

AGENDA

BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS

PROBATION REVIEW COMMITTEE

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONS' BOARD MEETING ROOM
1940 NORTH MONROE STREET
TALLAHASSEE, FLORIDA 32399**

OCTOBER 14, 2009

1:00 PM

**CHAIR: Mary Hanna Clodfelter
MEMBERS: Arthur Mastronicola
Howard Ehmke**

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MINUTES

BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS

PROBATION REVIEW COMMITTEE

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONS' BOARD ROOM
1940 NORTH MONROE STREET
TALLAHASSEE, FL 32399

July 29, 2009

The meeting was called to order by Mary Hanna Clodfelter, Chair, at 1:07 p.m.

Members Present

Mary Hanna Clodfelter, Chair
Arthur Mastronicola
Howard Ehmke

Others Present

Diane Guillemette, Board Counsel
Eric Hurst, Prosecuting Attorney
Richard Morrison, Executive Director
Stacey Merchant, Government Analyst
LuAnn Stiles
Leon Biegalski
Bennett Miller
Eric Miller
Ceda Rudd
Patti Kight
David A. Melvin
Shirley Melvin
W. Lamar Evers
Marilyn Evers
Andrew Carbaugh
Clyde McNeil
Harley Gilmore
Ray Niles
Wayne N. Pond
Julio C. Rodriguez
Alvin Gloer
Gail Oliver
Pablo Ferrari
Robert Sears
W. Lanier Mathews, II

60 **REVIEW AND APPROVAL OF THE APRIL 2009 PROBATION REVIEW**
61 **COMMITTEE MEETING MINUTES**

62
63 After discussion the following motion was made:

64
65 MOTION: Mr. Mastronicola made a motion to approve the minutes with corrections.
66 SECOND: Mr. Ehmke seconded and the motion passed unanimously.

67
68 **1st SET OF SURVEYS REVIEW**

69
70 **GEORGE AYLOR, JR.**
71 **LICENSE # LS 4015**
72 **CASE # 2005-054639**
73 **LICENSURE STATUS: PROBATION**
74 **SURVEYS: 1ST REVIEW**

75
76 Mr. Aylor was present.

77
78 After discussion the following motion was made:

79
80 MOTION: Mr. Mastronicola made a motion to find the first set of surveys not in compliance and requested
81 a second set of surveys.
82 SECOND: Mr. Ehmke seconded and the motion passed unanimously.

83
84 **DANIEL CROFT**
85 **LICENSE # LS 2001**
86 **CASE # 2006-012031**
87 **LICENSURE STATUS: PROBATION**
88 **SURVEYS: 1ST REVIEW**

89
90 Mr. Croft was present.

91
92 After discussion the following motion was made:

93
94 MOTION: Mr. Ehmke made a motion to find the first set of surveys in compliance and release Mr. Croft
95 from probation.
96 SECOND: Mr. Mastronicola seconded and the motion passed unanimously.

97
98 **MARK A. JOHNSON**
99 **LICENSE # LS 6572**
100 **CASE # 2007-043361**
101 **LICENSURE STATUS: PROBATION**
102 **SURVEYS: 1ST REVIEW**

103
104 Mr. Johnson was present.

105
106 After discussion the following motion was made:

107
108 MOTION: Mr. Mastronicola made a motion to find the first set of surveys not in compliance and requested
109 a second set of surveys.
110 SECOND: Mr. Ehmke seconded and the motion passed unanimously.

111
112 **BRUCE A. KLEIN**
113 **LICENSE # LS 5052**
114 **CASE # 2001-001894**
115 **LICENSURE STATUS: PROBATION**
116 **SURVEYS: 1ST REVIEW**

117
118 Mr. Klein was present.

119
120 After discussion the following motion was made:

121
122 MOTION: Mr. Ehmke made a motion to find the first set of surveys in compliance and release Mr. Klein
123 from probation.

124 SECOND: Mr. Mastronicola seconded and the motion passed unanimously.

125
126 **LARRY J. SHARP**
127 **LICENSE # LS 6218**
128 **CASE # 2008-001171**
129 **LICENSURE STATUS: PROBATION**
130 **SURVEYS: 1ST REVIEW**

131
132 Mr. Sharp was present.

