

STATE OF FLORIDA
BOARD OF PROFESSIONAL ENGINEERS

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	2/29/2012
File #	2012-01344

FILED
Florida Engineers Management
Corporation

FEB 29 2012 1

FLORIDA ENGINEERS MANAGEMENT
CORPORATION,

Petitioner,

FEMC Case No.: 2009050310

License No.: PE 64531

DOUGLAS STITGEN, P.E.

Respondent.

Clerk: *Sandee Maize*

FINAL ORDER

THIS CAUSE came before the BOARD OF PROFESSIONAL ENGINEERS (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on February 16, 2012, in Tampa, Florida, for the purpose of considering a settlement stipulation (attached hereto as Exhibit A) entered into between the parties in this cause on September 9, 2011. Upon consideration of the stipulation, the documents submitted in support thereof, the arguments of the parties, it is hereby:

ORDERED AND ADJUDGED that the stipulation as submitted be and is hereby adopted in to 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.

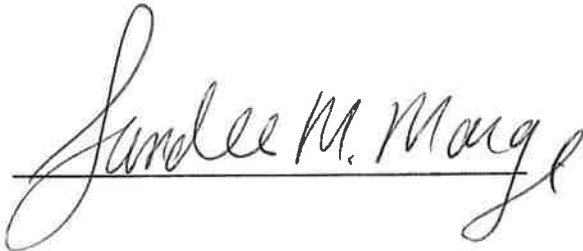
DONE AND ORDERED this 27th day of February, 2012, by the Florida Board of Professional Engineers.



Zana Raybon, Executive Director
For John Burke, P.E., Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been furnished by U. S. Mail to Mr. Stitgen, P.E. c/o Mr. Edwin Bayo, Esquire, Grossman, Furlow & LLC, 2022-2 Raymond Diehl Road, Tallahassee, Florida 32308 and by interoffice mail to Michael T. Flury, Assistant Attorney General, PL-01 The Capitol, Tallahassee, Florida 32399-1050, and Mr. John J. Rimes III, Chief Prosecuting Attorney, 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303 this 1st day of March, 2012.



Sandee M. Mangel

STATE OF FLORIDA
BOARD OF PROFESSIONAL ENGINEERS

FLORIDA ENGINEERS
MANAGEMENT CORPORATION,

Petitioner,

v.

FEMC Case No. 2009050310

DOUGLAS D. STITGEN, P.E.

Respondent,

SETTLEMENT STIPULATION

DOUGLAS D. STITGEN, P.E., hereinafter referred to as "Respondent", and the Florida Engineers Management Corporation, hereinafter referred to as "FEMC", hereby stipulate and agrees to the following joint stipulation and Final Order of the 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 64531.
2. Respondent was charged by an Administrative Complaint filed by the Florida Engineers Management Corporation, and properly served upon Respondent with violations of Chapters 471 and 455, Florida Statutes. A true and correct copy of the Administrative Complaint is attached hereto and incorporated by reference as Exhibit A.

STIPULATED CONCLUSIONS OF LAW

1. Respondent, in their capacity as a licensed engineer, admits that in such capacity they are subject to provisions of Chapters 455 and 471, Florida Statutes, and the jurisdiction of the Department, 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 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 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 **COSTS** of \$1,073.00 to the Board within thirty (30) days of the date that the Final Order adopting this Stipulation is filed with the Agency Clerk.

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

5. Respondent shall **APPEAR** before the Board when the stipulation is presented. Respondent should be prepared to discuss: his understanding of structural engineering and the types of work /projects that encompasses and what improvements and quality control measures he plans to implement to improve his work product.

6. Respondent acknowledges that neither their attendance at the Board Meeting when this Stipulation is presented, 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. 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. Prior to that date, Respondent shall submit to the Board a Certificate of Completion. 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
Course No. PDH-30 Engineering Ethics I
***RECOMMENDED as this course is a prerequisite for an Intermediate Level Course**
Course No. PDH-30 Engineering Ethics II (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 3689-5331
Course No. V98E Ethics and Professionalism
Phone 800-446-0382 or 334-844-4370

National Society for Professional Engineers
1420 King Street
Alexandria, VA 22314
Course No. ONL-005 Ethics & Risk Management
Phone 703-684-2885; www.nspe.org
*when taking this course an email must be sent to education@nspe.org in order to obtain a certificate of completion.

