



A publication from the

Board of Professional Surveyors and Mappers

Fall 2021

Board Members

David Schryver - Chair
Vero Beach

Keith Fountain - Vice Chair
DeLand

Frank J. Conkling
Palm Beach Gardens

Steven J. Hyde
Vero Beach

Christopher P. McLaughlin
Dunedin

Michael Zoltek
Cape Coral

Iarelis (Ia) Hall
Apopka

Nick Campanile
Deland

Consumer Members

George Grubbs
Bartow

Keith Fountain
DeLand

Board Staff

Liz Compton
Executive Director

Amanda McKibben
Board Counsel

Funmi Ojetayo
Board Prosecutor

Regenia S. Lee
Government Analyst I

Message From The Board Chair

David Schryver



As we say farewell to 2021, we look forward to getting back to a sense of normalcy in 2022. This past year has been a difficult one for many in our profession, and your Board is no exception. However, with the technology available to us today, and the dedicated staff in the Board office, we have been able to keep the business of the Board on track. I am honored to be Board Chairman for the coming year and look forward to the challenges we may face this year.

The October 2021 meeting took place in St. Augustine and was the first in-person meeting that we have had in quite some time. Although the virtual meetings served us well, there is no comparison to the ability to be together as a group to discuss the current issues and needs of the profession. Live meetings also provide an opportunity for attendance and input from members of the profession. I strongly encourage all members to attend a Board meeting.

We continue to have great success in the examination process since the Board contracted with Prometric to provide the Florida Jurisdictional Examination. Since the August Board meeting there were 27 applicants registered for testing, of which, 24 were licensed. For the October meeting, the Exam Committee reviewed 41 applications for the various examinations, of those applicants, 40 were approved for testing with one denial. It has never been easier to schedule an examination now that there are multiple testing sites and times available to applicants.

The Departments Prosecuting Attorney Mr. Olorunfunmi Ojetayo has worked diligently to streamline the disciplinary process. His work has resulted in a substantial improvement in clearing the back log of disciplinary cases. The Board has also begun utilizing outside professionals to evaluate the surveys submitted for disciplinary review.

At this meeting NCEES Immediate Past President Chris Knotts, PE, and Southern Zone Vice President Andy Zoutwelle, PLS gave an informative presentation regarding the mission of NCEES and the many services it provides licensed professionals. If you are a professional with multiple licenses, you may want to consider looking into creating a NCEES Record.

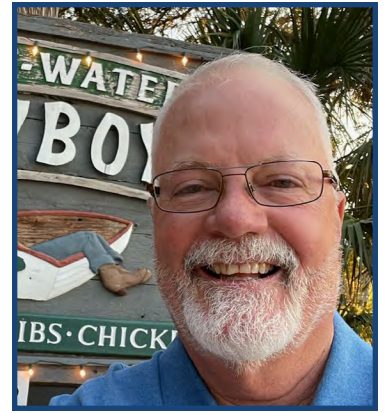
To meet the ever-changing needs of the surveying and mapping profession, and protection of the consumer, the rules and laws need to be reviewed and revised from time to time. The discussion of rule and law changes is ongoing at the Board level. Input from the surveying community is welcome.

Finally, our October 2021 meeting was also the last meeting for two of our long time Board members, Frank Conkling and Steven Hyde. Their service to the Board has been exemplary, and their presence will be missed. We wish them well in their future ventures, and we await the arrival of their replacements.

Our next meeting is planned to be held in the Ocala area. Hope to see you there.

