

**FILED**  
**Florida Engineers**  
**Management Corporation**  
**9/13/2018 Clerk: Rebecca Valentine**

**FILED**  
Department of Business and Professional Regulation  
Deputy Agency Clerk  
CLERK Brandon Nichols  
Date 9/13/2018  
File # 2018-07543

STATE OF FLORIDA  
BOARD OF PROFESSIONAL ENGINEERS

FLORIDA ENGINEERS  
MANAGEMENT CORPORATION,

Petitioner,

vs.

FEMC Case No.: 2017058723

CLAYTON COWHERD, P.E.

Respondent.

\_\_\_\_\_ /

FINAL ORDER ADOPTING SETTLEMENT STIPULATION

THIS CAUSE came before the Florida Board of Professional Engineers (hereinafter “the Board”) pursuant to Section 120.57(4), Florida Statutes, at a duly noticed public meeting on August 9, 2018, in Orlando, Florida, for the purpose of considering a Settlement Stipulation (attached hereto as "Exhibit A to Final Order") entered between the parties in this cause. Petitioner was represented by John J. Rimes, Chief Prosecuting Attorney. Respondent was present.

Upon consideration of the stipulation, the documents submitted in support thereof, and the arguments of the parties, the Board determined the Settlement Stipulation entered into by the parties should be REJECTED. After rejecting the Settlement Stipulation offered by the parties, the Board determined to offer a Counter-Settlement to the parties. The terms of the Counter-Settlement included all terms of the filed Settlement Stipulation, with the following modifications:

1. Respondent shall not be required to petition for reinstatement of his license and appear before the Board at the conclusion of his period of suspension. Rather, Respondent’s license may be reinstated when proof of compliance with the required continuing education hours is received in the Board office.

2. Respondent's Florida license shall be REPRIMANDED.

3. Respondent shall pay an administrative FINE of one thousand dollars (\$1,000) and administrative COSTS of eighty-five dollars and eighty cents (\$85.80), both within thirty (30) days.

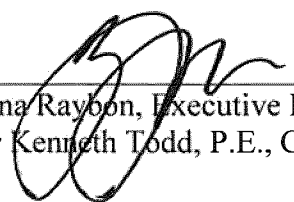
After consideration of the Board's Counter-Settlement Agreement, both parties ACCEPTED the Board's terms. Accordingly, it is

ORDERED AND ADJUDGED that the Settlement Stipulation as entered into by the parties and submitted is accepted, as modified by the above terms. Accordingly, the parties shall adhere to and abide by all the terms and conditions of the stipulation, as modified, and this Final Order.

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

DONE AND ORDERED this 11 day of September, 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 **Clayton Cowherd, P.E.**, 220 East Walton Place, Unit 5W, Chicago, Illinois 60611; 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 \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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STATE OF FLORIDA  
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL  
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2017058723

CLAYTON COWHERD, P.E.,

Respondent,  
\_\_\_\_\_ /

**SETTLEMENT STIPULATION**

CLAYTON COWHERD, P.E. hereinafter referred to as "Respondent" and the Florida Engineers Management Corporation, hereinafter referred to as "FEMC," hereby stipulate and agree to the following Joint Settlement Stipulation ("Stipulation") and Final Order of the Florida Board of Professional Engineers, hereinafter referred to as "Board," incorporating this Stipulation in the above-styled manner.

**STIPULATED FACTS**

1. For all times pertinent hereto, Respondent, CLAYTON COWHERD, P.E., was a licensed engineer in the State of Florida, having been issued license number PE 71429.
2. Respondent was charged by an Administrative Complaint filed by FEMC, and properly served upon Respondent with violations of Chapters 471 and 455, Florida Statutes. A copy of the Administrative Complaint is attached hereto and incorporated by reference as Exhibit "A".

**STIPULATED CONCLUSIONS OF LAW**

1. Respondent, in his capacity as a licensed engineer, admits that in such capacity he is subject to provisions of Chapters 455 and 471, Florida Statutes, and the jurisdiction of the Florida Department of Business and Professional Regulations, hereinafter referred to as "Department," 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 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. Respondent's license shall be **SUSPENDED** until Respondent complies with the following terms:

a. Respondent pays the **COSTS** of \$85.80 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 with the Section 471.017(3)(a), Florida Statutes, and successfully completes 18 continuing education hours for the license renewal period. One hour must relate to this chapter and the rules adopted under this chapter. One hour must relate to professional ethics. Four hours must relate to the licensee's area of practice. The remaining hours may relate to any topic pertinent to the practice of engineering.

c. Upon coming into compliance, Respondent must petition for reinstatement of the license and must **APPEAR** at the Board Meeting at which the Petition shall be considered. Unconditional reinstatement is not guaranteed and the Board may impose such conditions of probation as it deems appropriate.

