

**Joint Meeting Minutes
Florida Board of Professional Engineers
and the
Florida Engineers Management Corporation
June 21 & 22, 2005
Beginning at 8:30 a.m.
Safety Harbor, Florida**

**Part I
General Business Agenda**

A. Call to Order

Florida Board of Professional Engineers

Members in Attendance:

Robert Matthews, PE, Chair
Henn Rebane, PE, Vice Chair
John Burke, PE
Jorge Duyos, PE
Paul Tomasino, PE
Chris Bauer, PE, Ph.D.
David Charland, PE
Daniel Rivera, Public Member

Members Absent:

Al Rose, PE, Absent
R. Gerry Miller, PE, Ph.D., Absent
Gloria Velazquez, Esq., Public Member, Absent

Florida Engineers Management Corporation

Members in Attendance:

Melvin W. Anderson, Ph.D., PE, Chair
Kamal Al-Imam, PE
Gary Kuhl, PE
Roger Jeffery, PE
Wade Hopping, Esquire

Members Absent:

John Springstead, PE

Also, in attendance:

Guests:

Al Seckinger, PE
David Minacci, Esq.
Trent Manausa, Registered Architect
Charlie Geer, PE
Bill Palm, PE

Staff Present:

Paul J. Martin, Esquire, Executive Director
Carrie Flynn, Assistant Executive Director
Douglas Sunshine, Esquire, Chief Prosecuting Attorney
Bruce Campbell, Esquire, Prosecuting Attorney
Marvin Vickers, FEMC Comptroller
Jeannie Carlton, CE Coordinator

Board Counsel:

Lee Ann Gustafson, Senior Assistant Attorney General

B. Introduction of guests and announcements for presentations at scheduled time.

- #1. David Minacci and Trent Manausa, Florida Board of Architecture and Interior Design, made an immediate presentation to the Board of Professional Engineers

The Florida Board of Architecture and Interior Design is seeking support for a bill to be introduced in the next legislative session. This bill, if passed, would require that an architect or engineer be involved in the construction management of projects.

Mr. Manausa stated that he believed that both Boards would benefit from this bill as it relates to the health, safety and welfare of the citizens of this state. In the aftermath of the most recent hurricane season, it was discovered that developers and contractors are building a number of houses on speculation. These dwellings do not require the involvement of an architect or engineer. The consequences are buildings that are not safe and the consumer is affected. To protect the health, safety and welfare of the public, architects and/or engineers need to be involved in the construction administration process.

Mr. Duyos asked if this proposal has been presented to the Building Code Administrators and Inspectors Board. Mr. Manusa explained that the Board of Professional Engineers was selected as the first public presentation as success of the bill would require support of both the architecture and engineering professions. He stated from personal conversations that this measure would be supported by that board as it assists the building code officials in issuing final Certificates of Occupancy on building permits.

The Board discussed the proposal and upon conclusion the following action was taken:

Upon a motion made by Mr. Rebane and seconded by Mr. Charland, the Board voted to assign this to the Legislative Committee for research and consultation with the Board of Architecture and that a follow up report be presented at a future Board meeting.

C. Approval of the Agenda

Mr. Martin added under the Executive Director's Report, an item entitled discussion of applications for licensure by endorsement.

Upon a motion by Mr. Rebane and seconded by Mr. Burke, the Board voted to approve the agenda as amended.

D. Approval of the Consent Agenda

Upon a motion made by Mr. Rebane and seconded by Mr. Duyos, the Board voted to approve the Consent Agenda.

E. Review and Approval of previous Board meeting minutes

#1. Minutes from the April 26 & 27, 2005 Board Meeting

Mr. Rebane asked for further clarification of Page 11 under Correspondence to the Department of the Air Force regarding DOD ID Card Holders serving overseas.

Mr. Martin provided background on the purpose of the letter and he explained that future renewal will not involve issues with post mark dates.

Upon a motion made by Mr. Rebane and seconded by Mr. Burke, the Board voted to approve the minutes as presented.

F. Financial Report

#1. May 2005 actual versus projections for approved budget report

Mr. Vickers briefed the Board on the budget and noted the estimated amount to be returned to the Department.

Mr. Martin responded to a question regarding printing of a directory with funds that were subject to return to the Department. Mr. Martin explained that development of a CD to be mailed to each licensee would cost \$50,000. Secondly, the written directory would be expensive, he indicated that a directory could be placed online and individuals that so choose could request a CD for a nominal fee. The funding for this was to come from budget funds earmarked for newsletters.

Mr. Duyos asked if FEMC could build a reserve fund and the answer was in the negative.

Further the budget year to date expense report could be revised to reflect the amount held by the Department as an expense.

Mr. Tomasino moved and Mr. Duyos seconded a motion for FEMC to request a budget amendment to secure funds to provide a Directory in CD format to every licensee as the Board had voted at the April board meeting. Mr. Rebane offered a friendly amendment to include information about a directory in a one page addendum to the Summer 2005 newsletter being printed.

Mr. Geer commented that FES membership polls list as equal important the publication of newsletters and notices as the printing of member directories.

After discussion, Mr. Duyos suggested that the motion should read just development of the CD and distribution. As to how funds to pay for this would be secured is a responsibility of FEMC.

A vote was called and the motion failed with a tie vote of four to four.

Mr. Charland suggested issuance of a special newsletter addressing all of the links that are available from the web site and that a

directory could be downloaded from the link. Mr. Duyos moved and Mr. Charland seconded a motion to develop a link on the Board's website that a CD Member Directory was available. Mr. Tomasino moved that no CD be made available. This motion died for lack of a second. The motion made by Mr. Duyos was amended to include printing of an insert that will be mailed with the newsletter in lieu of development of a CD. Mr. Charland, as second, accepted the amendment. A vote was called and the motion passed by majority.

Mr. Tomasino asked for a written memorandum regarding why certain expenditures did not occur in the area of disciplinary actions. This information would clarify why there is surplus money budgeted in FY2004-2005 to be returned to the Department this year.

Dr. Anderson asked that monthly financial reports be made available to FEMC Board members.

- #2. June 2005 Projections
(To be distributed separately)
- #3. Revised budget for FY 05-06
- #4. Budget projections for subsequent years

G. Committee Reports

- #1. Applications Committee
(R. Gerry Miller, Ph.D., P.E., Chair; John Burke, P.E.; Jorge Duyos, P.E.; Henn Rebane, P.E.; Albert Rose, P.E.; Paul Tomasino, P.E.; Gloria Velazquez, Esq.)
 - a. List of Endorsement Applications that have remained incomplete for six months or more*
 - b. List of Candidates for Licensure by Exam that have remained incomplete for six months or more*
 - c. Minutes of the May 26, 2005 Telephone Conference*

These items were all approved on the consent agenda.

- #2. Educational Advisory Committee
(Jorge Duyos, P.E., Chair; R. Gerry Miller, Ph.D., P.E.; Melvin Anderson, Ph.D., P.E. (Consultant))

- a. There was no report.
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- #3. Probable Cause Panel
(Robert Matthews, P.E.; Paul Tomasino, P.E.; Allen Seckinger, P.E., Consultant)
 - a. There was no report.
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- #4. Rules Committee
(Henn Rebane, P.E., Chair; John Burke, P.E.; Albert Rose, P.E.; Paul Tomasino, P.E.)
 - a. There was no report.
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- #5. Joint Engineer / Architect Committee
(Henn Rebane, P.E., Chair; Daniel Rivera)
 - a. There was no report.
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- #6. FBPE / FEMC Board Operations Committee.
(Robert Matthews., P.E., Chair)
 - a. Board Operations Meeting March 16, 2005
(Exhibit #6 a. Yellow Book One)

This item was approved on the Consent Agenda.
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- #7. Continuing Education Committee
(R. Gerry Miller, Ph.D., P.E., Chair; Henn Rebane, P.E.; Paul Tomasino, P.E.)
 - a. There was no report.
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- #8. Legislative Committee
(Daniel Rivera, Chair, Henn Rebane, P.E., Jorge Duyos, P.E.)
Paul Tomasino, P.E.)
 - a. There was no report.
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- #9. Unlicensed Activity Committee
(Albert Rose, P.E., Chair; Jorge Duyos, P.E., R. Gerry Miller, Ph.D., P.E.)
 - a. There was no report.

