

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

**DEPARTMENT OF AGRICULTURE  
AND CONSUMER SERVICES,**  
Petitioner,

vs.

DOACS Case No. 2007-047454  
DOAH Case No. 09-3541  
Agency Clerk#A64837

**WILLIAM MOTT LAND SURVEYING INC.,**  
Respondent,

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**FINAL ORDER APPROVING SETTLEMENT STIPULATION**

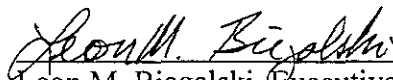
**THIS CAUSE** came before the Board of Professional Surveyors and Mappers (“Board”) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, at a meeting held on October 15, 2009, in Tallahassee, Leon County, State of Florida, for determination of whether to accept a proposed Settlement Stipulation (“Stipulation”) entered into between the parties in the above styled cause. Respondent was represented at the hearing by Mr. Jonathan M. Mott, President of William Mott Land Surveying, Inc. Petitioner was represented by Mr. Eric H. Miller, Esquire. The Board was represented by Mr. Bennett M. Miller, Esq.

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.
2. A copy of the Corrected Amended Administrative Complaint is attached hereto as Exhibit “A” and incorporated herein.
3. A copy of the Stipulation is attached hereto as Exhibit “B” and incorporated herein.

4. The parties shall adhere to and abide by all the terms and conditions of the Stipulation.
5. Failure to comply with the terms of the Stipulation, including timely payment of any fines and/or costs assessed, may cause the Respondent to be subjected to further discipline.
6. 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 17<sup>th</sup> day of November, 2009.

  
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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 10<sup>th</sup> day of November, 2009.

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

Copies by Certified U.S. Mail, RRR, # 7006 0100 0003 1115 8690 :

Respondent Name & address:

William Mott Land Surveying, Inc. 3716 N. Wickham Rd. Suite 3, Melbourne, FL 32935

By hand delivery:

Bennett Miller, Board Counsel

Eric H. Miller, Prosecuting Attorney

09-354

FILED	
Department of Business and Professional Regulation	
Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	6/9/2005
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. 2007-047454

WILLIAM MOTT LAND SURVEYING, INC.,

Respondent.

FILED  
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DIVISION 047454  
ADMINISTRATIVE  
HEARINGS

CORRECTED AMENDED ADMINISTRATIVE COMPLAINT

Petitioner, Department Of Business And Professional Regulation, ("Petitioner"), files this Administrative Complaint before the Board of Professional Surveyors and Mappers, against William Mott Land Surveying, ("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 3608.

3. Respondent's last known address of record was 3716 North Wickham Road, Melbourne, Florida 32935.

4. Mark P. Solomon filed a complaint against Respondent alleging that Respondent failed to identify and locate a firebreak and a man made swale in a survey performed by Respondent with a field survey date of June, 7, 2006.

5. 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.

6. Section 472.033(1)(g), Florida Statutes, states in pertinent part that, "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 which disciplinary actions may be taken.

7. 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(2)(b)3: Respondent failed to date field notes.

- b. 61G17-6.003(b)4: The verbiage on the map face regarding the validity is not the same as required by this rule. The rule requires a signature and seal to be a valid survey, Respondent's verbiage only requires a seal
- c. 61G17-6.003(3)(b)11b: Respondent failed to define the abbreviations Sec., Rge., SDMH and ERCP.
- d. 61G17-6.003(3)(b)15a: Respondent failed to show the vertical error of closure in field notes, in computations, or on the survey drawing.
- e. 61G17-6.004(2)(a)3: Respondent failed to show the discrepancies between the survey map and the real property description in relation to Parcels B and C.

COUNT ONE

8. Petitioner re-alleges and incorporates the allegations set forth in paragraphs one (1) through seven (7) as though set forth herein.

9. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.003(2)(b)3, Florida Administrative Code, by failing to date field notes.

