

FILED
Florida Engineers Management
Corporation

OCT 15 2014

Clerk: _____

Justina Finley

FILED	
Department of Business and Professional Regulation	
Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	10/15/2014
File #	2014-07923

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2013049674

TAJMIR-DAVIS & ASSOCIATES
ENGINEERING, INC.

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, except with the agreed upon amendment that the Respondent, Tajmir-Davis & Associates Engineering, Inc., will have 6 months extra time (from the date of the filing of this final order) in which to pay the \$5,000.00 administrative fine and the \$370.00 in administrative costs, rather than the 30 days as

set out in the original Settlement Stipulation, be and is hereby adopted and incorporated herein by reference. Accordingly, the parties shall adhere to and abide by all the terms and conditions of the Settlement Stipulation with the amendment, referenced hereinabove.

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

DONE AND ORDERED this 14th 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 Tajmir-Davis & Associates Engineering, Inc., c/o Mr. Dennis K. Bayer, Esquire, Nowell, Bayer & Maguire, 109 South 6th Street, Suite 200, Flagler Beach, Florida 32136, 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

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

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FEMC Case No. 2013049674

TAJMIR-DAVIS & ASSOCIATES
ENGINEERING, INC.

Respondent,

_____ /

SETTLEMENT STIPULATION

TAJMIR-DAVIS & ASSOCIATES ENGINEERING, INC. hereinafter referred to as "Respondent," and the Florida Engineers Management Corporation ("FEMC") hereby stipulate and agree to the following Settlement Stipulation and Final Order of the Florida Board of Professional Engineers ("Board") incorporating this Settlement Stipulation in the above-styled matter.

STIPULATED FACTS

1. For all times pertinent hereto, Respondent was a business in the State of Florida offering professional engineering services pursuant to a Certificate of Authorization number CA 27319.
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".

"Exhibit A to Final Order"

STIPULATED CONCLUSIONS OF LAW

1. Respondent, in its capacity as a business offering professional engineering services in the state of Florida, admits that in such capacity it 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 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, 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 Certificate of Authority license shall be **SUSPENDED**, the suspension shall be **STAYED** for thirty (30) days and then **VACATED** if Respondent pays the **ADMINISTRATIVE FINE** of \$5,000.00 and **ADMINISTRATIVE COSTS** of \$370.50 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 **FINE** and **COSTS** will result in the **SUSPENSION** never taking effect.

4. Respondent's Certificate of Authorization license to offer professional engineering services shall be **REPRIMANDED**.

5. Respondent's Representative, Ghafour Tajmir, the Registered Agent and President of Tajmir-Davis & Associates Engineering, Inc. shall APPEAR before the Board when this Settlement Stipulation is presented. Respondent's Representative should be prepared to discuss: how this situation occurred, what improvements and quality control measures Respondent plans to implement to improve its work product, and how it intends to prevent this circumstance from occurring in the future.

6. 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.

7. 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 Settlement Stipulation.

8. This Settlement Stipulation is executed by Respondent's Representative 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 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.

9. 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.

10. 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.




Ghalour Tajmir, Registered Agent and President of
Tajmir-Davis & Associates Engineering, Inc.
Respondent
Case No. 2013049674

Dated: August 21, 2014

APPROVED this 21st 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	
<small>Department of Business and Professional Regulation Deputy Agency Clerk</small>	
CLERK	Evette Lawson-Proctor
Date	7/24/2014
File #	

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2013049674

TAJMIR-DAVIS & ASSOCIATES
ENGINEERING, INC.

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 TAJMIR-DAVIS & ASSOCIATES ENGINEERING, INC, 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. The Florida Board of Professional Engineers ("Petitioner" or "Board" or "FBPE") 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, TAJMIR-DAVIS & ASSOCIATES ENGINEERING, INC, is, and has been at all times material hereto, a licensed professional engineering firm in the State of

"Exhibit A to Final Order"

"Exhibit A to Settlement Stipulation"

Florida, having been issued license number CA 27319. Respondent's last known address is 25 Palm Harbor Village Way, #7, Palm Coast, Florida 32137-8236.

