

**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. 2009-036193  
LS 6443

**GARY SALZMAN**

Respondent,

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**ORDER LIFTING STAY OF SUSPENSION**

**THIS CAUSE** came before the Board of Professional Surveyors and Mappers ("Board") on August 11, 2011 in the City of St. Augustine, St. John's County, State of Florida, for consideration of the Respondent's completion of the terms of probation, in the above styled case. The 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 on December 2<sup>nd</sup>, 2010, under the terms of a previous Final Order of the Board.
2. A copy of the previous Final Order is attached to this Order and incorporated herein.
3. The terms of the Final Order required the Respondent to complete the general conditions of probation and certain special conditions of probation, including payment of fines and costs, submission of proof of attendance at a continuing education course on minimum technical standards, submission of a statement on

professional liability insurance, and submission of a set of surveys for review by the Probation Committee.


4. Respondent failed to complete any of the special conditions of probation, except proof of compliance with the applicable administrative rule regarding professional liability insurance was submitted late on January 3, 2011.
5. Based upon the foregoing, the Board **FINDS AS FACT** 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, and the Respondent has failed to demonstrate minimum professional competency.
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. Respondent's license is hereby **SUSPENDED** until such time as he complies with the terms of the previous Final Order.
2. 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.
3. The Respondent **SHALL SURRENDER** his 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 17<sup>th</sup> day of AUGUST, 2011.

  
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 18<sup>th</sup> day of August, 2011.

  
Agency Clerk

Copies by Certified U.S. Mail, RRR, #7006 0100 0003 1115 9710  
7006 0100 0003 1115 9796

Respondent Name & address:

Mr. Gary Salzman, 9210 W. Highland Pines, Blvd., Palm Beach Gardens, FL 33418  
203 E. LAUTANA ROAD, APT 9, LAUTANA, FL 33462

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. 2009-036193  
Agency Clerk #A70872

**GARY SAMUEL SALZMAN,**  
Respondent,

---

**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. John's County, State of Florida, for consideration of the Administrative Complaint, in the above styled case. A copy of the Administrative Complaint is attached hereto as Exhibit "A" and incorporated herein. Respondent was present at the hearing and represented by Mr. Fred H. Gelston, Esq. 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 evidence presented, the **BOARD FINDS:**

1. Respondent has waived his right to dispute the material facts and is not entitled to a hearing pursuant to Section 120.57(1), Florida Statutes.
2. No material facts are in dispute.
3. The allegations of fact set forth in the Administrative Complaint are approved, adopted and incorporated herein as the findings of fact by the Board. All cases materials are admitted as evidence in this case.

12v "A"

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. The Respondent is adjudicated guilty on all counts as alleged in the Administrative Complaint.
2. Respondent shall pay fines in the amount of twelve thousand, one hundred and twenty-five (\$12,125) dollars and no cents. Said fine shall consist of a three hundred and seventy-five dollars (\$375.00) for each of the nineteen counts in the Administrative Complaint alleging violations of Section 472.0351(1)(h), *Florida Statutes*, (2010) and a fine of five hundred dollars (\$500) for each of the ten counts in the Administrative Complaint alleging violations of Section 472.0351(1)(g), *Florida Statutes*, (2010). There are no investigative costs claimed by the Department. Respondent shall remit the fine to the Executive Director of the Board of Professional Surveyors and Mappers, 2005 Apalachee Pkwy., Tallahassee, FL 32399-6500. Said fine shall be paid within ninety (90) days after the date of the filing of this Final Order.
3. To assure payment of the fine, it is further ordered that 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 this Final Order. If the ordered fines are paid within that ninety (90) day period, the suspension imposed shall not take effect. Upon payment of the fine after the ninety (90) days, the suspension imposed shall be lifted. If the licensee does not pay the fine within said period, then

immediately upon expiration of the stay, he shall surrender his seal to the Department of Agriculture and Consumer Services.

4. As to all counts as alleged in the Administrative Complaint, the Respondent is placed on probation until such time as the sentence is completed. Respondent's license is hereby suspended. However, the suspension is stayed so long as the Respondent complies with the terms of probation.

- (a) If the 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 the Respondent appears before the Board to demonstrate compliance with the Final Order.

- (b) 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, 2005 Apalachee Pkwy., Tallahassee, FL 32399-6500, within thirty (30) days of the entry of this Final Order.

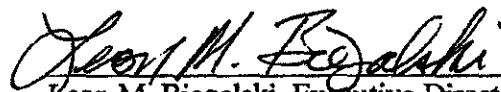
- (c) Respondent shall complete a six (6) hour continuing education course in Ethics within one hundred and twenty (120) days of the date of the entry of the Final Order. Respondent shall submit proof of completion of the course directly to the Executive Director of the Board of Professional Surveyors and Mappers, 2005 Apalachee Pkwy., Tallahassee, FL 32399-6500, within fourteen (14) days of the course completion.

