STATE OF FLORIDA
BOARD OF PROFESSIONAL ENGINEERS

FLORIDA ENGINEERS MANAGEMENT CORPORATION,

Petitioner,

vs.

ROGER CHEWNING, P.E.,

Respondent.

FINAL ORDER ACCEPTING DISCIPLINARY RELINQUISHMENT OF LICENSE, DISMISSING CASE, AND MODIFYING FINAL ORDER

THIS MATTER came before the Florida Board of Professional Engineers ("Board") pursuant to Sections 120.569 and 120.57(4), Florida Statutes, at a duly-noticed public meeting on October 12, 2017, in Orlando, Florida. Petitioner sought disciplinary action against Respondent's license to practice as a Professional Engineer. Petitioner was represented by John J. Rimes, III, Chief Prosecuting Attorney. Respondent was not present and was not represented by legal counsel.

On January 4, 2017, a Final Order was entered in Case No. 2016-024529, which imposed certain penalties and costs on Respondent. After Respondent failed to comply with the terms of the Final Order within the time periods set forth in the Order, Case No. 2017-026828 was opened; probable cause was subsequently found and the Probable Cause Panel directed the filing of an Administrative Complaint.

On August 31, 2017, Respondent submitted a written Voluntary Relinquishment of Licensure. A copy of the Voluntary Relinquishment is attached to and made a part of this Final Order. After considering the record of the case, the Board voted to accept
Respondent's voluntary relinquishment as a resolution of both outstanding cases. With the acceptance of the Voluntary Relinquishment, the Board further found that it would be appropriate to dismiss Case No. 2017-026828, and that the Final Order entered in Case No. 2016-024529 should be Amended to waive all outstanding fines and costs. It is, therefore

**ORDERED** that the Voluntary Relinquishment of License, executed August 31, 2017, is accepted. It is further

**ORDERED** that the Final Order, issued January 4, 2017, in Case No. 2016-024529, is MODIFIED, and all outstanding fines and costs which have not yet been paid are WAIVED. It is further

**ORDERED** that Case No. 2017-026828 is DISMISSED.

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

DONE AND ORDERED this 17th day of November, 2017.

**FLORIDA BOARD OF PROFESSIONAL ENGINEERS**

Zana Raybon, Executive Director

for William C. Bracken, P.E., S.I., Chair

**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 Roger B. Chewning, 14307 Grafton Place, Tampa, Florida 333625; and via interoffice mail or electronic mail to: Lawrence D. Harris, Assistant Attorney General, Lawrence.Harris@myfloridalegal.com, John J. Rimes, III, FEMC, 2639

[Signature]

Rebecca Valez
STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL ENGINEERS,

Petitioner,

v.

ROGER CHEWNING, P.E.,

Respondent,

FEMC Case Nos. 2016024529

MOTION TO AMEND/MODIFY FINAL ORDER

Respondent, Roger Chewning, P.E., license No. 21780, by and through moves this Court to amend/modify the Final Order rendered in this case as follows:

1. The Florida Board of Professional Engineers entered a Final Order in this matter on January 04, 2017. A copy of the Board’s Final Order is attached hereto as Exhibit A.

2. On September 05, 2017, Petitioner received a signed and Notarized, Voluntary Relinquishment of License from the Respondent. A copy of the Voluntary Relinquishment of License form is attached hereto as Exhibit B.

3. The Voluntary Relinquishment of License form provides that Respondent’s PE license will be permanently relinquished.

4. Once Respondent agreed to relinquish the license, as per past Board practice, see FEMC v Scherer, FEMC Case # 2010030532, FBPE v Bradbury, FEMC Case # 2012036452, the Final Order should be modified to waive all existing penalties that have not been completed in light of Respondent’s permanent relinquishment of the license.
5. In light of the foregoing, the Board is further requested to permit the DISMISSAL of FEMC Case # 2017026828 which arose out of Respondent’s continued non-compliance with the terms of the Final Order in this case.

WHEREFORE, Petitioner respectfully moves this Board to amend/modify the terms of the Final Order and accept the Voluntary Relinquishment as fulfillment of the requirements of that Final Order. The Board is further requested to permit the DISMISSAL of FEMC Case # 2017026828.

Respectfully submitted,

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Motion to Amend/Modify Final Order was furnished to: Roger B. Chewning, P.E. at 14307 Grafton Place, Tampa, Florida 33625, by U.S First Class Mail, on the 19 of September, 2017.

John J. Rimes III, Attorney

FEMC v. Roger Chewning, P.E., Case No: 2016024529
STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL ENGINEERS,

Petitioner,

v.  
ROGER CHEWNING, P.E.,

Respondent,

FEMC Case Nos. 2016024529

VOLUNTARY RELINQUISHMENT OF LICENSE

Respondent, Roger Chewning, P.E., license No. 21780, hereby voluntarily relinquishes his license to practice Engineering in the State of Florida and states as follows:

1. Respondent’s purpose in executing this Voluntary Relinquishment is to avoid further administrative action with respect to these complaints. Respondent understands that acceptance by the Board of Professional Engineers (hereinafter the Board) of this Voluntary Relinquishment shall be construed as disciplinary action against Respondent’s license pursuant to Section 433.033(1)(g), Florida Statutes.

2. Respondent agrees to never reapply for licensure as a Professional Engineer in the State of Florida.

3. Respondent agrees to voluntarily cease practicing Engineering immediately upon executing this Voluntary Relinquishment. Respondent further agrees to refrain from the practice of Engineering until such time as this Voluntary Relinquishment is presented to the Board and the Board issues a written final order in this matter.

