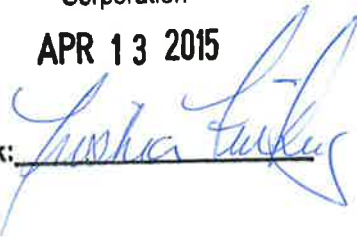


FILED
Florida Engineers Management
Corporation

APR 13 2015

Clerk: _____



FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	4/13/2015
File #	2015-03288

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

v.

Case No: 2014018435

MATTHEW D. LEWIS, P.E.,

Respondent,

_____ /

FINAL ORDER ADOPTING SETTLEMENT STIPULATION

THIS CAUSE came before the FLORIDA BOARD OF PROFESSIONAL ENGINEERS (“Board”), pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on April 9, 2015 in Daytona Beach Shores, Florida, for the purpose of considering a Settlement Stipulation (attached hereto as “Exhibit A to Final Order”) entered into between the parties in this cause. Upon consideration of the stipulation, the documents submitted in support thereof, and the arguments of the parties, it is hereby:

ORDERED AND ADJUDGED that the Settlement Stipulation as submitted be and is hereby adopted *in toto* and incorporated herein by reference. Accordingly, the parties shall adhere to and abide by all the terms and conditions of the stipulation.

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

DONE AND ORDERED this 13th day of April, 2015.


FLORIDA BOARD OF PROFESSIONAL ENGINEERS



Zana Raybon, Executive Director
For WILLIAM C. BRACKEN, P.E., S.I., CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing filed *Final Order Adopting Settlement Stipulation* has been furnished by U.S. First Class Mail to Mr. Matthew D. Lewis, P.E., via his attorney, Guy S. Haggard, Esquire, Gray Robinson, 301 East Pine Street, Suite 1400, Orlando, FL 32801, and by interoffice mail to Michael T. Flury, Assistant Attorney General, PL-01 The Capitol, Tallahassee, Florida 32399-1050, and John J. Rimes, III, Attorney, 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303, this 14th day of April, 2015.



Trishia Finkey,
Paralegal

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

RECEIVED

FEB 11 2015

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

FLORIDA BOARD OF
PROFESSIONAL ENGINEERS

Petitioner,

v.

FBPE Case No: 2014018435

MATTHEW D. LEWIS, P.E.,

Respondent,
_____ /

SETTLEMENT STIPULATION

MATTHEW D. LEWIS, P.E. ("Respondent") and the Florida Engineers Management Corporation ("FEMC") hereby stipulate and agree to the following joint Settlement Stipulation ("Stipulation") and Final Order of the Florida Board of Professional Engineers ("Board") incorporating this Stipulation in the above-styled matter.

STIPULATED FACTS

1. For all times pertinent hereto, Respondent was a licensed professional engineer in the State of Florida, having been issued license number PE 56189.
2. Respondent was charged by an Administrative Complaint filed by FEMC, and properly served upon Respondent with violations of Chapters 471 and 455, Florida Statutes. A copy of the Administrative Complaint is attached hereto and incorporated by reference as "Exhibit A to Settlement Stipulation".

STIPULATED CONCLUSIONS OF LAW

1. Respondent, in his capacity as a licensed engineer, admits that in such capacity he is subject to provisions of Chapters 455 and 471, Florida Statutes, and the jurisdiction of the Florida Department of Business and Professional Regulations (“the Agency”), FEMC, and the Board.

2. Respondent admits that the facts set forth in the Administrative Complaint, if proven, constitute violations of Chapters 455 and 471, Florida Statutes, as alleged in the Administrative Complaint.

STIPULATED DISPOSITION OF LAW

1. Respondent shall, in the future, comply with Chapters 471 and 455, Florida Statutes, and the Rules promulgated pursuant thereto.

2. Should Respondent fail to comply with the terms of the Final Order in this case, an administrative complaint for failure to comply with said Final Order can automatically be opened against Respondent.

3. Respondent’s license shall be **SUSPENDED**, the suspension shall be **STAYED** for thirty (30) days and then **VACATED** if Respondent pays an **ADMINISTRATIVE FINE** of \$1,000.00 and **ADMINISTRATIVE COSTS** of \$3,237.60 to the Board within thirty (30) days of the date that the Final Order adopting this Stipulation is filed with the Agency Clerk. Timely payment of the **FINE** and **COSTS** will result in the **SUSPENSION** never taking effect.

4. Respondent’s license to practice engineering shall be **REPRIMANDED**.

5. Respondent shall **APPEAR** before the Board when this Stipulation is presented. Respondent must be prepared to discuss: how this situation occurred, what improvements and

quality control measures he plans to implement to improve his work product, and how he intends to prevent this circumstance from occurring in the future.

