

FILED
Florida Engineers
Management Corporation
1/20/2021 Clerk: Rebecca Valentine

FILED
Department of Business and Professional Regulation
Senior Deputy Agency Clerk
CLERK Brandon Nichols
Date 1/20/2021
File # 2021-00400

STATE OF FLORIDA
BOARD OF PROFESSIONAL ENGINEERS

FLORIDA ENGINEERS MANAGEMENT
CORPORATION,

Petitioner,
vs.

FEMC Case No.: 2020002145
License No.: PE 44745

JOSEPH S. MENEN, 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 December 10, 2020, by Videoconference. 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.

In response to service of the Administrative Complaint, a copy of which is attached hereto and incorporated herein, 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 14 day of January, 2021.

**FLORIDA BOARD OF PROFESSIONAL
ENGINEERS**



Zana Raybon, Executive Director
for Babu Varghese, P.E., 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 **JOSEPH S. MENEN, P.E.**, 1640 Bayshore Drive, Englewood, Florida 34223; 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 22 day of January, 2021.



Rebecca Valent

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2020002145

JOSEPH S. MENEN,

Respondent,

VOLUNTARY RELINQUISHMENT OF LICENSE

Respondent, JOSEPH S. MENEN, license No. 44745, 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 immediately upon executing this Voluntary Relinquishment. Respondent further agrees to refrain from the practice of 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 29th day of September, 201920



JOSEPH S. MENEN
Case No. 2020002145

STATE OF FLORIDA
COUNTY OF:

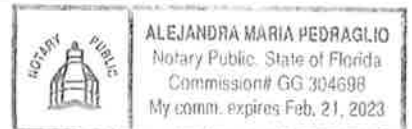
Before me, personally appeared Joseph S. Menen, whose identity is known to me by FL DL (type of identification) and who, under oath, acknowledges that his signature appears above. Sworn to and subscribed before me this 29th day of September, 201920

My Commission Expires:

Feb 21 2023



NOTARY PUBLIC



FILED
Florida Engineers
Management Corporation
9/22/2020 Clerk: Rebecca Valentine

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK **Evette Lawson-Proctor**
Date **9/22/2020**
File #

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2020002145

JOSEPH S. MENEN, 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 JOSEPH S. MENEN, 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 44745. Respondent's last known address is 1640 Bayshore Drive, Englewood, Florida 34223.

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 August 12, 2019 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 the same day.

4. Respondent renewed Respondent's Professional Engineer license on February 19, 2019 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 August 23, 2019, Respondent was provided with a Memo advising Respondent that Respondent was selected to participate in the audit process. After this complaint was opened Respondent responded to the Memo on January 28, 2020.

6. Upon review of the information provided by Respondent, it was clear that, when Respondent renewed the PE license on February 19, 2019, Respondent had not completed the Ethics Course required for renewal as provided in Section 471.017(3), Florida Statutes.

7. In fact, Respondent has still not completed the Ethics Course. 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 February 28, 2019.

8. 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.”

9. By renewing Respondent’s PE license without having completed the required CE Courses 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).


10. 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 21 day of September, 2020.

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: September 09, 2020
PCP Members: MATTHEWS, FLEMING & DRURY

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Joseph S. Bayshore Drive, Englewood, Florida 34223, by certified mail and First Class U. S. Mail, on the 23 of September, 2020.


Rebecca Valentino, Paralegal