STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL ENGINEERS,

Petitioner,

v.

JAMES M. CURTIS, P.E.,

Respondent,

FEMC Case No. 2019060873

FINAL ORDER ADOPTING SETTLEMENT STIPULATION

THIS CAUSE came before the Florida Board of Professional Engineers (hereinafter “the Board”) pursuant to Section 120.57(4), Florida Statutes, at a duly noticed public meeting on August 12, 2021, via Zoom videoconference in Tallahassee, Florida, for the purpose of considering a Settlement Stipulation (attached hereto as “Exhibit A to Final Order”) entered between the parties in this cause. Petitioner was represented by John J. Rimes, Chief Prosecuting Attorney. Respondent was present.

Upon consideration of the stipulation, the documents submitted in support thereof, and the arguments of the parties, the Board determined the Accept the existing Settlement Stipulation with the following Amendments agreed to by the Parties:

1. REMOVE the “Mechanical” portion of the project previews.

ORDERED AND ADJUDGED that the Settlement Stipulation as entered into by the parties and submitted is accepted, as modified by the above terms. Accordingly, the parties shall
adhere to and abide by all the terms and conditions of the stipulation, as modified, and this Final Order.

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 August, 2021.

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 Respondent James M. Curtis, P.E. by service upon his attorney of record: Edwin A Bayo, Esquire at Grossman, Furlow & Bayo, 2022-2 Raymond Diehl Road, Tallahassee, Florida 32308 and e.bayo@gfblawfirm.com this 20 day of August, 2021.

Rebecca Valentine, Paralegal
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

JAMES M. CURTIS, P.E.,
Respondent,

JAMES M. CURTIS, 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, JAMES M. CURTIS, P.E., was a licensed engineer in the State of Florida, having been issued license number PE 37912.

   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 Complaint 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 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.

4. Respondent shall pay an ADMINISTRATIVE FINE of $1,000.00 and COSTS of $7,349.05 to the Board within one (1) year of the date that the Final Order adopting this Stipulation is filed with the Agency Clerk.

5. 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:
a. 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

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.*

b. 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.
c. 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 completed Mechanical, and Fire System Engineering disciplines. The Terms “Mechanical” and “Fire System Engineering” encompasses all services encompassed by Rule Chapter 61G15-34, 16G15-32 & G15-33.006.

d. A FEMC Consultant will select two (2) projects from the submitted list for review. The Respondent is responsible for promptly furnishing any set of completed plans (signed, sealed, and dated), calculations, and any other supporting documentation requested by the Consultant. The Respondent must sign, date, and seal all materials that are submitted for project review using a non-embossed, rubber stamp seal. Sealed project review materials may be copied and submitted electronically, if desired, by the Respondent. Respondent is also responsible for the Consultant’s fees for reviewing the projects, and shall remit payment in the amount of $2,000.00 by check or money order made payable in the name of the Board’s Consultant at the time that the project lists are submitted to FEMC. In the event that the project reviews cost exceed $2,000.00, then the Respondent is responsible for the deficiency. In the event that the cost of the reviews is less than $2,000.00, then the unused portion will be refunded to Respondent. Should the Consultant return an unfavorable report concerning Respondent’s projects, that report shall be submitted to the Probable Cause Panel for determination of whether additional disciplinary proceedings should be initiated.

e. If the Respondent has not performed engineering services on a sufficient number of projects to make the submissions required by 5c., above, the initial or, if applicable, the subsequent submission required by the terms of probation shall be extended for a period of six (6)
months to allow Respondent to perform the services necessary for the required review. However, if, after the extension has expired, Respondent does not perform sufficient engineering services to meet the requirements of the terms of probation, Respondent’s license will be placed on voluntary inactive status as defined in Section 455.227, Florida Statutes, by the Board, without any further necessity for action on the part of Respondent. Respondent’s license shall remain on such status, provided Respondent meets the requirements of Section 455.227, unless and until Respondent notifies the Board that he wishes to recommence practice and obtains Board authorization to reactivate his license under such terms of probation that the Board deems appropriate at that time.

g. Should the FEMC Consultants both return a favorable reports after reviewing the sets of plans reviewed during the first year of probation, the requirements for the second year of probation may be waived and the probation may be terminated. A “favorable report” is herein defined as a report that, in the sole opinion of the Consultant with the concurrence of the Board, finds that the plans reviewed were considered to be free of any material deficiencies.

6. 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.

7. 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.

8. 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.
9. 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.

10. 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.

11. 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.

\[Signature\]
James M. Curtis, P.E.,
Respondent
Case No. 2019060873
Dated: 6/7/2021

APPROVED this ___ day of ___ June, 2021
Zana Raybon, Executive Director
Florida Board of Professional Engineers

\[Signature\]
BY: John J. Rimes, III
Chief Prosecuting Attorney

FBPE vs. James M. Curtis, P.E., FBPE Case No.: 2019060873
Settlement Stipulation
STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v. FEMC Case No. 2019060873

JAMES M. CURTIS, 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 JAMES M. CURTIS, 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 here to, a licensed professional engineer in the State of Florida, having been issued license number PE 37912. Respondent’s last known address is 29775 Bayhead Road, Dade City, Florida 33523.

