

FILED
Florida Engineers Management Corp
CLERK Rebecca Valentine
DATE 05/02/2024

FILED
Department of Business and Professional Regulation
Senior Deputy Agency Clerk
CLERK: Brandon Nichols
Date: 5/2/2024
File #: 2024-03895

**STATE OF FLORIDA
BOARD OF PROFESSIONAL ENGINEERS**

FLORIDA BOARD OF
PROFESSIONAL ENGINEERS,

Petitioner,

v.

CASE NO.: 2021029782
LICENSE NO.: UNLICENSED

JOSE E. PEREZ,

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 April 11, 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 neither present nor represented by counsel.

FINDINGS OF FACT.

1. The Administrative Complaint was properly served on Respondent.
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 the 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 **JOSE E. PEREZ** 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 One Hundred Seven Dollars and twenty-five cents (\$107.25)**, both within thirty (30) days of the effective date of this Final Order. It is Further

ORDERED that pursuant to sections 455.227(4) and 455.228(1), F.S., the Florida Board of Professional Engineers requests the Department of Business and Professional Regulation institute a proceeding seeking issuance of an injunction or writ of mandamus against Respondent to enjoin further unlicensed practice in this State. It is Further


ORDERED that pursuant to section 471.031(1)(a), F.S., the Florida Board of Professional Engineers requests this matter be referred to the appropriate State Attorney with a request that the State Attorney institute criminal proceedings against Respondent as specified in section 471.033(2), F.S.

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,

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 and email to **Jose E. Perez, JP Consultant Miami, LLC**, 1279 SW 23rd Street, Apt. A, Miami, Florida 33122 and info@jpconsultantinc.com; by interoffice mail to **John J. Rimes, FEMC**, 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 _____ day of May, 2024.





FILED
Florida Engineers Management Corp
CLERK Rebecca Valentine
DATE 11/13/2023

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2021029782

JOSE E. PEREZ.

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 JOSE E. PEREZ, 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 JP Consultant Miami, LLC, 1279 SW 23 Street, Apt. A, Miami, Florida 33122. Respondent is not and never has been licensed as a professional engineer in Florida.

3. Respondent forged the signature and utilized the Professional Engineer seal of Gonzalo A. Paz, PE #60734, on engineering design documents dated March 30, 2021, for a building located at 1133 Normandy, Miami Beach, Fl.

4. 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],”

5. 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].

6. 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”

7. 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.

8. 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.”

9. 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.

10. 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."

11. By forging the signature and Professional Engineer seal of Gonzalo A. Paz, PE, Respondent violated the provisions of Sections 471.031(1)(a) and 471.031(1)(c), Florida Statutes.

12. 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 13th day of November, 2023.

Zana Raybon
Executive Director

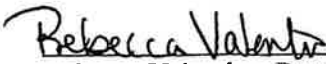

John Rimes of Nov 13, 2023 01:25 EST
BY: John J. Rimes, III
Prosecuting Attorney

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 01, 2023
PCP Members: MATTHEWS, PISTORINO & RAMSEY

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Jose E. Perez, P.E. at JP Consultant Miami, LLC, 1279 SW 23 Street, Apt. A, Miami, Florida 33122, by certified mail and First-Class U. S. Mail, on the 15 of November, 2023.


Rebecca Valentine, Paralegal