

FILED  
Florida Engineers Management Corp  
CLERK Rebecca Valentina  
DATE 2/22/2024

**FILED**  
Department of Business and Professional Regulation  
Senior Deputy Agency Clerk  
CLERK: Brandon Nichols  
Date: 2/22/2024  
File #: 2024-01688

**STATE OF FLORIDA  
BOARD OF PROFESSIONAL ENGINEERS**

FLORIDA BOARD OF  
PROFESSIONAL ENGINEERS,

Petitioner,

v.

CASE NO.: 2019055340  
LICENSE NO.: UNLICENSED

RCS ELECTRICAL SERVICES,

Respondent.

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**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,

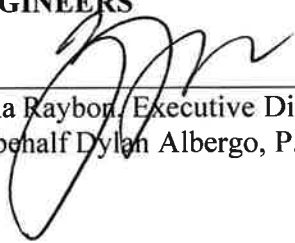
ORDERED AND ADJUDGED:

Respondent shall pay to the Board an **administrative fine of Five Thousand Dollars (\$5,000.00) AND costs of investigation and prosecution in the amount of Three Hundred Thirteen Dollars and thirty-five cents (\$313.35)**, 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 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 **RCS Electrical Services**, 1110 NE Pine Island Road, Suite 7, Post Office Box 152506, Cape Coral, Florida 33915; 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.

  
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CLERK Rebecca Valentino  
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STATE OF FLORIDA  
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL  
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2019055340

RCS Electrical Services Inc.,

Respondent,

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**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 RCS Electrical Services Inc., 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, RCS Electrical Services ("Respondent"), is a Florida corporation whose last known address, according to the Florida Division of Corporations database, is 1110 NE Pine Island Road, Suite 7, Post Office Box 152506, Cape Coral, Florida 33915.

3. 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.

4. 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].

5. Section 471.031(1)(a), (b)1., Florida Statutes states: 471.031 Prohibitions; penalties. (1) A person may not: (a) Practice engineering unless the person is licensed or exempt from licensure under this chapter. (b)1. Except as provided in subparagraph 2. or subparagraph 3., 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 this chapter, including, but not limited to, the following titles: ...“electrical engineer,....”

6. On the website for Respondent located at <http://www.rcs-electricalservices.com/>, it states, in part, as follows:

Under the “Engineering” tab it reads “Automation.”

Under the tab “Automation” it states “...we have electrical engineers”

Under the tab “Automation” it states “We are capable of helping either in the design and specification stages...”

Under the “Engineering” tab it reads “Machine Repair.”

Under the tab “Machine Repair” it states “We can help designing and specifying the electrical control systems for your machines”

7. 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.

8. 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.

9. 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."

10. 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 ...

11. A Notice to Cease & Desist as provided in Section 455.228(1), Florida Statutes, was prepared and mailed to Respondent on or about November 8, 2019.

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

13. 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 10.

14. 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 22nd day of May, 2023.

Zana Raybon  
Executive Director

  
John Rimes (May 22, 2023, 09:33 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: May 10, 2023  
PCP Members: MATTHEWS, PISTORINO & FLEMING

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to RCS Electrical Services at 1110 NE Pine Island Road, Suite 7, Post Office Box 152506, Cape Coral Florida 33915, by certified mail and First-Class U. S. Mail, on the 24 of May, 2023.

  
Rebecca Valentine, Paralegal