H. NCEES Report

- #1. Notification from NCEES of meritorious service award given to Carrie Flynn

Mr. Martin noted that this is one of the highest honors to be awarded to a non-engineer. Travel to the Annual Meeting in Memphis and hotel arrangements for Ms. Flynn and her guest will be covered by the Council as part of the award in order to allow her to attend the Awards Luncheon at that meeting .

In discussion of the NCEES Annual Meeting for 2005, Mr. Burke and Mr. Charland added their names to the list of Board members to attend.

- #2. Designation of Funded Delegate to the 2005 NCEES Annual Meeting

It was noted in discussion that NCEES covers one funded delegate to the annual meeting and that person would be designated by the Member Board. The funded delegate for the Memphis meeting will be Mr. Rebane.

I. Advisory Attorney's Report

- #1. Rules Update

Ms. Gustafson reviewed the current rules report noting rules that are now in effect. Rules that have been noticed for development are Rule 61G15-22.011 Board Approval of Continuing Education Providers; Rule 61G15-22.015 Standard for Laws and Rules Course Providers; Rule 61G15-23.001 and 23.003 Procedures for signing and sealing electronically transmitted plans, specifications, reports and other documents.

Upon a motion by Mr. Rebane and seconded by Dr. Bauer, the Board voted to approve the proposed amendment to Rule 61G15-35.001 under General Responsibility. This amendment will address the responsibility of a Professional Engineer who offers services as a Special Inspector to engage a Professional Engineer who specializes in shoring and re-shoring to sign plans submitted to enforcement agencies.

Upon a motion by Mr. Rebane and seconded by Mr. Rivera, the Board voted to approve amendments to Rule 61G15-19.0071 (3) (a) that will set the fine cap at \$5,000 for said violation.

Mr. Duyos outlined the process of evaluating foreign degree applications and the Chair outlined the steps in the complaint process for both licensed and unlicensed cases.

#2. Amendment to Rule 61G15-35.001

#3. Amendment to 61G15-19.0071

#4. Board Counsel Opinion Letters

a. There was no report.

J. Executive Director's Report

#1. List of Applicants Requesting Retired Status

This item was approved on the Consent Agenda.

#2. Update on renewal process

Some licensees have not yet renewed their licenses and remain in delinquent status.

#3. Discussion of application of provisions of the Board's Experience Rule 61G15-20.002, F.A.C.

The rule requires the experience be evidenced at the time of application. Apparently, for some unknown reason, some applications are being recommended for conditional approval contingent upon updating their experience.

After discussion it was determined that the Board's rule would be enforced and experience will be reviewed during application review to verify that the applicant evidenced the requisite experience at time of application and not later.

#4. Discussion of review of endorsement applications

Mr. Martin confirmed that previous Board direction is that endorsement applications be processed in an expedient manner.

If the Board wishes to continue in this direction, there has to be some decision regarding additional application reviews that would be scheduled in conjunction with Board meetings held every even month. One method would be to hold a short endorsement application review the day prior to the first day of the Board meeting.

The Board discussed a number of options and upon conclusion the following action was taken.

Upon a motion by Mr. Rebane and seconded by Dr. Bauer, the Board voted to establish a three member Endorsement Committee to meet the day before each Board meeting to review endorsement applications and said committee would include alternate members to serve as needed.

- #5. Discussion of information that appears on the LicenseEase program and website

Upon a motion by Mr. Rebane and seconded by Mr. Burke, the Board voted that, by the next board meeting, the Department would be advised that when the current contract mandating the use of LicenseEase comes up for renewal that this board would not want to participate further as this software does not satisfy the needs of this Board.

Mr. Matthews believed the best approach would be to first call a meeting among Mr. Martin, Secretary Carr, and him to express the Board's concern and intent to decline to enter into any additional contract mandating the use by FEMC of LicenseEase beyond Spring 2008, if certain issues are not resolved.

- #6. Discussion of how requests for continuances of disciplinary hearings should be handled.

Mr. Martin suggested the Board delegate to the Chair authority to review the request for continuances before the meeting so that a proper response can be provided prior to the meeting.

Upon a motion by Mr. Rebane and seconded by Mr. Burke, the Board voted to authorize the Board Chair to review all requests for continuance of disciplinary hearings and either grant or deny said continuance requests.

K. Chair's Report

#1. There was no report.

Correspondence to the Board

#1. Letter from Curtis E. Falany dated April 27, 2005

The question in this letter deals with the determination of whether forensic engineering requires a license under Chapter 471, F.S.

Mr. Martin would advise Mr. Falany's of the Board determination that forensic engineering would require a license.

#2. Letter from Wilson Miller dated March 31, 2005

Ms. Dorothy Tursky of Wilson Miller was requesting a response concerning the use of the title "Engineering Technician" for their CADD operators. The Board did not believe this to be a violation of the law.

Mr. Martin would advise Ms. Tursy of the Board's determination that use of the title would not Chapter 471, F.S.

#3. E-mail from Mike Mahoney dated May 18, 2005

In discussion of the question posed in this e-mail, it was determined that this engineer cannot stamp his work if he or she is not qualified by training and experience in fire alarms. Further, his method of operation outlined in his e-mail borders on unlicensed activity and a letter should be issued advising him of this fact.

Mr. Martin would respond to Mr. Mahoney's e-mail cautioning him on his method of operation and that any work he completes must be under responsible charge of a licensed Professional Engineer.

Ms. Gustafson called attention to the e-mail method of inquiries. In one recent case, she had advised the person that the e-mail could not be kept confidential. In the exchange between the individuals and herself, it was noted that the web site should contain a notice that e-mails are not confidential.

Mr. Sunshine outlined the types of case to be presented on the second day of this meeting.

Mr. Rebane added for the next Board agenda discussion of selection of experts.

Old Business

New Business

#1. Proposed Contract for FY2005-2006

Mr. Martin outlined the major changes to the contract. One major change was to modify last year's contractual provisions that allowed the Office of the Governor the authority to terminate FEMC employees and remove members of the FEMC Board of Directors under certain conditions to only cover this year the Executive Director and members of the FEMC Board of Directors. Staff would not be under this type of sanction.

Mr. Martin provided an update on the continuing education issue concerning use of LicenseEase for future renewal of engineering licenses. Preliminary discussion with DBPR IT staff indicated cost associated with development of the program for FBPE to be \$25,000. The Budget for FY 2005-2006 has been revised based on this figure and sets aside money from this year's budget for this cost. As a result of savings in the insurance that was obtained earlier this year, those savings should cover the cost associated with the continuing education programming expense.

Each Board member was presented with a copy of the 2005-2006 proposed budget that has been approved by the Department of Business and Professional Regulation.

Mr. Martin announced that the newsletter is being finalized and should be mailed within the next two weeks. Since newsletters have not lately been printed on quarterly basis, efforts are now being implemented to return to the set schedule, if the board is in agreement that only two newsletters would be printed this year (summer and winter). Savings by deleting the printing and mailing of these two publications would provide extra dollars for covering the costs of the development of the online continuing education programming expense outlined earlier.

Mr. Martin outlined the proposed changes for the continuing education program. He asked the Board to finalize their decision to consider that laws and rules would be offered by the Board thereby eliminating providers offering this course. With this action, area of practice courses would be the only ones offered by providers. He further discussed the need to finalize the proposed \$25,000 budget revision outlined above in order to develop the

new data part of LicenseEase for use by this Board in the next renewal.

As discussed with the Department, there would be a drop down menu that would allow each licensee to enter his/her own hours earned during the licensure biennium. Only approved providers would be listed in the drop down box and their courses would be the only ones accepted by the computer system. With payment of the applicable renewal fee and reporting sufficient continuing education courses, the license would be renewed in a true online process with minimal staff involvement.

Mr. Martin explained that, in response to the increase in telephone calls, and a point raised by Mr. Rivera, that a new phone system is being considered by FEMC and/or a new provider for existing telephone needs. A new system would allow for conference calls without outside operators and additional analog telephone lines could be added as needed for short term use, such as during renewal periods. Mr. Rivera again stressed the problem with having sufficient personnel to respond to the volume of telephone calls.