133
134 After discussion the following motion was made:

135
136 MOTION: Mr. Mastronicola made a motion to find the first set of surveys in compliance and release Mr.
137 Sharp from probation.

138 SECOND: Mr. Ehmke seconded and the motion passed unanimously.

139
140 **DAVID LEE SMITH**
141 **LICENSE # LS 5265**
142 **CASE # 2007-036733**
143 **LICENSURE STATUS: PROBATION**
144 **SURVEYS: 1ST REVIEW**

145
146 Mr. Smith was present.

147
148 After discussion the following motion was made:

149
150 MOTION: Mr. Mastronicola made a motion to find the first set of surveys in compliance and release Mr.
151 Smith from probation.

152 SECOND: Mr. Ehmke seconded and the motion passed unanimously.

153
154 **ARTURO R. TOIRAC**
155 **LICENSE # LS 3012**
156 **CASE # 2007-035879**
157 **LICENSURE STATUS: PROBATION**
158 **SURVEYS: 1ST REVIEW**

159
160 Mr. Toirac was not present.

161
162 After discussion the following motion was made:

163
164 MOTION: Ms. Clodfelter made a motion to find the first set of surveys not in compliance and requested a
165 second set of surveys.

166 SECOND: Mr. Mastronicola seconded and the motion passed unanimously.

167
168 **PROBATION SUMMARY REPORT**

169
170 Mr. Mastronicola requested that the Board office amend the tracking information to include dates that the
171 conditions are met. Ms. Clodfelter stated that she is currently working with Mr. B. Miller, Board Counsel,
172 effective October 1, 2009, to revise the format.

173
174 Ms. Clodfelter reviewed the Disciplinary Tracking/Suspended License Forms with the Committee and staff,
175 requesting to remove the entries that have met all requirements and update the other entries.

176
177 With no further business to discuss, the meeting was adjourned at 2:55 p.m.

Charles W. Drago, Secretary

Charlie Crist, Governor

September 22, 2009

Glenn Broadstreet
C/O Tri-State Land Surveyors, Inc.
5875 Mining Terrace #209
Jacksonville, FL 32257

RE: 2nd Set of Surveys Review

Dear Mr. Broadstreet:

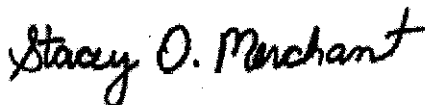
The Board of Professional Surveyors and Mappers received your 1st set of probation surveys and the probation review committee will review your surveys at their October 14, 2009 meeting.

The meeting will begin at **1:00 p.m.** and will be held at the following location:

Department of Business and Professional Regulation
Division of Professions' Board Room
1940 North Monroe Street
Tallahassee, FL 32399

You are required to attend this meeting. If you have any questions, I can be reached at 850.922.0336.

Sincerely,



Stacey O. Merchant
Government Analyst II

/som

Charles W. Drago, Secretary

Charlie Crist, Governor

MEMORANDUM

TO: The Probation Committee Members
FROM: Stacey Merchant, Government Analyst II
DATE: September 17, 2009
RE: Probation Review

Glenn Broadstreet has submitted his 2nd set of surveys for review in accordance with the Final Order issued in Case #2005-028335. We are forwarding two (2) surveys for you to review. Enclosed for your reference is a copy of the Final Order.

License Number: LS 5814
License Status: Probation
Final Order Date: June 10, 2008
Fine and Cost: Paid on time
CE Course (s): MTS course completed
Proof of Compliance to 61G17-2.005: N/A
Surveys: 2nd set received

Distribution of Surveys:

Mary Hanna Clodfelter	Exhibit #1 Exhibit #2
Art Mastronicola	Exhibit #3 Exhibit #4
Howard Ehmke	Exhibit #5 Exhibit #6

Enclosed are the revised MTS checklists. If you have any questions, please contact me at (850) 922.7155.

/som

Department of Business and Professional Regulation
AGENCY CLERK

Sarah Wachman, Agency Clerk
By Brandon M. Nichols

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

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

vs.

Case No.: 2005-028335

Glenn M. Broadstreet,

Respondent.

