

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

DEPARTMENT OF AGRICULTURE AND
CONSUMER SERVICES,

PETITIONER,

CASE NO. 2003-08148

Agency Clerk No. B32265

v.

THOMAS FERGUSON, P.S.M.

RESPONDENT.

_____ /

FINAL ORDER

THIS CAUSE came before the Florida Board of Professional Surveyors and Mappers (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, at a duly noticed meeting on August 2, 2021, by videoconference, for consideration of the proposed Settlement Stipulation. The Respondent, Thomas Ferguson, was present at the hearing. The Florida Department of Agriculture and Consumer Services (Petitioner) was represented by Funmi Ojetayo, Esq.

SUMMARY

1. On April 20, 2021, the Department issued an Administrative Complaint against the Respondent, attached hereto as "Exhibit A" and is incorporated herein.
2. On July 15, 2021, the Department received Respondent's executed Election of Rights form, indicating that he desired a Settlement Stipulation to resolve the instant case.
3. Respondent's Settlement Stipulation was submitted in lieu of the Board moving forward with further legal proceedings with respect to this case.
4. The Board has considered Respondent's Settlement Stipulation.

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

A. The Respondent's Settlement Stipulation is hereby approved and adopted. The Settlement Stipulation is attached as "Exhibit B" and is incorporated herein.

B. The Respondent's Settlement Stipulation is accepted in resolution of this case.

C. The parties shall adhere to and abide by all the terms and conditions of the Settlement Stipulation.

D. Failure to comply with the terms of the Settlement Stipulation shall cause the Respondent to be subjected to further discipline.

E. 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.

DONE AND ORDERED this 26 day of August, 2021.

**Patricia E.
Compton**

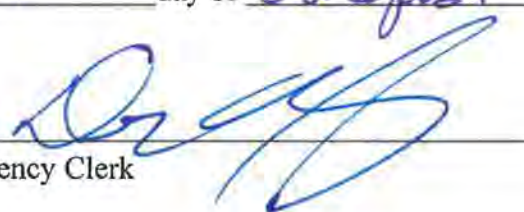
Digitally signed by Patricia E. Compton
DN: cn=Patricia E. Compton, o=Florida
Department of Agriculture and Consumer
Services, ou=Consumer Services,
email=patricia.compton@fdacs.gov, c=US
Date: 2021.08.26 17:10:51 -0400

Patricia Compton
Executive Director
Florida Board of Professional Surveyors
and Mappers
For Nick Campanile, Chair

NOTICE OF RIGHTS

Any party to these proceedings adversely affected by this Final Order is entitled to seek judicial review of this Final Order pursuant to Section 120.68, Florida Statutes, and Rule 9.100, Florida Rules of Appellate Procedures. Judicial review proceedings must be instituted by filing a Notice of Appeal with the Department's Agency Clerk, 407 South Calhoun Street, Suite 509, Tallahassee, Florida, 32399-0800, within thirty (30) days of rendition of this order. A copy of the Notice of Appeal must be filed with the Clerk of the appropriate District Court of Appeal accompanied by any filing fees prescribed by law.

Rendered this 27th day of August, 2021.



Agency Clerk

Copies by Certified U.S. Mail

Mr. Thomas Ferguson, PSM #LS5970
1336 Hibiscus Street
St. Augustine, Florida 32216

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

DEPARTMENT OF AGRICULTURE AND
CONSUMER SERVICES,

Petitioner,

v.

CASE NO. 2003-08148

CASE NO. 2002-07736

**THOMAS F. FERGUSON, P.S.M.
ON POINT LAND SURVEYORS, LLC.**

Respondents.

_____ /

ADMINISTRATIVE COMPLAINT

Petitioner Department of Agriculture and Consumer Services files this Administrative Complaint before the Board of Professional Surveyors and Mappers ("Board") against Thomas Ferguson and On Point Land Surveyors, LLC (collectively 'Respondents') and in support thereof alleges:

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, Respondents were licensed as a professional surveyor and mapper within the state of Florida, having been issued license number LS5970 to Thomas Ferguson, PSM, and license number LB8102 to On Point Land Surveyors, LLC. Both licenses are currently listed as "Active."