Mr. Rebane referenced the submission of certificates as part of renewal process. He still has not received a final interpretation as to what is satisfactory for the 100% compliance requirement. Mr. Martin confirmed that the proposed new method of entering continuing education would be on an honor system. Mr. Martin does not agree with Mr. Rebane's interpretation of the 100% compliance requirement. The electronic entry for renewal is an honor system. The only method for meeting the 100% compliance requirement would be through manual approval of all courses which requires data entry by the providers to the Department for updating the licensee's record and, since the Board does not approve CE courses, attendance data cannot be inputted into LicenseEase as it is tied to course approval numbers.

In response to concern as to FES's position on this type of program, Mr. Geer stated that the FES membership supports the use of an honor system relying upon the professional engineers to accurately and honestly report their compliance with mandatory continuing education. It would appear that the self-reporting option could work, but course approval would definitely not work.

Mr. Rebane noted that the only course approval applicable would be a method that deals with laws and rules courses only.

Mr. Rebane believed that the major hurdle was submission of actual certificates. He was not in favor of LicenseEase. If the program for renewal being considered is being developed for use in 2009, then the Board should not pursue it as the announced objective is not to renew the use of the LicenseEase system after 2008 when the current agreement expires. There is no way of knowing whether DBPR will continue with the present LicenseEase program or that there will be a new system by then.

Mr. Matthews was in favor of the expenditure if for no other reason than to assure licensees of efforts to make an improvement to the renewal process.

Dr. Anderson is against an automated phone system and noted that the newsletters are extremely valuable and would be against fewer publications.

Mr. Matthews was in favor of issuance of timely newsletters and that if FEMC only printed two this fiscal year, that all newsletter updates be posted online.

Mr. Burke asked about the requirement in the contract that holds FBPE responsible for security of the transporting of examinations. Mr. Vickers explained that travel by Board members to observe at examination sites is covered under travel. DBPR is also aware of the contract with ELSESES and that FEMC does not transport nor secure any examination booklets. Future amendments would do a better job of modifying the long-standing contractual language to acknowledge that ELSESES is the exam administrator. Mr. Burke suggested for future contracts that language be refined to adequately describe the duties performed by ELSESES by contract with FEMC/FBPE as it relates to duties and responsibilities regarding examinations.

Mr. Matthews noted that DBPR is not present today to respond to the request for increase in the budget allocation for 2006-2007. Mr. Martin explained that DBPR has already indicated that they are not particularly in favor of any plan for an increase based on the Governor's position to operate on a continuing budget which does not provide for increased allocation. In line with discussion on the budget, the department had indicated concern with filling the proposed new licensure technician position in view of possible budget cuts in the future.

After much discussion, upon a motion by Mr. Hopping and seconded by Mr. Rebane, the Board voted that a letter be drafted

and sent to the Secretary signed by both Board Chairs, copied to the Governor and therein explain the need for a budget increase and, if it cannot be accomplished in an ongoing basis, that it be considered for the fiscal years in which renewal occurs.

Mr. Hopping suggested that the discussed revisions be made immediately to allow adequate consideration of all changes necessary for entering into the 2006-2007 contract.

Upon a motion by Mr. Hopping and seconded by Mr. Kuhl, the FEMC Board of Directors voted to accept the 2005-2006 contract as drafted and presented.

Upon a motion by Mr. Burke and seconded by Mr. Rivera, the Florida Board of Professional Engineers voted to accept the 2005-2006 contract as drafted and presented.

Mr. Rebane asked that the proposed contract for 2006-2007 be presented at the next meeting.

#2. Discussion of Proposed Budget for 2005-2006

Upon a motion by Mr. Hopping and seconded by Mr. Kuhl, the FEMC Board of Directors voted to accept the 2005-2006 budget as revised and presented.

Upon a motion by Mr. Duyos and seconded by Mr. Charland, the Florida Board of Professional Engineers voted to approve the 2005-2006 budget as revised and presented.

#3. Requests for Continuance

None.

Public Forum

Joint Meeting Adjourned. At this point, the Florida Board of Professional Engineers adjourned to the next day to resume administrative hearings.

Part II Informal Hearing Agenda

Informal Hearings on Denial of Application for Fundamentals Examination

#1. Reynaldo Calupitan Buencamino

Mr. Buencamino was not present for his informal hearing.

Mr. Buencamino's application for the Fundamentals examination was denied based on educational deficiencies. Mr. Buencamino holds a BS degree from Mapua Institute of Technology in the Philippines. Review of the evaluation by Josef Silny and Associates revealed no evidence of a course in Probability and Statistics. Mr. Buencamino filed an Election of Rights to supplement and to have an Informal Hearing. To supplement his application, Mr. Buencamino submitted a letter stating that he has registered to take a class in Probability and Statistics at Seminole Community College that begins in January and ends in May. He requested that his file remain open as the course will not be completed within the 90 day time frame for supplementing the application. Mr. Buencamino was advised that he should be prepared to go forward with his Informal Hearing at which time he can request the Board consider to allow the file remain open until he provides proof of his completion of the required course.

Following a brief discussion the following action was taken.

Upon a motion by Mr. Duyos and seconded by Mr. Burke, the Board voted to hold the file open until the August meeting.

#2. Eman Gomaa

Ms. Gomaa was not present for her informal hearing.

Ms. Gomaa's application for the Fundamentals examination was denied based on her educational deficiencies. She holds an undergraduate degree in Computer Sciences from the University of Maryland and an MS in civil engineering from Florida International University. Based on her MS degree in engineering from FIU, her application was considered under Rule 61G15-20.001(2)(b), F.A.C., which allowed Ms. Gomaa to demonstrate via articulation a substantial equivalency to an EAC/ABET

engineering degree per Rule 61G15-20.007, F.A.C. Ms Goma is deficient in mathematics and basic sciences as well as engineering sciences. Ms. Goma supplemented her record by sending in a letter regarding content of her education, the Board considered this information and the application remained denied. Ms. Goma submitted an Election of Rights to supplement and to have an Informal Hearing. The supplemented information did not change the basis for the denial and the Informal Hearing was scheduled to bring closure to the file.

Upon a motion by Mr. Tomasino and seconded by Mr. Charland, the Board voted to uphold the denial.

#3. Junaid A. As-Salek, Ph.D.

Dr. As-Salek was not present for his informal hearing.

Dr. As-Salek's applied for the Fundamentals examination and he was granted Conditional Approval. Dr. As-Salek holds a PH.D. from GIFU University, Japan, a MSC from GIFU University, Japan, SC from Bangladesh University of Engineering & Technology. In review of the evaluation from FCS it was noted that Dr. As-Salek satisfied course requirements outlined in 61G15-20.007, F.A.C. with exception that he has evidenced eight of the required sixteen semester credit hours in Humanities and Social Sciences. With Humanities and Social Sciences being the deficiency Conditional Approval was granted under 61G15-20.007(7), FAC. With Conditional Approval Dr. As-Salek is allowed to sit for the Fundamentals examination with the understanding that he must clear the deficiency in Humanities and Social Sciences before receiving his EI Wall Certificate and before applying for the Principles and Practice examination. Dr. As-Salek submitted an Election of Rights to supplement and to have an Informal Hearing. The supplemental information did not provide a basis for revising the deficiency in Humanities and Social Sciences.

Upon a motion by Mr. Duyos and seconded by Mr. Rivera, the Board voted to uphold the conditional approval and that the applicant must satisfy the Humanities & Social Sciences requirements before he would receive a EI wall certificate or apply for the Principles and Practice Examination.

#4. Juan Camilo Velez

Mr. Velez was present and was sworn before addressing the Board.

Mr. Velez's application for the Fundamentals examination was denied based on his educational deficiencies. Mr. Velez holds a degree from Colombia and must comply with the requirements of Section 61G15-20.007, F.A.C. therefore the applicant must document "substantial equivalency" to the engineering criteria set for in the Board's rule. The Board reviewed the evaluation from Josef Silny & Associates. Review of the evaluation determined a deficiency of a course in Chemistry and 2.25 semester credit hours in Humanities and Social Science. Mr. Velez submitted an Election of Rights to supplement and to have an Informal Hearing. The supplemental information was confirmation of enrollment at Hillsborough Community College. The classes will begin in May and end in June. Mr. Velez is requesting the Board consider keeping his file open until he completes his courses.

