

FILED
Florida Engineers Management Corp
CLERK Rebecca Valentine
DATE 02/22/2024

FILED
Department of Business and Professional Regulation
Senior Deputy Agency Clerk
CLERK: Brandon Nichols
Date: 2/22/2024
File #: 2024-01689

**STATE OF FLORIDA
BOARD OF PROFESSIONAL ENGINEERS**

FLORIDA BOARD OF
PROFESSIONAL ENGINEERS,

Petitioner,

v.

CASE NO.: 2021008629
LICENSE NO.: UNLICENSED

CESAR JOFRE,

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 February 8, 2024, in Kissimmee, 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,

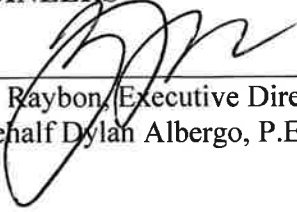
ORDERED AND ADJUDGED:

Respondent shall pay to the Board an administrative fine of Five Thousand Dollars (\$5,000.00) Per Count of the filed Administrative Complaint, **for a total Administrative Fine of Seventy-Five Thousand Dollars (\$75,000.00) AND costs of investigation and prosecution in the amount of Six Hundred Eight Dollars and ninety-five cents (\$608.95)**, 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 21 day of February,
2024.

**FLORIDA BOARD OF PROFESSIONAL
ENGINEERS**



Zana Raybon, Executive Director
on behalf Dylan Alberg, 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 **Cesar Jofre**, 11075 NW 27th Place, Sunrise, FL 33322; by interoffice mail to **John J. Rimes, FEMC**, 2400 Mahan Drive, Tallahassee, FL 32308 and **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 23 day of February, 2024.



FILED
Florida Engineers Management Corp
CLERK Rebecca Valentine
DATE 9/25/2023



STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2021008629

CESAR JOFRE,

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 CESAR JOFRE, 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's last known address is 11075 NW 27th Place Sunrise, Florida 33322. Respondent is not and never has been licensed as a professional engineer in Florida.

3. Respondent is the son of Claudio Jofre, deceased PE. Claudio Jofre has been deceased since February 19, 2017.

4. Notwithstanding the fact that Claudio Jofre was deceased. Respondent renewed Claudio Jofre's Professional Engineer License on March 1, 2019, and February 11, 2021. Additionally, Respondent asked Felix Guerra to pay for and then send Respondent the link to complete the Advanced Building Code Course in the name of deceased engineer Claudio Jofre through Titan Continuing Education on October 12, 2020.

5. Respondent forged the signature and utilized the Professional Engineer seal of deceased engineer Claudio Jofre, PE #28531, on the following projects:

(A) A certification letter dated February 16, 2020, for 3787 Thomas Avenue, Miami, Florida 33133.

(B) Plan Sheet E1.0 for 1285 NW 99th Street, Miami, Florida 33147.

(C) Certification letter dated June 13, 2018, for 5840 SW 111th Terrace.

(D) Shop drawing SD-1 for 14257 NW 15 Street.

(E) Plan Sheets E-1, E-2, M-1, and two sets of energy calculations dated January 5, 2021, for 6930 NW 15 Avenue, Miami, Florida.

(F) An Affidavit Authorizing Submittal of Scan Plans and Construction Documents in Lieu of Digital Signed and Sealed set dated January 11, 2021, and Plan Sheet E-1 dated January 28, 2021, for 1766 NW 68th Terrace, Miami, Florida.

(G) Form for "Special Building Inspector" dated January 11, 2021, for 2145 North State Road 7, Margate, Florida.

(H) Affidavit Authorizing Submittal of Scan Plans and Construction Documents in Lieu of Digital Signed and Sealed set dated February 15, 2021, Notice to Miami

Dade County Building Official of Employment as Special Inspector dated February 15, 2021, and As-Built Certificated dated March 11, 2021, for 361 NE 175th Street, Miami, Florida.

(I) Portion of a Cover Sheet dated January 22, 2021, for 1665 SW State Road 7, North Lauderdale, Florida.

(J) Plan Sheet A-1.0 dated February 9, 2021, for 6720 SW 18th Court, North Lauderdale, Florida.

(K) Portion of a Plan Sheet dated January 25, 2021, for 11075 NW 27th Place, Sunrise, Florida.

(L) Plan Sheet A-0, unreadable date, for 1376 SW 16th Street, Miami, Florida.

