

**STATE OF FLORIDA
BUILDING CODE ADMINISTRATORS
AND INSPECTORS BOARD**

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	1/8/2016
File #	2016-00122

**DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,**

Petitioner,

v.

**CASE: 2015 - 017142
LICENSE: BU 1600, PX 485,
BN 1115**

CHRISTOPHER M. AUGUSTIN,

Respondent.

FINAL ORDER APPROVING SETTLEMENT AGREEMENT

THIS MATTER came before the Building Code Administrators and Inspectors Board (hereinafter referred to as the "Board") pursuant to Sections 120.569 and 120.57(2), Florida Statutes, on December 3, 2015 in Celebration, Florida, for consideration of the Administrative Complaint in the above styled case which is attached hereto as Exhibit "A", and incorporated herein by reference and the Settlement Stipulation entered into between the parties, which is attached hereto as Exhibit "B," and incorporated herein by reference. The Petitioner was represented by Mark S. Miller. The Respondent was present and represented by counsel at the proceedings. As a member of the probable cause panel that initially reviewed the matter, Board member Gathright was recused from participating in the proceedings.

Upon consideration of the Administrative Complaint and the proposed Settlement Stipulation in this matter and being otherwise fully advised in the premises, it is hereby ordered that the Settlement Stipulation is approved as an acceptable disposition of this proceeding. The parties shall adhere to and abide by the terms of the Settlement Stipulation.

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

DONE AND ORDERED, this 7th day of January, 2016.

BUILDING CODE ADMINISTRATORS
AND INSPECTORS BOARD

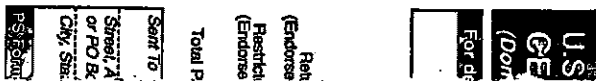
Robyn Barneau
Robyn Barneau, Executive Director
for Robert S. McCormick, Chairman

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been provided by United States Mail to Counsel for Respondent, Tracey DeCarlo, 3099 E. Commercial Boulevard, Suite 200, Fort Lauderdale, Florida 33308; and by electronic mail to tdecarlo@cityatty.com; and by Inter-Office Delivery to Mark S. Miller, Deputy Chief Attorney, Department of Business and Professional Regulation, 1940 North Monroe St., Tallahassee, FL 32399-2202, and Clark R. Jennings, Assistant Attorney General, Administrative Law Section, PL-01 The Capitol, Tallahassee, Florida 32399-1050 this 8th day of January, 2016.

Brandon M. Nicks

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STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

vs.

Case Number 2015-017142

CHRISTOPHER M. AUGUSTIN,

Respondent.

SETTLEMENT STIPULATION

Christopher M. Augustin ("Respondent") and the Department of Business and Professional Regulation ("Department") agree to the following Stipulation and entry of a Final Order incorporating this Stipulation in the above-styled matter as follows:

STIPULATED FACTS

1. At all times material, Respondent was a licensed Building Code Administrator, Plans Examiner, and Building Inspector having been issued license numbers BU 1600, PX 485, and BN 1115 respectively.
2. Respondent's address of record is 6816 N.W. 27th Terrace, Fort Lauderdale, Florida 33309.
3. Respondent was charged by an Administrative Complaint filed by the Department and properly served upon Respondent with a violation of Chapter 455 and/or Chapter 468, Florida Statutes. A true and correct copy of the Administrative Complaint is attached hereto and incorporated by reference as Exhibit "A."
4. Respondent neither admits nor denies the allegations set forth in the Administrative Complaint attached hereto as Exhibit "A," but agrees to enter this settlement stipulation for the purposes of avoiding future litigation.

CONCLUSION OF LAW

5. Respondent understands he is subject to the provisions of Chapters 455 and 468, Florida Statutes, the rules promulgated pursuant thereto, and the jurisdiction of the Department and the Board of Building Code Administrators and Inspectors.

6. Respondent understands that the alleged facts, if proven, would constitute violations of law as charged in the Administrative Complaint.

7. Respondent understands that this Stipulation arises out of disciplinary action as set forth in Sections 455.225, 455.227(1)(f) and 468.621, Florida Statutes.

STIPULATED DISPOSITION

8. In the future Respondent shall refrain from committing violations of Chapter 468, Florida Statutes, or the rules promulgated pursuant thereto.

9. FINE: Respondent shall pay an administrative fine in the amount of \$500.00 within 30 days of the filing of the Final Order accepting this Settlement Stipulation.

10. COSTS: Respondent shall pay administrative costs in the amount of \$259.41 within 30 days of the filing of the Final Order accepting this Settlement Stipulation.

11. PROBATION: Respondent shall be on probation for one year from the date of the Final Order adopting this Stipulation. Respondent may be asked to appear before the Board at such times as directed by the Executive Director, or as specified in the Final Order entered in this action. In connection with each probation appearance, Respondent shall provide specified information and/or documentation as requested by the Department, the Board, or the Probation Committee. The Respondent shall forward said documentation to the Board in advance of the probation appearance. The burden shall be solely upon Respondent to remember the requirement for said appearance, and to take the necessary steps in advance of said appearance to contact the Board office and ascertain the specific time, date, and place of said appearance. The Respondent shall not rely on getting notice of said appearance from the Board or Department.

12. Should Respondent violate any condition of this probation, it shall be considered a violation of Section 468.621(1)(a), Florida Statutes, and shall result in further disciplinary action by the Board.

13. It is expressly understood that this Stipulation is not effective unless a final order is entered by the Board accepting this Stipulation.

14. Upon the Board's adoption of this Settlement Stipulation, Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the Settlement Stipulation, and the Final Order of the Board incorporating said Settlement Stipulation, or any part thereof.

