

**FILED**  
Florida Engineers Management Corp  
CLERK Rebecca Valentine  
DATE 11/05/2021

<b>FILED</b>	
Department of Business and Professional Regulation	
Senior Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	11/5/2021
File #	2021-08207

**STATE OF FLORIDA  
BOARD OF PROFESSIONAL ENGINEERS**

**FLORIDA BOARD OF PROFESSIONAL  
ENGINEERS,**

Petitioner,  
v.

FEMC CASE NO.: 2020037566  
LICENSE NO.: PE 49262

**SAM COLE, P.E.**

**Respondent.**

**FLORIDA BOARD OF PROFESSIONAL  
ENGINEERS,**

Petitioner,  
v.

FEMC CASE NO.: 2020037576

**Structural and Site Engineering, LLC**

**Respondent.**

**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 October 14, 2021, by Videoconference, for a consolidated hearing regarding the Administrative Complaints (attached hereto as Exhibit A) in the above-styled causes. Petitioner was represented by John J. Rimes, Chief Prosecuting Attorney. Neither Respondent was present and neither was 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 Respondents Motions for Determination that Respondent forfeited rights 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. Respondents failed to respond to the Motions.

After consideration of the Motions, the Board finds that Respondents failed to respond to the served Administrative Complaints 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. Respondents were properly served with copies of the Administrative Complaints and did not file a response within 21 days of service.
2. The investigative files provided and accepted into evidence established the facts alleged in the Administrative Complaints.
3. The Board adopts as its finding of facts in each case the allegations of fact in the Administrative Complaints.

### 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 respective Administrative Complaints, which are adopted and incorporated by reference as the conclusions of law in these cases 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 Respondents. Therefore, it is

**ORDERED AND ADJUDGED:**


1. With Respect to Case No. 2020037566, Respondent SAM COLE, P.E.'s Florida Professional Engineering License, No. PE 49262 is REVOKED.

2. With Respect to Case No. 2020037576, Respondent Structural and Site Engineering, LLC is assess an administrative fine of Five Thousand Dollars (\$5,000.00), to be paid within thirty (30) days of the date of this Order.

This Order shall take effect upon being filed with the Clerk of the Department of Business and Professional Regulation.

**DONE AND ORDERED** this 29 day of October, 2021.

**BOARD OF PROFESSIONAL ENGINEERS**

  
By Zana Kaybon, 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 **Sam Cole**, 1120 Pinellas Bayway, Unit #210, Tierra Verde, Florida 33715; by interoffice mail to **John J. Rimes, FEMC**, 2400 Mahan Dr, Tallahassee, Florida 32308 and **Board of Professional Engineers**, 2400 Mahan Dr, Tallahassee, Florida 32308; and by electronic mail to **Lawrence D. Harris**, Senior Assistant Attorney General, [Lawrence.Harris@myfloridalegal.com](mailto:Lawrence.Harris@myfloridalegal.com) this 5 day of November, 2021.

Rebecca Valente

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

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

**STATE OF FLORIDA  
FLORIDA BOARD OF PROFESSIONAL ENGINEERS**

**FLORIDA BOARD OF PROFESSIONAL  
ENGINEERS,**

**Petitioner,**

**v.  
SAM COLE, PE (SUSPENDED) &  
STRUCTURAL AND SITE  
ENGINEERING, LLC  
Respondent,**

**FEMC Case Nos. 2020037566, 2020037576**

**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 SAM COLE, PE (SUSPENDED) & STRUCTURAL AND SITE ENGINEERING, LLC., hereinafter referred to as "Respondents." 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 Sam Cole is, and has been at all times material hereto, a suspended licensed professional engineer in the State of Florida, having been issued license number PE 49262 (Suspended). Respondent Structural and Site Engineering, LLC at all times material hereto was not registered as an engineering firm as required by Section 471.023, Florida Statutes. Respondents last known address is 1120 Pinellas Bayway, Unit #210Tierra Verde, Florida 33715.