(M) Plan Sheet A-01 dated November 30, 2020, for 1717 North Bayshore Drive, Miami, Florida.

(N) Plan Sheets A-1, A-2, A-3, E-1, M-1, P-1 dated February 17, 2021, Wind loads dated February 28, 2021, and Florida Energy Efficiency Code for Building Contractors and Residential System Sizing Calculations dated February 18, 2021, for 1441 South Treasure Drive, Miami, Florida.

6. Respondent forged the signature and utilized the Professional Engineer seal of Alejandro R. Montenegro, PE #59426, on a Geotechnical Report dated June 14, 2020, for 1636 NW 7 Terrace, Ft. Lauderdale, Florida.

7. Section 471.031(1)(a) & (b), Florida Statutes, provide in material part: “A person may not: (a) Practice engineering unless the person is licensed or exempt from licensure under this chapter...; (b) A person may not knowingly: “Use ... the name or title “professional engineer” or any other title, designation, words, letters, abbreviations, or device tending to indicate that such

person holds an active license as an engineer when the person is not licensed under [Chapter 471], including, but not limited to, the following titles, ...structural engineer,....”

8. The practice of engineering is defined in Section 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].

9. Section 455.228(1), Florida Statutes, provides in material part: (1) When the [Department 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”

10. Section 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 9.

11. Section 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 ...s. 471.031.”

12. Section 471.031(1)(a) provides in material part that: “[a] person may not: (a) Practice engineering unless the person is licensed or exempt from licensure under this chapter.

13. Section 471.031(1)(c), Florida Statutes, states in material part that: "A person may not.... (c) Present as his or her own the license of another."

COUNT I

14. Petitioner realleges and incorporates Paragraphs One (1) through Four (4), Five (5) (A) and Seven (7) through Thirteen (13) as if fully set forth in this Count One.

15. By forging the signature and Professional Engineer seal of deceased engineer Claudio Jofre, PE #28531, on the certification letter dated February 16, 2020, for 3787 Thomas Avenue, Miami, Florida 33133, Respondent violated the provisions of Sections 471.031(1)(a) and 471.031(1)(c), Florida Statutes.

16. Based upon the foregoing, Respondent is charged with violating Section 471.033(1)(a) by violating Sections 471.031(1)(a) and 471.031(1)(c), Florida Statutes.

COUNT II

17. Petitioner realleges and incorporates Paragraphs One (1) through Four (4), Five (5) (B) and Seven (7) through Thirteen (13) as if fully set forth in this Count One.

18. By forging the signature and Professional Engineer seal of deceased engineer Claudio Jofre, PE #28531, on Plan Sheet E1.0 for 1285 NW 99th Street, Miami, Florida 33147, Respondent violated the provisions of Sections 471.031(1)(a) and 471.031(1)(c), Florida Statutes.

19. Based upon the foregoing, Respondent is charged with violating Section 471.033(1)(a) by violating Sections 471.031(1)(a) and 471.031(1)(c), Florida Statutes.

COUNT III

20. Petitioner realleges and incorporates Paragraphs One (1) through Four (4), Five (5) (C) and Seven (7) through Thirteen (13) as if fully set forth in this Count One.

21. By forging the signature and Professional Engineer seal of deceased engineer Claudio Jofre, PE #28531, on Certification letter dated June 13, 2018, for 5840 SW 111th Terrace, Respondent violated the provisions of Sections 471.031(1)(a) and 471.031(1)(c), Florida Statutes.

22. Based upon the foregoing, Respondent is charged with violating Section 471.033(1)(a) by violating Sections 471.031(1)(a) and 471.031(1)(c), Florida Statutes.

COUNT IV

23. Petitioner realleges and incorporates Paragraphs One (1) through Four (4), Five (5) (D) and Seven (7) through Thirteen (13) as if fully set forth in this Count One.

24. By forging the signature and Professional Engineer seal of deceased engineer Claudio Jofre, PE #28531, on Shop drawing SD-1 for 14257 NW 15 Street, Respondent violated the provisions of Sections 471.031(1)(a) and 471.031(1)(c), Florida Statutes.

25. Based upon the foregoing, Respondent is charged with violating Section 471.033(1)(a) by violating Sections 471.031(1)(a) and 471.031(1)(c), Florida Statutes.

COUNT V

26. Petitioner realleges and incorporates Paragraphs One (1) through Four (4), Five (5) (E) and Seven (7) through Thirteen (13) as if fully set forth in this Count One.

