

**Minutes for
The Florida Board of Professional Engineers
June 18-19, 2008
Beginning at 11:00 a.m. and 8:30 a.m., respectively, or soon thereafter
Tampa, Florida
Part I**

A. Meeting Administration

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

#2. Roll Call, Determination of Quorum, and Address Absences.

John Burke, P.E., Chair
David Charland, P.E., Vice Chair
Christian S. Bauer, Ph.D., P.E., C.M.S.P.
Paul Tomasino, P.E.
Zafar Hyder, Ph.D., P.E.
Henn Rebane, P.E.
Jonathan Earle, Ph.D., P.E.
Nola Garcia, Public Member

FBPE Staff Present:

Carrie Flynn, Executive Director
Zana Raybon, Assistant Executive Director
Patrick Creehan, Chief Prosecuting Attorney
Deborah Head, Comptroller
Frances Ingram, Coordinator – Applications & Licensure
Wendy Gregory, Legal Assistant
Sean Benjamin, Licensure Analyst

Attorney General's Office:

Michael Flury, Senior Assistant Attorney General, Counsel to the Board

Guests:

Brian Pitts
Calvester Benjamin-Anderson
Charlie Geer, PE, FBPE Liaison FES, FICE
Robert Lombardo, PE, FEMC Board Member
Dennis Barton
Mr. Patrick McLaughlin

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

#4. Approval of the Agenda

Mr. Burke amended the agenda to include an Item Number 7 Report by Mr. Jeffery, PE Chair of the FEMC Board on the meeting held immediately prior to the FBPE meeting.

Mr. Burke announced the presentation by Mr. McLaughlin, Executive Director of the Florida Masonry Apprentice and Educational Foundation, for 11:30.

Upon a motion by Mr. Charland, seconded by Mr. Tomasino, the agenda was approved as amended.

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

Upon a motion by Dr. Bauer, seconded by Ms. Garcia, the consent agenda was approved.

#6. Review and Approval of previous Board meeting minutes

a. Minutes from the April 23-24, 2008 Board Meeting*

b. Minutes from the May 23, 2008 Conference Call*

#7. Report by Roger Jeffery, PE, FEMC Chair

Mr. Jeffery advised the Board of FEMC's accomplishment of 90% of the Management Study recommendations for improvement of overall operations. The remaining 10% will be completed in the near future.

One important item from the Management Study in process, at this time, is review of the confidential staff survey. The survey has been completed and the results are favorable and will be shared in the next Board Operations Committee scheduled for July 16, 2008. Suggested changes will be considered and acted on. The budget for the new contract was cut by \$100,000 and FEMC is working on ways to continue to provide the same level of service with less money. Two major items FEMC puts forth to the FBPE is eliminating mailing newsletters and providing postcard notification of the newsletter availability on the website. Mr. Jeffery noted plans to research electronic delivery sometime in the future. Until it

is determined possible to move forward with electronic delivery, the postcard notice would suffice and if a request is made for a hard copy staff would supply. Implementation of this notification process would save approximately \$16,000. One other program recommended for elimination is the attendance at Board meetings for continuing education credit. In review of the proposal completed by Ms. Flynn it appears only 1800 attendees out of 28,000 accomplished credits by attending meetings. The budget allocation for this free program is \$15,000. Requirements of the extra large room to accommodate attendees for the second day of the meetings would be eliminated, resulting in greater availability of meeting spaces for Board meetings. Mr. Jeffery noted plans to research electronic delivery sometime in the future.

Dr. Bauer asked if the postcard notification would occur for each publication. Mr. Jeffery confirmed a notice for each newsletter publication.

Mr. Burke confirmed discussion later in the meeting when Ms. Flynn reviews her memorandum on elimination of the law and rules credit for attending Board meeting.

Mr. Burke suggested the Board withhold action until receiving the minutes of the FEMC Board meeting. Staff could then present a sample of the postcard that would be used to notify newsletter publication on the website.

Mr. Flury confirmed the need for rule revision in eliminating the laws and rules credit for attendance in disciplinary proceedings. The Board could vote on the rule amendment in the Board meeting. The program would end with the December meeting.

B. Committee Reports

- #1. Applications Committee (**Next meeting 7-16-08**)
(John Burke, P.E., Chair; David Charland, P.E.; Henn Rebane, P.E.; Zafar Hyder, Ph.D., P.E.) (Alternates: Christian Bauer, Ph.D., P.E.; Paul Tomasino, P.E.)

- a. Committee Chair's Report.

Mr. Burke asked for planned workload for the next application review. Ms. Ingram responded by explaining this was the last review for October examinations. Mr. Burke asked and it was confirmed that all Board members plan to attend.

Mr. Burke advised the Board of discussion later in the meeting regarding the use of engineering titles.

- #2. Educational Advisory Committee (**Next meeting 7-16-08**)
(Christian Bauer, Ph.D., P.E., Chair; Dr. Jonathan Earle, 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 staff to confirm attendance by Dr. Anderson and Dr. Miller for the next review.

- #3. Probable Cause Panel (**Next meeting 7-15-08**)
(Henn Rebane, P.E., Chair; Allen Seckinger, P.E., Consultant) (Alternate:
John Burke, P.E.)

a. PCP Memo from May 20, 2008 Meeting*

Addressed as part of the consent agenda.