As a part of his presentation, Mr. Velez provided confirmation of enrollment in a Chemistry course. Based on the information the following action was taken.

Upon a motion by Mr. Duyos and seconded by Mr. Charland, the Board voted to hold the file open until the October meeting.

#5. Zbigniew Sledz

Mr. Sledz was present and was sworn prior to addressing the Board

Mr. Sledz applied for the Fundamentals examination. The Board denied his application based on his failure to meet requirements of Section 471.013, F.S. and 61G15-20.007, F.A.C. In order to determine if he is eligible under this rule, the applicant must document "substantial equivalency" to the engineering criteria set forth in the Board's rule. Foreign Credentials Service of America submitted an evaluation of his education from Poland that stated he did not receive a degree in engineering. The evaluation reflects coursework that would be included in a surveying program. Mr. Sledz submitted an Election of Rights form to supplement and to have an informal hearing. Mr. Sledz did not submit the supplemental information within the 90 day time period and the Informal Hearing was scheduled to bring closure to the file.

Mr. Sledz did not agree with the assignment of courses by the evaluation services. In review it was noted that both WES and FCSEA state that the degree was received in surveying not engineering.

Following a brief discussion the following action was taken.

Upon a motion by Mr. Tomasino and seconded by Mr. Burke, the Board voted to uphold the denial.

#6. Mohammad I. Rasa

Mr. Rasa was not present for his Informal Hearing.

Mr. Rasa applied for the Fundamentals examination. Mr. Rasa holds a Bachelor's degree from Pakistan. The Board denied his application based on his failure to meet requirements of 61G15-20.007, F.A.C. which requires the applicant to document "substantial equivalency" to the engineering criteria set forth in the Board's rule. The Board determined that Mr. Rasa was deficient 8.5 hours in Mathematics and Basic Sciences, including a need for a second level course in either Physics or Chemistry. Mr. Rasa submitted an Election of Rights form to supplement and to have an informal hearing. Mr. Rasa did not submit the supplemental information within the 90 day time period.

Upon a motion by Mr. Rebane and seconded by Mr. Duyos, the Board voted to uphold the denial.

#7. Luis A. Gallego

Mr. Gallego was not present for his informal hearing.

Mr. Gallego applied for the Fundamentals examination and was denied for failure to document substantial equivalency to 61G15-20.007, F.A.C. Mr. Gallego holds an engineering degree from Columbia. The Board determined that Mr. Gallego was deficient 12 hours in Humanities and Social Science and that he failed to evidence a course in Chemistry and completion of the Study Guide. Mr. Gallego submitted a completed Study Guide and advised that he was taking courses at Hillsborough Community College to complete his deficiencies. Mr. Gallego submitted an Election of Rights form to supplement. The staff recommendation is that the Board vote to uphold the denial and close the file. This recommendation is based upon the applicant's indication that it

will take him one or two semesters to complete the course work.

Upon a motion by Mr. Duyos and seconded by Mr. Rivera, the Board voted to uphold the denial.

#8. Ivana Ailes

Ms. Ailes was not present for her Informal Hearing.

Ms. Ailes applied for the Fundamentals examination was denied based on her failure to submit an updated evaluation of her foreign courses and completion of the Study Guide. The Silny evaluation dated 2001 is not compliant with current content requirements. Ms. Ailes holds an engineering degree from the Czeck Republic and must comply with the requirements of Section 61G15-20.007, F.A.C which requires the applicant to document “substantial equivalency” to the engineering criteria set for in the Board’s rule. Ms. Ailes submitted an Election of Rights to supplement and to have an Informal Hearing. Ms. Ailes did not submit the supplemental information within the 90 day time period and the Informal Hearing was scheduled to bring closure to the file.

After a brief discussion the following action was taken.

Upon a motion by Mr. Duyos and seconded by Dr. Bauer, the Board voted to uphold the denial.

#9. Alexander Mostert

Mr. Mostert was not present for his informal hearing.

Mr. Mostert’s application for the Fundamentals examination was denied based on his educational deficiencies. Mr. Mostert holds an engineering degree from Venezuela and must comply with the requirements of Section 61G15-20.007, F.A.C. to be permitted to take the examination. The rule requires the applicant to document “substantial equivalency” by complying with the course criteria set for in the Board’s rule. The Board reviewed the evaluation from Josef Silny & Associates determined a deficiency of a course in Probability and Statistics. Mr. Mostert submitted an Election of Rights to supplement and to have an Informal Hearing. The supplemental information was a letter stating that he was going to enroll at Broward Community College. The classes will begin in the summer. Mr. Mostert was requesting that the Board consider keeping his file open until he completes his courses. Staff

recommended that the denial be upheld and the file be closed.

Upon a motion by Mr. Duyos and seconded by Mr. Charland, the Board voted to uphold the denial.

Informal Hearings on Denial of Application for Principals and Practice Examination

#1. Franklin L. Williams

Mr. Williams was present and sworn prior to addressing the Board.

Mr. Williams applied for the Principles & Practice examination and was denied. Mr. Williams holds a Bachelor of Science in Engineering Technology from South Carolina State University. To be accepted with a technology degree, Mr. Williams would have to meet the time line outlined in Section 471.013(2), F.S which provides that the applicant "Is a graduate of an approved engineering technology curriculum of 4 years or more in a school, college or university within the State University System, having been enrolled or having graduated prior to July 1, 1979." Mr. Williams submitted his election of rights to have a Formal Hearing, this request was sent to Board Counsel and she directed the board to place his case on the June agenda for consideration of his petition. If denied, the matter will proceed as an informal hearing.

Upon a motion by Mr. Rebane and seconded by Mr. Burke, the Board voted to deny the Petition for Formal Hearing and directed that the matter would proceed as an Informal Hearing.

Mr. Duyos advised Mr. Williams that the only avenue of future eligibility is through completion of an MS degree in Engineering from a program that has an EAC/ABET accredited undergraduate degree.

Upon conclusion of discussion the following action was taken.

Upon a motion by Mr. Duyos and seconded by Mr. Burke, the Board voted to uphold the denial.

Informal Hearings on Denial of Application for Licensure by Endorsement

#1. Gamal M. Rizkalla

Mr. Rizkalla was presented with his counsel Mr. David Boules, Esquire. Mr. Rizkalla was sworn prior to addressing the Board.

Mr. Rizkalla applied for licensure by endorsement, having first achieved licensure in New York in 1994 based on acceptance of his education, experience and passing scores on the NCEES Fundamentals examination from Pennsylvania and the Principles and Practice examination in Delaware.

The basis for denial of Mr. Rizkalla's application is educational deficiencies. Mr. Rizkalla holds an undergraduate degree from Egypt and was required to submit an evaluation of his undergraduate degree to determine compliance with criteria set forth in Rule 61G15-20.007, F.A.C. The evaluation from Josef Silny and Associates demonstrated a deficiency of a course in Probability and Statistics and ten semester credit hours in Humanities and Social Sciences. Mr. Rizkalla requested a formal hearing and his file was forwarded to Board Counsel, Lee Ann Gustafson. Ms. Gustafson advised the Board office to place his petition on the June agenda, as requested by the applicant. If the Board denied the petition for formal hearing, the matter would then proceed to be heard as an Informal Hearing.

Mr. Boules called the Board's attention to Rule 61G15-20.0015, F.A.C. This rule provides for waiving the requirement of Humanities and Social Sciences if the applicant has established a record of at least two years of engineering licensure in another state. Mr. Rizkalla has been licensed since 1994 and would meet the criteria set forth in this rule. Since the deficiency in Probability and Statistics was satisfied upon reviewing the additional information submitted and, since the Humanities and Social Sciences requirements were waived per Rule 61G15-20.0015(4), F.A.C., the following action was taken.

Upon a motion by Mr. Duyos and seconded by Mr. Rivera, the Board voted to approve the application for licensure by endorsement.

#2. Donal N. Barron

Mr. Barron was present and was sworn prior to addressing the Board.

Mr. Barron had applied for licensure by endorsement, having first

achieved licensure in California based on acceptance of his education, experience and passing the Fundamentals and the Principles and Practice examinations. He subsequently achieved licensure in Georgia in 2003.

