

FILED
Florida Engineers
Management Corporation
08/25/2020 Clerk: Rebecca Valentine

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FILED
Department of Business and Professional Regulation
Senior Deputy Agency Clerk
CLERK Brandon Nichols
Date 8/25/2020
File # 2020-04745

FLORIDA BOARD OF PROFESSIONAL ENGINEERS,

Petitioner,

v.

FEMC Case No. 2019038286

HARRY HOLLAND,

Respondent,

_____ /

FINAL ORDER ADOPTING SETTLEMENT STIPULATION

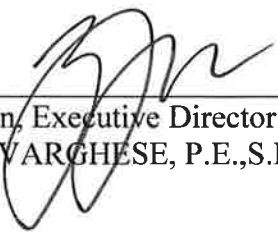
THIS CAUSE came before the FLORIDA BOARD OF PROFESSIONAL ENGINEERS (“Board”), pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on August 5, 2020 via Video Teleconference in Tallahassee, Florida, for the purpose of considering a Settlement Stipulation (attached hereto as “Exhibit A to Final 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 24 day of August, 2020.

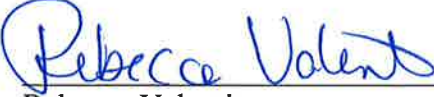
FLORIDA BOARD OF PROFESSIONAL ENGINEERS



Zana Raybon, Executive Director
For BABU VARGHESE, P.E.,S.I., 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 and email to Harry Holland at at 2244 Florinda Street, Sarasota, Florida 34231 this 27 day of August, 2020.



Rebecca Valentine,
Paralegal

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

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FEMC Case No. 2019038286

HARRY HOLLAND

Respondent,
_____ /

SETTLEMENT STIPULATION

HARRY HOLLAND (“Respondent”) and the Florida Board of Professional Engineers (“Board”) by and through the Florida Engineers Management Corporation (“FEMC”) hereby stipulate and agree to the following joint Settlement Stipulation (“Stipulation”) and Final Order of the Board incorporating this Stipulation in the above-styled matter.

STIPULATED FACTS

1. For all times pertinent hereto, Respondent is not a licensed professional engineer in the State of Florida.
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 to Settlement Stipulation”.

STIPULATED CONCLUSIONS OF LAW

1. Respondent, in his capacity as a citizen of the State of Florida, 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 (“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 final order will automatically be opened against Respondent

3. Respondent shall pay an ADMINISTRATIVE FINE of \$1,000.00 and ADMINISTRATIVE COSTS of \$471.75 to the Board within thirty (30) days of the date that the Final Order adopting this Stipulation is filed with the Agency Clerk.

4. Respondent shall cease and desist from offering engineering services without the professional engineering license or certification of authorization required by Florida law, specifically Chapter 471, Florida Statutes, as set forth in the Administrative Complaint.

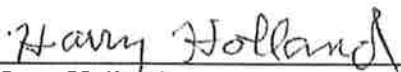
5. It is expressly understood that this Stipulation is subject to approval of the Board and FEMC and has no force or effect until the Board issues a Final Order adopting this Stipulation.

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.



Harry Holland
Respondent
Case No: 2019038286

APPROVED this 24 day of June, 2020.

Zana Raybon, Executive Director
Florida Board of Professional Engineers



BY: John J. Rimes, III
Chief Prosecuting Attorney

FILED

Florida Engineers
Management Corporation
1/21/2020 Clerk: Rebecca Valentine

FLORIDA

STATE OF FLORIDA
BOARD OF PROFESSIONAL ENGINEERS

FILED

Department of Business and Professional Regulation
Deputy Agency Clerk

CLERK **Evette Lawson-Proctor**
Date 1/21/2020
File #

FLORIDA BOARD OF PROFESSIONAL
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FEMC Case No. 2019038286

HARRY HOLLAND,

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 HARRY HOLLAND, 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's last known address is 158 Lighthouse Point, Slidell, Louisiana 70458. Respondent is not licensed as a professional engineer in Florida.

3. Respondent, however, at one time held a license as a Professional Engineer in Florida. On March 1, 2017 Respondent's Florida PE license became delinquent and on March 1, 2019, Respondent's PE license became null and void for non-renewal as provided in Section 455.271(6), Florida Statutes.

4. Notwithstanding the fact that as of March 1, 2019, Respondent did not hold any form of professional engineering license, Respondent issued, signed and sealed stadium seating plans for the North Miami Athletic Stadium located at 2255 NE 151 Street, North Miami, Fl. on March 6, 2019.

5. Section 471.031(1)(a) & (b), Florida Statutes, provide in material part: "A person may not: (a) Practice engineering unless the person is licensed or exempt from licensure under this chapter...; (b) A person may not knowingly: "Use .. the name or title "professional engineer" or any other title, designation, words, letters, abbreviations, or device tending to indicate that such person holds an active license as an engineer when the person is not licensed under [Chapter 471],...."

6. The practice of engineering is defined in Section 471.005(7), Florida Statutes, to include in material part:

"any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, ... of engineering works and systems, ... any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, ..., insofar as they involve safeguarding life, health, or property; and includes such other professional services as may be necessary to the planning, progress, and completion of any engineering services. A person who practices

any branch of engineering; ... who holds himself or herself out as able to perform, or does perform, any engineering service or work or any other service designated by the practitioner which is recognized as engineering shall be construed to practice or offer to practice engineering within the meaning and intent of [Chapter 471].

7. Section 455.228(1), Florida Statutes, provides in material part:

(1) When the [Department of Business and Professional Regulation] has probable cause to believe that any person not licensed by the department, or the appropriate regulatory board within the department, has violated any provision of this chapter or any statute that relates to the practice of a profession regulated by the department, or any rule adopted pursuant thereto, ... the department may impose an administrative penalty not to exceed \$5,000 per incident pursuant to the provisions of chapter 120”

8. Section 471.038(5), Florida Statutes, provides in material part: “[n]otwithstanding ss. 455.228 and 455.2281, the duties and authority of the department to receive complaints and to investigate and deter the unlicensed practice of engineering are delegated to the [Board of Professional Engineers].” As a result, the Board is authorized to impose the administrative penalty described in Paragraph 7.

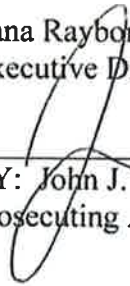
9. Section 471.033(1)(a), Florida Statutes, provides in material part: (1)The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken: (a) [v]iolating any provision of ...s. 471.031.” By offering and providing engineering services as described in Paragraph Four (4) above without holding a license as a Professional Engineer, and by publicly using a title that is reserved to persons holding a license as a Professional Engineer, Respondent violated the provisions of Section 471.031(1)(a).

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 21 day of January, 2020.

Zana Raybon
Executive Director

BY: 
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: January 08, 2020
PCP Members: MATTHEWS, FLEMING & DRURY

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Harry Holland at 158 Lighthouse Point, Slidell, Louisiana 70458, by certified mail and First Class U. S. Mail, on the 21 of January, 2020.


Rebecca Valentine, Paralegal