3. A Final Order was entered by the Board on July 16, 2019 in FEMC Case 2018000206. The Final Order SUSPENDED Respondent Cole's Professional Engineer License until Respondent appeared before the Board and further action was taken by the Board. That SUSPENSION has continued to the present date.

4. Respondent, Structural and Site Engineering, LLC, offers engineering services and uses the title "Structural ... Engineering. Respondent, Structural and Site Engineering, LLC, has never been registered as an engineering firm as required by Section 471.023, Florida Statutes. As a result Respondent, Structural and Site Engineering, LLC, has violated Section 471.031(1), Florida Statutes.

5. On July 6, 2020 Respondent Cole sent an email to the Board. The title block of the email stated:

Sam Cole, P.E. (FL. P.E. #49262)  
STRUCTURAL AND SITE ENGINEERING, LLC (FL. C of A #26218)  
1120 Pinellas Bayway, Unit #210  
Tierra Verde, FL 33715  
Tel: 727-363-9595  
Fax: 727-363-9597  
Cell: 727-458-6685  
Email: [samcolepe@gmail.com](mailto:samcolepe@gmail.com)

6. Respondent Cole's use of the title PE and the utilization of Respondent's suspended license number in the July 6, 2020 email constitutes the practice of engineering on a suspended license.

7. The presentation of the Respondent's firm name Structural and Site Engineering, LLC in the July 6, 2020 email constitutes the offering of engineering services by that entity and requires that the entity be registered with the Board as provided in Section 471.023(1), Florida Statutes. Respondent, Structural and Site Engineering, LLC, is not registered with the Board and, as a result, a Notice to Cease & Desist was sent to Respondent by letter dated August 10, 2020. Respondent has not complied with the Notice and is still not registered with the Board.

**CASE NUMBER 2020037566**

8. Section 471.031(1)(e), Florida Statutes, provides in material part that "[a] person may not: (e) Use or attempt to use a license that has been suspended, revoked, or placed on inactive or delinquent status."

9. The July 6, 2020 email is an attempt to utilize Respondent's license which was suspended and therefore was practicing engineering on a suspended license in violation of Section 471.031(1)(e), Florida Statutes.

10. Sections 471.033(1)(a) and (i), Florida Statutes, provide: "(1) [t]he following acts constitute grounds for which the disciplinary actions...may be taken: (a)[v]iolating any provision of ... s. 471.031; ... (i) Practicing on a ... suspended license."

11. Based upon the foregoing, Respondent, by offering his professional engineering services to the public and by utilizing the PE license while Respondent's license was suspended, is subject to discipline by violating Sections 471.033(1)(a) and 471.033(1)(e), Florida Statutes.

**CASE NUMBER 2020037576**

12. Section 455.228(1), Florida Statutes, provides in material part:

(1) When the [Department of Business and Professional Regulation] has probable cause to believe that any person not licensed by the department, or the appropriate regulatory board within the department, has violated any provision of this chapter or any statute that relates to the practice of a profession regulated by the department, or any rule adopted pursuant thereto, ... the department may impose an administrative penalty not to exceed \$5,000 per incident pursuant to the provisions of chapter 120 ....”

13. Section 471.038(5), Florida Statutes, provides in material part: “[n]otwithstanding ss. 455.228 and 455.2281, the duties and authority of the department to receive complaints and to investigate and deter the unlicensed practice of engineering are delegated to the [Board of Professional Engineers].” As a result, the Board is authorized to impose the administrative penalty described in Paragraph 12.

14. Section 471.033(1)(a) provides the following:(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken: (a) Violating any provision of s. 455.227(1), s. 471.025, or s. 471.031, or any other provision of this chapter or rule of the board or department. By offering engineering services without having complied with the requirements of Section 471.023, Florida Statutes, Respondent Structural and Site Engineering, LLC, has violated Sections 471.023 and 471.031, Florida Statutes.


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 Sam Cole, P.E.(Suspended) 1120 Pinellas Bayway, Unit #210Tierra Verde, Florida 33715, by certified mail and First Class U. S. Mail, on the 4 of February, 2021.

  
Rebecca Valentine, Paralegal