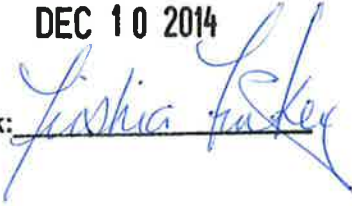


FILED
Florida Engineers Management
Corporation

DEC 10 2014

Clerk:



FILED	
Department of Business and Professional Regulation	
Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	12/10/2014
File #	2014-09646

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

FEMC Case No.: 2014002866

v.

KIM BRUNER FORD, 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 December 4, 2014, in Tallahassee, 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 thereto, 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 9th day of December, 2014.

FLORIDA BOARD OF PROFESSIONAL ENGINEERS



Zana Raybon, Executive Director
For WARREN G. HAHN, P.E., CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing *Final Order Adopting Settlement Stipulation* has been furnished by U.S. First Class Mail to Mr. Kim B. Ford, P.E., c/o Mr. Timothy M. Cerio, Esquire, GrayRobinson, P.A., P.O. Box 11189, Tallahassee, FL 32302-3189; 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 12th day of December, 2014.



Trishia Finkey, Paralegal

OCT 09 2014

Clerk: 

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2014002866

KIM BRUNER FORD, P.E.,

Respondent,

SETTLEMENT STIPULATION

KIM FORD, P.E., hereinafter referred to as "Respondent," and the Florida Engineers Management Corporation, hereinafter referred to as "FEMC," hereby stipulate and agree to the following joint Settlement Stipulation and Final Order of the Florida Board of Professional Engineers, hereinafter referred to as "Board," incorporating this Settlement Stipulation in the above-styled manner.

STIPULATED FACTS

1. For all times pertinent hereto, Respondent was a licensed engineer in the State of Florida, having been issued license number PE 39471.
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 the 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 neither admits nor denies the facts set forth in the Administrative Complaint, but agrees that said facts, if proven, would constitute violations of Chapters 455 and 471, Florida Statutes, as alleged in the 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 timely comply with the terms of the Final Order, this case will be submitted to the Probable Cause Panel ("PCP") for review and determination of whether additional disciplinary action should be taken.

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 \$500.00 and ADMINISTRATIVE COSTS of \$1600.00 to the Board within (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 shall APPEAR before the Board when the stipulation is presented. Respondent should 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, and that he understands that all final engineering work product filed for public record needs to be sealed, signed and dated.

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

6. Within One (1) Year, or sooner as indicated herein below, of the date the Final Order adopting this Settlement Stipulation is filed with the Agency Clerk:

a. Respondent shall successfully complete a Board-approved course in ENGINEERING PROFESSIONALISM AND ETHICS. 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, 125 South Gadsden Street, Tallahassee, Florida 32301, (850) 224-7121, for information regarding the availability of such courses in Florida; however, if the Florida Engineering Society provides any information regarding such a course to the Respondent, the Respondent must submit that course information to 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: ethics@coe.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 Settlement 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. 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. Respondent must 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 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 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 the Final Order 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 the Final Order, 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 that the Board deems appropriate at that time.

e. Should the FEMC Consultant return a favorable report after reviewing the first set of plans, the requirement for submitting the second set of plans may be waived and the plan review requirement 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. 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 will be required to provide an 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 a Final Order incorporating this Settlement Stipulation is filed.

8. It is expressly understood that this Settlement 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 agreement.

9. This Settlement 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 the Settlement Stipulation. Furthermore, should this joint Settlement 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 Stipulation of Facts, Conclusions of Law, imposition of discipline, and the Final Order of the Board incorporating said Settlement 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.



KIM BRUNER FORD, P.E.

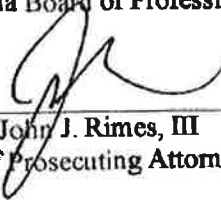
Respondent

FEMC Case Number: 2014002866

Dated: 10/8/2014

APPROVED this 7th day of October, 2014.

Zana Raybon, Executive Director
Florida Board of Professional Engineers



BY: John J. Rimes, III
Chief Prosecuting Attorney

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Evette Lawson-Proctor
Date	7/24/2014
File #	

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.
KIM BRUNER FORD, P.E.,

FEMC Case No. 2014002866

Respondent,
_____ /

FILED
Florida Engineers Management
Corporation

JUL 25 2014

Clerk: 

ADMINISTRATIVE COMPLAINT

COMES NOW the Florida Engineers Management Corporation on behalf of Petitioner, Florida Board of Professional Engineers, and files this Administrative Complaint against KIM BRUNER FORD, P.E., ("Respondent"). 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 ("Petitioner" or "FBPE" or "Board"), 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 Florida Board of Professional Engineers pursuant to Section 471.038, Florida Statutes (1997).

2. 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 39471. Respondent's last known address is 2502 Cub Place, Seffner, Florida 33584-5766.

3. On August, 2, 2012 Respondent signed and sealed engineering documents supporting an Agricultural Ground and Surface Water Management ("AGSWM") permit ("Baum, LLC AGSWM 2012 Application ID 669477") application to SWFWMD ("Baum Project"). The plan view and the cross sections on the engineering documents showed no wetland lines or buffers although wetland lines and buffers were required by SWFWMD for the AGSWM program since obtaining agency approval requires demonstration of no impacts to significant wetlands.

4. On August, 2, 2012 Respondent signed and sealed engineering documents supporting an Agricultural Ground and Surface Water Management ("AGSWM") permit ("Harrells AGSWM 2012 Application ID 669479") application to SWFWMD ("Harrells Project"). The plan view and the cross sections on the engineering documents showed no wetland lines or buffers, even though there is a "Creek Bottom" shown adjacent to a proposed pond on the engineering documents. This information is required by SWFWMD for the AGSWM program since obtaining agency approval requires demonstration of no impacts to significant wetlands.

5. On August, March 14, 2014 Respondent signed and sealed engineering documents supporting an Agricultural Ground and Surface Water Management ("AGSWM") permit application ("Barnwell AGSWM 2014 Application ID 694628") to SWFWMD ("Barnwell Project"). The plan view on the engineering documents includes a wetland line in the legend and on the drawing, and a "50' farming setback from all wetlands" is specified in the

general notes. However, no wetlands or buffers are shown on any of the cross sections. This information is required by SWFWMD for the AGSWM program since obtaining agency approval requires demonstration of no impacts to significant wetlands.

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."

7. As set forth in Paragraphs One (1) through Six (6) above, Respondent violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4) by issuing final engineering documents for the Baum, Harrells and Barnwell Projects when such documents were materially deficient. Despite the fact that the first qualifier for the AGSWM exemption program is a demonstration of no impacts to significant wetlands, Respondent consistently provided little or no definitive wetland information on the initial submittals to SWFWMD. Based upon the foregoing, Respondent (1) did not exercise due care in the preparation of the final engineering documents for the Baum, Harrells and Barnwell Projects, and (2) the final engineering documents for the Baum, Harrells and Barnwell Projects 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, and Rule 61G15-19.001(4) by engaging in negligence in the practice of engineering.

WHEREFORE, the Petitioner respectfully requests the 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 25th day of July, 2014.

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: July 15, 2015
PCP Members: RODDENBERRY & PEPPER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing filed Administrative Complaint was furnished to Kim Ford, P.E., 2502 Cub Place, Seffner, FL 33584-5766, by U.S. Certified Mail and U.S. First Class Mail, on the 30th of July, 2014.


Trishia Finkey, NALA CP, Paralegal