6. Respondent acknowledges that neither his attendance at the Board Meeting when this Stipulation is presented, nor any continuing education or college level courses taken as a requirement of the terms of this Stipulation may be used to comply with the continuing education requirements of Chapter 61G15-22, Florida Administrative Code.

7. Respondent shall be placed on **PROBATION** for two (2) years from the date the Final Order adopting this Stipulation is filed with the Agency Clerk, with the following terms:

a. Respondent shall successfully complete a Board-approved course in **BASIC ENGINEERING PROFESSIONALISM AND ETHICS** within one (1) year of the date the Final Order adopting this Stipulation is filed. Prior to that date, Respondent shall submit to the Board a Certificate of Completion of the course. It is the Respondent's responsibility to notify the Board that he has completed the course in a timely manner. Respondent may contact the Florida Engineering Society ("FES"), 125 South Gadsden St., Tallahassee, FL 32301, (850)224-7121, for information regarding the availability of such courses in Florida; however, if the FES provides any information regarding such a course to the Respondent, the Respondent must submit that course information to the FEMC for review and determination as to whether or not it will comply with the Board's requirements. Respondent may also elect to complete one of the following correspondence courses offered by:

Murdough Center for Engineering Professionalism
Texas Tech University, PO Box 41023, Lubbock, Texas 79409
Engineering Ethics Basic
Engineering Ethics Intermediate
Engineering Ethics Advanced
Telephone 806-742-3525; Fax 806-742-0444; E-mail: engineering.ethics@ttu.edu

EPD Program
Auburn University
Engineering Extension Service
217 Ramsay Hall, Auburn, Alabama 36849-5331
Ethics and Professionalism
Phone 800-446-0382 or 334-844-4370

An Accredited College or University course if that course information is first submitted to the FEMC for review and determination as to whether or not it will comply with the Board's requirements.

Courses offered by Continuing Education Programs or Professional Business Programs (Exp: SunCam, Inc., C2Ed), are not Board Certified, and will not meet the requirements.

b. Respondent shall submit to the Board a detailed list of all completed projects (signed, sealed, and dated), by the Respondent for **PROJECT REVIEW** at six (6) and eighteen (18) month intervals from the date that the Final Order adopting this Stipulation is filed with the Agency Clerk. The projects shall include: **all projects and reports signed and sealed by Respondent.**

c. A FEMC Consultant will select two (2) projects from each submitted list for review. **The Respondent is responsible for promptly furnishing any set of completed plans (signed, sealed, and dated), calculations, and any other supporting documentation requested by the Consultant.** The Respondent must sign, date, and seal all materials that are submitted for project review using a non-embossed, rubber stamp seal. Sealed project review materials may be copied and submitted electronically, if desired by the Respondent. Respondent is also responsible for the Consultant's fees for reviewing the projects, and shall remit payment in the amount of \$1,500.00 by check or money order made payable in the name of the Board's Consultant at the time that the project lists are submitted to FEMC. In the event that the project review cost exceeds

\$1,500.00, then the Respondent is responsible for the deficiency. In the event that the cost of the reviews is less than \$1,500.00, then the unused portion will be refunded to Respondent. Should the Consultant return an unfavorable report concerning Respondent's projects, that report shall be submitted to the Probable Cause Panel for determination of whether additional disciplinary proceedings should be initiated.

d. If the Respondent has not performed engineering services on a sufficient number of projects to make the submissions required by 7.b., above, the initial or, if applicable, the subsequent submission required by the terms of probation shall be extended for a period of six (6) months to allow Respondent to perform the services necessary for the required review. **However, if, after the extension has expired, Respondent does not perform sufficient engineering services to meet the requirements of the terms of probation, Respondent's license will be placed on voluntary inactive status as defined in Section 455.227, Florida Statutes, by the Board, without any further necessity for action on the part of Respondent.** Respondent's license shall remain on such status, provided Respondent meets the requirements of Section 455.227, unless and until Respondent notifies the Board that he wishes to recommence practice and obtains Board authorization to reactivate his license under such terms of probation that the Board deems appropriate at that time.

e. Should the FEMC Consultant return a favorable report after reviewing the set of plans reviewed during the first year of probation, the requirements for the second year of probation may be waived and the probation may be terminated. A "favorable report" is herein defined as a report that, in the sole opinion of the Consultant with the

concurrence of the Board, finds that the plans reviewed were considered to be free of any material deficiencies.

f. Should the Respondent fail to timely comply with the terms of the Final Order with regard to the Project Reviews discussed herein, this case will be submitted to the Probable Cause Panel for review and determination of whether additional disciplinary action should be taken.

g. Respondent shall successfully complete the **STUDY GUIDE** which has been prepared by the Board and which will be furnished to Respondent, regarding the Engineering Practice Act, Chapter 471, Florida Statutes, and the Rules of the Board. Respondent is required to provide a personal email address that will be used to access the on-line study guide. The study guide must be completed within thirty (30) days of the date on which the Final Order incorporating this Stipulation is filed with the Agency Clerk.

