STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL ENGINEERS,

             Petitioner,

    v.

JOHN P. STOPPI, JR., P.E.,

             Respondent,

______________________

FEMC Case No: 2017020571

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 01, 2018 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 5 day of February, 2018.
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

Zana Raybon, Executive Director
For KENNETH TODD, P.E., 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 John P. Stoppi, Jr., P.E. at 114 North Rosewood Court, Wernersville, Pennsylvania 19565 (his address of record with the Department of Business and Professional Regulation) this 7 day of February, 2018.

Rebecca Valentine,
Paralegal
FLORIDA BOARD OF PROFESSIONAL ENGINEERS,

Petitioner,

v.

JOHN P. STOPPI, JR., P.E.,

Respondent,

FEMC Case No. 2017020571

SETTLEMENT STIPULATION

JOHN P. STOPPI, JR., 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, JOHN STOPPI, JR., P.E., was a licensed engineer in the State of Florida, having been issued license number PE 78807.

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 admits that the facts set forth in the Administrative Complaint, if proven, constitute violations of Chapter 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’s license shall pay an **ADMINISTRATIVE FINE** of $1,000.00 and **COSTS** of $1,386.65 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’s license to practice engineering shall be **REPRIMANDED**.

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: brian.maddox@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 (Ex: SunCam, Inc., C2Ed), are not Board Certified, and will not meet the requirements.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

John Stoppi, Jr., P.E.,
Respondent
Case No. 2017020571
Dated: 10/18/17

APPROVED this 27th day of October, 2017.

Zana Raybon, Executive Director
Florida Board of Professional Engineers

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

Petitioner,

v.

JOHN STOPPI, P.E.,

Respondent,

FEMC Case No. 2017020571

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 JOHN STOPPI, 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 78807. Respondent’s last known address is 114 North Rosewood Court, Wernersville, Pennsylvania 19565.
3. Section 471.033(1) (a) provides in material part that “[t]he following acts constitute grounds for which the disciplinary actions... may be taken: (a) [v]iolating any provision ... of this chapter or rule of the board or department. ...”

4. Section 471.033(1) (j) provides in material part that a Professional Engineer’s license may be disciplined by the Board for: “[a]ffixing or permitting to be affixed [a licensee’s] .... seal, name, or digital signature to any final drawings, specifications, plans, reports, or documents that were not prepared by him or her or under his or her responsible supervision, direction, or control”

5. Rule 61G15-19.001(6)(j) provides in material part that “(6) [a] professional engineer shall not commit misconduct in the practice of engineering. Misconduct in the practice of engineering as set forth in Section 471.033(1)(g), F.S., shall include, but not be limited to: ... (j) Affixing his seal and/or signature to plans, specifications, drawings, or other documents required to be sealed pursuant to Section 471.025(1), F.S., when such document has not been personally prepared by the engineer or prepared under his responsible supervision, direction and control....”

6. Rule 61G15-23.001(4), Florida Administrative Code, provides in material part that:

(4) Additional Requirements for Plans or Prints, Engineering Specifications and Calculations, and Engineering Reports or Other Documents. When an engineer signs, dates and seals any of the following types of documents plans or prints under the provisions of Section 471.025, F.S., and subsection (1) of this rule, the following additional information must be included:

(a) Plans and Prints. Every sheet within the plans and prints must be signed, dated and sealed by the professional engineer in responsible charge.

1. A title block shall be used on each sheet of plans or prints and shall contain the printed name, address, and license number of the engineer who has signed, dated and sealed the plans or prints.

2. If the engineer signing, dating and sealing engineering plans or prints is practicing through a duly authorized engineering business; the title block shall contain the printed name, address and certificate of authorization number of the engineering business.

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(c) Engineering Reports or Other Documents.

1. A signature page or cover letter shall be used and shall be signed, dated and sealed by each professional engineer who is in responsible charge of any portion of the report with sufficient information

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provided so that the user will be aware of each portion for which each professional engineer is responsible.

2. If the engineer signing, dating and sealing an engineering report or other document is practicing through a duly authorized engineering business, the printed name, address and certificate of authorization number of the engineering business shall be placed on the signature page or cover letter.

7. Section 471.023, Florida Statutes, requires that an entity must have a valid Certificate of Authorization to offer engineering services in the State of Florida. Section 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.”

