

FILED
Florida Engineers Management Corp
CLERK Rebecca Valentine
DATE 12/13/2022

FILED
Department of Business and Professional Regulation
Senior Deputy Agency Clerk
CLERK: Brandon Nichols
Date: 12/13/2022
File #: 2022-09621

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2022028448

MARK P. THOMASSON, P.E.,

Respondent,
_____ /

FINAL ORDER ADOPTING SETTLEMENT STIPULATION

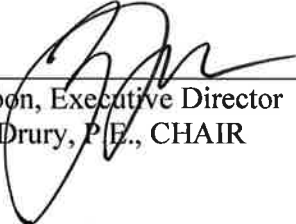
THIS CAUSE came before the FLORIDA BOARD OF PROFESSIONAL ENGINEERS (“Board”), pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on December 8, 2022 in Tallahassee, Florida, for the purpose of considering a Settlement Stipulation (attached hereto as “Exhibit A to Final Order”) entered into 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 12 day of December, 2022.

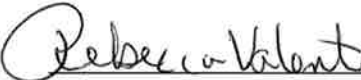
FLORIDA BOARD OF PROFESSIONAL ENGINEERS



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 Mark Thomasson, P.E. by service upon her attorney of record: Ed Steinmeyer, Esquire at 2282 Killbuck Center Boulevard, Tallahassee, Florida 32309 and eas@steinmeyerfiveash.com this 14 day of December, 2022.



Rebecca Valentine,
Paralegal

STATE OF FLORIDA
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FEMC Case No. 2022028448

MARK P. THOMASSON, P.E.,

Respondent,

SETTLEMENT STIPULATION

MARK P. THOMASSON, P.E. hereinafter referred to as "Respondent" and the Florida Engineers Management Corporation, hereinafter referred to as "FEMC," hereby stipulate and agree to the following Joint Settlement Stipulation ("Stipulation") and Final Order of the Florida Board of Professional Engineers, hereinafter referred to as "Board," incorporating this Stipulation in the above-styled manner.

STIPULATED FACTS

1. For all times pertinent hereto, Respondent, MARK THOMASSON, P.E., was a licensed engineer in the State of Florida, having been issued license number PE 48287.
2. Respondent was charged by an Administrative Complaint filed by FEMC, and properly served upon Respondent with violations of Chapters 471 and 455, Florida Statutes. A copy of the Administrative Complaint is attached hereto and incorporated by reference as Exhibit "A".

STIPULATED CONCLUSIONS OF LAW

1. Respondent, in his capacity as a licensed engineer, admits that in such capacity he is subject to provisions of Chapters 455 and 471, Florida Statutes, and the jurisdiction of the Florida Department of Business and Professional Regulations, hereinafter referred to as "Department," FEMC, and the Board.

2. Respondent does not admit, but in order to resolve this matter does not contest, the allegations in the Administrative Complaint or that the allegations, if proven, constitute violations of Chapters 455 and 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. Respondent shall pay ADMINISTRATIVE FINE of \$2,000.00 and ADMINISTRATIVE COSTS of \$52.65 to the Board within thirty (30) days of the date that the Final Order adopting this Stipulation is filed with the Agency Clerk.

3. Respondent shall APPEAR before the Board when this Stipulation is presented. Respondent must be prepared to discuss how this situation occurred, and how Respondent intends to prevent this circumstance from occurring in the future

4. Respondent has taken and passed a PARENTING COURSE and has shown proof of completion.

5. 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.

6. 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.

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

8. 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.

9. If the Board enters a Final Order accepting and implementing the terms contained herein, 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.

10. 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.



Mark Thomasson, P.E.,
Respondent
Case No. 2022028448

APPROVED this 20th day of October, 2022.

Zana Raybon, Executive Director
Florida Board of Professional Engineers


John Rimes (Oct 20, 2022 09:00 EDT)

BY: John J. Rimes, III
Chief Prosecuting Attorney

FILED
Florida Engineers Management Corp
CLERK Rebecca Valentis
DATE 9/27/2022



STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

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FEMC Case No. 2022028448

MARK P. THOMASSON, 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 MARK P. THOMASSON, 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 48287. Respondent's last known address is 2952 Royal Oaks Drive, Tallahassee, Florida 32309.

3. On June 7, 2022, Respondent, in the Circuit Court of the Second Judicial Circuit in and for Leon County, Florida (Case # 2021 CF 1067), pleaded nolo contendere to ONE COUNT of felony child neglect in violation of Section 827.03(2)(a), Florida Statutes.

4. Adjudication was withheld by the by the Court and Respondent was placed on 60 months of PROBATION. Respondent was ordered to have no contact with the victim and was prohibited from having any unsupervised conduct with any person under the age of 16. The proceedings stemmed from Respondent having battered the victim and having maliciously punished the victim by making the victim on multiple occasions stand in a corner overnight causing sleep deprivation.

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

7. By entering a plea of nolo contendere to violating Section 827.03(2)(a), Florida Statutes, Respondent has committed a crime of moral turpitude and thus has not maintained the good moral character required of a Professional Engineer. As a result, Respondent’s plea of nolo contendere to the specified charge directly relates to the Respondent’s practice of engineering and to Respondent’s ability to practice engineering.

8. 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.

SIGNED this 26th day of September, 2022.

Zana Raybon
Executive Director


John J. Rimes, III, 202209111031
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: September 14, 2022
PCP Members: MATTHEWS, PISTORINO & HAHN

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Mark P. Thomasson, P.E. at 2952 Royal Oaks Drive, Tallahassee, Florida 32390, by certified mail and First-Class U. S. Mail, on the 29 of September, 2022.


Rebecca Valentine, Paralegal