

FILED
Florida Engineers
Management Corporation
1/4/2017 Clerk: Rebecca Valentine

STATE OF FLORIDA
BOARD OF PROFESSIONAL ENGINEERS

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK Brandon Nichols
Date **1/4/2017**
File # **2017-00017**

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC CASE NO.: 2016028087
LICENSE NO.: PE 15252

JOHN D. HOLT, P.E.,

Respondent.

_____ /

FINAL ORDER

THIS CAUSE came before the BOARD OF PROFESSIONAL ENGINEERS (Board) pursuant to Sections 120.569 and 120.57(2), Florida Statutes, on December 8, 2016, in Tallahassee, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause. At the hearing, Petitioner was represented by John Rimes, Prosecuting Attorney. Respondent was not present nor represented by legal counsel. Petitioner has filed a Motion for determination that Respondent forfeited his right to an administrative hearing pursuant to section 120.57(1), F.S. and to convene a section 120.57(2), F.S. hearing not involving disputed issues of material fact.

FINDINGS OF FACT

1. Respondent was properly served by U.S. Mail with a copy of the Administrative Complaint and did not file a response within 21 days of service.
2. The investigative file provided and accepted into evidence establishes the facts alleged in the Administrative Complaint.

3. The facts set forth in the Administrative Complaint are hereby adopted and incorporated by reference as the facts of this case.

CONCLUSIONS OF LAW

1. Failure to timely respond to a properly served Administrative Complaint constitutes a waiver of the right to elect a hearing involving disputed issues of material fact pursuant to Section 120.57(1), Florida Statutes.

2. The established facts constitute the violations set forth in the Administrative Complaint, which are adopted and incorporated by reference as the conclusions of law in this case and for which the Board may impose discipline.

DISCIPLINE


The Board is empowered by Sections 455.227(1) and (2) and 471.033(1) and (3), Florida Statutes, to impose a penalty against the licensee. Therefore, it is ORDERED that:

1. Respondent's License No. 15252 is REVOKED.
2. Costs shall be assessed at \$960.60, payable to the Board within thirty (30) days of the filing of this Final Order.

This Final Order shall become effective upon filing with the Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this 3rd day of January, 2017.

BOARD OF PROFESSIONAL ENGINEERS



Zana Raybon, Executive Director
for William Braeken, PE, 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 DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION 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 has been provided by U.S. Mail to **John Holt**, 925 Azure Avenue, Wellington, Florida 33414; by interoffice mail to **John Rimes**, Prosecuting Attorney, 2639 North Monroe St., Suite B-112, Tallahassee FL 32303 and **Florida Board of Professional Engineers**, 2639 N. Monroe Street B-112, Tallahassee FL 32303; and **Lawrence D. Harris**, Assistant Attorney General, Lawrence.Harris@myfloridalegal.com this 4th day of January, 2017.

Rebecca Valentine

FILED
Florida Engineers
Management Corporation
9/23/2016 Clerk: Rebecca Valentine

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK Evelyn Lawson-Proctor
Date 9/23/2016
File #

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.
JOHN HOLT, P.E.,

FEMC Case No. 2016028067

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 JOHN HOLT, 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 15252. Respondent's last known address is 925 Azure Avenue, Wellington, Florida 33414.

3. Offering engineering services to a client and then providing sealed and signed engineering design documents to the client constitutes the practice of engineering as defined in Section 471.005(7), Florida Statutes.

4. By Final Order of the Board dated and filed May 3, 2016 Respondent's license to practice engineering was suspended for Two (2) Years by the terms of the Final Order in FEMC Case #2014050099 (DOAH Case # 15-6468PL. The Final Order was not appealed and no request for stay or supersedeas was ever filed.

5. Respondent continued to practice engineering after Respondent's license became suspended. Respondent issued sealed, signed and dated engineering design documents for monument signs on or about May 5, 2016 (Trinity Church/Grace Chapel Sign), and May 24, 2016 (Urbieta Oil Company). The design documents failed to meet accepted engineering standards. On or about May 26, 2016, Respondent issued sealed, signed and dated engineering design documents for an addition to the Landa Residence at 3481 Tyringham Drive, West Palm Beach, Florida. Finally, Respondent signed, sealed and dated plans for a cupola framing at 13475 Running Water Road, Palm Beach Gardens, Florida on July 27, 2016.

6. Section 471.033(1)(I), Florida Statutes, provides: "The following acts constitute grounds for which the disciplinary actions ... may be taken: (I) Practicing on a ... suspended, ... license."

7. By providing engineering services through sealing and signing the above referenced engineering documents after Respondent's license was suspended, Respondent practiced engineering while Respondent's license was suspended.

8. Based upon the foregoing, Respondent violated Section 471.033(1)(I), Florida Statutes, by practicing engineering on a suspended license.

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 23 day of September, 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: September 13, 2016
PCP Members: FLEMING, BRACKEN & MATTHEWS

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to John Holt, P.E., at 925 Azure Avenue, Wellington, Florida 33414, by certified mail and First Class U. S. Mail, on the 23 of September, 2016.


Rebecca Valentine, Paralegal