

**Minutes of the  
The Florida Board of Professional Engineers  
October 25 & 26, 2006  
Beginning at 8:30 a.m.  
Ft. Lauderdale, Florida  
Part I**

A. Meeting Administration

- #1. Call to Order, Invocation, and Pledge of Allegiance to the Flag

The Invocation and Pledge of Allegiance was led by Chair Rebane.

- #2. Roll call, Determination of Quorum, and Address Absences.

Board Members Present:

Henn Rebane, Chair, P.E.  
John Burke, Vice Chair, P.E.  
Robert Matthews, P.E.  
Paul Tomasino, P.E.  
Daniel Rivera, Public Member  
Chris Bauer, Ph.D., P.E.  
David Bloomquist, Ph.D., P.E.  
Kathy Hogenkamp, P.E.  
David Charland, P.E. arrived later in the meeting  
Albert Rose, P.E., 10-26-06

Board Members Absent:

Nola Garcia, Public Member  
Albert Rose, 10-25-06

FBPE Staff Present:

Paul J. Martin, Esquire, Executive Director  
Carrie A. Flynn, Assistant Executive Director  
Patrick Creehan, Esquire, Chief Prosecuting Attorney  
Marvin Vickers, FEMC Comptroller  
Bruce Campbell, Esquire, Prosecuting Attorney  
Leigh Ann Dollar, Executive Assistant

Upon a motion by Dr. Bauer seconded by Ms. Hogenkamp, the Board excused Ms. Garcia's absence due to health reasons.

Upon a motion by Dr. Bauer seconded by Ms. Hogenkamp, the Board excused Mr. Rose's absence for extra time and responsibility associated with the recent ABET accreditation review.

Upon a motion by Dr. Bauer seconded by Ms. Hogenkamp, Mr. Charland's absence was not excused, as Mr. Charland did attend the meeting.

- #3. Introduction of guests and announcements as to presentations at a time certain

Leonard Healy, P.E.  
Kamal Al-Imam, P.E., FEMC Board member  
C.W. MacElroy, Broward County Building Official  
Bob Higgins, Florida Engineering Society  
Bill Dunn, SunCam

- #4. Approval of the Agenda

Upon a motion by Dr. Bauer seconded by Dr. Bloomquist, the agenda was approved as presented.

Upon a motion by Ms. Hogenkamp seconded by Dr. Bloomquist, the agenda was amended to include #11.b. Chair's Report.

- #5. Approval of the Consent Agenda  
(Items denoted with an asterisk are included in the Consent Agenda\*)

The Consent Agenda was amended to pull item 6a for discussion. Items C1, C2, C5, G1 and G2 were added to the consent agenda.

Upon a motion by Mr. Matthews seconded by Mr. Burke, the Board adopted the Consent Agenda, as amended.

- #6. Review and Approval of previous Board meeting minutes

- a. Minutes from the July 26 & 27, 2006 Board Meeting\*

Mr. Rebane revised the language that places the responsibility of the Committee Chair to coordinate with the Executive Director regarding scheduling of meetings and assignments to committee.

Mr. Rebane confirmed responsibility was assigned to staff to coordinate noticing, scheduling of meetings, and completion of assigned tasks. The July minutes will reflect this change.

Upon a motion by Dr. Bauer seconded by Dr. Bloomquist, the minutes were adopted with the noted amendments.

- b. Minutes from the September 22, 2006 Conference Call\*

Approved by Consent Agenda.

## B. Committee Reports

- #1. Applications Committee  
(John Burke, P.E., Chair; David Charland, P.E.; Henn Rebane, P.E.; Albert Rose, P.E.; Daniel Rivera)

- a. Committee Chair's Report.

Mr. Burke advised of the importance of all Board members to attend the application review. All Board members present confirmed their attendance for the November 15, 2006 review.

Mr. Burke noted problems associated with errors occurring as part of the application review. This is a shared responsibility of staff and Board members. Mr. Burke suggested the Board consider the importance of cross training. He also asked that Board members take into consideration the need to make appropriate departure schedules when attending the review. This allows completion of all assignments in a timely fashion.

Mr. Martin reminded the Board members providing second signature to review what they are signing.

In the future, we will limit the scheduling of additional meetings on days of application review.

There was a short discussion on the need to coordinate the reviews to allow sufficient time for staff to work with the Board members. The Chair suggested that staff be cross trained so that Board members reviewing applications have access to sufficient staff members to respond to questions.

- #2. Educational Advisory Committee  
(Christian Bauer, Ph.D., P.E., Chair; David Bloomquist, Ph.D., P.E.; Melvin Anderson, Ph.D., P.E. (Consultant), R. Gerry Miller, Ph.D., P.E. (Consultant))

- a. Committee Chair's Report.

Dr. Bauer asked if there was going to be discussion of an email received from Mr. Rasheed. Ms. Flynn confirmed that discussion

would not occur as part of this meeting. Ms. Flynn had advised Mr. Rasheed of the need to follow correct procedures. His application should be presented at the November application review. The Board advised staff to inform Mr. Rasheed that contacting the Board members on an individual basis is inappropriate.

- #3. Probable Cause Panel  
(Robert Matthews, P.E., Chair; John Burke, P.E.; Allen Seckinger, P.E., Consultant)
  - a. Memo from the September 7, 2006 Meeting\*  
  
Approved by Consent Agenda.
  
- #4. FBPE Rules Committee  
(Henn Rebane, P.E., Chair; John Burke, P.E.; David Charland, P.E., David Bloomquist, Ph.D., P.E.; Paul Tomasino, P.E.)
  - a. Committee Chair's Report.  
  
No Report.
  
- #5. Joint Engineer / Architect Committee  
(Henn Rebane, P.E., Chair; Daniel Rivera)
  - a. Committee Chair's Report.  
  
No Report.
  
- #6. Board Operations Committee  
(Henn Rebane, P.E., Chair, FBPE, FBPE/FEMC Liaison)
  - a. Committee Chair's Report.  
  
Mr. Martin confirmed the publishing of the RFP with a closing date of October 30, 2006. The Board Operations Committee will review and select the company to perform the efficiency review on November 16, 2006. The selection will be presented to the FEMC Board who will in turn present to the FBPE for final approval at the December meeting.  
  
Mr. Burke asked and it was confirmed the RFP was well defined in regard to the scope of study. The Chair asked Mr. Martin to email a copy of the RFP to all Board members.

- #7. FBPE Legislative Committee  
(Daniel Rivera, Chair, Christian Bauer, Ph.D., P.E.; David Bloomquist, Ph.D., P.E., Katherine Hogenkamp, P.E., Paul Tomasino, P.E.)
- a. Committee Chair's Report.
- Mr. Rivera will check with Charlie Geer to determine possible items for upcoming legislative session.
- #8. Unlicensed Activity Committee  
(Christian Bauer, Ph.D., P.E., Chair; David Bloomquist, Ph.D., P.E.; John Burke, P.E., Katherine Hogenkamp, P.E. )
- a. Committee Chair's Report.
- Dr. Bauer believed FES is interested in using the NSPE video. If used, it could be incorporated into presentations.
- #9. Endorsement Committee  
(Robert Matthews, Chair; David Charland, P.E.; Henn Rebane, P.E.; John Burke, P.E., Al Rose, P.E.)
- a. Committee Chair's Report.
- Ms. Flynn confirmed the need for an endorsement application review following the conclusion of the first day of business.
- #10. Record Drawing Task Force (Paul Tomasino, P.E., Chair; David Charland, P.E.; John Burke, P.E.)
- a. Committee Chair's Report.
- No Report.
- #11. Aluminum Structures Design Manuals Task Force (David Charland, P.E., Chair; Paul Tomasino, P.E., Robert Matthews, P.E., Albert Rose, P.E., Do Kim, P.E.)
- a. Minutes from the September 6, 2006 meeting\*
- Approved by Consent Agenda.
- b. Chair's Report
- Mr. Charland advised the Board of the meeting held on September 6, 2006. Another meeting has been set for November 14, 2006, for

purposes of drafting a proposed rule to be presented to the full Board in December.

C. NCEES

#1. Exchange August 2006\*

Approved by Consent Agenda.

#2. NCEES Zone Update July 2006\*

Approved by Consent Agenda.

#3. Nominations for NCEES National Awards

Mr. Rebane directed the Executive Director to implement procedures for presenting a list of eligible award recipients each year. The list would be included as part of the agenda for confirmation of nominations.

Upon a motion by Ms. Hogenkamp seconded by Dr. Bauer, Mr. Robert Matthews is nominated for the Distinguished Service Award and Mr. Paul Martin is nominated for the Meritorious Service Award.

