

FILED
Florida Engineers Management Corp
CLERK Rebecca Valentini
DATE 5/03/2023



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

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC CASE NO:2021023076, 2022019305
P.E. LICENSE NO.: PE 38398

EDWARD LANDERS, P.E.

Respondent.
_____ /

FINAL ORDER REVOKING LICENSE

THESE TWO CAUSES were consolidated for hearing and 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 April 13, 2023, in Tampa, Florida, for consideration of the TWO Administrative Complaints (attached hereto as Composite Exhibit A) in the above-styled causes. 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 either of the served Administrative Complaints 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 consolidated section 120.57(2), F.S., hearing.

FINDINGS OF FACT

1. Respondent was properly served with copies of the Administrative Complaints and did not file a response to either within 21 days of service.

2. Both investigative files were provided and accepted into evidence without objection, and each establishes the facts alleged in the respective Administrative Complaint.

3. The Board adopts as its finding of facts the allegations of fact in the Administrative Complaints.

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 Complaints, which are adopted and incorporated by reference as the conclusions of law in these cases 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. Therefore, it is

ORDERED AND ADJUDGED that Respondent's Professional Engineering License, Number PE 38398, is **REVOKED**.

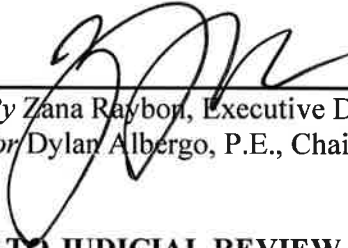
In addition, Respondent is ordered to pay Administrative Fines of Five Thousand Dollars (\$5,000.00) per case for a combined Administrative Fine of Ten Thousand Dollars

(\$10,000.00) AND administrative costs of Six Thousand, Five Hundred Forty Dollars and forty cents (\$6,540.40) for Case No. 2021023076 AND administrative costs of Eight Thousand, Five Hundred Seventeen Dollars (\$8,517.00) for Case No. 2022019305 for combined administrative costs of Fifteen Thousand, Fifty-Seven Dollars and forty cents (\$15,057.40), which are due within thirty (30) days of the effective 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 7 day of May, 2023.

BOARD OF PROFESSIONAL ENGINEERS


By Zana Raybon, Executive Director
for Dylan Albergo, 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: **Edward Landers**, 164 Plantation Avenue, Tavernier, Florida 33070; interoffice mail to: **John J. Rimes**, Chief Prosecuting Attorney, FEMC, 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303 and **Board of**

Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303; and by electronic mail to: **Lawrence D. Harris**, Senior Assistant Attorney General, Lawrence.Harris@myfloridalegal.com this 3 day of May, 2023.

Rebecca Valentine

FILED
Florida Engineers Management Corp
CLERK Rebecca Valentine
DATE 11/14/22

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK: Evette Lawson-Proctor
Date: 11/14/2022
File #:

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2021023076

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. In April 2021 Respondent signed sealed and dated Electrical and Mechanical (Plumbing) engineering design documents for a pool renovation located at 19421 NE 22nd Rd, Dade County (Pool Project).

VIOLATION OF FINAL ORDER

4. 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. By sealing and signing the ELECTRICAL ENGINEERING and MECHANICAL ENGINEERING documents for the Pool Project Respondent practiced ELECTRICAL ENGINEERING and MECHANICAL ENGINEERING.

5. By Final Order of the Board in FEMC Case Nos. 2017007080 and 2018013940 dated and filed on December 17, 2019, Respondent's use of Respondent's license to practice engineering was RESTRICTED from practicing ELECTRICAL ENGINEERING and MECHANICAL ENGINEERING. The Final Order was not appealed and no request for stay or supersedeas was ever filed.

6. Respondent continued to practice ELECTRICAL ENGINEERING and MECHANICAL ENGINEERING by sealing and signing the ELECTRICAL ENGINEERING and MECHANICAL ENGINEERING documents for the Pool Project after Respondent's license was RESTRICTED from practicing ELECTRICAL ENGINEERING and MECHANICAL ENGINEERING.

