

FILED
Florida Engineers Management Corp
CLERK Rebecca Valentik
DATE 10/20/2022

FILED
Department of Business and Professional Regulation
Senior Deputy Agency Clerk
CLERK: Brandon Nichols
Date: 10/20/2022
File #: 2022-08235

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2021038637

JACQUELINE P. JAMES, Ph.D., P.E.

Respondent,
_____ /

FINAL ORDER ADOPTING SETTLEMENT STIPULATION

THIS CAUSE came before the FLORIDA BOARD OF PROFESSIONAL ENGINEERS (“Board”), pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on October 13, 2022 in Orlando, Florida, for the purpose of considering a Settlement Stipulation (attached hereto as “Exhibit A to Final Order”) entered into between the parties in this cause. Upon consideration of the stipulation, the documents submitted in support thereof, and the arguments of the parties, it is hereby:

ORDERED AND ADJUDGED that the Settlement Stipulation as submitted be and is hereby adopted *in toto* and incorporated herein by reference. Accordingly, the parties shall adhere to and abide by all the terms and conditions of the stipulation.

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

DONE AND ORDERED this 18 day of October, 2022.

FLORIDA BOARD OF PROFESSIONAL ENGINEERS

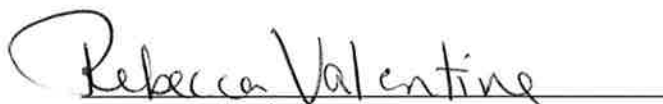
Zana Raybon

Zana Raybon (Oct 18, 2022 10:18 EDT)

Zana Raybon, Executive Director
For Scott Drury, P.E., CHAIR

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing filed *Final Order Adopting Settlement Stipulation* has been furnished by U.S. First Class Mail and email to Jacqueline P. James, Ph.D., P.E. by service upon his attorney of record Jeff Peters, Esquire, at 3551 Blirstone Road, Suite 105, Tallahassee, Florida 32301 and jgpesq@msn.com this 20 day of October, 2022.


Rebecca Valentine,
Paralegal

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

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ENGINEERS,

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FEMC Case No. 2021038637

JACQUELINE P. JAMES, Ph.D., P.E.

Respondent,

_____ /

SETTLEMENT STIPULATION

JACQUELINE P. JAMES, Ph.D., P.E. (“Respondent”) and the Florida Engineers Management Corporation (“FEMC”) hereby stipulate and agree to the following Joint Settlement Stipulation (“Stipulation”) and to entry of a Final Order of the Florida Board of Professional Engineers (“Board”), incorporating this Stipulation in the above-styled matter.

STIPULATED FACTS

1. For all times pertinent hereto, Respondent, JACQUELINE P. JAMES, Ph.D., P.E., was a licensed engineer in the State of Florida, having been issued license number PE 66579.
2. Respondent was charged with violations of Chapter 471, Florida Statutes, in two (2) Administrative Complaints filed by the Florida Engineers Management Corporation, and properly served upon Respondent. True and correct copies of the filed Administrative Complaints are attached hereto and incorporated herein by reference as “Composite Exhibit A to Settlement Stipulation”.

STIPULATED CONCLUSIONS OF LAW

1. Respondent, in Respondent’s capacities as a licensed professional engineer admits that, in such capacity, Respondent is subject to the provisions of Chapter 471, Florida Statutes, and the jurisdiction of the Department of Business and Professional Regulation (“Agency” or “Department”), FEMC, and the Board.

2. Respondent admits that the facts set forth in the Administrative Complaint, if proven, constitute violations of Chapter 471, Florida Statutes, as alleged in the Complaint.

STIPULATED DISPOSITION OF LAW

1. Respondent shall, in the future, comply with Chapters 471 and 455, Florida Statutes, and the rules promulgated pursuant thereto.

2. Should Respondent fail to comply with the terms of the Final Order, an administrative complaint for failure to comply with final order will automatically be opened against Respondent.

3. Respondent shall APPEAR before the Board when this Stipulation is presented. Respondent must be prepared to discuss: how this situation occurred, what improvements and quality control measures Respondent plans to implement to improve Respondent's work product, and how Respondent intends to prevent this circumstance from occurring in the future.

4. Respondent shall pay an ADMINISTRATIVE FINE of \$1,000.00 and COSTS of \$608.65 to the Board within thirty (30) days of the date that the Final Order adopting this Stipulation is filed with the Agency Clerk.

5. Respondent shall successfully complete a Board-approved course in ADVANCED ENGINEERING PROFESSIONALISM AND ETHICS within one (1) year of the date the Final Order adopting this Stipulation is filed with the Agency Clerk. Prior to that date, Respondent shall submit to the Board a Certificate of Completion of the course. It is the Respondent's responsibility to notify the Board that she has completed the course in a timely manner. Respondent may contact the Florida Engineering Society ("FES"), 125 South Gadsden St., Tallahassee, FL 32301, (850)224-7121, for information regarding the availability of such courses in Florida; however, if the FES provides any information regarding such a course to the Respondent, the Respondent must submit that course information to the FEMC for review and determination as to whether or not it

will comply with the Board's requirements. Respondent may also elect to complete one of the following correspondence courses offered by:

Murdough Center for Engineering Professionalism
Texas Tech University, PO Box 41023, Lubbock, Texas 79409
Engineering Ethics Advanced
Telephone 806-742-3525; Fax 806-742-0444; E-mail:
engineering.ethics@ttu.edu

Courses offered by Continuing Education Programs or Professional Business Programs (Exp: SunCam, Inc., C2Ed), are not Board Certified, and will not meet the requirements.