#4. Examination Fee Increases\*

Approved by Consent Agenda.

#5. Newsletter from ELSEES\*

Approved by Consent Agenda.

#6. Memo from NCEES re: Registration for Receiving Credential Evaluations from the Center for Professional Engineering Education Services

#7. Report on 2006 Annual Meeting by Mr. Rebane, Mr. Burke, Mr. Matthews and Ms. Hogenkamp

Mr. Burke reported on the concerns with the proposal to require an additional thirty plus hours after receiving a BS degree. There were many concerns with the content of the hours and with the NCEES being the proper place to begin the process. The motion passed by majority, to amend the definition of Model Law status.

Mr. Burke clarified the amendments apply to NCEES Model Law status it does not place requirements for each state. The Florida Board as all other state Boards would have to seek legislative changes if the recommendation is to be placed in the individual state statutes.

After discussion it was recommended that all parties approach this with an open mind and withhold making final decisions until the content of the additional hours are finalized.

Calculator distribution to candidates, Mr. Burke reported the motion failed to pass as there was only one specific calculator recommended. The Examination Committee will continue to study this issue.

Mr. Burke advised the Board on NCEES Continuing Education Provider program. The providers apply with NCEES for national approval. NCEES will provide a data bank. Engineers will be able to access the data bank to determine which states have approved providers. The objective is to make continuing education acceptable from one state to another. It is anticipated that eventually all states would accept the hours from the NCEES providers list.

Mr. Matthews briefed the Board on his participation in a panel discussion coordinated by the southern states affected by the 2005 hurricane season. Information gathered confirms Florida is in the lead regarding revisions to statewide building codes. The state of Alabama has adopted an operating standard procedure policy for staff that relates to emergencies. The Executive Director offered to forward a copy to the Florida Board office for review and possible implementation.

D. Advisory Attorney's Report

- #1. Rules Report - (This item will be presented on the second day)
- #2. Letter from JAPC re: Rule 61G15-20.006, F.A.C.

JAPC challenges Rule 61G15-20.006 F.A.C. that establishes standards for approval of engineering programs by the Board. Mr. Harrold points out the lack of statutory authority to impose a fee. Secondly, Mr. Harrold objects to the term “certify programs” as the statute requires review and approval of programs.

Ms. Gustafson advised the Board of the need to seek amendments to Chapter 471, F.S. to provide authority to set a fee by rule.

Upon motion by Dr. Bauer seconded by Dr. Bloomquist, the Board assigned the issue to the Legislative Committee for consideration of amendments to Chapter 471, F.S.

In discussion of the present action on this matter, Mr. Martin recommended the assessed fee be removed and the word “certify” be changed to “approved”. The rule could move forward and future consideration given to legislative amendments.

Upon a motion by Dr. Bauer seconded by Dr. Bloomquist, Ms. Gustafson was directed to remove the reference to an assessed fee and to change the word “certify” to “approved”. The Legislative Committee is to proceed with the process of amending Chapter 471, F.S. to give the Board the authority to set fees that reflect the costs of the review and approval process.

Mr. Higgins stated that FES would support this decision.

#3. Letter from JAPC re: Rule 61G15-21.007, F.A.C.

Ms. Gustafson advised the Board of the JAPC objection to the Board’s proposed rule requiring a grade of “C” or higher on courses taken to satisfy the twelve hours required once a person fails the examination five times. She responded to the letter citing the grounds on which she believed the Board had authority to set the grade. Ms. Gustafson had not received a response.

Mr. Martin confirmed receipt of a response before leaving for this meeting. The letter thanked Board Counsel for the response but held to his opinion regarding lack of statutory authority to impose this requirement.

Upon motion by Dr. Bauer seconded by Dr. Bloomquist, Ms. Gustafson should pursue the rule amendment.

Mr. Rebane asked if staff could include a link to the website to allow access to rules referenced in the rules report. In response, Ms. Gustafson confirmed her instruction to her staff to provide the FBPE with rule text for future agendas.

#4. Letters regarding petitions on waiver or variance

Ms. Gustafson advised these letters are annual letters to the legislature informing them on the number of Petitions on Waiver and Variance filed for the Board of Professional Engineers.

#5. Gregory Ruck - Opinion from the District Court of Appeal

The First District Court of Appeal issued a ruling that advised Mr. Ruck of the dismissal of his appeal to the initial denial of his application, as moot. The Board reviewed the application for equivalency to Rule 20.007, F.A.C. and refused to keep the application open which would have allowed possible attorney fees.

Following this ruling Mr. Bayó filed for a Formal Hearing on the Board’s decision not to recognize physics course as engineering courses. Ms.

Gustafson retained an expert to assist in the hearing and she is appealing the awarding of attorney fees.

Ms. Gustafson reported on two additional cases under appeal. One case is related to the application filed by Amr Sallam who is scheduled to go to hearing in December and one case with the First District Court of appeal for an applicant who was denied based on holding a technology degree.

The Board discussed the proposal by Mr. Bayó to enter a settlement in his client's case. The Board rejected any offer to settle.

Ms. Gustafson will advise Mr. Bayó of the Board's decision to reject a settlement in this case.

#6. Board Counsel Opinion Letters

a. None to Report.

E. Executive Director's Report

#1. List of Applicants Requesting Retired Status\*

Approved by Consent Agenda.

#2. Letter from FES dated August 3, 2006

FES thanked Mr. Martin for his presentation at the FES Annual Meeting.

#3. Letter from Center for Professional Engineering Education Services dated August 31, 2006

Mr. Martin asked the Board if they were in favor of amending Rule 61G15-20.007, F.A.C. to include Center for Professional Engineering Education Services.

Upon a motion by Ms. Hogenkamp seconded by Mr. Matthews, Rule 61G15-20.007 (4), F.A.C., should be amended to include Center for Professional Engineering Education Services as a Board approved evaluator.

Mr. Martin agreed to contact CPEES to determine if they would agree to evaluate non-EAC/ABET degrees. Mr. Martin would advise CPEES of this Board's position on not accepting the Washington Accord.

#4. Quarterly Report to the Department – Second Quarter

For informational purposes only.

#5. Financial Reports

Mr. Vickers briefed the Board on the 2006 audit. The 2006 audit has been completed. The audit was clean with noted issues. Carroll and Company will be available for questions in December meeting, if needed.

Mr. Vickers advised of the \$237,474.00 to be returned to the Department as unexpended funds.

Mr. Rebane asked for clarification as to previous warnings regarding the need to increase fees when this amount of money is returned to the Department. Mr. Vickers reminded the Board of a meeting with the Department in 2005 at which time the Department agreed to release a portion of the \$220,000 previously held by DBPR for expenses. To accomplish this release the Department agreed to take certain expenses directly from the trust fund. The fact that all funds are not expended is typical. Future budgets may not have the same result. Mr. Vickers noted the cost of laptops and all associated equipment and updating of office computers was taken out of the 2005- 2006 budget.

Mr. Rebane noted the comments regarding tracking of statistical reports and FEMC's responsibility for developing a checklist for each examination administrated.

Mr. Martin explained that although the examinations are contracted with ELSESES, the DBPR is cited with having responsibility to ensure all information is provided to ELSESES and that ELSESES has carried out their responsibility on all security issues associated with administration and transporting of the examination booklets. Staff is also taking steps to providing backup paperwork to support statistics.

Mr. Vickers explained the excess funds in the line item for prosecution, resulting largely from a change in procedure regarding reimbursement for project review. Under the revision that occurred this past year, the licensee pays the expert directly instead of reimbursing FEMC for cost of project review.

Mr. Martin discussed the downloading of board materials. He explained the board materials will be downloaded from network solutions until such time as problems with the FEMC server is resolved.

#6. Updated calendar for 2007

Mr. Martin reviewed the calendar and noted amendments to include standing committee meetings. Mr. Martin suggested the Rules committee meet twice a year. The standing committees when necessary would hold their meeting prior to the scheduled Application Review committee meetings.

#7. Email from Lance Kinney re: Software Engineering

Upon a motion by Mr. Charland seconded by Dr. Bloomquist, staff will notify Mr. Kinney of the Board's interest in pursuing the development of a Software Engineer Examination.

Dr. Bauer will provide names of individuals that would have the background to assist in this endeavor.

#8. Review Exempt Provider Lists

- a. Current CE Provider List
- b. Deleted Exempt Providers List in Numeric Order
- c. Deleted Exempt Providers List in Alphabetical Order

Mr. Martin reviewed the proposals for amending the exempt provider list. The Board agreed with placing state branches of national organizations for approval under "national organization". The Army Corp. of Engineers would be approved and there would be no need to list the state or city branches to apply for approval.