27. By forging the signature and Professional Engineer seal of deceased engineer Claudio Jofre, PE #28531, on Plan Sheets E-1, E-2, M-1, and two sets of energy calculations dated January 5, 2021, for 6930 NW 15 Avenue, Miami, Florida, Respondent violated the provisions of Sections 471.031(1)(a) and 471.031(1)(c), Florida Statutes.

28. Based upon the foregoing, Respondent is charged with violating Section 471.033(1)(a) by violating Sections 471.031(1)(a) and 471.031(1)(c), Florida Statutes.

COUNT VI

29. Petitioner realleges and incorporates Paragraphs One (1) through Four (4), Five (5) (F) and Seven (7) through Thirteen (13) as if fully set forth in this Count One.

30. By forging the signature and Professional Engineer seal of deceased engineer Claudio Jofre, PE #28531, an Affidavit Authorizing Submittal of Scan Plans and Construction Documents in Lieu of Digital Signed and Sealed set dated January 11, 2021, and Plan Sheet E-1 dated January 28, 2021, for 1766 NW 68th Terrace, Miami, Florida, Respondent violated the provisions of Sections 471.031(1)(a) and 471.031(1)(c), Florida Statutes.

31. Based upon the foregoing, Respondent is charged with violating Section 471.033(1)(a) by violating Sections 471.031(1)(a) and 471.031(1)(c), Florida Statutes.

COUNT VII

31. Petitioner realleges and incorporates Paragraphs One (1) through Four (4), Five (5) (G) and Seven (7) through Thirteen (13) as if fully set forth in this Count One.

32. By forging the signature and Professional Engineer seal of deceased engineer Claudio Jofre, PE #28531, on Form for "Special Building Inspector" dated January 11, 2021, for 2145 North State Road 7, Margate, Florida, Respondent violated the provisions of Sections 471.031(1)(a) and 471.031(1)(c), Florida Statutes.

33. Based upon the foregoing, Respondent is charged with violating Section 471.033(1)(a) by violating Sections 471.031(1)(a) and 471.031(1)(c), Florida Statutes.

COUNT VIII

34. Petitioner realleges and incorporates Paragraphs One (1) through Four (4), Five (5) (H) and Seven (7) through Thirteen (13) as if fully set forth in this Count One.

35. By forging the signature and Professional Engineer seal of deceased engineer Claudio Jofre, PE #28531, an Affidavit Authorizing Submittal of Scan Plans and Construction Documents in Lieu of Digital Signed and Sealed set dated February 15, 2021, Notice to Miami Dade County Building Official of Employment as Special Inspector dated February 15, 2021, and As-Built Certificated dated March 11, 2021, for 361 NE 175th Street, Miami, Florida, Respondent violated the provisions of Sections 471.031(1)(a) and 471.031(1)(c), Florida Statutes.

36. Based upon the foregoing, Respondent is charged with violating Section 471.033(1)(a) by violating Sections 471.031(1)(a) and 471.031(1)(c), Florida Statutes.

COUNT IX

37. Petitioner realleges and incorporates Paragraphs One (1) through Four (4), Five (5) (I) and Seven (7) through Thirteen (13) as if fully set forth in this Count One.

38. By forging the signature and Professional Engineer seal of deceased engineer Claudio Jofre, PE #28531, on a Portion of a Cover Sheet dated January 22, 2021, for 1665 SW State Road 7, North Lauderdale, Florida, Respondent violated the provisions of Sections 471.031(1)(a) and 471.031(1)(c), Florida Statutes.

39. Based upon the foregoing, Respondent is charged with violating Section 471.033(1)(a) by violating Sections 471.031(1)(a) and 471.031(1)(c), Florida Statutes.

COUNT X

40. Petitioner realleges and incorporates Paragraphs One (1) through Four (4), Five (5) (J) and Seven (7) through Thirteen (13) as if fully set forth in this Count One.

41. By forging the signature and Professional Engineer seal of deceased engineer Claudio Jofre, PE #28531, on Plan Sheet A-1.0 dated February 9, 2021, for 6720 SW 18th Court, North Lauderdale, Florida, Respondent violated the provisions of Sections 471.031(1)(a) and 471.031(1)(c), Florida Statutes.

42. Based upon the foregoing, Respondent is charged with violating Section 471.033(1)(a) by violating Sections 471.031(1)(a) and 471.031(1)(c), Florida Statutes.

COUNT XI

43. Petitioner realleges and incorporates Paragraphs One (1) through Four (4), Five (5) (K) and Seven (7) through Thirteen (13) as if fully set forth in this Count One.