- #4. FBPE Rules Committee (**Next meeting 9-16-08**)
(John Burke, P.E., Chair; Henn Rebane, P.E.; David Charland, P.E., Paul
Tomasino, P.E.)

a. Committee Chair's Report.

No report.

- #5. FBPE Legislative Committee (Next meeting **7-15-08**)
(Paul Tomasino, P.E., Chair; Christian Bauer, Ph.D., P.E.; Zafar Hyder,
Ph.D., P.E.)

a. Committee Chair's Report.

In discussion, it was determined to cancel the meeting at this time.

- #6. Joint Engineer/Architect Committee
(John Burke, P.E., Chair; Zafar Hyder, Ph.D., P.E.)

a. Committee Chair's Report.

No report.

- #7. Standard Detail Drawings Task Force
(John Burke, P.E., Chair; Paul Tomasino, P.E., Zafar Hyder, Ph.D., P.E.)

a. Committee Chair's Report.

b. Proposed language for amendment to “Responsible Charge” Rule.

Mr. Geer indicated he had not received a copy of the proposed changes to the definition of Responsible Charge. A copy was presented and it was determined to hold action for the August meeting after input from FES.

#8. Nominations Committee – **(Next Nominations occur December 2008)**
(John Burke, P.E., Chair; David Charland, P.E.)

No report.

C. NCEES
(John Burke, P.E., FBPE Liaison)

Mr. Burke briefed the Board on his attendance at the Southern Zone meeting in San Juan, Puerto Rico. As the Board’s representative, he gave a short summary on current items of importance for the Florida Board referencing the Board’s amendment to the CE rules to allow recognition of NCEES as an approved provider and the issue with marine engineering/naval architecture. He announced the ongoing study to determine how the Professional Engineers Examination could be converted to computer based testing. Another issue is to implement or not implement a non-technical professional practices exam. The NCEES Board of Directors was not in favor of the proposal. It was brought up for discussion in the Southern Zone meeting and a majority of the boards within Southern Zone voted in favor of this examination. The Boards voting in favor believe engineers should be tested in subjects such as ethics, business practices, contracts, etc. It will be discussed in the annual meeting. Most engineering firms rather develop their training programs. They do not support an additional examination as part of licensure. Another issue is mismatched voting on the proposed Bachelor’s Plus Thirty. It is complicated and Mr. Burke was seeking discussion by the Board as he has to vote for Florida at the August Annual Meeting.

Mr. Burke explained the first exposure to BS +30 in the 2005 zone or annual meeting by ASCE. They gave a very good presentation to NCEES talking mostly about civil engineers. It appears a number of engineers believe the education system is failing and that civil engineers are not receiving adequate education to prepare them for professional practice. Mr. Burke reported this Board’s opposition to this proposal in the 2006 Annual Meeting. This vote was based on lack of information as to what the 30 hours would include. The issue did not go away and in 2007 a resolution was presented requesting a parallel study by ABET. Later a task force was appointed, which has reported their findings to each zone. He was not trying to sway the Board one way or another. He believes it is important for each Board member to state their position and the vote in annual meeting will be based on the final position voted by the Board.

Many of the professional societies and associations are not in favor. If it moves forward NCEES will become the clearinghouse of evaluating the hours to be

required. A lot of people have said that the pass rates have not fallen off and we do not have anything to prove that graduating students are not prepared for entry into professional practice. In consideration, it should be stated that pass rates should not count as a pro or con. Pass rates are a result of the exam preparation, and how well they perform. If education is not adequate, pass rates will fall. If you can't pass the exam, you can't be trusted with the care of public safety. If you pass it, we say you are minimally qualified. The scores don't reflect the current body of knowledge. We are not testing them on the current body of knowledge. Look at Visions of Engineering in the New Century (2004). We need to pay attention to the breadth of knowledge needed to be an engineer. He wants the board to prepare them for what is coming.

Mr. Burke called on Mr. Rebane to address the Board.

Mr. Rebane referenced several very important sources of information that should be reviewed prior to taking the straw vote in August. He also referenced page 186 of the agenda which is a letter from ASHE. The references are an NSPE slide show at <http://eventcenter.commpartners.com/se/Meetings/Playback.aspx?meeting.id=173980>; Civil Engineering Body of Knowledge for the 21st Century (2nd Edition) ISBN-13:978-0-7844-0965-7. Visions of Engineering in the New Century (2004) available from <http://www.nae.edu/nae/naehome.nsf> The Engineer of 2020: To help maintain the nation's economic competitiveness and improve the quality of life of the world's population, engineering education in the United States must anticipate and adapt to dramatic changes in engineering practice in the coming decades, says a new National Academy of Engineering report. The report recommends ways to improve engineers' training and prepare them for the complex technical, social and ethical questions raised by emerging technologies. The final web site was <http://www.nae.edu/nae/engeducom.nsf/weblinks?MKEZ-765PB9>.

Mr. Rebane did not support the position taken by some to base additional education on the pass/fail rates. Examination items are written to current requirements. The process of examination question writing is a very scientific process. The common denominator that raises concern is the phrase "examination questions have to be written so that a minimally qualified engineer can answer." The task of determining what is needed to prepare new engineers for entry into practice is very important.