The basis for denial of Mr. Barron's application is education. Mr. Barron holds a Civil Engineering degree from the University College of the National University of Dublin, Ireland. In review of the evaluation of his foreign credentials it was determined that Mr. Barron was deficient 16 semester credit hours in Humanities and Social Sciences. He filed an Election of Rights form to supplement and to have an Informal Hearing. Review of the supplemental information did not reverse the denial.

In discussion of this application, it was noted that Rule 61G15-20.0015 would also apply to Mr. Barron based on the fact that he has held licensure since 1994 and the only deficiency was Humanities and Social Sciences.

Upon a motion by Mr. Duyos and seconded by Dr. Bauer, the Board voted to approve the application for licensure by endorsement.

#3. George G. Ishak

Mr. Ishak was not present for his Informal Hearing.

Mr. Ishak applied for licensure by endorsement, having first achieved licensure in South Carolina in 2000 based on acceptance of his experience, education and passing the NCEES Fundamentals and the Principles and Practice examination. He subsequently achieved licensure in North Carolina in 2002; Illinois in 2002 and Georgia in 2003. Mr. Ishak holds a BS degree from Egypt and a Master's degree from Clemson University. Based on his foreign education, he was required to submit an evaluation of his undergraduate degree to verify compliance with criteria of Rule 61G15-20-007, F.A.C. The evaluation from ECEI demonstrated a deficiency of a Chemistry course and a two sequence course of study in Physics or Chemistry. He submitted an Election of Rights form to supplement and to have an Informal Hearing. The Applications Committee reviewed the supplemental materials and the application remained denied.

Upon a motion by Mr. Duyos and seconded by Mr. Burke, the Board voted to uphold the denial.

#4. Sudhanva V. Paranjape

Mr. Parajape was present and was sworn prior to addressing the Board.

Mr. Paranjape applied for licensure by endorsement, having first achieved licensure in Virginia based on acceptance of his education, experience and passing the Fundamentals and the Principles and Practice.

The basis for denial of Mr. Paranjape's application is education. Mr. Paranjape has a Bachelor's Degree from the University of Pune, Pune, India and a Master's Degree from Old Dominion University. Based on these facts, he was required to submit an evaluation of his undergraduate foreign degree. The evaluation from Josef Silny and Associates indicates a deficiency of a course in Probability and Statistics. Mr. Paranjape submitted an Election of Rights form to supplement and to have an Informal Hearing. The supplement was a letter requesting that his file remain open to allow completion of a course in the summer of 2005

Mr. Parajape presented proof of enrollment in a Probability and Statistics Course at the University of North Florida. It was noted that Mr. Paranjape will be several months completing this course as he will not be enrolling until the fall semester. After a short discussion the following action was taken.

Upon a motion by Mr. Duyos and seconded by Mr. Burke, the Board voted to uphold the denial.

#5. Sebastian Rucci

Mr. Rucci was not present for his Informal Hearing.

Mr. Rucci applied for licensure by endorsement, having first achieved licensure in California based on his education, experience and passing of the Principles and Practice examination. California accepted his NCEES Fundamentals examination from Pennsylvania.

The basis for the denial of Mr. Rucci's application is education. Mr. Rucci has a Bachelors of Applied Science with a major in Engineering Technology from Youngstown State University and a Juris Doctor from Western State University. He did not satisfy the education requirements of Section 471.013 and 471.015, F.S.,

based on the fact that he holds an Engineering Technology Degree and this degree did not confirm enrollment or graduation prior to July 1, 1979, in a college or university in Florida. Mr. Rucci submitted an Election of Rights to have an Informal Hearing. Mr. Rucci submitted a letter as additional information that was reviewed by the Application Review Committee. It did not present any information that would change the basis for the denial.

Upon a motion by Mr. Burke and seconded by Dr. Bauer, the Board voted to uphold the denial.

#6. Kirk D. Croasmun

Mr. Croasmun was present and sworn prior to addressing the Board.

Mr. Croasmun applied for licensure by endorsement, having first achieved licensure in New Jersey in 1997 based on acceptance of his education, passing of the NCEES Fundamentals and Principles and Practice examinations and evidencing the required years of experience.

The basis for denial is education of the application is education. Mr. Croasmun has a BS degree from Rochester Institute of Technology and a MS degree from the New Jersey Institute of Technology. He did not satisfy the education requirements of Section 471.013 and 471.015, F.S., in that he did not graduate from an approved engineering curriculum, as defined in Rule 61G15-20.001(2), F.A.C. He sent in his Election of Rights form to supplement and have an Informal Hearing. The supplemental information did not change the basis for denial.

Mr. Duyos asked if this application could be considered through articulation based on his MS degree from the New Jersey Institute of Technology. In discussion, it was determined that the articulation rule might apply.

Upon a motion by Mr. Duyos and seconded by Dr. Bauer, the Board voted to refer this application back to the Educational Advisory Committee at its July meeting.

#7. Steven P. Januskis

Mr. Januskis was not present for his Informal Hearing.

Mr. Januskis applied for licensure by endorsement, having first achieved licensure in Massachusetts in 1998 based on acceptance of his education, experience and passing of the Fundamentals and the Principles and Practice examination. He subsequently achieved licensure in Connecticut, Pennsylvania and New Hampshire

The basis for denial is education. Mr. Januskis has a Bachelor of Science in Electrical Engineering Technology from Southeastern Massachusetts University. He does not satisfy the education requirements of Section 471.013 and 471.015, F.S., in that he did not graduate from an approved engineering curriculum, as defined in Rule 61G15-20.001(2), F.A.C. He sent in his Election of Rights form to supplement and have an Informal Hearing. The supplemental information did not result in reversal of the denial.

Following a brief discussion the following action was taken.

Upon a motion by Mr. Charland and seconded by Mr. Tomasino, the Board voted to uphold the denial.

#8. Rashad M. Hanbali, Ph.D.

Dr. Hanbali was not present for his Informal Hearing.

Dr. Hanbali applied for licensure by endorsement, having first achieved licensure in Wisconsin in 1993 based on acceptance of his education, experience and passing of the NCEES Fundamentals examination. The Principles and Practice examination was waived.

Dr. Hanbali has a BS in Civil Engineering from California State University, a MS and a Ph.D. in Civil Engineering from Marquette University Dr. Hanbali was licensed in Pennsylvania in 1993 based on education and experience. The requirement he does not meet is the completion of the NCEES Fundamentals and Principles and Practice examinations. Future licensure in Florida will require passing scores on both examinations. Dr. Hanbali sent in his Election of Rights form to have an Informal Hearing.

Upon a motion by Mr. Tomasino and seconded by Mr. Charland, the Board voted to uphold the denial.

Mr. Rebane directed a letter of caution be issued to Dr. Hanbali regarding his present title and to ensure that he is not practicing engineering without a license.

#9. Ralph M. Tavares

Mr. Tavares was present and sworn prior to addressing the Board.

Mr. Tavares applied for licensure by endorsement, having first achieved licensure in Arizona in 2001 based on his education, experience and recognition of the NCEES Fundamentals and Principles and Practice examinations passed in the State of New York. He subsequently was licensed in 2000; IA in 1998; KS in 1997; MN in 1997; MI in 1998; NE in 1998; NY in 1996; ND in 1998; OH in 2000; OR in 2001; PA in 1997; SD in 1997; VA in 1998; WA in 2001 and WI in 1997

The basis for denial is education. Mr. Tavares did not satisfy the education requirements of 61G115-20.007, F.A.C. He holds a Civil Engineering Degree from Federal University of Rio de Janeiro. It was determined that he needed 6.5 hours in Humanities and Social Sciences. Mr. Tavares sent in his Election of Rights form to supplement and to have an Informal Hearing. The Board reviewed the materials and the application remains denied and the Informal Hearing will proceed.

Ms. Gustafson stated that applicant meets the requirement of current rule that considers the Humanities and Social Sciences being waived provided the applicant evidences two years of licensure in another state.

Upon a motion by Mr. Duyos and seconded by Mr. Rivera, the Board voted to approve the application for licensure by endorsement.

#10. Stephen R. Ternullo

Mr. Ternullo was not present for his Informal Hearing.

