STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL ENGINEERS,

Petitioner,

v. FEMC Case No. 2014046334 &
DOUGLAS STITGEN, P.E., 2015011700

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 June 22, 2017 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. 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 22 day of June, 2017.
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

Zana Raybon, Executive Director
For ANTHONY FIORILLO, 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 Douglas Stitgen, 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 (his address of record with the Department of Business and Professional Regulation) this 27 day of June, 2017.

Rebecca Valentine,
Paralegal
STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL ENGINEERS,

Petitioner,

v.

DOUGLAS STITGEN P.E.,

Respondent.

FEMC Case No. 2014046334 & 2015011700

SETTLEMENT STIPULATION

DOUGLAS STITGEN, P.E. ("Respondent") and the Florida Engineers Management Corporation ("FEMC") hereby stipulate and agree to the following Joint Settlement Stipulation ("Stipulation") and to entry of a 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, DOUGLAS STITGEN, P.E., was a licensed engineer in the State of Florida, having been issued license number PE 64531.

2. Respondent was charged with violations of Chapter 471, Florida Statutes, in an Administrative Complaint filed by the Florida Engineers Management Corporation, and properly served upon Respondent. True and correct copies of the filed Administrative Complaints are attached hereto and incorporated herein by reference as "Composite Exhibit A to Settlement Stipulation".

STIPULATED CONCLUSIONS OF LAW

1. Respondent, in Respondent's capacities as a licensed professional engineer admits that in such capacity, Respondent is subject to the provisions of Chapter 471, Florida Statutes, and
the jurisdiction of the Department of Business and Professional Regulation ("Agency" or "Department"), FEMC, and the Board.

2. Although Respondent disputes the facts alleged in the Amended Administrative Complaint, Respondent admits that entering into this Settlement Stipulation is in his best interest but does not constitute an admission of liability. The parties further concur that the agreements, stipulations, or statements herein are not intended to be used for purposes other than actions or proceedings arising under the administrative authority of the Petitioner.

**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, an administrative complaint for failure to comply with final order will automatically be opened against Respondent.

3. Respondent’s license shall pay **COSTS** of $1,876.75 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 shall submit to the Board a detailed list of all completed projects (signed, sealed, and dated), by the Respondent for **PROJECT REVIEW** at Nine (9) months from the date that the Final Order adopting this Stipulation is filed with the Agency Clerk. The projects shall include: all projects and reports signed and sealed by Respondent.

   a. **A FEMC Consultant** will select two (2) projects from the 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 Consultants. The Respondent must sign, date, and seal all materials that are
submitted for project review using a non-embossed, seal. Sealed project review materials 
may be copied and submitted electronically, if desired by the Respondent. Respondent is 
also responsible for the Consultant's fees for reviewing the projects, and shall remit 
payment in the amount of $1,500.00 by check or money order made payable in the name 
of the Board's Consultant at the time that the project lists are submitted to FEMC. In the 
event that the project review cost exceeds $1,500.00, then the Respondent is responsible 
for the deficiency. In the event that the cost of the reviews is less than $1,500.00, then the 
unused portion will be refunded to the 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.

b. If the Respondent has not performed engineering services on a sufficient 
number of projects to make the submission required by 4a. above, the submission required 
by the terms of the Stipulation 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 the requirements of the Stipulation, Respondent's license will be 
placed on voluntary inactive status as defined in Section 455.227, Florida Statutes, by 
the Board, without any further necessity for action on the part of Respondent. 
Respondent's license shall remain on such status, provided Respondent meets the 
requirements of Section 455.227, unless and until Respondent notifies the Board that he 
wishes to recommence practice and obtains Board authorization to reactivate his license 
under such terms that the Board deems appropriate at that time.
c. Should the Respondent fail to timely comply with the terms of the Final Order with regard to the Project Reviews discussed herein, this case will be submitted to the Probable Cause Panel for review and determination of whether additional disciplinary action should be taken.

5. 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 ninety (90) days of the date on which the Final Order incorporating this Stipulation is filed with the Agency Clerk.

6. If Respondent’s health permits, Respondent shall APPEAR before the Board when this Stipulation is presented. Respondent must be prepared to discuss: how this situation occurred, what improvements and quality control measures Respondent plans to implement to improve Respondent’s work product, and how Respondent intends to prevent this circumstance from occurring in the future.

7. Respondent acknowledges that neither Respondent’s 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.

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

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 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.

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

Douglas Stotgen, P.E.,
Respondent
Case No. 2014046334 & 2015011700
Dated: 5/2/17

APPROVED this 17 day of May, 2017.

Zana Raybon, Executive Director
Florida Board of Professional Engineers

BY: John J. Rhines, III
Chief Prosecuting Attorney
STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL ENGINEERS,

Petitioner,

v.

DOUGLAS 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 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 hereeto, a licensed professional engineer in the State of Florida, having been issued license number PE 64531. Respondent’s last known address is 100 Coral Way, Key Largo, Florida 33037.

3. On or about March 15, 2012 Respondent prepared sealed and signed structural engineering design documents (Sheets A1- A4 & S1-S4) and on June 17, 2012 sealed and signed structural calculations for a residence located at 16840 Tamarind Road, Sugarloaf Key, Florida (Goodere Project).

4. Respondent’s structural engineering drawings and calculations for the Goodere Project are materially deficient as follows:

   A. Pile cap “F1” located under the entrance columns does not meet the stability requirements of Florida Building Code 2010 (FBC) Section 1810.2.2 because there is no lateral support.

   B. The “Typical Grade Beam Diagram” on drawing S1 does not indicate the minimum 3" pile embedment required by FBC Section 1810.3.11.

   C. Grade beams GB-01 and GB-02 are scheduled as 16” wide and are supported on 16” diameter piles. FBC Section 1810.3.11 requires a minimum concrete coverage on each side of the piles to be 4", thus the minimum grade beam width should be 24”.

   D. There is no indication of the components of the roofing system.

   E. The beams and their connections on either side of the front entrance supporting the roof trusses are not indicated on the drawings.

5. The Board has adopted Responsibility Rules of Professional Engineers (Responsibility Rules). These Rules are contained in Chapter 61G15-30 to Chapter 61G15-36, Fla.
Administrative Code. Professional Engineers who perform services covered by the Responsibility Rules are required to comply with the Rules.

6. Rule 61G15-30.002(1), F. A. C., mandates that Respondent, as the engineer of record, is professionally responsible for the documents prepared for the Goodere Project. As such, Respondent is responsible for producing documents that comply with the applicable portions of the Responsibility Rules.

7. Respondent acted as Engineer of Record for the Structure for the Goodere 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 Rule 61G15-31.002(5), F. A. C., as is 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 Goodere Project fail to contain this information and thus fail to comply with the Responsibility Rules.

8. 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), F. A. C., 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.”

9. 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 departure therefrom are justified by the specific circumstances of the project in question and the sound professional judgment of the professional engineer.”
10. The Respondent's drawings, specifications, and calculations for the Goodere Project contain deficiencies including, but not limited to, those set forth in Paragraph 4. 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.

11. Based on the foregoing, Respondent is charged with violating Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by being negligent in the practice of engineering.

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 18 day of November, 2016.

Zara 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. 212006

PCP DATE: November 08, 2016
PCP Members: FLEMING, BRACKEN & MATTHEWS

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Douglas Stitgen, 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 certified mail and First Class U. S. Mail, on the 8th day of November, 2016.

Rebecca Valentine, Paralegal