

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK Brandon Nichols
Date **7/27/2009**
File # **2009-06163**

FILED
Florida Engineers Management Corporation
Clerk

STATE OF FLORIDA
BOARD OF PROFESSIONAL ENGINEERS

CLERK
DATE

Sandee Maize
7/27/09

FLORIDA ENGINEERS
MANAGEMENT CORPORATION,

Petitioner,

vs.

Case No.: 2009005977

License No.: PE 39415

RODRIGO CADAVID, P.E.,

Respondent.

FINAL ORDER

This matter appeared before the BOARD OF PROFESSIONAL ENGINEERS at a duly-noticed public meeting on June 18, 2009, in Tampa, Florida, for a hearing not involving disputed issues of material fact pursuant to Sections 120.569 and 120.57(2), Florida Statutes, pursuant to Respondent's election of rights. Petitioner has filed an Administrative Complaint seeking disciplinary action against the license. A copy of the Administrative Complaint is attached to and made a part of this Final Order.

Petitioner was represented by John J. Rimes, Esquire. Respondent was not present at the Board meeting.

FINDINGS OF FACT

Based upon the admission of the factual allegations, the Board adopts as its finding of facts the facts as alleged in the Administrative Complaint.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Board concludes the licensee has violated Section 471.033(1)(k), Florida Statutes, Florida Statutes, and Rule 61G15-19.001(6)(o), Florida Administrative Code.


The Board is empowered by Sections 471.033(2) and 455.227(2), Florida Statutes, to impose a penalty against the licensee. Therefore it is ORDERED that:

1. Respondent's license is hereby REVOKED.

This Final Order shall become effective upon filing with the Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this 20 day of July, 2009.

BOARD OF PROFESSIONAL ENGINEERS



Carrie Flynn, Executive Director
for John Burke, P.E., Chair

NOTICE OF APPEAL RIGHTS

Pursuant to Section 120.569, Florida Statutes, the parties are hereby notified that they may appeal this Final Order by filing one copy of a notice of appeal with the clerk of the department and by filing a filing fee and one copy of a notice of appeal with the District Court of Appeal within thirty days of the date this Final Order is filed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. mail to Rodrigo Cadavid, 10901 SW 142 Avenue, Miami, Florida 33186, and by interoffice mail to Michael T. Flury, Assistant Attorney General, Office of the Attorney General, PL01 The Capitol, Tallahassee FL 32399-1050 and John J. Rimes, Esquire, FEMC, 2507 Callaway Road, Suite 200, Tallahassee FL 32303-5268 this ___ day of _____, 2009.

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STATE OF FLORIDA
FLORIDA ENGINEERS MANAGEMENT CORPORATION

MR. PATRICK GREENAN
RE: RODRIGO CADAVID, P.E.

CASE NO. 2009005977

ELECTION OF RIGHTS

(Please select only 1 of the 3 options)

This form must be filed at the Florida Engineers Management Corporation office in Tallahassee, Florida, within 21 days of receipt. Failure to do so shall be deemed a waiver of your right to an administrative hearing.

Select one of the following options and sign below:

Stipulation

I waive my right to object or be heard concerning this matter and the Board may do as it sees fit concerning this matter.

Informal Hearing

I do not dispute the facts upon which the Administrative Complaint is based. I wish to make an explanation of those facts or to submit a written statement or speak on my behalf at an informal hearing. The informal hearing will be before Board of Professional Engineers in accordance with Sections 120.569 and 120.57(2), Florida Statutes, and applicable portions of Chapter 28-106, Florida Administrative Code.

Formal Hearing

I dispute the facts upon which the Administrative Complaint is based. I have attached to this form a petition or written statement in conformance with Rule 28-106.201, Florida Administrative Code, and hereby request a formal hearing to be conducted pursuant to Sections 120.569 and 120.57(1), Florida Statutes, and applicable portions of Chapter 28-106, Florida Administrative Code. I acknowledge that failure to comply with Rule 28-106.201, Florida Administrative Code, may result in the denial of my request for a formal hearing. The formal hearing will be held before an Administrative Law Judge of the Division of Administrative Hearings, where I may present evidence and argument on the issues.

I have read and understand this Election of Rights form and understand that I have the right to be represented by counsel or qualified representative at either an informal or formal hearing. I also understand that I must attach a petition or written statement of the disputed issues of material fact if I have requested a formal hearing.

