

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 #: 2022-05219

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

FLORIDA BOARD OF PROFESSIONAL  
ENGINEERS,

Petitioner,

v.

FEMC CASE NO.: 2019050155

TERRY NOLAN

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. 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.

**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.

4. There is competent, substantial evidence to support the Board's findings of fact and conclusions of law. Therefore, it is


**ORDERED AND ADJUDGED that Respondent is assessed an Administrative Fine of Five Thousand Dollars (\$5,000) and Administrative Costs of Two Hundred Ninety-Seven Dollars and fifty cents (\$297.50), both to be paid within thirty (30) days of the**

**date of 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.

**BOARD OF PROFESSIONAL ENGINEERS**

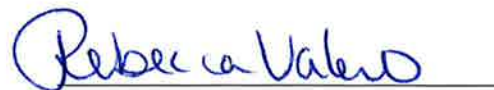
  
By Zana Raybon, Executive Director  
for Scott Drury, P.E., Chair

**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: **Terry Nolan**, 2920 US 19 ALT, #151, Dunedin FL 34698; 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 28 day of June, 2022.



FILED

Florida Engineers Management Corp

CLERK Rebecca Valentine

DATE 9/27/2021

STATE OF FLORIDA  
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FILED	
Department of Business and Professional Regulation	
Deputy Agency Clerk	
CLERK	Evette Lawson-Proctor
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FLORIDA BOARD OF PROFESSIONAL  
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2019050155

TERRY NOLAN,

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 TERRY NOLAN, 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 not at present and never has been a licensed professional engineer in the State of Florida. Respondent's last known address is Florida Drafting and Design, 34931 US

Hwy 19 North, Suite 103, Palm Harbor, Florida 34684. Respondent is the owner of Florida Drafting and Design.

3. Respondent offers services to the public through a website at [www.floridadraftingservices.com](http://www.floridadraftingservices.com). The website states that Florida Drafting and Design offers Mechanical Engineering Design as follows:

**Florida Drafting and Design Services of Tampa Bay, Mechanical Design Services, CAD Drafting Services – Veteran Owned USA, Reverse Engineering New Product Design**

CAD Drafting and Design Services, New Product Design Services and Reverse Engineering Mechanical Drafting Services Veteran Owned Small Business SolidWorks Model Design, 3D Design Modeling Services, AutoCAD Civil 3D Drafting

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**Florida Drafting and Design Services – Mechanical Design Services – Engineering CAD Drafting Services Tampa Bay – Solidworks 3D Modeling – Civil 3D Site Design – Certified Disabled Veteran Owned Small Business**

**Florida Drafting and Design Services, Veteran Owned, Civil 3D Design Services, Land Development Site Design Consulting Services and Mechanical Engineering Design & Reverse Engineering Services of Tampa Bay**

Thank you for visiting our website. We have been in business for over 30 years. We provide the best service to our clients. We are not Architects and do not do Architectural Design. We are a Professional Engineering Firm. We are a Veteran Owned Small Business.

CAD Drafting and Design, New Product Design Services, Land Development and Site Design Consulting, Reverse Engineering Services, 3D Modeling Services, CAD Outsourcing, Mechanical Engineering Services, Mechanical Design and Drafting, Reverse Engineering and Drafting Services, AutoCAD Civil 3D Outsourcing and Design Services

Disabled Veteran Owned Florida CAD Drafting and Design Services of Tampa Bay provides all of your CAD Outsourcing Services with SolidWorks and AutoCAD. Mechanical Engineering Drafting and Design, Reverse Engineering Services, Rapid Prototyping, 3D Scanning, Civil 3D, Engineering Consulting, Land Development (LDC) Technical Drawings and Visualization ready from Conceptual Studies to 100% Design Plans sets and much more. We also provide in Plant to CAD Conversions, 3D Interference Checking and Drafting and Design Services, Project Delivery, Drafting Services, Technical Illustrations and more.

No Job is too big or too small. We take great pride in the quality of our work to and our clients to help maximize their productivity and savings.

We are Florida Drafting Services of Tampa Bay. We have over 30 years of AutoCAD Drafting Services experience in the Tampa Bay area and are available in the form of Mechanical Engineering and Design, Reverse Engineering and Drafting Services. We are a Veteran Owned Small Business.

4. Section 471.031(1)(b)1, Florida Statutes, prohibits the use of that term except by a Professional Engineer or a registered engineering firm “...A person may not...(b)1. Except as provided in subparagraph 2. or subparagraph 3., use the name or title “professional engineer” or any other title, designation, words, letters, abbreviations, or device tending to indicate that such person holds an active license as an engineer when the person is not licensed under this chapter, including, but not limited to, the following titles... “mechanical engineer,....”

5. On May 3, 2021, Respondent was served with an Amended Notice to Cease and Desist the use of the term Mechanical Engineering Design on the website set out in Paragraph 4 herein. Respondent has taken no action to remove the term from the website.

6. 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 ....”

7. 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 6.


8. Section 471.033(1)(a), Florida Statutes, provides in material part: (1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken: (a) [v]iolating any provision of ...s. 471.031.” By Respondent’s continuation of the use of the term Mechanical Engineering Design after being served with the Amended Notice to Cease and Desist, Respondent violated the provisions of Section 471.031(1)(b)1.

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 27th day of September, 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: September 08, 2021  
PCP Members: MATTHEWS, VARGHESE & HAHN

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Terry Nolan at Florida Drafting and Design, 34931 US Hwy 19 North, Suite 103, Palm Harbor, Florida 34684, by certified mail and First-Class U. S. Mail, on the 28 of September, 2021.

  
Rebecca Valentine, Paralegal