

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

**DEPARTMENT OF AGRICULTURE  
AND CONSUMER SERVICES,**

**Petitioner,**

**vs.**

**Case No. 1812-54965  
Agency Clerk No. B25782**

**JONATHAN SCOTT BRANSON**

**Respondent,**

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**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 July 24, 2020, in Various Locations (Virtual meeting), Florida, for consideration of the proposed Settlement Stipulation. The Respondent, Jonathan Scott Branson, was present at the hearing. The Florida Department of Agriculture and Consumer Services (Petitioner) was represented by Funmi Ojetayo, Esq.

**SUMMARY**

1. On November 14, 2019, the Department issued an Administrative Complaint against the Respondent, attached hereto as "Exhibit A" and is incorporated herein.
2. On March 31, 2020, the Department received Respondent's signed proposed Settlement Stipulation, attached hereto as Exhibit "B," and its executed Election of Rights form.
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.

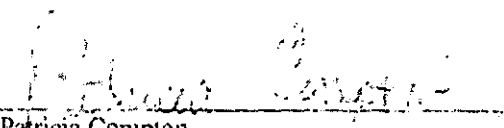
B. The Respondent's Settlement Stipulation is accepted in resolution of this case.

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 20th day of December, 2020.

  
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 28<sup>th</sup> day of September, 2020.

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

Copies by Certified U.S. Mail

Mr. Jonathan Scott Branson, PSM #LS6845  
50 Lakeview Reserve Boulevard  
Winter Garden, Florida 34787

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

DEPARTMENT OF AGRICULTURE AND  
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JONATHAN SCOTT BRANSON

RESPONDENT.

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**ADMINISTRATIVE COMPLAINT**

Petitioner Florida Department of Agriculture and Consumer Services ("Petitioner" or "Department") files this Administrative Complaint before the Board of Professional Surveyors and Mappers ("Board") against Respondent, Jonathan Scott Branson, 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, Respondent was a surveyor licensed to engage in the practice of professional surveying and mapping within the state of Florida, having been issued license number LS 6845.
3. Respondent's address of record is 50 Lakeview Reserve Boulevard, Winter Garden, Florida 34787.

4. A complaint was filed with the Department on October 20, 2018, by Ethyl Lynn Hendrickson ("Complainant"), alleging numerous Standards of Practice errors on a survey as prepared by the Respondent on or about December 2016.

5. On or about July 15, 2019, Alvin T. Gloer, PLS, licensed as a professional surveyor and mapper, reviewed the documentation of Respondent's Surveys in question, using the Standards of Practice ("SOP") in force at that time pursuant to Florida Administrative Code Chapter 5J-17, and found the following regarding Respondent:

a. Noncompliance with Rule 5J-17.052(2)(a)1, in that relying on found non-original monumentation without retracing the plat boundary does not insure the survey is in complete accord with the real property description shown on or attached to the survey map or report.

b. Noncompliance with Rule 5J-17.052(2)(a)7.c, in that the survey map does not show a comparison between recorded directions and distances and field measured directions and distances to an identifiable reference point.

c. Noncompliance with Rule 5J-17.052(2)(b)3, in that the survey map does not state the size, material, and cap identification of the monuments found on the survey map.

6. Florida Administrative Code Rule 5J-17.010(3) states in pertinent part:

Licensees ... shall be disciplined for failing to abide by the Standards of Practice set out in Rule Chapter 5J-17.050 through 5J-17.052, F.A.C.

7. §472.0351(1)(h), Fla. Stat., states in pertinent part:

The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

...  
(h) Failing to perform any statutory or legal obligation placed upon a licensed surveyor and mapper; violating any provision of this chapter, a rule of the board or department...

#### COUNT I

8. Petitioner incorporates and restates the allegations in paragraphs 1 –7.

9. Section 472.0351(1)(h), Florida Statutes, subjects a licensee to discipline for violating a rule of the board or department.

10. Rule 5J-17.052(2)(a)1, F.A.C., states that the surveyor and mapper shall make a determination of the position of the boundary of real property in complete accord with the real property description shown on or attached to the survey map or report.

11. Respondent violated §472.0351(1)(h), Fla. Stat., through a violation of Florida Administrative Code Rule 5J-17.052(2)(a)1, in that relying on found non-original monumentation without retracing the plat boundary does not insure

the survey is in complete accord with the real property description shown on or attached to the survey map or report.

