

**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. 2008041422

**J. SHERMAN FRIER & ASSOCIATES, INC.,**  
Respondent,

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**CORRECTED FINAL ORDER APPROVING SETTLEMENT STIPULATION**

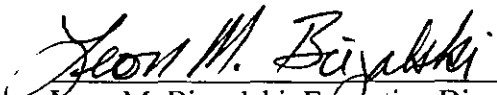
**THIS CAUSE** came before the Board of Professional Surveyors and Mappers (“Board”) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, at a meeting held on February 17, 2010, in Tallahassee, Leon County, State of Florida, for determination of whether to accept the proposed Settlement Stipulation (“Stipulation”) entered into by the parties in the above styled cause. Respondent was present at the hearing. Petitioner was represented by Mr. Eric H. Miller, Esquire.

Upon consideration of the Administrative Complaint, the proposed Stipulation, and the presentation of the parties, and being otherwise fully advised of the premises, **IT IS HEREBY ORDERED AND ADJUDGED:**

1. The proposed Stipulation is hereby approved and adopted. A copy of the Stipulation is attached hereto as Exhibit “A” and incorporated herein, except as amended as set forth in this Corrected Final Order Approving Settlement Stipulation (“Order”).
2. Paragraph 8 is amended to add the following sentence: “Payments shall begin March 15, 2013.”

3. The parties shall adhere to and abide by all the terms and conditions of the Stipulation.
4. Failure to comply with the terms of this Order or Stipulation, including timely payment of any fines and/or costs assessed, shall cause the Respondent to be subjected to further discipline.
5. This 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 28<sup>th</sup> day of April, 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 7<sup>th</sup> day of May, 2010.

  
Agency Clerk

Copies by Certified U.S. Mail, RRR# 7009 0080 0002 4471 2185  
J. Sherman Frier & Associates, Inc., P.O. Box 580, Live Oak, FL, 32064

By hand delivery:  
Bennett M. Miller, Board Counsel

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

DEPARTMENT OF BUSINESS AND  
PROFESSIONAL REGULATION,

Petitioner,

v.

DBPR Case No. 2008-041422

J. SHERMAN FRIER & ASSOCIATES, INC.,

Respondent.

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SETTLEMENT STIPULATION

J. SHERMAN FRIER & ASSOCIATES, INC., hereinafter referred to as "Respondent," and the Department of Business and Professional Regulation, hereinafter referred to as "Department," hereby stipulate and agree to the following joint Stipulation and Final Order of the Board of Professional Surveyors and Mappers, hereinafter referred to as "Board," incorporating this Stipulation and agreement in the above-styled matter.

STIPULATED FACTS

1. For all times pertinent hereto, Respondent was a licensed surveying and mapping business in the State of Florida, license number LB 7170. Respondent's address of record is P.O. Box 580, Live Oak, FL 32064.

2. Respondent is charged by an Administrative Complaint with a nine (9) violations of chapter 472, *Florida Statutes*,  
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Associates, Inc 08-041422\Stip2.doc 1

and/or the rules enacted pursuant thereto. A true and correct copy of the Administrative Complaint is attached hereto and incorporated by reference as Exhibit "A."

3. Respondent neither admits nor denies the matters of fact alleged in the Administrative Complaint attached hereto as Exhibit "A."

STIPULATED CONCLUSIONS OF LAW

4. Respondent in its capacity as a licensed surveying and mapping business admits that in such capacity it is subject to the provisions of chapters 455 and 472, *Florida Statutes*, and the jurisdiction of the Department and the Board.

5. Respondent admits that the facts set forth in the foregoing stipulated facts, if proven, would constitute a violation of chapter 472, *Florida Statutes*, as alleged in the Administrative Complaint.

6. Respondent agrees that the Board's acceptance of the Stipulation constitutes disciplinary action within the meaning of sections 472.033(1) and 455.227(1)(f), *Florida Statutes*.

STIPULATED DISPOSITION

7. Respondent shall not, in the future, violate chapters 455 and 472, *Florida Statutes*, or the rules promulgated pursuant thereto.

8. FINE & COSTS: Pursuant to Rule 61G17-9.0025(3) and (18), Florida Administrative Code, the Board shall impose an administrative fine in the amount of four thousand five hundred dollars (\$4,500.00). Respondent also shall pay administrative costs, excluding attorney's fees, of four hundred fifty five dollars and thirteen cents (\$455.13), for a total of four thousand nine hundred fifty five dollars and thirteen cents (\$4,955.13). Said fine shall be paid by the Respondent to the Executive Director of the Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750, in thirty six (36) equal monthly installments beginning on the fifteenth (15<sup>th</sup>) day of the month following the entry of the Final Order by the Board of Professional Land Surveyors and Mappers, which Final Order incorporates this Stipulation. Respondent's failure to pay the fine by the time it is due may result in further disciplinary action by the Board.

9. It is expressly understood that a violation of the terms of this Stipulation shall be considered a violation of chapter 472, *Florida Statutes*, for which disciplinary actions may be taken.

10. It is expressly understood that this Stipulation is subject to the approval of the Board and has no force and effect until the Board enters a Final Order adopting same.

11. This Stipulation is executed by Respondent for the  
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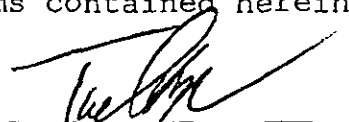
purpose of avoiding further administrative action in this matter. In the event that the Stipulation is not approved by the Board, then neither party may use this Stipulation against the other, and the Stipulation shall be deemed null and void.

12. Respondent and the Department fully understand that this Stipulation, and the subsequent Final Order incorporating same, will not in any way preclude additional proceedings by the Board and/or Department against the Respondent for acts or omissions not specifically detailed in the investigative findings of probable cause.

13. Respondent and the Department expressly waive all further procedural steps, and Respondent expressly waives all rights to seek judicial review of, or to otherwise challenge or contest the validity of, this Stipulation and the Final Order of the Board, if said Stipulation is accepted by the Board and incorporated in the Final Order.

14. Respondent waives the right to seek any attorney's fees or costs from the Department in connection with this disciplinary proceeding.

WHEREFORE, the parties hereto request the Board of Professional Surveyors and Mappers to enter a Final Order accepting and implementing the terms contained herein.

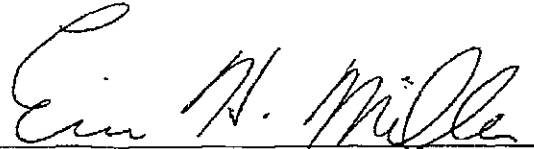
  
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ASSOCIATES, INC.  
Respondent

Approved this 8<sup>th</sup> day of March, 2010.



Eric H. Miller  
Senior Attorney

Counsel for the Department:

Eric H. Miller, Senior Attorney  
Florida Bar No. 0410586  
Department of Agriculture and  
Consumer Services  
Office of the General Counsel  
2005 Apalachee Parkway  
Tallahassee, Fl 32399-6700