3. Address of record for Respondent Thomas Ferguson is 1336 Hibiscus St., St. Augustine, FL 32084. Address of record for Respondent On Point Land Surveyors, LLC is 2121 Corporate Square Blvd., Suite 130, Jacksonville, FL 32216

4. On or about February 2018, Respondents completed a mortgage survey for property located at 1763 Mandarin Estates Drive, Jacksonville, FL, which was purchased by Tiffany Coleman. The survey was completed and signed by Thomas Ferguson, PSM on or about February, 2018.

5. On or about April 2018, Tiffany Coleman contacted Respondent On Point Land Surveyors requesting staking of her property line. Upon completion of the boundary line stakes, Tiffany Coleman discovered discrepancies between the placement of the stakes and the boundary line on the mortgage survey previously prepared.

6. On or about June, 2019, Respondents admitted to errors in the initial survey produced for Complainant and issued a new survey to Complainant along with an offer to recompense Complainant for financial costs incurred from reasonable reliance on Respondents' erroneous survey.

7. On or about February 28, 2020, Tiffany Coleman, of Jacksonville, FL, filed a complaint against Respondent On Point Land Surveyors, alleging amongst other things, an incorrect boundary survey prepared for property located at 1763

Mandarin Estates Drive, Jacksonville, Florida, failure to be adequately insured, and lack of communication.

8. On or about March 3, 2020, the complaint submitted by Tiffany Coleman was determined to be legally sufficient to open an investigation.

9. On or about March 3, 2020, the Department sent a Notice of Investigation, along with a copy of the initial complaint and a request for production of documents to Respondents.

10. On or about October 8, 2020, after seven months of failing to respond to the Department's request for documents, the Department issued an Administrative Subpoena Duces Tecum to Respondents, requesting the survey documents outlined in the initial Notice of Investigation sent in March, 2020.

11. On or about November 10, 2020, the Department received a response package from Respondents, including a response letter, signed and sealed surveys, field notes, as well as other supporting documents.

12. On or about December 7, 2020, the Department submitted all documents received during the course of its investigation into this matter, to Stephen Sharpe, P.S.M. LS4745, for expert review.

13. On or about January 5, 2021, Stephen E. Sharpe, P.S.M., licensed professional surveyor and mapper, provided the Department his Consultant Report. Mr. Sharpe reviewed the documentation provided by the Department related to the

subject survey in this matter. He reviewed the survey using the Standards of Practice (SOP) pursuant to Chapter 5J-17, Florida Administrative Code (F.A.C.) (Amended 11-13-17), in effect on the date of the survey.

14. Mr. Sharpe's Consultant Report identified fourteen (14) violations of the Standards of Practice while highlighting various issues within the survey which may significantly implicate substantive property rights:

- a. Respondents' initial survey was erroneous, causing damage to Complainant and her neighbors; however, a corrected survey repeated many of the same errors and violations found in the first survey.
- b. Respondents failed to exercise due diligence in establishing lot lines and ensuring accuracy against the legal description of the property, in violation of Rule 5J-17.052, F.A.C.
- c. Respondents failed to otherwise conform to the Board's rules as outlined in Rule 5J-17.051-17.053, in violation of Section 472.0351(1)(h), F.S. (2020).

COUNT I

15. Petitioner incorporates and restates the allegations in paragraphs 1 through 14.

16. Section 472.0351(1)(h), Florida Statutes (2020), subjects a licensed professional surveyor and mapper to discipline for violating a rule of the Board or

Department.

17. Rule 5J-17.052(1)(a)1., F.A.C., states: “Every parcel of land whose boundaries are surveyed shall be made to conform with the record boundaries of such land, taking into account relevant requirements of law concerning whether the survey is original or a resurvey.”

