AND FIFTY DOLLARS (\$1750.00), Respondent shall remit the fines and costs to the Executive Director of the Board of Professional Surveyors and Mappers, 2005 Apalachee Pkwy., Tallahassee, FL 32399-6500. Said costs shall be paid within thirty (30) days after the date of the filing of this Final Order.
2. Respondent's license is NULL AND VOID.
3. A change in licensure status, including the reinstatement of the license by the Board, does not relieve Respondent of the obligation to pay fines or costs imposed in this Order.

This Final 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 4th day of March, 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 30th day of March, 2010.



Agency Clerk

Copies by Certified U.S. Mail, RRR, # 7009 2250 0003 5751 3342
Respondent Name & address:
Hughes & Associates Surveying, Inc. 782 NW Avens St., Port St. Lucie, FL 34983

By hand delivery:
Bennett Miller, Board Counsel
Eric H. Miller, Prosecuting Attorney

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK Brandon Nichols
Date **9/9/2009**
File #

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. 2008-067200

HUGHES AND ASSOCIATES SURVEYING, INC.,

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, Department Of Business and Professional Regulation, files this Administrative Complaint before the Board of Professional Surveyors and Mappers, against Respondent, HUGHES AND ASSOCIATES SURVEYING, INC., 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 surveying and mapping business in the State of Florida, having been issued license number LB 7447.

3. Respondent's address of record is 782 NW Avens St., Port St. Lucie, FL 34983.

4. Respondent's license has been in "Delinquent, Active" status since February 28, 2007

5. Respondent has been doing survey work as recently as September 24, 2008.

6. On a survey conducted on September 24, 2008, Respondent listed Christopher D. Golding as the surveyor conducting the survey.

7. Mr. Golding left the State of Florida in June of 2007 and has not performed any survey work in Florida since that time.

8. Section 472.033(1)(i), Florida Statutes, states in pertinent part that "practicing on a revoked, suspended, inactive, or delinquent license" constitutes grounds for disciplinary action.

9. Section 472.033(1)(e), Florida Statutes, states that the following constitutes grounds for disciplinary action:

Making or filing a report or records that the licensee knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducting another person to impede or obstruct such filing. Such reports or records shall include only those that are signed in the capacity of a registered surveyor and mapper.

10. Section 472.033(1)(g), Florida Statutes, states in pertinent part that "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 disciplinary action.

11. Section 455.227(1)(a), Florida Statutes, states in pertinent part that "making misleading, deceptive, or fraudulent representations in or related to the practice of the licensee's profession" constitutes grounds for disciplinary action.

COUNT I

12. Based on the foregoing, Respondent has violated Section 472.033(1)(i), Florida Statutes, by practicing on a delinquent license.

COUNT II

13. Based on the foregoing, Respondent has violated Section 472.033(1)(e), Florida Statutes, by falsely listing Christopher D. Golding as the surveyor on the September 24, 2008 survey.

COUNT III

14. Based on the foregoing, Respondent has violated Section 472.033(1)(g), Florida Statutes, by falsely listing Christopher D. Golding as the surveyor on the September 24, 2008 survey.

COUNT IV

15. Based on the foregoing, Respondent has violated Section 455.227(1)(a), Florida Statutes, by falsely listing

Christopher D. Golding as the surveyor on the September 24, 2008 survey.

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 30th 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, Pappell & 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.

MEMORANDUM OF FINDING OF PROBABLE CAUSE

TO: DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
OFFICE OF THE GENERAL COUNSEL

FROM: CHAIRPERSON, PROBABLE CAUSE PANEL

BOARD: PROFESSIONAL SURVEYORS AND MAPPERS

RE: HUGHES AND ASSOCIATES SURVEYING, INC. CASE NUMBER: 2008-067200

LICENSE NO.: LB 7447

DATE OF PROBABLE CAUSE PANEL MEETING: 7/22/09

THIS MATTER WAS BROUGHT BEFORE THE PROBABLE CAUSE PANEL MEMBERSHIP COMPOSED OF: MASTRONICOLA, ~~ROZELABAY~~ & POPPELL *Dush* ON THE DATE SET FORTH ABOVE. THE PANEL, HAVING RECEIVED THE INVESTIGATIVE REPORT, HAVING CAREFULLY REVIEWED THAT REPORT, HAVING REVIEWED THE RECOMMENDATION OF THE DEPARTMENT AND HAVING HAD THE OPPORTUNITY TO INQUIRE OF COUNSEL AND BEING OTHERWISE DULY ADVISED IN THE PREMISES THEREOF, FINDS THAT:

PROBABLE CAUSE WAS NOT FOUND IN THIS CASE.

PROBABLE CAUSE WAS FOUND ON THE FOLLOWING STATUTORY AND RULE GROUNDS, INCLUDING BUT NOT LIMITED TO, SECTIONS: 472.033(1)(i), Florida Statutes; ^{(e), (g) +} 455.227(1)(a)

PROBABLE CAUSE WAS FOUND TO AMEND THE ADMINISTRATIVE COMPLAINT AS FOLLOWS: _____

ALTHOUGH PROBABLE CAUSE WAS PREVIOUSLY FOUND, THE ADMINISTRATIVE COMPLAINT SHOULD BE DISMISSED.



CHAIRPERSON, PROBABLE CAUSE PANEL