_____ /

FINAL ORDER APPROVING SETTLEMENT STIPULATION

THIS CAUSE came before the Board of Surveyors and Mappers (hereinafter the "Board") pursuant to Chapters 455 and 472, Florida Statutes, at a meeting on April 10, 2008, for a determination of whether to accept the proposed Settlement Stipulation (attached hereto as Exhibit A) entered into between the parties in the above styled case. The parties had been properly noticed of the hearing. The Petitioner was represented by Eric R. Hurst, Assistant General Counsel. The Respondent was present.

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

1. The proposed Settlement Stipulation is hereby approved and adopted, and incorporated by reference herein.
2. The parties shall adhere to and abide by all the terms and conditions of the Settlement Stipulation.
3. Failure to comply with the terms of the Settlement Stipulation, including timely payment of any fines and/or costs assessed, shall cause respondent to be subjected to further discipline.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided via Certified U.S. Mail to Glenn M. Broadstreet, 8411 Baymeadows Way, #2, Jacksonville, FL 32256; and to Eric Hurst, Assistant General Counsel, Office of the General Counsel, Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, FL 32399-2202, this 10th day of June, 2008.

Burton M. Nible

**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. 2005-028335

GLENN M. BROADSTREET,

Respondent.

SETTLEMENT STIPULATION

GLENN M. BROADSTREET, 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 Surveyor and Mapper in the State of Florida, license number LS 5814. Respondent's address of record is 8411 Baymeadows Way #2, Jacksonville, FL 32256.

2. Respondent is charged by an Administrative Complaint, with a violation of chapter 472, *Florida Statutes*, 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 Surveyor and Mapper 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:** The Board shall impose an administrative fine in the amount of Two Thousand Five Hundred Dollars (\$2500.00). Said fine shall be paid by the Respondent to the Executive Director of the Board of Professional Land Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750, 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 fine by the time it is due may result in further disciplinary action by the Board.

9. **COSTS:** Respondent shall pay administrative costs, excluding attorney's fees, of Eight Hundred Forty-One Dollars and Fourty-Four Cents (\$841.44). 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, within thirty (30) days of 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 administrative costs by the time they are due may result in further disciplinary action by the Board.

10. **PROBATION:** Respondent's license to practice surveying and mapping is hereby suspended. However, the suspension shall be stayed as long as the Respondent complies with the terms of probation. Probation shall take effect from the date of filing the Board's Final Order in this matter. If Respondent fails to comply with any term of probation, the stay shall be lifted and the matter shall be referred to the Department for further disciplinary action

Terms of probation shall be as follows:

a. Respondent shall complete a Minimum Technical Standards (MTS) continuing education course within ninety (90) days from the date of entry of the Final Order by the Board of Professional Surveyors and Mappers, which Final Order incorporates this Stipulation.

Respondent shall submit proof of completion of the above-mentioned course to the Board office at 1940 North Monroe Street, Tallahassee, Florida 32399-0750, within the allotted time frame.

b. Respondent shall provide the Board with a list of all signed and sealed surveys, which shall contain a minimum of six (6) surveys that have been performed by Respondent, for or without compensation, within 120 days of completing any and all continuing education courses required by the Board. The Board's Probation Chair will randomly select (6) of

Respondent's signed and sealed surveys for review from the survey list submitted by Respondent. Within five (5) calendar days of being notified by the Board of the surveys that have been selected for review, Respondent shall have post-marked and submitted to the Board office signed and sealed surveys for the surveyed properties selected for review, along with copies of the relevant field notes, the relevant full size record plats, all measurement and computational 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. Respondent must attend the Probation Committee meeting at which the surveys are to be reviewed. Failure to comply with this provision may result in Respondent being referred to DBPR for non-compliance with the final order of the Board, and the Board may lift the stay of suspension.

c. Respondent shall submit proof of professional liability insurance pursuant to section 472.015(5), Florida Statutes, to the Executive Director of the Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750, within thirty (30) days of the entry of the Final Order by the Board, whose Final Order incorporates this Stipulation, or a statement that professional liability insurance is not required.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

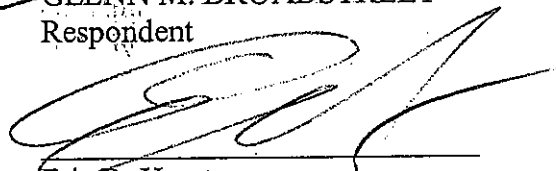
16. Respondent waives the right to seek any attorney's fees or costs from the Department in connection with this disciplinary proceeding.