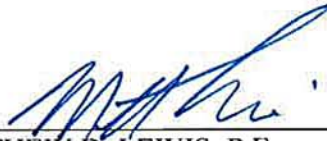
8. It is expressly understood that this Stipulation is subject to approval of the Board and FEMC and has no force and effect until the Board issues a Final Order adopting this Stipulation.

9. This Stipulation is executed by Respondent for the purpose of avoiding further administrative action 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 this Stipulation. Furthermore, should this Stipulation not be accepted by the Board, it is agreed that presentation to and 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.

10. Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review of or otherwise challenge or contest the validity of the joint Stipulated Facts, Conclusions of Law, imposition of discipline, and the Final Order of the Board incorporating this Stipulation.

11. Respondent waives the right to seek any attorney's fees or costs from the Board in connection with this disciplinary proceeding.

WHEREFORE, the parties hereto request the Board to enter a Final Order accepting and implementing the terms contained herein.

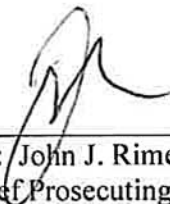


MATTHEW D. LEWIS, P.E.,
Respondent
Case No. 2014018425

Dated: 2-6-15

APPROVED this 12th day of February, 2015.

Zana Raybon, Executive Director
Florida Board of Professional Engineers



BY: John J. Rimes, III
Chief Prosecuting Attorney

FILED
Florida Engineers Management
Corporation

JAN 27 2015

Clerk: *Lushia LaKey*

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FILED	
<small>Department of Business and Professional Regulation</small>	
<small>Deputy Agency Clerk</small>	
CLERK	Evette Lawson-Proctor
Date	1/27/2015
File #	

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2014018435

MATTHEW D. LEWIS, P.E.,

Respondent,
_____ /

ADMINISTRATIVE COMPLAINT

COMES NOW the Florida Engineers Management Corporation on behalf of Petitioner, Florida Board of Professional Engineers, and files this Administrative Complaint against MATTHEW D. LEWIS, P.E. This Administrative Complaint is issued pursuant to Sections 120.60 and 471.038, Florida Statutes. Any proceeding concerning this complaint shall be conducted pursuant to Section 120.57, Florida Statutes. In support of this complaint, Petitioner alleges the following:

1. Petitioner, Florida Board of Professional Engineers ("Board," "FBPE," or "Petitioner"), is charged with regulating the practice of engineering pursuant to Chapter 455, Florida Statutes. This complaint is filed by the Florida Engineers Management Corporation ("FEMC") on behalf of Petitioner. FEMC is charged with providing administrative,

investigative, and prosecutorial services to the Board pursuant to Section 471.038, Florida Statutes (1997).

2. Respondent, MATTHEW D. LEWIS, P.E. ("Respondent"), is and has been at all times material hereto, a licensed professional engineer in the State of Florida, having been issued license number PE 56189. Respondent's last known address in the Department of Business and Professionalism ("the Agency") database is as listed 4943 Point O' Woods Drive, Wesley Chapel, FL 33543 and as listed on the Complaint filed with the Board as 2257 Twelve Oaks Way, Suite 103, Wesley Chapel, FL 33544.

3. On February 19, 2014 (Drawing FP201) and April 16, 2014 (Drawing FP101) Respondent signed and sealed engineering drawings for a Fire Protection System for a building addition at the Suncoast Retreat ("Suncoast Project"), an Assisted Living Facility located in New Port Richey, Florida.

4. Respondent acted as Engineer of Record for the Fire Protection System for the Suncoast Project as that term is defined in Rule 61G15-32.002(1), Fla. Admin. Code.

5. Respondent's drawings for the Suncoast Project are materially deficient as follows:

A. An erroneous point of service on Drawing FP201 is specified for the Suncoast Project which is in conflict with the water main shown on the Utility Plan (Drawing C7) for the Suncoast Project;

B. An out of date edition of NFPA 13 (2001) on Drawing FP201 is specified as opposed to the then current (2007) edition;

C. An out of date edition (2007) of the Florida Building Code on Drawing FP201 is specified as opposed to the then current (2010) edition;

D. An incorrect hazard classification for the structure on Drawing FP201 is specified showing Ordinary Hazard Group 2 for the retail areas on the 1st floor and Light Hazard for the offices on the 2nd to 4th floors, although the Suncoast Project is a single story addition to an assisted living facility that does not contain any retail or office space;

E. An inaccurate reference to a City of Orlando approved backflow preventer is specified on Drawing FP201, although the Suncoast Project is located in Pasco County;

F. A Class 1 (Automatic) Standpipe with hose connections to be located on all levels up to the top occupied level is specified on Drawing FP201, although the Suncoast Project is a single story building that does not require a Class 1 (Automatic) Standpipe.