18. Respondents violated Section 472.0351(1)(h), Florida Statutes, insofar as the subject survey does not conform to the platted record boundary described in the legal description of the lot, which is required by Rule 5J-17.052(1)(a)1., F.A.C. To wit, the Northwesterly line of Lot 16 of Ives and Pattersons Subdivision as described in the legal description of the record boundary are not accurately reflected in the survey.

COUNT II

19. Petitioner incorporates and restates the allegations in paragraphs 1 through 14.

20. Section 472.0351(1)(h), Florida Statutes (2020), subjects a licensed professional surveyor and mapper to discipline for violating a rule of the Board or Department.

21. Rule 5J-17.052(1)(a)2., F.A.C., states: “Prior to making the survey, the licensee shall perform research of records with sufficient scope and depth to identify with reasonable certainty: (a) The location of the record boundaries, (b) Conflicting

record and ownership boundary locations within, abutting or affecting the property or access to same, (c) None of the above is intended to require the surveyor to perform a title search.”

22. Respondents violated Section 472.0351(1)(h), Florida Statutes, by failing to obtain a copy of the encumbering and appurtenant easement listed in the legal description and recorded in the Current Public Records of Duval County, Florida, in violation of Rule 5J-17.052(1)(a)2., F.A.C. Furthermore, Respondents’ survey fails to show the accurate location of the adjoining deeds within Lot 17 even though the information was provided to Respondents.

COUNT III

23. Petitioner incorporates and restates the allegations in paragraphs 1 through 14.

24. Section 472.0351(1)(h), Florida Statutes (2020), subjects a licensed professional surveyor and mapper to discipline for violating a rule of the Board or Department.

25. Rule 5J-17.052(1)(b), F.A.C., states: “Monuments shall be set or held as marking the corners after a well-reasoned analysis by the licensee.”

26. Respondents violated Section 472.0351(1)(h), Florida Statutes, by failing to properly analyze the evident substantial deviation between the deed and field dimensions along the front line of the parcel, in violation of Rule 5J-

17.052(1)(b), F.A.C. Additionally, monuments were not shown as set at the rear corners, and existing monuments on or near a fence line were labeled as witness monuments approximately 30 feet from the shown boundary line.

COUNT IV

27. Petitioner incorporates and restates the allegations in paragraphs 1 through 14.

28. Section 472.0351(1)(h), Florida Statutes (2020), subjects a licensed professional surveyor and mapper to discipline for violating a rule of the Board or Department.

29. Rule 5J-17.052(1)(g), F.A.C., states: "Surveys of parcels described by metes and bounds shall show all information called for in the property description, including point of commencement, course bearings and distances, and point of beginning."

30. Respondents violated Section 472.0351(1)(h), Florida Statutes, by failing to label the subject survey, the point of commencement, point of beginning, or the Northwesterly line of Lot 16, in violation of Rule 5J-17.052(1)(g), F.A.C.

COUNT V

31. Petitioner incorporates and restates the allegations in paragraphs 1 through 14.

32. Section 472.0351(1)(h), Florida Statutes (2020), subjects a licensed

professional surveyor and mapper to discipline for violating a rule of the Board or Department.

33. Rule 5J-17.052(1)(h), F.A.C., states: “When the results of the survey differ significantly from the record, or if a fundamental decision related to the boundary resolution is not clearly reflected on the plat or map, the surveyor shall explain this information with notes on the face of the plat or map.”

34. Respondents violated Section 472.0351(1)(h), Florida Statutes, by failing to include notes within the survey map that explains the significant deviations between the legal description dimensions and monument locations, in violation of Rule 5J-17.052(1)(h), F.A.C.

COUNT VI

35. Petitioner incorporates and restates the allegations in paragraphs 1 through 14.

36. Section 472.0351(1)(h), Florida Statutes (2020), subjects a licensed professional surveyor and mapper to discipline for violating a rule of the Board or Department.