Mr. Martin recommended, if the Board was in agreement, a continuing education provider such as TREEO would be removed from exempt status and would have to apply for approved status.

Mr. Rebane was in favor of expanding the exempt provider list to make it easier for Professional Engineers to have access to valuable training through exempt status providers. Many providers that offer valuable training do not and will not apply. The only avenue is through granting exempt provider status.

It was a consensus that checking the ongoing integrity of courses offered by exempt providers may be achieved by rule amendment. Ms. Gustafson stated the present continuing education rule only speaks to college level courses. In her interpretation this would not cover continuing education courses.

Mr. Martin explained the huge responsibility of entering into LicenseEase every college and university throughout the United States.

Prior to recessing for lunch, Mr. Rebane presented plaques to Ms. Gloria Velazquez, Esquire, Public Member and Mr. Jorge Duyos, P.E., former members of the Board. These plaques are in honor of their outstanding service to the Board. He also presented a plaque

to Mr. Kamal Al-Imam, P.E., FEMC Board member whose term recently expired.

Mr. Rebane also presented two plaques to Robert Matthews, P.E. The first plaque recognizes his outstanding service to the Board of Professional Engineers from 1999-2006 and the second plaque recognizes his service as Board Chair for 2004 and 2005.

Mr. Rebane called for the meeting to resume and announced continued discussion on the Rule 61G15-20.011, F.A.C. agenda item 8 c. The Board must determine if they want educational institutions to be approved under exempt provider status, resulting in approval of any training that is provided by the institution. Second, governmental agencies would be approved under one category with no requirement for the various divisions within the agency to apply for approved status.

Mr. Martin sensing the Board's position on exempt providers believed the rule could be amended to provide for a very generic title covering the educational institutions and governmental agencies.

Mr. Martin confirmed that he plans on mailing a letter to each provider prior to the expiration of the provider approval. The letter will include the new amendments regarding educational institutions, governmental agencies and state and national organizations.

Upon a motion by Mr. Matthews seconded by Dr. Bloomquist, staff is to create categories for educational institutions and federal agencies, who write rules and regulation that have an impact on engineering. Prior to the next biennium the exempt provider list will be revised to include state and national engineering professional associations. Local chapters or anything other than state and national engineering associations would be deleted.

Mr. Martin offered a friendly amendment to the motion. He suggested addition of a descriptor for area of practice, before the word courses. The amendment was accepted.

Ms. Hogenkamp raised a question concerning an amendment to Rule 61G15-20.011(9) (b), F.A.C. to add state agencies following federal agencies.

Upon a motion by Mr. Matthews seconded by Dr. Bloomquist, Rule 61G15-20.011(9) (b), F.A.C., be amended to add state agencies.

#9. 2006 FEMC Annual Report

Mr. Martin briefed the Board on the 2006 annual report. On or before the first day of October, FEMC must submit an annual report to the Department and the legislature. This report confirms FEMC's compliance with the annual contract. Mr. Martin noted the increase in applications for endorsements and certificates of authorization.

Mr. Martin explained that the Department and the Board of Professional Engineers is required by statute to certify that FEMC is in compliance with the contract. If the DBPR does not certify FEMC, the contract contains a deemed certification provision.

Upon a motion by Mr. Matthews seconded by Dr. Bloomquist, the Florida Board of Professional Engineers accepted the 2006 Annual Report and that FEMC be certified for 2006.

F. Chief Prosecutor's Report

#1. Non-Compliance Report

Mr. Creehan is aware of the need to get all the cases up to date. Mr. Creehan has been holding weekly meetings with his staff to ensure that cases are moving through the system.

Mr. Martin asked the Board to consider how they want staff to handle engineers that are placed on probation and enter into a non-compliance based settlement, but fail to comply with plans review provisions. Some engineers cease to practice once they are on probation and do not supply the Board with any plan reviews. Mr. Martin suggested the Board authorize staff to include language in the stipulation and/or final order placing the license into inactive status if they fail to complete the plans review and return to active status after they appear before the Board and evidence the required 12 hours per year of inactive status.

Upon a motion by Dr. Bloomquist seconded by Mr. Matthews, future settlement stipulations and final orders for Informal Hearings will require a license to be placed into inactive status should the licensee cease to practice engineering while on probation. If inactive status is imposed the licensee would not be allowed to resume active status until they appear before the Board and they evidence the required continuing education hours.

On the non-compliance report, staff was directed to include dates of letters if there is a reference to written communications.

#2. September Open Case Report

Mr. Creehan reviewed the September case report. He noted that additional training to staff regarding entries into LicenseEase was needed.

G. Chair's Report

#1. Building Code Education and Outreach Council

Approved by Consent Agenda.

#2. Education Council Conference Call October 31, 2006

Approved by Consent Agenda.

#3. Mandatory Continuing Education, Florida Building Codes

Mr. Rebane called attention to the memorandum from Suzanne Davis. Ms. Davis outlined the Florida Building Commission's plan to have records of the most prevalent violations of the Florida Building Code. With this knowledge, the building commission will develop continuing education programs to address training in the areas where the violations occur. The Commission also stressed the importance of advanced courses. Although this Board does not approve courses, suggestions for additional areas of advanced training should be submitted for consideration.

Mr. Rebane identified two areas for advanced training. The first was Energy Code Compliance and Calculations (four hours of building, mechanical, plumbing, electrical). The second area was Sprinkler Design Requirements for General Building Permit (2 hours mechanical, fire protection).

Mr. Rebane called for suggestions on additional courses that would be beneficial. Mr. Burke suggested Fire Alarm (fire protection, electrical) and Life Safety Systems.

Mr. Rebane asked Mr. Martin to have staff get this information by email to the Department of Community Affairs to be put on the agenda as soon as possible. The conference call is scheduled for October 31, 2006.

#4. Issues Concerning Definition of Appropriate Registered Professionals for Environmental Resource Permitting

Mr. Higgins was present to address the Board on a letter issued by Diane Guillemette, Esquire, Assistant Attorney General, Board of Landscape Architecture. The letter addresses the ability of Landscape Architects to perform storm water design. In 1988, this issue was addressed for the first time. The efforts of FBPE and FES resulted in an appointment by the

legislature of a special committee to draft a document that outlined under what circumstances a Landscape Architect could pull a water management permit. That document although setting a guideline did not result in any legislative changes to either practice act.

During the past year, DEP amended their rules for water permitting in Northwest Florida. The rules now allow a water permit to be pulled by appropriate registered professionals. Previous references citing a requirement of Professional Engineer are removed. Mr. Higgins asked the Board to define the scope of engineering services that may be performed by Landscape Architects.

Mr. Higgins reported on The Florida Engineering Society having issued a letter of concern to DEP in hopes of resolving the issue. The letter did not help as the changes actually now include Professional Geologists as a professional who can perform water management design. This same person has also contacted the DOT to seek amendments to their rules to allow him the opportunity to practice roadway drainage design. This prompted a response by the Board of Landscape Architects through their Board Counsel stating Landscape Architects can do simple and complex drainage design. Roy Young, General Counsel for FES did not believe a challenge to the rule would not be successful if filed with the existing letter on record.

Mr. Rebane apologized to Mr. Higgins for failure of the Board to have sufficient time and access to all information in order to discuss the matter in this meeting. Upon advice from Board Counsel, the matter was deferred to the December agenda to allow Ms. Gustafson time to research the entire background. As part of her research she should contact Roy Young, Counsel to FES.

The Board decided to establish a Joint Committee of the Florida Board of Professional Engineers and Landscape Architects. Mr. Martin was to forward a letter to the Executive Director of the Board of Landscape Architects requesting their consideration of establishing a Joint Committee comprised of members of the Florida Board of Professional Engineers and Board of Landscape Architects.

Mr. Rebane appointed Mr. Matthews, Dr. Bloomquist and Mr. Tomasino as the Committee of the FBPE.

Mr. Higgins noted discussion of this item on the upcoming agenda for the Board of Landscape Architects. The action taken by the FBPE will be conveyed to a fellow colleague who serves on the Board.

## #5. Nominating Committee

Mr. Rebane appointed John Burke, Chair, David Charland and Dr. Chris Bauer to the Nominating Committee.