Mr. Rebane did not agree with the statements in the letter submitted by Perry W. Schweiss, President of ASHE. Mr. Schweiss states new requirements will impact the number of students choosing the civil engineering programs over other engineering fields as other engineering fields generally do not require licensure. Mr. Rebane believes this sells the new engineers short regarding their future decisions for entry into the practice of engineering. Some engineering programs had already revised their curriculum and report positive results. The second bullet of the letter states this action will decrease the number of Professional Engineers in these fields already experiencing a shortage. This may absolutely be true if in

place today or in the next ten years. By 2020 there should be sufficient time for all programs to adjust. The third bullet stated it would serve to increase the costs for engineering services; although a benefit for the individual Professional Engineer, making public works projects more expensive in an industry that is currently struggling for funding sources. If this is true, the consulting engineering profession is doomed.

A well educated work force is more beneficial than worrying about cost reduction. Mr. Rebane clarified one statement by Mr. Burke. The first straw vote was based on the FES position on the matter. Since that time more details have been threshed out and all actions are going in the right direction. FES Professional Practices Committee has not had time to review the updates. It is true the upcoming vote in August will be based on this Board's vote on record which prepares Mr. Burke for casting the vote in Annual Meeting. There will be some resolutions to slow action and return to ABET for assistance. If the issue is voted away it will return in the future. It is understood that ASCE is a powerful association and may influence the matter in the future. They want the option to train engineers when beginning employment with the firm. The training would be toward future practice and possible licensure. He was not sure if the present BS degree will give young engineers what they need in specialized areas. The B +30 is a chance to address the need for additional and specialized training.

Dr. Earle believes the primary focus has been on civil engineers and the fact that they are not presently trained as in the past due to curriculum changes for the engineering programs. What we need to do is look at the big picture. In reviewing history it goes back to two groups, military and civil engineers. As time passed, we've seen the necessity to introduce more specialties. If we look at civil engineering now, we really have to determine whether they are trying to group all civil engineers together. The knowledge has increased in the old field. He recalled his practice to include surveying. Research and expanding knowledge is required. Which 30 hours should our engineers be taking, how effective are they, will they help? These are the questions we have to ask before we move forward with this proposal. Another thing is ABET accredits programs; institutions can choose to have the program accredited. The fact of the matter is that ABET recognizes the evolving situation by moving away from prescription and now looks at outcomes. They ask what they expect this engineer to do. We should ask ourselves that question. What do we expect the graduate engineer to do as graduates of an engineering program?

Dr. Bauer shared Dr. Earle's concerns and he noted the lack of specifics in the wording of the proposal. Dr. Bauer asked who would determine the content and acceptability of hours.

Mr. Rebane stated NCEES has been pushing ABET to do this. If ABET would be the provider, it would be great. Presently ABET does not have an interest in providing this service. It is noted that ABET was established as a result of efforts of NCEES and in the future a favorable resolution may yet be negotiated. If

ABET maintains their position, the UPLG Committee will determine the content of hours beyond the BS curriculum.

Mr. Geer commented on his attendance in an ASCE meeting in Hawaii. The attendees were solidly opposed to BS+30. There appears to be a lot of political support from the engineering firms in opposition to the requirement.

Mr. Tomasino agreed with Dr. Earle's summary and he opposes the requirement at this time.

Mr. Burke asked that each Board member review the information packet provided and be prepared to discuss in the August Board meeting. In this meeting, Mr. Burke will seek a straw vote on the matter.

Dr. Bauer asked staff to order and pay for the books recommended by Mr. Rebane.

D. Advisory Attorney's Report

Mr. Flury confirmed that all Board members now have the minutes from the last Rules Committee meeting. He outlined the content of the minutes and the following action was taken.

Upon a motion by Dr. Bauer, seconded by Ms. Garcia, the minutes were approved and the motion passed.

- #1. Letter from Marjorie Holladay, JAPC Senior Attorney dated April 29, 2008 regarding Rule 61G15-18.011, F.A.C.
(Exhibit D#1)

See narrative under #2., below.

- #2. Letter from Marjorie Holladay, JAPC Senior Attorney dated May 5, 2008 regarding Rule 61G15-18.011
(Exhibit D#2)

Mr. Flury addressed the two letters from Ms. Holiday concerning Rule 61G15-18.011, F.A.C. This rule was amended to include a definition of appropriate title for qualifiers of an LLC company. Ms. Holliday first pointed out an incorrect reference to the statutory cite (7) of Section 471.003, F.S. Mr. Flury responded to Ms. Holiday's concerns and after review she issued a second letter withdrawing her objections.

61G15-18.011 Definitions.

(1) to (5) No change

(6) The term “principal officer(s) of the business organization” as used in Section 471.023(1), Florida Statutes, means the (a) President, Vice President, Secretary or Treasurer of the Corporation, or Limited Liability Company (LLC); or (b) any other officer who has management responsibilities in the corporation or LLC, as documented by the corporate charter or bylaws so long as such documentation provides that such officer is empowered to bind the corporation or LLC in all of its activities which fall within the definition of the practice of engineering as that term is defined in Section 471.003(7), Florida Statutes.