Accredited College or University courses.
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 Stipulation is filed with the Agency Clerk. The projects shall include: any and all projects as it relates to his structural engineering practice.

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 is also responsible for the Consultant's fees for reviewing the projects, and shall remit payment in the amount of \$1500.00 by check or money order made payable in the name of the Board's Consultant at the time that the project list(s) are submitted to FEMC. In the event that the project review cost exceeds \$1500.00 then Respondent is responsible for the deficiency. In the event that the cost of the review(s) is less than \$1500.00 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. 1, 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

FBPE v. DOUGLAS S. STITGEN, P.E., Case No. 2009050310

the requirements of the terms of probation, Respondent's license will remain on probation until such time as he has performed sufficient engineering services necessary for the required review.

e. Should the FEMC Consultant return a favorable report after reviewing the set of plans reviewed during the first year of the project reviews, the requirements for the second year of project reviews will be waived and the requirement 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 engineering deficiencies.

f. Respondent shall successfully complete the **STUDY GUIDE** which has been prepared by the Board of Professional Engineers and which will be furnished to Respondent, regarding the Engineering Practice Act, Chapter 471, Florida Statutes, and the Rules of the Board of Professional Engineers. Respondent will complete and return the Study Guide within thirty (30) days of the date on which a Final Order incorporating this Settlement Stipulation is filed, to the Board of Professional Engineers at 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

8. 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 agreement.

9. This 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 Stipulation. Furthermore, should this joint 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 Stipulation.

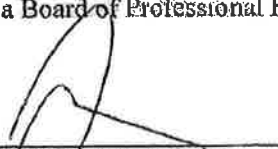
11. Respondent waives the right to seek any attorney's fees or costs from the Board in connection with this disciplinary proceeding.

WHEREFORE, the parties hereto request the Board to enter a Final Order accepting and implementing the terms contained herein.

 9-9-11
_____, 2011
Signature and Date
DOUGLAS D. STITGEN, P.E.
Respondent
Case No. 2009050310

APPROVED this 23rd day of February, 2012.

Carrie Flynn, Executive Director
Florida Board of Professional Engineers



BY: JOHN J. RIMES, III
Prosecuting Attorney

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK Evette L. Proctor
Date 8/2/2010
File #

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FILED
Florida Engineers Management Corporation
Clerk

CLERK
DATE

Sandra Margie
8/2/2010

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2009050310

DOUGLAS D. STITGEN, P.E.,

Respondent,

ADMINISTRATIVE COMPLAINT

COMES NOW the Florida Engineers Management Corporation (FEMC) on behalf of Petitioner, Florida Board of Professional Engineers, hereinafter referred to as "Petitioner," and files this Administrative Complaint against DOUGLAS D. STITGEN, 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, Florida Board of Professional Engineers, 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 64531. Respondent's last known address is 2660 Stardust Trail, Verona, WI 53593.

3. On May 15, 2009 Respondent sealed, signed and dated Structural Permit Drawings for the Medina Residence (Medina Project) consisting of Sheets S0-S9.

4. Respondent's engineering documents for the Medina Project are materially deficient as follows:

A. **TOP BARS** Adequate consideration has not been given to the consequences resulting from tensile stresses to be anticipated at the top of floor beams, Quad-Deck floor units and First Floor concrete slabs where such members are continuous over supports such as beams or columns. Only two #4 top bars (insufficient to control the cracking to be anticipated) have been called for in Beams B-01, B-02 and B-03 in the Beam Schedule. The ICF (Insulating Concrete Form) Schedule calls for no top reinforcing at all in the Quad - Floor units. Sheet S2, First Floor Structural Slab, calls for no top bars over interior supporting beams. A note calls for a slab joint along the center line of all interior grade beams and refers to Detail 5/S9. Detail 5/S9 shows no joint.

B. **SC - Bm 3.** The beam so identified by Respondent on page 12 of the Supplemental Structural Calculations is shown on the Third Floor Plan (S4) on Grid Line 4 spanning from Grid Line A to Grid Line E. Information on Sheet S4 identifies the beam as BM-01 and implies a single span of some 31 feet. The Beam Schedule on Sheet S0 describes Beam B-01 as 12" x 12" with two #6 bottom bars and two #4 top bars. In Respondent's Supplemental Structural Calculations on page 12 the same beam is designed as consisting of two simple spans of 17 feet with no consideration of tensile stresses to be anticipated over the supporting column.

