

STATE OF FLORIDA  
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL  
ENGINEERS,

Petitioner,

v.

FEMC Case No: 2014037527

R. SCOTT BATTERSON, P.E.,

Respondent,

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**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 2, 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 8 day of February, 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 R. Scott Batterson, P.E by service upon his father: R. Craig Batterson, P.E., 2521 Norfolk Road, Orlando, Florida 32803 (his address of record with the Department of Business and Professional Regulation) this 10<sup>th</sup> day of February, 2017.

  
\_\_\_\_\_  
Rebecca Valentine,  
Paralegal

**RECEIVED**

FLORIDA BOARD OF PROFESSIONAL  
ENGINEERS,

JAN 23 2017

FLORIDA BOARD OF  
PROFESSIONAL ENGINEERS

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Respondent,

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**SETTLEMENT STIPULATION**

R. SCOTT BATTERSON, P.E., hereinafter referred to as "Respondent", and the Florida Engineers Management Corporation, hereinafter referred to as "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 engineer in the State of Florida, having been issued license number PE 60853.
2. Respondent was charged by an Administrative Complaint filed by the Florida Engineers Management Corporation, and properly served upon Respondent with violations of Chapters 471 and 455, Florida Statutes. A true and correct copy of the Administrative Complaint is attached hereto and incorporated by reference 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 provisions of Chapters 455 and 471, Florida Statutes, and the jurisdiction of the Department, 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 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, an administrative complaint for failure to comply with final order will automatically be opened against Respondent.
3. Respondent shall pay COSTS of \$378.49, to the Board within **ONE (1) YEAR** 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.
5. Respondent's Professional Engineer license shall be SUSPENDED so long as Respondent is incarcerated in the Florida Penal System as a result of Respondent's criminal conviction in the Circuit Court of the Ninth Judicial Circuit in and for Orange County, Florida, Case No: 2014-CF-005361-A-O.
6. Upon Respondent's discharge or being placed upon work/ supervised release from full time incarceration, if Respondent seeks to reinstate Respondent's license, Respondent must petition for reinstatement of the license and must **APPEAR** at the Board Meeting at which the Petition shall be considered. Unconditional reinstatement is not guaranteed and the Board may impose such conditions of probation or restrictions on scope of practice on Respondent's license as it deems appropriate prior to reinstating the license.
7. If permitted by the penal authorities, Respondent shall successfully complete a Board-approved course in and ADVANCED ENGINEERING PROFESSIONALISM AND ETHICS within one (1) year of the date of the Final Order. Prior to that date, Respondent shall submit to the Board a Certificate of Completion. 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, 125 South Gadsden Street, Tallahassee, Florida 32301, (850) 224-7121, for information regarding the availability of

such courses in Florida, however, if the Florida Engineering Society 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 the following correspondence course offered by:

Murdough Center for Engineering Professionalism  
Texas Tech University, PO Box 41023, Lubbock, Texas 79409  
Course No. PDH-30 Engineering Ethics I  
\*RECOMMENDED as this course is a prerequisite for an Intermediate Level Course  
Course No. PDH-30 Engineering Ethics II (Intermediate)  
Telephone 806-742-3525; Fax 806-742-0444  
E-mail [ethics@coe.ttu.edu](mailto:ethics@coe.ttu.edu).

8. Respondent shall successfully complete the **STUDY GUIDE** which has been prepared by the Board of Professional Engineers and which 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 be required to provide an 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 a Final Order incorporating this Settlement Stipulation is filed.

9. If the conditions of Respondent's incarceration preclude the completion of the required Ethics course and/or the Study Guide, Respondent shall notify the Board. Upon such notification, the completion of this requirement will be deferred until Respondent is either able to complete the requirement or until Respondent files a petition for reinstatement at which time the Board shall make such provisions for completion of the required Ethics course and/or the Study Guide as are appropriate.

10. 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 agreement and that Final Order is filed with the Department of Business and Professional Regulation Agency Clerk.

11. This Stipulation is executed by Respondent for the purpose of avoiding further administrative action with respect to this case. 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.

12. 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, imposition of discipline and the Final Order of the Board incorporating said Stipulation. Respondent further waives all rights to seek judicial review of or otherwise challenge or contest the validity of the Board's Final Action on this matter.

13. 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.



