

FILED
Florida Engineers Management Corp
CLERK Rebecca Valentine
DATE 01/11/2024

FILED
Department of Business and Professional Regulation
Senior Deputy Agency Clerk
CLERK: Brandon Nichols
Date: 1/11/2024
File #: 2024-00233

**STATE OF FLORIDA
BOARD OF PROFESSIONAL ENGINEERS**

FLORIDA BOARD OF
PROFESSIONAL ENGINEERS,

Petitioner,

v.

CASE NO.: 2021-039994
LICENSE NO.: UNLICENSED

JC GENERAL CONTRACTORS, LLC,

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 December 7, 2023, in Tallahassee, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause. At the hearing, Petitioner was represented by John J. Rimes, III, Prosecuting Attorney. Respondent was not present nor represented by counsel.

FINDINGS OF FACT.

1. The Administrative Complaint was properly served.
2. Respondent failed to timely or otherwise respond to the Administrative Complaint.
3. The investigative file provided establishes the facts alleged in the Administrative Complaint.
4. The facts set forth in the Administrative Complaint are hereby adopted and incorporated by reference as the facts of this case.

CONCLUSIONS OF LAW

5. Failure to timely respond to a properly served Administrative Complaint is deemed an admission of the alleged facts and a waiver of the right to request a hearing pursuant to Section 120.57(1), Florida Statutes.

6. 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,

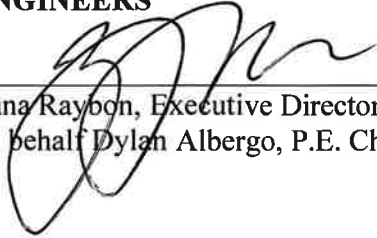
ORDERED AND ADJUDGED:

Respondent shall pay to the Board an administrative fine of Five Thousand Dollars (\$5,000.00) AND costs of investigation and prosecution in the amount of Three Hundred Forty-Six Dollars and twenty-five cents (\$346.25), both 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 10 day of January,
2024.

**FLORIDA BOARD OF PROFESSIONAL
ENGINEERS**



Zana Raybon, Executive Director
on behalf 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 **JC General Contractors, LLC**, 5190 Indian Mound Street, Sarasota FL 34232; by interoffice mail to **Board of Professional Engineers**, 2400 Mahan Drive, Tallahassee, Florida 32303; and by electronic mail to **Lawrence D. Harris**, Senior Assistant Attorney General, Lawrence.Harris@myfloridalegal.com this 12 day of January, 2024.

Rebecca Valentine

FILED
Florida Engineers Management Corp
CLERK Rebecca Valente
DATE 7/18/2023

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK: Evette Lawson-Proctor
Date: 7/18/2023
File #:

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2021039994

JC GENERAL CONTRACTORS, LLC

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 JC GENERAL CONTRACTORS, LLC, 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, JC General Contractors, LLC ("Respondent"), is a Florida Limited Liability Company whose last known address, according to the Florida Division of Corporations database, is 5190 Indian Mound Street, Sarasota, Florida 34232. Respondent has never possessed a

Certificate of Authorization or been registered with the Board as required under the provisions of Chapter 471.023(1), Florida Statutes, and Rule 61G15-20.010, Florida Administrative Code, for a business organization to practice or offer to practice engineering in Florida.

3. The practice of engineering is defined in Chapter 471.005(7), Florida Statutes, to include in material part: ... any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, ... of engineering works and systems, ... any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, ... insofar as they involve safeguarding life, health, or property; and includes such other professional services as may be necessary to the planning, progress, and completion of any engineering services. A person who practices any branch of engineering; ... who holds himself or herself out as able to perform, or does perform, any engineering service or work or any other service designated by the practitioner which is recognized as engineering shall be construed to practice or offer to practice engineering within the meaning and intent of [Chapter 471].