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



GLENN M. BROADSTREET

Respondent



Eric R. Hurst

Assistant General Counsel

Counsel for the Department:
Eric R. Hurst
Assistant General Counsel
Florida Bar No. 0879673

Department of Business and
Professional Regulation
1940 North Monroe Street
Tallahassee, FL 32399-2202
Telephone: (850) 921-8656
Case No. 2005-028335
ERH/ecb

**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. 2005-028335

GLENN M. BROADSTREET,

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION ("Petitioner"), files this Administrative Complaint before the Board of Professional Surveyors and Mappers ("Board") against GLENN M. BROADSTREET ("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. At all times material hereto, Respondent was a licensed professional surveyor and mapper in the State of Florida, having been issued license number LS 5814.
3. Respondent's address of record with Petitioner is 8411 Baymeadows Way #2, Jacksonville, Florida 32256.
4. The investigation was predicated upon a complaint from John M. Godfrey ("Complainant") who alleged that Respondent surveyed Complainant's property in 2002 and 2005. Nonetheless, the 2005 survey deviates from the existing marks in the 2002 survey.

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," constitutes ground for disciplinary actions.

6. Section 472.033(1)(g), Florida Statutes, states in pertinent part that "[u]pon 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 the disciplinary action in subsection (2) may be taken.

7. The survey prepared by Respondent was reviewed using the Minimum Technical Standards (MTS) pursuant to Chapter 61G17-6.003 through 6.004, Florida Administrative Code. The following was revealed:

(1) 61G17-6.003(1)- The survey and revisions show different angles and dimensions along the north and south property lines but the ties to the house remain the same.

(2) 61G17-6.003(1)(b) & 61G17-6.003(1)(c)- Survey records do not contain sufficient data to substantiate survey maps.

(3) 61G17-6.003(1)(3)(P)1.- There is no evidence of a level loop from the benchmark to the property. There is also no datum or description of the benchmark used shown in the field notes or on the survey.

(4) 61G17-6.003(1)(3)(p)2b.- An open traverse was used to locate boundary corners and improvements. No relative closure can be calculated.

(5) 61G17-6.003(3)(d)- The date of the survey map does not indicate if the date is the date of the field work.

(6) 61G17-6.003(3)(h)- The computed dimensions shown around the boundary and ties to the house are not consistent and do not appear to be supported by accurate survey measurements.

(7) 61G17-6.003(3)(l)2.- Several abbreviations were not defined.

(8) 61G17-6.004(2)8.b.- The plat shows a lot width of 100 feet; however, the maps of the survey do not show this distance or a comparison to the field measured width.

(9) 61G17-6.004(2)8.c.- No distance to the nearest street intersection or other identifiable reference is shown.

(10) 61G17-6.004(b)4.- Found monumentation does not show size or cap identification.

(11) 61G17-6.004(b)8.- Side ties to property corners not located by redundant measurement.

(12) 61G17-6.004(2)(c)2.c.- Conflicting monumentation is shown.

(13) 61G17-6.004(2)(e)2.- Fence dimensions at SE corner are not shown and the dimensions to the fence along Ortega Boulevard are also not shown.

COUNT I

8. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.003(1), Florida Administrative Code, by showing different angles and dimensions along the north and south property lines in the original survey and revisions.

COUNT II

9. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.003(1)(b) & 61G17-6.003(1)(c), Florida Administrative Code, by failing to include sufficient data in the survey records.

COUNT III

10. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.003(1)(3)(P)1., Florida Administrative Code, by failing to show evidence of the level loop, datum of the benchmark, and description of the benchmark on the survey or in the field notes.

COUNT IV

11. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.004(2)(c)4., Florida Administrative Code, by using an open traverse to locate boundary corners and improvements.

COUNT V

12. 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 indicate if the date on the survey is the date of the field work.