- #3. Letter from Marjorie Holladay, Senior Attorney dated May 13, 2008 regarding Rules 61G15-30, -32, -33 and -34, F.A.C.
(Exhibit D#3)

Mr. Flury confirmed letters identified as exhibits #3 through #12 are Ms. Holiday’s acknowledgement of the Board’s request to toll the time allowed for response to expressed concerns with the responsibility rules. Mr. Flury advised that the date the rules were to become effective would depend on the changes made pursuant to JAPC concerns and any further JAPC issues.

After addressing each JAPC concern individually, the Board approved the following amended proposed language for the responsibility rules:

61G15-30.001 Purpose.

The Board has adopted these responsibility rules pursuant to Section 471.033(2), F.S., to safeguard the life, health, property and welfare of the public by promoting proper conduct in the practice of engineering and due care and regard for acceptable engineering principles and standards. The Board considers that professional engineers may avoid disciplinary actions by observing the procedures set forth herein. Failure to comply with these rules may be considered as noncompliance with subsection 61G15-19.001(4), F.A.C., unless the deviation or departure therefrom is justified by the specific circumstances of the project in question ~~and the sound professional judgment of the engineer.~~ Furthermore, these rules are intended to apply as general guidelines where no contractual relationship exists between the parties addressed herein. These rules are not intended to take precedence over contractual relationships developed between the parties addressed herein, so long as those contractual relationships do not violate Chapter 471, F.S., or the stated purpose of these responsibility rules ~~or any other rule promulgated pursuant thereto.~~ These responsibility rules shall apply to every person holding a certificate of registration as a professional engineer, every certified engineer intern, and every holder of a certificate of authorization, as appropriate. A professional engineer’s practices, education, training, experience, qualifications, technical

competence, conduct, and responsibilities in connection with his authorized engineering practice, services, and creative work are subject to regulation solely by the Board of professional engineers, ~~and the courts, and local jurisdictions.~~

Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1) FS. History–New 1-26-93, Formerly 21H-30.001,_____.

61G15-30.002 Definitions Common to All Engineer’s Responsibility Rules.

(1) to (6) No change

(7) “Engineering Documents Prepared for Public Record” are those documents filed for public record with the Authority Having Jurisdiction (AHJ) to determine compliance with Codes and Standards and to be used for execution of the project. These documents are required to be signed and sealed.

(8) Shop Drawings: Drawings depicting installation means and methods, catalog information on standard products, prepared by a contractor, manufacturers, or professional engineers for incorporation into the project which are prepared based on engineering direction contained in Engineering Documents. Shop drawings do not require the signature, date and seal of a professional engineer.

(9) Record Documents: Documents that are a compiled representation of the constructed project. If the engineer is relying on information provided by others not under the direct supervision and control of the engineer, then the engineer shall not be required to sign, date and seal these Documents. If relying on information by others, as a minimum, the following shall be included on the Documents:

(a) Statement that the documents are a compiled representation of the constructed project.

(b) Listing of the sources and basis of information used in the preparation of the Documents.

(c) Statement that the Documents are believed to be correct to the best of the engineer's knowledge, and that the accuracy of the information cannot be guaranteed.

Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1), 471.023, 471.025 FS. History–New 1-26-93, Formerly 21H-30.002,_____.

61G15-30.003 Minimum Requirements for Engineering Documents.
~~Engineering Document Classification.~~

(1) Engineering Documents are prepared in the course of performing engineering services. When prepared for inclusion with an application for a general building permit, the Documents shall meet all Engineer's Responsibility Rules set forth in Chapters 61G15-30, 61G15-31, 61G15-32, 61G15-33, and 61G15-34, Florida Administrative Code, and be of sufficient clarity to indicate the location, nature and extent of the work

proposed and show in detail that it will conform to the provisions of the Florida Building Code **adopted in Section 553.73, Florida Statutes, and relevant applicable** laws, ordinances, rules and regulations, as determined by the AHJ. The Documents shall include:

(a) Information that provides material specifications required for the safe operation of the system that is a result of engineering calculations, knowledge and experience.

(b) List Federal, State, Municipal, and County standards, codes, ordinances, laws, and rules, with their effective dates, that the Engineering Documents are intended to conform to.

(c) Information, as determined by the Engineer of Record, needed for the safe and efficient operation of the system.

(d) List engineering design criteria; reference project specific studies, reports, and delegated Engineering Documents.

(e) Identify clearly elements of the design that vary from the governing standards and depict/identify the alternate method used to ensure compliance with the stated purpose of these Responsibility Rules.

(2) Engineers shall legibly indicate their name and business address, on engineering documents. Engineering documents which are issued for preliminary or conceptual use, shall clearly note the intended purpose of such documents.

(3) When elements of the project are shown on an engineering document only for information or clarification and the Engineer does not intend to accept responsibility for the elements, the engineer shall clearly note on the documents the extent of his responsibility.

(4) Engineering drawings shall be legible and clearly delineate the work. They must also comply with Chapter 61G15-23 Seals.

(5) Engineers shall clearly note on any preliminary engineering documents that such documents are not in final form, but are being transmitted to the public agency to receive agency reviews, comments and interpretations. The documents may subsequently be revised by the engineer to reflect resolution of issues with the public agency prior to final action by the agency. Changes, revisions and modifications to a project may prompt additional document submittal for agency approval action on the same project.

