

NOV 04 2014

Clerk: Lushka Finley STATE OF FLORIDA
BOARD OF PROFESSIONAL ENGINEERS

FILED	
Department of Business and Professional Regulation	
Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	11/4/2014
File #	2014-08490

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

vs.

ALLAN WILLIAMS, P.E., and ALLAN
WILLIAMS, P.E., d/b/a ABW Engineering,

Respondent.

FBPE Case Numbers:
2013019830 and 2013019832
DOAH Case Number: 14-2467

FINAL ORDER ADOPTING RECOMMENDED ORDER

THIS CAUSE came before the BOARD OF PROFESSIONAL ENGINEERS (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on October 9, 2014, in Tampa, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order, a copy of which is attached hereto as Exhibit A, and Respondent's Exceptions to Court's Recommended Order, attached hereto as Exhibit B; in the above-styled cause. Petitioner was represented by John Rimes, Chief Prosecutor. Respondent was present.

Upon review of the Recommended Order, the argument of the parties, the exceptions filed, and after a review of the complete record in this case, the Board makes the following findings and conclusions:

RULINGS ON EXCEPTIONS

1. Respondent's exceptions are hereby REJECTED as they are not in conformance with the requirements of Section 120.57(1)(k), Florida Statutes.

FINDINGS OF FACT

1. The Findings of Fact set forth in the Recommended Order are approved and adopted and incorporated herein by reference.
2. There is competent substantial evidence to support the Findings of Fact.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 471, Florida Statutes.
2. The conclusions of law set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

DISPOSITION

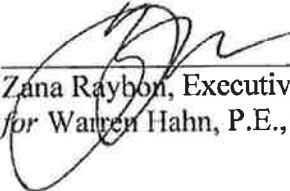
Upon a complete review of the record in this case, the Board determines:

1. Respondent's license shall be REPRIMANDED.
2. Respondent shall pay a fine of \$5,000.00 payable to the Board within two (2) years of this Final Order.

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

DONE AND ORDERED this 4th day of November, 2014.

BOARD OF PROFESSIONAL ENGINEERS



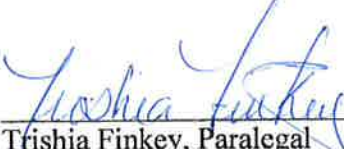
Zana Raybon, Executive Director
for Warren Hahn, P.E., Chair

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE FLORIDA ENGINEERS MANAGEMENT CORPORATION AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing *Final Order Adopting Recommended Order* has been provided by U.S. First Class Mail to **Mr. Allan Williams, P.E.**, 1000 S. Semoran Boulevard, Suite 713, Winter Park, Florida 32792; to J.D. Parrish, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by interoffice delivery to Michael T. Flury, Assistant Attorney General, PL-01 The Capitol, Tallahassee FL 32399-1050; and John J. Rimes, III, FEMC, 2639 North Monroe St., Suite B-112, Tallahassee FL 32303 this 3rd day of November, 2014.



Trishia Finkey, Paralegal
Final Order Compliance Coordinator

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

vs.

Case No. 14-2467

ALLAN WILLIAMS, P.E., AND ALLAN
WILLIAMS, P.E., d/b/a ABW
ENGINEERING,

Respondent.
_____ /

RECOMMENDED ORDER

Pursuant to notice, a hearing was conducted in this case before J. D. Parrish, an Administrative Law Judge of the Division of Administrative Hearings, on August 1, 2014, by video teleconference at sites in Tallahassee and Orlando, Florida.

APPEARANCES

For Petitioner: John Jefferson Rimes, III, Esquire
Board of Professional Engineers
Suite B-112
2639 North Monroe Street
Tallahassee, Florida 32303-5268

For Respondent: Allan B. Williams, pro se
ABW Engineering
Suite 713
1000 South Semoran Boulevard
Winter Park, Florida 32792-5519

STATEMENT OF THE ISSUES

Whether the Respondent, Allan Williams, P.E., and Allan Williams, P.E., d/b/a ABW Engineering (Respondent or Williams), committed the violations alleged in the Administrative Complaint dated November 15, 2013, and, if so, what penalty should be imposed.