- (d) Respondent shall provide the Board with a list of all signed and sealed surveys completed within one hundred and twenty (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 mail 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 Rule 5J-17, *Florida Administrative Code*.
- (e) 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.
- (f) The burden shall be solely upon the 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 Department.

- (g) Should Respondent's license to practice surveying and mapping be suspended or otherwise placed on inactive status, the probation period shall be tolled and shall resume running at the time Respondent reactivates the license. Respondent shall then serve the remaining time in the term of probation.
5. Should 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, in addition to any suspension or other remedy imposed as part of probation under this Final Order.
6. A change in licensure status, including the suspension, revocation, voluntary relinquishment, or involuntary relinquishment of Respondent's license does not relieve Respondent of the obligation to pay the fine 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 29<sup>th</sup> day of NOVEMBER, 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 2<sup>nd</sup> day of December, 2010.

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

Copies by Certified U.S. Mail, RRR, # 7009 0080 0002 4471 2/13  
Respondent Name & address:  
Gary Samuel Salzman, 9210 W. Highland Pines Blvd., Palm Beach Gardens, FL 33418

By US Mail:  
Mr. Fred H. Gelston, Esq. 601 N. Dixie Highway, Ste. C, West Palm Beach, FL 33402-3546

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

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

CONSUMER SERVICES  
2010 SEP 7 AM 11 07

DEPARTMENT OF AGRICULTURE AND  
CONSUMER SERVICES,

Petitioner.

v.

Case No. 2009-036193  
Agency Clerk No. A69413

GARY SAMUEL SALZMAN,

Respondent.

CONSUMER SERVICES  
2010 SEP 7 AM 11 07

ADMINISTRATIVE COMPLAINT

Petitioner, Department of Agriculture and Consumer Services, files this Administrative Complaint before the Board of Professional Surveyors and Mappers, against Respondent, Gary Samuel Salzman, and alleges:

General Allegations

1. Petitioner is the state agency charged with regulating the practice of land surveying and mapping, pursuant to Chapter 472, Florida Statutes.
2. At all times material to this complaint, Respondent was licensed as a professional surveyor and mapper in the State of Florida, having been issued license number LS 6443.
3. Respondent's address of record is 9210 W. Highland Pines Blvd., Palm Beach Gardens, FL 33418.
4. A complaint was filed by Andrew Snyder ("Snyder"), managing member of Land Tech Surveying and Inspections, L.C. ("Land Tech"), alleging Respondent diverted survey orders from Land Tech through an ongoing arrangement with an employee of the business. The

Department's Exhibit

1

Complainant also alleged Respondent used the proprietary systems of Land Tech for business communications and document preparation through the same arrangement.

5. At all material times Snyder was a licensed surveyor with license LS 5639.
6. At all material times Land Tech operated under certificate of authority LB 6799.
7. At all material times Kathleen Rapsis ("Rapsis") was employed by Land Tech.
8. At all material times Rapsis was authorized to use the email address "krapsis@landtechsurvey.com" in the course of her authorized duties on behalf of Land Tech.
9. At all material times Rapsis maintained a personal email address of "krapsis@hotmail.com."
10. At all material times Respondent maintained the email address "daatmon@bellsouth.net."
11. At all material times Respondent was neither employed by nor under contract to Land Tech.
12. At all material times Respondent knew Rapsis was employed by Land Tech.
13. At all material times Respondent was aware of Rapsis' access to the forms, records, and other proprietary information used by Land Tech in the course of its business.
14. At all material times Respondent was not authorized to use the word "Landtech," the phrase "Landtech surveying," the designation "LT," or any proprietary symbols, words, or phrases belonging to Land Tech in the course of performing surveying and mapping services.
15. At all material times certificate of authority LB 6443 was duly issued to Central Florida Surveying and Mapping, Inc., and Respondent neither was the surveyor of record for LB 6443 nor authorized to use that certificate of authority in the practice of surveying and mapping.

16. Former Florida Administrative Code Rule 61G17-2.001(6)(j) [now Rule 5J-

17.010(6)(j)] states in pertinent part:

Licenseses ... shall be disciplined for misconduct in the practice of surveying and mapping. Violations of paragraphs (a) through (l) of this subsection constitute misconduct.

...

(j) Licenseses ... may not knowingly associate with or permit the use of their names in a business venture with any person ... which the licensee knows or should know is engaging in unlawful, fraudulent or dishonest business or professional practices.

