

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK Brandon Nichols
Date **11/4/2009**
File # **2009-09139**

STATE OF FLORIDA
BOARD OF PROFESSIONAL ENGINEERS

FILED
Florida Engineers Management Corporation
Clerk
Sandra Mays
CLERK
DATE 11-4-2009

FLORIDA ENGINEERS MANAGEMENT
CORPORATION,

Petitioner,

FEMC Case Nos.: 2007062474, 2008062082
License No.: PE 31542

ROBERT WOOD, P.E.

Respondent.

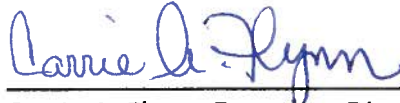
FINAL ORDER ADOPTING SETTLEMENT STIPULATION

THIS CAUSE came before the BOARD OF PROFESSIONAL ENGINEERS (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on October 15, 2009, in Ponte Vedra Beach, Florida, for the purpose of considering a stipulation (attached hereto as Exhibit A) entered into between the parties in this cause on August 30, 2009. Upon consideration of the stipulation, the documents submitted in support thereof, the arguments of the parties, it is hereby:

ORDERED AND ADJUDGED that the 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.

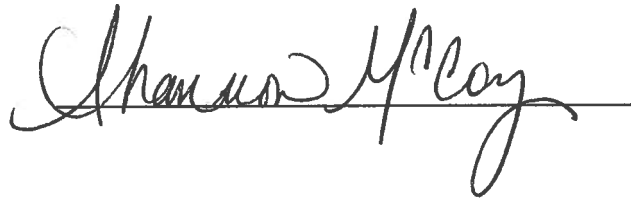
DONE AND ORDERED this 22 day of October, 2009, by the Florida Board of Professional Engineers.



Carrie A. Flynn, Executive Director
For John Burke, P.E., Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been furnished by U. S. Mail to Robert Wood, P.E. c/o Michael McCabe, Esquire, 1001 Kings Avenue, Suite 201, Jacksonville, Florida 32207 and by interoffice mail to Michael T. Flury, Assistant Attorney General, PL-01 The Capitol, Tallahassee, Florida 32399-1050, and John J. Rimes, Esquire, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303, this 24th day of November, 2009.



STATE OF FLORIDA
BOARD OF PROFESSIONAL ENGINEERS

FLORIDA ENGINEERS
MANAGEMENT CORPORATION,

Petitioner,

v.

FEMC Case Nos. 2007062474 & 2008062082

ROBERT WOOD, P.E.

Respondent,
_____ /

SETTLEMENT STIPULATION

ROBERT WOOD, P.E., hereinafter referred to as "Respondent", and the Florida Engineers Management Corporation, hereinafter referred to as "FEMC", hereby stipulate and agrees to the following joint stipulation and Final Order of the Board, incorporating this Stipulation in the above-styled manner.

STIPULATED FACTS

1. For all times pertinent hereto, Respondent was a licensed engineer in the State of Florida, having been issued license number PE 31542.
2. In FEMC Case No. 2007062474, Respondent was charged by an Administrative Complaint filed by the Florida Engineers Management Corporation, and properly served upon Respondent with violations of Chapters 471 and 455, Florida Statutes. A true and correct copy of the Administrative Complaint is attached hereto and incorporated by reference as Exhibit A.
3. In FEMC Case No. 2008062082, Respondent was the subject of a complaint from a building official asserting the same deficiencies as those set out in Exhibit A (although regarding another project).

4. In light of the fact that the factual allegations in FEMC Case No. 2008062082 are materially identical to those in FEMC Case No. 2007062474 and in light of the fact that the deficiencies in the engineering plans at issue are also materially identical, the parties agree that the factual issues to be resolved by this Stipulation are appropriately before the Board either as referenced in Exhibit A in FEMC Case No. 2007062474 or as set out in the Investigative File in FEMC Case 2008062082.

STIPULATED CONCLUSIONS OF LAW

1. Respondent, in his capacity as a licensed engineer, admits that in such capacity he is subject to provisions of Chapters 455 and 471, Florida Statutes, and the jurisdiction of the Department, FEMC, and the Board.

2. Respondent admits that the facts set forth in the Administrative Complaint set out in Exhibit A, if proven, constitute violations of Chapters 455 and 471, Florida Statutes, as alleged in the Complaint.