PRELIMINARY STATEMENT

Petitioner, Florida Board of Professional Engineers (Petitioner or Board), filed an Administrative Complaint against Respondent that alleged Williams did business through an entity that was not properly certified and authorized to do business as required by law. More specifically, Petitioner claimed that for the period March 2009 to June 2013, Respondent operated ABW Engineering while that entity was in a delinquent status and not authorized to do business. In response to the Administrative Complaint, Respondent denied the material allegations of fact and asserted that he does business as Allan Williams, P.E.

The case was referred to the Division of Administrative Hearings (DOAH) for formal proceedings on May 22, 2014. Thereafter, by Notice of Hearing dated June 23, 2014, the case was scheduled for the hearing to be held on August 1, 2014.

Respondent filed an ex-parte request for a continuance on July 23, 2014. The request represented that Williams would be represented by an attorney and needed a continuance. An attorney

did not file a notice of appearance on Respondent's behalf. Petitioner opposed the continuance, and the parties filed various email exchanges that demonstrated Respondent previously announced he would be represented by counsel, but that no attorney had contacted Petitioner regarding the matter. An Order Denying Continuance was entered on July 29, 2014, that provided, in pertinent part:

In the event an attorney should file a notice of appearance for Respondent and comply with the rules regarding contacting opposing counsel to seek a continuance, the matter may be revisited.

At the hearing, Petitioner presented testimony from Wendy Anderson. Petitioner's Exhibits 1, 2, 4 through 6, and 8 through 12 were admitted into evidence. Respondent testified in his own behalf and presented Exhibits 1 and 2, which were received in evidence. The Transcript of the proceeding was filed with DOAH on August 13, 2014. Petitioner timely filed a proposed recommended order that has been considered in the drafting of this Recommended Order.

FINDINGS OF FACT

1. Allan B. Williams is a licensed engineer fully authorized to do business in Florida. Respondent's recognized and legally sufficient name to do business is "Allan B. Williams, P.E."

2. On or about August 20, 2002, Respondent filed a fictitious name application with the Florida Department of State, Division of Corporations (DOS), that represented Allan B. Williams sought to do business under the fictitious name "ABW Engineering." Subsequently, the fictitious name was renewed on March 28, 2007, and was valid through December 31, 2012.

3. On or about May 29, 2013, Respondent again filed the requisite papers with DOS to establish "ABW Engineering" as a fictitious name, with an active status expiration date of December 31, 2018.

4. It is undisputed that Allan B. Williams, the subject of this case, is the person who established ABW Engineering with DOS.

5. In 2007, Petitioner cited the Respondent with practicing engineering through a business entity that was not properly authorized to do business in Florida. In response to that claim, Respondent acknowledged that he did business as ABW Engineering and stated, in part:

I didn't know I needed one. In all the years I practiced in Washington, D.C., Maryland and Virginia I never needed one. The only time I can remember this being a requirement, is, if you are a corporation home based outside these states and jurisdiction and you wish to do business in these states and jurisdiction, then you have to pay a "foreign corporation" tax or fee. It was my impression that Certificate of Authorization was the same as a foreign corporation fee.

6. In further response to the 2007 dispute, Respondent filed the appropriate paperwork and paid the required fees to obtain a Certificate of Authorization for ABW Engineering (No. 27462) with Allan B. Williams, P.E., identified as the registered principal officer for the company. The licensure date for ABW Engineering was May 3, 2007.

7. The letter announcing the approval of the Certificate of Authorization for ABW Engineering contained the following provisions:

Your Certificate of Authorization will expire February 28, 2009. A notice of renewal will be mailed to the address of the business thirty (30) to forty-five (45) days prior to the expiration date.