17. Former Florida Administrative Code Rule 61G17-2.001(6)(b) [now Rule 5J-

17.010(6)(b)] states in pertinent part:

Licenseses ... shall be disciplined for misconduct in the practice of surveying and mapping. Violations of paragraphs (a) through (l) of this subsection constitute misconduct.

...

(b) Licenseses ... may not be untruthful, deceptive or misleading in any professional report (or) statement ...

1. A professional report (or) statement is false, fraudulent, deceptive or misleading if it: contains a material misrepresentation of fact; omits the statement of any material fact that is necessary to form a complete and accurate understanding of the communication; or is intended or is likely to create an unjustified expectation.

18. Former Florida Administrative Code Rule 61G17-2.001(3) [now Rule 5J-

17.010(3)] states in pertinent part:

Licenseses ... shall be disciplined for failing to abide by the minimum technical standards set out in Rule Chapter 61G17-6, F.A.C. [now 5J-17.050 through 5J-17.052, F.A.C.]

19. Former Florida Administrative Code Rule 61G17-6.003(3)(b)2 [now Rule 5J-

17.051(3)(b)2] states in pertinent part:

(3) Surveys, Maps, and/or Survey Products Content.

...

(b) Surveyors and mappers must meet the following minimum standards of accuracy, completeness, and quality:

...

2. All survey maps and reports must bear the name, certificate of authorization number, and street and mailing address of the business entity issuing the map and report, along with the name and license number of the surveyor and mapper in responsible charge. The name, license number, and street and mailing address of a surveyor and mapper practicing independent of any business entity must be shown on each survey map and report.

20. Former §472.033(1)(g), Florida Statutes (2008) [now §472.0351(1)(g), Fla. Stat.

(2010)], states in pertinent part:

The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

...

(g) Upon proof that the licensee is guilty of fraud or deceit, or of negligence, incompetency, or misconduct, in the practice of surveying and mapping ...

21. Former §472.033(1)(h), Florida Statutes (2008) [now §472.0351(1)(h), Fla. Stat.

(2010)], states in pertinent part:

The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

...

(h) Failing to perform any statutory or legal obligation placed upon a licensed surveyor and mapper; violating any provision of this chapter, a rule of the board or department ...

**Count I: Violation of §472.033(1)(g) by Violating Rule 61G17-2.001(6)(i)**

22. Petitioner incorporates and restates the allegations in paragraphs 1-14, 16, and 20.

23. On February 23, 2009, Respondent was engaged by Direct Title Insurance Agency, Ltd. ("Direct Title"), to prepare a survey and elevation certificate for the property located at 2032 Ardmore Road, West Palm Beach, FL.

24. On February 25, 2009, Respondent sent copies of the information received from Direct Title to Rapsis at her hotmail email account at approximately 8:52 a.m. On February 25, 2009, Rapsis sent a draft of the elevation certificate for the property on Ardmore Road from her Land Tech email account to Respondent and Direct Title. Rapsis subsequently used her Land Tech email account to correspond with Respondent concerning this engagement on February 25, 2009, at 1:40 and 4:14 p.m., and on March 4, 2009, at 10:09 a.m.

25. On March 3, 2009, Respondent sent information and documents for Rapsis to prepare a final survey map for the property located at 380 Churchill Road, West Palm Beach, FL.

26. On March 5, 2009, Rapsis used her Land Tech email account to send Respondent a draft survey map for the property on Churchill Road. The draft was prepared on a form bearing the Land Tech logo, name, and address. Rapsis used the Land Tech email account to send Respondent subsequent drafts without the Land Tech information on March 5 and 10, 2009.

27. On April 13, 2009, Fast Title, Inc., requested Rapsis to arrange for a survey of 1277 SW Alcantarra Blvd., Port St. Lucie, FL. On April 14, 2009, at 9:42 a.m., Rapsis used her Land Tech email account to direct the engagement order to her hotmail email account. On the same date, at 11:37 a.m., Rapsis used her hotmail account to confirm the survey would be prepared by Respondent. At 12:01 p.m., Rapsis used her Land Tech email account to inform Respondent of the engagement by sending him copies of the documents provided. On April 16, 2009, at 6:37 p.m., Rapsis used her Land Tech email account to send Respondent a draft survey map and related data Rapsis prepared for the property on SW Alcantarra Blvd.

28. Respondent executed a survey dated April 15, 2009, for the property at 1277 SW Alcantarra Blvd., Port St. Lucie, FL.

29. On April 20, 2009, at 12:51 p.m., Fast Title, Inc., placed an online order with Land Tech for a boundary survey of the property at 193 NW Heather Street, Port St. Lucie, FL. At 1:43 p.m. on the same date a notice of the new order was forwarded from the Land Tech system to Rapsis. On April 21, 2009, at 6:33 p.m., Rapsis used her Land Tech email account to send scanned documents to Respondent. At 7:10 p.m. on the same date Respondent sent copies of field notes and a sketch of the property to Rapsis at her hotmail account. At 7:28 p.m. on the same date Respondent sent a signed copy of page 1 for the survey of the property on Heather Street to Rapsis at her hotmail account.

