

FILED
Florida Engineers Management Corp
CLERK Rebecca Valencia
DATE 8/15/2023

FILED
Department of Business and Professional Regulation
Senior Deputy Agency Clerk
CLERK: Brandon Nichols
Date: 8/15/2023
File #: 2023-06343

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL ENGINEERS,

Petitioner,

v.

FEMC Case No. 2020056944

MANUEL SIQUES, 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 August 3, 2023 in Tampa, 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 14 day of August, 2023.

FLORIDA BOARD OF PROFESSIONAL ENGINEERS



Zana Raybon, Executive Director
For Dylan Albergo, 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 Manuel Siques, P.E. by service upon his attorney of record: Natasha D. Perez, Esq. at Galloway

Professional Center, 1105 S.W. 87 Avenue, Miami, Florida 33174, &
nperez@perezandperezlaw.net this 14 day of August, 2023.

Rebecca Valentino

Rebecca Valentine,
Paralegal

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

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FEMC Case No. 2020056944

MANUEL SIQUES, P.E.,

Respondent,

SETTLEMENT STIPULATION

MANUEL SIQUES, 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, MANUEL SIQUES, P.E., was a licensed engineer in the State of Florida, having been issued license number PE 20233.
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 admits that the facts set forth in the Administrative Complaint, 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 an ADMINISTRATIVE FINE of \$2,500.00 and COSTS of \$1,137.35 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's license to practice engineering shall be REPRIMANDED.

4. 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.

5. Respondent shall take and pass the Auburn University Online Professional Development Course "Engineering Ethics and Professionalism," Course No. V10F-22, within ninety (90) days of the filing date of this Final Order.

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

6. 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.

7. 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.

8. 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.


9. 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.

10. 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.

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

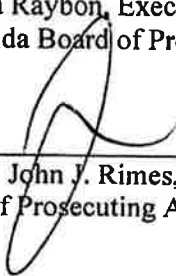
WHEREFORE, the parties hereto request the Board to enter a Final Order accepting and implementing the terms contained herein.



Manuel Siques, P.E.,
Respondent
Case No. 2020056944

APPROVED this 14 day of JUNE, 2023.

Zana Raybon, Executive Director
Florida Board of Professional Engineers



BY: John J. Rimes, III
Chief Prosecuting Attorney

FILED
Florida Engineers Management Corp
CLERK Rebecca Valentine
DATE 05/23/2023



STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
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FEMC Case No. 2020056944

MANUEL SIQUES, 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 MANUEL SIQUES, 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 20233. Respondent's last known address is 8331 SW 12th Terrace, Miami, Florida 33144.

3. On November 20, 2020, Respondent signed and sealed a certification letter (Letter) for a new PV solar system, being constructed in Margate, Florida (Margate Project). Respondent was acting as a Special Building Inspector for the project. The letter certified that the structural and electrical systems were constructed in accordance with the design plans and all code requirements.

4. The Letter was submitted to the City of Margate Building Department prior to the issuance of a building permit, the construction of the project, and prior to Respondent providing the inspection on which the certification in the Letter was purportedly based. In fact, the building permit for the Margate Project was not applied for until November 3, 2020, and was not issued until December 22, 2020 (Permit # 20-3055).

5. Letter is an engineering "certification" as that term is defined in Rule 61G15-18.011(4), Florida Administrative Code, ("a statement signed and/or sealed by a professional engineer representing that the engineering services addressed therein, as defined in Section 471.005(6), F.S., have been performed by the professional engineer, and based upon the professional engineer's knowledge, information and belief, and in accordance with commonly accepted procedures consistent with applicable standards of practice,..."). "Certifications" are subject to the standards set out in Rule 61G15-29.001.

6. Rule 61G15-29.001 requires that if an engineer is presented with a "certification" that "...involve[s] matters which are beyond the engineer's scope of services actually provided..." that the engineer must "... (a) modify such certification to limit its scope to those

matters which the engineer can properly sign and/or seal, or (b) decline to sign such certification.”

7. The Letter explicitly states that the Respondent certified that the structural and electrical installation at the Margate Project site was completed in accordance with applicable engineering and code standards. However, as noted above, on November 20, 2020, the building permit for the Margate Project had not yet been issued thus Respondent could not have provided inspection services at the Margate Project site on or before the date the Letter was signed and sealed.

8. Section 471.033(1)(a), Florida Statutes, provides in material part: “[t]he following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken: (a) [v]iolating any other provision of [Chapter 471] or rule of the [B]oard”

9. Based upon the facts set forth in Paragraphs 3-7, Respondent failed to comply with the requirements of Rule 61G15-29.001 by sealing, signing and dating the Letter on November 20, 2020, when the Letter contained engineering conclusions which were not based upon services actually provided on or before the Letter was dated, signed, and sealed. As a result, the Letter was not issued “...accordance with commonly accepted procedures consistent with applicable standards of practice.”

10. Based on the foregoing, Respondent is charged with violating Section 471.033(1)(a), Florida Statutes, by violating Rule 61G15-29.001.

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 22nd day of May, 2023.

Zana Raybon
Executive Director


John Rimes III May 22, 2023 09:24 CDT

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 10, 2023
PCP Members: MATTHEWS, PISTORINO & FLEMING

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished Respondent Manuel Siques, P.E. by service upon his attorney of record: Natasha D. Perez, Esq. at Galloway Professional Center, 1105 S.W. 87 Avenue, Miami, Florida 33174, by certified mail and First-Class U. S. Mail, on the

24 of May, 2023.


Rebecca Valentine, Paralegal