37. Rule 5J-17.052(2)(a), F.A.C., states: “The surveyor and mapper shall set monuments as defined herein, unless monuments already exist or cannot be set due to physical obstructions at corners.”

38. Respondents violated Section 472.0351(1)(h), Florida Statutes, by

failing to indicate on the subject survey, that monuments were set at the rear lot corners, in violation of Rule 5J-17.052(2)(a), F.A.C.

COUNT VII

39. Petitioner incorporates and restates the allegations in paragraphs 1 through 14.

40. Section 472.0351(1)(h), Florida Statutes (2020), subjects a licensed professional surveyor and mapper to discipline for violating a rule of the Board or Department.

41. Rule 5J-17.052(2)(c), F.A.C., states: “All monuments, found or placed, must be described on the survey map. The corner descriptions shall state the size, material, and cap identification of the monument as well as whether the monument was found or set. Offset monuments shall be noted as such on the survey map along with the offset distance to the true corner. Building corners are acceptable as monuments so long as use of the building corners as monumentation is clearly noted on the map.”

42. Respondents violated Section 472.0351(1)(h), Florida Statutes, by failing to show on the survey map the additional monumentation that were found, nor were the cap identification of found iron pipes listed on the drawing, in violation of Rule 5J-17.052(2)(c), F.A.C.

COUNT VIII

43. Petitioner incorporates and restates the allegations in paragraphs 1 through 14.

44. Section 472.0351(1)(h), Florida Statutes (2020), subjects a licensed professional surveyor and mapper to discipline for violating a rule of the Board or Department.

45. Rule 5J-17.052(3)(b), F.A.C., states: “Open and notorious evidence of boundary lines, such as fences, walls, buildings, monuments or otherwise, shall be shown upon the map, together with dimensions sufficient to show their relationship to the boundary line(s).”

46. Respondents violated Section 472.0351(1)(h), Florida Statutes, by failing to clearly show which side of the boundary line the fence corners fall on, in violation of Rule 5J-17.052(3)(b), F.A.C.

COUNT IX

47. Petitioner incorporates and restates the allegations in paragraphs 1 through 14.

48. Section 472.0351(1)(h), Florida Statutes (2020), subjects a licensed professional surveyor and mapper to discipline for violating a rule of the Board or Department.

49. Rule 5J-17.052(4)(b), F.A.C., states: “Easements shown on applicable

record plats or open and notorious evidence of easements or rights-of-way on or across the land being surveyed shall be located and shown upon the map.”

50. Respondent violated Section 472.0351(1)(h), Florida Statutes, by failing to properly show an easement on the property in the survey map, as required by Rule 5J-17.052(4)(b), F.A.C., despite open and notorious evidence that such easement exists.

COUNT X

51. Petitioner incorporates and restates the allegations in paragraphs 1 through 14.

52. Section 472.0351(1)(h), Florida Statutes (2020), subjects a licensed professional surveyor and mapper to discipline for violating a rule of the Board or Department.

53. Rule 5J-17.053(5)(a), F.A.C., states: “For each survey produced, all licensees, except for those who do not have an ownership right to the work product, shall maintain for a minimum of six years from the date of creation at least one copy of all signed and sealed drawings, plans, specifications, plats, and reports as well as one copy of all related calculations and field notes. Additionally, the documented research of records and written notification regarding lack of insurance shall be retained for a minimum of six years from the date of creation. These records may be kept in hard copy or electronic or digital format. Licensees shall provide these

records to the Department and Board upon request. The failure to do so shall constitute cause for discipline.”

54. Respondents violated Section 472.0351(1)(h), Florida Statutes, by failing to provide records associated with the subject survey upon the Department’s request in its Notice of Investigation issued in March, 2020, as required by Rule 5J-17.053(5)(a), F.A.C., and persisted in not responding for over 6 months until an administrative subpoena was issued to Respondents.