30. Respondent executed a survey dated April 21, 2009, for the property at 193 NW Heather Street, Port St. Lucie, FL.

31. On April 22, 2009, Rapsis used her Land Tech email account to send Respondent a draft survey map for the property on Heather Street. The draft was prepared on a form bearing the Land Tech logo, name, and address. In an email on the same date to Rapsis at her hotmail email account Respondent acknowledged receiving the draft. On April 24, 2009, at 3:07 p.m., Rapsis used her Land Tech email account to send Respondent a final draft of the survey map for the Heather Street property.

32. On April 24, 2009, at 12:42 p.m., Fast Title, Inc., placed an online order with Land Tech for a boundary survey and elevation certificate for the property at 761 S.E. Whitmore Drive, Port St. Lucie, FL. On April 28, 2009, Rapsis used her hotmail account to inform Fast Title she had directed the survey order to Respondent. Rapsis used her Land Tech email account

to send Respondent a draft survey map for the Whitmore Drive property on April 29, 2009, and on May 1 and 4 to transmit additional document drafts of the survey and elevation certificate.

33. Respondent executed a survey dated April 30, 2009, for the property at 761 S.E. Whitmore Drive, Port St. Lucie, FL.

34. On June 20, 2009, Respondent represented to Alexandra Cesare Rodriguez that Rapsis was his secretary and would resolve a problem with the elevation certificate for the Whitmore Drive property.

35. On May 7, 2009, The Closing Connection, Inc., placed an order with Land Tech for a survey of the property at 3469 Bainbridge Place, West Palm Beach, FL. On May 11, 2009, at 5:03 p.m., a draft survey certification was forwarded to Respondent from "Processor," using the email address "surveydocs@landtechsurvey.com." At 5:11 p.m. on the same date a draft certification bearing Respondent's name and a draft survey map bearing the Land Tech logo, name, and address were sent to Respondent from "Processor." On May 12, 2009, at 9:52 a.m., Respondent sent to Rapsis at her hotmail account a copy of the signed and sealed page 1 of the survey for the Bainbridge Place property.

36. Respondent executed a survey dated May 11, 2009, for the property at 3469 Bainbridge Place, West Palm Beach, FL.

37. On May 14, 2009, Mason Title Company, Inc., placed an online order with Land Tech for a boundary survey of the property located at 6602 Via Trento, Delray Beach, FL. On May 18, 2009, at 4:35 p.m., "Processor" at "surveydocs@landtechsurvey.com" sent Respondent a draft page 1 of the survey for the Via Trento property. On the same date, at 7:52 p.m., Respondent sent copies of his field notes and other data for the survey of the Via Trento property to Rapsis at her hotmail account.

to Respondent and the use of forms and other proprietary information belonging to Land Tech, all without the knowledge or consent of Land Tech or Snyder.

**Count II: : Violation of §472.033(1)(h) by Violating Rule 61G17-2.001(6)(j)**

43. Petitioner incorporates and restates above paragraphs 1-14, 16, 21, and 23-41.

44. Respondent violated former §472.033(1)(h), Florida Statutes (2008) [now §472.0351(1)(h), Fla. Stat. (2010)], through violating Florida Administrative Code Rule 61G17-2.001(6)(j), by associating with or allowing his name to be used in an ongoing business venture with Rapsis whom Respondent should have known was engaging in dishonest business practices, including without limitation the interception and diversion of surveying orders from Land Tech to Respondent and the use of forms and other proprietary information belonging to Land Tech, all without the knowledge or consent of Land Tech or Snyder.

**Count III: Misleading Information - 1277 SW Alcanterra Blvd.**

45. Petitioner incorporates and restates above paragraphs 1-4, 6, 14, 17, 21, and 28.

46. On sheet 1 of the survey Respondent stated the following:

- a. "...For mortgage transactions, Landtech hereby authorizes ..."
- b. In paragraph 8 under "General Notes:" "(c)orners shown as "set" are identified with a cap marked LB (Licensed Business) #6799."

47. Respondent was not authorized to use "Landtech," LB 6799, or any other information identifying Land Tech on the survey.

48. Respondent's use of "Landtech" and LB 6799 issued to Land Tech was misleading as being misrepresentations of material fact or as being likely to create an unjustified expectation that Land Tech was responsible in part for the survey.