COUNT VI

13. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.003(3)(h), Florida Administrative Code, by failing to support the computed dimensions shown around the boundary and ties to the house with accurate survey measurements.

COUNT VII

14. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.003(3)(l)2., Florida Administrative Code, by failing to define all abbreviations shown on the map.

COUNT VIII

15. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.004(2)8.b., Florida Administrative Code, by failing to show the distance or a comparison to the field measured width for the plat width on the survey.

COUNT IX

16. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.004(2)8.c., Florida Administrative Code, by failing to show the distance to the nearest street intersection or other identifiable reference.

COUNT X

17. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.004(b)4., Florida Administrative Code, by failing to show the size or cap identification of found monumentation.

COUNT XI

18. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.004(b)8., Florida Administrative Code, by failing to locate side ties to property corners by redundant measurement.

COUNT XII

19. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.004(2)(c)2.c., Florida Administrative Code, by showing conflicting monumentation.

COUNT XIII

20. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.004(2)(e)2., Florida Administrative Code, by not showing the fence dimensions at SE corner and the dimensions to the fence along Ortega Boulevard on the map.

COUNT XIV

21. Based on the foregoing, Respondent has violated Section 472.033(1)(g), Florida Statutes, by acting in a negligent or incompetent manner in the practice of surveying and mapping.

WHEREFORE, Petitioner respectfully requests the Board enter an order imposing one or more of the following penalties: revocation or suspension of Respondent's license, imposition of an administrative fine not to exceed one thousand dollars (\$1,000.00) for each count or separate offense, issuance of a reprimand, placement of Respondent on probation, restriction of Respondent's authorized scope of practice, 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 is authorized to impose pursuant to Chapters 455 and/or 472, Florida Statutes, and/or the rules promulgated thereunder.

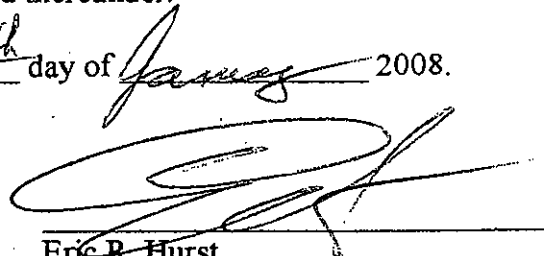
FILED

Department of Business and Professional Regulation
DEPUTY CLERK

CLERK *Brandon M. Nichols*

DATE 1-25-2008

Signed this 15th day of January 2008.



Eric R. Hurst
Assistant General Counsel

PCP: 1-10-08
Blankenship & Poppell

Counsel for the Department:
Eric R. Hurst
Assistant General Counsel
Florida Bar No. 0879673
Department of Business and
Professional Regulation
1940 North Monroe Street
Tallahassee, FL 32399-2202
Telephone: (850) 921-8656
Case No. 2005-028335
ERH/ecb

Charles W. Drago, Secretary

Charlie Crist, Governor

September 22, 2009

Larry Eddy
C/O Tri-State Land Surveyors, Inc.
5875 Mining Terrace #209
Jacksonville, FL 32257

RE: 2nd Set of Surveys Review

Dear Mr. Eddy:

The Board of Professional Surveyors and Mappers received your 1st set of probation surveys and the probation review committee will review your surveys at their October 14, 2009 meeting.

The meeting will begin at **1:00 p.m.** and will be held at the following location:

Department of Business and Professional Regulation
Division of Professions' Board Room
1940 North Monroe Street
Tallahassee, FL 32399

You are required to attend this meeting. If you have any questions, I can be reached at 850.922.0336.

Sincerely,



Stacey O. Merchant
Government Analyst II

/som

Charles W. Drago, Secretary

Charlie Crist, Governor

MEMORANDUM

TO: The Probation Committee Members
FROM: Stacey Merchant, Government Analyst II
DATE: September 17, 2009
RE: Probation Review

Larry Eddy has submitted his 2nd set of surveys for review in accordance with the Final Order issued in Case #2075-045240. We are forwarding two (2) surveys for you to review. Enclosed for your reference is a copy of the Final Order.