Mediation, pursuant to Section 120.573, Florida Statutes, is not available as an alternative remedy.

(Your signature)

(Attorney's signature, if represented)

RODRIGO H. CADAVID

(Type or print your name)

SPENCER CHAID

(Type or print your attorney's name)

10901 SW 142 AVE

(Address, city, state and zip code) MIAMI FL 33186

3191 CORAL WAY, SUITE 1005

(Address, city, state and zip code)

305-385-9711

(Telephone number, including area code)

Miami FL 33145

(Telephone number, including area code)

(305) 460-5900

Upon completion of this form, return it to:

S. Maige
Legal Division
c/o Florida Board of Professional Engineers
2507 Callaway, Suite 200
Tallahassee, Florida 32303
(850) 521-0500

1. I TOOK COURSE I DID NOT GET THE RESULT SCORE OR CERTIFICATE FROM ENGINEERING ETHICS
2. LEVY'S JOB IT WAS ONLY TO REPLACE AN STEEL BEARD OR COL. WB X 21. NOT REQUIRED CALCULATIONS

Rev. 11/01

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	2/24/2009
File #	

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

FILED
Florida Engineers Management Corporation
Clerk
CLERK Sandee Maige
DATE 2-24-2009

Petitioner,

FEMC Case No. 2009005977

v.

RODRIGO H. CADAVID, P.E.,

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 RODRIGO H. CADAVID, 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, ("Board") 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 39415. Respondent's last known address is 10901 SW 142ND Ave. Miami, FL 33186.

3. On November 14, 2007, a Final Order was entered in Florida Engineers Management Corporation v. Rodrigo H. Cadavid, P.E., FEMC Case Number(s) : 2004033481, 2004006472, 2004006473, 2005011460 and 2005031755. This Order was not appealed.

4. The Final Order imposed the following disciplinary sanctions against the Respondent including (but not limited to) probation, the terms of which includes a requirement that the Respondent provide a project list to be supplied to the Board six months after the filing of the Order (May 14, 2008). This project list was provided by Respondent on October 13, 2008. Despite the lateness of the Respondent's submittal, two (2) projects were selected and the Board office made a request for a complete set of plans and corresponding calculations for said projects. On December 5, 2008, the Respondent provided plans, but no calculations were provided for one project and nothing was provided for the second Board selected project. After much correspondence from the Board office requesting these missing items, as of the date of the filing of this Administrative Complaint these items remain due and owing from the Respondent.

5. In addition the Order required the Respondent to provide a Certificate of Completion showing that the Respondent had successfully completed a Board-approved course in Professionalism and Ethics within one (1) year of the filing of the Final Order. The one year time period within which the Respondent was required to comply with this requirement was November 14, 2008. Respondent has not provided this Certificate of Completion to the Board as of the date of the filing of this Administrative Complaint.

6. Section 471.033(1)(k), Florida Statutes, provides in relevant part that “[t]he following acts constitute grounds for which the disciplinary actions in [Section 471.033(3), Florida Statutes] may be taken:...(k) Violating any order of the board or department previously entered in a disciplinary hearing; ...” Rule 61G15-19.001(6), F.A.C., provides 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 limited to:...(o) failure on the part of any professional engineer...to obey the terms of a final order imposing discipline upon said professional engineer...”

7. By failing to comply with the requirements imposed upon his license under the terms of the Final Order in the manner set forth in Paragraph 4 and 5, respondent has violated provisions of Section 471.033(1)(k), F.S., and Rule 61G15-19.001(6)(o), F.A.C.,

8. Based on the foregoing, Respondent is charged with violating Section 471.033(1)(k), F.S., and Rule 61G15-19.001(6)(o), F.A.C., by violating and failing to comply with terms of a Final Order entered by the Board of Professional Engineers.

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 _____ day of _____, 2009.

Carrie Flynn
Executive Director



BY: Patrick Creehan
Prosecuting Attorney

COUNSEL FOR FEMC:
Patrick Creehan
Prosecuting Attorney
Florida Engineers Management Corporation
2507 Callaway Road, Suite 200
Tallahassee, Florida 32303
Florida Bar No. 0063540

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Rodrigo H. Cadavid, 10901 SW 142nd Ave. , Miami FL 33186 by certified mail, on the 13th of February 2009.

