

FILED
Florida Engineers
Management Corporation
11/7/2019 Clerk: Rebecca Valentine

FILED
Department of Business and Professional Regulation
Senior Deputy Agency Clerk
CLERK Brandon Nichols
Date 11/7/2019
File # 2019-09407

STATE OF FLORIDA
BOARD OF PROFESSIONAL ENGINEERS

FLORIDA ENGINEERS
MANAGEMENT CORPORATION,

Petitioner,

vs.

FEMC Case No. 2019003809
LICENSE NO.: PE 43731

GARY SANTTI, 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 October 3, 2019, in Daytona Beach, 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 appears before the Board and demonstrates Respondent has fully complied with all outstanding obligations from the Final Order, issued June 28, 2018, in Case No. 2015023764. It is further

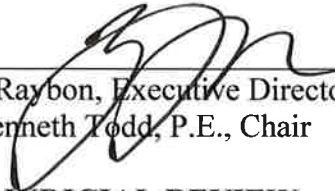
ORDERED that the Board retains jurisdiction to impose additional penalties upon Respondent upon reinstatement of Respondent's license. It is further

ORDERED that the Board imposes administrative costs in the amount of fifty-two dollars and sixty five cents (\$52.65) to be paid as a condition of reinstatement of Respondent's license.

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

DONE AND ORDERED this 4 day of November, 2019.

BOARD OF PROFESSIONAL ENGINEERS



Zana Raybon, Executive Director
for Kenneth Todd, P.E., 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 **Gary A. Santti, P.E.**, 6510 Abaco Drive, Apollo Beach, Florida 33572; 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**, Senior Assistant Attorney General, Lawrence.Harris@myfloridalegal.com, this 8 day of November, 2019.



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Management Corporation
07/29/2019 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 **7/29/2019**
File #

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2019003809

GARY A. SANTTI,

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 GARY A. SANTTI, 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 43731 (Delinquent). Respondent's last known address is 6510 Abaco Drive, Apollo Beach, Florida 33572.

3. On June 28, 2018, a Final Order (Final Order) was entered by the Board in FEMC Case No. 2015023764. The Order was not appealed.

4. The Final Order provided in material part that:

Respondent shall pay an ADMINISTRATIVE FINE of \$1,000.00 and COSTS of \$14,603.25 to the Board one (1) year of the date that the Final Order adopting this Stipulation is filed with the Agency Clerk. The FINE and COSTS payments shall be made in quarterly payments of \$3900.81 each ninety (90) days after the entry of the FINAL ORDER.

Respondent shall be placed on PROBATION for two (2) years from the date the Final Order adopting this Stipulation is filed with the Agency Clerk, with the following terms:

Respondent shall successfully complete a Board-approved course in BASIC ENGINEERING PROFESSIONALISM ANU 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 he has completed the course in a timely manner.

Respondent shall submit to the Board a detailed list of all completed projects (signed, sealed, and dated), by the Respondent for PROJECT REVIEW at six (6) and eighteen (18) month intervals from the date the Final Order adopting this Stipulation is filed with the Agency Clerk. The projects shall include: all geotechnical engineering (subsurface remediation) projects and reports signed and sealed by Respondent.

5. Respondent has not complied with any of the terms of the Final Order.

6. Section 471.033(1)(k), Florida Statutes, provides that an engineer is subject to discipline for ... “ [v]iolating any order of the board or department previously entered in a disciplinary hearing.” For the reasons set forth in Paragraphs 3-6 above, Respondent has violated the terms of the Final Order in FEMC Case No. 2016024529.

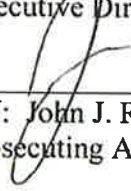
7. Based upon the foregoing, Respondent is charged with violating Section 471.033(1)(k), Florida Statutes.

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 29 day of July, 2019.

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 17, 2019
PCP Members: MATTHEWS, FLEMING & DRURY

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Gary A. Santi, P.E. at 6510 Abcao Drive, Apollo Beach, Florida 33572, by certified mail and First Class U. S. Mail, on the 5 of August, 2019.


Rebecca Valentine, Paralegal