Specific Authority 471.033(2), 471.008 FS. Law Implemented
471.033(1)(g), 471.025(3) FS. History–New 1-26-93, Formerly 21H-30.003,_____.

61G15-30.009 Retention of Engineering Documents.

At least one copy of all documents displaying the licensee's signature, seal, date and all related calculations shall be retained by the licensee or the licensee's employer for a minimum of three years from the date the documents were sealed. These documents shall be maintained in any readily accessible format to include hardcopy or electronic format set forth in Rule 61G15-23.003, F.A.C.

61G15-32.002 Definitions.

(1) to (9) No change

(4) Listed: A fire protection component tested by a nationally recognized fire protection equipment testing organization. Recognized organizations include ~~but are not limited to~~ Underwriters Laboratories, Inc. and Factory Mutual Research Corporation.

(7) Codes and standards: Those nationally recognized codes and standards adopted directly or by reference in Chapter 633, F.S. Applicable codes and standards also include ~~those promulgated by the State Fire Marshal~~ those set forth in the Florida Fire Prevention Code, Chapter 69A-60, Florida Administrative Code, as well as by State and local authorities having jurisdiction.

(10) Fire Protection Delegated Engineering Documents. Fire Protection System Engineering Documents prepared by a delegated engineer to whom the Engineer of Record for the Fire Protection System has delegated responsibility for the design of a fire protection component or system and which are signed sealed and dated by the delegated engineer. These documents shall be included in the final set of documents submitted to the owner to be filed for a building permit and Fire Marshall approval. Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.005(7), 471.033(2) FS. History–New 5-19-93, Formerly 21H-32.002, Amended 4-2-00, 6-26-01,_____.

(A substantial rewriting of Rule 61G15-32.008. See Florida Administrative Code for present text)

61G15-32.008 Design of Fire Alarms and Detection Sytems. Signaling Systems and Control System.

(1) Fire alarms and detection systems include ~~but are not limited to~~ fire protection supervision, emergency alarm circuits, activation of life safety system controls and remote signaling of emergency conditions.

(2) The design specifications shall be based on applicable codes, ~~when applicable,~~ or ~~alternate engineering sources including~~ published underwriter’s engineering documents, and sound engineering practices.

(3) For fire alarm plans on small systems below the threshold requirements for mandatory use of professional engineering services, the Engineer of Record shall specify the minimum system requirements.

- (4) To ensure minimum design quality of Fire Alarm and Detection Systems Engineering Documents, said documents shall include as a minimum the following information when applicable:
- (a) The plans shall be clear, with a symbols legend, system riser diagram showing all initiation and notification components, and cabling requirements. Indicate locations where fire ratings are required as determined by the system's survivability requirements. Identify the general occupancy of the protected property, and for each room and area unless it is clear from features shown.
 - (b) Locate initiation and notification devices and connections to related systems on the floor plans and sections when needed for clarity. ~~Related systems include, but are not limited to sprinkler systems, elevator controls, smoke control systems, dampers, and doors.~~
 - (c) Strobe intensity and speaker output ratings for all notification devices.
 - (d) Identify the Class and Style of circuits as listed in the NFPA 72.
 - (e) Identify the functions required by the alarm and control systems including the transmission of emergency signals being monitored or annunciated.
 - (f) Indicate whether the fire alarm is conventional or addressable, and indicate all zoning.
 - (g) Locate surge protective devices and required protective features.
 - (h) Locate system devices that are subject to environmental factors, and indicate requirements for the protection of equipment from temperature, humidity or corrosive atmospheres, including coastal salt air.
 - (i) The plans shall include a site plan of the immediate area around the protected building, structure or equipment when alarm devices are required outside the structure.
 - (j) In buildings where smoke detection will be obstructed by walls, beams or ceiling features, the Engineer of Record shall provide applicable design and details to direct the installer to mitigate the obstructions. In buildings with smoke detection under a pitched roof, the plans shall indicate the roof pitch and a building section shall be provided as part of the Engineering Design Documents.
 - (k) Fire detection systems utilizing smoke detection in situations where smoke stratification is anticipated, the design shall provide the necessary criteria to mitigate the detection problems.
 - (l) Systems designed using Performance Based criteria shall be identified and referenced to design guides or standards approved by the local authority having jurisdiction consistent with standards adopted by the Florida State Fire Marshal or the Florida Building Code.
 - (m) The system design must indicate if the system is to provide a general evacuation signal or a zoned evacuation for all high-rise buildings or multi-tenanted properties **as defined in the Florida Building Code.**
 - (n) Wiring requirements for underground, wet locations, campus style wiring, protection against damage and burial depth shall be specified or indicated on the engineering design documents.

(o) Requirements for operations and maintenance procedures, manuals, system documentation, and instruction of Owner's operating personnel, as needed to operate the systems as intended over time.

(5) In the event that the Engineer of Record elects to specify specific equipment and to show the required wiring, battery and voltage drop (circuit analysis) calculations shall be completed. The calculations shall be completed using the equipment manufacture's data and applicable NFPA 72 procedures.

(6) System test requirements shall be noted on the Engineering Design Documents.

(7) When the engineer determines that special requirements are required by the owner, insurance underwriter or local fire code amendments these requirements shall be documented or referenced on the Engineering Design Documents.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History--New 5-19-93, Formerly 21H-32.008, _____.
61G15-33.002 Definitions.