Mr. Ternullo applied for licensure by endorsement, having first achieved licensure in Michigan in 1987 based on acceptance of his education, experience and passing of the NCEES Fundamentals examination and Principles and Practice examinations. The basis for denial is education. Mr. Ternullo has a B.S.C.E. from Lawrence Institute of Technology. He does not hold a degree in engineering from a program that is accredited by EAC/ABET. Mr. Ternullo submitted his Election of Rights form to have an Informal Hearing.

Following a brief discussion the following action was taken.

Upon a motion by Mr. Burke and seconded by Dr. Bauer, the Board voted to uphold the denial.

#11. Scott T. Swaltek

Mr. Swaltek and his supervisor Mr. Reed were present and both were sworn prior to addressing the Board.

Mr. Swaltek applied for licensure by endorsement. Mr. Swaltek first achieved licensure in 1994 in the State of Pennsylvania based on acceptance of his education, experience and passing of the NCESS Fundamentals and Principles and Practice examinations.

The basis for denial is education. Mr. Swaltek has a BS from the University of Pittsburg at Johnstown, Johnstown, PA. He did not satisfy the education requirements of Section 471.013 & 471.015, F.S., in that when applying with an engineering technology degree, he would have had to be enrolled or graduated prior to July 1, 1979, in a college or university in Florida. Mr. Swaltek sent in his Election of Rights form to supplement and to have an Informal Hearing. The Board reviewed the materials and the application remained denied.

The Board explained that technology degrees have to meet the statutory deadline of enrolled or graduated prior to July 1, 1979.

Mr. Swaltek stated comparison of his course curriculum and what is required by EAC/ABET degree there was deficiency of some seven hours.

He asked if enrolling in an MS program would allow future consideration under the articulation rule. The process of articulation was explained to Mr. Swaltek.

Upon conclusion of the discussion the following action was taken.

Upon a motion by Mr. Duyos and seconded by Mr. Burke, the Board voted to uphold the denial.

Special Inspector Applications – Consideration of Petition for Formal Hearing

None

Informal Hearings on Denial of Application for Continuing Education

None

Special Appearance before the Board

None.

Part III

Disciplinary and Unlicensed Hearings

Recommended Orders

#1. Jose G. Puig, Jr., P.E.
PE 49148
DOAH Case Number 04-3983PL
FEMC Case Number 03-0079
Represented by Samuel B. Reiner, II, Esquire
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Puig and his attorney Mr. Reiner were present and sworn prior to addressing the Board.

On June 17, 2003, during a hearing on an application for Licensure after his license had been revoked, Orlando Naranjo of Naranjo & Associates admitted that he continued working for his engineering clients, and that JGP Engineering, (Jose G. Puig, P.E.) was signing and sealing his work.

Respondent is the owner of JGP Engineering Group, P.A. a licensed engineering firm located two doors away from Mr. Naranjo's office, Suite 209. After Mr. Naranjo's P.E. license was revoked in September 2001, he asked the Respondent to sign and seal plans for a number of projects, including Toras Emes Academy and Manatee Village at Ruskin projects. These two projects became the subject of an Administrative Complaint alleging Respondent signed the plans of another engineer and aided the unlicensed practice of engineering. Engineering calculations and plan drawings were performed in and maintained at Suite 209; and the Suite 209 address was printed on the plans as the address for the engineer who signed and sealed the plans. Mr.

Naranjo continued to accept new business from existing clients, collect fees and operate with two employees,. Respondent did not receive any pay for the services he provided. The AC alleged Respondent was not in responsible charge for the plans that he took over from Mr. Naranjo.

Respondent elected to have a Formal Hearing before an Administrative Law Judge (ALJ). The ALJ issued a Recommended Order recommending dismissal of the four counts in the Administrative Complaint. In summary, the Judge agreed with the facts presented by Petitioner, but found Respondent did exercise responsible charge after he took over the projects and did not intend to assist unlicensed practice. Petitioner has filed Exceptions to the Recommended Order. The case is presented to the Board for entry of a Final Order. This will require ruling on the exceptions, adoption of findings of fact, adoption of conclusions of law, and, if appropriate, assessment of a penalty.

Mr. Campbell summarized the exceptions. Ms. Gustafson advised the Board to consider each exception separately. Mr. Cambell explained Exception #1 requesting the Board to reject the Finding of Fact 29.

Mr. Reiner addressed the Board on behalf of his client.

Upon a motion by Mr. Rebane and seconded by Mr. Burke, the Board voted to accept the Exception #1 of the Findings of Fact based on failure to follow 61G15-18.011. A vote was called and the motion failed.

Upon a motion by Mr. Duyos and seconded by Mr. Rivera, the Board voted to reject Exception #1.

Ms. Gustafson cautioned the Board that the charge of not correctly following the adoption rule was not contained in the administrative complaint.

Exception #2

On Exception #2 Ms. Gustafson stated that the Board should vote on striking the sentence contained in item #39 of page 18 (17) of the Recommended Order.

Upon a motion by Mr. Rebane and seconded by Mr. Duyos, the Board voted to approve Exception #2. Discussion followed during which Ms. Gustafson stated that accepting this exception is for

clarity in the final order. A vote was called and the motion passed.

Exception #3 & Exception #4 address the Conclusions of Law.

Ms. Gustafson explained that if the Board believes Mr. Puig added and assisted in unlicensed activity Exceptions #2 and #4 should be accepted.

Upon a motion by Mr. Duyos and seconded by Mr. Rivera to reject Exception #3 and #4 A vote was called and the motion failed with a tie vote.

Upon a motion by Mr. Charland and seconded by Dr. Bauer, the Board voted to accept Exceptions #3 and #4. A vote was called and the motion passed.

Upon a motion by Dr. Bauer and seconded by Mr. Burke, the Board voted to adopt the Findings of Fact and Conclusions of Law as amended by the exceptions that were acted on in this meeting.

With this finding that a violation occurred the Board should set a penalty.

The range of penalties was outlined and after discussion the following action was taken.

Moved by Mr. Rivera fine of \$2,000 for two counts, Costs of \$1,205.85, completion of a course in Professionalism and Ethics and completion of the Board's study guide on laws.

Mr. Duyos seconded for discussion.

In mitigation Mr. Puig's attorney provided statements on his background and his present standing in the community and sorrow regarding this case.

Upon conclusion of discussion a vote was called on the motion and it passed.

- #2. James C. Tippens, P.E.
PE 12217
DOAH Case Number 04-3197PL
FEMC Case Number 2004019932
Represented by Jawdet I. Rubaii, Esquire
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Tippens and his attorney Mr. Rubaii were present and sworn prior to addressing the board.

Mr. Tippens has been charged by Administrative Complaint with negligence concerning his design for a residential screen porch addition project. The Administrative Complaint alleged that Mr. Tippeten's drawings contained deficiencies relating to the practice of engineering.

Mr. Tippens disputed the facts upon which the Administrative Complaint is based. A formal hearing was conducted on January 14, 2005. By Recommended Order dated May 5, 2005, the Administrative Law Judge concluded Mr. Tippens had not engaged in negligence in the practice of engineering as alleged and that the Administrative Complaint should be dismissed.

Mr. Sunshine recommended dismissal of complaint.

Mr. Tippens and Mr. Rubaii were present but had no comments.

Upon a motion by Mr. Rebane and seconded by Mr. Duyos, the Board voted to recommendation of dismissal. A vote was called and the motion passed.

- #1. Paul H. Danforth, P.E.
PE 44653
DOAH Case Number 04-2653PL
FEMC Case Number 03-0056
Represented by David P. Rankin, Esquire
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Danforth and his attorney Mr. Rankin were present and sworn prior to addressing the Board.

Mr. Danforth has been charged by a Second Amended Administrative Complaint with one count of negligence for falsifying or misrepresenting the extent of his education, training or experience when he indicated on his application for Special Inspector that he had inspected the structural elements of four threshold type buildings during 1995 through 1996; and one count for signing and sealing a Threshold Inspection Completion Statement for an apartment building located in Boca Raton, Florida when he had not conducted the inspection or all site visits, and was not in responsible charge of the authorized representatives who did provide inspection services.