- a. The Nominating Committee will make their recommendation on the position of FBPE Vice-Chair in the December meeting along with recommendations for appointment of two positions on the FEMC Board. All names of interested individuals should be presented to Mr. Burke.
- b. Mr. Rebane reminded Mr. Martin that he was to write to the Executive Director of the BOAF regarding the Aluminum Structures Task Force and to invite a representative to the Committee Meeting.
- c. Mr. Martin confirmed that he contacted the Executive Director by phone to discuss the meeting and to request their representation at the meeting. The Executive Director was to report to Mr. Martin and to date there has been no response. Mr. Martin confirmed his plan to contact the BOAF again concerning the November meeting. Mr. Rebane directed the contact be in writing and copies of the letter be forwarded to Mr. Charland.
- d. Under the Unlicensed Activity Committee Chair's Report there was a decision to post on the Board's website a link to NSPE. Further, Dr. Bloomquist and Ms. Garcia were to work with Charlie Geer regarding a plan for use of the NSPE video. The Chair was disappointed over the lack of action on this subject matter.
- e. Mr. Rebane reminded Mr. Martin of the responsibility of ensuring that committee assignments are completed. He asked that outstanding items appear in the October minutes as unresolved action items.
- f. Mr. Rebane called attention to the assignment of Mr. Martin to give a detailed report on the content of the case report that was included in the July meeting.

Mr. Martin explained that he would review the case although he was not sure of any logical explanation for the LicenseEase report. The Chair explained the need to make this exact statement on the action list in order to bring closure to the assignment.

- g. Mr. Rebane recalled the letter from the CILB requesting the FBPE to appointment representatives to a Joint CILB/FBPE Committee. Mr. Martin confirmed the letter had not yet been issued.

- h. Mr. Rebane also called attention to the Board's plan to move forward with approval of laws and rules courses. With the Board moving forward with rulemaking on approval of laws and rules courses there have been two challenges to the rule by Dennis Barton, ASCE and Frank Rudd, Executive Director, FES. Mr. Rebane had inquired as to the possibility of Ms. Gustafson meeting with the two parties to determine a resolution to the issues without a hearing.

Mr. Martin confirmed that he had contacted both parties by phone. The points raised by both parties were presented to Ms. Gustafson. The hearing on the rule challenge will be November 3, 2006.

Ms. Gustafson advised the Board of the major issues raised by both parties. Mr. Barton's concerns the rule should not go into effect before the biennium; providers have to be either licensed professional engineers or attorneys; and the requirement of two business days for turn around time on responding to questions from people taking the course on line. Ms. Gustafson had explained that it would be illegal for any changes to go into effect before the end of the biennium.

Mr. Rebane explained that FES course content is put together by volunteers. Placing restrictions as to whom, how and what the course content is, will place new restrictions on providers.

Ms. Gustafson explained the purpose of the rule hearing. After discussion it was confirmed that a hearing would be the best way to proceed on the matter. Mr. Burke agreed to attend in the Chair's absence.

Upon a motion by Mr. Matthews seconded by Mr. Burke, the public hearing will proceed on November 3, 2006 with a Board member present who will make a report to the Board at the December meeting.

- i. Mr. Rebane called attention to page five of the minutes under the topic of noticing of special committee meetings. The minutes place responsibility on the Chair of the Committee to coordinate scheduling of committee meetings and progress on subject matters. The intent of the discussion was to place the responsibility on the Executive Director and his staff. Mr. Martin advised that he would be discussing under his report procedures, arrangements, and dates for upcoming meetings.
- j. Mr. Rebane confirmed two requests for Board agendas and materials to be available to the FES representative, Mr. Geer and Frank Rudd Executive Director, FES prior to the Board meeting.

Mr. Rebane asked for clarification on how staff can respond to this request. For future meetings the representative should be provided access to all books.

Mr. Martin explained that in haste to comply with the request the IT technician provided access to all documentation. Transcripts and grades are confidential and outside parties should not have access to them.

Upon a motion by Dr. Bloomquist seconded by Mr. Rivera, contents of the yellow book excluding confidential material should be available to Mr. Rudd and Mr. Geer electronically.

Ms. Gustafson advised the Board by complying with this request, any other party that makes a request for this information must also receive access to the agenda books.

- k. Mr. Rebane inquired about Walter Karpinia. The public portal on myfloridalicense.com does not show the restrictions of practice in structural engineering. This makes it extremely difficult for building officials being able to access restrictions of practice on any licensee.

Mr. Martin agreed on the importance of having access to information. While the restriction on structural and electrical engineering do not appear, there is a long disciplinary record and most individuals should take note of the disciplinary record and contact the Board office for additional details.

Mr. Rebane believed staff should research all options and prepare a detailed response at the December Board meeting.

- l. Mr. Rebane asked Mr. Campbell for status of a recent inquiry from Tim Griffin who is being bothered by another engineer who believes he had turned him into the Board. Mr. Campbell did not have a response and agreed to check on the matter.

Mr. Rebane directed staff to copy all Board members on responses if the Board members were notified in the original message.

- m. The next item was correspondence from Mr. Bush a DOT employee who completed a laws and rules course from DOT at a time when the course was not approved. Mr. Martin confirmed his response to Mr. Bush's email.
- n. Mr. Rebane proposed that the Board authorize payment for expenses for the Board Chair to attend the FES annual meeting.

Upon a motion by Dr. Bauer seconded by Mr. Charland, FEMC shall pay all expenses associated with the Board Chair's attendance to the FES annual meeting.

- o. Mr. Rebane noted NCEES attendance for the Board President's Assembly. The Board has to submit the name for authorized attendance.

Upon a motion by Dr. Bauer seconded by Mr. Charland, staff should submit Mr. Burke's name as the Florida Board representative for the President's Assembly.

- p. Mr. Rebane suggested that Board members contact Ms. Samantha Hobbs, (email address [shobbs@fleng.org](mailto:shobbs@fleng.org)) of FES to receive information on how to access the FES list serve. This list serve contains results of discussions by technical committees who are gathering information needed for the Board to update the rules of responsibility in electrical and mechanical engineering.

Mr. Rebane explained the meetings are held once a month. Presently there is only one board member participating. He asked Ms. Gustafson if the other board members could participate. The address of the list serve is [http://tech.groups.yahoo.com/group/constructed\\_environment06](http://tech.groups.yahoo.com/group/constructed_environment06). Ms. Gustafson confirmed the other board members could read the discussions, but they could not contribute to them. Participation would violate the sunshine law.

Mr. Rebane advised the Board of his attendance at the FES/FICE annual meetings and was happy to report the appointment of Ms. Yassi Myers, President of FES and Kimberlee DeBosier, President of FICE.

- q. Mr. Rebane reminded all Board members of the vote to increase the donation for the annual Christmas party from \$50 to \$100. He reminded Board members to submit checks to Mr. Martin. The date of the party is December 5, 2006.

#### H. Correspondence to the Board

- #1. Letter from Muse Audio Video dated August 4, 2006

The Board discussed the work outlined in the letter and determined it was not the practice of engineering and Muse Audio should be so advised.

- #2. Letter from the Florida Fire Marshals & Inspectors Association dated September 13, 2006

Upon a motion by Dr. Bloomquist seconded by Mr. Rivera, the Florida Fire Marshals & Inspectors Association was added to the exempt list of continuing education providers.

- #3. Email from Muriel Zhou dated September 21, 2006

For informational purposes only.

- #4. Email from Muriel Zhou dated August 23, 2006

For informational purposes only.

- #5. Email from Jay Patel

Ms. Gustafson advised the Board of receipt of an email from Jay Patel, P.E., past Board Member of the FBPE. Mr. Patel was raising concerns with the requirement of evaluation for applicant's holding foreign degrees.

Mr. Martin confirmed his discussion with Mr. Patel regarding his long standing issues with the Board's review of foreign education requirements/substantial equivalency. He is convinced the rule is discriminatory against Indian applicants. It was determined that a response would not be needed as the message has been shared on the agenda, as requested.

- #6. Mr. Rebane confirmed appointment of Kathy Hogenkamp to the Probable Cause Committee filling the seat previously held by Mr. Matthews.

## I. Old Business

Mr. Martin asked the Board to consider a procedure that would allow on a case by case basis authorization to Silny and Associates to perform a review from original documents held by the applicant. This resolves many issues that occur when the applicant is not able to secure a second set of original documents.

Upon a motion by Dr. Bauer seconded by Dr. Bloomquist, on a case-by-case basis the Executive Director may authorize the evaluation from original transcripts submitted by the applicant.

Mr. Rivera raised a question concerning interruptions that have occurred in past application review meetings, it was determined that staff will set up a table for visitors. Visitors will sit at the table and will approach the Board, if requested. There should be no personal interaction between visitors and committee members regarding review of specific files.

Dr. Bloomquist in response to earlier comments from the Chair regarding the NSPE video confirmed his ordering of 11 copies of the NSPE video. He will distribute to professors for use as part of teaching Intro to Civil Engineering.

Mr. Burke asked the Board if he and Mr. Matthews should continue to serve in their position. Ms. Gustafson affirmed the ability to continue to serve until notified otherwise by the Governor's office.