49. Respondent violated former §472.033(1)(h), Florida Statutes (2008) [now §472.0351(1)(h), Fla. Stat. (2010)], through violating Florida Administrative Code Rule 61G17-2.001(6)(b), by executing the survey with misleading information.

**Count IV: MTS Violations - 1277 SW Alcanterra Blvd.**

50. Petitioner incorporates and restates above paragraphs 1-4, 6, 14, 18, 19, 21, 28, 46, and 47.

51. Respondent executed a survey incorrectly containing “Landtech” and LB 6799.

52. Respondent violated former §472.033(1)(h), Florida Statutes (2008) [now §472.0351(1)(h), Fla. Stat. (2010)], through violating Florida Administrative Code Rules 61G17-2.001(3) and 61G17-6.003(3)(b)2, by executing a survey incorrectly containing “Landtech” and LB 6799.

**Count V: Negligence in Surveying – 1277 Alcanterra Blvd.**

53. Petitioner incorporates and restates above paragraphs 1-4, 6, 14, 17-19, 20, 28, 46-48, and 51.

54. Respondent violated former §472.033(1)(g), Florida Statutes (2008) [now §472.0351(1)(g), Fla. Stat. (2009)], by negligently preparing the survey for 1277 S.W. Alcanterra Blvd.

**Count VI: Misleading Information - 193 NW Heather St.**

55. Petitioner incorporates and restates above paragraphs 1-4, 6, 14, 17, 21, and 30.

56. On sheet 1 of the survey Respondent stated the following:

- a. “...For mortgage transactions, Landtech hereby authorizes ...”
- b. In paragraph 8 under “General Notes:” “(c)orners shown as “set” are identified with a cap marked LB (Licensed Business) #6799.”

57. Respondent was not authorized to use "Landtech," LB 6799, or any other information identifying Land Tech on the survey.

58. Respondent's use of "Landtech" and LB 6799 issued to Land Tech was misleading as being misrepresentations of material fact or as being likely to create an unjustified expectation that Land Tech was responsible in part for the survey.

59. Respondent violated former §472.033(1)(h), Florida Statutes (2008) [now §472.0351(1)(h), Fla. Stat. (2010)], through violating Florida Administrative Code Rule 61G17-2.001(6)(b), by executing the survey with misleading information.

**Count VII: MTS Violations - 193 NW Heather St.**

60. Petitioner incorporates and restates above paragraphs 1-4, 6, 14, 18, 19, 21, 30, 56, and 57.

61. Respondent executed a survey incorrectly containing "Landtech" and LB 6799.

62. Respondent violated former §472.033(1)(h), Florida Statutes (2008) [now §472.0351(1)(h), Fla. Stat. (2010)], through violating Florida Administrative Code Rules 61G17-2.001(3) and 61G17-6.003(3)(b)2, by executing a survey incorrectly containing "Landtech" and LB 6799.

**Count VIII: Negligence in Surveying - 193 NW Heather St.**

63. Petitioner incorporates and restates above paragraphs 1-4, 6, 14, 17-19, 20, 30, 56-58, and 61.

64. Respondent violated former §472.033(1)(g), Florida Statutes (2008) [now §472.0351(1)(g), Fla. Stat. (2009)], by negligently preparing the survey for 193 NW Heather St.

**Count IX: Misleading Information - 761 S.E. Whitmore Dr.**

65. Petitioner incorporates and restates above paragraphs 1-4, 14, 15, 17, 21, and 33.

66. On sheet 1 of the survey Respondent stated the following:

a. In paragraph 2 under "General Notes:" "...No future construction shall be based upon this survey without first obtaining approval and/or updates from Gary S. Salzman Surveying. Landtech Surveying assumes no responsibility for errors resulting from failure to adhere to this clause."

b. In paragraph 8 under "General Notes:" "(c)orners shown as "set" are identified with a cap marked LB (Licensed Business) #6443."

67. Respondent was not authorized to use "Landtech" or LB 6443 on the survey.

68. Respondent's use of "Landtech" and LB 6443 issued to Central Florida Surveying and Mapping, Inc. ("Central Florida Surveying") was misleading as being misrepresentations of material fact or as being likely to create an unjustified expectation that either Land Tech or Central Florida Surveying, or both, were responsible in part for the survey.

69. Respondent violated former §472.033(1)(h), Florida Statutes (2008) [now §472.0351(1)(h), Fla. Stat. (2010)], through violating Florida Administrative Code Rule 61G17-2.001(6)(b), by executing the survey with misleading information.