Message from the Outgoing Board Chair

Nick Campanile



As we near the end of 2021, I am pleased to welcome new board Chairperson David Schryver and Vice Chairperson Keith Fountain as we hopefully return to some semblance of normalcy! David brings a wealth of knowledge and experience to the board having been licensed in 1990 and served as chair and member of numerous committees over the years and Keith has also been a solid board member and has participated on the Probable Cause Panel and served on several committees including recently serving as chair of the Rules Committee. I have been reflecting on the past two years of my board chairmanship which was hijacked by the Covid Pandemic soon after I took the position. We had one in-person meeting in February 2020 just before the state was shut down. I am proud to say the board and board staff responded to the pandemic challenges with acclaim. We quickly began holding virtual board meetings so the important business of supporting the surveying and mapping profession could continue. Despite a few technical bumps, we have accomplished much in the past two years. We were able to secure a third-party examiner, Prometric, Inc. to ensure applicants could take the Florida Jurisdictional Exam while department offices have been closed and in-person testing on hold. I worked throughout my term with Executive Director Liz Compton who took the position right before the pandemic on many issues including ensuring proper application of law and rules is employed by board members in reviewing applications involving ABET and Non-ABET education requirements; increased Probable Cause Panel virtual meetings to more efficiently tackle complaints; dealt with elevation certificate questions; and had a thorough review of Chapter 5J-17 looking for ways to improve the processes and procedures in future rulemaking. I want to thank all the board members, Liz, Regenia Lee, Board Counsel Amanda Mckibben, Board Prosecutor Funmi Ojetayo and Investigator Corey Fedrick for their help, support, and flexibility during these two tumultuous years. Our many successes have been a team effort and I look forward to providing that same support to David and Keith in the new year.

Message from the Executive Director

Liz Compton



It was with much delight I was able to hold the last board meeting of 2021 in person after nearly two years of virtual meetings. While board members have done a fantastic job keeping the train running virtually, there is nothing like sitting in the same room with these fine professionals. Interestingly, my first board meeting with outgoing chairman Nick Campanile was in person and my last meeting with him was in person. Fortunately, since I accepted this position in early 2020, I have had the opportunity to meet with and work with Nick regularly in person and virtually. It has been a pleasure getting to know him, interpreting his notes, and enjoying his terrific sense of humor. Nick is a very detail-oriented person and has kept me on my toes throughout our work together. The meeting was also bittersweet as two board members have completed their terms. I have thoroughly enjoyed getting to know Frank Conkling and Steve Hyde and have relied heavily on their expertise and experience since I started. I look forward to working closely with incoming Board Chairman David Schryver and Vice-Chairman Keith Fountain. We have accomplished a lot this year but there is much to be done. The board is conducting an ongoing review of the rules to propose improvements and clarifications which will entail input from the surveying and mapping community. I had the pleasure of attending the FSMS conference virtually with my coworker Regenia Lee to speak with a group and explain the processes of getting licensed. There were a lot of great questions and I hope we have been able to clarify the steps to licensing. I have also been working with the board counsel and prosecutor as they continue to streamline the disciplinary process to expediate investigations and disciplinary actions which enables us to maintain the integrity of the profession. I close by asking surveying professionals to let me know if there are any issues you would like to know more about in future newsletters. I am happy to research and write about topics of interest to you. You can reach me at patricia.compton@FDACS.gov. I hope you all have a safe and happy holiday season and I look forward to working with you in the new year!

RIGHT OF ENTRY

Florida *Professional* Surveyors and Mappers are (or should be) aware of the provisions of 472.029, F.S which, in short grants Surveyors and Mappers and their subordinates the limited right of entry to the lands of others when necessary to perform their work. I stress the word *professional* because with this right come legal and ethical responsibilities. It's important to note that 472.029 goes on to say, "this subsection does not give authority to registrants, subordinates, agents, or employees to destroy, injure, damage, or move any physical improvements on lands of another without the written permission of the landowner."

Allowing access onto lands of others is a very important, and valuable right and one that should not negatively impact the rights of landowners. As a matter of general courtesy and respect, it makes sense for Surveyors and Mappers and their staff to attempt to contact the residents of a property before entering while doing surveying work. You would expect the same courtesy for yourself and your family. Most surveyors and their subordinates do properly identify themselves and notify residents before beginning work. But a number of people in the industry seem to persistently fail to make a basic effort to contact and inform occupants of a property. While the client may be aware of what is happening, neighboring property owners often are not. Board staff receive phone calls and written complaints from citizens who have been ignored or treated rudely. This is not the "first impression" we want to present to the public and is an easy problem to avoid with a simple act of courtesy. Exercising the right to access with reasonable care, and prudent approach is very important, not only for impacts on the landowner's property, but also for the safety of all involved. Perhaps more than ever before, citizens are concerned about the safety and welfare of their families and their property. Mistaking a surveyor for an intruder could have dire consequences for all involved. Finally, failure to treat the "right of entry" as a privilege could result in the reduction or loss of that integral part of practicing your profession. I have included an example of a door hanger licensees could use. If you would like me to send you the hanger in an attachment, email me at patricia.compton@FDACS.gov. The board and staff greatly appreciate your assistance and cooperation!