Mr. Danforth disputed the facts upon which the Second Amended Administrative Complaint is based. A formal hearing was conducted on October 6, 2004. By Recommended Order dated April 11, 2005, the Administrative Law Judge concluded Mr. Danforth had not engaged in negligence or misconduct in the practice of engineering and recommends that the complaint be dismissed.

Mr. Sunshine explained that there was an outstanding issue with this order as Mr. Danforth had deposed FEMC's expert and has refused to pay the invoice associated with the case. Mr. Sunshine recommended that unless Mr. Danforth pays the invoice the case should be remanded back to DOAH.

If Mr. Danforth clears the payment of the charge then Mr. Sunshine recommends adoption of the DOAH Recommended Order.

Mr. Rankin stated that remanding this case to DOAH would violate the requirement of action within ninety days of the Recommended Order.

Mr. Rankin stated that Mr. Danforth would pay reasonable fees associated with use of the expert. It was his understanding that if this occurs the Board would proceed with the hearing today.

The invoice was assessed in the amount of \$900. After a short discussion the hearing proceeded as Mr. Danforth agreed to pay the expert the amount of \$900 for services rendered.

Mr. Sunshine recommended adoption of the Recommended Order with the stipulation that the \$900 fee be paid within thirty day of issuance of the Final Order.

Upon a motion by Mr. Rebane and seconded by Mr. Burke, the Board voted to adopt the Recommended Order of Dismissal with the stipulation that the fee of \$900 be paid to the consultant within six months. A vote was called and the motion passed.

X. Settlement Stipulations

- #2. Elias Pedro Crespo, P.E.
PE 59295
FEMC Case Number 2004009474
Represented by Jeff G. Peters, Esquire

Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Crespo was present with his counsel Mr. Peters and sworn prior to addressing the Board.

Mr. Crespo has been charged by Administrative Complaint with negligence for failing to safeguard his seal. Mr. Crespo allowed another person to use his seal to sign and seal several plans for a Pine Homes project.

Mr. Crespo entered into a stipulation with FEMC for a \$1,000.00 administrative fine and costs of \$209.63; an appearance before the Board to explain his understanding of the importance to safeguard his seal; a reprimand; a one year probation with terms he successfully complete a Board approved course in Engineering Professionalism and Ethics; and successfully complete the Study Guide.

Mr. Crespo addressed the Board on steps he will take to protect his seal in the future.

Upon a motion by Mr. Rebane and seconded by Mr. Rivera, the Board voted to adopt the Settlement Stipulation. A vote was called and the motion passed.

- #3. Fred C. Jones, P.E.
PE 54476
FEMC Case Numbers 03-0036 & 03-0046
Represented by Dominic C. MacKenzie, Esquire
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Jones was not present.

Case Number 03-0036

Mr. Sunshine explained that the Board could act on the two cases in the agenda as one motion for penalty. Mr. Jones is charged by an Amended Administrative Complaint with misconduct in the practice of engineering relating to plans, contract, insurance affidavit and Plan Compliance Affidavit for a Coker Gully Road project and Emerson Yonker's project. Mr. Jones provided plan review and inspection services for both projects. Mr. Jones inappropriately provided plan review certification for these projects.

Case Number 03-0046

Mr. Jones has been charged by Administrative Complaint with negligence relating to a Barnes Residence project. Mr. Jones's drawings for the project contained deficiencies.

Mr. Jones has entered into a stipulation with FEMC for a \$2,000.00 administrative fine (Case Number 03-0046); probation for one year (Case Number 03-0046); and project review at six months (03-0046). Mr. Jones is not required to appear before the Board.

Mr. Rivera moved and Mr. Duyos seconded to reject the Settlement Stipulation. A vote was called and the motion passed.

Upon a motion by Mr. Rivera and seconded by Mr. Duyos, the Board voted to offer a counter stipulation that calls for terms of the PCP recommended penalty in both cases which results in a \$3,000 fine, costs, reprimand that includes a statement that when requested by the Building Official for verification of experience, a reference to Section 471.045, Florida Statutes, is not acceptable. Rather, he should have provided specific qualifications, completion of the Board's study guide; a course in Engineering Professionalism and Ethics; and 2 years probation that begins with conclusion of probation in the present case, project review at 6 & 18 months. A vote was called and the motion passed.

- #4. Stephen E. Kastner, P.E.
PE 39528
FEMC Case Number 03-0180
Represented by J. Andrew Bertron, Jr., Esquire
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Kastner and his attorney Mr. Bertron were present and sworn prior to addressing the Board.

Mr. Kastner has been charged by Administrative Complaint with three counts of negligence concerning his design for a single-family Pastor Residence project. Mr. Kastner's drawings contained structural, electrical, and mechanical deficiencies relating to the practice of engineering.

Mr. Kastner has entered into a stipulation with FEMC for a \$3,000.00 administrative fine and costs of \$2,445.40; an appearance before the Board to explain how he will improve quality control for all structural, mechanical and electrical drawings; a reprimand; he shall be placed on two years probation

with terms he successfully completes a Board approved course in Engineering Professionalism and Ethics; he must submit a list of projects, completed by him at six and eighteen months; and he must successfully complete the Study Guide.

If Mr. Kastner has no list of projects to submit as required by the Final Order, his probation shall be extended for two successive six month intervals (one year) to allow for the required review. If the required number of reviews is completed within the first six month intervals of the one year extension, the probation will end at that time. In no event shall the probation exceed a total of three years.

Mr. Sunshine recommended adoption of the Settlement Stipulation as the Board's Final Order.

Upon a motion by Mr. Duyos and seconded by Dr. Bauer, the Board voted to adopt the Settlement Stipulation. A vote was called and the motion passed.

- #5. Thomas H. Maxwell, P.E.
PE 10150
FEMC Case Number 03-0082
Represented by David P. Rankin, Esquire
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Maxwell and his attorney Mr. Rankin were present and sworn prior to addressing the Board.

Mr. Maxwell has been charged by Administrative Complaint with one count of negligence and one count of misconduct relating to project drawings involving an awning, and one count for aiding an unlicensed person or entity to practice engineering.

Mr. Maxwell has entered into a stipulation with FEMC for a \$3,000.00 administrative fine and costs of \$1,673.03; a reprimand; he shall not be permitted to practice structural engineering until he takes and passes the National Council of Examiners for Engineering and Surveying Structural Examination; he shall be placed on two years probation with terms he successfully complete a Board approved course in Engineering Professionalism and Ethics; he must submit a list of projects completed by him at six and eighteen months; and he must successfully complete the Study Guide; and he must appear before the Board to explain how he is going to handle his practice during the time that he is not permitted by this stipulation to practice structural engineering and how he will ensure this will not happen in the future

Mr. Sunshine recommended adoption of the Settlement Stipulation as the Board's Final Order.

Mr. Maxwell responded to the question of restriction of structural engineering. Structural engineering is 20% of his business and until such time as he passes the examination in structural engineering he will not perform structural engineering. Mr. Maxwell is planning on taking and passing the ST II examination.

Upon a motion by Mr. Rebane and seconded by Mr. Burke, the Board voted to adopt the Settlement Stipulation.

- #6. Andrew J. Morgan, P.E.
PE 57171
FEMC Case Number 2004038064
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Morgan was not present.

Mr. Morgan has been charged by Administrative Complaint with one count of negligence relating to two drawings for screened aluminum enclosures for Tropical Screen. The Tropical Screen design tables contain deficiencies.

Mr. Morgan has entered into a stipulation with FEMC for a \$1,000.00 administrative fine and costs of \$1,785.00; two years probation with terms he successfully complete a Board approved course in Engineering Professionalism and Ethics; he must submit a list of projects completed by him at six and eighteen months; and he must successfully complete the Study Guide.

If Mr. Morgan has no list of projects to submit as required by the Final Order, his probation shall be extended for two successive six month intervals (one year) to allow for the required review. If the required number of review is completed within the first six month intervals of the one year extension, the probation will end at that time. In no event shall the probation exceed at total of two years.

On April 20, 2005, Mr. Morgan was sent a Citation for offering engineering services for Tropical Screen through a firm that did not have a Board issued Certificate of Authorization at that time.

Mr. Morgan has since applied for and obtained a Certificate of Authorization for Andrew Morgan Services on August 18, 2004;

on or about April 25, 2005, Mr. Morgan paid his \$1,000.00 Citation fine.