(1) Engineer of Record for the Electrical Systems. The Florida Registered Professional Engineer who develops the electrical system design criteria or performs the analysis and is responsible for the preparation of the Electrical documents for the project.

(2) to (4) No change

(5) Electrical Engineering Documents. All The electrical drawings, specifications, reports, calculations, data and other documents utilized to establish setting forth the overall design and requirements for the construction, alteration, modernization, repair, demolition, arrangement, and/or use of the electrical system, or analysis or recommendations, as prepared by the Engineer of Record for the Electrical System. Electrical Engineering Documents shall additionally meet the requirements of 615-30.003 Engineering Documents.

(6) Electrical Submittals. Submittals, catalog information on standard products, or drawings prepared solely to serve as a guide for fabrication and installation and requiring no engineering input. These submittals do not require the seal of a Florida registered professional engineer.

(7) Codes and Standards. Those nationally recognized Codes and Standards adopted directly or by reference in Florida Building Code (including Florida Energy Efficiency Code, Chapter 13) and Florida Fire Code. Part II, Chapter 553, Florida Statutes. ~~Applicable codes and standards also include those published by the National Fire Protection Association (NFPA), the Institute of Electrical and Electronic Engineers (IEEE), the Illuminating Engineering Society of North America (IESNA), as well as those promulgated by the state fire marshal and other state and local authorities having jurisdiction.~~

(8) Electrical Delegated Engineering Documents. Electrical Engineering Documents prepared by a delegated engineer to whom the Engineer of Record for the Electrical System has delegated responsibility for the

design of an electrical component or system and which are signed, sealed and dated by the delegated engineer.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 5-19-93, Formerly 21H-33.002,_____.

61G15-33.003 Design of Power Systems.

(1) Power systems convey or distribute electrical energy. Items to be included in the design and analysis of these systems are: steady state and transient loads, short circuit analysis and protection (design and analysis), load flow, voltage drop, harmonics, and protective device coordination.

(2) Electrical Engineering Documents applicable to power systems shall at a minimum indicate the following:

(a) Power Distribution System Riser Diagram with short circuit values.

(b) No change

(c) Circuit interrupting Protection devices and fault current interrupting capability.

(d) Location and characteristics of surge protective devices

(e)(d) Main and distribution panelboard equipment, control devices locations and sizes.

(f) Voltage drop calculations for the feeders and customer-owned service conductors are required. Additionally, the documents shall state the reasons why the two percent limit for feeders and customer-owned service conductors are not being met, if applicable.

(g)(e) Circuitry of all outlets, equipment and devices.

(h)(f) Short circuit analysis Load computations.

(g) Load computations.

(i)(h) Electrical legends.

(j)(i) Grounding and bonding.

(k)(j) Instrumentation and control where required.

(l) Record documents applicable to power systems shall, at a minimum, contain information as required by Florida Building Code

(m) Installation and testing requirements of required emergency and standby power systems.

Specific Authority 471.008, 471.033(2), FS. Law Implemented 471.033 FS. History–New 5-19-93, Formerly 21H-33.003,_____.

61G15-33.004 Design of Lighting Systems.

(1) Lighting systems convert electrical energy into light. Items to be included in the lighting design and analysis are: Average illuminance, Equivalent spherical illuminance, Uniformity ratios, Visual comfort probability, special purpose lighting, impact of light intrusion, trespass and safety and the requirements of the Florida Energy Efficiency Code, part IX, Chapter 553, Florida Statutes.

(2) Electrical Engineering documents for lighting systems shall, at a minimum, indicate the following, as required by the Florida Building Code:

(a) No change

- (b) Emergency Lighting, egress and exit lighting.
- (c) Exit Lighting.
- (d) Lighting ~~c~~Control and circuiting.
- (e) Calculated values to demonstrate compliance with the Florida Energy Code for Building Construction.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History—New 5-19-93, Formerly 21H-33.004₁.

61G15-33.005 Design of Communications Systems.

(1) Communications systems are utilized to convey voice and messages or data. Items to be included in the design documents or analysis of these systems are: Human factors engineering, cabling requirements, installation requirements, performance requirements, backup power requirements, the interrelationship of the various systems, and applicable standards and regulatory requirements.

(2) Electrical ~~E~~ngineering documents for communications systems shall, at a minimum, indicate the following:

- (a) System riser diagram for each cabling system.
- (b) No change
- (c) Cabling Conductor type and performance data of the transmission installation requirements.
- (d) to (e) No change
- (f) Installation, identification and testing requirements.
- (g) Characteristics and locations of surge protective devices.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History—New 5-19-93, Formerly 21H-33.005₁.

(A substantial rewriting of Rule 61G15-33.006. See Florida Administrative Code for present text)

61G15-33.006 Design of Alarm and Signaling Systems ~~Systems~~.

(1) Alarm and signaling systems include ~~but are not limited to;~~ motor control systems, emergency alarm circuits, activation of life safety system controls and remote signaling of emergency conditions (See 61G15-32.008 for Fire Alarm Systems), surveillance and access control systems, temperature control, and systems related to energy conservation and facility management systems. The design documents shall be based on applicable NFPA standards as modified by applicable codes, or alternate engineering sources including published underwriter's engineering documents and sound engineering practices.