4. Upon the Board’s acceptance of this Voluntary Relinquishment, Respondent agrees to waive all rights to seek judicial review of, or to otherwise challenge or contest the
validity of this Voluntary Relinquishment and of the Final Order of the Board incorporating this Voluntary Relinquishment.

5. Petitioner and Respondent hereby agree that upon the Board’s acceptance of this Voluntary Relinquishment, each party shall bear its own attorney’s fees and costs related to the prosecution or defense of this matter.

6. Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent in connection with the Board’s consideration of this Voluntary Relinquishment. Respondent agrees that consideration of this Voluntary Relinquishment and other related materials by the Board shall not prejudice or preclude the Board, or any of its members, from further participation, consideration, or resolution of these proceedings if the terms of this Voluntary Relinquishment are not accepted by the Board.

DATED this 31 day of August, 2017.

Roger Chewning, P.E.
Case No. 2016024529

STATE OF FLORIDA
COUNTY OF:

Before me, personally appeared Roger Chewning, whose identity is known to me by Florida Driver’s License (type of identification) and who, under oath, acknowledges that his signature appears above. Sworn to and subscribed before me this 31 day of August, 2017.

My Commission Expires: Jan 10 2021

DONALD C. JUNGBAUER
Notary Public, State of Florida
Commission# GG 61252
My comm. expires Jan 10, 2021

FEMC v. Roger Chewning, P.E., Case No: 2016024529
STATE OF FLORIDA
BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

v.

ROGER B. CHEWNING, P.E.,

Respondent.

FEMC CASE NO.: 2016024529
LICENSE NO.: PE 21780

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 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.

Page 1 of 3
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 is SUSPENDED as of the date of this Final Order, and shall remain suspended until Respondent’s successful completion of the eighteen (18) month project review required by the Final Order in FEMC Case No. 2013027115 and reinstatement by the Board.

2. Costs shall be assessed at $132.60, 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

\[Signature\]

Zane Raybon, Executive Director
for William Bracken, 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 Roger B. Chewning, P.E., 14307 Grafort Place, Tampa, Florida 33625; 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 16th day of January, 2017.

\[Signature\]

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Florida Engineers Management Corporation

State of Florida
Florida Board of Professional Engineers

Florida Board of Professional Engineers,

Petitioner,

v.

Roger B. Chewning, P.E.

Respondent,

FEMC Case No. 2016024529

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 Roger Chewning, 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 hereof, a licensed professional engineer in the State of Florida, having been issued license number PE 21780. Respondent's last known address is 14307 Grafton Place, Tampa, Florida 33625.
3. On November 4, 2014, a Final Order (Final Order) was entered by the Board in FEMC Case No. 201 3027115. The Order was not appealed.

4. The Final Order provided in material part that:

   a. Respondent’s license shall then be placed on probation for a period of two (2) years from the date of filing of this Final Order. The terms of probation are:

      1. Respondent shall provide a detailed list of completed projects (signed, sealed, and dated) at the six (6) month and eighteen (18) month intervals of the term of probation.

      2. A FEMC Consultant will pick two (2) projects from each submitted list for review. Respondent is responsible for the Consultant’s fee for reviewing the projects. If the Consultant provides an unfavorable review of a project, the review will go to the Probable Cause Panel for a determination of whether additional disciplinary proceedings shall be initiated.

5. The list of projects for Respondent’s eighteen (18) month project review were due on May 4, 2016. Respondent was reminded of this deadline by regular US Mail on April 6, 2016, and by emails dated April 6 and May 11, 2016. By May 19, 2016 the list of projects had not been received and this Complaint (FEMC Case # 201 6024529) was opened due to Respondent’s failure to comply with the terms of the Final Order.

6. Respondent was notified of this Complaint on May 20, 2016. When no response to the notification was received, FEMC contacted Respondent by email on June 17, 2016. Respondent replied by email later that day and stated:

   I never got it, I was out of the country and my computer was off and some of our mail got lost, so kindly resend it to me at: bigroger@mail.com and also to my wife’s email: mommaandr@verizon.net, that way I should get it.

FEMC v. Roger Cheesing, P.E., Case No. 201404239
7. Subsequent thereto, F EMC again provided a copy of this Complaint to Respondent by email on June 23, 2016. Notwithstanding Respondent's June 17, 2016 email, to date, no further response has been received to this Complaint and Respondent has not provided the list of projects for the 18 month project review as required by the Final Order.

8. Section 471.033(1)(c), Florida Statutes, provides that an engineer is subject to discipline for ... "[v]iolating any order of the board or department previously entered in a disciplinary hearing." For the reasons set forth in Paragraphs 4-7 above, Respondent has violated the terms of the Final Order in F EMC Case No. 2013027115.

9. Based upon the foregoing, Respondent is charged with violating Section 471.033(1)(c), Florida Statutes.

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 29th day of July, 2016.

[Signature]
Executive Director

BY: John J. Rimes, III
Prosecuting Attorney
COUNSEL FOR FEMC:

John J. Rice, III  
Presenting Attorney  
Florida Engineers Management Corporation  
2639 North Monroe Street, Suite B-112  
Tallahassee, Florida 32303  
Florida Bar No. 212068  
JR/rv  
PCP DATE: July 19, 2016  
PCP Members: FIORILLO, MATTHEWS & FLEMINING

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Roger B. Chewning, P.E. at 14307 Grafton Place, Tampa, Florida 33625, by certified mail and First Class U. S. Mail, on the 39
of October 2016.

[Signature]
Rebecca Valentine, Paralegal