Upon a motion by Mr. Rebane and seconded by Mr. Duyos, the Board voted to adopt the Settlement Stipulation. A vote was called and the motion passed.

- #8. Thomas Anderson, P.E.
PE 47819
FEMC Case Number 2004035804
Represented by Edwin A. Bayo`, Esquire
Probable Cause Panel: N/A

Mr. Anderson was present with his attorney Mr. Bayo and sworn prior to addressing the Board.

Mr. Anderson has been charged by Administrative Complaint with two counts of negligence; one count for failure to sign, seal, and date final engineering documents being filed for public record; and one count for violation of an order of the board relating to a Retaining Wall for Fox and Jacobs Homes Lot #20 project and Foundation Underpinning for Owner: Travis Boutwell project.

Mr. Anderson has entered into a stipulation with FEMC for a \$2,500.00 administrative fine; a reprimand; restriction from the practice of structural engineering for a minimum of 18 months, and thereafter, until such time as he takes and passes the NCEES Structural I Examination, and appears before the Board to request that this restriction be lifted. This restriction shall prevent him from signing and sealing any structural plans or calculations, but shall not prevent him from practicing structural engineering under the responsible charge of a duly licensed engineer. Mr. Anderson's probation in case number 01-0102 is stayed until the restriction of practice is lifted. Upon lifting the period of restriction, he will be placed on probation for 2 years. He shall submit to the Board a list of projects completed by him at 30 days of the lifting of the restriction and then at 6 & 18 months thereafter, for a total of three separate project reviews.

In the event Mr. Anderson passes the NCEES Structural I Examination before the expiration of the 18 month period, and provides proof of same to the Board Office, his restriction shall be

lifted with no further action. As a condition of lifting the restriction, he shall demonstrate that he has completed a minimum of 9 college level credit hours in structural engineering, that he has obtained a minimum of 16 additional continuing education hours in structural engineering, and that he has obtained structural engineering experience under the responsible charge of a duly licensed engineer.

PCP Recommendation: Reprimand; \$4,000.00 administrative fine; costs; 6 mos. suspension; probation stayed in previous case until suspension is lifted; 2 yrs. probation including project review at 30 days and then at 6 & 18 mos. at 30 days for the prior case after a Final Order is filed.

Mr. Sunshine recommended adoption of the Settlement Stipulation as the Board's Final Order.

Upon a motion by Mr. Rebane and seconded by Mr. Duyos, the Board voted to reject the Settlement Stipulation.

In discussion, it was explained that the PCP panel had recommended a six month suspension and offered no restriction of practice. In response, Mr. Anderson had stipulated to a longer term of probation, restriction of practice, and additional hours of college level courses in engineering, continuing education and he would then work under direction of a Professional Engineer.

A vote was called on the motion to reject the Settlement Stipulation and the motion passed by majority.

Upon a motion by Mr. Rebane and seconded by Mr. Burke, the Board voted to offer a counter stipulation that Mr. Anderson pay \$2,500 administrative fine, reprimand, restriction from structural engineering for 18 months or until such time as he passes ST I examination and appears before the Board to request the restriction be lifted. A vote was called and the motion passed by majority.

Mr. Bayó indicated that his client would wait for the order to respond to the terms of the counter stipulation.

- #1. Orlando Naranjo (**Unlicensed**)
FEMC Case Number 03-0077
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Naranjo was present and sworn prior to addressing the Board.

The Respondent is charged with six counts of engaging in the unlicensed practice of engineering.

On September 20, 2001, a Final Order was issued in Case No. 00-0149 that revoked Respondent's professional engineer license.

After September 2001 and continuing through June 2003, Respondent maintained an engineering business at "Suite 209" with the title of "Naranjo and Associates, Mechanical, Electrical, Consulting Engineers".

After the September 2001 revocation, Respondent continued to accept work at the Suite 209 address of his engineering business. The address of Respondent's business was printed on the plans as the address for the engineer who signed and sealed the plans. Respondent had the plans signed and sealed by a licensed P.E. who was not in responsible charge for the projects, and did not receive compensation in exchange for providing his signature and seal. The initials "ON and "PV" appear printed on the plans as having through they had checked them. "PV" is the initials of an employee paid by Respondent.

The Respondent originally elected to have a Formal Hearing before an Administrative Law Judge. However, through litigation, Respondent's Counsel and FBPE Prosecuting Attorney were able reach an acceptable Settlement Stipulation with the following terms; \$5,000.00 Administrative Fine, Costs of \$1,077.00; Respondent's license shall remain revoked. However, twelve months after the date of the Final Order approving this Stipulation is filed, Respondent may make reapplication to the Board for licensure. Before submitting for reapplication, Respondent must complete a course in Professionalism and Ethics; Respondent shall provide proof of Continuing Education consistent with the Boards rules to satisfy the requirements for licensure periods 2001-2003, and 2003-2005; Respondent shall pay to the Board \$1,000.00 representing the fine assessed against him in a previous case, (00-0149); and Respondent shall appear before the Board when the Stipulation is presented to explain his plans for the future, and why this Stipulation is in the interest of the engineering profession and the public.

This case came before the Board at the meeting on April 27, 2005. Because the stipulation required an appearance, but neither Respondent nor his attorney appeared, the Board voted to reject the proposed Stipulation. FEMC sent the case back to DOAH, but Respondent's attorney withdrew. Respondent requested that the

stipulation be resubmitted to the Board on June 22, 2005. At that time the Board will have additional facts from the transcript of the Jose Puig Jr. final hearing.

Upon a motion by Mr. Rebane and seconded by Mr. Burke, the Board voted to reject the Settlement Stipulation. A vote was called and the motion passed.

Upon a motion by Mr. Rebane to offer a counter stipulation calling for payment of the \$5,000 in addition to cost and his license will remain revoked until he pay \$1,000 in previous case. Motion failed for lack of second.

Upon a motion by Mr. Duyos and seconded by Mr. Rivera, the Board voted to adopt the Settlement Stipulation. A vote was called and the motion failed.

Upon a motion by Mr. Rebane and seconded by Mr. Charland, the Board voted to offer a counter stipulation with original terms of the Settlement Stipulation and amending the hours of continuing education to 24 continuing education hours.

Mr. Duyos offered a friendly amendment to make the continuing education hours in the amount of 28 (8 professional development hours in laws and rules by attending board meetings and 20 in area of practice).

Upon a motion by Mr. Rebane and seconded by Mr. Charland, the Board voted to accept the amendment. A vote was called and the motion passed.

#2 Joseph D. Gilberti, PE
FEMC Case Number 03-0188
Represented by David P. Rankin, Esquire
Probable Cause Panel: Matthews Tomasino and Seckinger

Mr. Gilberti and his attorney Mr. Rankin were present and sworn prior to addressing the Board.

This case was presented in last meeting and the Board moved to adopt a Motion for Default. The penalty imposed in the Final Order was payment of a \$2000 fine, cost of \$195.65, be placed on probation for two years, take a Board approved course in Professionalism and Ethics, completion of the Board's Study Guide on laws and rules. As a part of the Final Order there was a suspension of Mr. Gilberti's license until he appeared before the

board to explain procedures to ensure his understanding of importance of renewal of his license and his company's license in a timely manner.

Upon a motion by Mr. Rebane and seconded by Mr. Rivera, the Board voted to reinstate the license of Mr. Gilberti. A vote was called and the motion passed.

Y. Adjourn

During this meeting, the Board voted on the absence from this meeting of the following Board members.

Upon a motion by Mr. Rebane and seconded by Mr. Burke, the Board voted to excuse Mr. Rose's absence. A vote was called and the motion passed.

Upon a motion by Mr. Rebane and seconded by Mr. Tomasino, the Board voted to consider Dr. Miller's absence unexcused. A vote was called and the motion passed.

Upon a motion by Mr. Rebane and seconded by Mr. Burke, the Board voted to consider Ms. Velazquez's absence as unexcused. A vote was called and the motion passed.

There was short discussion on the need for additional experts and the need for the attorney to be involved in selection of consultants by the investigators.

For clarification of record, the Washington Accord is no longer in effect and staff will be instructed to advise applicant's of the need to seek a review of their foreign degree.

The meeting was adjourned at 4:00 pm.