7. 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."

8. By providing ELECTRICAL ENGINEERING and MECHANICAL ENGINEERING services through sealing and signing the above referenced engineering documents after Respondent's license was RESTRICTED from practicing ELECTRICAL ENGINEERING and MECHANICAL ENGINEERING, Respondent violated the terms of the Final Order in FEMC Case Nos. 2017007080 and 2018013940.

9. 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 14th day of November, 2022.

Zana Raybon
Executive Director


John Rimes [Nov 14, 2022 08:59 EST]

BY: John J. Rimes, III
Prosecuting Attorney

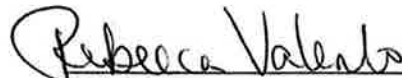
COUNSEL FOR FEMC:

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 02, 2022
PCP Members: MATTHEWS, RAMSEY & PEPPER

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 17 of NOVEMBER, 2022.


Rebecca Valentine, Paralegal

FILED - -
Florida Engineers Management Corp
CLERK: Rebecca Valente
DATE: 11/14/2022

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS



FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2022019305

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 11-29-2021, 03-08-2022 and 03-10-2022 Respondent signed sealed and dated Electrical and Mechanical (Plumbing) engineering design documents for a restaurant in a single-story strip center retail space located at 18515 S. Dixie Highway, Cutler Bay, Dade County (Yume Noodle Project).

VIOLATION OF FINAL ORDER

4. 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. By sealing and signing the ELECTRICAL ENGINEERING and MECHANICAL ENGINEERING documents for the Yume Noodle Project Respondent practiced ELECTRICAL ENGINEERING and MECHANICAL ENGINEERING.

5. By Final Order of the Board in FEMC Case Nos. 2017007080 and 2018013940 dated and filed on December 17, 2019, Respondent's use of Respondent's license to practice engineering was RESTRICTED from practicing ELECTRICAL ENGINEERING and MECHANICAL ENGINEERING. The Final Order was not appealed and no request for stay or supersedeas was ever filed.

6. Respondent continued to practice ELECTRICAL ENGINEERING and MECHANICAL ENGINEERING by sealing and signing the ELECTRICAL ENGINEERING and MECHANICAL ENGINEERING documents for the Yume Noodle Project after Respondent's license was RESTRICTED from practicing ELECTRICAL ENGINEERING and MECHANICAL ENGINEERING.

7. 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."

8. By providing ELECTRICAL ENGINEERING and MECHANICAL ENGINEERING services through sealing and signing the above referenced engineering documents after Respondent's license was RESTRICTED from practicing ELECTRICAL ENGINEERING and MECHANICAL ENGINEERING, Respondent violated the terms of the Final Order in FEMC Case Nos. 2017007080 and 2018013940.

PLAN STAMPING

9. Section 471.033(1) (j), Florida Statutes, states as follows: “(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken: (j) Affixing or permitting to be affixed his or her seal, name, or digital signature to any final drawings, specifications, plans, reports, or documents that were not prepared by him or her or under his or her responsible supervision, direction, or control.” The standard to be applied to determine whether a Professional Engineer is in “responsible supervision, direction, or control” is set out in Rule 61G15-18.011(1). In Respondent's May 24, 2022, response to the Board's Lead Investigator, Respondent explained that Respondent's client (Win Sing Construction Company) “apparently slipped these plans in with several other jobs of his that he brought to my office . . . and they could have inadvertently gotten through.” Based upon the foregoing statement, Respondent signed and sealed the plans for the Yume Noodle Project without actually reviewing the documents, as a result, Respondent was not in “responsible supervision, direction, or control” of the plans for the Yume Noodle Project when Respondent affixed Respondent's seal and signature to the plans.

NEGLIGENCE

10. Section 471.033(1)(g), Florida Statutes, provides that an engineer is subject to discipline for engaging in negligence in the practice of engineering. Rule 61G15-19.001(4), Fla. Admin. Code, provides that negligence constitutes “failure by a professional engineer to utilize

due care in performing in an engineering capacity or failing to have due regard for acceptable standards of engineering principles.”