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 **Three Hundred Fifty Dollars and Zero Cents (\$350.00)** for each count or separate offense, issuance of a reprimand and placement on probation, assessment of costs associated with investigation and prosecution, imposition of any or all penalties delineated within Section 472.0351(2), Florida Statutes, 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 20th day of April 2021.

**DEPARTMENT OF AGRICULTURE
AND CONSUMER SERVICES**



Olorunfunmi O. Ojetayo
Senior Attorney [FBN 118366]
Office of the General Counsel
funmi.ojetayo@fdacs.gov

PCP Date: April 20, 2021

PCP Members: Steven Hyde (Chair)
Robin Petzold
Keith Fountain

Certified U.S. Mail, Return Receipt # _____

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with §§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. Florida Administrative Code Rule 28-106.111 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 §472.0351(4)(a), Florida Statutes, the Board may assess costs and attorney's fees related to the investigation and prosecution of the case against the Respondent in addition to any other discipline imposed.

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

DEPARTMENT OF AGRICULTURE AND
CONSUMER SERVICES,

Petitioner,

v.

Case No. 2003-08148

THOMAS FERGUSON, P.S.M.

Respondent.

SETTLEMENT STIPULATION

Petitioner, the Department of Agriculture and Consumer Services ("Department"), and Respondent, Thomas Ferguson, P.S.M., pursuant to Section 120.57(4), Florida Statutes, stipulate and agree to the following Settlement Stipulation and entry of a Final Order of the Board of Professional Surveyors and Mappers ("Board"), incorporating the Stipulated Facts and Stipulated Disposition in this matter.

STIPULATED FACTS

1. Petitioner is the state agency charged with regulating licensed professional surveyors and mappers in the state of Florida pursuant to Chapter 472, Florida Statutes.
2. For all times pertinent hereto, Respondent was a licensed professional surveyor and mapper in the state of Florida having been issued license number LS5970. Respondent's address of record is 1336 Hibiscus St., St. Augustine, FL 32084.
3. On or about April 20, 2021, in Department Case No. 2003-08148, Petitioner issued an Administrative Complaint against Respondent alleging that Respondent violated Chapter 472,

Florida Statutes, and/or other applicable statutes, and/or the rules enacted pursuant thereto. A true and correct copy of the Administrative Complaint is attached hereto as Exhibit A.

4. For the purposes of these proceedings, Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint.

STIPULATED CONCLUSIONS OF LAW

5. Respondent admits that, as a licensed professional surveyor and mapper, he is subject to the provisions of Chapter 472, Florida Statutes, and the jurisdiction of the Department and the Board.

6. Respondent admits the facts alleged in the Administrative Complaint, if proven, would constitute violations of Chapter 472, Florida Statutes.

7. Respondent agrees that this Settlement Stipulation is a fair, appropriate and acceptable disposition of this case.

8. Respondent agrees the Board's acceptance of this Settlement Stipulation constitutes disciplinary action within the meaning of Sections 472.033 and 472.0351, Florida Statutes.

STIPULATED DISPOSITION

9. **REPRIMAND:** The Board shall issue a Reprimand against Respondent's license.

10. **FINE:** The Board shall impose an administrative fine of **Three Thousand Five Hundred Dollars and Zero Cents (\$3,500.00)** against Respondent's license which Respondent shall pay to Florida Department of Agriculture and Consumer Services, Board of Professional Surveyors and Mappers, Attention: Executive Director, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, within ninety (90) days of the entry of the Final Order accepting this Settlement Stipulation. **All fines shall be paid by cashier's check or money order.** Respondent's

failure to pay the fine by the time due shall result in the immediate suspension of Respondent's license and the matter shall be referred to the Department for further prosecution and additional discipline.