In a separate calculation on an unnumbered and undated page, Respondent has assumed continuous beams with spans of 15 feet and 16.5 feet. Assuming the top reinforcing to be two #4 bars as are scheduled, Respondent's design results in an overstress of 43%. Respondent has failed to recognize that in the portion of the beam adjacent to the Balcony that a 12 inch depth is insufficient to accommodate the 4 inch difference in floor elevations. Respondent failed to consider the concentrated load imposed on SC-Bm 3 by another BM-01 supporting the easterly wall of the Balcony. No detail has been provided to show the means of load transfer from SC-Bm to the 12" deep supporting beam BM-01 at the intersection of Grid Lines 4 and E.

Sections shown on Sheet S4 provide no useful information relative to SC-Bm 3 or its supporting beam BM-01 on Grid Line E. Detail 4/S5 bears no resemblance to actual conditions and Detail 3/S4 is not shown anywhere in the Structural Drawings.

C. **Rear Porch Roof.** The Architectural Drawings (Sheets A-0 to A-10 dated 9/10/09) for the Medina Project indicate a wood framed sloped roof over the Rear Porch (average elevation about at the Second Floor +21'-7"). 3" x 8" rafters are supported at the exterior wall of the Living Room / Dining Room on Grid Line 1 and at the exterior edge of the Porch by 4" x 12", wood beams which are in turn supported by three columns (See Sheet A-9). In contrast Sheet S7 indicates a cantilevered eave with the 3" x 8" rafters penetrating the exterior wall of the Living Room / Dining Room and supported at the interior by a wall which does not in fact exist.

D. **Rear Wall.** The ICF Schedule on Sheet S0 specifies that Quad-Lock wall units are to have a tie length of 6" (Manufacturer literature in evidence indicates a wall cavity thickness of 5-3/4 inches). Required reinforcing is specified to be #4 bars at 12 inches on centers horizontally and vertically. Because the Second Floor does not extend over the Living Room/

Dining Room, the 5-3/4" thick concrete wall, as indicated on the Structural Drawings, is unbraced between the First Floor and the bottom of Third Floor construction, a distance of 20'-0" (4" less at the Balcony). An unbraced wall with this slenderness ratio would be vulnerable to gravity loads imposed at the Third Floor acting alone or in combination with high velocity wind loads.

5. 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." Rule 61G15-19.001(4) also provides that "[f]ailure to comply with the procedures set forth in the Responsibility Rules as adopted by the Board of Professional Engineers shall be considered as non-compliance with this section unless the deviation or departures therefrom are justified by the specific circumstances of the project in question and the sound professional judgment of the professional engineer."

6. Respondent acted as Structural Engineer of Record for the Medina Project as that term is defined in Rule 61G15-31.002(1), F. A. C. As such all structural documents prepared, signed, sealed and dated by Respondent must contain the information set out in Rules 61G15-30.003(1) and 61G15-31.002(5), F. A. C., as mandated by Rule 61G15-31.001, F. A. C., setting out the General Responsibility standards for engineers designing structures. The plans and specifications for the Medina Project fail to contain this information and thus fail to comply with the Responsibility Rules.

7. The Respondent's drawings, specifications, and certifications for the Medina Project contain deficiencies including; but not limited to, those set forth in Paragraph 4.

8. Based upon the foregoing, Respondent violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by sealing, signing and dating engineering documents that were issued and filed for public record when such documents were materially deficient in respect to and not in compliance with applicable code requirements or acceptable engineering principles.

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 22nd day of July, 2010.

Carrie Flynn
Executive Director

BY John J. Rimes, III
Prosecuting Attorney

COUNSEL FOR FEMC:

John J. Rimes, III
Prosecuting Attorney
Florida Engineers Management Corporation
2507 Callaway Road, Suite 200
Tallahassee, Florida 32303
Florida Bar No. 212008
JR/am

PCP DATE: July 13, 2010
PCP Members: Charland, Rebane & Hahn

FBPE vs. Douglas Stiggen, P.E., Case No. 2009050310

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Douglas D. Stitgen, 2660 Stardust Trail, Verona, WI 53593, by certified mail, on the 5th of August 2010.

c/o Safety Harbor Design

Build

99353 Overseas Hwy, Suite 9
Key Largo, FL 33037

