

FILED
Florida Engineers Management
Corporation

OCT 15 2014

Clerk: Lushia Luky

FILED	
Department of Business and Professional Regulation	
Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	10/15/2014
File #	2014-07922

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No.: 2014004355

PETER R. SECKINGER, P.E.,

Respondent,

FINAL ORDER ADOPTING SETTLEMENT STIPULATION

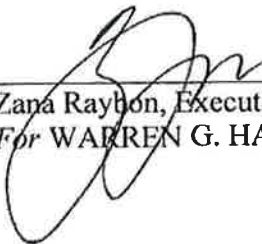
THIS CAUSE came before the FLORIDA BOARD OF PROFESSIONAL ENGINEERS ("Board"), pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on October 9, 2014 in Tampa, Florida, for the purpose of considering a Settlement Stipulation (attached hereto as "Exhibit A to Final Order") entered into between the parties in this cause. Upon consideration of the Settlement 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 Settlement 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 October, 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. Peter R. Seckinger, P.E., c/o Robert S. Naftal, Esquire, Robert S. Naftal, P.C., 11260 Roger Bacon Drive, Suite 504, Reston, Virginia 20190, 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 16th day of October, 2014.



Trishia Finkey, Paralegal for FEMC

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AUG 11 2014

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

FLORIDA BOARD OF
PROFESSIONAL ENGINEERS

Petitioner,

v.

FEMC Case No.: 2014004355

PETER R. SECKINGER, P.E.,

Respondent,

SETTLEMENT STIPULATION

PETER R. SECKINGER, 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 in the above-styled case.

STIPULATED FACTS

1. For all times pertinent hereto, Respondent was a licensed engineer in the State of Florida, having been issued license number PE 51245.
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 Regulation ("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 timely comply with the terms of the Final Order adopting this Settlement Stipulation, 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 \$1,000.00 and ADMINISTRATIVE COSTS of \$473.98 to the Board within thirty (30) days of the date that the Final Order adopting this Settlement Stipulation is filed with the Agency Clerk. Timely payment of the ADMINISTRATIVE FINE and ADMINISTRATIVE COSTS will result in the SUSPENSION never taking effect.
4. Respondent's license to practice engineering shall be REPRIMANDED.
5. Respondent shall be placed on PROBATION for two (2) years from the date the Final Order adopting this Settlement Stipulation is filed with the Agency Clerk.

6. Respondent shall **APPEAR** before the Board when this Settlement Stipulation is presented to explain how this situation occurred and what plans have been formulated and actions put in place to prevent this circumstance from occurring in the future.

7. Respondent acknowledges that his attendance at the Board Meeting when this Settlement Stipulation is presented may not be used to comply with the continuing education requirements of Chapter 61G15-22, Florida Administrative Code.

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

9. This Settlement Stipulation is executed by Respondent for the purpose of avoiding further administrative action with respect to this case. 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 Settlement Stipulation. Furthermore, should this 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 this Settlement 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.




PETER R. SECKINGER, P.E.,
Respondent
Case No.: 2014004355

Dated: 7/25/2014

APPROVED this 15th day of August, 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 Maritime and Professional Regulation Deputy Agency Clerk	
CLERK	Evette Lawson-Proctor
Date	5/23/2014
File #	

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

PETER R. SECKINGER, P.E.,

Respondent,

FEMC Case No. 2014004355

FILED
Florida Engineers Management
Corporation

MAY 23 2014

Clerk: 

ADMINISTRATIVE COMPLAINT

COMES NOW the Florida Engineers Management Corporation ("FEMC") on behalf of the Petitioner, Florida Board of Professional Engineers, hereinafter referred to as "Petitioner," and files this Administrative Complaint against PETER R. SECKINGER, P.E., hereinafter referred to as "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 is charged with regulating the practice of engineering pursuant to Chapter 455, Florida Statutes. This complaint is filed by 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).

