

FILED
Florida Engineers Management
Corporation

APR 29 2014

Clerk: _____

Trishia Finley

FILED

Department of Business and Professional Regulation
Deputy Agency Clerk

CLERK Brandon Nichols
Date **4/29/2014**
File # **2014-02958**

STATE OF FLORIDA
BOARD OF PROFESSIONAL ENGINEERS

FLORIDA ENGINEERS
MANAGEMENT CORPORATION,

Petitioner,

v.

FEMC Case No. 2013026181

STEPHEN MASLAN, P.E.

Respondent,

FINAL ORDER ADOPTING COUNTER-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 10, 2014 in Tampa, Florida, for the purpose of considering a Settlement Stipulation (“Stipulation”) 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 was determined by the Board that it could not accept the Stipulation as signed by the parties. The Board determined that there would be a Counter-Settlement Stipulation offered to Respondent, Stephen Maslan, P.E. The Counter-Settlement Stipulation (attached hereto as “Exhibit A to Final Order”) was executed by the Parties; and it is hereby:

ORDERED AND ADJUDGED that the Counter-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 Counter-Settlement Stipulation.

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

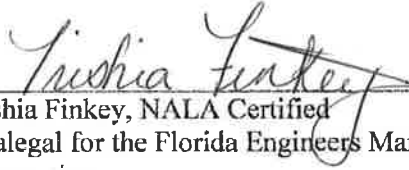
DONE AND ORDERED this 27th day of April, 2014.

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 Stephen P. Maslan, P.E., 8011 Pasco, Kansas City, MO 64131, 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 27th day of April, 2014.


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

STATE OF FLORIDA
BOARD OF PROFESSIONAL ENGINEERS

FLORIDA ENGINEERS
MANAGEMENT CORPORATION,

Petitioner,

v.

FEMC Case No. 2013026181

STEPHEN MASLAN, P.E.

Respondent,

_____ /

COUNTER-SETTLEMENT STIPULATION

STEPHEN MASLAN, P.E. ("Respondent") and the Florida Engineers Management Corporation ("FEMC") hereby stipulate and agree to the following joint Counter-Settlement Stipulation ("Stipulation") and Final Order of the Florida Board of Professional Engineers ("Board") incorporating this 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 38400.
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 (“Department” or “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 license shall be **SUSPENDED**, the suspension shall be **STAYED** for thirty (30) days and then **VACATED** if Respondent pays **COSTS** of \$1,126.50 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 **COSTS** will result in the **SUSPENSION** never taking effect.

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

5. Respondent’s license shall be **RESTRICTED** from practicing any Fire Protection engineering as described and regulated by the Florida Building Code and Rules 61G15-32 and Rule 61G15-33.006 until such time that Respondent completes, passes and submits proof of passing the **NCEES FIRE PROTECTION EXAM**.

6. Respondent shall be placed on **PROBATION** for two (2) years with the following terms:

a. Respondent shall successfully complete a Board-approved course in **ENGINEERING PROFESSIONALISM AND ETHICS** within one (1) year of the date the Final Order adopting this Stipulation is filed with the Agency Clerk. 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. 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
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

National Society for Professional Engineers
PDC Buncher Commerce Park Avenue A#16
Leetsdale, Pennsylvania 15056-1304
Ethics & Risk Management
Phone 800-417-0348 Fax 412-741-0609

Accredited College or University courses.

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

b. 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 the Final Order adopting this Stipulation is filed with the Agency Clerk.

c. 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.

d. 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 PCP for determination of whether additional disciplinary proceedings should be initiated.

e. If Respondent has not performed engineering services on a sufficient number of projects to make the submissions required by 6.c., 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.

6. Respondent acknowledges that neither his attendance at the Board Meeting 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. 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.

8. This 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 the 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.

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 Stipulation of Facts, Conclusions of Law, imposition of discipline, and the Final Order of the Board incorporating said 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.

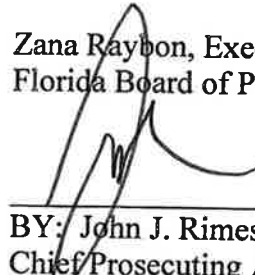


STEPHEN MASLAN, P.E.,
Respondent – Case No. 2013026181

4/21/14, 2014
Date

APPROVED this 28th day of April, 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	Evelle Lawson-Proctor
Date	11/22/2013
File #	

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

FILED
Florida Engineers Management
Corporation

NOV 22 2013

Clerk: *Trishia Tucker*
Sandra Hodge

FEMC Case No. 2013026181

Petitioner,

v.