3. Section 471.023(1), Florida Statutes, requires that, in order to obtain, possess and maintain a Certificate of Authorization to practice and offer engineering services through a corporation, a business entity, such as Respondent, must assure that "[o]ne or more of the principal officers of the business organization ... shall be licensed [as a Professional Engineer]." Section 471.023(4), Florida Statutes, requires that "[e]ach business organization certified under this section must notify the board within 1 month after any change in the information contained in the application upon which the certification is based." Lastly, Section 471.023(5), Florida Statutes, provides that "[d]isciplinary action against a business organization shall be administered in the same manner and on the same grounds as disciplinary action against a licensed engineer."

4. On January 23, 2007 Robert Moorhouse, P. E., was designated by Respondent as the Professional Engineer who would act as a "principal officer[] of the business organization" in order to fulfill the requirement for Section 471.023(1). Mr. Moorhouse was the only professional engineer practicing within Respondent who met this Section 471.023(1), Florida Statutes, statutory requirement. On October 9, 2013, Mr. Moorhouse died.

5. As provided in Section 471.023(4), Florida Statutes, Respondent was required to notify the Board of the change of status of Respondent's Professional Engineer who acted as a "principal officer[] of the business organization" within one month. Additionally, Respondent was required to enter into an arrangement with another professional engineer who would replace Mr. Moorhouse as a "principal officer[] of the business organization" in order to continue offering engineering services in compliance with Chapter 471. Respondent was then required to

update the information on file with the Board to provide the identity of and the acquiescence of a new professional engineer who would act as a "principal officer[] of the [Respondent]" in order to assure that Respondent's Certificate of Authorization was in compliance with the requirements of Chapter 471, Florida Statutes. While Respondent has continued to offer engineering services to date, Respondent did none of the required acts set forth herein.

6. Section 455.227(1)(k), Florida Statutes, provides as follows: "(1)The following acts shall constitute grounds for which the disciplinary actions ... may be taken: (k)Failing to perform any statutory or legal obligation placed upon a licensee." Section 471.033(1)(a), Florida Statutes, provides as follows: "(1)The following acts constitute grounds for which the disciplinary actions ... may be taken: (a)Violating any provision of s. 455.227(1), s. 471.025, or s. 471.031, or any other provision of this chapter or rule of the board or department."

7. Respondent, as set forth in Paragraphs Two (2) to Six (6) above, has failed to comply with the requirements of Section 471.023, Florida Statutes, and has continued to practice as an engineering firm without a professional engineer acting as a "principal officer[] of the business organization" and without updating the firm's information with the Board. As a result, Respondent has violated Section 455.227(1)(k), Florida Statutes, and Section 471.033(1)(a), Florida Statutes.

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 25th day of July, 2014.

Zana Raybon
Executive Director



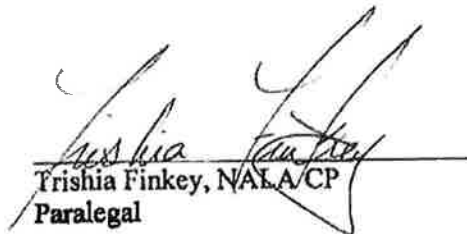
BY: John J. Rimes, III
Prosecuting Attorney

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, 2014
PCP Members: Roddenberry & Pepper

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the *filed Administrative Complaint* was furnished to Ghafour Tajmir, Registered Agent and President of Tajmir-Davis & Associates Engineering, Inc. via its attorney, Dennis K. Bayer, Lawyer, Nowell, Bayer & Maguire, 109 South 6th Street, Suite 200, Flagler Beach, FL 32136, by United States Certified Mail, on the 25th day of July, 2014.



Trishia Finkey, NALA/CP
Paralegal