

FILED
Florida Engineers Management Corporation
Clerk

CLERK *Sarah Wachman*
DATE 3/12/08

Final Order No. BPR-2008-02219 Date: 3-12-08
FILED

Department of Business and Professional Regulation
AGENCY CLERK

Sarah Wachman, Agency Clerk
By: *Brandon M. Nichol*

STATE OF FLORIDA
BOARD OF PROFESSIONAL ENGINEERS

FLORIDA ENGINEERS
MANAGEMENT CORPORATION,

Petitioner,

vs.

FEMC Case No.: 2006003567
License No.: PE 22656

JOSEPH POTTS, P.E.

Respondent.

FINAL ORDER

This matter appeared before the Board of Professional Engineers at a duly-noticed public meeting on February 21, 2008, in Jacksonville, Florida, for consideration of the Administrative Law Judge's Recommended Order in the above-styled cause. Petitioner was represented by Patrick Creehan. Respondent was not present.

Upon review of the Recommended Order, the argument of the parties, and after a review of the complete record in this case, the Board makes the following findings and conclusions.

RULING ON EXCEPTION

Upon review of the Petitioner's Exception to Paragraph 33 to the Recommended Order and the complete record in this case, the argument of the parties, and being duly advised on the premises, the Board GRANTS Petitioner's Exception to Paragraph 33 for the reasons stated in Petitioner's Exception to Recommended Order, (Attached hereto.)

FINDINGS OF FACT

1. The findings of fact set forth in the Recommended Order are approved and adopted and incorporated herein by reference.
2. There is competent substantial evidence to support the findings of fact.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 471, Florida Statutes.
2. The remaining conclusions of law set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

DISPOSITION

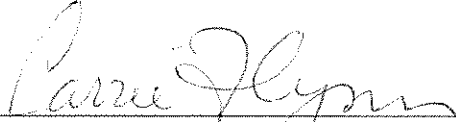
Upon a complete review of the record in this case, the Board determines that the disposition recommended by the Administrative Law Judge be accepted, and Respondent's license is hereby placed on **two (2) years probation** with a **plans review at 6 months and 18 months** from the date of this Order. The Respondent shall submit a list of plans to the Florida Engineering Management Corporation, at which time a consultant will pick two from the list. Respondent is responsible for furnishing a set of completed plans and calculations as requested by the Consultant.

The Respondent shall also pay an **administrative fine of \$5,000.00** payable within 30 days of the Final Order.

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

DONE AND ORDERED this _____ day of _____, 2008.

BOARD OF PROFESSIONAL ENGINEERS



Carrie Flynn, Executive Director
for John Burke, 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 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 Joseph Potts, P.E., 4440 NE 13th Avenue, Ft. Lauderdale, Florida 33334; and by interoffice mail to Patrick Creehan, Prosecuting Attorney FEMC, 2507 Callaway Road, Suite 200, Tallahassee FL 32303 and Michael T. Flury, Assistant Attorney General, Department of Legal Affairs, PL01 The Capitol, Tallahassee FL 32399-1050 this _____ day of _____, 2008.