

STATE OF FLORIDA
BOARD OF PROFESSIONAL ENGINEERS

FLORIDA ENGINEERS MANAGEMENT
CORPORATION,

Petitioner,

vs.

FEMC Case No.: 2017028609

License No.: PE 20638

JOHN B. BENSON, P.E.,

Respondent.

**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 February 21, 2019, in Daytona Beach, 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.

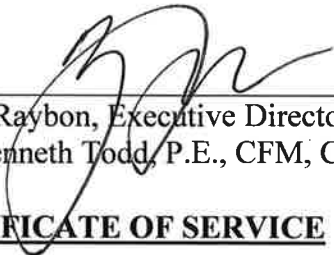
Respondent submitted a written Voluntary Relinquishment of Licensure. After considering the record of the case, the Board voted to accept Respondent's voluntary relinquishment. A copy of the Voluntary Relinquishment is attached to and made a part of this Final Order. It is, therefore

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 11 day of March, 2019.

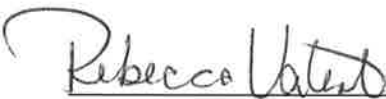
**FLORIDA BOARD OF PROFESSIONAL
ENGINEERS**



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 **John B. Benson, P.E.**, 4531 51st Street East, Bradenton, FL 34203; and via interoffice mail or electronic mail to: **Lawrence D. Harris**, Senior 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 14 day of March, 2019.



STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

RECEIVED

DEC 26 2018

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

FLORIDA BOARD OF
PROFESSIONAL ENGINEERS

Petitioner,

v.

FEMC Case No. 2017028609

JOHN B. BENSON, P.E.,

Respondent,

VOLUNTARY RELINQUISHMENT OF LICENSE

Respondent, JOHN B. BENSON, P.E., license No. 20638, 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


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 21 day of December, 2018.



John B. Benson, P.E.
Case No. 2017028609

STATE OF NORTH CAROLINA
COUNTY OF: CHEROKEE

Before me, personally appeared John B. Benson, whose identity is known to me by FL drivers license (type of identification) and who, under oath, acknowledges that his signature appears above. Sworn to and subscribed before me this 21 day of December, 2018.

My Commission Expires: 01/13/21



NOTARY PUBLIC



FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.
JOHN B. BENSON, P.E.,

FEMC Case No. 2017028609

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 JOHN B. BENSON, 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 20638. Respondent's last known address is 4531 51st Street East, Bradenton, Florida 34203.

3. In June and July 2015 Respondent acting as engineer of record on behalf of Benson Engineering, Inc. (BEI) entered into a contract to perform various civil engineering services related to construction to be performed at St. John's Baptist Church, 1700 1st Avenue, Palmetto, FL 34221. The

contract provided a description of the scope of work, expected timeframes for completion of the engineering portion of the work, and the permit/inspection process, an estimate of the total expected costs for the agreed services, and an hourly rate schedule for BEI personnel. The engineering services to be provided were to include surveying of the existing property and site improvements; preparation of complete site, stormwater drainage, and building construction plans; and site construction inspections and final certification. A retainer was provided with the signed contract.

4. St. John's Baptist Church representatives made several attempts to persuade Respondent to provide them with information regarding the status of the work and the agreed-upon project deliverables. On December 1, 2016, and again on March 1, 2017, a Church representative sent certified letters to Respondent regarding the failure of Respondent and BEI to comply with the terms of the contract. No satisfactory response was forthcoming for over two years. In 2018 over two years after the contract was entered into Respondent returned the retainer to St. John's Baptist Church and performed a minimal amount of the contracted services.

5. Section 471.033(1)(g), Florida Statutes, provides that an engineer is subject to discipline for engaging in negligence in the practice of engineering. Rule 61G15-19.001(4), Fla. Admin. Code, provides that negligence constitutes "failure by a professional engineer to utilize due care in performing in an engineering capacity or failing to have due regard for acceptable standards of engineering principles."

6. Respondent has provided no explanation for never timely providing to St. John's Baptist Church, the engineering documents and services for which Respondent was paid. As a result, insofar as Respondent accepted the funds and failed to perform the greater part of of the services agreed upon in a timely manner, Respondent failed to exercise due care and has failed to have due regard for engineering standards and principles.

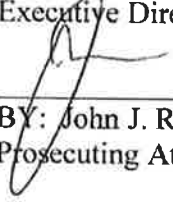
7. As set forth in Paragraphs Three (3) through Six (6) Respondent to failed to exercise due care and has failed to have due regard for engineering standards and principles.

8. Based on the foregoing, Respondent is charged with violating Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by being negligent in the practice of engineering.

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 November, 2018.

Zana Raybon
Executive Director

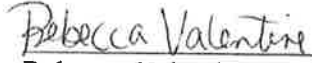

BY: John J. Rimes, III
Prosecuting Attorney

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: November 07, 2018
PCP Members: MATTHEWS, DRURY & ALBERGO

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to John B. Benson, P.E. at 4531 51st Street East, Bradenton, Florida 34203, by certified mail and First Class U. S. Mail, on the 28 of November, 2018.


Rebecca Valentine, Paralegal