15. Upon the Board's adoption of this Stipulation, the parties hereby agree that each party will bear its own attorney's fees and costs resulting from prosecution and/or defense of this proceeding.

16. This Stipulation is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. Should this Stipulation not be accepted by the Board, it is agreed that presentation to and consideration of this Stipulation and other documents and matters 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.

WHEREFORE, the parties hereto request the Board of Building Code Administrators and Inspectors to enter a Final Order accepting and implementing the terms contained herein.

(SIGNATURE PAGES FOLLOW)

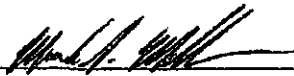
(SIGNATURE PAGES FOLLOW)

SIGNED this 5TH day of November, 2015.

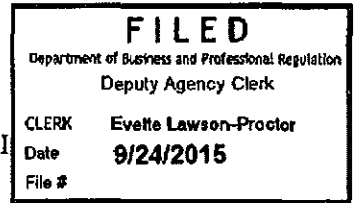
A handwritten signature in black ink, appearing to read "Christopher Augustin". The signature is written in a cursive style with a horizontal line under the name.

Christopher Augustin
Case No. 2015-017142

SIGNED this 16th day of November, 2015.



Mark Steven Miller
Deputy Chief Attorney
Florida Bar Number: 0653020
Office of the General Counsel
1940 N. Monroe Street, Ste. 42
Tallahassee, FL 32399-2202
(850) 717-1201 Telephone
(850) 921-9186 Facsimile



STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

v.

Case No. 2015-017142

CHRISTOPHER M. AUGUSTIN,

Respondent.

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, ("Petitioner") files this Administrative Complaint before the Board of Building Code Administrators and Inspectors, against Christopher M. Augustin ("Respondent"), and alleges:

1. Petitioner is the state agency charged with regulating the practice of building code administration and inspection pursuant to Section 20.165, Florida Statutes, and Chapters 455 and 468, Part XII, Fla. Stat.
2. Respondent's address of record is 6816 N.W. 27th Terrace, Fort Lauderdale, FL 33309.

Material Facts

3. At all times material, Respondent was employed by the City of Fort Lauderdale Building Services Division ("FLBSD") as the Building Code Administrator.
4. At all times material, Respondent was a licensed Building Code Administrator, Standard Plans Examiner, and Standard Inspector in the State of Florida, having been issued license numbers BU 1600, PX 485, and BN 1115, respectively.

5. On or about March 15, 2012, changes to section 1612 of the Florida Building Code including revised flood elevation requirements for buildings that may be vulnerable to flooding became effective in the State of Florida.

6. Respondent, as the Building Official for FLBSD, is responsible for the enforcement of applicable building code requirements.

7. Respondent, as the Building Official for FLBSD, knew or should have known that the revised flood elevation requirements within the 2010 Florida Building Code became applicable on March 15, 2012.

8. Respondent overlooked or ignored the revised flood elevation requirements for certain buildings vulnerable to flooding for over one year.

Conclusions of Law

9. Section 468.621(1)(g), Florida Statutes (2013), subjects a licensee to discipline for “[f]ailing to properly enforce applicable building codes or permit requirements within this state which the certificateholder knows are applicable or committing willful misconduct, gross negligence, gross misconduct, repeated negligence, or negligence resulting in a significant danger to life or property.”

10. Based on the foregoing, Respondent violated Section 468.621(1)(g), Florida Statutes (2013), when Respondent overlooked or ignored applicable Florida Building Code flood elevation requirements that were applicable to certain buildings vulnerable to flooding.

WHEREFORE, Petitioner respectfully requests the Building Code Administrators and Inspectors Board enter an order imposing one or more of the following penalties: suspension or permanent revocation of Respondent’s license, restriction of Respondent’s practice, imposition of an administrative fine not to exceed \$5,000 for each count or separate offense, issuance of a reprimand, placement of Respondent on probation subject to specified conditions, corrective action,

assessment of costs related to the investigation and prosecution of the case excluding costs associated with an attorney's time or any other relief that the Florida Board of Building Code Administrators and Inspectors is authorized to impose pursuant to Chapters 455 and 468, Florida Statutes, and the rules promulgated thereunder.

Signed this 12th day of August, 2015.

KEN LAWSON, Secretary
Department of Business and
Professional Regulation

By: /s/ Mark Steven Miller
Mark Steven Miller
Deputy Chief Attorney
Florida Bar No. 0653020
Office of the General Counsel
1940 N. Monroe Street, Ste. 42
Tallahassee, FL 32399-2202
(850) 717-1201 Telephone
(850) 921-9186 Facsimile

PC Found: 08/12/2015
By: Dudley/Gathright/Demers

NOTICE OF RIGHTS

Please be advised that mediation under section 120.573, Florida Statutes, is not available for administrative disputes involving this type of agency action.

Please be advised that Respondent has the right to request a hearing to be conducted in accordance with sections 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoenas and subpoenas duces tecum issued on his or her behalf if a hearing is requested. Any request for an administrative proceeding to challenge or contest the charges contained in the administrative complaint must conform to Rule 28-106.2015, *Florida Administrative Code*. Rule 28-106.111, *Florida Administrative Code*, provides in part that if Respondent fails to request a hearing within 21 days of receipt of an agency pleading, Respondent waives the right to request a hearing on the facts alleged.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to section 455.227(3)(a), Florida Statutes, the Board, or the Department when there is no Board, may assess costs related to the investigation and prosecution of the case excluding costs associated with an attorney's time, against Respondent in addition to any other discipline imposed.