License Number: LS 4144
License Status: Probation
Final Order Date: June 10, 2008
Fine and Cost: Paid on time
CE Course (s): MTS course completed
Proof of Compliance to 61G17-2.005: N/A
Surveys: 2nd set received

Distribution of Surveys:

Mary Hanna Clodfelter	Exhibit #1 Exhibit #2
Art Mastronicola	Exhibit #3 Exhibit #4
Howard Ehmke	Exhibit #5 Exhibit #6

Enclosed are the revised MTS checklists. If you have any questions, please contact me at (850) 922.7155.

/som

FILED

Department of Business and Professional Regulation
AGENCY CLERK

Sarah Wachman, Agency Clerk

By: Brenda M. Nichols

STATE OF FLORIDA

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
BOARD OF SURVEYORS AND MAPPERS

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

vs.

Case No.: 2007-045240

Larry G. Eddy,

Respondent.

FINAL ORDER APPROVING SETTLEMENT STIPULATION

THIS CAUSE came before the Board of Surveyors and Mappers (hereinafter the "Board") pursuant to Chapters 455 and 472, Florida Statutes, at a meeting on April 10, 2008, for a determination of whether to accept the proposed Settlement Stipulation (attached hereto as Exhibit A) entered into between the parties in the above styled case. The parties had been properly noticed of the hearing. The Petitioner was represented by Eric R. Hurst, Assistant General Counsel. The Respondent was not present and was not represented by counsel.

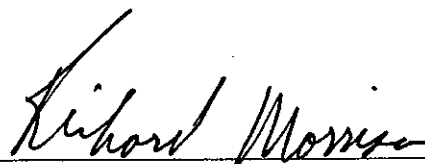
Upon consideration of the Administrative Complaint and the proposed Settlement Stipulation, and being otherwise fully advised of the premises, **IT IS HEREBY ORDERED AND ADJUDGED:**

1. The proposed Settlement Stipulation is hereby approved and adopted, and incorporated by reference herein.
2. The parties shall adhere to and abide by all the terms and conditions of the Settlement Stipulation.

3. Failure to comply with the terms of the Settlement Stipulation, including timely payment of any fines and/or costs assessed, shall cause respondent to be subjected to further discipline.

4. This Final Order shall be placed in and become a part of Respondent's official records and shall take effect upon being filed with the Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this _____ day of _____, 2008.



**EXECUTIVE DIRECTOR
BOARD OF SURVEYORS AND MAPPERS**

NOTICE OF RIGHT TO APPEAL UNLESS WAIVED

Unless expressly waived, any party substantially affected by this final order may seek judicial review by filing an original Notice of Appeal with the Clerk of the Department of Business and Professional Regulation, and a copy of the notice, accompanied by the filing fees prescribed by law, with the clerk of the appropriate District Court of Appeal within thirty (30) days rendition of this final order, in accordance with Rule 9.110, Fla. R. App. P., and section 120.68, Florida Statutes.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided via Certified U.S. Mail to Larry G. Eddy, 8411 Baymeadows Way, #2, Jacksonville, FL 32256; and to Eric Hurst, Assistant General Counsel, Office of the General Counsel, Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, FL 32399-2202, this 10th day of June, 2008.

Brandon M. Nichols

**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. 2007-045240

LARRY G. EDDY,

Respondent.

SETTLEMENT STIPULATION

LARRY G. EDDY, 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 Surveyor and Mapper in the State of Florida, license number LS 4144. Respondent's address of record is 8411 Baymeadows Way #2, Jacksonville, FL 32256.

2. Respondent is charged by an Administrative Complaint, with a violation of chapter 472, *Florida Statutes*, 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 Surveyor and Mapper 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:** The Board shall impose an administrative fine in the amount of Two Thousand Five Hundred Dollars (\$2500.00). Said fine shall be paid by the Respondent to the Executive Director of the Board of Professional Land Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750, 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 fine by the time it is due may result in further disciplinary action by the Board.

9. **COSTS:** Respondent shall pay administrative costs, excluding attorney's fees, of Six Hundred Seventy-One Dollars and Ninety Cents (\$671.90). 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, within thirty (30) days of 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 administrative costs by the time they are due may result in further disciplinary action by the Board.

