

STATE OF FLORIDA  
BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL  
ENGINEERS,

Petitioner,

v.

FEMC CASE NO.: 2020010464  
LICENSE NO.: PE 42289

ROY SPIKER, P.E.

Respondent.

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**FINAL ORDER**

THIS CAUSE came before the Florida Board of Professional Engineers (hereinafter "the Board") pursuant to Sections 120.569 and 120.57(2), Florida Statutes, at a duly noticed public meeting on August 12, 2021, by Videoconference, for hearing regarding the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause. Petitioner was represented by John J. Rimes, Chief Prosecuting Attorney. Respondent was NOT present and was NOT represented by legal counsel. Upon consideration of the material presented and being otherwise advised in the premises, the Board makes the following findings and conclusions.

**RULING ON MOTION**

Petitioner has filed and properly served upon Respondent a Motion for Determination that Respondent forfeited his right to an administrative hearing pursuant to section 120.57(1), F.S. and to convene a section 120.57(2), F.S. hearing not involving disputed issues of material fact. Respondent failed to respond to the Motion.

After consideration of the Motion, the Board finds that Respondent failed to respond to the served Administrative Complaint within the time period provided by law,

which constitutes a waiver of the right to elect a hearing. Accordingly, Petitioner's Motion is GRANTED and the Board convenes a section 120.57(2), F.S., hearing.

#### FINDINGS OF FACT

1. Respondent was properly served with a copy of the Administrative Complaint and did not file a response within 21 days of service.

2. The investigative file provided and accepted into evidence establishes the facts alleged in the Administrative Complaint.

3. The Board adopts as its finding of facts the allegations of fact in the Administrative Complaint.

#### CONCLUSIONS OF LAW

1. Failure to timely respond to a properly served Administrative Complaint constitutes a waiver of the right to elect a hearing involving disputed issues of material fact pursuant to Section 120.57(1), Florida Statutes.

2. The established facts constitute the violations set forth in the Administrative Complaint, which are adopted and incorporated by reference as the conclusions of law in this case and for which the Board may impose discipline.

3. The Board is empowered by Sections 455.227 and 471.033, Florida Statutes, to impose a penalty against the Respondent. Therefore, it is

#### ORDERED AND ADJUDGED:

1. Respondent's Florida Professional Engineering License, No. PE 42289 is REPRIMANDED.

2. Respondent's Florida Professional Engineering License, No. PE 42289 SUSPENDED until reinstated by the Board.

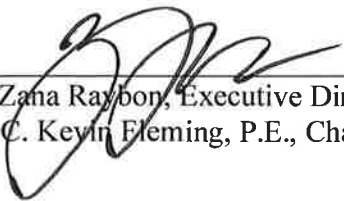
3. Prior to reinstatement of the suspended license, Respondent shall comply with the following:

- a. Respondent shall pay an administrative FINE of Five Hundred Dollars (\$500.00) and administrative COSTS in the amount of Eighty-Seven Dollars and seventy-five cents (\$87.75);
- b. Respondent shall take and pass the Board's Laws and Rules Study Guide;
- c. Respondent shall take and pass the Auburn University Online Professional Development Course "Engineering Ethics and Professionalism," Course No. V10F-21;
- d. Respondent shall submit documentation of compliance with ALL continuing education requirements; and
- e. Respondent shall Petition for Reinstatement, and shall personally appear before the Board at the meeting where the Petition is considered.

This 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.

**BOARD OF PROFESSIONAL ENGINEERS**

  
By Zana Raybon, Executive Director  
for C. Kevin Fleming, P.E., Chair

**NOTICE OF RIGHT TO JUDICIAL REVIEW**

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA

STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

**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 **Roy Spiker, P.E.** 805 South Laurel Avenue, Adel, Georgia 31620; by interoffice mail to **John J. Rimes, FEMC**, 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303 and **Board of Professional Engineers**, 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303; and by electronic mail to **Lawrence D. Harris**, Senior Assistant Attorney General, [Lawrence.Harris@myfloridalegal.com](mailto:Lawrence.Harris@myfloridalegal.com) this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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**FILED**  
**Florida Engineers**  
**Management Corporation**  
07/20/2020 **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 **7/20/2020**  
File #

FLORIDA BOARD OF PROFESSIONAL  
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2020010464

ROY A. SPIKER, P.E.,

Respondent,

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**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 ROY A. SPIKER, 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 42289. Respondent's last known address is 805 South Laurel Avenue, Adel, Georgia 31620.

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 14, 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. Respondent responded to the Memo on September 20, 2019.

6. Upon review of the information provided by Respondent, it was clear that, when Respondent renewed the PE license on February 14, 2019, Respondent had not completed the any of the CE Courses required for renewal as provided in Section 471.017(3), Florida Statutes.

7. In fact, Respondent did not complete the CE Courses until August and September of 2019. 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 20 day of July \_\_\_\_\_, 2020.

Zana Raybon  
Executive Director



John Rimes: Jul 17, 2020 08:30 EDT

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: July 08, 2020  
PCP Members: MATTHEWS, FLEMING & DRURY

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Roy A. Spiker, P.E. at 805 South Laurel Avenue, Adel, Georgia 31620, by certified mail and First Class U. S. Mail, on the 22 of July, 2020.



Rebecca Valentine, Paralegal