

FILED

Florida Engineers Management Corp

CLERK

Rebecca Valentine

DATE

9/11/2022

FILED
Department of Business and Professional Regulation
Senior Deputy Agency Clerk
CLERK: Brandon Nichols
Date: 9/1/2022
File #: 2022-07228

**STATE OF FLORIDA
BOARD OF PROFESSIONAL ENGINEERS**

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC CASE NO.: 202103434
LICENSE NO.: PE 82996

JAN HARTMAN, 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 August 11, 2022, in Orlando, Florida, 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.

1. The Administrative Complaint was properly served on Respondent.
2. Respondent requested a hearing not involving disputed issues of material fact pursuant to section 120.57(2), F.S.
3. The facts set forth in the Statement of Undisputed Material Facts (Pages 1 through 3, attached Exhibit 1 Pages 1 – 5, and Mr. Hartman’s January 25, 2022 Addendum Pages 1 – 5 and May 31, 2022 Addendum Two Pages 1 & 2) those pages and portions of which are attached hereto as Exhibit B and are hereby adopted and incorporated by

reference as the facts of this case.

4. 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. It is, therefore

ORDERED AND ADJUDGED:

1. Respondent's Florida Professional Engineering License, No. PE 82996, is SUSPENDED FOR FIVE (5) YEARS AND UNTIL SUBSEQUENTLY REINSTATED by the Board.

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

a. Respondent shall pay an administrative FINE of One Thousand Dollars (\$1,000.00) and administrative COSTS in the amount of One Hundred Forty-Two Dollars and thirty-five cents (\$142.35);

b. Respondent shall Petition for Reinstatement in writing and shall personally appear before the Board at the meeting where the Petition is considered.

c. At that meeting, Respondent shall demonstrate the ability to resume the practice of engineering in Florida with reasonable skill and safety to the public. Documentation of ongoing substance abuse and psychological counseling may be necessary for Respondent to demonstrate such;

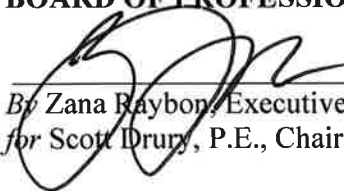
d. Upon Reinstatement, the Board retains jurisdiction to impose such conditions on the Respondent's license as are reasonable and necessary to ensure the protection of the public, including but not limited to, a restriction on practice or probation with terms.

This Order shall take effect upon being filed with the Clerk of the Department of

Business and Professional Regulation.

DONE AND ORDERED this 1 day of September, 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 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 **Jan Hartman, P.E.**, 1013 Hughes Drive, #6, Hamilton Square, New Jersey 08690; by interoffice mail to **John J. Rimes, 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 this 2 day of September, 2022.



Exhibit A

FILED

Florida Engineers Management Corp

CLERK

Rebecca Valentine

DATE

11/29/2021

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FILED	
Department of Business and Professional Regulation	
Deputy Agency Clerk	
CLERK	Evette Lawson-Proctor
Date	11/29/2021
File #	

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2021034341

JAN J. HARTMAN, 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 JAN J. HARTMAN, 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 82996. Respondent's last

Exhibit A

known addresses are SBI #000533503E, Adult Diagnostic and Treatment Center, PO Box 190, Avenel, NJ 07001 and 1013 Hughes Drive #6, Hamilton Square, New Jersey 08690.

3. On June 3, 2019 Respondent pled GUILTY in the Superior Court of New Jersey, MERCER County (Case #18 002146-001), to a violation of Section 2C:24-4B(5)BII, 2nd Degree, New Jersey Statutes Annotated, which states in material part that: A person commits a crime of the second degree if he knowingly possesses, knowingly views, or knowingly has under his control, through any means, including the Internet, at least 1,000 but less than 100,000 items depicting the sexual exploitation or abuse of a child. Respondent was adjudicated GUILTY.

4. Respondent was sentenced on February 28, 2020 as follows: Defendant is hereby committed to the custody of the Commissioner of the Department of Corrections at Avenel for a term of five (5) years. The sentence imposed is to run concurrent with any possible Federal sentence. Defendant is to comply with the requirements of Megan's Law and Parole Supervisions for Life.

5. 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."