Exhibit A to Settlement Stipulation

"Exhibit A to Final Order"

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 51245. Respondent's last known address is 205 Meetinghouse Station Square, Suite 204, Herndon, Virginia 20170.

3. On September 22, 2006, Respondent, in the Superior Court of Fayette, County, Georgia (Case #2006R-0101), entered a GUILTY plea to a criminal charge of Obscene Internet Contact in violation of O.C.G.A. § 16-12-100.2(e)(1). The charge was based upon Respondent's use of a computer to entice an undercover police officer, who posed as a 14 year old female in internet communications with Respondent, to commit sexual acts with Respondent.

4. Respondent was adjudicated guilty by the Court and was sentenced to ten years of probation with conditions and which included a requirement that Respondent serve six months in a Detention Center. Respondent was also required to register as a Sex Offender.

5. Section 471.033(1)(d), Florida Statutes, provides "[t]he following acts constitute grounds for which the disciplinary actions in [Section 471.033(3)] may be taken: ... (d) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of engineering or the ability to practice engineering."

6. Section 471.013(1)(a), Florida Statutes, provides in material part: "A person shall be entitled to take an examination for the purpose of determining whether she or he is qualified to practice in this state as an engineer if the person is of good moral character" Insofar as being of good moral character is a specific prerequisite to being initially licensed as a Professional Engineer, the maintenance of such good moral character directly relates to the practice of engineering or to the ability to practice engineering.

7. Section 471.033(1)(a), Florida Statutes, provides: "[t]he following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken: (a) Violating any provision of s. 455.227(1)," Section 455.227(1)(t), Florida Statutes, provides that the license of a professional engineer may be disciplined for "[f]ailing to report in writing to the board or, if there is no board, to the department within 30 days after the licensee is convicted or found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction. A licensee must report a conviction, finding of guilt, plea, or adjudication entered before the effective date of this paragraph within 30 days after the effective date of this paragraph."

COUNT I

8. Petitioner realleges and incorporates Paragraphs One (1) through Six (6) as if fully set forth in this Count One.

9. By being found guilty of violating O.C.G.A. § 16-12-100.2(e)(1), Respondent was found guilty of violating a crime of moral turpitude and thus has not maintained the good moral character required of a Professional Engineer. As a result, Respondent's conviction directly relates to the Respondent's practice of engineering and to Respondent's ability to practice engineering.

10. Based upon the foregoing, Respondent is charged with violating Section 471.033(1)(d), Florida Statutes.

COUNT II

11. Petitioner realleges and incorporates Paragraphs One (1) through Seven (7) as if fully set forth in this Count Two.


12. Respondent failed to report the September 22, 2006 conviction to FEMC or the Board.

13. Based on the foregoing, Respondent is charged with violating Section 471.033(1)(a), Florida Statutes, by violating the provisions of Section 455.227(1)(t), Florida Statutes.

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 23rd day of May, 2014.

Zana Raybon
Executive Director


BY: John J. Rimes, III
Prosecuting Attorney

COUNSEL FOR FEMC:

John J. Rimes, III
Prosecuting Attorney
Florida Board of Professional Engineers
2639 North Monroe Street, Suite B-112
Tallahassee, Florida 32303
Florida Bar No. 212008

PCP: May 13, 2014

PCP Members: RODDENBERRY, MATTHEWS & PEPPER

FBPE vs. Peter Seckinger, P.E., Case No. 2014004355


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Exhibit A to Settlement Stipulation

"Exhibit A to Final Order"

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished to Peter R. Seckinger,
c/o his attorney, Robert S. Naftal, Robert S. Naftal, P.C., Attorney and Counselor at Law, 8300
Boone Boulevard, Suite 730, Vienna, Virginia 22182, by certified mail, on the 18th of
May, 2014.


Trishia Finkey, NALA Certified Paralegal
Clerk for the
Florida Engineers Management Corporation