**Count X: MTS Violations - 761 S.E. Whitmore Dr.**

70. Petitioner incorporates and restates above paragraphs 1-4, 14, 15, 18, 19, 21, 33, 66, and 67.

71. Respondent executed a survey incorrectly containing "Landtech" and LB 6443.

72. Respondent violated former §472.033(1)(h), Florida Statutes (2008) [now §472.0351(1)(h), Fla. Stat. (2010)], through violating Florida Administrative Code Rules 61G17-2.001(3) and 61G17-6.003(3)(b)2, by executing a survey incorrectly containing "Landtech" and LB 6443.

**Count XI: Negligence in Surveying - 761 S.E. Whitmore Dr.**

73. Petitioner incorporates and restates above paragraphs 1-4, 14, 15, 17-19, 20, 33, 66-68, and 71.

74. Respondent violated former §472.033(1)(g), Florida Statutes (2008) [now §472.0351(1)(g), Fla. Stat. (2009)], by negligently preparing the survey for 761 S.E. Whitmore Dr.

**Count XII: Misleading Information - 3469 Bainbridge Place**

75. Petitioner incorporates and restates above paragraphs 1-4, 14, 15, 17, 21, and 36.

76. On sheet 1 of the survey Respondent stated the following:

- a. In paragraph 2 under "General Notes:" "...No future construction shall be based upon this survey without first obtaining approval and/or updates from Gary S. Salzman Surveying. Landtech Surveying assumes no responsibility for errors resulting from failure to adhere to this clause."
- b. In paragraph 8 under "General Notes:" "(c)orners shown as "set" are identified with a cap marked LB (Licensed Business) #6443."

77. Respondent was not authorized to use "Landtech" or LB 6443 on the survey.

78. Respondent's use of "Landtech" and LB 6443 issued to Central Florida Surveying was misleading as being misrepresentations of material fact or as being likely to create an unjustified expectation that either Land Tech or Central Florida Surveying, or both, were responsible in part for the survey.

79. Respondent violated former §472.033(1)(h), Florida Statutes (2008) [now §472.0351(1)(h), Fla. Stat. (2010)], through violating Florida Administrative Code Rule 61G17-2.001(6)(b), by executing the survey with misleading information.

**Count XIII: MTS Violations - 3469 Bainbridge Place**

80. Petitioner incorporates and restates above paragraphs 1-4, 14, 15, 18, 19, 21, 36, 76, and 77.

81. Respondent executed a survey incorrectly containing "Landtech" and LB 6443.

82. Respondent violated former §472.033(1)(h), Florida Statutes (2008) [now §472.0351(1)(h), Fla. Stat. (2010)], through violating Florida Administrative Code Rules 61G17-2.001(3) and 61G17-6.003(3)(b)2, by executing a survey incorrectly containing "Landtech" and LB 6443.

**Count XIV: Negligence in Surveying - 3469 Bainbridge Place**

83. Petitioner incorporates and restates above paragraphs 1-4, 14, 15, 17-19, 20, 36, 76-78, and 81.

84. Respondent violated former §472.033(1)(g), Florida Statutes (2008) [now §472.0351(1)(g), Fla. Stat. (2009)], by negligently preparing the survey for 3469 Bainbridge Place.

**Count XV: Misleading Information - 19105 SE Coral Reef Lane**

85. Petitioner incorporates and restates above paragraphs 1-4, 15, 17, 21, and 39.

86. On sheet 1, paragraph 8 under "General Notes," Respondent stated: "(c)orners shown as "set" are identified with a cap marked LB (Licensed Business) #6443."

87. Respondent was not authorized to use LB 6443 on the survey.

88. Respondent's use of LB 6443 issued to Central Florida Surveying was misleading as being a misrepresentation of material fact or as being likely to create an unjustified expectation that Central Florida Surveying was responsible in part for the survey.

89. Respondent violated former §472.033(1)(h), Florida Statutes (2008) [now §472.0351(1)(h), Fla. Stat. (2010)], through violating Florida Administrative Code Rule 61G17-2.001(6)(b), by executing the survey with misleading information.

**Count XVI: MTS Violations - 19105 SE Coral Reef Lane**

90. Petitioner incorporates and restates above paragraphs 1-4, 15, 18, 19, 21, 39, 86, and 87.

91. Respondent executed a survey incorrectly containing LB 6443.

92. Respondent violated former §472.033(1)(h), Florida Statutes (2008) [now §472.0351(1)(h), Fla. Stat. (2010)], through violating Florida Administrative Code Rules 61G17-2.001(3) and 61G17-6.003(3)(b)2, by executing a survey incorrectly containing LB 6443.

**Count XVII: Negligence in Surveying - 19105 SE Coral Reef Lane**

93. Petitioner incorporates and restates above paragraphs 1-4, 15, 17-19, 20, 39, 86-88, and 91.

94. Respondent violated former §472.033(1)(g), Florida Statutes (2008) [now §472.0351(1)(g), Fla. Stat. (2009)], by negligently preparing the survey for 19105 SE Coral Reef Lane.

