

FILED
Florida Engineers
Management Corporation
1/10/2019 Clerk: Rebecca Valentine

STATE OF FLORIDA
BOARD OF PROFESSIONAL ENGINEERS

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK Brandon Nichols
Date 1/10/2019
File # 2019-00151

FLORIDA ENGINEERS
MANAGEMENT CORPORATION,

Petitioner,
vs.

FEMC Case No.: 2017046158
LICENSE NO.: PE 66579

JACQUELINE P. JAMES, Ph.D., P.E.

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 December 6, 2018, in Tallahassee, 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.

RULING ON MOTION

Petitioner has filed and properly served upon Respondent a Motion for Determination that Respondent forfeited his right to an administrative hearing pursuant to section 120.57(1), F.S. and to convene a section 120.57(2), F.S. hearing not involving disputed issues of material fact. Respondent failed to respond to the Motion.

After consideration of the Motion, the Board finds that Respondent failed to respond to the served Administrative Complaint within the time period provided by law, which constitutes a waiver of the right to elect a hearing. Accordingly, Petitioner's Motion is GRANTED and the Board convenes a section 120.57(2), F.S., hearing.

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 submits proof of compliance with all terms of the Final Order entered June 23, 2015, in Case No. 2014039414, requests reinstatement of the license, and appears before the Board. 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

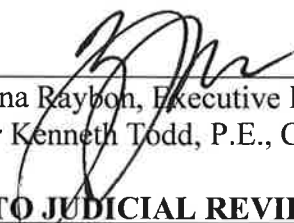
resumption of the practice of engineering, including but not limited to, an administrative fine and/or a period of probation. It is further

ORDERED that the Board imposes administrative costs in the amount of one hundred fifty dollars and fifteen cents (\$150.15).

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

DONE AND ORDERED this 5 day of January, 2019.

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 and electronic mail to **Jacqueline James, Ph.D., P.E.**, 7241 SW 168th Street, Suite E, Miami, Florida 33157; by interoffice mail to **John J. Rimes**, Chief Prosecuting Attorney, 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 10 day of January, 2019.

Rebecca Valero

FILED
Florida Engineers
Management Corporation
08/01/2018 Clerk: Rebecca Valentine

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK **Evelle Lawson-Proctor**
Date **8/1/2018**
File #

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2017046158

JACQUELINE P. JAMES, 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 JACQUELINE P. JAMES, 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 66579. Respondent's last known address is 7241 SW 168th Street, Suite E Miami, Florida 33157.

3. On June 23, 2015, a Final Order (Final Order) was entered in FEMC Case # 2014039414. This Order was not appealed.

4. Relevant hereto the Final Order imposed the following disciplinary sanctions upon Respondent:

a. Respondent shall successfully complete a Board-approved course in INTERMEDIATE 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 she has completed the course in a timely manner. Respondent must complete the following correspondence course offered by:

*Murdough Center for Engineering Professionalism
Texas Tech University
PO Box 41023
Lubbock, Texas 79409
Engineering Ethics Intermediate
Telephone 806-742-3525
Fax 806-742-0444
E-mail: engineering.ethics@ttu.edu*

5. The Intermediate Professionalism & Ethics Course was originally required to be completed on or before June 23, 2016.

6. Respondent, despite numerous written and oral communications from FEMC reminding Respondent of Respondent's obligations under the Final Order, has not completed the

Intermediate Professionalism & Ethics Course imposed by the terms of the Final Order. As of the date of this complaint, Respondent is 767 days past the original required completion date.

7. 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;” Rule 61G15-19.001(6), Florida Administrative Code, provides that “[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:... (o) Failure on the part of any professional engineer ...to obey the terms of a final order imposing discipline upon said professional engineer....”

8. 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 Four (4) through Six (6), Respondent has violated the provisions of Section 471.033(1)(k), Florida Statutes, and Rule 61G15-19.001(6)(o), Florida Administrative Code.

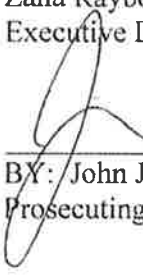
9. Based on the foregoing, Respondent is charged with violating Section 471.033(1)(k) Florida Statutes, and Rule 61G15-19.001(6)(o), Florida Administrative Code, by violating and failing to comply with the terms of a Final Order entered by the Board of Professional Engineers.

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 31 day of July, 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: July 18, 2018
PCP Members: MATTHEWS, DRURY & ALBERGO

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Jacqueline P. James, Ph.D., P.E at 7241 SW 168th Street, Suite E, Miami, Florida 33157, by certified mail and First Class U. S. Mail, on the 2 of August, 2018.


Rebecca Valentine, Paralegal