* * *

In accepting this registration, you assume the responsibility of complying with the requirements of Chapter 471, Florida Statutes and Chapter 61G15, Florida Administrative Code.

8. Allan B. Williams, P.E., did not timely renew the Certificate of Authorization for ABW Engineering when it expired on February 28, 2009.

9. From March 1, 2009, through May 8, 2013, Allan B. Williams, P.E., did business under the letterhead and logo of ABW Engineering. Respondent used the letterhead and logo on billing for engineering services rendered by Allan B. Williams, P.E.

10. On or about May 8, 2013, Petitioner issued a Notice to Cease and Desist to ABW Engineering. That notice provided, in pertinent part:

Our records show that you do not currently have a certification as required by section 471.023, FS. If the above facts are true, they establish probable cause for FBPE to believe you are violating Florida law by offering ENGINEERING SERVICES without the required license or certification.

11. On May 23, 2013, Respondent wrote a letter in response to the Notice to Cease and Desist that provided:

Certificate of Authority has never been uppermost in my mind. Why? For over thirty five years I have always received constant reminders to complete my courses in continuing education and to renew my PE license. Not once have I received reminders about renewing my Certificate of Authority. And so Certificate of Authority becomes obscure in comparison to the other licensing requirements. Think about it. For your PE you have to satisfy educational requirements at an accredited school of Engineering; you have to work for four (4) years doing progressively challenging engineering work which prepares you to take the PE exams; you have to pass the exams and then you get your PE License. Then every two (2) years you have to pass continuing education courses. For Certificate of Authority you fill out a form and you pay \$255. I don't think any Engineer would purposely avoid paying a \$255 fee and risk losing thousands of dollars in earnings. It slipped my mind—I forgot it—I apologies [sic].

12. On June 10, 2013, Respondent received a Certificate of Authorization for ABW Engineering.

13. On September 18, 2013, Petitioner notified Respondent that the Board was issuing a citation based upon the allegations previously disclosed to Respondent: that ABW Engineering had offered engineering services during a period of time when it was not properly certified or authorized to do business.

14. Under the terms of the citation, Respondent was given the option of paying the penalty calculated pursuant to Florida Administrative Code Rule 61G15-19.0071 (\$5,000.00) or having the case prosecuted pursuant to section 455.225, Florida Statutes (2013).^{1/} Respondent chose the latter.

15. At hearing, Respondent maintained that he did not do business as ABW Engineering, but as Allan B. Williams, P.E. That claim was not deemed persuasive in light of the totality of evidence that established Respondent routinely used the ABW Engineering letterhead and logo, was listed in the telephone and other directories as ABW Engineering, and billed for engineering services with the logo and name. Moreover, Respondent admitted that using "ABW Engineering" was a strategy to secure work.

CONCLUSIONS OF LAW

16. DOAH has jurisdiction over the parties to and the subject matter of this proceeding. §§ 120.569 and 120.57, Fla. Stat.

17. Section 471.023(2), Florida Statutes, provides:

For the purposes of this section, a certificate of authorization shall be required for any business organization or other person practicing under a fictitious name, offering engineering services to the public. However, when an individual is practicing engineering in his or her own given name, he or she shall not be required to be licensed under this section.

18. Section 471.005 provides, in pertinent part:

Definitions.--As used in this chapter, the term:

(1) "Board" means the Board of Professional Engineers.

(2) "Board of directors" means the board of directors of the Florida Engineers Management Corporation.

(3) "Certificate of authorization" means a license to practice engineering issued by the management corporation to a corporation or partnership.

(4) "Department" means the Department of Business and Professional Regulation.

(5) "Engineer" includes the terms "professional engineer" and "licensed engineer" and means a person who is licensed to engage in the practice of engineering under this chapter.