J. New Business

K. Public Forum

Mr. McElroy expressed his thanks to the Board for addressing concerns on aluminum structures through amending the responsibility rules. As a Building Official, he expressed concerns with trying to determine exactly how to read licensing status and disciplinary action from the public portal. He suggested the Board require engineers place a phone number in title block. The Board suggested implementing the requirement as part of a local ordinance and the Board notified of the success in passing the ordinance. Ms. Gustafson will research possibility of amending the Board's sealing rule to include a phone number.

Mr. Martin briefed the Board on the 2007-09 renewal. The renewal forms are in the final stages of completion. The forms would be forward by emailed to each Board member for review. If Board members have recommended changes, the changes are to be returned the Board office. If no changes are noted the forms will to be presented to the selected vendor for printing and mailing of the forms to all licensees. Detailed instructions will be included with the renewal notice. The instructions will advise the licensee of self-reporting continuing education and the ability to renew on-line.

Mr. Martin explained that paper form renewals submitted to the Board office require entry of the CE hours into the licensee's record before the license can be renewed. DBPR is working with FEMC to develop a program that will allow a batch file of updated information to be dumped into LicenseEase on a daily basis.

Upon the Board completing the first day's agenda, the meeting was recessed until 8:30 AM the following day to allow the Application Committee and the Education Advisory Committee to meet to review pending applications.

## **Part II Informal Hearing Agenda**

The Chair called the meeting to order and addressed the audience regarding the importance of achieving EAC/ABET accredited degrees and licensure as a Professional Engineer.

Dr. Bauer advised the audience on requirements for qualifying for the Fundamentals examination. Acceptable education must be an EAC/ABET accredited degree or, if holding a foreign degree, a determination of substantial equivalency to Rule 61G15-20.007(2), F.A.C.

New rules will permit an opportunity to degree holders in engineering from non-EAC/ABET accredited programs to demonstrate substantial equivalency to Rule 61G15-20.007(2), F.A.C.

Mr. Rebane advised the audience of the proposed plan for amending the Model Law Status in 2015 to require a BS degree plus thirty hours.

The Application Committee and Educational Advisory Committee reported the results of a review conducted on October 25, 2006. A total of 27 files for Endorsement were reviewed 17 applications were approved and 10 applications were denied; 1 file for the Fundamental was approved.

Upon a motion by Dr. Bauer seconded by Dr. Bloomquist, the actions of the application review of October 25, 2006 were ratified.

Ms. Gustafson presented a rules report followed by Dr. Bauer's statements on education requirements for licensure. Dr. Bauer also informed the audience of the ability of engineers with non-EAC/ABET degrees to seek an evaluation to determine equivalency to Rule 61G15-20.007, F.A.C.

L. Consideration of Petition for Formal Hearing

None.

M. Informal Hearings on Denial of Application for Fundamentals Examination

#1. Maria Serna-Vasquez

Ms. Serna-Vasquez was present for her hearing. Ms. Serna-Vasquez was sworn prior to addressing the Board. The Board denied Ms. Serna-Vasquez's application for the Fundamentals examination based on educational deficiencies. Review of the transcript evaluation confirmed failure to meet equivalency requirements of Rule 61G15-20.007, Florida Administrative Code. Review of the transcript evaluation confirmed deficiencies in Mathematics and Basic Sciences, failure to evidence a

course in Chemistry and a deficiency of six semester credit hours in Humanities and Social Sciences. In response to the denial, she submitted an Election of Rights form to supplement and to have an Informal Hearing. The supplemental information was a letter from Ms. Vasquez stating that she will have completed courses in Humanities and Social Sciences by the time of her Informal Hearing and she would like to have her file held open until she completes the course in Chemistry.

Ms. Vasquez submitted transcripts confirming the completion of the Humanities and Social Sciences courses.

Upon a motion by Dr. Bauer seconded by Ms. Hogenkamp, the Board granted the request for continuance to the February Board meeting.

#2. Roger Akerman

Mr. Akerman withdrew his request for a hearing and the file was closed.

#3. Mark Chatten

Mr. Chatten was present for his hearing. Mr. Chatten was sworn prior to addressing the Board. Mr. Chatten applied and received Conditional Approval to sit for the Fundamentals examination pursuant to Rule 61G15-20.007(5), F.A.C. In response to the Conditional Approval, he submitted an Election of Rights form to supplement and to have an Informal Hearing. The supplement did not correct the deficiency and his application remains under Conditional Approval.

Staff advised Mr. Chatten of the requirement to base determination of eligibility from the transcript evaluation by an approved evaluator. Mr. Chatten explained that he would be presenting further information from Ms. Louise Green, Academic Administrator, Imperial College of London.

The Board reviewed the letter from Imperial College of London and Mr. Chatten's comments and took the following action.

Upon a motion by Ms. Hogenkamp seconded by Dr. Bloomquist, the deficiency of 16 hours in Humanities and Social Sciences be revised to 10 hours and the application remain under Conditional Approval.

#4. Francisco Sierralta

Mr. Sierralta was present for his hearing. Mr. Sierralta was sworn prior to addressing the Board. The Board denied Mr. Sierralta's application for the Fundamentals examination based on educational deficiencies. Review of the transcript evaluation confirmed failure to meet equivalency requirements of Rule 61G15-20.007, Florida Administrative Code. It was determined that Mr. Sierralta was deficient in Mathematics and Basic

Sciences as he failed to evidence a course in Probability and Statistics and he is deficient 11.84 hours in Humanities and Social Sciences. In response to the denial, he submitted an Election of Rights form to supplement and to have an Informal Hearing. The supplement did not correct the deficiencies and the denial was upheld. In accordance with the applicant's Election of Rights, the Informal Hearing was scheduled for the October Board meeting.

Mr. Sierralta has informed the Board by letter dated August 30, 2006, of his plans to enroll in and complete courses at FIU and he has asked that his application file remain open until he completes courses.

Upon a motion by Dr. Bloomquist seconded by Dr. Bauer, the Board approved the proposed courses. Based on failure to have actually enrolled in courses and the length of time before all courses could be completed the following action was taken.

Upon a motion by Ms. Hogenkamp seconded by Mr. Burke, the Board upheld the denial.

N. Informal Hearings on Denial of Application for Principals and Practice Examination

#1. Abdullah Ozer

Dr. Ozer was present for his hearing. Dr. Ozer was sworn prior to addressing the Board. The Board denied Dr. Ozer's application for the Principles & Practice Examination based on educational deficiencies. Dr. Ozer holds a Bachelor's degree from Turkey. Review of the transcript evaluation to determine equivalency to Rule 61G15-20.007, F.A.C. resulted in determination that Dr. Ozer has not evidenced the required 16 semester credit hours in Humanities and Social Sciences.

Dr. Ozer submitted an Election of Rights form to proceed directly to an Informal Hearing. Prior to the hearing, Dr. Ozer submitted a revised Silny evaluation that might resolve most of the deficiencies in Humanities and Social Sciences; however, there is now noted deficiency in Mathematics and Basic Sciences.

Upon a motion by Dr. Bloomquist seconded by Mr. Rivera, the revised evaluation from Josef Silny was accepted as clearing the Humanities and Social Sciences deficiency and the Mathematics and Basic Sciences were considered satisfied.

O. Informal Hearings on Denial of Application for Licensure by Endorsement

#1. Eduardo Arteaga

Mr. Arteaga was present for his hearing. Mr. Arteaga was sworn prior to addressing the Board. The basis for denial of Mr. Arteaga's application is educational deficiencies. Mr. Arteaga holds a Bachelor of Science Degree in Civil Engineering from the Universidad Veracruzano Mexico. Review of the transcript evaluation to determine equivalency to requirements of Rule 61G15-20.007, Florida Administrative Code resulted in a determination of a deficiency of 4.69 semester credit hours in Mathematics and Basic Sciences and 14 semester credit hours in Humanities and Social Sciences. In addition, within the category of Mathematics and Basic Sciences, he failed to evidence a course in Chemistry and a course in Probability and Statistics.

Mr. Arteaga submitted an Election of Rights to supplement and to have an Informal Hearing. After reviewing the supplemental information, the Board determined to waive the deficiency of Humanities and Social Sciences pursuant to Rule 61G15-20.0015(4), F.A.C. and the deficiency in Mathematics and Basic Sciences were resolved with exception of evidencing a course in Chemistry.

In accordance with the Election of Rights, the Informal Hearing was scheduled for the October Board meeting.

Upon a motion by Dr. Bloomquist seconded by Mr. Matthews, the application will remain in an open status until June 2007.

#2. David Chang

The Board approved the request submitted by Mr. Chang for a continuance to the next meeting.

