

**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. 2007042322
License No. LS 4935

GLENN A. PRICE
Respondent,

ORDER LIFTING STAY OF SUSPENSION

THIS CAUSE came before the Board of Professional Surveyors and Mappers ("Board") on February 17th and 18th, 2010, in Tallahassee, Leon County, State of Florida, for consideration of the Respondent's completion of the terms of probation, 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 placed on probation under the terms of a previous Final Order of the Board. A copy of the previous Final Order is attached to this Final Order and incorporated herein.
2. The Respondent was sentenced to complete special conditions of probation in the Final Order, including paying fines, paying costs, paying
3. Respondent has failed to pay fines in the amount of \$2500.00.
4. Respondent has failed to pay costs in the amount of \$99.74.
5. Respondent has failed to submit proof of liability insurance or a statement that proof of liability insurance is not required under applicable statute and rule.
6. Respondent failed to submit a list of signed and seal surveys.


7. Respondent failed to complete a Boundary Education course.
8. Respondent failed to complete a Minimum Technical Standards course.
9. Based upon the foregoing, the Committee finds that there has been willful non-compliance with the terms of the probationary sentence has stated in the previous Final Order without justification or excuse.
10. Therefore, the Respondent has violated probation.
11. 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 he complies with the terms of the Final Order.
3. If the Respondent complies with the requirements of the previous Final Order and 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** their 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 11th 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.

Copies by Certified U.S. Mail, RRR, # 7009 2250 0003 5750 2162
Respondent Name & address:
Glenn A. Price, 36937 Jefferson Ave., Dade City, FL 33523

By hand delivery:
Bennett Miller, Board Counsel

Filed with the Clerk this 30th day of March, 2010.


Agency Clerk

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	8/6/2009
File #	2009-06505

**STATE OF FLORIDA
BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS**

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,
Petitioner,

-vs-

CASE NO.: 2007-042322

LICENSE NO.:LS 4935

GLENN A. PRICE,
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 April 8 and 9, 2009 in Kissimmee, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A), in the above-styled case. Respondent was served with the Administrative Complaint by certified mail. Respondent did not return an election of rights. 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. Respondent has waived his right to dispute the material facts and is not entitled to a 120.57, F.S. hearing.

2. No material facts are in dispute.

3. The allegations of fact set forth in the Administrative Complaint are approved.

4. 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.

5. 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 five hundred dollars (\$2,500), and investigative costs in the amount of ninety nine dollars and seventy four cents (\$99.74). Respondent shall remit the fines and costs to the Executive Director of the Board of Professional Surveyors and Mappers, P.O. Box 5377, Tallahassee, Florida 32314-5377. 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,

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, 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, 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 _____, 2009.




RICHARD MORRISON, Executive Director
For JEFFERY COONER, Chair
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: GLENN A. PRICE, Glenn Price Surveying and Mapping, Inc., 15000 Citrus County, Suite 200, Dade City, FL 33523, 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 Professional Surveyors and Mappers, P.O. Box 5377, Tallahassee, Florida 32314-5377; and Diane L. Guillemette, Senior Assistant Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050, on or before 5:00 p.m., this 6th day of August, 2009.

Brandi M. Nishole

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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. 2007-042322

GLENN A. PRICE,

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, Department Of Business And Professional Regulation, ("Petitioner"), files this Administrative Complaint before the Board of Professional Surveyors and Mappers, against Glenn A. Price, ("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. Respondent is and has been, at all times material hereto, a licensed surveyor and mapper in the State of Florida, having been issued license number LS 4935.

3. Respondent's last known address of record was 15000 Citrus County Dr., Ste. 200, Dade City, Florida 33523.

4. Respondent contracted with Larry E. Nelson to provide as-built surveys.

5. Surveys provided by Respondent to Nelson on December 14, 2006, were rejected by the engineers.

6. Although Respondent has received full compensation in the amount of ten thousand, five hundred dollars (\$10,500.00), he has refused to complete or correct the surveys.

7. Respondent failed to comply with a December 17, 2007 investigative subpoena issued by Department, by failing to provide any items required by the Surveyor's Checklist.

8. Section 472.033(1)(h), Florida Statutes, states in pertinent part that, "failing to perform any statutory or legal obligation placed upon a licensed surveyor and mapper; violating any provision or this chapter, a rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing; or failing to comply with a lawfully issued subpoena of the department," constitutes grounds for which disciplinary action may be taken.

9. Section 472.033(1)(g), Florida Statutes, states in pertinent part that a licensee is subject to disciplinary action "upon proof that the licensee is guilty of fraud or deceit, or of negligence, incompetency, or misconduct, in the practice of surveying and mapping."

