

FILED  
Florida Engineers Management Corp  
CLERK Rebecca Valentina  
DATE June 25, 2024

**FILED**  
Department of Business and Professional Regulation  
Senior Deputy Agency Clerk  
CLERK: Brandon Nichols  
Date: 6/25/2024  
File #: 2024-05885

STATE OF FLORIDA  
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL  
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2023052897

CHERYL R. ROBITZSCH, 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 June 20, 2024 in Kissimmee, 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 24 day of June, 2024.

FLORIDA BOARD OF PROFESSIONAL ENGINEERS

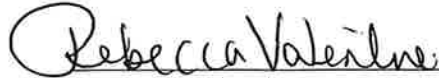
  
\_\_\_\_\_  
Zana Raybon, Executive Director  
For Dylan Albergo, P.E., CHAIR

**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

Respondent Cheryl Robitzsch, P.E. by service upon her attorney of record: Tony Duran, Esquire  
at Tison Law Group, 9312 North Armenia Avenue, Tampa, Florida 33612 and  
[tduran@tisongroup.com](mailto:tduran@tisongroup.com) this

24 day of June, 2024.

A handwritten signature in cursive script that reads "Rebecca Valentine". The signature is written in black ink and is positioned above a horizontal line.

Rebecca Valentine,  
Paralegal

RECEIVED

APR 15 2024

STATE OF FLORIDA  
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

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CHERYL R. ROBITZSCH, P.E.,

Respondent,  
\_\_\_\_\_ /

**SETTLEMENT STIPULATION**

CHERYL R. ROBITZSCH, P.E. (“Respondent”) and the Florida Engineers Management Corporation (“FEMC”) hereby stipulate and agree to the following Joint Settlement Stipulation (“Stipulation”) and to entry of a Final Order of the Florida Board of Professional Engineers (“Board”), incorporating this Stipulation in the above-styled matter.

**STIPULATED FACTS**

1. For all times pertinent hereto, Respondent, CHERYL R. ROBITZSCH, P.E., was a licensed engineer in the State of Florida, having been issued license number PE 53114.
2. Respondent was charged with violations of Chapter 471, Florida Statutes, in an Administrative Complaint filed by the Florida Engineers Management Corporation, and properly served upon Respondent. True and correct copies of the filed Administrative Complaints are attached hereto and incorporated herein by reference as “Composite Exhibit A to Settlement Stipulation”.

**STIPULATED CONCLUSIONS OF LAW**

1. Respondent, in Respondent’s capacities as a licensed professional engineer admits that, in such capacity, Respondent is subject to the provisions of Chapter 471, Florida Statutes, and the jurisdiction of the Department of Business and Professional Regulation (“Agency” or “Department”), FEMC, and the Board.

2. Respondent admits that the facts set forth in the Administrative Complaint, if proven, constitute violations of Chapter 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. Should Respondent fail to comply with the terms of the Final Order, an administrative complaint for failure to comply with final order will automatically be opened against Respondent.

3. Respondent shall pay an **ADMINISTRATIVE FINE** of \$1,000.00 and **COSTS** of \$2,984.70 to the Board within thirty (30) days of the date that the Final Order adopting this Stipulation is filed with the Agency Clerk.

4. Respondent's license to practice engineering shall be **REPRIMANDED**.

6. Respondent shall successfully complete a Board-approved course in **BASIC ENGINEERING PROFESSIONALISM AND ETHICS** within one (1) year of the date the Final Order adopting this Stipulation is filed with the Agency Clerk. Prior to that date, Respondent shall submit to the Board a Certificate of Completion of the course. It is the Respondent's responsibility to notify the Board that he has completed the course in a timely manner. Respondent may contact the Florida Engineering Society ("FES"), 125 South Gadsden St., Tallahassee, FL 32301, (850)224-7121, for information regarding the availability of such courses in Florida; however, if the FES provides any information regarding such a course to the Respondent, the Respondent must submit that course information to the FEMC for review and determination as to whether or not it will comply with the Board's requirements. Respondent may also elect to complete one of the following correspondence courses offered by:

Murdough Center for Engineering Professionalism  
Texas Tech University, PO Box 41023, Lubbock, Texas 79409  
**Engineering Ethics Basic**  
Telephone 806-742-3525; Fax 806-742-0444; E-mail: [engineering.ethics@ttu.edu](mailto:engineering.ethics@ttu.edu)

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

An Accredited College or University course if that course information is first submitted to the FEMC for review and determination as to whether or not it will comply with the Board's requirements.

*Courses offered by Continuing Education Programs or Professional Business Programs (Exp: SunCam, Inc., C2Ed), are not Board Certified, and will not meet the requirements.*

8. 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.

9. Should the Respondent fail to timely comply with the terms of the Final Order, this case will be submitted to the Probable Cause Panel for review and determination of whether additional disciplinary action should be taken.

11. 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.

12. 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.

13. 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.

14. 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.

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

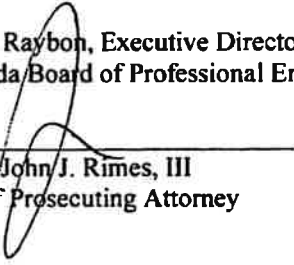
WHEREFORE, the parties hereto request the Board to enter a Final Order accepting and implementing the terms contained herein.