11. The Board has adopted Responsibility Rules of Professional Engineers (“Responsibility Rules”). These Rules are contained in Chapters 61G15-30 to 61G15-36, Fla. Admin. Code. Professional Engineers who perform services covered by the Responsibility Rules are required to comply with the Rules.

12. Rule 61G15-19.001(4), Fla. Admin. Code, also provides that “[f]ailure to comply with the procedures set forth in the Responsibility Rules as adopted by the Board of Professional Engineers shall be considered as non-compliance with this section unless the deviation or departures therefrom are justified by the specific circumstances of the project in question and the sound professional judgment of the professional engineer.”

13. Rule 61G15-30.002(1), Fla. Admin. Code, mandates that Respondent, as the engineer of record for the Yume Noodle Project, is professionally responsible for the documents prepared. As such, Respondent is responsible for producing documents that comply with the applicable portions of the Responsibility Rules.

14. Respondent acted as the Mechanical (Plumbing) and Electrical (MPE) Engineer of Record for the Yume Noodle Project as that term is defined in Rules 61G15-30.002(1), 61G15-33.002(1) and 61G15-34.002(1), Fla. Admin. Code. As such, all engineering documents prepared, signed, sealed and dated by Respondent must contain the information set out in Rule 61G15-30.003(1): When prepared for inclusion with an application for a general building permit, the Documents shall meet all Engineer’s Responsibility Rules, set forth in Chapters 61G15-33, and 61G15-34, F.A.C., and be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the Florida Building Code[FBC], adopted in Section 553.73, F.S., and applicable laws, ordinances, rules and

regulations, as determined by the Agency Having Jurisdiction (AHJ). The Documents shall include:

(a) Information that provides material specifications required for the safe operation of the system that is a result of engineering calculations, knowledge and experience.

(b) If the Engineering Documents are intended to comply with requirements of any edition federal, state, municipal, or county standards, codes, ordinances, laws, or rules, other than those currently in effect, the Engineering Documents must clearly state the edition and effective dates the Documents are intended to conform to.

(c) Information, as determined by the Engineer of Record, needed for the safe and efficient operation of the system.

(d) List engineering design criteria; reference project specific studies, reports, and delegated Engineering Documents.

(e) Identify clearly elements of the design that vary from the governing standards and depict/identify the alternate method used to ensure compliance with the stated purpose of these Responsibility Rules.

15. The Florida Building Code (2017) – Building (FBC-B) Section 107.2.1 “Information on construction documents” states: “Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations...” FBC-B Section 2701.1 “Scope” states: “This chapter governs the electrical components, equipment and systems used in buildings and structures covered by this code. Electrical components, equipment and systems shall be designed and constructed in accordance with the provisions of the NFPA 70, National Electrical Code (NEC).” FBC-B Section 2901.1

“Scope,” states: Plumbing systems and equipment shall be constructed, installed and maintained in accordance with the Florida Building Code, Plumbing (FBC-P).

16. Rule 61G15-33.001 “Responsibility Rules of Professional Engineers Concerning the Design of Electrical Systems” “General Responsibility” states in material part that: “Electrical Engineering Documents shall be prepared in accordance with generally accepted engineering standards. The Electrical Engineering Documents shall identify the Engineer of Record. Electrical Engineering Documents shall comply with the requirements of the applicable codes and standards . . . Electrical Engineering Documents for construction shall indicate the nature and character of the electrical work and shall describe, label and define the required electrical systems components, processes, equipment and material and its structural support systems.”

17. Section 61G15-34.001 “Responsibility Rules of Professional Engineers Concerning the Design of Mechanical Systems” “General Responsibility” states in material part: “Mechanical Engineering Documents shall be prepared in accordance with the applicable technology and with the requirements of the authority having jurisdiction. The documents shall identify the Engineer of Record for the mechanical systems project. Mechanical Engineering documents shall demonstrate compliance with the requirements of the applicable codes and standards . . . Construction documents shall indicate the nature and character of mechanical work and shall describe, label and define the required mechanical systems components, processes, equipment and material and its structural utility support systems.”

