

**FILED**  
Florida Engineers  
Management Corporation  
9/3/2021 Clerk: Rebecca Valentine

**FILED**  
Department of Business and Professional Regulation  
Senior Deputy Agency Clerk  
CLERK Brandon Nichols  
Date 9/3/2021  
File # 2021-06321

**STATE OF FLORIDA  
BOARD OF PROFESSIONAL ENGINEERS**

FLORIDA ENGINEERS MANAGEMENT  
CORPORATION,

Petitioner,

vs.

FEMC Case No: 2020005236  
License No.: PE 68569

JAMES GILPIN, 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 August 12, 2021, 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

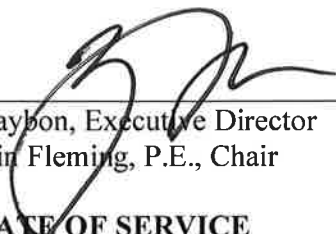
**ORDERED** that the Disciplinary Voluntary Relinquishment of License is accepted.

This Final Order shall take effect upon being filed with the Clerk of the

Department of Business and Professional Regulation.

DONE AND ORDERED this 30 day of August, 2021.

**FLORIDA BOARD OF PROFESSIONAL  
ENGINEERS**

  
By 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 Final Order has been provided by U.S. Mail to **James Gilpin, P.E.**, PO Box 747, Davidson, North Carolina 28036; and via interoffice mail or electronic mail to: **Lawrence D. Harris**, Senior Assistant Attorney General, [Lawrence.Harris@myfloridalegal.com](mailto: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 3 day of September, 2021.

  
Rebecca Valentin

RECEIVED

STATE OF FLORIDA  
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

JUN 28 2021

FLORIDA BOARD OF  
PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL  
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2020005236

JAMES W. GILPIN, P.E.,

Respondent,

**VOLUNTARY RELINQUISHMENT OF LICENSE**

Respondent, JAMES W. GILPIN, license No. 68569, 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 23<sup>rd</sup> day of JUNE, 2021.

  
James W. Gilpin

*North Carolina*  
STATE OF FLORIDA ~~FLORIDA~~  
COUNTY OF:

Before me, personally appeared James W. Gilpin, whose identity is known to me by NC Driver License (type of identification) and who, under oath, acknowledges that his signature appears above. Sworn to and subscribed before me this 23<sup>rd</sup> day of June, 2021.

My Commission Expires:

06/06/2022



NOTARY PUBLIC

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**Kenneth A. Rodes**  
Notary Public  
Iredell County, NC  
My Commission Expires June 6, 2022

FILED  
Florida Engineers  
Management Corporation  
2/2/2021 Clerk: Rebecca Valentine

FILED  
Department of Business and Professional Regulation  
Deputy Agency Clerk  
CLERK Evette Lawson-Proctor  
Date 2/2/2021  
File #

STATE OF FLORIDA  
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL  
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2020005236

JAMES W. GILPIN, P.E.,

Respondent,

\_\_\_\_\_ /

**AMENDED 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 W. GILPIN, 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 68569. Respondent's last known address is PO Box 747, Davidson, North Carolina 28036.

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 December 5, 2018 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. Respondent responded to the Memo on September 3, 2019.

6. Upon review of the information ultimately provided by Respondent, it was clear that, when Respondent renewed the PE license on December 5, 2018, Respondent had not completed the Florida Laws & Rules and Ethics CE Courses required for renewal as provided in Section 471.017(3), Florida Statutes, within the March 1, 2017-February 28, 2019 biennium.

7. In fact, Respondent completed the Florida Laws & Rules Course and Ethics until September 5, 2020. 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 between March 1, 2017 and 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 29 day of January, 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: January 20, 2021  
PCP Members: MATTHEWS, FLEMING & HAHN

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was furnished to James W. Gilpin, P.E. at PO Box 747, Davidson, North Carolina 28036, by certified mail and First Class U. S. Mail, on the 4 of February, 2021.



Rebecca Valentine, Paralegal