* * *

(7) "Engineering" includes the term "professional engineering" and means any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering

sciences to such services or creative work as consultation, investigation, evaluation, planning, and design of engineering works and systems, planning the use of land and water, teaching of the principles and methods of engineering design, engineering surveys, and the inspection of construction for the purpose of determining in general if the work is proceeding in compliance with drawings and specifications, any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic, or thermal nature, insofar as they involve safeguarding life, health, or property; and includes such other professional services as may be necessary to the planning, progress, and completion of any engineering services. A person who practices any branch of engineering; who, by verbal claim, sign, advertisement, letterhead, or card, or in any other way, represents himself or herself to be an engineer or, through the use of some other title, implies that he or she is an engineer or that he or she is licensed under this chapter; or who holds himself or herself out as able to perform, or does perform, any engineering service or work or any other service designated by the practitioner which is recognized as engineering shall be construed to practice or offer to practice engineering within the meaning and intent of this chapter.

(8) "License" means the licensing of engineers or certification of businesses to practice engineering in this state.

19. Rule 61G15-19.001 provides, in part:

(1) Pursuant to Section 471.033(2), F.S., the Board, to the extent not otherwise set forth in Florida Statutes, hereby specifies that the following acts or omissions are

grounds for disciplinary proceedings pursuant to Section 471.033(1), F.S.

* * *

(3) A professional engineer, corporation or partnership shall not practice engineering under an assumed, fictitious or corporate name that is misleading as to the identity, responsibility or status of those practicing thereunder or is otherwise false, fraudulent, misleading or deceptive within the meaning of subsection 61G15-19.001(2), F.A.C. When an individual is practicing engineering as a sole proprietor under a combination of his own given name, and terms such as "engineering," "and associates" or "and company," then said person is practicing engineering under a fictitious name, and must obtain a certificate of authorization pursuant to Section 471.023(2), F.S. The name of a corporation or partnership, if otherwise authorized, may include the name or names of one or more deceased or retired members of the firm, or of a predecessor firm in a continuing line of succession. An engineering firm may not offer services to the public under a firm name which contains only the name of an individual not licensed as a professional engineer, registered architect, land surveyor, landscape architect, or professional geologist, in any state.

20. Rule 61G15-19.0071 provides:

Citations.

(1) As used in this rule, "citation" means an instrument which meets the requirements set forth in Section 455.224, F.S., and which is served upon a licensee or certificateholder for the purpose of assessing a penalty in an amount established by this rule.

(2) In lieu of the disciplinary procedures contained in Section 455.225, F.S., FEMC is hereby authorized to dispose of any violation designated herein by issuing a citation to the subject within six months after the filing of the complaint that is the basis for the citation. If a violation for which a citation may be issued is discovered during the course of an investigation for an unrelated violation, the citation must be issued within 6 months from the discovery of the violation and filing of the uniform complaint form by the investigator.

(3) The following violations with accompanying fines may be disposed of by citation:

(a) An engineer who has practiced or offered to practice engineering through a corporation, partnership, or fictitious name which has not been duly certified. The fine shall be \$100 for each month or fraction thereof of said activity, up to a maximum of \$5,000. (See Sections 455.227(1)(j), 471.023, and 471.033(1)(a), F.S.)

(b) Practice with an inactive or delinquent license more than one month or if a Notice of Noncompliance has previously been issued for the same offense. The fine shall be \$100 for each month or fraction thereof. (See Section 471.033(1)(i), F.S.)

(c) Firm practicing without a current certificate of authorization more than one month or if a Notice of Noncompliance has previously been issued for the same offense. The fine shall be \$100 for each month or fraction thereof. (See Section 471.023, F.S.)

(d) Failure to notify the Board of a change in the principal officer of the corporation or partner in a partnership who is the qualifying professional engineer for said corporation or partnership within one month

of such change. The fine shall be \$500.
(See Section 471.023(4), F.S.)