(2) The Electrical Engineering Documents for alarm and signaling systems construction documents shall at a minimum indicate the following:

- (a) Description of the control system functions, or a functional diagram
- (b) Equipment legend
- (d) System riser diagram
- (c) Cabling and conductor types and requirements

- (e) Installation, identification and testing requirements
 - (f) Back-up power
 - (g) Location and characteristics of surge protective devices
 - (h) Details and requirements indicated by Section 61G15-32.008
 - (i) Complete requirements for operations and maintenance procedures, manuals, system documentation, and instruction of Owner's operating personnel, as needed to operate the systems as intended over time.
- Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 5-19-93, Formerly 21H-33.006.

61G15-33.007 Design of Lightning Protection Systems.

(1) Lightning Protection Systems are passive systems used to protect building and structures from damage caused by lightning and static discharges. Items to be considered in the design or analysis of this system include the requirements of NFPA-780.

(2) Electrical Engineering documents for lightning protection systems shall indicate:

- (a) Lightning Risk Assessment.
- (b) Air terminals height and spacing.
- (c) Corrosion protection measures.
- (b) to (c) Re-letter
- (f) Conductor type and size.
- (d) to (e) Re-letter

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 5-19-93, Formerly 21H-33.007.

61G15-33.008 Design of Grounding Systems.

(1) No change

(2) Electrical Engineering Design Documents for grounding systems shall indicate at a minimum the following:

- (a) Type and location of grounding electrodes.
- (b) Bonding requirements.
- (c) Testing requirements.
- (d) Conductor material type, size and protection requirements.
- (e) Connections of separate grounding systems, properly bonded, per code and use requirements.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 5-19-93, Formerly 21H-33.008.

61G15-33.010 Certification of Electrical Systems of Public Interest.

The Engineer of Record shall be required, as required by the Authority Having Jurisdiction, to demonstrate compliance.

(1) Verifications from Electrical Engineering Documents warranted by codes and ordinances shall include when applicable:

- (a) Energy efficiency and conservation tabulations, statements or calculations.

(b) Lighting levels included in the design that show intrusion, trespass, dark sky, safety or that show/preserve natural habitat tendencies.

(d) Light /noise /product specifications that indicate conformance with a community, county, or state standards, codes or ordinances.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.03 FS.
History—New

61G15-34.002 Definitions.

(1) Engineer of Record for the Mechanical Systems. The Florida Registered Professional Engineer who is in responsible charge for the preparation, signing, dating, sealing and issuing of any engineering document(s) for develops the mechanical systems design criteria or performs the analysis and is responsible for the preparation of the mechanical documents for the project.

(2) to (4) No change

(5) Mechanical Engineering Documents. All The mechanical drawings, specifications, reports, calculations, data and other documents utilized to establish setting forth the overall design and requirements for the construction, alteration, modernization, repair, demolition, arrangement, and/or use of the mechanical system(s), or analysis or recommendations, as prepared by the Engineer of Record for the mechanical system. Mechanical Engineering Documents shall additionally meet the requirements of 61G15-30.003, Engineering Documents.

(6) Mechanical Shop Drawings Submittals. Submittals, catalog information on standard products, or drawings prepared solely to serve as a guide for fabrication and installation and requiring no engineering input. These submittals do not require the seal of a Florida Registered Professional Engineer.

(7) Codes and Standards. Those nationally recognized Codes and Standards adopted directly or by reference in ~~Part II, Chapter 553, Florida Statutes.~~ Florida Building Code and Florida Fire Prevention Code set forth in Chapter 69A-60, Florida Administrative Code. ~~Applicable codes and standards are those promulgated by the State Fire Marshal and those required by the state and local authorities having jurisdiction. These codes and standards include those published by the National Fire Protection Association (NFPA), The American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), The American Society for Testing Materials (ASTM), American Society for Mechanical Engineers (ASME), National Electrical Manufacturers Association (NEMA), American National Standards Institute (ANSI), Underwriters' Laboratories (UL), American Society of Plumbing Engineers (ASPE), Sheet Metal and Air Conditioning Contractor's Association (SMACNA), American Movement and Control Association (AMCA), Air Conditioning and Refrigeration Institute (ARI), SBCCA Mechanical and Plumbing Codes, Florida Energy Code, State Building Codes.~~

(8) Mechanical Delegated Engineering Documents. Mechanical Engineering Documents prepared by a delegated engineer to whom the Engineer of Record for the Mechanical System has delegated responsibility for the design of a mechanical component or system and which are signed sealed and dated by the delegated engineer.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033
471.030 FS. History—New 11-16-94, Amended 2-5-96,_____.

61G15-34.003 Design of Heating Ventilation and Air Conditioning Systems.

(1) Heating, Ventilating, and Air Conditioning (HVAC) Systems are include, but are not limited to those systems that control the temperature and/or humidity, and/or mechanical ventilation of a particular space or building. Items to be considered in the design and analysis of these systems are ambient dry and wet bulb temperatures, inside dry and wet bulb temperatures, inside design humidity, fresh air makeup, internal heat gains from any sources. Ventilation systems shall be designed to remove foul odors from a space or building, or to remove space heat from equipment rooms.