18. Rule 61G15-33.003(2) “Design of Power Systems,” requires in material part that “Electrical Engineering Documents for power systems must include the following information, if applicable to the particular project: (c) Circuit interrupting devices, ratings, and fault current interrupting capability, . . . (f) Circuitry of all outlets, equipment and devices.”

19. Rule 61G15-33.004(2) Design of Lighting Systems, requires that Electrical Engineering Documents for lighting systems must include the following information, if applicable to the particular project: (a) Lighting fixture performance specifications and arrangements.

20. Rule 61G15-34.007(2) "Design of Plumbing Systems," requires that "Mechanical Engineering Documents applicable to Plumbing Systems shall when applicable, include but are not limited to the following: (a) Equipment schedules for all plumbing fixtures, water heaters, and floor drains. (c) Potable Water isometric diagrams with pipe sizes and total water fixture units. (d) Sanitary riser diagrams with pipe sizes and total sanitary waste fixture units. (f) Cold water, hot water, sanitary, and storm drainage piping layouts. (i) List of ASHRAE, ASME, ASPE, ANSI and other applicable codes, design standards and requirements. (l) All plumbing fixtures, valves, pumps, tanks, accessories, specialties, enclosures, and such equipment shall be described and located on the drawings.

ELECTRICAL DESIGN DOCUMENTS

21. Respondent's Electrical Engineering Design Documents for the Yume Noodle Project are materially deficient as follows:

(a) Sheet E-2 contains a Panel Schedule with circuit interrupting devices and their ratings. But fault current interrupting capability is not mentioned anywhere in the drawings. These omissions constitute a violation of FAC Responsibility Rule 61G15-33.003(2)(c).

(b) The drawings for the restaurant contain no requirement to install receptacles for the show windows at the store front. This violates NEC 210.62, which states: Show Windows. At least one 125 volt, single-phase, 15- or 20-ampere-rated receptacle outlet shall be installed within 18 in. of the top of a show window for each 12 linear ft. or major fraction thereof of show window area measured horizontally at its maximum width. Additionally,

no circuit is shown for the ice machine, either on the Power Plan (Sheet E-1) or the Panel Schedule (Sheet E-2). The absence of show window receptacles and circuiting of a power source for the ice machine creates a violation of Rule 61G15-33.003(2)(f).

(c) The drawings contain no specifications for any lighting fixture, even though the Legend (Sheet E-2) contains eight different lighting symbols. The absence of lighting fixture specifications violates Rule 61G15-33.004(2)(a).

MECHANICAL (PLUMBING) DESIGN DOCUMENTS

22. Respondent's Mechanical (Plumbing) Engineering Design Documents for the Yume Noodle Project are materially deficient as follows:

(a) There is no equipment schedule to specify plumbing fixtures, and no specifications and/or descriptions of plumbing fixtures, valves, pumps, and other plumbing equipment. This absence of these requirements constitutes a violation of FAC Responsible Rule 61G15-34.007(2)(a and l).

(b) A Potable water isometric diagram is shown on Plumbing Sheet P-4; however, total water fixture units do not appear on the Plumbing Plans. The absence of total water fixture units constitutes a violation of Rule 61G15-34.007(2)(c).

(c) A Sanitary waste isometric diagram is shown on Sheet P-2; but total sanitary waste fixture units are not shown on the Plumbing Plans. The omission of the total sanitary waste fixture units constitutes a violation of Rule 61G15-34.007(2)(d).

(d) The drawings have no piping layouts for cold water or hot water. These omissions constitute violations of Rule 61G15-34.007(2)(f).

(e) There is no list of applicable plumbing codes, design standards or requirements shown on the Plumbing Plans or any other drawings in the case materials provided to this consultant.