#3. Fred Romani

Dr. Romani was present for his hearing. Dr. Romani was sworn prior to addressing the Board. The Board denied the application of Dr. Romani based on educational deficiencies. Dr. Romani holds a Bachelor of Engineering Degree from the National University of Engineering in Lima, Peru. Pursuant to Rule 61G15-20.007, F.A.C., he was required to submit a course by course evaluation of his degree from an approved provider. Because he failed to submit the mandatory evaluation, his application was denied.

Dr. Romani submitted an Election of Rights to supplement and to have an Informal Hearing. The supplemental information did not satisfy the deficiencies and the denial was upheld. In accordance with the Election of Rights the Informal Hearing was scheduled for the October Board meeting.

Mr. Romani requested the Board to consider difficulties in securing documents needed for the evaluation.

Upon a motion by Dr. Bauer seconded by Mr. Charland, the Board upheld the denial of the application.

#4. Diana Santander

Ms. Santander was present for her hearing. Ms. Santander was sworn prior to addressing the Board. The Board denied Ms. Santander's application based on educational deficiencies. Ms. Santander holds a Bachelor of Science Degree in Civil Engineering from the Pontifical Universidad Javeriana in Colombia, South America. Review of the transcript evaluation to determine equivalency to requirements of Rule 61G15-20.007, Florida Administrative Code confirmed that Ms. Santander has not evidenced a course in Chemistry.

Ms. Santander submitted an Election of Rights to supplement and to have an Informal Hearing. Ms. Santander's supplement was confirmation of having enrolled in Miami Dade College to complete a course in Chemistry. Based on failure to evidence completion of the course, the denial was upheld and the Informal Hearing was scheduled.

Ms. Santander confirmed completion of the Chemistry course in December. She asked the Board to hold her file open until she completes the course.

Upon a motion by Dr. Bauer seconded by Mr. Rivera, the Informal Hearing is continued to February Board meeting to allow time to complete the course and submission of transcripts.

P. Special Inspector Applications

#1. Raissa Lopez

Ms. Raissa Lopez was present for her hearing. Ms. Lopez was sworn prior to addressing the Board. The Board denied Ms. Lopez's application for failure to meet requirements of Rule 61G15-35.003(2)(b) and (d), Florida Administrative Code. Ms. Lopez failed to submit the proper experience forms, the experience record overlaps and she did not provide a description of what portion of the design work was performed on the inspections of threshold buildings.

Ms. Lopez submitted an Election of Rights to supplement and to have an Informal Hearing. A review of the supplemental information did not result in approval of the application and the Informal Hearing was scheduled for the October Board meeting.

Ms. Lopez gave details on experience and the Board confirmed that she failed to properly outline her experience on the required forms. Mr. Charland provided guidance as to how to complete the forms and upon conclusion, the following action was taken.

Upon a motion by Mr. Charland seconded by Dr. Bloomquist, the Board approved the application of Raissa Lopez for Special Inspector Certification.

Q. Informal Hearings on Denial of Application for Continuing Education

None.

R. Special Appearance before the Board

None.

**Part III**  
**Disciplinary and Unlicensed Hearings**

S. Recommended Orders

- #1. Lester M. Maples, P.E.  
PE 10214  
FEMC Case Number 02-0128  
DOAH Case Number 05-2049PL  
Represented by Alvin Peters, Esquire  
Probable Cause Panel: Matthews, Tomasino, Seckinger  
(See Exhibit S#1)

Mr. Maples was not present for his hearing. Mr. Maples was charged by Administrative Complaint with one count of negligence in the practice of engineering relating to fire protection plans and calculations for a Gulf Coast Community College Wellness project. The complaint alleged the plans showed pipes with inadequate diameters to deliver water for sprinklers in the most remote areas, and that pipe lengths in the calculations did not match those shown in the plans. Mr. Maples was charged with a second count for failure to date the plans and calculations as required by rule and statute.

Mr. Maples disputed the facts upon which the Administrative Complaint is based. A formal hearing was conducted on August 11, 2005. The Administrative Law Judge issued a Recommended Order dated October 13, 2005, which concluded that failure to follow the Board rule requirements for fire protection documents was not negligence; that deficiencies in the plans and calculations ceased to exist because of modifications to the plans and actual construction; that failure to date the plans is a “technical violation”; and that the Administrative Complaint be dismissed.

On October 25, 2005, the prosecutor filed Exceptions to the findings of Fact and Conclusion of Law in the Administrative Law Judge’s Recommended Order.

The Board previously reviewed this case February 23, 2006, with motions from the prosecutor to remand it to DOAH to take additional evidence. The Board entered an order directing remand, but a DOAH judge has entered an order refusing to reopen proceedings. Now the matter comes before the Board limited to the evidence admitted in the August 11, 2005 final hearing and the exceptions filed by the prosecutor.

Upon a motion by Mr. Burke seconded by Dr. Bloomquist, Exceptions to Findings of Fact #1 was granted.

Upon a motion by Mr. Charland seconded by Dr. Bloomquist, Exceptions to Findings of Fact #2 was granted.

Upon a motion by Dr. Bauer seconded by Mr. Charland, Exceptions to Findings of Fact #3 was granted.

The Board's Prosecutor requested that the last two sentences of paragraphs 35 and all of paragraphs 36 be stricken. The Board Attorney recommended that this exception not be accepted.

The Board's Prosecutor agreed with Board Attorney; however, he felt the issue of Mr. Maples improper signing and sealing is relevant and founded in the Conclusion of Law. The Board's Prosecutor requested a motion for and violation of Rule 61G15-23.002, F.A.C.

Upon a motion by Mr. Burke seconded by Dr. Bauer, Exceptions to Findings of Fact #4 was granted.

Upon a motion by Mr. Bauer seconded by Mr. Charland, Exceptions to Findings of Fact #5 was granted.

Upon a motion by Mr. Burke seconded by Dr. Bloomquist, the Recommended Order as Amended was approved.

Upon a motion by Mr. Burke seconded by Dr. Bauer, the penalty to be imposed is a \$10,000 administrative fine (\$5,000 for each count) and costs of \$10,132.00, reprimand, two years probation and plans review.

- #2. Julian B. Irby, P.E., and Irby Engineering and Construction, Inc.  
PE 43316  
FEMC Case Number 2004047572  
DOAH Case Number 06-1871PL  
Represented by A. G. Condon, Jr., Esquire  
Probable Cause Panel: Matthews, Burke, Seckinger  
(See Exhibit S#2)

Mr. Irby was sworn in and was present with Counsel, A.G. Condon, Jr. Mr. Irby was charged by Administrative Complaint with negligence in the structural plans for a house relocation at 1000 Blk La Paz Street, Pensacola, Florida. The structural plans allegedly lacked detail for construction of concrete block piers and additional supporting metal pipe posts. The plans failed provided only vague directions to connect the house to the piers and posts.

Mr. Irby disputed the facts upon which the Administrative Complaint is based. A formal hearing was conducted on July 31, 2006. In a Recommended Order dated August 29, 2006, the Administrative Law

Judge concluded that Mr. Irby was not negligent and recommended that the Administrative Complaint be dismissed.

The Judge found the alleged deficiencies did not prove negligence by clear and convincing evidence because; 1. The Florida Building Code has exceptions for relocated structures, so that the description and attachments of metal pipes moved with the structure did not have to be specified; 2. Calculations show friction on the piers would provide adequate wind force resistance so that tie downs were unnecessary, and reference to a generic tie-down was sufficient; 3. The house located 800 feet from Perdido Bay survived Hurricane Ivan with no damage.

FEMC has not filed any exceptions to the Recommended Order.

Upon a motion by Mr. Charland seconded by Dr. Bloomquist, the case was dismissed.

T. Settlement Stipulations

- #1. Darrell D. March, P.E.  
PE 18054  
FEMC Case Number 2006015044  
Represented by David P. Rankin, Esquire  
Probable Cause Panel: Matthews, Burke, Seckinger  
(See Exhibit T#1)

Mr. March was not present. Mr. March was charged by an Administrative Complaint with negligence in the practice of engineering relating to plans for a Snook Drive Drainage project. A previous Final Order (Case 02-0006), required Mr. March to submit a list of projects completed by him at 6 and 24 months for Board Consultant review. In the 24 month project review, the Consultant found the Snook Drive Drainage project plans contained several deficiencies. Drainage design for the single family lot set out inaccurate elevations, called for excessive slope in one area and would result in ponding in another.

Mr. March has entered into a stipulation with FEMC for the relinquishment of his license and seal in lieu of further discipline by the Board. Mr. March further agrees to not reapply for licensure in the State of Florida and that the Final Order will be considered the imposition of discipline under Chapter 471, Florida Statutes.

