

FILED  
Florida Engineers Management Corp  
CLERK Rebecca Valentin  
DATE 6/27/2022

**FILED**  
Department of Business and Professional Regulation  
Senior Deputy Agency Clerk  
CLERK: Brandon Nichols  
Date: 6/27/2022  
File #: 2022-05220

**STATE OF FLORIDA  
BOARD OF PROFESSIONAL ENGINEERS**

FLORIDA BOARD OF  
PROFESSIONAL ENGINEERS,

Petitioner,

v.

CASE NO.: 2021056562  
LICENSE NO.: PE 35572

JUAN MARTINEZ, Ph.D, P.E.,

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 June 9, 2022, in Orlando, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause. At the hearing, Petitioner was represented by John J. Rimes, III, Prosecuting Attorney. Respondent was NOT present and was NOT represented by legal counsel.

**FINDINGS OF FACT.**

1. The Administrative Complaint was properly served.
2. Respondent responded to service of the Administrative Complaint with a responsive pleading waiving the right to a hearing involving disputed issues of material fact. Accordingly, there are no material facts in dispute.
3. The investigative file provided and accepted into evidence without objection establishes the facts alleged in the Administrative Complaint.
4. The facts set forth in the Administrative Complaint are hereby adopted and incorporated by reference as the facts of this case.

## CONCLUSIONS OF LAW

5. As Respondent has waived the right to an administrative hearing, a section 120.57(2) F.S. hearing NOT involving disputed issues of material fact is warranted, and such is convened by the Board.

6. The admitted 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.

7. There is competent, substantial evidence to support the findings of facts and conclusions of law. It is, therefore

ORDERED AND ADJUDGED that:

1. Respondent's Florida PE license shall be REPRIMANDED.
2. Respondent's Florida PE License No. PE 35572 is SUSPENDED until reinstated by the Board. Reinstatement shall be conditioned on the following:
  - a. Respondent shall submit documentation of compliance with all Continuing Education requirements for the prior licensure renewal biennium;
  - b. Respondent shall pay to the Board an administrative fine of One Thousand Dollars (\$1,000.00) and costs in the amount of Sixty-Eight Dollars and twenty-five cents (\$68.25);
  - c. Respondent shall complete and pass the Board's Study Guide;
  - d. Respondent shall take and pass the Auburn University Online Professional Development Course "Engineering Ethics and Professionalism," Course No. V10F-21, and provide documentation thereof to the Board office;
  - e. Respondent shall petition, in writing, for termination of suspension, and shall


personally appear before the board, in-person, at the meeting where the request to terminate the suspension and reinstate the license to active status is considered.

3. A change in licensure status, including revocation or relinquishment of the license does not relieve Respondent of the obligation to pay any fines or costs imposed in 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 27 day of June,

2022.

**FLORIDA BOARD OF PROFESSIONAL ENGINEERS**  
  
By Zana Raybon, Executive Director  
For Scott Drury, 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 **Juan Martinez, Ph.D., PE**, 6725 SW 110<sup>th</sup> Street, Miami FL 33156; electronic mail to **Lawrence D. Harris**, Senior Assistant Attorney General,

[lawrence.harris@myfloridalegal.com](mailto:lawrence.harris@myfloridalegal.com); and by interoffice mail to **Board of Professional Engineers**, 2400 Mahan Drive, Tallahassee, FL 32308 this 28 day of June, 2022.

Rebecca Valent

FILED  
Florida Engineers Management Corp  
CLERK Rosemary Valdes  
DATE 03/29/2022

FILED	
Department of Business and Professional Regulation	
Deputy Agency Clerk	
CLERK	Evelle Lawson-Proctor
Date	3/29/2022
File #	

STATE OF FLORIDA  
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL  
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2021056562

JUAN R. MARTINEZ, 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 JUAN R. MARTINEZ, 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 35572. Respondent's last known address is 6725 SW 110 Street, Miami, Florida 33156.

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, 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.

4. Respondent renewed Respondent’s Professional Engineer license on February 25, 2021 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 November 1, 2021, Respondent was provided with a Memo advising Respondent that Respondent was selected to participate in the audit process. Respondent responded to the Memo on November 4, 2021.

6. Upon review of the information provided by Respondent, it was clear that, when Respondent renewed the PE license on February 25, 2021, Respondent lacked all of the CE Courses required for renewal as provided in Section 471.017(3), Florida Statutes, except for the Laws & Rules Course and the Ethics Course .

7. In fact, to date Respondent has still not completed the remaining required CE Courses. 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, 2021.

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 29th day of March, 2022.

Zana Raybon  
Executive Director

  
BY: John J. Rimes, III  
Prosecuting Attorney

**COUNSEL FOR FEMC:**

John J. Rimes, III  
Prosecuting Attorney  
Florida Engineers Management Corporation  
2400 Mahan Dr.  
Tallahassee, Florida 32308  
Florida Bar No. 212008  
JR/rv  
PCP DATE: March 16, 2022  
PCP Members: MATTHEWS, ALBERGO & PEPPER

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Juan R. Martinez, P.E. at 6725 SW 110 Street, Miami, Florida 33156, by certified mail and First-Class U. S. Mail, on the 30 of March, 2022.

  
Rebecca Valentine, Paralegal