STATE OF FLORIDA
BOARD OF PROFESSIONAL ENGINEERS

FLORIDA ENGINEERS MANAGEMENT CORPORATION,

Petitioner,

vs.

JASON NEEDHAM, P.E.,

Respondent.

FEMC Case No.: 2017040296
License No.: PE 71838

FINAL ORDER ACCEPTING DISCIPLINARY RELINQUISHMENT OF LICENSE

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 April 5, 2018, 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.

Respondent submitted a written Voluntary Relinquishment of Licensure. After considering the record of the case, the Board voted to accept Respondent's voluntary relinquishment. A copy of the Voluntary Relinquishment is attached to and made a part of this Final Order. It is, therefore

ORDERED that the Disciplinary Voluntary Relinquishment of License is accepted.

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 April, 2018.

FLORIDA BOARD OF PROFESSIONAL ENGINEERS

Zana Raybon, Executive Director
for Kenneth Todd, P.E., CFM, 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 Jason Needham, P.E., 30176-076, FCI Memphis, Federal Correctional Institution Satellite Camp, P.O. Box 2000, Millington, Tennessee 38083; and via interoffice mail or electronic mail to: Lawrence D. Harris, Assistant Attorney General, Lawrence.Harris@myfloridalegal.com, John J. Rimes, III, FEMC, 2639 North Monroe St., Suite B-112, Tallahassee FL 32303, and the Board of Professional Engineers, 2639 North Monroe St., Suite B-112, Tallahassee FL 32303 this 20 day of April, 2018.

Rebecca Valentin
STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL ENGINEERS,

Petitioner,

v.
JASON NEEDHAM, P.E.,

Respondent,

FEMC Case Nos. 2017040296

Respondent, Jason Needham, P.E., license No. 71838, 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 ___ day of May, 2017.

Jason Needham, P.E.
Case No. 2017040296

STATE OF FLORIDA
COUNTY OF:

Before me, personally appeared ________________________, whose identity is known to me by ________________________ (type of identification) and who, under oath, acknowledges that his signature appears above. Sworn to and subscribed before me this ___ day of ________________________, 2017.

My Commission Expires:

NOTARY PUBLIC
STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL ENGINEERS,

Petitioner,

v.

JASON NEEDHAM, P.E.,

Respondent,

FEMC Case No. 2017040296

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 JASON NEEDHAM, 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 71838. Respondent's last known address is 11880 Cranston, Suite 104, Arlington, Tennessee 38002.
3. On April 14, 2017, Respondent pleaded GUILTY in the United States District Court for the Western District of Tennessee to criminal charges of violating Title 18, USC Section 1030(a)(2)(C), accessing a computer and obtaining information. The charges stemmed from Respondent having from at least May 2014 through March 24, 2016 having accessed a computer without authorization and thereby obtained information from a protected computer, and the value of the information obtained exceeded $5,000.

4. The computer device that was unlawfully accessed belonged to Allen & Hoshall ("A&H"), a full-service engineering and design firm with offices in Tennessee, Mississippi, and Colorado. A & H was Respondent's employer up to 2013. The A & H information that Respondent unlawfully accessed involved A&H's propriety business information which included digitally rendered engineering and design schematics, and more than 100 PDF documents containing, among other things, A&H's project proposals and budgetary documents.

5. Respondent was adjudicated guilty by the Court and was sentenced to the following material penalties:

   A. 18 Months imprisonment and upon release from imprisonment, supervised release for a term of 2 Years.

   B. being prohibited from possessing a firearm, ammunition, destructive device, or any other dangerous weapon.

   C. paying restitution in the amount of $172,393.71 to A & H

6. Section 471.033(1)(d), Florida Statutes, provides "[t]he following acts constitute grounds for which the disciplinary actions in [Section 471.033(3)] may be taken: ...(d) Being 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.”

7. On August 15, 2017 (Case # 2017038441) Respondent’s Tennessee PE license was disciplined pursuant to a Consent Order by the Tennessee Board of Architectural and Engineering Examiners (Tennessee Board) based upon the above described conviction which violated Tennessee Code Annotated Section 62-2-308(a)(1)G which provides that conviction of a felony is grounds for discipline of a PE’s license. Respondent’s Tennessee PE license was REVOKED by the Tennessee Board.

8. August 6, 2017 (Case # 2017-05) Respondent’s Arkansas PE license was disciplined pursuant to a Consent Agreement and Order by the Arkansas State Board of Licensure for Professional Engineers and Professional Surveyors (Arkansas Board) based upon the above described conviction which violated Arkansas Code Annotated Section 17-30-305(a)(2)(A)(B)(C) which provides that conviction of a felony is grounds for discipline of a PE’s license. Respondent’s PE license was REVOKED by the Arkansas Board.

9. Section 471.033(1)(c), Florida Statutes, states: “(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken: (c) Having a license to practice engineering revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country, for any act that would constitute a violation of this chapter or chapter 455.”

COUNT I

10. Petitioner realleges and incorporates Paragraphs One (1) through Six (6) as if fully set forth in this Count One.
11. By being found guilty of violating Title 18, USC Section 1030(a)(2)(C) by feloniously accessing and using engineering data and proprietary material from Respondent’s former engineering employer Respondent engaged in criminal activity that directly related to the practice of engineering. As a result, Respondent’s conviction directly relates to the Respondent’s practice of engineering and to Respondent’s ability to practice engineering.

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

COUNT II

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

14. The actions of the Arkansas Board as set out in the August 6, 2017 Consent Agreement and Order and the Tennessee Board as set out in the August 17, 2017 Consent Order constitute discipline of Respondent’s Arkansas and Tennessee PE licenses for acts which would constitute violations of Chapter 471 and the Rules promulgated thereto if those actions had occurred in Florida.

15. Based on the foregoing, Respondent is charged with violating Section 471.033(1)(c), Florida Statutes, by having Respondent’s “license to practice engineering ... acted against ... by the licensing authority of another state, territory, or country, for any act that would constitute a violation of [Chapter 471].”

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 17th 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 Jason Needham, P.E. at 11880 Cranston, Suite 104, Arlington, Tennessee 38002, by certified mail and First Class U. S. Mail, on the 28th of November, 2017.

Rebecca Valentine, Paralegal