Upon a motion by Mr. Charland seconded by Dr. Bauer, the Settlement Stipulation was adopted.

Mr. Rebane stated that Mr. March has agreed not to apply for licensure in Florida. Further all jurisdictions will be aware of the action and it may affect his ability to achieve licensure in any state.

- #2. Wayne A. Block, P.E.  
PE 52583  
FEMC Case Number 2006015030  
Represented by Marcus G. Valantasis, Esquire  
Probable Cause Panel: Matthews, Burke, Seckinger  
(See Exhibit T#2)

Mr. Block was sworn in prior to addressing the Board. Mr. Block was charged by an Administrative Complaint relating to residential plans and calculations he signed, sealed, and dated for a Privacy Wall and for a Caldwell Banker Sign. A previous Final Order (Case 03-0165) required him to submit a list of projects at 6 and 18 months for Board Consultant review. The wall plans omitted moment calculations, soil data and compressive strength of concrete. The sign plans used load and load calculations not in accord with FBC, resulting in an overstressed base plate.

Mr. Block has entered into a stipulation with FEMC for a \$4,000.00 administrative; appearance before the Board to explain how he intends to improve quality control in future structural designs; reprimand; and probation for one year (following completion of probation imposed in case number 03-0165) with terms he submit a list of projects completed by him at 6 months from commencement of additional probation period.

Mr. Block was present for consideration of his Settlement Stipulation. Mr. Block responded to questions from the Board concerning his education, work background and continuing education courses that he has taken to enhance his ability to perform structural engineering related to his practice.

Upon a motion by Dr. Bloomquist seconded by Mr. Charland, the Settlement Stipulation was adopted.

- #3. Shirish Rajpathak, P.E.  
PE 42702  
FEMC Case Number 2004052791  
Represented by Kevin J. D'Espies, Esquire  
Probable Cause Panel: Matthews, Burke, Seckinger  
(See Exhibit T#3)

Mr. Raipathak was sworn in prior to addressing the Board with counsel, Kevin D'Espies.

Mr. Raipathak addressed the Board regarding his negotiation for a lesser penalty in this case and plans for controlling the use of his seal in accordance with the laws and rules.

Mr. Rajpathak was charged by an Administrative Complaint alleging that geotechnical soil reports and printed letters from a computer bearing his name and embossed seal that were not prepared, produced or reviewed by him. It was alleged that Mr. Rajpathak knew or should have known that SCA Engineering Consulting employees improperly sent out these engineering documents.

Mr. Rajpathak initially denied the allegations and requested a formal hearing. He did admit that he left a seal at the firm's office in Deland, although he resided in Boca Raton, but believed he reviewed all reports before they went out. He terminated his services for SCA in August 2004.

Mr. Rajpathak has entered into a stipulation with FEMC for a \$2,500.00 administrative; costs of \$684.53; appearance before the Board to explain his understanding of plan stamping and how he intends to safeguard his seal in the future; reprimand; probation for one year with terms he successfully complete a Board approved course in Engineering Professionalism and Ethics, and successfully complete the Study Guide.

Upon a motion by Mr. Charland seconded by Dr. Bloomquist, the Settlement Stipulation was adopted.

- #4. John R. Oglesby  
FEMC Case Number 2006034774 & 2006027433  
Represented by Douglas Kilby, Esquire  
Probable Cause Panel: Waived  
(See Exhibit T#4)

Mr. Oglesby was sworn in prior to address the Board with his counsel, Mr. Kilby and Mr. Jack McNulty, P.E.

Mr. Matthews commented for the record that in review of the information the Probable Cause Panel would have a similar recommendation regarding the recommended penalty.

Mr. Oglesby has been charged with two Administrative Complaints: one for practicing engineering on a delinquent license from March 1, 2003 to on or about February 28, 2005; and a second for practicing engineering without a license from March 1, 2005 to May 17, 2006.

He originally received a license from the Board in 1997. At the times for renewal he mistakenly believed that payment of fees alone was enough to renew. In May 2006, Respondent sought assistance from FEMC after a building official advised him that the Board's web site showed that his license had gone null and void.

On May 19, 2006, FEMC issued Mr. Oglesby a Notice to Cease and Desist the unlicensed practice of engineering. He filed an application for a

new license which was rejected pending resolution of these complaints. He turned over responsible charge of existing projects to a licensed P.E. Additionally, he attempted to obtain a C of A for Oglesby Engineering, Inc., with the other P.E. acting as qualifier, but that was rejected because an individual's name can only be used for a C of A firm if the individual has a P.E. license. That corporation changed its name to "Structure Engineering, Inc.", and now has a C of A.

Mr. Kilby stated that when Mr. Oglesby learned that his PE license was in a delinquent status, he submitted his check and renewal papers. Mr. Oglesby did not understand that when his renewal papers returned he did not meet his CE requirement. Therefore, he practiced on a null and void license. Mr. Kilby indicated Mr. Oglesby immediately contacted the Board and ceased practicing engineering.

Mr. Burke asked Mr. Oglesby if he had met his CE requirement for the next renewal. Mr. Oglesby confirmed that he had except for completing the laws and rules, and that he had submitted a new application to the Board.

There was a recommendation that future cases such as this case be presented to the Probable Cause Panel.

Mr. Oglesby does not dispute the allegations and originally elected an informal hearing before the Board. The parties have entered into a stipulation calling for a \$10,000 fine (\$5,000 for each AC), one year probation, completion of the Professionalism and Ethics course. The stipulation also provides that after payment of the fine, Respondent's pending application for a new license may or can be processed by FEMC.

Upon a motion by Mr. Matthews seconded by Ms. Hogenkamp, the Settlement Stipulation was adopted.

#### U. Informals

- #1. Carlos A. Muller, P.E.  
PE 20547  
FEMC Case Number 2005015397  
Probable Cause Panel: Matthews, Burke, Seckinger  
(See Exhibit U#1)

Mr. Muller was charged by Administrative Complaint with three counts of negligence and with three counts for making or filing a false report relating to an existing building addition in Miami, Florida. Mr. Muller was hired to provide engineering services to help obtain a building permit under a Miami-Dade amnesty program for construction that had been performed without a permit. Mr. Muller signed and sealed several certifications, with drawings, attesting that the structure had been built in

compliance with applicable codes. An inspection by the Miami-Dade County revealed a physical reality totally different than Mr. Muller's representations. The actual structure did not comply with code.

Mr. Muller initially requested a formal hearing; however, his petition did not properly dispute issues of material fact. Mr. Muller was advised of the deficiency and provided an opportunity to submit a letter dated April 17, 2006 requesting to appear before the Board in Miami Dade County. The Prosecuting Attorney has filed a Motion for Default or Informal Hearing based upon Mr. Muller's failure to provide disputed issues of material fact. Mr. Muller filed Respondent's Motion to Compel and Respondent's Motion to Compel on the Matter of an Informal hearing. On June 28, 2006, Mr. Muller submitted supplemental information concerning his health.

Procedurally, at this point the Board should confirm denial of a formal hearing because Mr. Muller has not properly raised disputed issues of fact. Then the Board will proceed with an informal hearing in which the allegations of the Administrative Complaint will be adopted as Findings of Fact of the Board. The Board may then consider the appropriate penalty.

Upon a motion by Dr. Bauer seconded by Mr. Rivera, the Settlement Stipulation was adopted.

Prior to the vote on the motion, Mr. Muller made comments regarding his case. Based on the nature of the comments Ms. Gustafson asked Mr. Muller for the record if he was disputing the facts of the case. Mr. Muller responded in the affirmative and the Informal Hearing immediately ceased.

Upon a motion by Dr. Bauer seconded by Dr. Bloomquist, this case was remanded to Department of Administrative Hearings for a Formal Hearing.

- #2. Alvaro J. Tellez, P.E.  
PE 51576  
FEMC Case Number 2005031958  
Probable Cause Panel: Matthews, Burke, Seckinger  
(See Exhibit U#2)

Mr. Tellez was present and was sworn in before addressing the Board.

Mr. Tellez and Alteca Group, Inc. has been charged by Administrative Complaint with one count of negligence relating to deficient plans and calculations for the Pedreno Residence and with one count for failing to include the legible name, addresses and certificate numbers as required by rule.

Mr. Tellez and Alteca Group, Inc. initially entered into a stipulation with FEMC for an administrative fine of \$2,000.00 and costs of \$1,698.00; an appearance before the Board to explain how he is going to improve the quality control of his structural design; a reprimand; probation for two years with terms he successfully complete a Board approved course in Engineering Professionalism and Ethics; submit a list of projects completed by him at six and eighteen month intervals and if during any six month interval he has no list of projects, the probation shall be extended for two successive six month intervals to allow the required review; and he must successfully complete the Board's Study Guide.