## COUNT II

12. Petitioner incorporates and restates the allegations in paragraphs 1 –7.

13. Section 472.0351(1)(h), Florida Statutes, subjects a licensee to discipline for violating a rule of the board or department.

14. Rule 5J-17.052(2)(a)7.c, F.A.C., states that a comparison between recorded directions and distances with field measured directions and distances to the nearest street intersection, right of way intersection or other identifiable reference point shall be shown on the survey map.

15. Respondent violated §472.0351(1)(h), Fla. Stat., through a violation of Florida Administrative Rule 5J-17.052(2)(a)7.c, in that the survey map does not show a comparison between recorded directions and distances and field measured directions and distances to an identifiable reference point.

## COUNT III

16. Petitioner incorporates and restates the allegations in paragraphs 1 –7.

17. Section 472.0351(1)(h), Florida Statutes, subjects a licensee to discipline for violating a rule of the board or department.

18. Rule 5J-17.052(2)(b)3, F.A.C., states that 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.

19. Respondent violated §472.0351(1)(h), Fla. Stat., through a violation of Florida Administrative Code Rule 5J-17.052(2)(b)3, in that the survey map does not state the size, material, and cap identification of the monuments found on the survey map.

WHEREFORE, Petitioner respectfully requests an order from the Board imposing one or more of the following penalties: imposition of an administrative fine not to exceed one thousand dollars (\$1,000.00) for each count or separate offense, issuance of a reprimand, assessment of costs associated with investigation and prosecution, imposition of any or all penalties delineated within Section 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 14<sup>th</sup> day of November, 2019.



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Amanda B. McKibben  
Senior Attorney  
Florida Bar No. 104788

Department of Agriculture and Consumer Services  
407 South Calhoun Street  
Suite 520  
Tallahassee, Florida 32399  
(850) 245-1024  
Amanda.McKibben@FDACS.gov

PCP Date: 10-28-19

PCP Members: Petzold, Hyde, Talbott

Certified U.S. Mail, Return Receipt # 7019 0160 0000 0402 6141

### 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 attorneys fees related to the investigation and prosecution of the case against the Respondent in addition to any other discipline imposed.

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BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS

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RESPONDENT.

---

**SETTLEMENT STIPULATION**

Petitioner, the Department of Agriculture and Consumer Services ("Department"), and Respondent, Jonathan Scott Branson, 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 LS 6845. Respondent's address of record is 50 Lakeview Reserve Boulevard, Winter Garden, Florida 34787.
3. On or about November 14<sup>th</sup>, 2019, in Department Case No. 1812-54965, 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 **One Thousand Dollars and Zero Cents (\$1,000.00)** 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 it is due may result in further disciplinary action by the Board.

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 **One Thousand Two Hundred Sixty-Seven Dollars and Eight Cents (\$1267.08)**. 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 may result in further disciplinary action by the Board.

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 Board of Professional Surveyors and Mappers, Attention: Executive Director, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500 ("Board Office").

b. Respondent may 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. 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.

c. Respondent shall complete a Board-approved continuing education course in **Standards of Practice (SOP)** within one hundred and eighty (180) days from the date the Board approves this Settlement Stipulation. Respondent shall submit proof of completion of the above-mentioned course to the Board Office within the allotted time frame.

d. Respondent shall submit proof of professional liability insurance pursuant to Section 472.015(5), Florida Statutes, to the Board Office within ninety (90) days from the date the Board approves this Settlement Stipulation, or a statement that professional liability insurance is not required.

#### **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 26<sup>th</sup> day of MARCH, 2020.

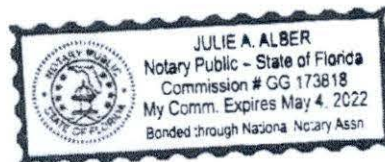
  
Jonathan Scott Branson  
LS 6845

STATE OF FLORIDA  
COUNTY OF ORANGE

Sworn to/ affirmed and subscribed by Jonathan Scott Branson (Respondent) before me  
by means of ☒ physical presence or ☐ online notarization, this 26<sup>th</sup> day of MARCH, 2020.

☒ Personally Known OR ☐ Produced Identification  
Type of Identification Produced:

Julie A. Alber  
Notary Public  
My Commission Expires: MAY 4, 2022



APPROVED this 4<sup>th</sup> day of April, 2020.

DEPARTMENT OF AGRICULTURE  
AND CONSUMER SERVICES

  
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