

**FILED**  
Florida Engineers Management Corp  
CLERK Rebecca Valente  
DATE 01/27/2022

<b>FILED</b>	
Department of Business and Professional Regulation	
Senior Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	1/27/2022
File #	2022-00564

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

FLORIDA BOARD OF PROFESSIONAL  
ENGINEERS,

Petitioner,

v.

FEMC CASE NO.: 2021011949

P.E. LICENSE NO.: PE 58317

FRANKLIN PAJARO, P.E.

Respondent.

**FINAL ORDER REVOKING LICENSE**

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 December 8, 2021, in Tallahassee, Florida, for consideration of 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 NOR 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.

Petitioner has filed and properly served upon Respondent an Administrative Complaint; within the time period allowed by law, Respondent filed an Election of Rights NOT disputing material facts and requesting a section 120.57(2) Informal Hearing.

After consideration Respondent's Request 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 properly filed 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 Statement of Undisputed Material Facts, Pages 1 – 4 of which are attached hereto in fully incorporated herein by reference.

#### CONCLUSIONS OF LAW

1. 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.

2. The Board adopts the legal allegations contained in the administrative complaint as the Board's conclusions of law; and find the facts adequately support the charged violation(s) of the practice act and/or board rules; and constitute a violation for which discipline should be imposed.

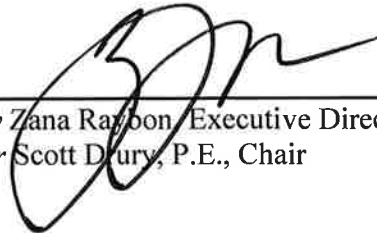
3. The Board is empowered by Sections 455.227 and 471.033, Florida Statutes, to impose a penalty against the Respondent. Therefore, it is

**ORDERED AND ADJUDGED** that Respondent's Professional Engineering License, Number PE 58317, is **REVOKED**.

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

**DONE AND ORDERED** this 14 day of January, 2022.

**BOARD OF PROFESSIONAL ENGINEERS**

  
By Zana Raybon, Executive Director  
for Scott Dury, 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 FLORIDA 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: **Franklin Pajaro, P.E.**, 1202 Colonial Avenue, Wilson, North Carolina, 27896; interoffice mail to: **John J. Rimes**, Chief Prosecuting Attorney, FEMC, 2400 Mahan Drive, Tallahassee, Florida 32308 and **Board of Professional Engineers**, 2400 Mahan Drive, 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 27 day of January, 2022.

  
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**FILED**  
Florida Engineers  
Management Corporation  
8/13/2021 Clerk: Rebecca Valentine

**FILED**  
Department of Business and Professional Regulation  
AGENCY CLERK  
CLERK Ronda L. Bryan  
Date 8/13/2021  
File #

STATE OF FLORIDA  
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL  
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2021011949

FRANKLIN PAJARO, 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 FRANKLIN PAJARO, 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 58317. Respondent's last known address is 1202 Colonial Avenue, Wilson, North Carolina 27896.

3. On December 17, 2017, Respondent, in the Circuit Court for the 7<sup>th</sup> Judicial Circuit, Volusia County Florida (Case # 2016 301316 CFDB), entered a plea of Nolo Contendere to criminal charges of Att. Sexual Battery (Helpless Victim) in violation of Section 794.011, Florida Statutes, and was adjudicated GUILTY. Respondent was required to register as a Sex Offender. The crime is a felony under Florida law. The conviction was based upon an information which charged Respondent with unlawfully forcing a sexual act upon a helpless victim.

4. Respondent was adjudicated guilty by the Court and was sentenced to incarceration for a period of 30 months; plus costs and assessments as applicable, followed by a period of 12.5 years sex offender on probation.

5. Respondent never reported the December 17, 2017 conviction to FEMC or the Board.

6. Section 471.033(1)(d), Florida Statutes, provides “[t]he following acts constitute grounds for which the disciplinary actions in [Section 471.033(3)] may be taken: ...(d) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of engineering or the ability to practice engineering.”