6. 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

Exhibit A

Engineer, the maintenance of such good moral character directly relates to the practice of engineering or to the ability to practice engineering.

7. By being found guilty of violating Section 2C:24-4B(5)BII, Respondent was found guilty of violating 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.

8. As part of Respondent's sentence Respondent was placed on supervised probation for life and to comply with Megan's Law requirements for sex offenders.

9. The foregoing terms of supervised Probation directly and materially affect Respondent's ability to practice engineering in that the terms would materially limit Respondent's ability to perform the tasks expected of a Professional Engineer. Therefore, Respondent's conviction, in light of the penalties imposed upon Respondent, directly relates to the practice of engineering or the ability to practice engineering by precluding Respondent from adequately performing duties required of a Professional Engineer.

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

Exhibit A

SIGNED this 29th day of November, 2021.

Zana Raybon
Executive Director

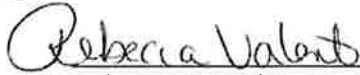

BY: John J. Rimes, III
Prosecuting Attorney

COUNSEL FOR FEMC:

John J. Rimes, III
Prosecuting Attorney
Florida Engineers Management Corporation
2400 Mahan Dr.
Tallahassee, Florida 32308
Florida Bar No. 212008
JR/rv
PCP DATE: November 09, 2021
PCP Members: MATTHEWS, ALBERGO & PEPPER

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Jan J. Hartman, P.E., P.E. at SBI#000533503E, Adult Diagnostic and Treatment Center, PO Box 190, Avenel, NJ 07001 and 1013 Hughes Drive #6, Hamilton Square, New Jersey 08690, by certified mail and First-Class U. S. Mail, on the 30 of November, 2021.


Rebecca Valentine, Paralegal

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2021034341

JAN J. HARTMAN, 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, Jan J. Hartman, 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 November 29, 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

Exhibit B

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 82996. Respondent’s last known addresses are SBI #000533503E, Adult Diagnostic and Treatment Center, PO Box 190, Avenel, NJ 07001 and 1013 Hughes Drive #6, Hamilton Square, New Jersey 08690.

3. On June 3, 2019 Respondent pled GUILTY in the Superior Court of New Jersey, MERCER County (Case #18 002146-001), to a violation of Section 2C:24-4B(5)BII, 2nd Degree, New Jersey Statutes Annotated, which states in material part that: A person commits a crime of the second degree if he knowingly possesses, knowingly views, or knowingly has under his control, through any means, including the Internet, at least 1,000 but less than 100,000 items depicting the sexual exploitation or abuse of a child. Respondent was adjudicated GUILTY.

4. Respondent was sentenced on February 28, 2020 as follows: Defendant is hereby committed to the custody of the Commissioner of the Department of Corrections at Avenel for a term of five (5) years. The sentence imposed is to run concurrent with any possible Federal sentence. Defendant is to comply with the requirements of Megan’s Law and Parole Supervisions for Life.

Exhibit B

5. By being found guilty of violating Section 2C:24-4B(5)BII, Respondent was found guilty of violating 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.

6. As part of Respondent's sentence Respondent was placed on supervised probation for life and to comply with Megan's Law requirements for sex offenders.

7. The Attached Letter from Jan Hartman dated July 09, 2021, is a true and correct copy of the document on file Florida Board of Professional Engineers, and attached hereto as Exhibit 1

8. The Attached Criminal Information dated on July 27, 2021, is a true and correct copy of the document on file with Florida Board of Professional Engineers, and attached hereto as Exhibit 2.

9. Agreed upon statement of Respondent:

"The Respondent acknowledges that in accepting licensure in Florida, he has accepted and is bound by all the Rules and Laws of the State pertaining to the practice of professional engineering in the State (or for works located within the Sate). The Respondent acknowledges also that those Rules and Laws include (but are not limited to) F.S. 471.033(1)(a) and Rules 61G15-19.001(6)(s). The Respondent further acknowledges that h had not at all times in his private personal life prior to January 2018 maintained the degree of high moral character required of licensed Florida professional engineers under those same Rules and Laws"(sic)

John J. Rimes III
Florida Bar Number 212008
Prosecuting Attorney for the
Florida Engineers Management Corporation
2400 Mahan Dr.
Tallahassee, Florida 32308
(850) 521-0500