G. The section "Design of Fire Protection Systems" on Drawing FP201 states that "a flow test on the local water main will be conducted" and the note "Fire Protection Specifications:" on Drawing FP201 states under the "Scope" section that the sprinkler contractor is responsibility for conducting a water flow to obtain the water supply information. This is a violation of Rule 61G15-32.004(2)(f), which provides: "To ensure minimum design quality in Fire Protection System Engineering Documents [which must be sealed and signed by a Professional Engineer as provided in Rule 61G15-32.002(10), F. A. C.] ... shall include as a minimum the following information when applicable: (f) When private or public water supplies are used, the flow test data, including date and time of test, who conducted test or supplied information, test elevation, static

gauge pressure at no flow, flow rate with residual gauge pressure, hydrant butt coefficient, and location of test in relation to the hydraulic point of service.”

H. Drawing FP101 shows the location of sprinklers in the new addition at the Suncoast Project. The location of the attic sprinklers do not comply with NFPA 13 (2007) based on the design of the attic space for the new addition. Drawings A102, Roof/Attic Plan, shows a hip roof framed with trusses which includes dormers. Respondent’s sprinkler layout for the attic space is based on a gable roof system.

6. Section 471.033(1)(g), Florida Statutes, provides that an engineer is subject to discipline for engaging in negligence in the practice of engineering. Rule 61G15-19.001(4), Fla. Admin. Code, provides that negligence constitutes “failure by a professional engineer to utilize due care in performing in an engineering capacity or failing to have due regard for acceptable standards of engineering principles.” Rule 61G15-19.001(4), Fla. Admin. Code, also provides that “[f]ailure to comply with the procedures set forth in the Responsibility Rules as adopted by the Board of Professional Engineers shall be considered as non-compliance with this section unless the deviation or departures therefrom are justified by the specific circumstances of the project in question and the sound professional judgment of the professional engineer.”

7. The Respondent’s Plans for the Suncoast Project contain deficiencies including; but not limited to, those set forth in Paragraphs 3 through 6, above. Respondent violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), Fla. Admin. Code, by sealing and signing engineering documents that were issued and filed for public record when such documents were materially deficient in that Respondent: (1) did not exercise due care in the preparation of the final engineering documents for Suncoast Project and (2) the final

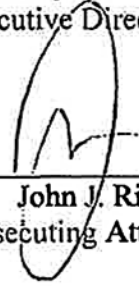
engineering documents for the Suncoast Project were not issued in compliance with acceptable engineering principles.

8. Based on the foregoing, Respondent is charged with violating Section 471.033(1)(g), Florida Statutes, by engaging in negligence in the practice of engineering.

WHEREFORE, the Petitioner respectfully requests the Florida Board of Professional Engineers to enter an order imposing one or more of the following penalties: permanent revocation or suspension of the Respondent's license; restriction of the Respondent's practice; imposition of an administrative fine; issuance of a reprimand; placement of the Respondent on probation; the assessment of costs related to the investigation and prosecution of this case, other than costs associated with an attorney's time, as provided for in Section 455.227(3), Florida Statutes; and/or any other relief that the Board deems appropriate.

SIGNED this 21st day of January, 2015.

Zana Raybon
Executive Director



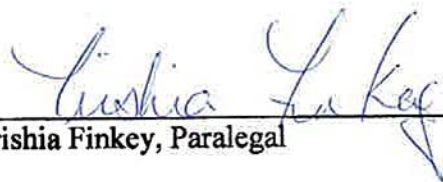
BY: John J. Rimes, III
Prosecuting Attorney

COUNSEL FOR FEMC:

John J. Rimes, III
Prosecuting Attorney
Florida Engineers Management Corporation
2639 North Monroe Street, Suite B-112
Tallahassee, Florida 32303
Florida Bar No. 212008
PCP DATE: January 13, 2015
PCP Members: RODDENBERRY, MATTHEWS & PEPPER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the Filed *Administrative Complaint* was furnished to Matthew D Lewis, P.E. to the address on file with the Department of Business and Professional Regulation in the Licensee database at 4943 Point O' Woods Drive, Wesley Chapel, FL 33543 and to the address listed on the Complaint filed with the Florida Board of Professional Engineers at c/o Stepanek Engineering, Inc., 2257 Twelve Oaks Way, Suite 103, Wesley Chapel, FL 33544, and to his attorney, Guy S. Haggard, Esquire, GrayRobinson, Suite 1400, 301 East Pine Street, Post Office Box 3068, Orlando, FL 32802, by United States Certified Mail, on the 27th of January, 2015.



Trishia Finkey, Paralegal