

STATE OF FLORIDA
BOARD OF PROFESSIONAL ENGINEERS

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Evette Lawson-Proctor
Date	3/7/2014
File #	

IN RE THE APPLICATION FOR
LICENSURE BY ENDORSEMENT OF:

STEPHEN MITCHELL

FILED
Florida Engineers Management
Corporation

MAR 07 2014

Clerk: 

**NOTICE OF INTENT TO APPROVE
LICENSURE WITH CONDITIONS**

This matter came before the Florida Board of Professional Engineers at a duly-noticed public meeting on December 4, 2013, in Tallahassee upon an application by endorsement. The applicant appeared before the Board and presented testimony regarding the application file.

The application file demonstrates that the applicant had been licensed in Florida as professional engineer which went null and void in 1999. The applicant further was disciplined by Final Order in Florida filed August 28, 1995. The applicant has not completed the terms of the previous Final Order.

Pursuant to Sections 471.033(3), Florida Statutes, the Board may refuse to certify an applicant for licensure, restrict the practice of the licensee, or place conditions upon licensure for violations of Section 471.033(1)(c), Florida Statutes, for having a license acted against by any state.

It is therefore **ORDERED** that the application for licensure by endorsement be **approved with the following conditions:**

1. The applicant shall complete the terms of the previous Final Order (attached hereto as Exhibit A).
2. If the applicant's first project review during his probationary period is satisfactory

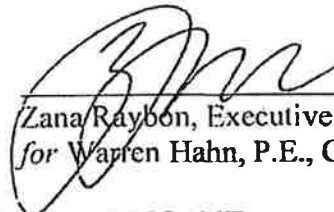
to the project reviewer, the applicant may petition the Board for early termination of his probationary period.

3. The deadlines to complete the terms of the previous Final Order shall begin upon the date of filing of this Order.

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

DONE AND ORDERED this 5 day of March, 2014.

BOARD OF PROFESSIONAL ENGINEERS



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

NOTICE TO APPLICANT

You may seek review of this Order, pursuant to Sections 120.569 and 120.57, Florida Statutes, by filing a petition with the Executive Director of the Board, 4052 Bald Cypress Way, Bin #C03, Florida 32329-3253, within 21 days of receipt of this Order. If you dispute any material fact upon which the Board's decision is based, you may request a hearing before an administrative law judge pursuant to Section 120.57(1), Florida Statutes; your petition must contain the information required by Rule 28-106.201, Florida Administrative Code, **including a statement of the material facts which are in dispute**. If you do not dispute any material fact, you may request a hearing before the Board pursuant to Section 120.57(2), Florida Statutes; your

petition must include the information required by Rule 28-106.301, Florida Administrative Code.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to Stephen Mitchell, 59 N. Eastover, Beauford, SC 29906; and by interoffice mail to Michael T. Flury, Assistant Attorney General, PL-01 The Capitol, Tallahassee FL 32399-1050 and Zana Raybon, 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303, this 13 day of March, 2014.


Rebecca Sammons

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STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
BOARD OF PROFESSIONAL ENGINEERS

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

-vs-

STEPHEN E. MITCHELL.

Respondent.

Final Order No. BPB-95-04816 Date 8-28-95
FILED

Dept. of Business and Professional Regulation
AGENCY CLERK

Sarah Washman, Agency Clerk
By: Dana C. Kalk

DBPR CASE NO: 90-12725
LICENSE NO.: PE0039579.

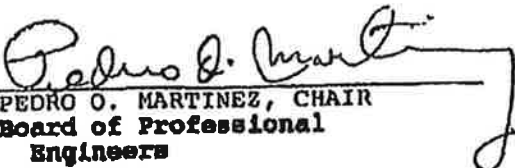
FINAL ORDER

THIS MATTER came before the Board of Professional Engineers at a regularly scheduled meeting held in Orlando, Florida, on July 13, 1995, for the purpose of determining whether disciplinary action should be taken against the Respondent pursuant to Chapter 471, Florida Statutes. The Respondent entered into a stipulation which was ACCEPTED by the Board of Professional Engineers in the State of Florida. A copy of said stipulation is attached to this Order and by reference incorporated herein.

WHEREFORE, it is ORDERED AND ADJUDGED that Respondent govern himself in accordance with the terms and conditions of said settlement stipulation. This Order shall take effect upon filing with the Office of the Clerk of the Department of Business and Professional Regulation.

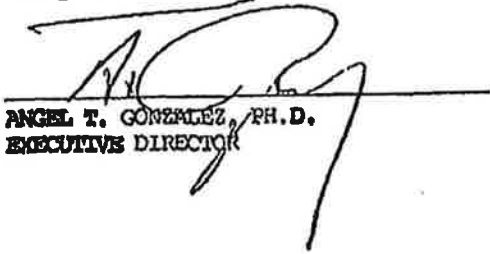
The parties are notified pursuant to §120.68, Florida Statutes, that they may appeal this Final Order by filing, within thirty (30) days of the filing date of this Order, a Notice of Appeal accompanied by the filing fee prescribed by law, with the District Court of Appeal.