Jan Hartman, P.E.
1013 Hughes Drive #6
Hamilton Square, New Jersey 08690

Jan J. Hartman
Florida Professional Engineering License No. 82996

Page 1 of 5

Permanent Home Address:
1013 Hughes Drive, #6
Hamilton Square, New Jersey 08690

9 July 2021

Florida Board of Professional Engineers
2639 North Monroe Street, Suite B112
Tallahassee, Florida 32303

RE: 2021 Florida Professional Engineer License Renewal
Jan Jay Hartman, Florida PE License No. 82996

Dear Florida Board of Professional Engineers,

I am enclosing my personal check (No. 866, \$123.75) for PE license renewal fee for renewal of my Florida PE license No. 82996. The check amount includes: \$93.75 renewal fee (for fees paid after 15-Jan-2021, according to my understanding), plus \$5.00 Unlicensed Activity Fee (applied to all renewals, according to my understanding), plus \$25.00 delinquency fee. I have also enclosed the FBPE renewal instructions that were provided to me.

Report of Personal Legal Conviction: With this letter I must also inform the Board of a personal legal conviction that was judged against me in New Jersey Superior Court on 28-Feb-2020. Legal case processing lasted 21 months, from 5-June-2018 until sentencing on 28-Feb-2020. The single final charge against me was for violation of New Jersey Code statute 2C:24-4B(5)BII, classified in the New Jersey code (according to my understanding) as a "Child Endangerment" offense. I pled guilty to that charge. I have enclosed with this letter a copy of a "Judgment of Conviction & Order for Commitment" document of the New Jersey Superior court that provides a certified record of the judgment against me and its circumstances (please see list of enclosed documents below and enclosures).

Term of Incarcerated Treatment: On 28-Feb-2020 I was sentenced to a term of incarceration to be served in a minimum-security mandatory treatment center in New Jersey (address listed below). My incarceration and treatment began on 28-Feb-2020 and is scheduled to end on or about 10-Mar-2022 (slightly less than 9 months after the date of this letter). After release from incarceration and treatment on that date, it is my understanding that I will be subject to participation in an indefinite period of parole supervision.

Jan J. Hartman
Florida Professional Engineering License No. 82996

Permanent Home Address:
1013 Hughes Drive, #6
Hamilton Square, New Jersey 08690

9 July 2021

No Charges Related to Professional Engineering Practice: For the FBPE Board's information, the charges and the circumstances had no connection whatsoever to the practice of my work as a professional engineer, and likewise had nothing to do with any actions taken or behaviors during times when I was working.

Return to Professional Engineering Practice: I do hope very much that upon my release from incarceration and mandatory treatment on or about 10-Mar-2022, I will be permitted by respective licensing boards to return to the practice of professional engineering. Although I have no specific plans to seek any professional engineering work in Florida, nor specific plans to seek for work on projects located in Florida, I do hope very much to be allowed to continue to renew and maintain my Florida professional engineering license. And it is for that reason that I provide this letter and the enclosed documents (please see list of enclosed documents below) for the Board.

No Recent Practice within or For Florida Projects: For the Board's information, during the past several Florida professional engineering license renewal periods, I have worked a professional engineer for Hardesty & Hanover LLC. In that employment I served as a resident engineer with senior responsibility for a number of that company's large construction engineering and inspection work for bridges and highways in New York City. Looking even further back, all of my engineering work for the past 10 years has been performed within the boundaries of and for projects located within the states of New Jersey and New York only. As such, I have performed no professional engineering work in the State of Florida, or for projects located within Florida, for over 10 years as of the date of this letter.

Delay in Obtaining Reporting Documents: I regret that obtaining and providing the enclosed documents has required more than a year of time and effort. Regrettably, I have found that obtaining basic documents from the New Jersey Courts concerning final disposition of my legal case, and obtaining copies of other documents regarding my treatment and therapy work, all exceptionally difficult and time consuming. Difficulties arise, first, from the normal and difficult communication challenges presented by incarceration, even for minimum security treatment incarceration such as mine. However, those normal communication challenges have been then additionally doubled by imposition of unusual COVID-19 pandemic control measures at my treatment facility and within the New Jersey Courts. Those COVID-19 control measures were instituted, coincidentally, in the same week that I arrived at my treatment facility in March 2020. It is for that combination of reasons that gathering and sending the enclosed documents to FBPE has required all of the sixteen months that have passed since I arrived at my treatment facility.

