

FILED
Florida Engineers Management Corp
CLERK Rebecca Valentine
DATE 11/07/2023

FILED
Department of Business and Professional Regulation
Senior Deputy Agency Clerk
CLERK: Brandon Nichols
Date: 11/7/2023
File #: 2023-08786

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

**FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,**

Petitioner,

v.

**FEMC CASE NO.: 2022056122
LIC. NO. PE 41976**

C. K. LEUDERALBERT, 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 September 13, 2023, by Videoconference, for consideration of 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 nor represented by legal counsel. Upon consideration of the material presented, the argument of counsel, and being otherwise advised in the premises, the Board makes the following findings and conclusions.

1. The Administrative Complaint was properly served on Respondent. Within the time period required by law, Respondent requested a hearing NOT involving disputed issues of material fact pursuant to section 120.57(2), F.S.

2. Respondent's request for hearing was GRANTED and a hearing not involving disputed issues of material fact was convened. The entire record of this matter was then accepted into evidence without objection.

3. On June 14, 2023, the parties entered into a Statement of Undisputed Material

Facts, pages 1 – 3 of which are attached hereto and incorporated herein by reference. The facts set forth in the attached SUMF are hereby adopted and incorporated by reference as the facts of this case.

4. The established 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.

5. 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:

1. Respondent's license to practice engineering in the State of Florida is **SUSPENDED** until Respondent personally appears before the Board.

2. Respondent shall pay an ADMINISTRATIVE FINE in the amount of One Thousand Dollars (\$1,000.00) AND COSTS in the amount of Forty-Eight Dollars and seventy-five cents (\$48.75) within thirty (30) days of the filing date of this Final Order.

3. Respondent shall take and pass the Board's Laws and Rules Study Guide within thirty (30) days of the filing date of this Final Order.

4. Respondent shall complete remedial continuing education by taking and passing the following course within ninety (90) days of the filing of this Final Order:

EPD Program
Auburn University
Engineering Extension Service
Intermediate (v10F)
217 Ramsay Hall, Auburn, Alabama 36849-5331
Ethics and Professionalism
Phone 800-446-0382 or 334-844-4370

NOTE: Courses offered by Continuing Education Programs or Professional Business Programs (for example SunCam, Inc., C2Ed), are not Board Certified,

and will not meet the requirements. Hours obtained from this course may NOT be applied to the hours required for biennial licensure renewal in Florida.

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

DONE AND ORDERED this 3 day of November, 2023.

BOARD OF PROFESSIONAL ENGINEERS



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. and electronic mail to: **C. K. Leuderalbert, P.E.**, 11356 Bayhill Way, Indianapolis IN 46236; interoffice mail to: **John J. Rimes**, Chief Prosecuting Attorney, 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 8 day of November, 2023.



Rebecca Valero

FILED
Florida Engineers Management Corp
CLERK Rebecca A. Valentini
DATE 3/27/2023



STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2022056122

C. K. LEUDERALBERT, 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 C. K. LEUDERALBERT, 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 41976. Respondent's last known address is 11356 Bayhill Way, Indianapolis, Indiana 46236.

3. Pursuant to Rule 61G15-22.006(2), Florida Administrative Code, "The Board will audit at random a number of licensees as is necessary to assure that the continuing education requirements are met." Pursuant to the provisions of the Rule, FEMC requested the Department of Business & Professional Regulation (DBPR) to provide a list containing a random number of licensees who had renewed their licenses. This information was received from DBPR on the same day.