  
\_\_\_\_\_  
Cheryl Robitzsch, P.E.,  
Respondent  
Case No. 2023052897

Dated: 4/8/24

APPROVED this 17 day of April, 2024.

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 3/26/2024



STATE OF FLORIDA  
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

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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 CHERYL R. ROBITZSCH, 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 53114. Respondent's last known address is 1232 Eden Isle Drive NE, St. Petersburg, Florida 33704.

3. In 2021, Respondent worked for Hillsborough County as a Program Manager. During Respondent's employment in November 2021 Respondent spoke with Freese and Nichols (FNI), an engineering firm, about an employment opportunity. While that was occurring, Respondent was appointed by Respondent's superiors at Hillsborough County to an Evaluation Committee which was tasked with reviewing and evaluating proposals from firms that responded to a Hillsborough County RFP for the Progressive Design-Build Services for the South County One Water Campus Advanced Wastewater Treatment Facility project (Project). The RFP for the Project was issued on August 24, 2022.

4. During the evaluation process, Respondent became chairperson of the Evaluation Committee. On October 25, 2022, the proposals resulting from the RFP were provided to the Evaluation Committee for review and evaluation. FNI was a subconsultant to SUNDT Corporation, one of the entities that submitted a proposal in response to the RFP for the Project.

5. On October 25, 2022, Respondent formally applied for a position with FNI and then spoke to FNI on October 28, 2022, about possible employment. Then, on December 15, 2022, Respondent applied for another position with FNI, which application resulted in an offer of employment with FNI that Respondent accepted on December 21, 2022.

6. SUNDT Corporation, which included FNI as part of SUNDT's team, was selected to be awarded the Project on December 14, 2022, and negotiations to finalize the agreement continued until the end of January 2023. As noted herein, during the selection process for the Project, Respondent was directly involved in employment negotiations with FNI, a firm which Respondent knew was a subconsultant to SUNDT. Respondent's last day with Hillsborough County was January 27, 2023, and Respondent started employment with FNI on January 31, 2023, while the negotiations with SUNDT and FNI were still ongoing.



7. Section 471.033(1)(g), Florida Statutes, provides in material part: “The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:… (g) [e]ngaging in …misconduct, in the practice of engineering.” Pursuant to the provisions of Section 471.033(2), Florida Statutes, the Board has adopted Rule 61G15-19.001(6) which provides in material part that “[a] professional engineer shall not commit misconduct in the practice of engineering. Misconduct in the practice of engineering as set forth in Section 471.033(1)(g), F.S., shall include, but not be limited to: (f) Becoming involved in a conflict of interest with an employer or client, without the knowledge and approval of the client or employer, but if unavoidable a professional engineer shall immediately take the following actions:

1. Disclose in writing to his employer or client the full circumstances as to a possible conflict of interest; and

2. Assure in writing that the conflict will in no manner influence the professional engineer's judgment or the quality of his services to his employer or client; and

3. Promptly inform his client or employer in writing of any business association, interest or circumstances which may be influencing his judgment or the quality of his services to his client or employer[.]”

8. Hillsborough County has adopted an explicit procurement policy provision (§12-204 Procurement Policy - Employee Conflict of Interest) which provides that it is a conflict of interest and a breach of ethical standards for an employee participating in a procurement of goods or services to knowingly participate in the procurement when the employee is negotiating with or has an arrangement regarding prospective employment with a business that is involved in the procurement. As noted herein, FNI squarely fits within the parameters of the procurement policy as a business involved in the awarding of the contract for the Project. Moreover,

Respondent plainly participated in the Project as the procurement chairperson of the Evaluation Committee while negotiating for and ultimately obtaining employment with FNI.

9. On November 1, 2022, Respondent signed a conflict of interest disclosure form which, while not listing seeking employment with a responding business as an explicit conflict, mandated that” ...any other activity which could possibly be viewed as a conflict of interest... must be disclosed in writing to the Director of Procurement Services Department prior to service on an Evaluation Committee.”

10. Respondent never disclosed in any fashion to Respondent’s employer, Hillsborough County, throughout the process of reviewing, evaluating and ultimately recommending the awarding of the Project to SUNDT Corporation with FNI as a subconsultant to SUNDT, that Respondent was actively engaged in seeking and ultimately accepting employment with FNI. This is especially salient insofar as Respondent was chairperson of the Evaluation Committee for the Project. As such, Respondent was required to follow the disclosure requirements set forth in Paragraph Seven (7). By not doing so Respondent committed misconduct in the practice of engineering by failing to disclose the “full circumstances” involved in Respondent’s active engagement in seeking and ultimately accepting employment with FNI which was plainly an “... interest or circumstance[]” that any reasonable person would perceive to be an influence on Respondent’s engineering judgment.


11. Based on the foregoing, Respondents is charged with violating Section 471.033(1) (g), Florida Statutes, and Rules 61G15-19.001(6) (f) and (h) by engaging in misconduct in the practice of engineering.

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 26th day of March, 2024.

Zana Raybon  
Executive Director

  
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: March 13, 2024  
PCP Members: MATTHEWS, PISTORINO & RAMSEY

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Respondent Cheryl Robitzsch, P.E. by service upon his attorney of record: Tony Duran, Esquire at Tison Law Group, 9312 North Armenia Avenue, Tampa, Florida 33612, by certified mail and First-Class U. S. Mail, on the 26 of March, 2024.

  
Rebecca Valentine, Paralegal