

FILED
Florida Engineers
Management Corporation
5/22/2017 Clerk: Rebecca Valentine

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK Brandon Nichols
Date **5/22/2017**
File # **2017-03987**

STATE OF FLORIDA
BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC CASE NO.: 2015050230

RHH CONSULTING & ENGINEERING
GROUP, LLC

Respondent.

_____ /

FINAL ORDER

THIS CAUSE came before the Florida Board of Professional Engineers (hereinafter “the Board”) pursuant to Sections 120.569 and 120.57(2), Florida Statutes, at a duly noticed public meeting on April 13, 2017, in Orlando, Florida, for continuation of the section 120.57(2), F.S., hearing not involving disputed issues of material fact convened on February 2, 2017, and for continued consideration of the Administrative Complaint (attached hereto as Exhibit A) filed in the above-styled cause. Petitioner was represented by John J. Rimes, Chief Prosecuting Attorney. Respondent was not present nor represented by legal counsel, despite receiving proper notice of the date, time, and location of this meeting.

FINDINGS OF FACT

1. The Administrative Complaint was properly served on Respondent via personal service.
2. Respondent requested a hearing not involving disputed issues of material fact pursuant to section 120.57(2), F.S.

3. In addition to the complete investigative file, a printout of an electronic mail communication between Rebecca Sammons and Bob Hunkins, dated April 10, 2017 at 11:41 AM and the voice over commentary on the RRH website, played live at the meeting, were admitted into evidence.

4. The facts set forth in the Statement of Undisputed Material Facts are hereby adopted and incorporated by reference as the facts of this case.

CONCLUSIONS OF LAW

5. The agreed upon undisputed 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.

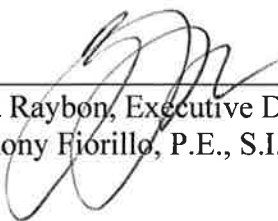
THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

Respondent is FINED five thousand dollars (\$5,000), which shall be paid within one (1) year.

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

DONE AND ORDERED this 19 day of May, 2017.

BOARD OF PROFESSIONAL ENGINEERS



Zana Raybon, Executive Director for
Anthony Fiorillo, P.E., S.I., Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been

provided by U.S. Mail to **RRH Consulting & Engineering, LLC**, 5301 Jasmine Creek Lane, Orlando, Florida, 32811; by interoffice mail to **John J. Rimes, FEMC**, 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303 and **Board of Professional Engineers**, 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303; and by electronic mail to **Lawrence D. Harris**, Assistant Attorney General, Lawrence.Harris@myfloridalegal.com this 22 day of May, 2017.

Rebecca Valentino

FILED
Florida Engineers
Management Corporation
7/29/2016 Clerk: Rebecca Valentine

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK **Evette Lawson-Proctor**
Date **7/29/2016**
File #

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v. FEMC Case No. 2015050230
RHH CONSULTING & ENGINEERING GROUP, LLC,

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 RHH CONSULTING & ENGINEERING GROUP, LLC, 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, RHH CONSULTING & ENGINEERING GROUP, LLC, is a Florida limited liability company whose last known address is 5301 Jasmine Creek Lane, Orlando, Florida 32811.

3. Respondent does not possess and has never been issued a Certificate of Authorization (CA) by the Board as is required under the provisions of Section 471.023(1), Florida Statutes for a business organization to practice or offer to practice engineering in Florida.

4. Chapter 471.023 (1), Florida Statutes, provides in material part that:

[t]he practice of, or the offer to practice, engineering by licensees or offering engineering services to the public through a business organization, including a partnership, corporation, business trust, or other legal entity or by a business organization, including a corporation, partnership, business trust, or other legal entity offering such services to the public through licensees under this chapter as agents, employees, officers, or partners is permitted only if the business organization possesses a certification issued by the management corporation pursuant to qualification by the board.

5. Chapter 471.031(1), Florida Statutes, provides in material part that:

(1) A person may not:

(a) Practice engineering unless the person is licensed or exempt from licensure under this chapter.

6. The practice of engineering is defined in Chapter 471.005(7), Florida Statutes, to include in material part:

... any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, ... of engineering works and systems, ... any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, ... insofar as they involve safeguarding life, health, or property; and includes such other professional services as may be necessary to the planning, progress, and completion of any engineering services. A person who practices any branch of engineering; ... who holds himself or herself out as able to perform, or does perform, any engineering service or

work or any other service designated by the practitioner which is recognized as engineering shall be construed to practice or offer to practice engineering within the meaning and intent of [Chapter 471].

7. Chapter 471.033(1)(a), Florida Statutes, provides in material part: “(1)The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken: (a)[v]iolating any provision of ... s. 471.031.”

8. On its website: <http://rhhconsultingengineering.com/services/>, Respondent offers a “full range of engineering services” which, as fully set forth therein, include numerous activities which fall within the provisions of Section 471.005(7). Additionally, Respondent states that it provides engineering services using “certified, licensed third party engineers, and would perform such services acting in this capacity (sic).” The offering of such services by Respondent constitutes the unlicensed offering of engineering services through a business entity that does not hold a Certificate of Authorization from the Board.

9. Insofar as Respondent does not hold a Certificate of Authorization, a Notice to Cease & Desist as provided in Section 455.228(1), Florida Statutes, was prepared and mailed to Respondent on November 18, 2015. When no response or meaningful corrective action was forthcoming, additional efforts to obtain compliance was attempted by emails to Respondent from FEMC on April 19, 2016 and June 24, 2016. No response has been received and Respondent’s website has not been altered.

10. Section 455.228(1), Florida Statutes, provides in material part:
(1) When the [Department of Business and Professional Regulation] has probable cause to believe that any person not licensed by the department, or the appropriate regulatory board within the department, has violated any provision of this chapter or any statute that relates to the practice of a profession regulated by the department, or any rule adopted pursuant thereto, ... the

department may impose an administrative penalty not to exceed \$5,000 per incident pursuant to the provisions of chapter 120”

11. Section 471.038(5), Florida Statutes, provides in material part: “[n]otwithstanding ss. 455.228 and 455.2281, the duties and authority of the department to receive complaints and to investigate and deter the unlicensed practice of engineering are delegated to the [Board of Professional Engineers].” As a result, the Board is authorized to impose the administrative penalty described in Paragraph 9.

12. In light of the foregoing, the work offered to be performed by Respondent on its website constitutes the offering to practice and the practice of engineering as defined in Chapter 471.005(7), Florida Statutes. As such, the offering and provision of the services described in Paragraph 8, by Respondent represents the unlawful practice of engineering by Respondent, a business entity that does not possess a Certificate of Authorization, in violation of Chapters 455.228(1), 471.031(1)(a), and 471.038(5), Florida Statutes.

WHEREFORE, the Petitioner respectfully requests the Board of Professional Engineers to enter an order imposing an administrative fine not to exceed \$5000.00 and 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 29 day of July, 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: July 19, 2016

PCP Members: FIORILLO, MATTHEWS & FLEMING

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to RHH Consulting & Engineering Group, LLC at 5301 Jasmine Creek Lane, Orlando, Florida 32811, by certified mail and First Class U. S. Mail, on the 29 of July, 2016.

Rebecca Valentine

Rebecca Valentine, Paralegal