11. **COSTS:** Pursuant to Rule 5J-17.06, Florida Administrative Code, Respondent agrees to pay the Department for the Department's costs incurred in the investigation and prosecution of this case. Respondent agrees that the amount of the Department costs to be paid in this case is **Six Hundred Sixteen Dollars and Twenty-Six Cents (\$616.26)**. Respondent shall pay such administrative costs to: Florida Department of Agriculture and Consumer Services, Board of Professional Surveyors and Mappers, Attention: Executive Director, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, within ninety (90) days of the entry of the Final Order accepting this Settlement Stipulation. **All costs shall be paid by cashier's check or money order.** Respondent's failure to pay the costs by the time due shall result in the immediate suspension of Respondent's license and the matter shall be referred to the Department for further prosecution and additional discipline.

12. **PROBATION:** Probation shall take effect **immediately** upon the date the Board's Final Order is rendered in this matter. If Respondent fails to comply with any terms of probation, the matter shall be referred to the Department for further prosecution and additional discipline, including additional fines and costs, and/or other appropriate discipline. Terms of probation shall be as follows:

a. All documents required to be submitted by Respondent under this paragraph 12 shall be filed with the Executive Director of the Board, 2005 Apalachee Parkway, Tallahassee, Florida 32301 ("Board Office").

b. Respondent may commence and complete performance of these terms of probation no earlier than ninety (90) days from the date on which the Board approved this Settlement Stipulation, which is listed below.

c. Continuing Education: Respondent shall complete twelve (12) credit hours of Board approved continuing education courses in **Standards of Practice (SOP)**, six (6) of which shall be in-person, within one hundred and twenty (120) days from the date the Board's Final Order is rendered in this matter. If extenuating circumstances prevent Respondent from completing the in-person courses within the aforementioned timeframe, Respondent shall notify the Board office within 30 days of the completion deadline, and an extension may be granted accordingly. Respondent shall submit proof of completion of the above-mentioned course to the Board Office within the allotted time frame. Continuing education courses completed as part of this probation shall not be counted toward the continuing education requirement for renewal of the Respondent's license under Chapter 472, Florida Statutes.

d. Survey Review: Respondent shall provide the Board with a list of all signed and sealed surveys, which shall contain a minimum of three (3) surveys which were performed by Respondent within ninety (90) days of the date of the final order.

- i. The survey list submitted by the probationer shall contain each survey's project name and/or number, the client name (if available), the date of the survey and the type of survey performed.
- ii. The Board's Probation Chair will randomly select three (3) of Respondent's signed and sealed surveys for review from the survey list submitted by Respondent.

- iii. Within five (5) calendar days of being notified by the Board of the surveys which were selected for review and the attendant costs of such 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 Florida Administrative Code Rules 5J-17.016, 5J-17.083, and 5J-17.085. Along with the surveys submitted to the Board Office, Respondent shall also remit to the Department the amount of the quoted cost of review, payable by cashier's check or money order to: Florida Department of Agriculture and Consumer Services, Board of Professional Surveyors and Mappers.
- iv. The Board Office shall submit the surveys supplied by Respondent, along with supporting documentations and records, to the expert consultant selected by the Board to conduct a review. The expert consultant shall provide an evaluation report of his review to the Board's Probation Review Committee along with a copy to the Respondent.
- v. Respondent must attend the Probation Committee meeting at which the surveys and the evaluation report prepared by the expert consultant surveys are to be discussed. At this meeting, the Probation Committee shall determine whether Respondent's reviewed surveys meet or exceed the standards of practice.

vi. If Respondent's surveys fail to meet or exceed the standards of practice, Respondent shall be granted another opportunity to pass survey review and shall repeat the steps outlined above. If Respondent fails to pass survey review a second time, he shall be referred to the Department for non-compliance with a final order of the Board and be subject to further disciplinary action.

e. Failure to comply with any of the terms of probation outlined herein shall constitute a violation of section 472.0351(1)(h), F.S., and shall result in the immediate suspension of Respondent's license. The matter shall be referred to the Department for further prosecution and additional discipline, including fines, costs, and/or other appropriate discipline.