7. Section 471.013(1)(a), Florida Statutes, provides in material part: “A person shall be entitled to take an examination for the purpose of determining whether she or he is qualified to practice in this state as an engineer if the person is of good moral character....” Insofar as being of good moral character is a specific prerequisite to being initially licensed as a Professional Engineer, the maintenance of such good moral character directly relates to the practice of engineering or to the ability to practice engineering.

8. Section 471.033(1)(a), Florida Statutes, provides: “[t]he following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken: (a) Violating any provision of s. 455.227(1),...” Section 455.227(1)(t), Florida Statutes, provides that the license of a professional engineer may be disciplined for “[f]ailing to report in writing to the board or, if there is no board, to the department within 30 days after the licensee is convicted or found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction. A licensee must report a conviction, finding of guilt, plea, or adjudication entered before the effective date of this paragraph within 30 days after the effective date of this paragraph.”

9. In addition to the State of Florida, Respondent holds a license as a Professional Engineer in North Carolina. As such, Respondent’s North Carolina PE license was subject to discipline due to the conviction described in Paragraph Three (3).

10. Section 471.033(1)(c), Florida Statutes, states: “(1)The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken: (c) Having a license to practice engineering revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country, for any act that would constitute a violation of this chapter or chapter 455.”

11. By Order dated April 1, 2019 in (Case #V2018-077) Respondent’s North Carolina PE license was disciplined by the North Carolina Board of Examiners for Engineers and Surveyors (North Carolina Board) based upon the above described conviction which violated N.C.G.S. 89C-21(a)(3) by being found guilty of a crime involving moral turpitude; by failing to notify the North Carolina Board of criminal conviction within 30 days [Rule .050(a)]; and by submitting false information on a business firm renewal form [N. C. G. S. 89C-23, .0701(d)(1)]. Respondent’s North Carolina PE license was REVOKED.

### COUNT I

13. Petitioner realleges and incorporates Paragraphs One (1) through Seven (7) as if fully set forth in this Count One.

14. By being found guilty of violating Section 794.011, Florida Statutes, Respondent was found guilty of committing a crime of moral turpitude and thus has not maintained the good moral character required of a Professional Engineer. As a result, Respondent's conviction directly relates to the Respondent's practice of engineering and to Respondent's ability to practice engineering.

15. Based upon the foregoing, Respondent is charged with violating Section 471.033(1)(d), Florida Statutes.

### COUNT II

16. Petitioner realleges and incorporates Paragraphs One (1) through Eight (8) as if fully set forth in this Count Two.

17. Respondent failed to report the December 17, 2017 conviction to FEMC or the Board within 30 days as required by Section 455.227(1)(t), Florida Statutes.

18. Based on the foregoing, Respondent is charged with violating Section 471.033(1)(a), Florida Statutes, by violating the provisions of Section 455.227(1)(t), Florida Statutes.

### COUNT III

19. Petitioner realleges and incorporates Paragraphs One (1) through Twelve (12) as if fully set forth in this Count Three.

20. The action of the North Carolina Board as set out in the April 1, 2019 Order constitutes discipline of Respondent's North Carolina PE license for acts which would constitute

violations of Chapter 471 and the Rules promulgated thereto if those actions had occurred in Florida.

21. Based on the foregoing, Respondent is charged with violating Section 471.033(1)(c), Florida Statutes, by having Respondent's "license to practice engineering ... acted against ... by the licensing authority of another state, territory, or country, for any act that would constitute a violation of [Chapter 471]."

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 July, 2021.

Zana Raybon  
Executive Director



John Rimes (Jul 26, 2021 08:53 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

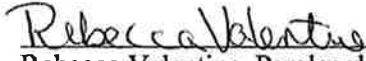


PCP DATE: July 14, 2021

PCP Members: MATTHEWS, ALBERGO & PEPPER

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Franklin Parajo, P.E. at 1202 Colonial Avenue, Wilson, North Carolina 27896, by certified mail and First-Class U. S. Mail, on the 13 of August, 2021.

