

Final Order No. BPR-2008-05009 Date: **6-12-08**
FILED

Department of Business and Professional Regulation
AGENCY CLERK

Sarah Wachman, Agency Clerk

By: Brandon M. Nichol

**STATE OF FLORIDA
BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS**

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

-vs-

CASE NO.: 2003-094756
LICENSE NO.: LS 5439

STEPHEN PHILLIPS KILMON,
Respondent.

FINAL ORDER

THIS MATTER came before the Board of Professional Surveyors and Mappers (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, at the duly-noticed meeting on October 10 and 11, 2007 in Tallahassee, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order of July 19, 2007 (attached). Petitioner was represented by Eric R. Hurst, Esquire, who was present at the hearing. The Board was represented by Diane Guillemette. Respondent was present.

Findings of Fact

1. The findings of fact set forth in the Recommended Order are approved, adopted, and incorporated herein by reference.

Conclusions of Law

2. The Board has jurisdiction over this matter pursuant to the provisions of Section 120.57 and Chapter 489, Florida Statutes.

3. The conclusions of law set forth in the Recommended Order are consistent with the findings and are approved, adopted, and incorporated herein by reference.

Penalty

4. The Administrative Law Judge's recommended penalty, is approved, adopted, and incorporated in this Final Order of the Board.

WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that:

5. Respondent committed the violation found in Count IV of the Administrative Complaint.


6. Counts I, II, III, and V through XX are dismissed.

7. A written reprimand is to be issued.

8. Respondent shall pay a fine of Five Hundred Dollars (\$500) within 30 days from the date of this Final Order. Respondent shall provide proof of payment to the Executive Director of the Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

This Final Order shall take effect upon filing with the Clerk of the Department of Business and Professional Regulation.

DONE and ORDERED this _____ day of _____, 2007¹⁸


RICHARD MORRISON, Executive Director
Board of Professional Surveyors and Mappers

NOTICE OF RIGHT TO APPEAL

THIS ORDER CONSTITUTES FINAL AGENCY ACTION AND MAY BE APPEALED BY ANY PARTY PURSUANT TO SECTION 120.68, FLORIDA STATUTES, AND RULES 9.110 AND 9.190, FLORIDA RULES OF APPELLATE PROCEDURE, BY FILING A NOTICE OF APPEAL CONFORMING TO THE REQUIREMENTS OF RULE 9.110(D), FLORIDA RULES OF APPELLATE PROCEDURE, BOTH WITH THE APPROPRIATE DISTRICT COURT OF APPEAL, ACCOMPANIED BY THE APPROPRIATE FILING FEE, AND WITH THE DEPARTMENT'S CLERK OF AGENCY PROCEEDINGS, WITHIN THIRTY (30) DAYS OF RENDITION OF THIS ORDER.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by Certified Mail to: STEPHEN PHILLIPS KILMON, 2010 NE 122nd Road, North Miami, FL 33181-2942; and by hand/interoffice delivery to: Eric R. Hurst, Esq., Office of the General Counsel, 1940 N. Monroe St., Ste. 60, Tallahassee, Florida 32399-2202; The Office of the Board of Surveyors and Mappers, 1940 N. Monroe Street, Tallahassee, Florida 32399; and Diane L. Guillemette, Senior Assistant Attorney General, PL-01 The Capitol, Tallahassee, Florida 32399-1050, on or before 5:00 p.m., this 12th day of June, 2008

Brandon M. Nichols