COUNT I
VIOLATION OF FINAL ORDER

23. Petitioner realleges and incorporates Paragraphs One (1) through Eight (8) as if fully set forth in this Count One.

24. 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. Respondent sealed, signed, and dated drawings for the Yume Noodle Project. Respondent's drawings for Yume Noodle Project constitute performing **ELECTRICAL ENGINEERING** and **MECHANICAL ENGINEERING**.

25. By Final Order of the Board in FEMC Case Nos. 2017007080 and 2018013940 dated and filed on December 17, 2019, Respondent's use of Respondent's license to practice engineering was **RESTRICTED** from practicing **ELECTRICAL ENGINEERING** and **MECHANICAL ENGINEERING**.

26. As set forth above in Paragraphs Three (3) through Eight (8) Respondent continued to practice **ELECTRICAL ENGINEERING** and **MECHANICAL ENGINEERING** after Respondent's license was **RESTRICTED** from practicing **ELECTRICAL ENGINEERING** and **MECHANICAL ENGINEERING**.

27. 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." By providing **ELECTRICAL ENGINEERING** and **MECHANICAL ENGINEERING** services through sealing and signing the above referenced engineering documents after Respondent's license was **RESTRICTED** to the practice of **ELECTRICAL ENGINEERING**, Respondent violated the terms of the Final Order in FEMC Case Nos. 2017007080 and 2018013940.

28. 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.

**COUNT II
PLAN STAMPING**

29. Petitioner realleges and incorporates Paragraphs One (1) through Nine (9), as if fully set forth in this Count Two.

30. As set forth in Paragraphs Three (3) through Nine (9) Respondent sealed, signed, and dated engineering documents for the Yume Noodle Project which were not prepared by Respondent or under Respondent's responsible supervision, direction, or control

31. Based on the foregoing, Respondent is charged with violating Section 471.033(1)(j), Florida Statutes, by affixing Respondent's seal and signature final reports and documents that were not prepared by Respondent or Respondent's responsible supervision, direction, or control.

**COUNT III
ELECTRICAL DESIGN DOCUMENTS**

32. Petitioner realleges and incorporates Paragraphs One (1) through Three (3), Ten (10) through sixteen (16), eighteen (18), nineteen (19), and Twenty-One (21) as if fully set forth in this Count Three.

33. Respondent's electrical engineering drawings for the Yume Noodle Project contain deficiencies including but not limited to, those set forth in Paragraph Twenty-One (21). As a result of those deficiencies, Respondent violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by sealing and signing electrical engineering documents that were issued and filed for public record when such documents were materially deficient in that Respondent: (1) did not exercise due care in the preparation of the final engineering documents for the Yume Noodle Project and (2) the final engineering

documents for the Yume Noodle Project were not issued in compliance with acceptable engineering principles.

34. Based on the foregoing, Respondent is charged with violating Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by being negligent in the practice of engineering.

**COUNT IV
MECHANICAL (PLUMBING) DESIGN DOCUMENTS**

35. Petitioner realleges and incorporates Paragraphs One (1) through Three (3), Ten (10) through fifteen (15), seventeen (17), Twenty (20) and Twenty-Two (22) as if fully set forth in this Count Four.

36. Respondent's mechanical (Plumbing) engineering drawings for the Yume Noodle Project contain deficiencies including but not limited to, those set forth in Paragraph Eighteen (18). As a result of those deficiencies, Respondent violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by sealing and signing mechanical (Plumbing) engineering documents that were issued and filed for public record when such documents were materially deficient in that Respondent: (1) did not exercise due care in the preparation of the final engineering documents for the Yume Noodle Project and (2) the final engineering documents for the Yume Noodle Project were not issued in compliance with acceptable engineering principles.

37. Based on the foregoing, Respondent is charged with violating Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by being negligent in the practice of engineering.

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

FBPE vs. Edward Landers, P.E., Case No. 2022019305

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 14th day of November, 2022.

Zana Raybon
Executive Director



John Rimes (Nov 14, 2022 08:59 EST)

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 02, 2022
PCP Members: MATTHEWS, RAMSEY & PEPPER

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 17 of November, 2022.



Rebecca Valentine, Paralegal