3. Respondent shall **APPEAR** before the Board when the stipulation is presented.

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

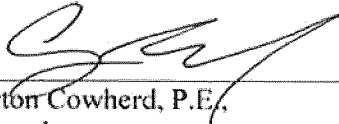
5. This Stipulation is executed by Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to, or in conjunction with, consideration of the Stipulation. Furthermore, should this joint 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.

6. 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 Stipulation of Facts, Conclusions of Law, imposition of discipline, and the Final Order of the Board incorporating said Stipulation.

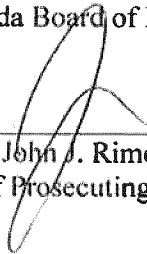
7. Respondent waives the right to seek any attorney's fees or costs from the Board in connection with this disciplinary proceeding.

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

  
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Clayton Cowherd, P.E.,  
Respondent  
Case No. 2017058723

APPROVED this 13 day of July, 2018.

Zana Raybon, Executive Director  
Florida Board of Professional Engineers

  
\_\_\_\_\_  
BY: John J. Rimes, III  
Chief Prosecuting Attorney

FILED  
Florida Engineers  
Management Corporation  
5/18/2018 Clerk: Rebecca Valentine

FILED  
Department of Business and Professional Regulation  
Deputy Agency Clerk  
CLERK **Evelle Lawson-Proctor**  
Date **5/18/2018**  
File #

STATE OF FLORIDA  
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL  
ENGINEERS,

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FEMC Case No. 2017058723

CLAYTON COWHERD, P.E.,

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 CLAYTON COWHERD, 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 71429. Respondent's last known address is 220 East Walton Place Unit 5W, Chicago, Illinois 60611.

3. Pursuant to Rule 61G15-22.006(2), Florida Administrative Code, "The Board will audit at random a number of licensees as is necessary to assure that the continuing education requirements are met." Pursuant to the provisions of the Rule, on July 18, 2017 FEMC requested the Department of Business & Professional Regulation (DBPR) to provide a list containing a random number of licensees who had renewed their licenses. This information was received from DBPR on July 21, 2017.

4. Respondent renewed Respondent's Professional Engineer license on May 2, 2017 and attested that Respondent had completed the required Continuing Education necessary for renewal as required by Section 471.017(3)(a), Florida Statutes, which provides in material part:

"(3)(a) The board shall require a demonstration of continuing professional competency of engineers as a condition of license renewal or relicensure. Every licensee must complete 9 continuing education hours for each year of the license renewal period, totaling 18 continuing education hours for the license renewal period. For each renewal period for such continuing education:

1. One hour must relate to this chapter and the rules adopted under this chapter.
  2. One hour must relate to professional ethics.
  3. Four hours must relate to the licensee's area of practice.
  4. The remaining hours may relate to any topic pertinent to the practice of engineering.
- Continuing education hours may be earned by presenting or attending seminars, in-house or nonclassroom courses, workshops, or professional or technical presentations made at meetings, webinars, conventions, or conferences, including those presented by vendors with specific knowledge related to the licensee's area of practice...."

5. On July 24, 2017, Respondent was provided with a Memo advising Respondent that Respondent was selected to participate in the audit process. On February 26, 2018 Respondent responded to the Audit. Upon review of the information provided by Respondent, it was clear that



when Respondent renewed the PE license on May 2, 2017 Respondent lacked all of the required CE required for renewal as provided in Section 471.017(3), Florida Statutes.

6. To date Respondent has still not completed any of the required CE. In order to have been in compliance with Section 471.017 when Respondent certified that Respondent had taken and completed all required CE Courses Respondent was required to have taken and completed all required CE Courses by May 2, 2017.

7. Section 471.033(1)(a) provides in material part: “(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken: (a) Violating any ... rule of the board or department. Rule 61G15-19.001(6)(s), Florida Administrative Code, provides in material part: “(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: (s) Renewing or reactivating a license without completion of Continuing Education (CE) hours and subject areas as required by Section 471.017, F.S., and Rule 61G15-22.001, F.A.C.”

8. By renewing Respondent’s PE license without having completed the required CE at the time that Respondent certified that all required CE Courses had been taken, Respondent violated Section 471.033(1)(a) and Rule 61G15-19.001(6)(s).

9. Based upon the foregoing Respondent is hereby charged with violating Section 471.033(1)(a) and Rule 61G15-19.001(6)(s).

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 May, 2018.

Zana Raybon  
Executive Director



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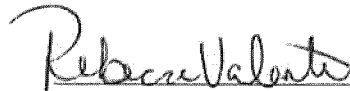
BY: John J. Rimes, III  
Prosecuting Attorney

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: May 07, 2018  
PCP Members: BRACKEN, MATTHEWS & FLEMING

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Clayton Cowherd, P.E. at 220 East Walton Place Unit 5W, Chicago, Illinois 60611, by certified mail and First Class U. S. Mail, on the 21 of May, 2018.

  
Rebecca Valentine, Paralegal