(e) Unlicensed practice of engineering. The fine shall be up to \$250 for each month depending on the severity of the infraction practice, up to a maximum of \$5,000.00. (See Section 455.228(3)(a), F.S.)

(4) If the subject does not dispute the matter in the citation in writing within 30 days after the citation is served by personal service or within 30 days after receipt by certified mail, the citation shall become a final order of the Board of Professional Engineers. The subject has 30 days from the date the citation becomes a final order to pay the fine and costs. Failure to pay the fine and costs within the prescribed time period constitutes a violation of Section 471.033(1)(k), F.S., which will result in further disciplinary action. All fines and costs are to be made payable to "Florida Engineers Management Corporation--Citation."

* * *

(7) Subsequent violation(s) of the same rule or statute shall require the procedure of Section 455.225, F.S., to be followed. In addition, should the offense for which a citation could be issued occur in conjunction with violations not described herein, then the procedures of Section 455.255, F.S., shall apply.

21. In this case, Petitioner bears the burden of proof to establish by clear and convincing evidence that Respondent committed the acts complained of in the Administrative Complaint. See Dep't of Banking and Fin., Div. of Sec. and Investor Prot. v. Osborne Stern & Co., 670 So. 2d 932 (Fla. 1996); Ferris v.

Turlington, 510 So. 2d 292 (Fla. 1987); and Pou v. Dep't of Ins. and Treasurer, 707 So. 2d 941 (Fla. 3d DCA 1998).

22. What constitutes "clear and convincing" evidence was described by the court in Evans Packing Co. v. Department of Agriculture and Consumer Services, 550 So. 2d 112, 116, n.5 (Fla. 1st DCA 1989), as follows:

[C]lear and convincing evidence requires that the evidence must be found to be credible; the facts to which the witnesses testify must be distinctly remembered; the evidence must be precise and explicit and the witnesses must be lacking in confusion as to the facts in issue. The evidence must be of such weight that it produces in the mind of the trier of fact the firm belief or conviction, without hesitancy, as to the truth of the allegations sought to be established. Slomowitz v. Walker, 429 So. 2d 797, 800 (Fla. 4th DCA 1983).

See also In re Graziano, 696 So. 2d 744 (Fla. 1997); In re Davey, 645 So. 2d 398 (Fla. 1994); and Walker v. Fla. Dep't of Bus. & Prof'l Reg., 705 So. 2d 652 (Fla. 5th DCA 1998) (Sharp, J., dissenting).

23. In this case, Petitioner has met its burden of proof. Respondent, Allan B. Williams, is a licensed professional engineer who used an entity bearing a fictitious name to offer engineering services to the public in Florida. Allan B. Williams, P.E., is not entitled to use "ABW Engineering," the letterhead for ABW Engineering, the logo for ABW Engineering, or any form of ABW Engineering, unless ABW Engineering is first

registered as a fictitious name with DOS and issued a Certificate of Authorization by Petitioner. In this case, Respondent failed to keep the Certification of Authorization current. Respondent used the fictitious name inappropriately and unlawfully. After the incident in 2007, Respondent knew or should have known of the legal requirements regarding the use of the fictitious business name. Respondent ignored his responsibility under the law and failed to be accountable for his lapse in judgment. Respondent is not entitled to disregard the requirements of law.


24. In accordance with the penalty guidelines set forth in rule 61G15-19.004 and the charges alleged in this case, Respondent is subject to penalties ranging from reprimand, to suspension, to revocation of license, as well as fines from \$1,000.00 to \$5,000.00. More specifically, for the violation of section 471.033(1)(i), practicing engineering on an inactive or delinquent license, Respondent's fine may be calculated at the rate of \$100.00 per month, up to \$5,000.00.

25. Respondent has twice failed to obtain a valid Certificate of Authorization for the fictitious name under which he offers engineering services. During the most recent period of practicing without the Certificate of Authorization, Respondent worked for 52 months using "ABW Engineering." Respondent's long-term practice of engineering does not excuse his failure to comply with the law and regulations of the State of Florida.

RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, it is RECOMMENDED that the Florida Board of Professional Engineers enter a final order finding Respondent in violation of offering engineering services through a fictitious name that did not have a valid Certificate of Authorization, imposing an administrative fine in the amount of \$5,000.00, awarding the costs of prosecution against Respondent, and reprimanding Allan B. Williams, P.E., as the registered general officer of ABW Engineering.

DONE AND ENTERED this 2nd day of September, 2014, in Tallahassee, Leon County, Florida.



J. D. PARRISH
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 2nd day of September, 2014.

ENDNOTE

^{1/} All statutory references are to Florida Statutes (2013), unless otherwise noted.

COPIES FURNISHED:

Zana Raybon, Executive Director
Board of Professional Engineers
Department of Business and
Professional Regulation
Suite B-112
2639 North Monroe Street
Tallahassee, Florida 32303-5268
(eServed)

Michael Flury, Esquire
Office of the Attorney General
The Capitol, Plaza Level 01
Tallahassee, Florida 32399-1050
(eServed)

J. Layne Smith, General Counsel
Department of Business and
Professional Regulation
1940 North Monroe Street
Tallahassee, Florida 32399-2201
(eServed)

John Jefferson Rimes, III, Esquire
Board of Professional Engineers
Suite B-112
2639 North Monroe Street
Tallahassee, Florida 32303-5268
(eServed)

Allan B. Williams, P.E.
ABW Engineering
Suite 713
1000 South Semoran Boulevard
Winter Park, Florida 32792-5519

NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.

STATE OF FLORIDA
BOARD OF PROFESSIONAL ENGINEERS

RECEIVED

SEP 29 2014

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

FLORIDA BOARD OF
PROFESSIONAL ENGINEERS

Petitioner

- vs -

FEMC Case No. 2013019830,
2013019832

ALLAN WILLIAMS, P.E. and
ALLAN WILLIAMS, P.E.
D/B/A/ABW ENGINEERING,

FILED
Florida Engineers Management
Corporation

SEP 29 2014

Respondents.

Clerk: 

EXCEPTIONS TO COURT'S RECOMMENDED ORDER

1. The Respondent has received the Court's Recommended Order.
2. The Respondent respectfully submits these Exceptions and requests that the Court reconsider the penalty assessed for the following reasons.
3. The Respondent did not need a Certificate of Authority in order to perform services as a licensed professional engineer.
4. The Respondent originally obtained a Certificate of Authority when prompted by an investigator from the FBPE who represented that Respondent could not be paid for services he rendered under his P.E. license without one. This investigator misled the Respondent into believing that a Certificate of Authority was a prerequisite to being paid for the services he was rendering under his P.E. license. Respondent complied with the

Exhibit B

investigator and obtained the Certificate of Authority.

5. That the evidence submitted by the Petitioner consisted primarily of passive use of the fictitious name and not active use. Passive use being the existence of listings with governmental entities and in directories rather than active use which would be actual work on engineering jobs.

6. The passive use of name of the business entity ABW Engineering while that entity's Certificate of Authority was not in status was inadvertent, done in ignorance, office failure, caused no harm to the public for whom the statute was created to protect and and as such is excusable neglect.

7. That when a subsequent BOPE investigator brought this matter to Respondent's attention, Respondent promptly took the steps necessary and paid the required fees to reinstate the Certificate of Authority for the entity ABW Engineering.

8. No members of the public were harmed by the Respondent's passive use of the fictitious name ABW Engineering while it lacked a valid Certificate of Authority.

9. In regards to Jim Pavlokos, the Respondent did engineering work of his project; and Respondent initially billed under his legal name and not the fictitious name; when he was asked by Jim Pavlokos for more detailed billing, Respondent supplied it on stationery with the fictitious name and logo.