COUNT TWO

10. Petitioner re-alleges and incorporates the allegations set forth in paragraphs one (1) through seven (7) as though set forth herein.

11. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.003(b)4, Florida Administrative Code, by failing to provide correct verbiage on the map face of the survey.

COUNT THREE

12. Petitioner re-alleges and incorporates the allegations set forth in paragraphs one (1) through seven (7) as though set forth herein.

13. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.003(3)(b)11b, Florida Administrative Code, by failing to define the abbreviations Sec., Rge., SDMH and ERCP.

COUNT FOUR

14. Petitioner re-alleges and incorporates the allegations set forth in paragraphs one (1) through seven (7) as though set forth herein.

15. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.003(3)(b)15a, Florida Administrative Code, by

failing to show the vertical error of closure in field notes, in computations, or on the survey drawing.

COUNT FIVE

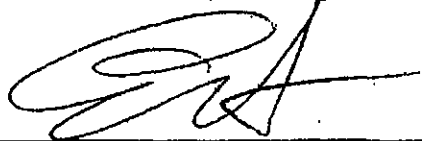
16. Petitioner re-alleges and incorporates the allegations set forth in paragraphs one (1) through Seven (7) as though set forth herein.

17. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.004(2)(a)3, Florida Administrative Code, by failing to show the discrepancies between the survey map and the real property description in relation to Parcels B and C.

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 2<sup>nd</sup> day of Jan, 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: 4-7-09  
PCP Members: Mastrorillo, Schatzel & Poppell

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.

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

DEPARTMENT OF BUSINESS AND  
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DBPR Case No. 2007-047454

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WILLIAM MOTT LAND SURVEYING, INC.,

Respondent.

SETTLEMENT STIPULATION

WILLIAM MOTT LAND SURVEYING, 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 3608. Respondent's address of record is 3716 North Wickham Road, Melbourne, Florida 32935.

2. Respondent is charged by a Corrected Amended Administrative Complaint with five (5) violations of chapter 472,

Florida Statutes, and/or the rules enacted pursuant thereto. A true and correct copy of the Corrected Amended 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 Corrected Amended 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 Corrected Amended 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. COSTS: Respondent shall pay administrative costs, excluding attorney's fees, of three thousand nineteen dollars and ninety two cents (\$3,019.92). Said costs 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 twenty four (24) equal monthly installments of one hundred twenty five dollars and eighty three cents (\$125.83), the first payment of which shall be due within thirty (30) days of the entry of the Final Order by the Board of Professional Surveyors and Mappers, which Final Order incorporates this Stipulation. Respondent's failure to pay the costs by the time due may result in further disciplinary action by the Board.

9. 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.

10. This Stipulation is executed by Respondent for the 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.

11. 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

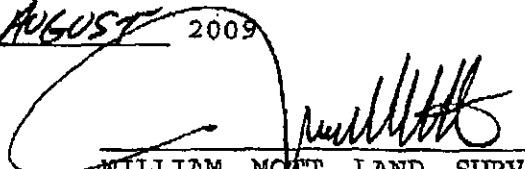
Board and/or Department against the Respondent for acts or omissions on surveys not specifically referenced in the investigative findings of probable cause.

12. 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.

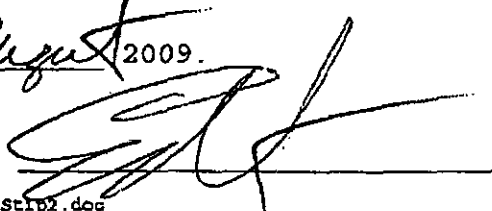
13. Respondent waives the right to seek any attorney's fees or costs from the Department in connection with this disciplinary proceeding.

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

Signed this 6th day of AUGUST 2009

  
WILLIAM MOTT LAND SURVEYING,  
INC.  
Respondent

Approved this 14th day of August 2009.



Eric R. Hurst  
Chief Professions Attorney

Counsel for the Department:

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