8. Rule 61G15-29.001(3)(c), Florida Administrative Code, provides in material part that:“[c]engineers who sign, date and seal certifications which.... relate to matters which were not prepared under [the] engineer’s responsible supervision direction, or control; would be subject to discipline pursuant to subsection 61G15-19.001(6), F.A.C.” The standards to determine whether a license has exercised responsible supervision and control are contained in Rule 61G15-18.011(1), Florida Administrative Code.

9. On March 22, 2017 and April 6, 2017 Respondent signed, sealed and dated engineering plans and revised plans (Plans) for a remodeling of a portion of a residence located at 2005 Jefferson Avenue, Dunedin, Florida (Remodeling Project). The plans were for work that had already been completed prior to the issuance of a building permit. Additionally, on March 22, 2017 Respondent sealed, signed and dated a Letter (Inspection Letter) to the City of Dunedin Code Enforcement agency. The Letter was issued by Respondent through and on behalf of Respondent’s firm: “Stoppi Engineering.”

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10. The Letter stated as follows:

"To Whom it May Concern,

The work at the subject residence was performed and inspected and is in compliance with the 2014 Florida Residential Code. The work involved removing an interior partition (non load bearing) to install a kitchen island and install the required GFCI electrical outlets therein. The following inspections were performed to verify the work:

- Demolition (building)
- Rough electrical
- Final electrical
- Building final

If you have any questions or comments, please do not hesitate to contact me."

11. Stoppi Engineering 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.

12. The Plans did not contain Respondent’s personal professional information as is required by Rule 61G15-23.001(4).

13. The Letter is an engineering “certification” as that term is defined in Rule 61G15-18.011(4), Florida Administrative Code, ("a statement signed and/or sealed by a professional engineer representing that the engineering services addressed therein, as defined in Section 471.005(6), F.S., have been performed by the professional engineer, and based upon the professional engineer’s knowledge, information and belief, and in accordance with commonly accepted procedures consistent with applicable standards of practice,..."). “Certifications” are subject to the standards set out in Rule 61G15-29.001.

14. The Letter explicitly states that inspections were performed at the site of the Remodeling Project and that, based upon those inspections, Respondent concluded that the work performed at the site was “in compliance with the 2014 Florida Residential Code.” However, Respondent was never present
at the site of the Remodeling Project. Moreover, no qualified person under the responsible supervision, direction, and control of Respondent was never present at the site of the Remodeling Project.

COUNT I

15. Petitioner realleges and incorporates Paragraphs One (1) through Six (6), Nine (9) and Twelve (12) as if fully set forth in this Count One.

16. For the reasons set forth in Paragraphs Six (6), Nine (9) and Twelve (12), the Plans for the Remodeling Project do not comply with the requirements of Section 471.033(1)(a) and Rule 61G15-23.001(4).

17. Based upon the foregoing, Respondent has violated Section 471.033(1)(a) and Rule 61G15-23.001(4).

COUNT II

18. Petitioner realleges and incorporates Paragraphs One (1) through Seven (7) and Eleven (11) as if fully set forth in this Count Two.

19. As set forth in Paragraphs Seven (7) and Eleven (11), Respondent issued the Letter and practiced engineering through the firm, Stoppi Engineering, an entity that does not now and has never possessed a Certificate of Authorization from the Board.

20. Based upon the foregoing, Respondent has violated Sections 471.023(1) and 471.033(1)(a), Florida Statutes.

COUNT III

21. Petitioner realleges and incorporates Paragraphs One (1) through Six (6), Eight (8) through Eleven (11), Thirteen (13) and Fourteen (14) as if fully set forth in this Count Three.

22. As set forth in Paragraphs Eight (8) through Eleven (11), Thirteen (13) and Fourteen (14), the Letter was not prepared under Respondent’s responsible supervision, direction, and control and, as a result, the engineering certifications set forth therein do not comply with the provisions of Rule 61G15-29.001(3)(c) and therefore violate Section 471.033(1)(a) and (j) and Rule 61G15-19.001(6)(j).
23. Based upon the foregoing, Respondent has violated Section 471.033(1)(a) and (j) and Rule 61G15-19.001(6)(j).

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 29 day of September, 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: September 12, 2017
PCP Members: FLEMING, RODDENBERRY & MATTHEWS

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to John P. Stoppi, P.E. at 114 North Rosewood Court, Wernersville, Pennsylvania 19565, by certified mail and First Class U. S. Mail, on the 29 of September, 2017.

Rebecca Valentine, Paralegal

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