

FILED
Florida Engineers
Management Corporation
8/14/2018 Clerk: Rebecca Valentine

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK Brandon Nichols
Date 8/14/2018
File # 2018-06547

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2017028611

BENSON ENGINEERING, INC.,

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 08, 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 13 day of August, 2018.

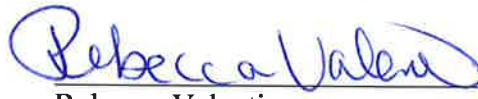
FLORIDA BOARD OF PROFESSIONAL ENGINEERS



Zana Raybon, Executive Director
For KENNETH TODD, P.E., CHAIR

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
I hereby certify that a copy of the foregoing was furnished to Benson Engineering, Inc. at 4531 51st Street East, Bradenton, Florida 34203 this 20 day of August, 2018.



Rebecca Valentine,
Paralegal

RECEIVED

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

MAY 18 2018

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

FLORIDA BOARD OF
PROFESSIONAL ENGINEERS

Petitioner,

v.
BENSON ENGINEERING, INC.,

FEMC Case No. 2017028611

Respondent,
_____ /

SETTLEMENT STIPULATION

BENSON ENGINEERING, INC. ("Respondent") and the Florida Engineers Management Corporation ("FEMC") hereby stipulate and agree to the following joint Settlement Stipulation ("Stipulation") and 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, BENSON ENGINEERING, INC., 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 1649.

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 capacity as a citizen of the State of Florida, admits that in such capacity Respondent is subject to provisions of Chapters 455 and 471, Florida Statutes, and

the jurisdiction of the Florida Department of Business and Professional Regulation ("the Agency), FEMC, and the Board.

2. Respondent admits that the facts set forth in the Administrative Complaint, if proven, constitute violations of Chapters 455 and 471, Florida Statutes, as alleged in the Administrative 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 the Final Order will automatically be opened against Respondent

3. Respondent's certificate of authorization shall be **SUSPENDED** until Respondent complies with the following terms:

a. Respondent shall pay an **ADMINISTRATIVE FINE** of \$1,000.00 and **ADMINISTRATIVE COSTS** of \$146.25 to the Board within thirty (30) days of the date that the Final Order adopting this Stipulation is filed with the Agency Clerk.

b. Respondent complies and pays the \$600 **CITATION** issued on September 14, 2017 to the Board.

4. A Designated Officer of 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.

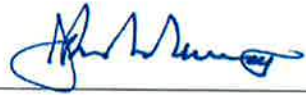
5. It is expressly understood that this Stipulation is subject to approval of the Board and FEMC and has no force or effect until the Board issues a Final Order adopting this Stipulation.

6. 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.

7. 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.

8. Respondent waives the right to seek any attorney's fees or costs from the Board in connection with this disciplinary proceeding.

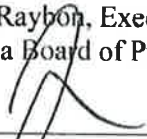
WHEREFORE, the parties hereto request the Board to enter a Final Order accepting and implementing the terms contained herein.

By: 
Representative for Respondent
Case No. 2017028611

Dated: 5/14/18

APPROVED this 31 day of May, 2018.

Zana Raybon, Executive Director
Florida Board of Professional Engineers


BY: John J. Rimes, III
Chief Prosecuting Attorney

FILED
Florida Engineers
Management Corporation
03/26/2018 Clerk: Rebecca Valentine

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK **Evette Lawson-Proctor**
Date **3/26/2018**
File #

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL ENGINEERS,

Petitioner,

v.

FEMC Case No. 2017028611

BENSON ENGINEERING, INC.,

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 BENSON ENGINEERING, INC., 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 a Florida corporation whose principal address is 4531 51st Street East, Bradenton, Florida 34203.
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 1649.

4. From March 1 through August 8, 2017, Respondent's Certificate of Authorization to offer engineering services in the State of Florida was in delinquent status. The Certificate of Authorization was reactivated on August 8, 2017.

5. Notwithstanding the foregoing, at all times relevant to this complaint, Respondent both offered and provided engineering services to the public.

6. On September 14, 2017 pursuant to Rule 61G15-19.071, F. A. C., a Citation reflecting the above was issued to Respondent in an effort to resolve any violations of Chapter 455 or 471 but no response was forthcoming from Respondent.

7. As a result, as provided in Section 455.224, Florida Statutes, "... if the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. The penalty shall be a fine or other conditions as established by rule."

8. As provided in Section 455.224, on October 14, 2017, the Citation became a Final Order of the Board. This Order was not appealed.

9. The Citation and later the Final Order imposed a FINE of \$ 600.00 to be paid within 30 days. The time period within which Respondent was required to pay the FINE expired on October 14, 2017. To date Respondent has not paid the FINE

10. Section 471.033(1)(k), Florida Statutes, provides in relevant part that "[t]he following acts constitute grounds for which the disciplinary actions in [Section 471.033(3), Florida Statutes] may be taken: ... (k) Violating any order of the board or department previously entered in a disciplinary hearing; ..."

11. By failing to comply with the requirements imposed upon his license under the terms of the Final Order in the manner set forth in Paragraphs Three (3) through Ten (10), Respondent has violated the provisions of Section 471.033(1)(k), Florida Statutes.

12. Based on the foregoing, Respondent is charged with violating Section 471.033(1) (k) Florida Statutes, by violating and failing to comply with the terms of a Final Order entered by the Board of Professional Engineers

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 26 day of March, 2018.

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: March 14, 2018
PCP Members: FLEMING, BRACKEN & MATTHEWS

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Benson Engineering, Inc. at 4531 51st Street East, Bradenton, Florida 34203 by certified mail and First Class U. S. Mail, on the 27 of March, 2018.


Rebecca Valentine, Paralegal