Jan J. Hartman
Florida Professional Engineering License No. 82996

Permanent Home Address:
1013 Hughes Drive, #6
Hamilton Square, New Jersey 08690

9 July 2021

Review Documents Enclosed: With this letter I am forwarding extra documents for the information and use of the Board in evaluating my request to renew and continue licensure. The enclosed review documents provide a summary of the therapy and rehabilitative treatment activities that I voluntarily arranged and undertook during the space of the 25 months of the time between the events of December 2017 that led to my conviction and start of my incarceration on 28-Feb-2020. The documents enclosed are as follows:

- Review Enclosures Part A. Letter of Support – Psychiatrist Providing Treatment in My Case

3 page typewritten letter from Dr. Steven Budoff.
- Review Enclosures Part B. Letters of Support – Excerpts -- Church Pastor and Employer President

1 page typewritten excerpt.
- Review Enclosures Part C. Therapy and Treatment Activity – A 13 page summary of all parts of my overall voluntary therapy and treatment activity undertaken between January 2018 and February 2020. The document enclosed was printed on 20 January 2020, summarizing my program up to that printing date. My Therapy and Treatment Activity included my weekly visits with licensed psychological and psychiatric professional counselors, my community volunteering, my active participation in 12-Step recovery groups, and my voluntary financial contribution by personal donations to charitable causes related to the class of victims associated with my legal case.

This enclosure includes a list of 135 therapy visits had been made as of the 20 January 2020 printing date, encompassing a period of 107 weeks. The 135 therapy visits during those 107 weeks were divided between two different licensed professional psychologists and one licensed professional

Jan J. Hartman
Florida Professional Engineering License No. 82996

Permanent Home Address:
1013 Hughes Drive, #6
Hamilton Square, New Jersey 08690

9 July 2021

psychiatrist. All three of those doctors coordinated together in their work with me. Those doctors each specialize in treating separate respective areas of personal depression and personal addiction disorders of the types that led directly to the charges and conviction in my legal case.

Review Enclosures Part D.

Judgment of Conviction (JOC)

3-page typewritten document reporting details and circumstances of final judgment of New Jersey Superior Court in my personal legal case.

Continuing Education Credits: Prior to the start of my incarceration and mandatory treatment beginning in February 2020, I had maintained required continuing education credits for my professional engineering licenses up to date in all five states in which I am licensed -- namely Florida, Louisiana, New York, New Jersey, and North Carolina. However, gathering additional required continuing education credits since the time of my incarceration has been made exceptionally difficult by the imposition of unusual COVID-19 pandemic control measures at my treatment facility, as already mentioned herein above.

For that reason, I have not succeeded thus far in finding certified continuing education course providers who can provide purely postal self-study courses that my facility can allow and that would allow me to keep my continuing education credits up to date in my licensed states, including Florida, while I await release. I will continue seeking such certified postal providers. However, upon release on or about 10-Mar-2021, I fully intend to immediately undertake a series of certified continuing education courses to become current again in continuation education credit requirements as quickly as possible following release. I will, of course, not practice any professional engineering activities in Florida or any other state or jurisdiction until my continuing education credit status and my licensure status in those respective states will permit me to do so.

Professional Engineering License Status in Other Jurisdictions: For the information of the Florida Board of Professional Engineers in conducting its review of my request to continue licensure and license renewal in their state, I want to report that as of the date of this writing, none of the other 4 states that I am licensed in has revoked or suspended my license privilege in their states because of my legal conviction (or for any other reason). And except for the need to place my current licensure status on "inactive" status due to

Jan J. Hartman
Florida Professional Engineering License No. 82996

Permanent Home Address:

1013 Hughes Drive, #6
Hamilton Square, New Jersey 08690

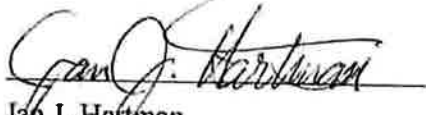
9 July 2021

my present temporary inability to obtain continuing education credits (or for related temporarily delayed payment of renewal fees) in Florida and North Carolina, there has been (as of the date of this letter) no change of any kind in my licensure status in any other state or jurisdiction in which I am licensed (namely, the States of Florida, Louisiana, New Jersey, New York and North Carolina).

