

FILED
Florida Engineers Management Corp
CLERK Rebecca Valentine
DATE 10/24/2022

FILED
Department of Business and Professional Regulation
Senior Deputy Agency Clerk
CLERK: Brandon Nichols
Date: 10/24/2022
File #: 2022-08349

**STATE OF FLORIDA
BOARD OF PROFESSIONAL ENGINEERS**

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC CASE NO.: 2021039715

LICENSE NO.: PE 38398

EDWARD LANDERS, 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 October 13, 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 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 and the attached Exhibit 2 only) 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 38398, is SUSPENDED FOR SIX (6) MONTHS 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 Five Thousand Dollars (\$5,000.00) and administrative COSTS in the amount of One Hundred Thirty-Four Dollars and sixty-five cents (\$134.65);

b. Respondent shall comply with all outstanding obligations imposed by Final Order 2017-01066, issued February 9, 2017, including completion of the Advanced Ethics and Professionalism course;

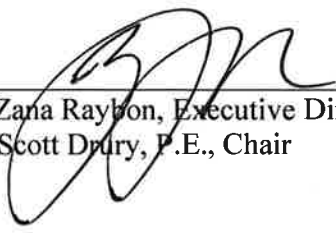
c. Respondent shall Petition for Reinstatement in writing and shall personally appear before the Board at the meeting where the Petition is considered.

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 24 day of October, 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 **Edward Landers, P.E.**, 7850 NW 146th Street, #509, Miami Lakes FL 33016; 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 25 day of October, 2022.



FILED
Florida Engineers Management Corp
CLERK Rebecca Valentine
DATE 5/23/2022

FILED	
Department of Business and Professional Regulation	
Deputy Agency Clerk	
CLERK	<u>Evelle Lawson-Proctor</u>
Date	5/23/2022
File #	

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2021039715

EDWARD LANDERS, 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 EDWARD LANDERS, 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 38398. Respondent's last known address is 164 Plantation Avenue, Tavernier, Florida 33070.

3. On February 9, 2017, a Final Order (Final Order) was entered by the Board in FEMC Case No. 2016000184. The Order was not appealed.

4. The Final Order provided in material part that Respondent's PE license was subjected to the following disciplinary penalties:

Administrative Fine of \$1,000 – Due within 30 days of the Filed Final Order
Costs of \$4566.67 - Due within 30 days of the Filed Final Order (costs shall be paid under a schedule over 2 years)
Two-years' probation with terms to include:
Board Approved Course in Advanced Engineering Professionalism and Ethics (within 1 year of the Filed Final Order)
Board's Study Guide - Due within 30 days of the Filed Final Order
Project Review at 6 and 18 months
Appearance before the Board.

5. Respondent has complied with all of the terms of the Final Order except completing the Board Approved Course in Advanced Engineering Professionalism and Ethics. Despite numerous attempts by FEMC staff to obtain Respondent's compliance with the terms of the Final Order, Respondent has not taken and completed the required course despite over 5 years having passed from the date of the entry of the Final Order.

6. Section 471.033(1)(k), Florida Statutes, provides that an engineer is subject to discipline for ... “ [v]iolating any order of the board or department previously entered in a disciplinary hearing.” For the reasons set forth in Paragraphs 3-6 above, Respondent has violated the terms of the Final Order in FEMC Case No. 2016024529.

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

SIGNED this 23rd day of May, 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: May 11, 2022
PCP Members: MATTHEWS, PISTORINO & HAHN

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Edward Landers, P.E. at 164 Plantation Avenue, Tavernier, Florida 33070, by certified mail and First-Class U. S. Mail, on the 24 of May, 2022.


Rebecca Valentine, Paralegal

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2021039715

EDWARD LANDERS, 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, Edward Landers, 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 May 23, 2022) 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 38398. Respondent's last known address is 164 Plantation Avenue, Tavernier, Florida 33070.
3. On February 9, 2017, a Final Order (Final Order) was entered by the Board in FEMC Case No. 2016000184. The Order was not appealed.
4. The Final Order provided in material part that Respondent's PE license was subjected to the following disciplinary penalties:

Administrative Fine of \$1,000 – Due within 30 days of the Filed Final Order

Costs of \$4566.67 - Due within 30 days of the Filed Final Order (costs shall be paid under a schedule over 2 years)

Two-years' probation with terms to include:

Board Approved Course in Advanced Engineering Professionalism and Ethics (within 1 year of the Filed Final Order)

Board's Study Guide - Due within 30 days of the Filed Final Order

FBPE vs. Edward Landers, P.E., Case No. 2021039715


Project Review at 6 and 18 months

Appearance before the Board.


5. Respondent has complied with all of the terms of the Final Order except completing the Board Approved Course in Advanced Engineering Professionalism and Ethics. Despite numerous attempts by FEMC staff to obtain Respondent's compliance with the terms of the Final Order, Respondent has not taken and completed the required course despite over 5 years having passed from the date of the entry of the Final Order.

6. The Attached Final Order from Florida Board of Professional Engineers, is a true and correct copy of the document on file with the Florida Board of Professional Engineers in Case No: 2016000184, Filed with the Department of Business and Professional Regulation on February 09, 2017, and attached hereto as Exhibit 1.

7. The Attached the Response to the Administrative Complaint for Florida Board of Professional Engineers Case No:2021039715, is a true and correct copy of the document on file with the Florida Board of Professional Engineers in Case No: 2021039715, Submitted to Florida Board of Professional Engineers on July 25, 2022, and attached hereto as Exhibit 2.



John Rimes (Sep 15, 2022 13:50 EDT)
John J. Rimes III
Florida Bar Number 212008
Prosecuting Attorney for the
Florida Engineers Management Corporation
2639 North Monroe Street
Suite B-112
Tallahassee, Florida 32303
(850) 521-0500



Edward Landers, P.E. 9-9-2022
164 Plantation Avenue
Tavernier, Florida 33070