10. A review of Respondent's surveys using the Minimum Technical Standards (MTS) pursuant to Chapter 61G17-6, Florida Administrative Code and Chapter 177, Florida Statutes, revealed the following:

- a. 61G17-6.003(1)(c): Respondent failed to provide field notes and computation or data files to support mapping.
- b. 61G17-6.003(2)(b): Respondent's survey is labeled as "Specific Purpose Survey," but is clearly an "As-Built," which is one of the defined types per MTS.
- c. 61G17-6.003(3)(f): Respondent failed to provide insurance information or a statement on the survey stating that the survey is not covered.
- d. 61G17-6.003(3)(1): Respondent failed to describe abbreviations used in survey.
- e. 61G17-6.003(3)(d): Respondent failed to include a Date of Survey on the survey provided.
- f. 61G17-6.004(1)(a): Respondent failed to clarify what was and was not as-built. Respondent's survey requires assumptions to be made in order to make a correct comparison to the construction plans.

g. 61G17-6.004(1)(b): Respondent failed to clarify as to what improvements were located by the survey.

h. 61G17-6.004(1)(c): Respondent's maps, as presented, fail to meet MTS or the FDEP per the complaint.

COUNT ONE

11. Petitioner re-alleges and incorporates the allegations set forth in paragraphs one (1) through ten (10) as though set forth herein.

12. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, by failing to produce documents in compliance with the Department's investigative subpoena.

COUNT TWO

13. Petitioner re-alleges and incorporates the allegations set forth in paragraphs one (1) through ten (10) as though set forth herein.

14. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.003(1)(c), Florida Administrative Code, by failing to provide field notes and computations or data to support mapping.

COUNT THREE

15. Petitioner re-alleges and incorporates the allegations set forth in paragraphs one (1) through ten (10) as though set forth herein.

16. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.003(2)(b), Florida Administrative Code, by labeling survey as a "Specific Purpose Survey," when it is clearly an "As-Built."

COUNT FOUR

17. Petitioner re-alleges and incorporates the allegations set forth in paragraphs one (1) through ten (10) as though set forth herein.

18. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.003(3)(f), Florida Administrative Code, by not providing insurance a filing to state on the survey that the survey is not covered.

COUNT FIVE

19. Petitioner re-alleges and incorporates the allegations set forth in paragraphs one (1) through ten (10) as though set forth herein.

20. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of

Rule 61G17-6.003(3)(1), Florida Administrative Code, by failing to describe abbreviations.

COUNT SIX

21. Petitioner re-alleges and incorporates the allegations set forth in paragraphs one (1) through ten (10) as though set forth herein.

22. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.003(3)(d), Florida Administrative Code, by failing to provide a Date of Survey.

COUNT SEVEN

23. Petitioner re-alleges and incorporates the allegations set forth in paragraphs one (1) through ten (10) as though set forth herein.

24. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.004(1)(a), Florida Administrative Code, by failing to clarify what was as-built.

COUNT EIGHT

25. Petitioner re-alleges and incorporates the allegations set forth in paragraphs one (1) through ten (10) as though set forth herein.

26. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of

Rule 61G17-6.004(1)(b), Florida Administrative Code, by failing to clarify what improvements were located by the survey.

COUNT NINE

27. Petitioner re-alleges and incorporates the allegations set forth in paragraphs one (1) through ten (10) as though set forth herein.

28. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.004(1)(c), Florida Administrative Code, by providing maps that fail to meet MTS or the FDEP per the complaint.

COUNT TEN

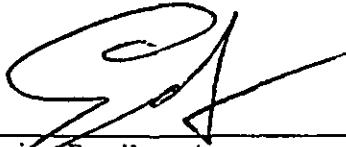
29. Petitioner re-alleges and incorporates the allegations set forth in paragraphs one (1) through ten (10) as though set forth herein.

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

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 14th day of July, 2008.



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

FILED
Department of Business and Professional Regulation
DEPUTY CLERK
CLERK Brandt M. Nichols
DATE 8-12-2008

ERH/jcp/kem

PCP: 7/8/08

Poppell, Echezabal

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PS Form 3811, June 2002		

7006 0100 0003 1115 8782

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery <u>12/19/07</u></p> <p>D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below: _____</p>
<p>1. Article Addressed to:</p> <p style="margin-left: 20px;">Glenn A. Price 36937 Jefferson Avenue Dade City, Florida 33523</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) <u>7006 0100 0003 1115 8782</u></p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	