STANDARD PROVISIONS

13. From the date of entering this Settlement Stipulation, Respondent shall not violate Chapter 472, Florida Statutes, or the administrative rules promulgated pursuant thereto.

14. Respondent understands a violation of any term of this Settlement Stipulation shall constitute a violation of a Final Order of the Board, for which disciplinary action may be initiated pursuant to Chapter 472, Florida Statutes.

15. It is expressly understood that this Settlement Stipulation is subject to the approval of the Board and the Department, and has no force and effect until the Board enters a Final Order incorporating the terms of this agreement.

16. Respondent executes this Settlement Stipulation to avoid further administrative action and avoid incurring expenses associated with further litigation with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of the Settlement

stipulation. If this Settlement Stipulation is not approved by the Board, then neither party may use this Settlement Stipulation against the other and this Settlement Stipulation shall be deemed null and void. Furthermore, should this Settlement Stipulation not be accepted by the Board, it is agreed that presentation to and consideration of this Settlement Stipulation and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

17. Respondent understands that this Settlement Stipulation, and the subsequent Final Order incorporating the same, will not in any way preclude additional proceedings by the Board and/or Department against the Respondent for acts or omissions not specifically set forth in the Administrative Complaint (Attached as Exhibit A).

18. Upon the Board's adoption of this Settlement Stipulation, Respondent waives all further procedural steps, and waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the Settlement Stipulation and the Final Order of the Board incorporating the terms of the Settlement Stipulation.

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

20. Respondent enters into this Settlement Stipulation freely and voluntarily. Respondent acknowledges that no promises were made to the Respondent regarding the disposition of this case or any other case that may be pending now or in the future before this Board, except the terms of this Settlement Stipulation.

21. Respondent understands the Final Order entered in this case may be used in future cases to seek enhanced penalties if Respondent commits a violation after the filing date of this

Settlement Stipulation and Final Order.

22. If Respondent holds any other professional or occupational license, Respondent understands and acknowledges that this Settlement Stipulation and Final Order may be used as grounds for discipline against any other license held by the Respondent.

23. Venue for any action arising out of this Settlement Stipulation and Final Order shall be in Leon County, Florida.

24. This Settlement Stipulation constitutes the entire agreement between the Department and Respondent, including anyone acting for, associated with, or employed by either party, concerning only those matters specified above and supersedes any prior discussions, agreements, or understandings. No modification or waiver of any provision is valid unless the parties complete and properly executed a written amendment to the Settlement Stipulation.

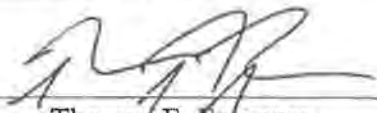
25. This Settlement Stipulation is and shall be deemed jointly drafted and written by all parties to it and shall not be construed or interpreted against any party.

26. To the extent any portion of this Settlement Stipulation is prohibited by law for any reason, such prohibition shall not affect any other provision of this Settlement Stipulation.

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

[SIGNATURE PAGE TO FOLLOW]

SIGNED this 13 day of July, 2021.

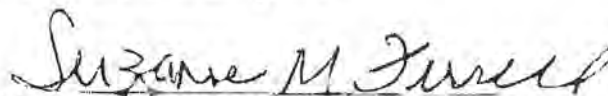

Thomas F. Ferguson
LS5970

STATE OF FLORIDA

COUNTY OF ST. JOHNS

BEFORE ME personally appeared Thomas F. Ferguson, whose identity is known to me or who produced _____ (type of identification) and who, under oath, acknowledges that his/her signature appears above.

SWORN TO and subscribed before me this 13 day of July, 2021.


NOTARY PUBLIC

My Commission Expires: 10-16-2022

APPROVED this 2nd day of August, 2021.



DEPARTMENT OF AGRICULTURE
AND CONSUMER SERVICES


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