4. Respondent renewed Respondent's Professional Engineer license on February 23, 2021 and attested that Respondent had completed the required Continuing Education necessary for renewal as required by Section 471.017(3)(a), Florida Statutes, which provides in material part:

"(3)(a) The board shall require a demonstration of continuing professional competency of engineers as a condition of license renewal or relicensure. Every licensee must complete 9 continuing education hours for each year of the license renewal period, totaling 18 continuing education hours for the license renewal period. For each renewal period for such continuing education:

1. One hour must relate to this chapter and the rules adopted under this chapter.
2. One hour must relate to professional ethics.
3. Four hours must relate to the licensee's area of practice.
4. The remaining hours may relate to any topic pertinent to the practice of engineering. Continuing education hours may be earned by presenting or attending seminars, in-house or nonclassroom courses, workshops, or professional or technical presentations made at meetings, webinars, conventions, or conferences, including those presented by vendors with specific knowledge related to the licensee's area of practice...."

5. On October 25, 2021, Respondent was provided with a Memo advising Respondent that Respondent was selected to participate in the audit process. After several attempts were made Respondent responded to the Memo on September 21, 2022.

6. After receiving Respondent's response, it was clear that when Respondent renewed the PE license on February 23, 2021, Respondent had not completed any of the CE Courses required for renewal as provided in Section 471.017(3), Florida Statutes. Respondent still has not completed any of the required CE.

7. Section 471.033(1)(a) provides in material part: "(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken: (a) Violating any ... rule of the board or department. Rule 61G15-19.001(6)(s), Florida Administrative Code, provides in material part: "(6) [a] professional engineer shall not commit misconduct in the practice of engineering. Misconduct in the practice of engineering as set forth in Section 471.033(1)(g), F.S., shall include, but not be limited to: (s) Renewing or reactivating a license without completion of Continuing Education (CE) hours and subject areas as required by Section 471.017, F.S., and Rule 61G15-22.001, F.A.C."

8. By renewing Respondent's PE license without having completed the required CE Courses at the time that Respondent certified that all required CE Courses had been taken, Respondent violated Section 471.033(1)(a) and Rule 61G15-19.001(6)(s).

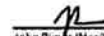
9. Based upon the foregoing Respondent is hereby charged with violating Section 471.033(1)(a) and Rule 61G15-19.001(6)(s).

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 27th day of March, 2023.

Zana Raybon
Executive Director


John Rimes (Mar 27, 2023 09:10 EDT)
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: March 15, 2023
PCP Members: MATTHEWS, RAMSEY & PEPPER

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to C.K. Leuderalbert, P.E. at 11356 Bayhill Way, Indianapolis, Indiana 46236, by certified mail and First-Class U. S. Mail, on the 29 of March, 2023.


Rebecca Valentine, Paralegal

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

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FEMC Case No. 2022056122

C. K. LEUDERALBERT, 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, C. K. Leuderalbert, 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 March 27, 2023) 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 41976. Respondent's last known address is 11356 Bayhill Way, Indianapolis, Indiana 46236.

3. Pursuant to Rule 61G15-22.006(2), Florida Administrative Code, "The Board will audit at random a number of licensees as is necessary to assure that the continuing education requirements are met." Pursuant to the provisions of the Rule, FEMC requested the Department of Business & Professional Regulation (DBPR) to provide a list containing a random number of licensees who had renewed their licenses. This information was received from DBPR on the same day.


4. Respondent renewed Respondent's Professional Engineer license on February 23, 2021 and attested that Respondent had completed the required Continuing Education necessary for renewal as required by Section 471.017(3)(a), Florida Statutes.

5. On October 25, 2021, Respondent was provided with an email advising Respondent that Respondent was selected to participate in the audit process. A Second request email was sent to Respondent on September 19, 2022. Respondent responded to the email on September 21, 2022. After receiving Respondent's response, it was clear that when Respondent renewed the PE license on February 23, 2021, Respondent had not completed any of the CE Courses required for renewal as provided in Section 471.017(3), Florida Statutes.

6. By renewing Respondent's PE license without having completed the required CE Courses at the time that Respondent certified that all required CE Courses had been taken, Respondent violated Section 471.033(1)(a) and Rule 61G15-19.001(6)(s).



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



C. K. Leuderalbert (Jun 14, 2023 11:00 EDT)
C. K. Leuderalbert, P.E.
11356 Bayhill Way
Indianapolis, Indiana 46236