On June 15, 2006, the Board rejected the stipulation agreement. On July 11, 2006, the Board's Prosecuting Attorney sent Mr. Tellez and Alteca Group, Inc. the Order and informed Mr. Tellez that the stipulation was rejected due to his failure to appear before the Board when the stipulation was presented, as agreed. Mr. Tellez was given twenty-one days from the date of this letter to select either an informal hearing or a formal hearing. On July 24, 2006, Mr. Tellez submitted a letter requesting an informal hearing before the October Board meeting.

Mr. Tellez indicated that he did not appear before the Board because he was in the hospital.

Mr. Tellez asserts that he have been improved his quality of control after admitting to signing and sealing revised plans prepared by an Architect. Mr. Tellez further asserts that he is going to take a course with the American Society of Civil Engineering to meet his CE requirement.

Upon a motion by Mr. Rivera seconded by Dr. Bloomquist, the Findings of Fact and the Conclusions of Law as the Board's Final Order and the PCP recommendation on penalty were approved.

- #3. Scott T. Cramer, P.E.  
PE 38591  
FEMC Case Number 2006003060  
Probable Cause Panel: Matthews, Burke, Seckinger  
(See Exhibit U#3)

Mr. Cramer was charged by Administrative Complaint with two counts of negligence, one count of plan stamping, and one count for violating a rule of the Board when he signed, sealed, and dated two sheets of plans for a Motor Home Storage for S & S Developers and six sheets of plans for a Palms at Palma Sola project. A previous Final Order (Case 00-0118) required him to submit a list of projects at 6 and 18 months for Board Consultant review.

The plans for both projects contain deficiencies as to elevations, grading and drainage. Mr. Cramer signed and sealed a plan sheet with survey

drawing and details not prepared by him or under his responsible supervision, direction or control. He failed to legibly indicate his PE license number on each sheet of the Palms plans after the cover page.

Mr. Cramer does not dispute the allegations and has elected an informal hearing before the Board.

Mr. Cramer advised staff of his not being able to attend due to family issues.

Mr. Cramer has agreed to the PCP recommend penalty.

Upon a motion by Dr. Bauer seconded by Dr. Bloomquist, the Probable Cause Recommendation was adopted.

Mr. Martin suggested that his license go into an inactive status once suspension is completed. Dr. Bauer accepted the amendment to the motion.

Once suspension is completed Mr. Cramer's license will be placed in inactive status and should he request to change from inactive to active status, said application will come before the Board.

#### V. Motion for Default

- #1. Valdez A. Chavis, P.E.  
PE 38576  
FEMC Case Number 2006034829  
Probable Cause Panel: N/A  
(See Exhibit V#1)

Mr. Chavis was charged by Administrative Complaint for violating a final order of the Board previously entered in a disciplinary hearing. Among other requirements the order in Case 2004037069, filed March 9, 2006, required Respondent to pay a fine of \$2,500 and costs of \$450 within 30 days.

On July 13, 2006, an Administrative Complaint was filed for failure to make the required payments. This type of violation is charged directly by FEMC without going to a Probable Cause Panel. The AC was sent to Mr. Chavis on July 17, 2006 by certified mail, along with an Election of Rights form and an Explanation of Rights form. The aforementioned documents were signed for on July 20, 2006.

The Explanation of Rights form advised Mr. Chavis that if he failed to make an election in this matter within twenty-one days from receipt of the Administrative Complaint, his failure to do so may be considered a waiver

and the Board may proceed to hear his case. Mr. Chavis failed to submit an Election of Rights.

The FEMC Prosecutor filed a Motion for Default, which was received by Mr. Chavis on August 22, 2006 by certified mail.

Upon a motion by Mr. Charland seconded by Dr. Bloomquist, a motion for default was granted and his license was revoked.

- #2. Valdez A. Chavis, P.E.  
PE 38576  
FEMC Case Number 2006028213  
Probable Cause Panel: Matthews, Burke, Seckinger  
(See Exhibit V#2)

Mr. Chavis was charged by an Administrative Complaint filed August 3, 2006, with four counts of negligence based on inadequate structural plans on four residential projects. A previous Final Order (Case 03-0075) required him to submit a list of projects at 6, 12 and 18 months for Board Consultant review. The 6 and 12 months reviews of four projects received negative comments on each project. Respondent was also charged with one count of using a fictitious name without a certificate of authorization.

On August 7, 2006, the AC was sent to Mr. Chavis by certified mail, along with an Election of Rights form and an Explanation of Rights form. After three unsuccessful attempts, the aforementioned documents were returned unclaimed on August 30, 2006.

The Explanation of Rights form advised Mr. Chavis that if he failed to make an election in this matter within twenty-one days from receipt of the Administrative Complaint, his failure to do so may be considered a waiver and the Board may proceed to hear his case. Mr. Chavis failed to submit an Election of Rights.

Upon a motion by Mr. Charland seconded by Dr. Bloomquist, the motion for default was granted and his license was revoked and a fine of \$25,000 was imposed along with administrative costs of \$1,476.23.

- #3. Earl F. McKinney, P.E.  
PE 25274  
FEMC Case Number 2005061299  
Probable Cause Panel: Matthews, Burke, Seckinger  
(See Exhibit V#3)

Mr. McKinney was not present

Mr. McKinney has been charged for having a license to practice engineering revoked by the licensing authority of another state.

On April 13, 2006, an Administrative Complaint was filed and sent to Mr. McKinney on April 13, 2006 by certified mail, along with an Election of Rights form and an Explanation of Rights form. The aforementioned documents were signed for on or about April 17, 2006.

The Explanation of Rights form advised Mr. McKinney that if he failed to make an election in this matter within twenty-one days from receipt of the Administrative Complaint, his failure to do so may be considered a waiver and the Board may proceed to hear his case. Mr. McKinney failed to submit an Election for Rights.

The FEMC Prosecutor filed a Motion for Default, which was received by Mr. McKinney on August 7, 2006 by certified mail.

Upon a motion by Dr. Bauer seconded by Ms. Hogenkamp, the Motion for Default was granted and the license is revoked

W. Request for Reinstatement

- #1. Lawrence L. George, P.E.  
PE 21282  
FEMC Case Number 03-0116  
Probable Cause Panel: Matthews, Tomasino, Seckinger  
(See Exhibit W#1)

Mr. George was present to address the Board to request reinstatement of his license.

On April 11, 2005, the Board entered a Final Order against Mr. George in FEMC Case Number 03-0116. The order suspended his license for six months with the condition that Mr. George must appear before the Board at a regularly scheduled meeting prior to reinstatement. Mr. George was also required to pay an administrative fine of \$12,000.00 and costs of \$12,272.59. The cost payment was due one year after the order, with the fine payable within six months after reinstatement.

On August 18, 2006, Mr. George submitted an email request to appear before the October 2006 Board meeting to have his P.E. license reinstated. Review of the probation file showed FEMC had miscommunicated to him the date the cost payment had been due. When told he had to pay the costs before he appeared for reinstatement, Mr. George promptly paid the \$12,272.59. This matter is now submitted for review after what has been 18 months of suspension.

Since the complaint has ceased performing work associated with product approval and is now employed with a Mustang Engineering in apposition that does not require a license.

Upon a motion by Mr. Matthews seconded by Mr. Rose, the license was reinstated.

X. Request for Attorney Fees

- #1. Joel H. Rosenblatt, P.E.  
PE 29173  
FEMC Case Number 02-0063  
Probable Cause Panel: Matthews, Tomasino, Seckinger  
(See Exhibit X#1)

On January 20, 2004, a Final Order was filed against Mr. Rosenblatt in FEMC Case Number 02-0063. He was reprimanded, fined and placed on probation with plan review. Instead of filing a timely appeal of that Final Order, Respondent filed a "Motion to Vacate/Set Aside Final Order". An Order denying that motion was filed on May 18, 2004.

On June 7, 2004, Mr. Rosenblatt filed a Notice of Appeal with the First District Court of Appeal. The appeal was limited. It appealed only "the Order Denying Motion to Vacate Final Judgment/Set Aside Final Order."

After numerous motions and briefs, on June 1, 2006, the District Court of Appeal issued a Mandate and an order granting the Petitioner's motion for appellate attorney fees.

The case now comes back for the limited action of determining the amount of a reasonable fee and entering an Order Awarding Fees.

Upon a motion by Ms. Hogenkamp seconded by Dr. Bloomquist, the Settlement Stipulation for attorney fees in the amount of \$4,500 was adopted.

V. Adjourn

Meeting adjourned at 1:30 p.m.