4. On the website for Respondent located at [http:// www.jcgeneralcontractorsarasota.com](http://www.jcgeneralcontractorsarasota.com), it states, in part, as follows:

Professional Engineering Services
•Blueprints Signed & Seal

5. Chapter 471.023 (1), Florida Statutes, provides in material part that: (1) The practice of, or the offer to practice, engineering by licensees or offering engineering services to the public through a business organization, including a partnership, corporation, business trust, or other legal entity or by a business organization, including a corporation, partnership, business trust, or

other legal entity offering such services to the public through licensees under this chapter as agents, employees, officers, or partners is permitted only if the business organization is qualified by an engineer licensed under this chapter, subject to the provisions of this chapter. One or more of the principal officers of the business organization or one or more partners of the partnership and all personnel of the business organization who act in its behalf as engineers in this state shall be licensed as provided by this chapter. All final drawings, specifications, plans, reports, or documents involving practices licensed under this chapter which are prepared or approved for the use of the business organization or for public record within the state shall be dated and shall bear the signature and seal of the licensee who prepared or approved them. Nothing in this section shall be construed to mean that a license to practice engineering shall be held by a business organization. Nothing herein prohibits business organizations from joining together to offer engineering services to the public, if each business organization otherwise meets the requirements of this section. No business organization shall be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this section, nor shall any individual practicing engineering be relieved of responsibility for professional services performed by reason of his or her employment or relationship with a business organization.

6. Rule 61G15-20.100 Qualified Business Organizations provides as follows: Pursuant to Section 471.023, F.S., the practice or offer to practice engineering or engineering services to the public through a business organization, or by a business organization or other person practicing under a fictitious name, is permitted only if the business organization is qualified by a Florida licensed professional engineer. A qualifying agent who is the professional engineer qualifying the business organization must notify the Board of any change in the name

of the business organization or the business organization's qualifying Professional Engineer within thirty (30) days of such change.

7. Chapter 471.033(1)(a), Florida Statutes, provides in material part: "(1)The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken: (a)[v]iolating any provision ...of this chapter or rule of the board or department.."

8. Chapter 455.228(1), Florida Statutes, provides in material part: (1) When the [D]epartment [of Business and Professional Regulation] has probable cause to believe that any person not licensed by the department, or the appropriate regulatory board within the department, has violated any provision of this chapter or any statute that relates to the practice of a profession regulated by the department, or any rule adopted pursuant thereto, ... the department may impose an administrative penalty not to exceed \$5,000 per incident pursuant to the provisions of chapter 120 ...

9. A Notice to Cease & Desist as provided in Section 455.228(1), Florida Statutes, was prepared and mailed to Respondent on or about September 28, 2021.

10. To date, no response has been received to the Notice to Cease & Desist.

11. Chapter 471.038(5), Florida Statutes, provides in material part: "[n]otwithstanding ss. 455.228 and 455.2281, the duties and authority of the department to receive complaints and to investigate and deter the unlicensed practice of engineering are delegated to the [Board of Professional Engineers]." As a result, the Board is authorized to impose the administrative penalty described in Paragraph 8.

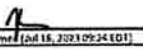
12. In light of the foregoing, the work offered to be performed by Respondent on its website constitutes the offering to practice and the practice of engineering as defined in Chapter 471.005(7), Florida Statutes. As such, the offering and provision of the services by Respondent represents the unlawful practice of engineering by Respondent, a business entity that does not

possess a Certificate of Authorization or is registered with the Board, in violation of Chapters 455.228(1), 471.031(1)(a), and 471.038(5), 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 18th day of July, 2023.

Zana Raybon
Executive Director


John Rimes (Jul 18, 2021 09:24:01)
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: July 07, 2023
PCP Members: MATTHEWS, PISTORINO & RAMSEY

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Contractors, LLC at 5190 Indian Mound Street, Sarasota, Florida 34232, by certified mail and First-Class U. S. Mail, on the 19 of July, 2023.


Rebecca Valentine, Paralegal

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2021039994

JC GENERAL CONTRACTORS, LLC

Respondent,
_____ /

**MOTION TO DETERMINE THAT RESPONDENT HAS FORFEITED
RESPONDENT'S RIGHT TO AN ADMINISTRATIVE HEARING UNDER
SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND TO CONVENE
PROCEEDINGS UNDER SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES**

COMES NOW Petitioner, the Florida Engineers Management Corporation ("FEMC"),
pursuant to Rule 28-106.204, Florida Administrative Code, and states:

1. On July 18, 2023, a copy of the Administrative Complaint was sent, by
Certified Mail, to Respondent. The United States Postal Service was unable to advise
whether the Certified Mailing was received by Respondent and the Certified Mail was not
returned to Petitioner.

2. On August 01, 2023, Petitioner attempted to serve an Administrative Complaint
on Respondent (Certificate of Service attached hereto as Exhibit 1). The process server was
able to effectuate service of the Administrative Complaint.