**Count XVIII: Misleading Information - 112 Saratoga Blvd. West**

95. Petitioner incorporates and restates above paragraphs 1-4, 14, 15, 17, and 21.

96. On June 25, 2009, Respondent executed a survey for the property at 112 Saratoga Boulevard West, Royal Palm Beach, FL.

97. On sheet 1 of the survey Respondent stated the following:

- a. "...For mortgage transactions, Landtech hereby authorizes ..."

b. In paragraph 8 under "General Notes:" "(c)orners shown as "set" are identified with a cap marked LB (Licensed Business) #6443."

98. Respondent was not authorized to use "Landtech" or LB 6443 on the survey.

99. Respondent's use of "Landtech" and LB 6443 issued to Central Florida Surveying was misleading as being misrepresentations of material fact or as being likely to create an unjustified expectation that either Land Tech or Central Florida Surveying, or both, were responsible in part for the survey.

100. Respondent violated former §472.033(1)(h), Florida Statutes (2008) [now §472.0351(1)(h), Fla. Stat. (2010)], through violating Florida Administrative Code Rule 61G17-2.001(6)(b), by executing the survey with misleading information.

**Count XIX: MTS Violations - 112 Saratoga Blvd. West**

101. Petitioner incorporates and restates above paragraphs 1-4, 14, 15, 18, 19, 21, and 96-98.

102. Respondent executed a survey incorrectly containing "Landtech" and LB 6443.

103. Respondent violated former §472.033(1)(h), Florida Statutes (2008) [now §472.0351(1)(h), Fla. Stat. (2010)], through violating Florida Administrative Code Rules 61G17-2.001(3) and 61G17-6.003(3)(b)2, by executing a survey incorrectly containing "Landtech" and LB 6443.

**Count XX: Negligence in Surveying - 112 Saratoga Blvd. West**

104. Petitioner incorporates and restates above paragraphs 1-4, 14, 15, 17-19, 20, 96-99, and 102.

105. Respondent violated former §472.033(1)(g), Florida Statutes (2008) [now §472.0351(1)(g), Fla. Stat. (2009)], by negligently preparing the survey for 112 Saratoga Blvd. West.

**Count XXI: Misleading Information - 4102 S.W. Utterback St.**

106. Petitioner incorporates and restates above paragraphs 1-4, 14, 15, 17, and 21.

107. On June 23, 2009, Respondent executed a survey for the property at 4102 S.W. Utterback Street, Port St. Lucie, FL.

108. On sheet 1 of the survey Respondent stated the following:

a. "...For mortgage transactions, Landtech hereby authorizes ..."

b. In paragraph 8 under "General Notes:" "(c)orners shown as "set" are identified with a cap marked LB (Licensed Business) #6443."

109. Respondent was not authorized to use "Landtech" or LB 6443 on the survey.

110. Respondent's use of "Landtech" and LB 6443 issued to Central Florida Surveying was misleading as being misrepresentations of material fact or as being likely to create an unjustified expectation that either Land Tech or Central Florida Surveying, or both, were responsible in part for the survey.

111. Respondent violated former §472.033(1)(h), Florida Statutes (2008) [now §472.0351(1)(h), Fla. Stat. (2010)], through violating Florida Administrative Code Rule 61G17-2.001(6)(b), by executing the survey with misleading information.

**Count XXII: MTS Violations - 4102 S.W. Utterback St.**

112. Petitioner incorporates and restates above paragraphs 1-4, 14, 15, 18, 19, 21, and 107-109.

113. Respondent executed a survey incorrectly containing "Landtech" and LB 6443.

114. Respondent violated former §472.033(1)(h), Florida Statutes (2008) [now §472.0351(1)(h), Fla. Stat. (2010)], through violating Florida Administrative Code Rules 61G17-2.001(3) and 61G17-6.003(3)(b)2, by executing a survey incorrectly containing “Landtech” and LB 6443.

**Count XXIII: Negligence in Surveying - 4102 S.W. Utterback St.**

115. Petitioner incorporates and restates above paragraphs 1-4, 14, 15, 17-19, 20, 107-110, and 113.

116. Respondent violated former §472.033(1)(g), Florida Statutes (2008) [now §472.0351(1)(g), Fla. Stat. (2009)], by negligently preparing the survey for 4102 S.W. Utterback St.