6. Respondent shall successfully complete the **STUDY GUIDE** which has been prepared by the Board and which will be furnished to Respondent, regarding the Engineering Practice Act, Chapter 471, Florida Statutes, and the Rules of the Board. Respondent is required to provide a personal email address that will be used to access the on-line study guide. The study guide must be completed within thirty (30) days of the date on which the Final Order incorporating this Stipulation is filed with the Agency Clerk.

7. Should the Respondent fail to timely comply with the terms of the Final Order discussed herein, this case will be submitted to the Probable Cause Panel for review and determination of whether additional disciplinary action should be taken.

8. Respondent acknowledges that neither Respondent's attendance at the Board Meeting when this Stipulation is presented, nor any continuing education or college level courses taken as a requirement of the terms of this Stipulation may be used to comply with the continuing education requirements of Chapter 61G15-22, Florida Administrative Code.

9. It is expressly understood that this Stipulation is subject to approval of the Board and FEMC and has no force or effect until the Board issues a Final Order adopting this Stipulation.

10. This Stipulation is executed by Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to

review and examine all investigative file materials concerning Respondent prior to, or in conjunction with, consideration of this Stipulation. Furthermore, should this Stipulation not be accepted by the Board, it is agreed that presentation to and by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration, or resolution of these proceedings.

11. Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review of or otherwise challenge or contest the validity of the joint Stipulated Facts, Conclusions of Law, imposition of discipline, and the Final Order of the Board incorporating this Stipulation.

12. Respondent waives the right to seek any attorney's fees or costs from the Board in connection with this disciplinary proceeding.

WHEREFORE, the parties hereto request the Board to enter a Final Order accepting and implementing the terms contained herein.



Jacqueline P. James, Ph.D., P.E.
Respondent
Case Nos. 2021038637
Dated: July 28, 2022

APPROVED this 2nd day of August, 2022.

Zana Raybon, Executive Director
Florida Board of Professional Engineers



John Rimes (Aug 2, 2022 08:15 EDT)

BY: John J. Rimes, III
Chief Prosecuting Attorney

FILED

Florida Engineers Management Corp

CLERK

Rebecca Valentine

DATE

01/24/2022

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FILED	
Department of Business and Professional Regulation	
Deputy Agency Clerk	
CLERK	Evelle Lawson-Proctor
Date	1/24/2022
File #	

FLORIDA BOARD OF PROFESSIONAL ENGINEERS,

Petitioner,

v.

FEMC Case No. 2021038637

JACQUELINE P. JAMES, Ph.D., 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 JACQUELINE P. JAMES, Ph.D., 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 66579. Respondent's last known address is 15321 South Dixie Highway, Suite 201, Miami, Florida 33157.

3. Offering engineering services to a client and then providing sealed and signed engineering design documents to the client constitutes the practice of engineering as defined in Section 471.005(7), Florida Statutes. Performing a 50-year recertification of a structure at the which included an inspection and the design of needed structural repairs is performing structural engineering.

4. By Final Order of the Board in FEMC Case # 2014039414 dated June 23, 2015 Respondent's use of Respondent's license to practice engineering was RESTRICTED from practicing any structural engineering, design, and inspection until such time that Respondent completed, passed and submitted proof of passing the 16 HOUR NCEES STRUCTURAL EXAM. The Final Order was not appealed and no request for stay or supersedeas was ever filed. Respondent has not completed, passed and submitted proof of passing the 16 HOUR NCEES STRUCTURAL EXAM.

5. Notwithstanding the foregoing, Respondent continued to practice STRUCTURAL ENGINEERING after Respondent's license was RESTRICTED. Respondent provided STRUCTURAL ENGINEERING services for inspections reports related to the structural soundness of the Miami Seaquarium located in Miami, Florida.

6. Section 471.033(1)(k), Florida Statutes, provides: "(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken: ... (k) Violating any order of the board or department previously entered in a disciplinary hearing."

7. By providing STRUCTURAL ENGINEERING services through sealing and signing the above referenced engineering documents after Respondent's license was RESTRICTED from practicing any structural engineering, design, and inspection, Respondent violated the terms of the Final Order in FEMC Case # 2014039414.

8. Based upon the foregoing, Respondent violated Section 471.033(1)(k), Florida Statutes, by violating the order of the Board previously entered in a disciplinary hearing.

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 24th day of January, 2022.

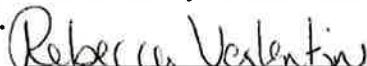
Zana Raybon
Executive Director


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: January 12, 2022
PCP Members: MATTHEWS, VARGHESE & HAHN

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Jacqueline P. James, Ph.D., P.E. at 15321 South Dixie Highway, Suite 201, Miami, Florida 33157, by certified mail and First-Class U. S. Mail, on the 25 of January, 2022.


Rebecca Valentine, Paralegal