SORRY WE MISSED YOU
It is necessary for us to enter your property to perform surveying & mapping procedures.

Brief explanation:

This process primarily involves:

☐ Your Property
☐ Neighboring Property
☐ Other: _____

Several visits may be necessary for us to accomplish the required work.

Project Manager: _____
Project Number: _____
Date: _____

THANK YOU FOR YOUR COOPERATION!
If you have any questions, please contact us at:

Company Name
Company Address
Company Phone
Company Website



**Florida Statute
Chapter 472.029**

472.029 Authorization to enter lands of third parties; conditions.—

(1) IN GENERAL.—Surveyors and mappers or their subordinates may go on, over, and upon the lands of others when necessary to make surveys and maps or locate or set monuments, and, in so doing, may carry with them their agents and employees necessary for that purpose. Entry under the right granted by this subsection does not constitute trespass, and surveyors and mappers and their duly authorized agents or employees so entering are not liable to arrest or to a civil action by reason of such entry; however, this subsection does not give authority to registrants, subordinates, agents, or employees to destroy, injure, damage, or move any physical improvements on lands of another without the written permission of the landowner.

(2) LIABILITY AND DUTY OF CARE ON AGRICULTURAL LAND.—

(a) Any person regulated by this chapter who enters agricultural land shall do so in compliance with all federal, state, and local laws, rules, and regulations pertaining to premises security, agricultural protections, and other health and safety requirements in place on such land.

(b) A landowner is not liable to any third party for civil or criminal acts or damages that result from the negligent or intentional conduct of any person regulated by this chapter on agricultural land.

(c) If written notice is not delivered to the landowner or landowner's registered agent at least 3 business days prior to entry on an agricultural parcel containing more than 160 acres, the duty of care owed by the landowner to those regulated by this chapter is that due an undiscovered trespasser.

(d) This subsection applies only to land classified as agricultural pursuant to s. 193.461.

History.—ss. 37, 42, ch. 79-243; ss. 2, 3, ch. 81-318; ss. 5, 7, ch. 89-137; s. 4, ch. 91-429; s. 94, ch. 94-119; s. 6, ch. 2002-41.



FAREWELL FRIENDS!



At the October 2021 meeting of the board, we said good-bye to two long-time members Frank Conkling and Steven Hyde. Frank began his surveying career in 1974 on a survey crew with the John D. and Catherine T. MacArthur Foundation while working his way up and becoming licensed in 1985. He formed Panda Consulting in 1998, a professional GIS services firm and Frank has been involved in the integration of Surveying and GIS since the early 1980s. Frank taught Surveying and Mapping from 1984 - 1995 at Palm Beach State College and has remained in a leadership role in both the Surveying and Mapping and GIS professions. Frank is finishing his nearly ten-year appointment having filled out the remainder of a previous member's term and served two subsequent terms. He is honored to have been given the opportunity to help guide the profession into the twenty-first century. Frank said, "We have a strong profession with a meaningful history and opportunity to help society solve some of the global problems - we just need to understand that our geospatial domain knowledge is essential to multiple endeavors and seize the opportunities."

Steve was first appointed in November 2013 and brought to the board over 25 years of experience at that time in the surveying profession. He is licensed in 35 states and has been passionate about improving the mobility of surveying from state to state. Steve has been involved in many activities to advocate for and protect the integrity of the professions. He was twice elected board chairman and served as chair of numerous committees over the years including the difficult task of sitting on the Probable Cause Panel and making decisions about disciplinary actions. Steve was an integral part of extensive rulemaking during his tenure and assisted the Executive Director in the effort this year to bring computer based, third party testing of the Florida Jurisdictional Exam to fruition. He has also been involved with NCEES as a volunteer on the Committee on Examinations for Professional Surveyors and Committee on Education.

Frank and Steve brought irreplaceable expertise and knowledge to the board that will be greatly missed. We wish them success in all future endeavors and thank them for their dedication and willingness to serve!