3. On or about October 28, 2019 Respondent signed sealed and dated engineering design documents for a fire alarm system located 711 Jackson Avenue, Winter Park, Florida (HTH Project). The HTH Project consisted of the design for an installation of a control panel in a building that had an existing control panel.


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. Rule 61G15-19.001(4), Fla. Admin. Code, also provides that "[f]ailure to comply with the procedures set forth in the Responsibility Rules as adopted by the Board of Professional Engineers shall be considered as non-compliance with this section unless the deviation or departures therefrom are justified by the specific circumstances of the project in question and the sound professional judgment of the professional engineer."

7. Rule 61G15-30.002(1), Fla. Admin. Code, mandates that Respondent, as the engineer of record for all engineering work delineated in Paragraph Three (3), is professionally
responsible for the documents prepared. As such, Respondent is responsible for producing documents that comply with the applicable portions of the Responsibility Rules.

8. Respondent acted as the Fire Alarm System Engineer of Record for the HTH Project as that term is defined in Rules 61G15-30.002(1) and 61G15-32.002(1), Fla. Admin. Code. As such, all engineering documents prepared, signed, sealed and dated by Respondent must contain the information set out in Rule 61G15-30.003(1): When prepared for inclusion with an application for a general building permit, the Documents shall meet all Engineer's Responsibility Rules, set forth in Chapters ...61G15-32, ...F.A.C., and be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the Florida Building Code[FBC], adopted in Section 553.73, F.S., and applicable laws, ordinances, rules and regulations, as determined by the Agency Having Jurisdiction (AHJ). The Documents shall include:

(a) Information that provides material specifications required for the safe operation of the system that is a result of engineering calculations, knowledge and experience.

(b) List Federal, State, Municipal, and County standards, codes, ordinances, laws, and rules, with their effective dates, that the Engineering Documents are intended to conform to.

(c) Information, as determined by the Engineer of Record, needed for the safe and efficient operation of the system.

(d) List engineering design criteria; reference project specific studies, reports, and delegated Engineering Documents.
(e) Identify clearly elements of the design that vary from the governing standards and depict/identify the alternate method used to ensure compliance with the stated purpose of these Responsibility Rules.

9. Rule 61G15-32.003(2) and (4) provide in material part: “Common Requirements to All Fire Protection Engineering Documents.” (2) The Fire Protection System Engineering Documents shall specify the applicable requirements for the acceptance testing of the fire protection system and components, which shall be based upon applicable codes and standards, where available. (4) The applicable code and standard to be used in the preparation of the Fire Protection System Layout Documents shall be shown on the Fire Protection System Engineering Documents. When codes and standards are not available or applicable, and said layout documents are to be based on engineering judgment, any reasons and assumptions made to develop the fire protection concept shall be identified on the Fire Protection System Engineering Documents.”

10. Rule 61G15-32.008(4) “Design of Fire Alarms, Signaling Systems, and Control Systems” provides in material part: (4) To ensure minimum design quality of Fire Alarm and Detection Systems Engineering Documents, said documents shall include as a minimum the following information when applicable: (d) Identify the Class of circuits as listed in NFPA 72, which is contained within and incorporated into the Florida Fire Prevention Code.

11. Respondent’s Fire Alarm System Design Documents for the HTH Project are materially deficient as follows:

A. The fire alarm system design, with two control panels, is not arranged to function as a single system as required by Section 23.8.2.2 of NFPA 72.
B. The fire alarm system design, with two control panels, is not interconnected as required by Section 23.8.2.5 of NFPA 72. The interconnection is not by listed electrical contacts, data communications over a signaling line circuit, or other listed method.

C. The drawings do not comply with Rule 61G15-32.003(2), since the applicable requirements for acceptance testing are not indicated.

D. The drawing do not comply with Rule 61G15-32.003(4), since the applicable codes and standards are not identified.

E. The documents do not comply with Rule 61G15-32.008(d), since the Class of wiring is not indicated on the documents.

12. Respondent’s Fire Alarm System Design Documents for the HTH Project contain deficiencies including; but not limited to, those set forth in Paragraph Eleven (11). As a result of those deficiencies, Respondent violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by sealing and signing Fire Alarm System Design engineering documents that were issued when such documents were materially deficient in that Respondent: (1) did not exercise due care in the preparation of the final engineering documents for the HTH Project and (2) the final engineering documents for the HTH Project were not issued in compliance with acceptable engineering principles.

13. Based upon the foregoing Respondent is hereby charged with violating Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C.

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 22 day of March, 2021.

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: March 10, 2021
PCP Members: MATTHEWS, ALBERGO & PEPPER

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Respondent James M. Curtis, P.E. by service upon his attorney of record: Kenneth Metzger, Esquire, Metzer & Associates, Inc. at 1637 Metropolitan Boulevard, Suite C-2, Tallahassee, Florida 32308, by certified mail and First Class U. S. Mail, on the 22 of March, 2021.

Rebecca Valentine
Rebecca Valentine, Paralegal