3. Respondent admits that the facts set forth in the set out in the Investigative File in FEMC Case 2008062082, if proven, constitute the same violations of Chapters 455 and 471, Florida Statutes, as alleged in the Administrative Complaint set out in Exhibit A.

4. In light of the provisions of Paragraph 3 of the Stipulation Conclusions of Law, Respondent and Petitioner hereby waive a finding of Probable Cause by the Board's Probable Cause Panel in FEMC Case 2008062082, and agree to dispose of that complaint by entering into this Stipulation.

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 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.
3. Respondent's license shall be **SUSPENDED**, the suspension shall be **STAYED** for thirty (30) days and then **VACATED** if Respondent pays an **ADMINISTRATIVE FINE** of \$500.00 and **COSTS** of \$5,362.24 to the Board within one (1) year of the date that the Final Order adopting this Stipulation is filed with the Agency Clerk.
4. Respondent shall **APPEAR** before the Board when the stipulation is presented. Respondent should be prepared to discuss: what education, training and experience provides Respondent with the required competence to practice structural engineering; how he plans to handle the presentation of engineering details in his plans in the future; and to bring any standard aluminum pool screen design manual(s) which he utilizes for his pool screen designs for the Board to review during his appearance.
5. Respondent acknowledges that neither his 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.
6. Respondent's license to practice engineering shall be **REPRIMANDED**.
7. Respondent shall be placed on **PROBATION** for two (2) years with the following terms:

a. Respondent shall successfully complete a Board-approved course in **ENGINEERING PROFESSIONALISM AND ETHICS** within one (1) year of the date the Final Order adopting this Stipulation is filed. Prior to that date, Respondent shall submit to the Board a Certificate of Completion. 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, 125 South Gadsden Street, Tallahassee, Florida 32301, (850) 224-7121, for information regarding the availability of such courses in Florida. 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
Course No. PDH-30 Engineering Ethics I
Course No. PDH-30 Engineering Ethics II (Intermediate)
Telephone 806-742-3525; Fax 806-742-0444; e-mail ethics@coe.ttu.edu.

EPD Program
Auburn University
Engineering Extension Service
217 Ramsay Hall
Auburn, Alabama 3689-5331
Course No. V98E Ethics and Professionalism
Phone 800-446-0382 or 334-844-4370

National Society for Professional Engineers
PDC Buncher Commerce Park Avenue A#16
Leetsdale, Pennsylvania 15056-1304
Course No. ONL-005 Ethics & Risk Management
Phone 800-417-0348 Fax 412-741-0609

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

b. Respondent shall submit to the Board a detailed list of all completed projects (signed, sealed, and dated), by the Respondent for **PROJECT REVIEW** at six (6) and eighteen (18) month intervals from the date that the Final Order adopting this Stipulation is filed with the Agency Clerk

c. A FEMC Consultant will select two (2) projects from each submitted list for review. Respondent is responsible for promptly furnishing any set of completed plans, calculations, and any other supporting documentation requested by the Consultant. Respondent is also responsible for the Consultant's fees for reviewing the projects, and shall remit payment by check or money order made payable in the name of the Board's Consultant and shall remit said payment to the Florida Engineers Management Corporation within thirty (30) days from the date of invoice. Should the Consultant return an unfavorable report concerning Respondent's projects, that report shall be submitted to the Probable Cause Panel for determination of whether additional disciplinary proceedings should be initiated.

d. If Respondent has not performed engineering services on a sufficient number of projects to make the submissions required by 7. b. 1, the initial or, if applicable, the subsequent submission required by the terms of probation shall be extended for a period of six (6) months to allow Respondent to perform the services necessary for the required review. However, if, after the extension has expired, Respondent does not perform sufficient engineering services to meet the requirements of the terms of probation, Respondent's license will be placed on voluntary inactive status as defined in Section 455.227, Florida Statutes, by the Board, without any further necessity for action on the part of Respondent. Respondent's license shall remain on such status, provided Respondent meets the requirements of Section 455.227, unless and until Respondent notifies the Board that he wishes to recommence practice and obtains Board authorization to

reactivate his license under such terms of probation that the Board deems appropriate at that time.