Permanent Home Address Unchanged: There has been no change in my current permanent home address (listed herein above and below) as currently on record with the Florida Board of Professional Engineers. I can continue to be contacted by postal mail directed to my permanent home address. In addition, for quicker postal receipt and response, I can be also be contacted through February 2022 by postal mail directed to my temporary treatment facility address. Both of those addresses are listed herein below. Regrettably, until my release on or about 10-Mar-2022, I will be unable to receive or respond to normal email messages.

I thank you and the Florida Board in advance very much for your extra attention to my license renewal case. I will be pleased to answer all questions and provide all information that the Board finds necessary to review my request to continue and renew my Florida licensure. In addition, upon release in March 2022, I will be able and pleased to appear in person before the Board to answer its questions directly if that could be of assistance to the Board's review also.

Very Truly Yours,



Jan J. Hartman
Florida Professional Engineering License No. 82996

Permanent Home Address:

Jan J. Hartman
1013 Hughes Drive, #6
Hamilton Square, New Jersey 08690
(Enclosures)

Temporary Treatment Center Address

(Thru Feb-2022 Only)
Jan J. Hartman #533503E
Adult Diagnostic & Treatment Center
8 Production Way
Avenel, New Jersey 07001

Jan J. Hartman
 FL PE LIC. NO. 82996
 8 Production Way
 Orangethorpe, NJ 07001

RECEIVED

JAN 25 2022

FLORIDA BOARD OF
PROFESSIONAL ENGINEERS

19 January 2022

To: Mr. John J. Rimes III
 Chief Prosecuting Attorney
 Florida Engineers Management Corporation
 2400 Mahan Drive
 Tallahassee, Florida 32308

Re: Case No. 2021034341
 Your letter of 4 January 2022 (and its attached)
 Statement of Undisputed Facts

Dear Mr. Rimes,

Please let me first apologize to you and to the Board for making your review of a handwritten letter such as this one necessary. I thank you and the Board for that and for all your patience and extra attention demanded by a case such as mine.

Above all this letter is intended to state my intention to accept and return a signed copy of the "Statement of Undisputed Facts", a copy of which was forwarded to me with your letter of 4 January 2022. Before doing so I only but importantly need to inform you of recent and on-going developments in my New Jersey legal case that you may decide bear sufficiently on the facts-basis of the Statement of Undisputed Facts that amendment of certain items of the Statement may be warranted. Also, I will at the same time make one separate request for a modification of another item of the Statement.

(A) Items 3 and 4 of the Statement of Undisputed Facts refer to the degree of the offense in the New Jersey case and to the term

(over to other side of paper)

19 January 2022

Exhibit B 5

of custody in mandatory treatment to be served. Recently the degree of offense in the case was reduced in severity from 2nd to 3rd degree (now in variance with language of Item 3 of the Statement). And for the past 22 months the term of custody for my case has been under consideration for reduction from 5 years to 3 years. In fact, very recently a Consent Order document was prepared by my current New Jersey attorney formally requesting that term of custody decision be made in favor of a reduction to 3 years, already agreed to (according to my understanding) by the State's prosecuting attorneys. That Consent Order is now under its final stage of review by the New Jersey Superior Court. And if accepted by the Court, the resulting change to 3 year term would be at variance then with the language of Item 4 of the Statement as currently written.

My current attorney for my New Jersey case can and will verify these facts and any recent changes (so recent that I may not yet be ~~not~~ aware of them) and better describe the unusual legal situation that my case is now in and has been in for the past 22 months:

Mr. Jeffrey D. Curzi, Esquire
Curzi Law Office
11 North 4th Street
Phillipsburg, NJ 08865
908-859-9345
jcurzi@curzilaw.com

Mr. Curzi can also provide a better time estimate than I am able to of time that may still be needed for the Court to finalize a decision about ~~the~~ term of custody. Mr. Curzi may also now be in possession of documents from the Court confirming the reduction of degree of severity of the offense in the New Jersey case (which I have only been told of and not yet received in writing - the same Covid-pandemic control protocols that have caused these matters to remain unanswered by the Court for these past 22 months also greatly slow the delivery of confirmatory paperwork too, as I suppose you can appreciate.