  
Rebecca Valentine, Paralegal

STATE OF FLORIDA  
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL  
ENGINEERS,

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FEMC Case No. 2021011949

FRANKLIN PAJARO, P.E.,

Respondent,

\_\_\_\_\_ /

STATEMENT OF UNDISPUTED MATERIAL FACTS

Petitioner, Florida Engineers Management Corporation ("FEMC"), on behalf of the Florida Board of Professional Engineers ("FBPE" or "Board") and Respondent, Franklin Pajaro, P.E. ("Respondent"), hereby submit the following Statement of Undisputed Material Facts ("SUMF"). The undisputed material facts contained herein form the only factual basis upon which a determination of whether Respondent violated the provisions of Chapter 471, Florida Statutes, and Chapter 61G15, Florida Administrative Code (which were charged in the Administrative Complaint that was filed in this case on August 13, 2021) may be made by the Board. Notwithstanding the abovementioned limitations on the facts that may be discussed before the Board, Petitioner and Respondent will be permitted to offer information in addition to that set forth herein in the furtherance of mitigation or aggravation of any penalty which may be imposed by the Board. Petitioner and Respondent will also be permitted to proffer any legal argument to the Board that addresses the Board's determination as to whether any violation of Chapter 471, Florida Statutes, and Chapter 61G15, Florida Administrative Code, has occurred.

The Parties hereby also agree that by entering into this Statement of Undisputed Material Facts they jointly waive any right to a formal hearing under the provisions of Section 455.225(5), Florida Statutes, which provides in material part that "... if any party raises an issue of disputed fact during an

informal hearing, the hearing shall be terminated and a formal hearing pursuant to chapter 120 shall be held.”

The Undisputed Material Facts in this case are as follows:

1. FBPE is charged with regulating the practice of engineering pursuant to Chapter 455, Florida Statutes. The above-referenced Administrative Complaint was filed by the FEMC on behalf of FBPE. 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 58317. Respondent’s last known address is 1202 Colonial Avenue, Wilson, North Carolina 27896.

3. On December 17, 2017, Respondent, in the Circuit Court for the 7<sup>th</sup> Judicial Circuit, Volusia County Florida (Case # 2016 301316 CFDB), entered a plea of Nolo Contendere to criminal charges of Att. Sexual Battery (Helpless Victim) in violation of Section 794.011, Florida Statutes, and was adjudicated GUILTY. Respondent was required to register as a Sex Offender. The crime is a felony under Florida law. The conviction was based upon an information which charged Respondent with unlawfully forcing a sexual act upon a helpless victim.

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5. Respondent never reported the December 17, 2017 conviction to FEMC or the Board.

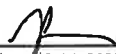
6. In addition to the State of Florida, Respondent holds a license as a Professional Engineer in North Carolina. As such, Respondent’s North Carolina PE license was subject to discipline due to the conviction described in Paragraph Three (3).

7. By Order dated April 1, 2019 in (Case #V2018-077) Respondent's North Carolina PE license was disciplined by the North Carolina Board of Examiners for Engineers and Surveyors (North Carolina Board) based upon the above described conviction which violated N.C.G.S. 89C-21(a)(3) by being found guilty of a crime involving moral turpitude; by failing to notify the North Carolina Board of criminal conviction within 30 days [Rule .050(a)]; and by submitting false information on a business firm renewal form [N. C. G. S. 89C-23, .0701(d)(1)]. Respondent's North Carolina PE license was REVOKED.


8. The Attached Judgement and Sentence dated on December 19, 2017, is a true and correct copy of the document on file with the Volusia County Clerk of Court in Case No: 2016 301316 CFDB., and attached hereto as Exhibit 1

10. The Attached Order/Final Judgement dated on December 19, 2017, is a true and correct copy of the document on file with the Volusia County Clerk of Court in Case No: 2016 301316 CFDB, and attached hereto as Exhibit 2

11. The Attached cover letter and Decision and Order from North Carolina Board of Examiners for Engineers and Surveyors, is a true and correct copy of the document on file with the North Carolina Board of Examiners for Engineers and Surveyors in Case No: V2018-077, and attached hereto as Exhibit 3

  
John Rimes (Oct 1, 2021 09:58 EDT)

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