e. Respondent shall successfully complete the STUDY GUIDE which has been prepared by the Board of Professional Engineers and which will be furnished to Respondent, regarding the Engineering Practice Act, Chapter 471, Florida Statutes, and the Rules of the Board of Professional Engineers. Respondent will complete and return the Study Guide within thirty (30) days of the date on which a Final Order incorporating this Settlement Stipulation is filed, to the Board of Professional Engineers at 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

f. Should the FEMC Consultant return a favorable report after reviewing the set of plans reviewed during the first year of probation, the requirements for the second year of probation will be waived and the probation terminated. A “favorable report” is herein defined as a report that, in the sole opinion of the Consultant with the concurrence of the Board, finds that the plans reviewed were considered to be free of any material engineering deficiencies.

8. It is expressly understood that this Stipulation is subject to approval of the Board and FEMC and has no force and effect until the Board issues a Final Order adopting this agreement.


9. 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 the Stipulation. Furthermore, should this joint 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.

10. 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 Stipulation of Facts, Conclusions of Law, imposition of discipline and the Final Order of the Board incorporating said Stipulation.

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

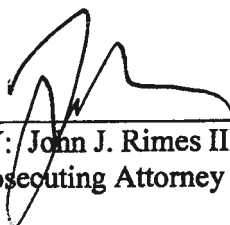
WHEREFORE, the parties hereto request the Board to enter a Final Order accepting and implementing the terms contained herein.

 August 31, 2009

Signature and Date
Robert Wood, P.E.
Respondent
Case No. 2007062474

APPROVED this ____ day of _____, 2009.

Carrie Flynn, Executive Director
Florida Board of Professional Engineers



BY: John J. Rimes III
Prosecuting Attorney

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2007062474

ROBERT WOOD, 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 ROBERT WOOD, 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 31542. Respondent's last known address is 2000 Sandpiper Pt., Neptune Beach, FL 32266 1536.

3. During 2007, Respondent sealed, signed and dated structural engineering documents to be used to obtain building permits for the following projects:

a. An aluminum pool screen enclosure attached to the Redding Residence (Redding Project) at 1205 Marengo Circle in St. Johns County, Fl. The documents consisted of a certification letter (dated 10/8/07), a site plan, two pages of site specific design drawings (dated 8/20/07), and a five page screen enclosure specification document including sheets 1 of 5 thru 5 of 5 (apparently dated on 8/20/07).

b. An aluminum pool screen enclosure attached to the McCormic Residence (McCormic Project) at 308 Plantation Circle in St. Johns County, Fl. The documents consisted of a single un-numbered site specific drawing and two drawings (S-1 and S-2) with generic screen specifications and details. The documents are dated 9/27/07.

4. Respondent's engineering documents for the Redding Project are materially deficient as follows:

- a. At design loading, the 2x7SMB roof beam is overstressed.
- b. At design loading, the 2x4SMB non-flow thru wall column is overstressed.
- c. At design loading, the 2x4SMB flow thru wall column is overstressed.

- d. At design loading, the 2x2 roof purlin is overstressed.
- e. The size of the corner diagonal roof framing members is not specified on the site specific framing plan. (Sheet #1)
- f. Continuous diagonal roof bracing is not provided from the cable braced screen wall to the host structure.
- g. The minimum bending stress (15,000 psi) indicated on drawing 1 of 5 of the screen enclosure specification included in the permit documents for this structure is inappropriate and incorrect. The allowable bending stress for a member is dependent upon the member section and the un-braced length of the member. For the 2x7SMB and 2x4SMB framing members of this structure, the allowable bending stress is less than 15,000 psi.
- h. the written, signed and sealed 10/8/07 certification letter (which was apparently required by the permit plans examiner, Mr. Dan Arlington, as the basis for issuing the permit for the Redding Project) includes the following statement: "These screen rooms are adequate for 120 mph wind, exposure B and importance factor 0.77". Respondent's statement regarding the adequacy of the structure is erroneous and therefore the certification of the subject screen enclosure is without adequate engineering basis.

5. Respondent's engineering documents for the McCormic Project are materially deficient as follows:

- a. At design loading, the 2x8SMB roof beam is overstressed.