I will trust to your discretion whether the current state of these

19 January 2022

Exhibit B

matters, recent changes in them, and possible additional future changes pending in them may warrant amendment now of Items 3 and/or 4 of the Statement of Undisputed Facts.

(B) I wish to fully respect the Board's right and obligation to determine who may or may not be licensed to practice professional engineering in the State of Florida. Although it will fill me with great sorrow, I do not intend to resist or protest in any way any decision the Board finds necessary concerning the status of my license in the State. I only wish to avoid by omission or inadvertent action or inadvertent choice reducing or dissolving any and whatever possibility the State and the Board may allow for a possible re-application for re-admission for licensure in the State at some possible future date.

It was with that wish alone that I selected the option extended to me in your letter of 30 November 2021 and its enclosed "Election of Rights" for an informal hearing. And even then the selection of that informal hearing option was only made in hope of availing myself of an alternative its language offered, stating "... or to submit an additional written statement." And to submit an additional written statement, adding to my letter of 9 July 2021 (and its attachments), is the only reason I made any selection that would in any way further extend my case before FEMC and FBPE when I selected that option for an informal hearing.

And so, if it suits FEMC and the Board, I am prepared to, and would even prefer to, waive right or option to actually appear before the Board by video or in-person if I can be permitted to instead only provide an additional written personal statement for the Board's consideration as they decide my case. Although if connecting by video or in-person for an informal hearing is deemed necessary and requisite to submission of any additional written personal statement, then I will certainly make all efforts necessary to partic-

(over to other side of paper)

19 January 2022

Exhibit B

ipate in such a hearing on the date of the Board's choosing.

- (c) I fully intend to sign and return a Statement of Undisputed Facts to you, Mr. Rimes. And I don't refuse, by my next request, to sign and return the Statement forms that you sent to me with your letter of 4 January 2022. But I do wish to make the following request for a suggested alteration of the language of Item 5 of the statement the language below (or to some other facsimile of the following that you may prefer):

"The Respondent acknowledges that in accepting licensure in Florida, he has accepted and is bound by all the Rules and Laws of the State pertaining to the practice of professional engineering in the State (or for works located within the State). The Respondent acknowledges also that those Rules and Laws include (but are not limited to) F.S. 471.033(1)(a) and Rule 615615-19.001 (a) (5). The Respondent further acknowledges that he had not at all times in his private personal life prior to January 2018 maintained the degree of high moral character required of licensed Florida professional engineers under those same Rules and Laws."

(D) Timing of Informal Hearing

A date in April 2022, or later if possible, will greatly improve probability that my time now in mandatory treatment custody will have ended before the hearing date. That will be a great assistance to me, personally, in providing a sufficient amount of time before an informal hearing for me to be able to complete compiling the additional information I wish to include in an additional personal written statement for the Board's consideration in advance of the hearing. Perhaps more important to FEMC and to the Board, a date in April or later also greatly improves the probability that I will in fact be able to participate in any video or in-person hearing with the Board. At present, and for the foreseeable near-term future, new strict Covid-pandemic control details in place at

19 January 2022

Exhibit B

my current custody facility would not be able to facilitate such a connection with the Board.

In addition, Covid-pandemic protocols aside, I need to inform you also that it is even possible now that unless the Court acts soon and favorably on the long-pending matter of the term of custody in my case (i.e. the matter of 3 years versus 5 years custody term), I may not gain release from custody until April 2022 or even later. That also could prevent my being able to participate in an informal hearing by video or in-person in April or possibly even later. My New Jersey case attorney will be able to explain more and more currently the status of my New Jersey case and he is expecting your inquiry.

I will await your response to this letter's Items A, B, C, and D, above. I will stand ready to sign an amended final "Statement of Undisputed Facts" document that you subsequently provide. Or, if you decide that no modifications to the draft Statement's Items 3 or 4 are needed in light of new information that I've provided here, and you decide that no modification of Item 5 as I've proposed herein can be entertained, then when I am so informed by yourself I will sign and return the version of the Statement that was transmitted with your letter of 4 January 2022.