STEPHEN MASLAN, P.E.,

Respondent,

ADMINISTRATIVE COMPLAINT

COMES NOW the Florida Engineers Management Corporation, hereinafter referred to as "FEMC" on behalf of Petitioner, Florida Board of Professional Engineers, hereinafter referred to as "Petitioner" or "Board," and files this Administrative Complaint against STEPHEN MASLAN, P.E., hereinafter referred to as "Respondent." This Administrative Complaint is issued pursuant to Sections 120.60 and 471.038, Florida Statutes ("F.S."). Any proceeding concerning this complaint shall be conducted pursuant to Section 120.57, F.S. In support of this complaint, Petitioner alleges the following:

1. Petitioner is charged with regulating the practice of engineering pursuant to Chapter 455, F.S. This complaint is filed by the FEMC on behalf of Petitioner. FEMC is charged with providing administrative, investigative, and prosecutorial services to the Board pursuant to Section 471.038, F.S. (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 38400. Respondent's last known address is 8011 Paseo, Kansas City, MO 64131.

"Exhibit A to Final Order"

"Exhibit A to Settlement Stipulation"

3. On July 31, 2012, Respondent's Kansas professional engineering license was the subject of a Final Order (Case # 12-06) entered by the Kansas State Board of Technical Professions. The Final Order stated in material part that Respondent

“...deviated from generally accepted engineering standards and practices in [Respondent's] design, preparation, and sealing of the plans and specifications for the fire alarm system at the Revolution Church in 12 instances. The high number of deviations as well as the significance of the deviations itself is evidence that constituted gross negligence, incompetency, misconduct, or wanton disregard for the rights of others in violation of K.S.A. 74-7026(a)(2).”

The Final Order continued on:

“...Respondent deviated from generally accepted engineering standards and practices in [Respondent's] design, preparation, and sealing of the plans and specifications for the fire alarm system at the Big Lots in 9 instances. The high number of deviations as well as the significance of the deviations itself constituted gross negligence, incompetency, misconduct, or wanton disregard for the rights of others in violation of K.S.A. 74-7026(a)(2).”

4. As a result of the above findings, Respondent's Kansas professional engineering license was placed on PROBATION for a period of 2 years. Respondent was required to pay fees and expenses in the amount of \$5,270.54. Respondent was also FINED \$19,729.46.

5. Section 471.033(1)(c), F.S., states:

“(1)The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken: (c) Having a license to practice engineering revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country, for any act that would constitute a violation of this chapter or chapter 455.”

6. Section 471.033(1)(g), F.S., provides that an engineer is subject to discipline for engaging in negligence in the practice of engineering. Rule 61G15-19.001(4), Florida Administrative Code (F.A.C.), 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. The actions of the Kansas State Board of Technical Professions constitutes discipline of Respondent's Kansas professional engineering license for acts which would constitute violations of Chapter 471, F.S., if those actions had occurred in Florida in that Respondent's actions in Kansas constituted engineering practice which did not show "due care in performing in an engineering capacity" and "fail[ed] to have due regard for acceptable standards of engineering principles."

8. Based on the foregoing, Respondent is charged with violating Section 471.033(1)(c), F.S., by having Respondent's "license to practice engineering ... acted against ... by the licensing authority of another state, territory, or country, for any act that would constitute a violation of [Chapter 471]."

WHEREFORE, the Petitioner respectfully requests the Board 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), F.S., and/or any other relief that the Board deems appropriate.

SIGNED this 21st day of November 2013.

Zana Raybon
Executive Director



BY: John J. Rimes, III
Prosecuting Attorney

COUNSEL FOR FEMC:

FBPE vs. Stephen Maslan, P.E., Case No. 2013026181

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 was furnished to Stephen P. Maslan, PE, 8011 Pasco, Kansas City, MO 64131, by Certified, Return-Receipt U.S. Mail, on the 27th of November, 2013.

Trishia Turkey, Clerk