44. By forging the signature and Professional Engineer seal of deceased engineer Claudio Jofre, PE #28531, portion of a Plan Sheet dated January 25, 2021, for 11075 NW 27th Place, Sunrise, Florida, Respondent violated the provisions of Sections 471.031(1)(a) and 471.031(1)(c), Florida Statutes.

45. Based upon the foregoing, Respondent is charged with violating Section 471.033(1)(a) by violating Sections 471.031(1)(a) and 471.031(1)(c), Florida Statutes.

COUNT XII

46. Petitioner realleges and incorporates Paragraphs One (1) through Four (4), Five (5) (L) and Seven (7) through Thirteen (13) as if fully set forth in this Count One.

47. By forging the signature and Professional Engineer seal of deceased engineer Claudio Jofre, PE #28531, Plan Sheet A-0, unreadable date, for 1376 SW 16th Street, Miami, Florida, Respondent violated the provisions of Sections 471.031(1)(a) and 471.031(1)(c), Florida Statutes.

48. Based upon the foregoing, Respondent is charged with violating Section 471.033(1)(a) by violating Sections 471.031(1)(a) and 471.031(1)(c), Florida Statutes.

COUNT XIII

49. Petitioner realleges and incorporates Paragraphs One (1) through Four (4), Five (5) (M) and Seven (7) through Thirteen (13) as if fully set forth in this Count One.

50. By forging the signature and Professional Engineer seal of deceased engineer Claudio Jofre, PE #28531, Plan Sheet A-01 dated November 30, 2020, for 1717 North Bayshore Drive, Miami, Florida, Respondent violated the provisions of Sections 471.031(1)(a) and 471.031(1)(c), Florida Statutes.

51. Based upon the foregoing, Respondent is charged with violating Section 471.033(1)(a) by violating Sections 471.031(1)(a) and 471.031(1)(c), Florida Statutes.

COUNT XIV

51. Petitioner realleges and incorporates Paragraphs One (1) through Four (4), Five (5) (N) and Seven (7) through Thirteen (13) as if fully set forth in this Count One.

52. By forging the signature and Professional Engineer seal of deceased engineer Claudio Jofre, PE #28531, Plan Sheets A-1, A-2, A-3, E-1, M-1, P-1 dated February 17, 2021, Wind loads dated February 28, 2021, and Florida Energy Efficiency Code for Building Contractors and Residential System Sizing Calculations dated February 18, 2021, for 1441 South Treasure Drive, Miami, Florida, Respondent violated the provisions of Sections 471.031(1)(a) and 471.031(1)(c), Florida Statutes.

53. Based upon the foregoing, Respondent is charged with violating Section 471.033(1)(a) by violating Sections 471.031(1)(a) and 471.031(1)(c), Florida Statutes.

COUNT XV

54. Petitioner realleges and incorporates Paragraphs One (1) through Four (4), Six (6) and Seven (7) through Thirteen (13) as if fully set forth in this Count One.

55. By forging the signature and Professional Engineer seal of deceased engineer Alejandro R. Montenegro, PE #59426, Respondent forged the signature and utilized the


Professional Engineer seal of Alejandro R. Montenegro, PE #59426, on a Geotechnical Report dated June 14, 2020, for 1636 NW 7 Terrace, Ft. Lauderdale, Florida, Respondent violated the provisions of Sections 471.031(1)(a) and 471.031(1)(c), Florida Statutes.

56. Based upon the foregoing, Respondent is charged with violating Section 471.033(1)(a) by violating Sections 471.031(1)(a) and 471.031(1)(c), 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 25th day of September, 2023.

Zana Raybon
Executive Director


John Rimes (Sep 25, 2023 08:26 EDT)

BY: John J. Rimes, III
Prosecuting Attorney

COUNSEL FOR FEMC:

John J. Rimes, III
Prosecuting Attorney
Florida Engineers Management Corporation
2639 North Monroe Street, Suite B-112
Tallahassee, Florida 32303
Florida Bar No. 212008
JR/rv

PCP DATE: September 13, 2023
PCP Members: Matthews, Fleming & Pistorino

CERTIFICATE OF SERVICE

hereby certify that a copy of the foregoing was furnished to Cesar Jofre at 11075 NW 27th Place, Sunrise, Florida 33322, by certified mail and First-Class U. S. Mail, on the 26 of September, 2023.

Rebecca Valentine
Rebecca Valentine, Paralegal