I thank you and the Board very much for your patience in scheduling any necessary informal hearing connection and likewise extending my time for submitting a additional personal written statement to April 2022 or (if possible) later. Thank you also for your extra effort and patience in reading this handwritten letter - sent in this manner only in urgent interest of providing you with a timely reply under very stringent limitations for access to any typing or printing facilities under current Covid quarantine conditions at my current location.

Very Truly Yours,
C. J. Hartman
JFL PE LIC NO. 62496

Jan J. Hartman *OK*
Florida Professional Engineering License No. 82996

Permanent Home Address:
1013 Hughes Drive, #6
Hamilton Square, New Jersey 08690



April 25, 2022

Mr. John J. Rimes III
Florida Board of Professional Engineers
2639 North Monroe Street, Suite B112
Tallahassee, Florida 32303

RE: Case #2021034341
Jan Jay Hartman, Florida PE License No. 82996
Additional Documents and Statement of Undisputed Material Facts

Ref: (1) Your letter of 27-Jan-2022 Regarding Statement of Undisputed Material Facts,

Dear Mr. Rimes,

In response to your above referenced letter, I provide my separate enclosed letter and its written statement and its replacement review enclosures. There are provide both for your use in making what seem necessary revisions to the Statement of Undisputed Material Facts if you choose to do so, and, also importantly, for review of the Board in its consideration of my case. The following items of the Statement of Undisputed Material Facts (SUMF) enclosed with your letter of 27-Jan-2022 appear to me, but only as a non-expert, to be affected:

SUMF Items 3 and 4: The replacement review enclosures of my enclosed letter to the Board include two portions that it refers to as "Review Enclosures Part D" and Part G. You will find that those replacement review enclosures contain corrections to portions of material information, now incorrect, that were stated in Items 3 and 4 of the 27-Jan-2022 version of the SUMF.

SUMF Item 7: I would respectfully request that Item 7 of the SUMF now be revised to add reference to "The Attached Letter from Jan Hartman dated April 25, 2022 ..." either in replacement of or in addition to Item 7's present reference to my previous letter, presently referred to in Item 7 as "dated July 09, 2021". (In this connection I note here that all the review enclosures and written statements of my enclosed letter of 25-Apr-2022 are intended to supersede and replace in entirety the corresponding information in my earlier letter of 9-Jul-2021).

SUMF Item 8: For the same reasons pertaining to Items 3 and 4 above, portions of the information presented in Item 8 of the SUMF are now also correspondingly incorrect.

SUMF Item 9: As I am expect you are aware, the new Item 9 of the SUMF that you have added was intended by me to replace Item 5. Instead the new Item 9 statement has merely been added to the same SUMF. However, I do not now ask that Item 5 be removed. Or that the new Item 9

Jan J. Hartman 
Florida Professional Engineering License No. 82996

2 of 2
April 25, 2022

Permanent Home Address:

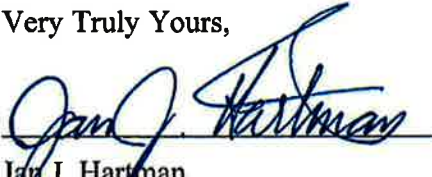
1013 Hughes Drive, #6
Hamilton Square, New Jersey 08690

now be removed. I now instead humbly and respectfully request only that a note now be added to or alongside the text of my statement quoted in the new Item 9. I would ask for addition of a note such as "The Statement of Item 9 is provided by Respondent as a case-specific qualification to the scope of the text of Item 5", or similar. However, if you will not entertain this request, then I, will withdraw the request and will instead sign the final SUMF (after incorporation of other material corrections described here) with Items 5 and 9 left as they stand in the version of 27-Jan-2022. I will do that in order to retain my elected option for informal hearing status, and to avoid any possible reversion to a procedural necessity for a formal hearing, which I wish very much to avoid.

SUMF, Other Items: I respectfully leave to your expertise an examination to discover if other portions of the SUMF document also merit revision to accord with information contained in the documents that I provide with my enclosed letter and written statement to the Board.

I thank you again, Mr. Rimes, for your patience in permitting time for my compilation of the enclosed documents. I thank you also for your effort in making any corrections to the SUMF that you may now deem necessary.

Very Truly Yours,



Jan J. Hartman
Florida Professional Engineering License No. 82996