STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL ENGINEERS,

Petitioner,

v. FEMC Case No. 2019052377

DARCY UNROE, P.E.,

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 February 18, 2021 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 ___ day of March, 2021.


____________________________________

[Signature]
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

Zana Raybon, Executive Director
For C. Kevin Fleming, P.E., 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 Darcy Unroe by service upon his attorney of record Jeff Peters, Esquire, at 3551 Blairstone Road, Suite 105, Tallahassee, Florida 32301 this 3rd day of March, 2021.

Rebecca Valentine
Rebecca Valentine,
Paralegal
STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v. FEMC Case No. 2019052377

DARCY UNROE, P.E.

Respondent,

____________________________________/

SETTLEMENT STIPULATION

DARCY UNROE, P.E. ("Respondent") and the Florida Engineers Management Corporation ("FEMC") hereby stipulate and agree to the following Joint Settlement Stipulation ("Stipulation") and to entry of a Final Order of the Florida Board of Professional Engineers ("Board"), incorporating this Stipulation in the above-styled matter.

STIPULATED FACTS

1. For all times pertinent hereto, Respondent, DARCY UNROE, P.E., was a licensed engineer in the State of Florida, having been issued license number PE 60929.

2. Respondent was charged with violations of Chapter 471, Florida Statutes, in an Administrative Complaint filed by the Florida Engineers Management Corporation, and properly served upon Respondent. True and correct copies of the filed Administrative Complaints are attached hereto and incorporated herein by reference as "Composite Exhibit A to Settlement Stipulation".

STIPULATED CONCLUSIONS OF LAW

1. Respondent, in Respondent’s capacities as a licensed professional engineer admits that, in such capacity, Respondent is subject to the provisions of Chapter 471, Florida Statutes, and the jurisdiction of the Department of Business and Professional Regulation ("Agency" or "Department"), FEMC, and the Board.
2. Respondent admits that the facts set forth in the Administrative Complaint, if proven, constitute violations of Chapter 471, Florida Statutes, as alleged in the 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 **COSTS** of $3,376.20 to the Board within One (1) year of the date that the Final Order adopting this Stipulation is filed with the Agency Clerk. The Fine and Costs shall be paid in Quarterly Payments of $1,094.05. Payments can made early.

4. Respondent shall **APPEAR** before the Board when this Stipulation is presented. Respondent must be prepared to discuss: how this situation occurred, what improvements and quality control measures Respondent plans to implement to improve Respondent’s work product, and how Respondent intends to prevent this circumstance from occurring in the future.

5. Respondent shall successfully complete a Board-approved course in **BASIC 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 he has completed the course in a timely manner. Respondent may contact the Florida Engineering Society (“FES”), 125 South Gadsden St., Tallahassee, FL 32301, (850)224-7121, for information regarding the availability of such courses in Florida; however, if the FES provides any information regarding such a course to the Respondent, the Respondent must submit that course information to the FEMC for review and determination as to whether or not it will comply with the Board’s requirements. Respondent may also elect to complete one of the following correspondence courses offered by:

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

EPD Program
Auburn University
Engineering Extension Service
217 Ramsay Hall, Auburn, Alabama 36849-5331
Ethics and Professionalism
Phone 800-446-0382 or 334-844-4370

An Accredited College or University course if that course information is first submitted to the FEMC for review and determination as to whether or not it will comply with the Board's requirements.

Courses offered by Continuing Education Programs
or Professional Business Programs (Exp: SunCam, Inc., C2Ed), are not Board Certified, and will not meet the requirements.

6. Respondent shall successfully complete the STUDY GUIDE which has been prepared by the Board and which will be furnished to Respondent, regarding the Engineering Practice Act, Chapter 471, Florida Statutes, and the Rules of the Board. Respondent is required to provide a personal email address that will be used to access the on-line study guide. The study guide must be completed within thirty (30) days of the date on which the Final Order incorporating this Stipulation is filed with the Agency Clerk.

7. Should the Respondent fail to timely comply with the terms of the Final Order with regard to the Project Reviews discussed herein, this case will be submitted to the Probable Cause Panel for review and determination of whether additional disciplinary action should be taken.

8. Respondent acknowledges that neither Respondent's attendance at the Board Meeting when this Stipulation is presented, nor any continuing education or college level courses taken as a requirement of the terms of this Stipulation may be used to comply with the continuing education requirements of Chapter 61G15-22, Florida Administrative Code.

9. 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.
10. 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.

11. 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.

12. 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.

Dated: 11-23-20

APPROVED this 30 day of November, 2020.

Zana Raybon, Executive Director
Florida Board of Professional Engineers

BY: John J. Rimes, III
Chief Prosecuting Attorney
FLORIDA BOARD OF PROFESSIONAL ENGINEERS,

Petitioner,

v.

DARCY UNROE, 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 DARCY UNROE, 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 60929. Respondent’s last known address is 8239 Sandberry Boulevard, Orlando, Florida 32819.

3. 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.”

4. Respondent was hired to design and prepare permit documents for a septic system to serve a single family home at 3532 Holliday Avenue in Apopka, Florida (Septic System Project). Respondent signed and sealed the permit documents for the Septic System Project on March 18, 2019.

5. It is a state regulatory requirement set forth in Rule 64E-6.005(1)(a), Fla. Admin. Code, that septic systems and potable wells have a minimum separation distance of 75 feet. This minimum separation requirement also applies to the distance between new facilities and any existing wells and septic systems on surrounding properties. The 75 feet minimum separation requirement is to provide reasonable assurance that potable wells do not become contaminated by septic systems.

6. Respondent was aware that other homes in the area of the Septic System Project were served by on-site potable wells and septic systems and that the adjacent lot to the south of the Septic System Project had an existing residence (3540 Holliday Avenue) and, therefore, would have to be served by an on-site potable well and a septic system. The existing well and septic system on the 3540 Holliday Avenue lot were shown on the site plan included in the permit.
documents where Respondent thought they were located. As a result, the Septic System Project was shown on the site plan prepared by Respondent to meet the minimum separation distance of 75 feet from the well on the 3540 Holliday Avenue lot.

7. However, the location of both the well and septic system on the 3540 Holliday Avenue lot were shown in incorrect locations on Respondent’s site plan which was included in the permit documents. The actual separation distance between the proposed septic system for the Septic System Project and the actual location of the existing well on the 3540 Holliday Avenue lot is approximately 50 feet. This distance is materially less than the minimum 75 feet required by state regulation. Respondent did not perform an adequate inspection of the adjacent property to the Septic System Project and, as a result, issued a materially erroneous site plan and set of permit documents—which were filed for public record.

8. By signing, sealing and issuing for filing for public record the permit documents for a septic system to serve a single family home at 3532 Holliday Avenue in Apopka, Florida without performing engineering analysis in conformity with accepted engineering standards of practice, Respondent failed to utilize due care in performing in an engineering capacity and failed to have due regard for acceptable standards of engineering principles.

9. 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 engaging in negligence 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 26th day of May, 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: May 13, 2020
PCP Members: MATTHEWS, FLEMING & DRURY

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Darcy Unroe, P.E. at 8239 Sandberry
Boulevard, Orlando, Florida 32819, by certified mail and First Class U. S. Mail, on the 28th of

Rebecca Valentine, Paralegal