

FILED
Florida Engineers
Management Corporation
4/26/2016 Clerk: Rebecca Valentine

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK Brandon Nichols
Date **4/26/2016**
File # **2016-03229**

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No: 2015040623

WILLIAM PINO, 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 February 11, 2016 in Orlando, 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 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. While permitted under the terms of the Stipulation, the Board did not exercise its discretion to impose any further disciplinary action other than that set forth in the Stipulation. 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 26 day of April, 2016.

FLORIDA BOARD OF PROFESSIONAL ENGINEERS



Zana Raybon, Executive Director
For WILLIAM C. BRACKEN, P.E., S.I., CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing filed *Final Order Adopting Settlement Stipulation* has been furnished by U.S. First Class Mail to William Pino, P.E., by service upon his attorney of record: Edwin A. Bayó, Esquire, Grossman, Furlow & Bayó, LLC, 2022-2 Raymond Diehl Road, Tallahassee, Florida 32308, on this ____ day of April, 2016.

Rebecca Valentine,
Paralegal

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2015040623

WILLIAM E. PINO, P.E.,

Respondent,

SETTLEMENT STIPULATION

William E. Pino, P.E. ("Respondent") and the Florida Engineers Management Corporation ("FEMC") hereby stipulate and agree to the following joint Settlement Stipulation ("Stipulation") and Final Order of the Florida Board of Professional Engineers ("Board") incorporating this Stipulation in the above-styled matter.

STIPULATED FACTS

1. For all times pertinent hereto, Respondent was a licensed professional engineer in the State of Florida, having been issued license number PE 32026.
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 (“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 comply with the terms of the Final Order in this case, an administrative complaint for failure to comply with said Final Order can automatically be opened against Respondent.

3. Respondent’s Professional Engineer license shall be **SUSPENDED** until such time that Respondent **APPEARS** before the Board at which time the Board shall impose appropriate discipline upon Respondent in conformity with the Board’s Disciplinary Guidelines.

4. Respondent shall pay an **ADMINISTRATIVE FINE** of **\$5,000.00** and **ADMINISTRATIVE COSTS** of **\$226.20** 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**.

6. Respondent acknowledges that neither his 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 successfully complete a Board-approved course in **BASIC 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 ("FES"), 125 South Gadsden St., Tallahassee, FL 32301, (850)224-7121, for information regarding the availability of such courses in Florida; however, if the FES provides any information regarding such a course to the Respondent, the Respondent must submit that course information to the FEMC for review and determination as to whether or not it will comply with the Board's requirements. 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
Engineering Ethics Advanced
Telephone 806-742-3525; Fax 806-742-0444; E-mail: engineering.ethics@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

An Accredited College or University course if that course information is first submitted to the FEMC for review and determination as to whether or not it will comply with the Board's requirements.

*Courses offered by Continuing Education Programs
or Professional Business Programs (Exp: SunCam,*

Inc., C2Ed), are not Board Certified, and will not meet the requirements.

8. 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 is required to provide a personal 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 on which the Final Order incorporating this Stipulation is filed with the Agency Clerk.

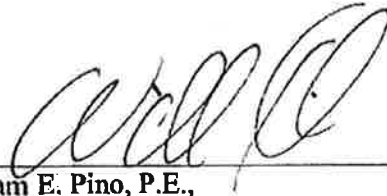
9. It is expressly understood that this Stipulation is subject to approval of the Board and FEMC and has no force and effect until the Board issues a Final Order adopting this Stipulation.

10. 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 this 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.

11. 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 Stipulated Facts, Conclusions of Law, imposition of discipline, and the Final Order of the Board incorporating this Stipulation.

12. 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.

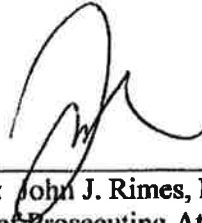


William E. Pino, P.E.,
Respondent
Case No. 2015010623

Dated: _____

APPROVED this 5th day of February, 2016.