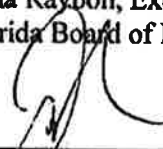
Signature – R. SCOTT BATTEKSON, P.E.  
Respondent  
Case No.: 2014037527

1/19/2017

Date of above signature

APPROVED this 20 day of January, 2017

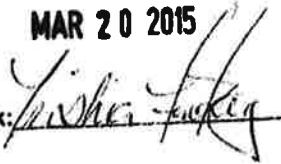
Zana Raybon, Executive Director  
Florida Board of Professional Engineers



BY: JOHN J. RIMES, III  
Prosecuting Attorney

**MAR 20 2015**

Clerk:



<b>FILED</b>	
<small>Department of Business and Professional Regulation</small>	
<small>Deputy Agency Clerk</small>	
<small>CLERK</small>	<small>Evelle Lawson-Proctor</small>
<small>Date</small>	<b>3/20/2015</b>
<small>File #</small>	

**STATE OF FLORIDA**  
**FLORIDA BOARD OF PROFESSIONAL ENGINEERS**

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**ADMINISTRATIVE COMPLAINT**

COMES NOW the Florida Engineers Management Corporation on behalf of Petitioner, Florida Board of Professional Engineers, and files this Administrative Complaint against R. SCOTT BATTERSON, P.E. 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 ("Petitioner," "FBPE," or "Board"), 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 Board pursuant to Section 471.038, Florida Statutes (1997).

2. R. SCOTT BATTERSON, P.E. ("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 60853. Respondent's last known address is 4292 Haws Court, Orlando, Florida 32814.

3. On October 17, 2014, after being found Guilty by a jury, Respondent was adjudicated Guilty of the charge of Bribery (solicitation or request) by a Public Servant, a violation of Section 838.015(1) and 838.015(3), Florida Statutes; Solicitation for Receiving Unlawful Compensation for Official Behavior (Performance of Duty), a violation of Section 838.016(1), Florida Statutes; and Solicitation for Receiving Unlawful Compensation for Official Behavior (Exerting Influence), a violation of Section 838.016(2), Florida Statutes. The facts upon which the Guilty verdict were based upon Respondent's actions as a Board Member of the Orange Osceola County Expressway Authority ("OOCEA"). As a result of the above, Respondent was sentenced by the Court to 7.5 years in the Department of Corrections.

4. 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."

5. 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.

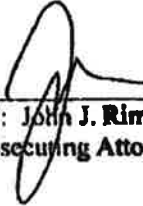
6. As a result of being adjudicated guilty of Bribery (solicitation or request) by a Public Servant, a violation of Section 838.015(1) and 838.015(3), Florida Statutes; Solicitation for Receiving Unlawful Compensation for Official Behavior (Performance of Duty), a violation of Section 838.016(1), Florida Statutes; and Solicitation for Receiving Unlawful Compensation for Official Behavior (Exerting Influence), a violation of Section 838.016(2), Florida Statutes, 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.

7. Based on the foregoing, Respondent is charged with violating Sections 455.227(1)(c) and 471.033(1)(d), Florida Statutes, by being adjudicated guilty of a crime which directly relates to the practice of engineering or the ability to practice 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 20<sup>th</sup> day of March, 2015.

Zana Raybon  
Executive Director

  
BY: John J. Rimes, III  
Prosecuting Attorney

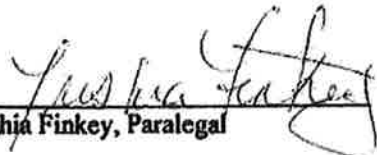
**COUNSEL FOR FEMC:**

John J. Rimes, III  
Prosecuting Attorney  
Florida Engineers Management Corporation  
2639 North Monroe Street, Suite B-112  
Tallahassee, Florida 32303  
Florida Bar No. 212008

PCP DATE: March 10, 2015  
PCP Members: Fiorillo, Matthews & Pepper

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the filed *Administrative Complaint* was furnished to R. Scott Batterson, P.E., via service upon his lawyer, Amy S. Tingley, Esquire, Stovash • Chase • Tingley, Attorneys, The VUE at Lake Eola, 220 North Rosalind Avenue, Orlando, FL 32801, by U.S. Certified Mail, on the 23<sup>rd</sup> of March, 2015.

  
Trishia Finkey, Paralegal