- b. At design loading, the 2x5SMB non-flow thru wall column is overstressed.
- c. At design, loading the 2x4SMB flow thru wall column is overstressed.
- d. At design, loading the 2x2 roof purlin is overstressed.
- e. At design loading, the 2x2 chair rail is overstressed.
- f. The corner column section is not specified or set forth in the permit documents.
- g. The diagonal corner roof framing members are not shown nor are they specified in the permit documents.
- h. Continuous diagonal roof bracing is not provided from the cable braced screen wall to the host structure. The permit documents do not show or specify the diagonal bracing.
- i. The spacing of the wall chair rails is not dimensioned on the permit drawings.
- j. The minimum bending stress (15,000 psi) indicated on drawing S-1 of the screen enclosure specification included in the permit documents for this structure is inappropriate and incorrect. The allowable bending stress for a member is dependent upon the member section and the un-braced length of the member. For the 2x8SMB, 2x5SMB and 2x4SMB framing members of this structure, the allowable bending stress is less than 15,000 psi.

6. The Board has adopted Responsibility Rules of Professional Engineers (Responsibility Rules). These Rules are contained in Chapter 61G15-30 to Chapter 61G15-36,

Fla. Administrative Code. Professional Engineers who perform services covered by the Responsibility Rules are required to comply with the Rules.

7. Rule 61G15-30.002(1), F. A. C., mandates that Respondent, as the engineer of record, is professionally responsible for the documents prepared for the Redding and McCormic Projects. As such, Respondent is responsible for producing documents that comply with the applicable portions of the Responsibility Rules.

8. Respondent acted as Engineer of Record for the Structure for the Redding and McCormic Projects as that term is defined in Rule 61G15-31.002(1), F. A. C. As such all structural documents prepared, signed, sealed and dated by Respondent must contain the information set out in Rule 61G15-31.002(5), F. A. C., as is mandated by Rule 61G15-31.001, F. A. C., setting out the General Responsibility standards for engineers designing structures. The plans and specifications for the Redding and McCormic Projects fail to contain this information and thus fail to comply with the Responsibility Rules.

9. Section 471.033(1)(g), Florida Statutes, provides that an engineer is subject to discipline for engaging in negligence in the practice of engineering. Rule 61G15-19.001(4), Fla. Admin Code, provides that negligence constitutes "failure by a professional engineer to utilize due care in performing in an engineering capacity or failing to have due regard for acceptable standards of engineering principles."

10. Rule 61G15-19.001(4) also provides that "[f]ailure to comply with the procedures set forth in the Responsibility Rules as adopted by the Board of Professional Engineers shall be considered as non-compliance with this section unless the deviation or departures therefrom are justified by the specific circumstances of the project in question and the sound professional judgment of the professional engineer."

11. The Respondent's drawings, specifications, and calculations for the Redding and McCormic Projects and the certification letter for the Redding Project contain deficiencies including; but not limited to, those set forth in Paragraphs 4 and 5. Respondent violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by sealing, signing and dating engineering documents that were issued and filed for public record when such documents were materially deficient in respect to and not in compliance with applicable code requirements or acceptable engineering principles.

12. Based on the foregoing, Respondent is charged with violating Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by engaging in negligence 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 19th day of November, 2008.

FILED

Department of Business and Professional Regulation
DEPUTY CLERK

CLERK Brandon M. Nichols
DATE 11-21-2008

FILED
Florida Engineers Management Corporation
Clerk

FOR FILE: Robert Wood, P.E., Case No. 2007062474
DATE 11-21-2008

Carrie Flynn
Executive Director

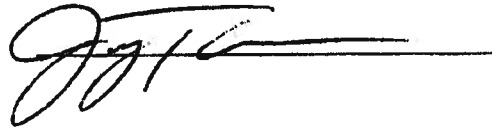
BY: John Rimes
Prosecuting Attorney

COUNSEL FOR FEMC:

**John Rimes
Prosecuting Attorney
Florida Engineers Management Corporation
2507 Callaway Road, Suite 200
Tallahassee, Florida 32303
Florida Bar No. 212008
JR/jt
PCP DATE: November 18, 2008
PCP Members: Rebane, Charland**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Robert Wood, P.E., 2000 Sandpiper Pt., Neptune Beach, FL 32266-1536, by certified mail, on the 1ST of NOV, 2008.

A handwritten signature in black ink, appearing to read "JR/jt", is written over a horizontal line.