FILED
Florida Engineers
Management Corporation
8/18/2017 Clerk: Rebecca Valentine

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK Brandon Nichols
Date 8/18/2017
File # 2017-06628

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL ENGINEERS,

Petitioner,

v. FEMC Case No: 2015045621

GARY L. SNEDDON, P.E.,

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 August 10, 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 18 day of August, 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 Gary L. Sneddon, P.E. by service upon his attorney of record: E. Dylan Rivers, Esquire, Ausley & McMullen, 123 South Calhoun Street, Tallahassee, Florida 32301 this 21 day of August, 2017.

Rebecca Valentine
Rebecca Valentine,
Paralegal

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL ENGINEERS,

Petitioner,

v. FEMC Case No. 2015045621

GARY L. SNEDDON, P.E.,

Respondent,
_____/

SETTLEMENT STIPULATION

GARY L. SNEDDON, 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, GARY L. SNEDDON, P.E., was a licensed engineer in the State of Florida, having been issued license number PE 36439.

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. Respondent denies the allegations set forth in the Administrative Complaint, but admits that, if proven, they would constitute violations of Chapter 471, Florida Statutes.

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.

4. Respondent shall pay COSTS of $4,300.00 to the Board within Two (2) Years of the date that the Final Order adopting this Stipulation is filed with the Agency Clerk. The COSTS shall be paid in quarterly payments of $537.50 with the first payment due Ninety (90) Days of the date that the Final Order adopting this Stipulation is filed with the Agency Clerk.

5. 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.

6. Respondent shall successfully complete a Board-approved course in **BASIC ENGINEERING PROFESSIONALISM AND ETHICS** within one (1) year of the date the Final Order adopting this Stipulation is filed with the Agency Clerk. Prior to that date, Respondent shall submit to the Board a Certificate of Completion of the course. 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 ("FES"), 125 South Gadsden St., Tallahassee, FL 32301, (850)224-

7121, for information regarding the availability of such courses in Florida; however, if the FES 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 one of the following correspondence courses offered by:

Murdough Center for Engineering Professionalism
Texas Tech University, PO Box 41023, Lubbock, Texas 79409
Engineering Ethics Basic
Engineering Ethics Intermediate
Engineering Ethics Advanced
Telephone 806-742-3525; Fax 806-742-0444; E-mail: engineering.ethics@ttu.edu

EPD Program
Auburn University
Engineering Extension Service
217 Ramsay Hall, Auburn, Alabama 36849-5331
Ethics and Professionalism
Phone 800-446-0382 or 334-844-4370

An Accredited College or University course if that course information is first submitted to the FEMC for review and determination as to whether or not it will comply with the Board's requirements.

Courses offered by Continuing Education Programs or Professional Business Programs (Exp: SunCam, Inc., C2Ed), are not Board Certified, and will not meet the requirements.

b. 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 thirty (30) days of the date on which the Final Order incorporating this Stipulation is filed with the Agency Clerk.

7. Respondent is **RESTRICTED** from producing No-Rise Certifications until such time when the Respondent submits a request to the Board to amend the Final Order to allow the

Respondent to produce No-Rise Certifications. Upon receiving notice from Respondent of Respondent's desire to produce No-Rise Certifications, then the Board Staff will immediately lift the No-Rise Certification Restriction.

8. Upon notifying the Board that Respondent wishes to produce No-Rise Certifications Respondent shall be subject to **PROJECT REVIEWS** with the following terms:

a. Respondent shall submit to the Board a detailed list of all completed No-Rise Certifications (signed, sealed, and dated), by the Respondent for **PROJECT REVIEW** at six (6) months and eighteen (18) months from the date of the notification that Respondent wishes to produce No-Rise Certifications. The projects shall include: **all No-Rise Certifications signed and sealed by Respondent.**

b. **A FEMC Consultant** will select two (2) projects from the list for review. **Respondent is responsible for promptly furnishing any set of completed engineering reports (signed, sealed, and dated), calculations, and any other supporting documentation requested by the Consultant.** 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 $2,000.00 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 $2,000.00, then the Respondent is responsible for the deficiency. In the event that the cost of the reviews is less than $2,000.00, then the unused portion will be refunded to. 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.

c. If the Respondent has not performed engineering services on a sufficient number of projects to make the submissions required by 9c., above, the submission required by the terms of the project reviews shall be extended to allow Respondent to perform the services necessary for the required review(s). If, after notifying the Board of Respondent's desire to produce No-Rise Certifications, no such Certifications are issued, then the Restriction set out in Paragraph 7 will be reimposed. If, subsequently, Respondent again desires to produce No-Rise Certifications the notification and review requirements set out in Paragraphs 7 and 8 will also be reimposed.

d. 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.

9. 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.

10. 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.

11. 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.

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

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.

Gary L. Sneddon, P.E.,
Respondent
Case No. 2015045621

Dated: July 25, 2017

APPROVED this 26 day of July, 2017.

Zana Raybon, Executive Director
Florida Board of Professional Engineers

BY: John J. Rimes, III
Chief Prosecuting Attorney

FILED
Florida Engineers
Management Corporation
6/7/2017 Clerk: Rebecca Valentine

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK Evette Lawson-Proctor
Date 6/7/2017
File #

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL ENGINEERS,

Petitioner,

v.

GARY L. SNEDDON, P.E.,

Respondent,

_____/

FEMC Case No. 2015045621

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 GARY L. SNEDDON, 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 36439. Respondent's last known address is 7400 Baymeadows Way, Suite 220, Jacksonville, Florida 32256.