**Count XXIV: Misleading Information - 5103 Hickory Dr.**

117. Petitioner incorporates and restates above paragraphs 1-4, 14, 15, 17, and 21.

118. On June 25, 2009, Respondent executed a survey for the property at 5103 Hickory Drive, Fort Pierce, FL.

119. On sheet 1 of the survey Respondent stated the following:

- a. “...For mortgage transactions, Landtech hereby authorizes ...”
- b. In paragraph 8 under “General Notes:” “(c)orners shown as “set” are identified with a cap marked LB (Licensed Business) #6443.”

120. Respondent was not authorized to use “Landtech” or LB 6443 on the survey.

121. Respondent’s use of “Landtech” and LB 6443 issued to Central Florida Surveying was misleading as being misrepresentations of material fact or as being likely to create an unjustified expectation that either Land Tech or Central Florida Surveying, or both, were responsible in part for the survey.

122. Respondent violated former §472.033(1)(h), Florida Statutes (2008) [now §472.0351(1)(h), Fla. Stat. (2010)], through violating Florida Administrative Code Rule 61G17-2.001(6)(b), by executing the survey with misleading information.

**Count XXV: MTS Violations - 5103 Hickory Dr.**

123. Petitioner incorporates and restates above paragraphs 1-4, 14, 15, 18, 19, 21, and 118-120.

124. Respondent executed a survey incorrectly containing “Landtech” and LB 6443.

125. Respondent violated former §472.033(1)(h), Florida Statutes (2008) [now §472.0351(1)(h), Fla. Stat. (2010)], through violating Florida Administrative Code Rules 61G17-2.001(3) and 61G17-6.003(3)(b)2, by executing a survey incorrectly containing “Landtech” and LB 6443.

**Count XXVI: Negligence in Surveying - 5103 Hickory Dr.**

126. Petitioner incorporates and restates above paragraphs 1-4, 14, 15, 17-19, 20, 118-120, and 124.

127. Respondent violated former §472.033(1)(g), Florida Statutes (2008) [now §472.0351(1)(g), Fla. Stat. (2009)], by negligently preparing the survey for 5103 Hickory Dr.

**Count XXVII: Misleading Information - 2363 Ivory Rd.**

128. Petitioner incorporates and restates above paragraphs 1-4, 14, 15, 17, and 21.

129. On June 23, 2009, Respondent executed a survey for the property at 2363 Ivory Road, Port St. Lucie, FL.

130. On sheet 1 of the survey Respondent stated the following:

a. “...For mortgage transactions, Landtech hereby authorizes ...”

b. In paragraph 8 under "General Notes:" "(c)orners shown as "set" are identified with a cap marked LB (Licensed Business) #6443."

131. Respondent was not authorized to use "Landtech" or LB 6443 on the survey.

132. Respondent's use of "Landtech" and LB 6443 issued to Central Florida Surveying was misleading as being misrepresentations of material fact or as being likely to create an unjustified expectation that either Land Tech or Central Florida Surveying, or both, were responsible in part for the survey.

133. Respondent violated former §472.033(1)(h), Florida Statutes (2008) [now §472.0351(1)(h), Fla. Stat. (2010)], through violating Florida Administrative Code Rule 61G17-2.001(6)(b), by executing the survey with misleading information.

**Count XXVIII: MTS Violations - 2363 Ivory Rd.**

134. Petitioner incorporates and restates above paragraphs 1-4, 14, 15, 18, 19, 21, and 129-131.

135. Respondent executed a survey incorrectly containing "Landtech" and LB 6443.

136. Respondent violated former §472.033(1)(h), Florida Statutes (2008) [now §472.0351(1)(h), Fla. Stat. (2010)], through violating Florida Administrative Code Rules 61G17-2.001(3) and 61G17-6.003(3)(b)2, by executing a survey incorrectly containing "Landtech" and LB 6443.

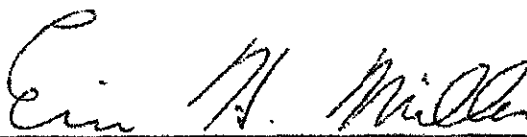
**Count XXIX: Negligence in Surveying- 2363 Ivory Rd.**

137. Petitioner incorporates and restates above paragraphs 1-4, 14, 15, 17-19, 20, 129-132, and 135.

138. Respondent violated former §472.033(1)(g), Florida Statutes (2008) [now §472.0351(1)(g), Fla. Stat. (2009)], by negligently preparing the survey for 2363 Ivory Rd.

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 472.0351(2), Florida Statutes, including without limitation suspension or revocation of the license, and/or any other relief that the Board or the Department is authorized to impose pursuant to Chapter 472, Florida Statutes, and/or the rules promulgated thereunder.

Signed this 27<sup>th</sup> day of September, 2010.



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PCP Date: August 24, 2010

PCP Members: Mastronicola, Talbott, Bush

Certified U.S. Mail, Return Receipt # 7001-1140-0002-1580-5805