Zana Raybon, Executive Director
Florida Board of Professional Engineers



BY: John J. Rimes, III
Chief Prosecuting Attorney

FILED
Florida Engineers Management
Corporation

JAN 19 2016

Clerk: Rebecca Valente

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	1/19/2016
File #	

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.
WILLIAM PINO, P.E.,

FEMC Case No. 2015040623

Respondent,
_____ /

ADMINISTRATIVE COMPLAINT

COMES NOW the Florida Engineers Management Corporation on behalf of Petitioner, Florida Board of Professional Engineers, and files this Administrative Complaint ("Complaint") against WILLIAM PINO, P.E. This 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," "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 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 32026. Respondent's last known address is FCI Jesup, Federal Correctional Institution, 2680 301 South, Jesup, Georgia 31599.

3. On September 24, 2014 the United States Attorney for the Southern District of Florida filed a criminal Information against Respondent. On November 12, 2014 Respondent and the United States Attorney entered into a Stipulated Statement of Facts and Plea Agreement with the U.S. District Court for the Southern District of Florida ("Plea Agreement") in case 14-60235-CR-Bloom/Valle. The Plea Agreement provided that Respondent would enter a plea of GUILTY to a single count violation of Title 18 United States Code Section 666(a)(2) which provides as follows:

(a) Whoever, if the circumstance described in subsection (b) of this section exists —

(b) The circumstance referred to in subsection (a) of this section is that the organization, government, or agency receives, in any one year period, benefits in excess of \$10,000 under a Federal program involving a grant, contract, subsidy, loan, guarantee, insurance, or other form of Federal assistance.

(2) corruptly gives, offers, or agrees to give anything of value to any person, with intent to influence or reward an agent of an organization or of a State, local or Indian tribal government, or any agency thereof, in connection with any business, transaction, or series of transactions of such organization, government, or agency involving anything of value of \$5,000 or more; ...shall be fined under this title, imprisoned not more than 10 years, or both.

4. On February 6, 2015, a Judgment in a Criminal Case was filed by the District Court in case 14-60235-CR-Bloom. By the terms of that Judgment, Respondent was found GUILTY of violating Title 8 U.S.C. §666(1)(2), Theft or Bribery Concerning Programs Receiving Federal Funds. Respondent was sentenced to 1 year and 1 day in the United States Bureau of Prisons; supervised release for 1 year from date of release; 300 hours of community service; and a \$25,000.00 fine.

5. The facts underlying the Plea Agreement were based upon Respondent's admission that Respondent, who was then engaged in the business of installing, repairing, and maintaining street lights, traffic signals, and traffic systems and the sale of products, paid a \$5,000.00 bribe to the acting director of traffic engineering of the Division of Public Works in Broward County, in order to obtain a \$100,000.00 contract for the installation of 18 traffic poles in Broward County.

6. Respondent did not report the February 15, 2015 adjudication of GUILTY in Case 14-60235-CR-Bloom to FEMC or to the Board.

7. Section 471.033(1)(d), Florida Statutes, provides that disciplinary action may be taken against a Professional Engineer for

[b]eing 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." Likewise, Section 455.227(1)(c), Florida Statutes, provides that disciplinary action can be taken against a Professional Engineer for "[b]eing convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.

8. 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.

9. As a result of being adjudicated guilty of violating Title 18 United States Code Section 666(a)(2), Theft or Bribery Concerning Programs Receiving Federal Funds, Respondent was convicted of committing 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. 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

11. Petitioner realleges and incorporates Paragraphs One (1) through Ten (10) as if fully set forth in this Count One.

12. By being found guilty of violating Title 18 United States Code Section 666(a)(2), Theft or Bribery Concerning Programs Receiving Federal Funds, 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.

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

COUNT II

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

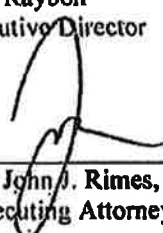
15. Respondent failed to report the February 15, 2015 conviction to FEMC or the Board.

16. 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 12th day of January, 2016.

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/rv
PCP DATE: January 12, 2016
PCP Members: Fiorillo, Matthews & Pepper

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a filed copy of the foregoing *Administrative Complaint* was furnished to William Pino, P.E., by service upon his attorney of record: Edwin A. Bayó, Esquire, Grossman, Furlow & Bayó, LLC, 2022-2 Raymond Diehl Road, Tallahassee, Florida 32308 by U.S. First Class and Certified Mail, on the 22nd of January, 2016.

Rebecca Valentine
Rebecca Valentine, Paralegal