

**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. 2008-26383
Agency Clerk No. B29260**

JOHN R. BEACH, P.S.M.

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(2), Florida Statutes, at a duly noticed meeting on February 11, 2021, in Various Locations (virtual meeting), Florida, for consideration of the Respondent's administrative charges and the Department's proposed disciplinary action. The Respondent, John R. Beach, was present at the hearing and represented by Michael J. Park, Esq. The Florida Department of Agriculture and Consumer Services (Petitioner) was represented by Funmi Ojetayo, Esq.

SUMMARY

1. On December 2, 2020, the Department issued an Administrative Complaint against the Respondent, attached hereto as "Exhibit A" and is incorporated herein.
2. On January 4, 2021, the Department received Respondent's executed Election of Rights form.
3. Respondent requested an informal hearing.

4. The Board has considered Respondent's testimony as well as the Department's recommendation.

Upon consideration of the Administrative Complaint, the testimony provided at the hearing, and being otherwise fully advised of the premises, **IT IS HEREBY ORDERED AND ADJUDGED:**

A. The Administrative Complaint is upheld and carries the following disposition:

1. **REPRIMAND:** The Board shall issue a Reprimand against Respondent's license.
2. **FINE:** The Board shall impose an administrative fine of **Five Hundred Dollars and Zero Cents (\$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. **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.
3. **PROBATION:** Respondent is already on probation as a result of case number 1801-03822. Probation shall continue concurrently with prior case until all terms of probation from this case, 2008-26383, and the prior case, 1801-03822 are met. If Respondent fails to comply with any terms of probation, it shall constitute a violation of section 472.0351(1)(h), Florida Statutes. The matter will 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 3 shall be filed with the Board of Professional Surveyors and Mappers, Attention: Executive Director, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500 ("Board Office").
- b. **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 this Final Order. 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. The Board's Probation Chair will select three (3) 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 which were selected for review, Respondent shall have post-marked and submitted to the Board Office the 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. Respondent must attend the

Probation Committee meeting at which the surveys are to be discussed. Respondent's reviewed surveys must be found to meet or exceed the Standards of Practice. As this will be Respondent's third attempt to meet or exceed the Standards of Practice during survey review, another attempt will not be granted by the Board.

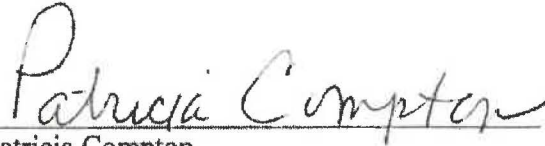
- c. **Survey Review Costs:** Per Florida Administrative Code Rule 5J-17.085, all costs associated with review of these surveys and the evaluation report shall be paid by the Respondent. These costs shall be paid within ninety (90) days of Respondent being notified by the Board of the actual amount of the survey review costs. **The survey review costs will not exceed two thousand dollars (\$2,000).** Respondent shall pay the 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. **All costs shall be paid by cashier's check or money order.** Respondent's failure to pay the costs by the time they are due may result in further disciplinary action by the Board.
 - d. Probation shall be terminated upon Respondent's successful completion of all terms of probation within the time frames provided, and upon a vote of the Board terminating Respondent's probation. Probation shall not be terminated prior to such decision by the Board.
4. **SUSPENSION OF LICENSE; STAY:** Respondent's license to practice surveying and mapping (LS2984) is hereby suspended. However, the

suspension shall be stayed until the next regularly scheduled Board meeting on May 14, 2021. Respondent may practice surveying and mapping in the State of Florida while Respondent's suspension is stayed. At the Board meeting on May 14, 2021, the Board shall vote whether to lift the stay and activate the suspension, continue both the suspension and the stay, or to terminate the suspension. The suspension shall not be terminated prior to such decision by the Board.

- a. Respondent's stay of suspension may be lifted if Respondent's reviewed surveys do not meet or exceed the Standards of Practice, or if the Board finds Respondent is otherwise not performing the terms of Respondent's probation, this Final Order, or the Final Order in case number 1801-03822.
- b. Respondent's suspension may be terminated if Respondent's reviewed surveys meet or exceed the Standards of Practice and the Board determines Respondent has otherwise completed the terms of Respondent's probation, this Final Order, and the Final Order in case number 1801-03822.

B. 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 23 day of February, 2021.



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 25th day of February, 2021.



Agency Clerk

Copies by Certified U.S. Mail

Mr. John R. Beach, PSM #LS2984
12502 Twin Branch Acres Road
Tampa, FL 33626