10. **PROBATION:** Respondent's license to practice surveying and mapping is hereby suspended. However, the suspension shall be stayed as long as the Respondent complies with the terms of probation. Probation shall take effect from the date of filing the Board's Final Order in this matter. If Respondent fails to comply with any term of probation, the stay shall be lifted and the matter shall be referred to the Department for further disciplinary action

Terms of probation shall be as follows:

a. Respondent shall complete a Minimum Technical Standards (MTS) continuing education course within ninety (90) days from the date of entry of the Final Order by the Board of Professional Surveyors and Mappers, which Final Order incorporates this Stipulation. Respondent shall submit proof of completion of the above-mentioned course to the Board office at 1940 North Monroe Street, Tallahassee, Florida 32399-0750, within the allotted time frame.

b. Respondent shall provide the Board with a list of all signed and sealed surveys, which shall contain a minimum of six (6) surveys that have been performed by Respondent, for or without compensation, within 120 days of completing any and all continuing education courses required by the Board. The Board's Probation Chair will randomly select (6) of

Respondent's signed and sealed surveys for review from the survey list submitted by Respondent. Within five (5) calendar days of being notified by the Board of the surveys that have been selected for review, Respondent shall have post-marked and submitted to the Board office signed and sealed surveys for the surveyed properties selected for review, along with copies of the relevant field notes, the relevant full size record plats, all measurement and computational 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. Respondent must attend the Probation Committee meeting at which the surveys are to be reviewed. Failure to comply with this provision may result in Respondent being referred to DBPR for non-compliance with the final order of the Board, and the Board may lift the stay of suspension.

c. Respondent shall submit proof of professional liability insurance pursuant to section 472.015(5), Florida Statutes, to the Executive Director of the Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750, within thirty (30) days of the entry of the Final Order by the Board, whose Final Order incorporates this Stipulation, or a statement that professional liability insurance is not required.

11. 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.

12. 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.

13. This Stipulation is executed by Respondent for the purpose of avoiding further

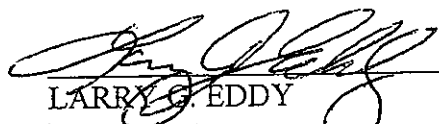
administrative action in this matter. In the event that the Stipulation is not approved by the Board, then neither party may use this Stipulation against the other, and the Stipulation shall be deemed null and void.


14. 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.

15. 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.

16. 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.


LARRY G. EDDY
Respondent


Eric R. Hurst
Assistant General Counsel

Counsel for the Department:
Eric R. Hurst
Assistant General Counsel
Florida Bar No. 0879673

Department of Business and
Professional Regulation
1940 North Monroe Street
Tallahassee, FL 32399-2202
Telephone: (850) 921-8656
Case No. 2007-045240
ERH/ecb

**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. 2007-045240

LARRY G. EDDY,

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION ("Petitioner"), files this Administrative Complaint before the Board of Professional Surveyors and Mappers ("Board") against LARRY G. EDDY ("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. At all times material hereto, Respondent was a licensed professional surveyor and mapper in the State of Florida, having been issued license number LS 4144.
3. Respondent's address of record with Petitioner is 8411 Baymeadows Way #2, Jacksonville, Florida 32256.
4. The investigation was predicated upon a complaint from John M. Godfrey ("Complainant") who alleged that Respondent surveyed Complainant's property in 2002 and 2005. Nonetheless, the 2005 survey deviates from the existing marks in the 2002 survey.

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," constitutes ground for disciplinary actions.

6. Section 472.033(1)(g), Florida Statutes, states in pertinent part that "[u]pon 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 the disciplinary action in subsection (2) may be taken.

7. The survey prepared by Respondent was reviewed using the Minimum Technical Standards (MTS) pursuant to Chapter 61G17-6.003 through 6.004, Florida Administrative Code. The following was revealed:

(1) 61G17-6.003(1)- The survey and revisions show different angles and dimensions along the north and south property lines but the ties to the house remain the same.

(2) 61G17-6.003(1)(b) & 61G17-6.003(1)(c)- Survey records do not contain sufficient data to substantiate survey maps.