3. Respondent has failed to respond to the Administrative Complaint.

4. Therefore, in order to preserve its right to a hearing, Respondent must have filed
a response to the Administrative Complaint by filling out the Election of Rights form or by

filing a petition for an administrative hearing with Florida Engineers Management Corporation by August 22, 2023. Such an action is required in order for Respondent to preserve its right to a hearing on the charges contained in the Administrative Complaint. As set out in the Election of Rights form it is mandated that Respondent has “attached to this form a petition or written statement in conformance with Rule 28-106.201, F. A. C. ...” in order to be afforded the right to an administrative hearing.

5. To date, no response of any kind has been received by the Board of Professional Engineers or by the Florida Engineers Management Corporation.

6. Since Respondent has not filed a request for an administrative hearing, Respondent has, therefore, waived any right to an administrative hearing. As a result, it is appropriate for the Board to conduct these proceedings under the provisions of Sections 120.569 and 120.57(2), Florida Statutes, and Rules 28-106.301-307, Fla. Admin. Code. Under such provisions, the material facts in the Administrative Complaint are deemed undisputed, and the Board will proceed to render its conclusions of law and impose such penalties upon Respondent as the Board determines are appropriate.

WHEREFORE, Petitioner respectfully moves this Board to determine that Respondent has forfeited Respondent’s rights to an administrative hearing and to deem the material facts in the Administrative Complaint as undisputed; and, based thereupon, to render such conclusions of law and to impose such penalties upon Respondent as the Board determines are appropriate.

Respectfully submitted,



John Rimes III (Sep 20, 2023 09:12 EDT)

John Rimes III
Prosecuting Attorney

Florida Engineers Management Corporation
2639 North Monroe Street, Suite B-112
Tallahassee, Florida 32303
Florida Bar No. 212008

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing *Motion to Determine that Respondent has Forfeited Respondent's Right to an Administrative Hearing Under Sections 120.569 and 120.57(1), Florida Statutes, and to Convene Proceedings Under Sections 120.569 and 120.57(2), Florida Statutes* was furnished to: JC General Contractors, LLC at 5190 Indian Mound Street, Sarasota, Florida 34232, and jcgeneralcontractors@mac.com on the 20th of September, 2023.



John Rimes (Sep 20, 2023 09:12 EDT)

John J. Rimes, III, Attorney

VERIFIED RETURN OF SERVICE

State of Florida

County of

FBPE Court

Case Number: 2021054777



VPS2023006191

Plaintiff:

Florida Board of Professional Engineers

vs

Defendant:

JC General Contractors, LLC

For:

John J. Rimes

Florida Board of Professional Engineers

2639 North Monroe Street

Suite B-112

Tallahassee, FL 32303

Received by VAUSE'S PROCESS SERVICE, LLC on the 1st day of August, 2023 at 2:57 pm to be served on **JC General Contractors, LLC, 5190 Indian Mound Street, Sarasota, FL 34232**

I, Steven T. Zawacki, do hereby affirm that on the 8th day of August, 2023 at 5:20 pm, I:

CORPORATE (RESIDENCE) Served the **Cover Letter, Administrative Complaint, Settlement Stipulation, Election of Rights, Explanation of Rights** on **SERGIO CARRASCO** as **CO-RESIDENT OF CARRASCO, R.A.** of the Registered Agent at the address listed with the Secretary of State as the address of the Registered Agent. The address listed with the Secretary of State being his/her residence and his/her usual place of abode, **5190 Indian Mound Street, Sarasota, FL 34232**. The process was served to a person residing therein, who is 15 years of age or older, and informing said person of the contents thereof, and served pursuant to F.S. 48.081(3)(b) and F.S. 48.031(1)(a).

Description of Person Served: Age: 65, Sex: M, Race/Skin Color: HISP, Height: 5'9", Weight: 160, Hair: BALDING/BLACK, Glasses: N

I am over the age of 18 and have no interest in the above action. I am certified in good standing in the judicial circuit in which the process was served. No notary required pursuant to FS92.525.2 and under penalty of perjury, I declare that the facts set forth are true and correct.

Steven T. Zawacki
#283

VAUSE'S PROCESS SERVICE, LLC
P.O. Box 1777
Tallahassee, FL 32302
(850) 656-2605

Our Job Serial Number: VPS-2023006191