

FILED
Florida Engineers
Management Corporation
4/19/2018 Clerk: Rebecca Valentine

STATE OF FLORIDA
BOARD OF PROFESSIONAL ENGINEERS

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK Brandon Nichols
Date 4/19/2018
File # 2018-02850

FLORIDA ENGINEERS
MANAGEMENT CORPORATION,

Petitioner,

vs.

FEMC Case No.: 2016055099

ALPHA ENGINEERING OF LEE COUNTY

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF PROFESSIONAL ENGINEERS (Board) pursuant to Sections 120.569 and 120.57(2), Florida Statutes, on April 5, 2018, in Orlando, 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 J. Rimes, Chief Prosecuting Attorney. Respondent was not present and was not represented by counsel.

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.
3. The Board adopts as its finding of facts the allegations of fact in the Administrative Complaint.

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 admitted 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.

3. The Board is empowered by Sections 455.227 and 471.033, Florida Statutes, to impose a penalty against the Respondent. THEREFORE, IT IS

ORDERED that Respondent is SUSPENDED from practicing or offering to practice professional engineering until Respondent appears before the Board. It is further

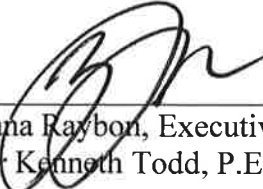
ORDERED that Respondent shall pay a fine of five thousand dollars (\$5,000.00) and administrative costs of one thousand eighty-nine dollars and seventy-five cents (\$1,089.75) within thirty (30) days of the effective date of this Final Order. It is further

ORDERED that the Board reserves jurisdiction to impose additional penalties upon Respondent as are reasonably necessary to ensure the protection of the public upon Respondent's resumption of the practice of engineering.

This Final Order shall become effective upon filing with the Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this 18 day of April, 2018.

BOARD OF PROFESSIONAL ENGINEERS



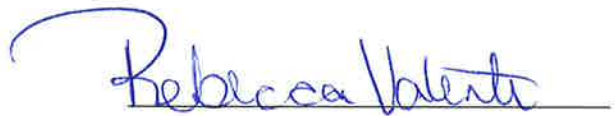
Zana Raybon, Executive Director
for Kenneth Todd, P.E., CFM, Chair

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 **ALPHA Engineering of Lee County**, 4403 S.E. 16th Place, Cape Coral, Florida 33904; by interoffice mail to John J. Rimes, Chief Prosecuting Attorney, FEMC, 2639 N. Monroe Street B-112, Tallahassee FL 32303 and Florida Board of Professional Engineers, 2639 N. Monroe Street B-112, Tallahassee FL 32303; and by electronic mail to Lawrence Harris, Assistant Attorney General, Lawrence.Harris@myfloridalegal.com, this 20 day of April, 2018.



FILED
Florida Engineers
Management Corporation
11/28/2017 Clerk: Rebecca Valentine

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK **Evelle Lawson-Proctor**
Date **11/28/2017**
File #

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2016055099

ALPHA ENGINEERING OF LEE COUNTY,

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 ALPHA ENGINEERING OF LEE COUNTY, 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, ALPHA ENGINEERING OF LEE COUNTY, whose last known address is 6315 Presidential Court, Suite 120, Ft. Myers, Florida 33919.

3. Respondent is, and has been at all times material hereto, a licensed engineering firm in the State of Florida, having been issued Certificate of Authorization Number 4943. Respondent, however, does not possess a current 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. Respondent's Certificate of Authorization became delinquent under the provisions of Section 455.271, Florida Statutes on March 1, 2017 due to Respondent's failure to renew the Certificate.

4. Notwithstanding the foregoing, at all times relevant to this complaint Respondent both offered and provided engineering services to the public. Specifically, as late as July 17, 2017, signed, sealed and dated engineering documents were being produced utilizing the title block of Alpha Engineering of Lee County.

5. Section 471.031(1)(e), Florida Statutes, provides in material part that "[a] person may not: (e) Use or attempt to use a license that has been suspended, revoked, or placed on inactive or delinquent status." Sections 471.033(1)(a) and (i), Florida Statutes, provide: "(1) [t] he following acts constitute grounds for which the disciplinary actions...may be taken: (a)[v]iolating any provision of ... s. 471.031; ... (i) Practicing on a ... delinquent license."

6. As set forth herein in Paragraph Four (4) Respondent offered professional engineering services to the public through preparing, signing and sealing documents through July 2017 while Respondent's CA license was delinquent.

7. Based upon the foregoing Respondent is subject to discipline by violating Sections 471.033(1)(a) and 471.033(1)(i), 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 17 day of November, 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: November 07, 2017
PCP Members: FLEMING, BRACKEN & MATTHEWS

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Alpha Engineering of Lee County at 6315 Presidential Court, Suite 120, Ft. Myers, Florida 33919, by certified mail and First Class U. S. Mail, on the 28 of November, 2017.


Rebecca Valentine, Paralegal