(3) 61G17-6.003(1)(3)(P)1.- There is no evidence of a level loop from the benchmark to the property. There is also no datum or description of the benchmark used shown in the field notes or on the survey.

(4) 61G17-6.003(1)(3)(p)2b.- An open traverse was used to locate boundary corners and improvements. No relative closure can be calculated.

(5) 61G17-6.003(3)(d)- The date of the survey map does not indicate if the date is the date of the field work.

(6) 61G17-6.003(3)(h)- The computed dimensions shown around the boundary and ties to the house are not consistent and do not appear to be supported by accurate survey measurements.

(7) 61G17-6.003(3)(l)2.- Several abbreviations were not defined.

(8) 61G17-6.004(2)8.b.- The plat shows a lot width of 100 feet; however, the maps of the survey do not show this distance or a comparison to the field measured width.

(9) 61G17-6.004(2)8.c.- No distance to the nearest street intersection or other identifiable reference is shown.

(10) 61G17-6.004(b)4.- Found monumentation does not show size or cap identification.

(11) 61G17-6.004(b)8.- Side ties to property corners not located by redundant measurement.

(12) 61G17-6.004(2)(c)2.c.- Conflicting monumentation is shown.

(13) 61G17-6.004(2)(e)2.- Fence dimensions at SE corner are not shown and the dimensions to the fence along Ortega Boulevard are also not shown.

COUNT I

8. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.003(1), Florida Administrative Code, by showing different angles and dimensions along the north and south property lines in the original survey and revisions.

COUNT II

9. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.003(1)(b) & 61G17-6.003(1)(c), Florida Administrative Code, by failing to include sufficient data in the survey records.

COUNT III

10. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.003(1)(3)(P)1., Florida Administrative Code, by failing to show evidence of the level loop, datum of the benchmark, and description of the benchmark on the survey or in the field notes.

COUNT IV

11. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.004(2)(c)4., Florida Administrative Code, by using an open traverse to locate boundary corners and improvements.

COUNT V

12. 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 indicate if the date on the survey is the date of the field work.

COUNT VI

13. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.003(3)(h), Florida Administrative Code, by failing to support the computed dimensions shown around the boundary and ties to the house with accurate survey measurements.

COUNT VII

14. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.003(3)(l)2., Florida Administrative Code, by failing to define all abbreviations shown on the map.

COUNT VIII

15. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.004(2)8.b., Florida Administrative Code, by failing to show the distance or a comparison to the field measured width for the plat width on the survey.

COUNT IX

16. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.004(2)8.c., Florida Administrative Code, by failing to show the distance to the nearest street intersection or other identifiable reference.

COUNT X

17. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.004(b)4., Florida Administrative Code, by failing to show the size or cap identification of found monumentation.

COUNT XI

18. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.004(b)8., Florida Administrative Code, by failing to locate side ties to property corners by redundant measurement.

COUNT XII

19. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.004(2)(c)2.c., Florida Administrative Code, by showing conflicting monumentation.

COUNT XIII

20. Based on the foregoing, Respondent has violated Section 472.033(1)(h), Florida Statutes, through a violation of Rule 61G17-6.004(2)(e)2., Florida Administrative Code, by not showing the fence dimensions at SE corner and the dimensions to the fence along Ortega Boulevard on the map.

COUNT XIV

21. Based on the foregoing, Respondent has violated Section 472.033(1)(g), Florida Statutes, by acting in a negligent or incompetent manner in the practice of surveying and mapping.


WHEREFORE, Petitioner respectfully requests the Board enter an order imposing one or more of the following penalties: revocation or suspension of Respondent's license, imposition of an administrative fine not to exceed one thousand dollars (\$1,000.00) for each count or separate offense, issuance of a reprimand, placement of Respondent on probation, restriction of Respondent's authorized scope of practice, 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 is authorized to impose pursuant to Chapters 455 and/or 472, Florida Statutes, and/or the rules promulgated thereunder.

Signed this 15th day of January 2008.

FILED

Department of Business and Professional Regulation
DEPUTY CLERK

CLERK Brandon M. Nichols
DATE 1-25-2008


Eric R. Hurst
Assistant General Counsel

Counsel for the Department:
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PCP: 1-10-08
Blankenship & Poppell