CONTACT THE BOARD STAFF

Email: psm@freshfromflorida.com

Consumer Services Hotline:

1-800-HELP-FLA (435-7352) - Florida only
1-800-FL-AYUDA (352-9832) - En Español
850-488-2221 - Calling from outside of Florida

Mail:

Florida Department of Agriculture and
Consumer Services Board of Professional
Surveyors and Mappers
Terry Lee Rhodes Building
2005 Apalachee Parkway
Tallahassee, FL 32399-6500

UPCOMING BOARD MEETINGS

Jan 25-26, 2022

Ocala, FL

April 26-27

St. Petersburg, FL

July 19-20

Palm Beach Gardens

October 4-5

St. Augustine, FL

Board meeting dates and locations are subject to change and may be virtual meetings. Any changes will be posted on the [website](#).

INTERESTING STATISTICS ABOUT YOUR PROFESSION

Currently, there are approximately 2500 active PSM licenses.

- **Ages 40 and under- Approximately 8%**
- **Ages 41-60 Approximately 45%**
- **Ages over 60 Approximately 47%**

Since January 1, 2021 61 new licenses have been issued.

EXAMINATIONS

Florida Jurisdiction Exam

Until recently, the Covid-19 pandemic precluded in person board meetings and staff's ability to administer the Florida Jurisdictional Exam. As operations start returning to normal, board staff will look to resume offering the in-person exam prior to each board meeting. However, we will continue to partner with Prometric, Inc. a third-party examiner which proctors the exam at its many locations across the state and the nation. This enables applicants to schedule the exam at a date, time, and location most convenient to them. You can get more information about this option on our website at <https://www.fdacs.gov/Business-Services/Surveyors-and-Mappers>

The Fundamentals (FS) exam and the Principles and Practice (PS) exam are both offered year-round through computer-based testing (CBT). The National Council of Examiners for Engineering and Surveying (NCEES) is responsible for the administration of both the FS and PS exams, and you may direct all your questions regarding exam registration and procedures to NCEES. Find out more by visiting www.ncces.org.

Please note: In order to register for any of the exams (FS, PS and Florida Jurisdictional) you must first have submitted a registration application and been approved by the Board.

ADDRESS AND CHANGE REQUIREMENTS

Remember Section 472.0204, Florida Statutes, requires each licensee to be solely responsible for notifying the department in writing of the licensee's current mailing address and place of practice. A failure to notify the department of a change in address may result in disciplinary action against the license.

Additionally, pursuant to Section 472.021(4), Florida Statutes, and Rule 5J-17.063(9), Florida Administrative Code, business entities shall notify the Board within one (1) month of any changes in the business entity's location of offices, its licensed surveyors and mappers in residence, and the names of its principals, along with proof to demonstrate the change in principals.

DISCIPLINARY ACTIONS

The Board of Professional Surveyors and Mappers has taken disciplinary action against the following licensees in 2021 following the publication of the Spring 2021 Newsletter. Although every effort has been made to ensure that this information is correct, check with the Board Office before making any specific decision based upon this information. This listing may not reflect disciplinary actions occurring near or following the publication date. Further, this listing does not reflect pending appeals or requests for rehearing. Each order listed as follows, with the name, the case number, the license number, and the terms of the Final Order. To see the Final Order, the Administrative Complaint, and the violations which were found please visit our website where you may view each document individually.

Board Orders

Thomas F. Ferguson

LS5970

Case #2003-08148

Licensure Status: Active/Probation

Terms of Final Order

Fine of \$3500.00 and investigative costs of \$616.26

Survey review and attendant cost of the review

Complete 12 hours of continuing education courses

Mark A. Johnson

LS6572

Case #1905-16641

Licensure Status: Active/Probation

Terms of Final Order

Fine of \$1000.00 and investigative costs of \$654.64

Complete 18 hours of continuing education courses

Efrain Lopez

LS6792

Case #1802-09678

Licensure Status: Active

Terms of Final Order

Fine of \$3450.00.00 and investigative costs of \$527.87

Complete 12 hours of continuing education courses

ME LAND SURVEYING, INC

LB7989

Case #1802-09656

Terms of Final Order

Fine of \$6250 and investigative costs of \$595.79

If you would like to report a violation of Chapter 472, Florida Statutes, or Rule 5J-17, Florida Administrative Code or to report unlicensed activity you can find the form at <https://www.fdacs.gov/Forms#P>