3. A No-Rise Certification, is a signed certification by a Professional Engineer asserting that the proposed construction within a floodway will not impact the pre-project base flood elevations, regulatory floodway elevations, or regulatory floodway widths-in other words cause "No Rise." In order to provide reasonable assurances, the No Rise Certification must be supported by calculations or an explanation of why a hydraulic analysis (calculations) is not required. The supporting technical data for the hydraulic analysis should reasonably be based on the same computer model (or a FEMA approved equal) as that utilized to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) and the results described in the Flood Insurance Study (FIS).

4. Respondent sealed, signed and dated No-Rise Certifications for the following locations in Clay County, Florida:

A. 3684 Main St.; June 17, 2010,

B. 4170 Steven Arthur Drive; (Green Property) January 7, 2013,

C. 4170 Steven Arthur Drive (Green Property) June 19, 2013,

D. 4156 Scenic Dr.; September 13, 2013,

E. 4068 Scenic Dr.; December 31, 2013,

F. 2367 Sandy Run Dr. (Kelley Property) August 14, 2015.

5. The No-Rise Certifications set forth in Paragraph 4 are materially deficient in that:

A. Respondent did not perform an encroached floodway analysis in any of the six No-Rise Certifications set out in Paragraph 4A-4F. By failing to address the encroachments in the analyses performed for the properties covered by all of Respondent's six No-Rise Certifications, Respondent ignored basic hydraulics and therefore materially failed to comply with accepted engineering principles and standards.

B. Respondent mistakenly entered NFIP Base Flood Elevations as known water surface elevations at multiple cross-sections in the No-Rises set out in Paragraphs 4B and 4C .This action ensured that the model's results at those sections would reflect what was entered and negated

the purpose of using the model as an independent calculating tool to identify potential differences for a sufficient distance from the proposed construction along the modeled water course. Using the methodology described to "force water surface elevations," is a material misuse of accepted engineering principles and standards.

COUNT I

6. Petitioner realleges and incorporates Paragraphs One (1) through Five (5) as if fully set forth in this Count One.

7. By signing, sealing and issuing for filing for public record the No-Rise Certification set forth in Paragraph 4A without performing engineering analysis in conformity with accepted engineering standards of practice applicable to the issuance of No-Rise Certifications Respondent failed to utilize due care in performing in an engineering capacity and failed to have due regard for acceptable standards of engineering principles.

8. 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 engaging in negligence in the practice of engineering.

COUNT II

9. Petitioner realleges and incorporates Paragraphs One (1) through Five (5) as if fully set forth in this Count Two.

10. By signing, sealing and issuing for filing for public record the No-Rise Certification set forth in Paragraph 4B without performing engineering analysis in conformity with accepted engineering standards of practice applicable to the issuance of No-Rise Certifications Respondent failed to utilize due care in performing in an engineering capacity and failed to have due regard for acceptable standards of 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 engaging in negligence in the practice of engineering.

COUNT III

14. Petitioner realleges and incorporates Paragraphs One (1) through Five (5) as if fully set forth in this Count Three.

15. By signing, sealing and issuing for filing for public record the No-Rise Certifications set forth in Paragraph 4C without performing engineering analysis in conformity with accepted engineering standards of practice applicable to the issuance of No-Rise Certifications Respondent failed to utilize due care in performing in an engineering capacity and failed to have due regard for acceptable standards of engineering principles.

16. 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 engaging in negligence in the practice of engineering.

COUNT IV

17. Petitioner realleges and incorporates Paragraphs One (1) through Five (5) as if fully set forth in this Count Four.

18. By signing, sealing and issuing for filing for public record the No-Rise Certifications set forth in Paragraph 4D without performing engineering analysis in conformity with accepted engineering standards of practice applicable to the issuance of No-Rise Certifications Respondent failed to utilize due care in performing in an engineering capacity and failed to have due regard for acceptable standards of engineering principles.

19. 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 engaging in negligence in the practice of engineering.

COUNT V

20. Petitioner realleges and incorporates Paragraphs One (1) through Five (5) as if fully set forth in this Count Five.

21. By signing, sealing and issuing for filing for public record the No-Rise Certifications set forth in Paragraph 4E without performing engineering analysis in conformity with accepted engineering standards of practice applicable to the issuance of No-Rise Certifications Respondent failed to utilize due care in performing in an engineering capacity and failed to have due regard for acceptable standards of engineering principles.

22. 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 engaging in negligence in the practice of engineering.

COUNT VI

23. Petitioner realleges and incorporates Paragraphs One (1) through Five (5) as if fully set forth in this Count Six.

24. By signing, sealing and issuing for filing for public record the No-Rise Certifications set forth in Paragraph 4F without performing engineering analysis in conformity with accepted engineering standards of practice applicable to the issuance of No-Rise Certifications Respondent failed to utilize due care in performing in an engineering capacity and failed to have due regard for acceptable standards of engineering principles.

25. 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 engaging in negligence 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 7 day of June, 2017.

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: May 09, 2017
PCP Members: FLEMING, BRACKEN & MATTHEWS

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Gary L. Sneddon, P.E. by service upon his attorney of record: E. Dylan Rivers, Esquire, Ausley & McMullen, 123 South Calhoun Street, Tallahassee, Florida 32301, by certified mail and First Class U. S. Mail, on the 7th of June, 2017.

Rebecca Valentine
Rebecca Valentine, Paralegal