DONE AND ORDERED this 21st day of August, 1995 by the Florida Board of Professional Engineers.


PEDRO O. MARTINEZ, CHAIR
Board of Professional
Engineers

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to Stephen E. Mitchell, 1656 Legion Street, Tallahassee, FL 32303 on or before 5:00 p.m. this _____ day of _____, 1995.


ANGEL T. GONZALEZ, PH.D.
EXECUTIVE DIRECTOR

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
BOARD OF PROFESSIONAL ENGINEERS

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

vs.

DBPR CASE NO. 90-12725

STEPHEN E. MITCHELL,

Respondent.

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SETTLEMENT STIPULATION

STEPHEN E. MITCHELL, hereinafter referred to as "Respondent," and the Department of Business and Professional Regulation, hereinafter referred to as "Department," hereby stipulate and agree to the following joint stipulation and Final Order of the Board of Professional Engineers, hereinafter referred to as Board, incorporating this stipulation and agreement 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 0039579. Respondent's last known address is 401 Wilmington, Beaufort, South Carolina 29901.

2. Respondent was charged by an Administrative Complaint filed by the Department and properly served upon Respondent with violations of Chapter 471, Florida Statutes, and Chapter 455, Florida Statutes. A true and correct copy of the Administrative Complaint is attached hereto and incorporated by reference as

Exhibit A.

3. Respondent neither admits nor denies the matters of facts alleged in the Administrative Complaint attached hereto as Exhibit A.

STIPULATED CONCLUSIONS OF LAW

1. Respondent, in his capacity as a licensed engineer, admits that in such capacity he is subject to the provisions of Chapter 455 and 471, Florida Statutes, and the jurisdiction of the Department and the Board.

2. Respondent neither admits nor denies that the facts set forth in the foregoing stipulated facts constitute violations of Chapter 455 and 471, Florida Statutes, as alleged in the Amended 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. Respondent agrees to pay an administrative fine of two thousand dollars (\$2,000.00) to the Executive Director of the Board of Professional Engineers. The fine is due within six (6) months of the date the Final Order is rendered by the Board and shall be payable in monthly instalments, the first of which shall be of five hundred dollars (\$500.00), and the remaining of three hundred dollars (\$300.00). Respondent's failure to timely pay the fine shall constitute grounds for which further administrative action against the license of Respondent may be taken.

3. Respondent's license is hereby placed on voluntary inactive status. Should Respondent ever choose to reactivate his license, he must first personally appear before the Board.

4. Once Respondent's license is reactivated, Respondent shall be placed on probation for two (2) years, the terms which are as follows:

a. Respondent shall submit a list of all his projects each year of the probationary period to the Board. A Department expert shall select two (2) projects from the yearly list for peer review. There shall be a total of four (4) projects that shall be reviewed during the probation period. In the event that Respondent does not complete a sufficient number of projects for review during the probationary period, the probationary period shall extend until four (4) projects have been reviewed at Respondent's expense. Respondent shall pay no more than \$250.00 per year for project reviews during the probationary period.

b. Respondent understands and agrees that any of his engineering work which he submits for review under the terms of this Settlement Stipulation may, if inadequate, result in a finding of probable cause, and the initiation of further disciplinary action against his license.

c. Respondent shall successfully complete the study guide which has been prepared by the Board of Professional Engineers and 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 30 days of the date a Final Order is rendered, to the Executive Director of the Board of Professional Engineers, 1940 North Monroe Street, Tallahassee, Florida 32399-0792.

5. Respondent shall take an approved course in professionalism and ethics within one (1) year of any license reactivation.

6. It is expressly understood that this Stipulation is subject to approval of the Board and the Department has no force and effect until an Order is based upon it by the Board.

7. 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.

8. 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, and imposition of discipline and the Final Order of the Board incorporating said Stipulation.

9. Respondent waives the right to seek any attorney's fees or costs from the Department 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.

S. Mitchell

Respondent
Case No. 90-12725
(signature must be notarized below)

Before me, personally appeared Stephen Mitchell,
whose identity is known to me by Drivers License,
and who, under oath, acknowledges that his/her signature appears
above.

Sworn to and subscribed by Respondent before me this 14 day of
4, 1995.

Debbie L. Ford
NOTARY PUBLIC
My Commission Expires: April 15th 2004

APPROVED this 31st day of May, 1995.

Richard T. Farrell
Secretary

Charles F. Tunnicliffe
By: Charles F. Tunnicliffe
Chief Attorney
Professions

NEC