10. Jim Pavlokos then refused to pay the Respondent on the basis that the fictitious name had no valid Certificate of Authority. In that regard, Respondent has suffered the loss of his entire fee of three thousand five hundred (\$3,500.00 dollars for

the service he rendered to Jim Pavlokos.

11. The loss of the fee set forth above is a punishment in it of itself.

12. Further monetary loss in the form of fines and court costs would cause a severe hardship to the Respondent who lives on Social Security alone when he does not have any engineering projects.

13. The Respondent respectfully requests that the Court reduce its recommended penalties in consideration of the foregoing and allow the Respondent a lengthy period to pay the penalties.

Respectfully submitted.

DATED: September 22, 2014



ALLAN WILLIAMS, P.E.

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	11/22/2013
File #	

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

- vs. -

FEMC Case No. 2013019830, 2013019832

ALLAN WILLIAMS, P. E., and
ALLAN WILLIAMS, P. E.,
DBA/ABW ENGINEERING,

Respondents,

ADMINISTRATIVE COMPLAINT

COMES NOW the Florida Engineers Management Corporation, hereinafter referred to as "FEMC" on behalf of Florida Board of Professional Engineers, hereinafter referred to as "Petitioner" or "Board," and files this Administrative Complaint against ALLAN WILLIAMS, P.E., and ALLAN WILLIAMS, P.E., D/B/A ABW ENGINEERING, hereinafter referred to as "Respondents." 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 the FEMC on behalf of Petitioner. FEMC is charged with providing administrative, investigative, and prosecutorial services to the FBPE pursuant to Section 471.038, Florida Statutes (1997).

2. Respondent, ALLAN WILLIAMS, P.E. is, and has been at all times material hereto, and has been at all times material hereto, a licensed professional engineer in the State of Florida, having been issued license number PE 54207. ALLAN WILLIAMS, P.E., D/B/A ABW ENGINEERING is a licensed engineering firm in the State of Florida, having been issued Certificate of Authorization Number 30332. Respondents' last known address is ABW Engineering, 1000 South Semoran Boulevard, Suite 713, Winter Park, Florida 32792.

3. From March 2009 to June 2013, Respondents' Certificate of Authorization to offer engineering services in the State of Florida was in delinquent status. The Certificate of Authorization was reactivated on June 10, 2013.

4. Notwithstanding the foregoing, at all times relevant to this complaint (March 2009 to June 2013), Respondents both offered and provided engineering services to the public.

5. On September 18, 2013, pursuant to Rule 61G15-19.071, Florida Administrative Code, hereinafter referred to as "F.A.C.," a Citation reflecting the above was issued to Respondents in an effort to resolve any violations of Chapter 455 or 471, Florida Statutes, but no response was forthcoming from Respondents.

6. Section 471.023, Florida Statutes, requires that an entity must have a valid Certificate of Authorization to offer engineering services in the State of Florida. Section 471.033(1)(i), Florida Statutes, prohibits the practice of engineering or the offering to practice engineering on a delinquent license.

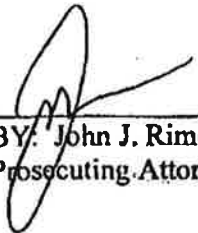
7. Based upon the foregoing, Respondents have violated Sections 471.023 and 471.033(1)(i), Florida Statutes.

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 Respondents' licenses, restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondents 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 15th day of November, 2013.

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
JR/tf
PCP DATE: November 12, 2013
PCP Members: FIORILLO, RODDENBERRY & MATTHEWS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing, Administrative Complaint, was furnished to Allan B. Williams, P.E. and Allan B. Williams, P.E., d/b/a ABW Engineering at ABW ENGINEERING, 1000 S. Semoran Blvd., Suite 713, Winter Park, FL 32792 via Certified, Return-Receipt, United States Mail, on the _____ of November, 2013.