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2008 NOV 13 A 10:58

Final Order No. BPR-2008-09738 Date: 11-12-08
FILED

Department of Business and Professional Regulation
AGENCY CLERK
Sarah Wachman, Agency Clerk

By *Brandon M. Nichol*

DIVISION OF
ADMINISTRATIVE
HEARINGS

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

JOHN CHARLES COUNTS, JR.,
Petitioner,

-vs-

CASE NO.: 07-5789

**BOARD OF PROFESSIONAL
SURVEYORS AND MAPPERS,**
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 1 and 2, 2008, in St. Augustine, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order of August 14, 2008 (attached). Petitioner was represented by Elizabeth Duffy, Esquire, who was present at the hearing. The Board was represented by Diane Guillemette. Respondent was present with Counsel Rex Ware, Esquire.

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.

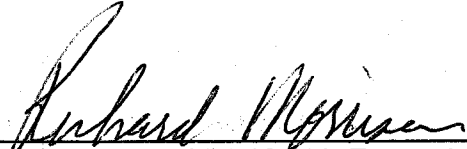
Recommendation

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

WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that the Petitioner's application for reinstatement of null and void license is **GRANTED**.

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 _____, 2008.



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: JOHN CHARLES COUNTS, JR., c/o Rex D.
Ware, Esquire, Fowler White Boggs Banker, P.A., 101 N. Monroe Street, Suite 1090,
Tallahassee, FL 32301; and the Division of Administrative Hearings, The DeSoto
Building, 1230 Apalachee, Parkway, Tallahassee, FL 3239-3060; 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
November, 2008.