(2) All HVAC systems shall be designed in accordance with the ASHRAE Standards and Building Code Florida Codes, and reference standards as adopted by the authority having jurisdiction. The HVAC systems shall be designed and operated such that the entire building is under positive or neutral pressure when all primary HVAC systems are operating.

(2) Mechanical Engineering documents applicable to HVAC systems shall, where applicable, include but are not limited to the following:

- (a) Equipment selection schedule for each piece of mechanical equipment. All equipment shall have capacities listed including efficiencies, electrical or fuel requirements, static pressure and fan air quantities as applicable to the system, fluid flow and pressure head quantities as applicable to the system, and heat transfer capacities.
- (b) Floor plans; site plans; and building and mechanical system elevations as appropriate.
- (c) Outside (fresh) air make-up conditions.
- (d) Cooling coil requirements based on sensible heat, latent heat and total heat gains.
- (e) Heating equipment requirements.
- (f) Outside and inside design dry and wet bulb conditions.
- (g) Exhaust riser diagrams.
- (h) Outside air riser diagrams.
- (i) Process flow diagrams with pipe sizes and fluid flow quantities.
- (j) Condensate discharge piping with pipe sizes.
- (k) Instrumentation and Control System diagrams and sequence of operation.

~~(l) Ductwork layout and sizing; insulation, supply, return, and exhaust inlet and outlet sizes; and outside air intake sizes. Air quantities shall be specified for inlets and outlets.~~

~~(m) Florida Energy Code calculations as applicable.~~

~~(n) NFPA Standards and all required fire protection devices and systems.~~

(3) The Engineer of Record shall determine the level of detail shown on plans for a HVAC system for mechanical engineering plans pertaining to HVAC systems exempted by the threshold requirements for mandatory use of professional engineering services. All such plans shall provide a clear understanding of the minimum system requirements expected to be installed by the contractor.

(4) For Mechanical Engineering Documents pertaining to HVAC systems that exceed the threshold requirements for mandatory use of professional engineering services, the plans shall have the following minimum indicate the following:

(a) Demonstrate and provide adequate information for the AHJ to determine compliance with codes and ordinances. These may include test methods and results; data and tabulations for Energy Conservation that are results of the design.

(b) Equipment selection schedule for each piece of mechanical equipment. All equipment shall have capacities listed including efficiencies, electrical or fuel requirements, static pressure and fan air quantities as applicable to the system, fluid flow and pressure head quantities as applicable to the system, and heat transfer capacities.

(c) Floor plans; site plans; and building and mechanical system elevations as appropriate.

(d) Outside (fresh) air make-up conditions.

(e) Cooling coil requirements based on sensible heat, latent heat and total heat gains.

(f) Heating equipment requirements.

(g) Outside and inside design dry and wet bulb conditions.

(h) Exhaust riser diagrams on buildings more than three stories when ductwork travels vertically.

(i) Outside air riser diagrams on buildings more than three stories when ductwork travels vertically.

(j) Process flow diagrams with pipe sizes and fluid flow quantities.

(k) Condensate discharge piping layout with pipe sizes.

(l) Instrumentation and Control System diagrams and sequence of operation.

(m) Ductwork layout and sizing; insulation requirements, supply, return, and exhaust inlet and outlet sizes; and outside air intake sizes. Air quantities shall be specified for inlets and outlets.

(n) All data needed to complete the Florida Energy Code calculations as applicable.

(o) A list of referenced NFPA Standards and layouts of all required fire protection devices and systems.

(p) Building pressurization criteria.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 11-16-94,_____.

Mr. Flury will provide JAPC with a copy of current NFPA for review.

- #13. Proposed changes to Rule 61G15-19.004, F.A.C.
(Exhibit D#13)

Mr. Flury confirmed his changes to the guidelines related to second and subsequent violations. This followed discussions with Mr. Creehan and Mr. Rimes.

Mr. Rimes pointed out a typo as the heading of the columns addressing penalty ranges the words minimum and maximum should be stricken.

Mr. Flury stated the Board would have to approve this change. He explained lingering issues with defining levels of negligence as minor or major. Mr. Flury encourages definition of minor violations as he believes they do occur.

Mr. Charland asked if the minimum in the first penalty was deleted.

Mr. Flury responded this information now appears in the headings in the headings, the first violation minimum, the word minimum should not be in there, maximum should be stricken.

Mr. Burke asked if the proposed rule will satisfy JAPC.

Mr. Flury believed the changes present a strong argument for the rules. With JAPC, there are no guarantees.

Mr. Burke did not believe the intent of the rules changed just formatting.

Mr. Flury stated the ranges have been split as a result of establishing the second set of guidelines. A couple of these have rule sections do have ranges from small to large.

Upon motion by Mr. Rebane, seconded by Dr. Bauer, the proposed disciplinary guidelines were adopted.

Dr. Hyder asked about the penalty for failing to submit continuing education.

Mr. Flury responded by stating that revocation should be stricken so the range would be reprimand and \$1,000 minimum to suspension or revocation.

A vote was called on the motion and it passed.

E. Executive Director's Report

#1. List of Applicants Requesting Retired Status*

#2. Applications for review by full Board:

a. Joshua Royce

Mr. Royce was licensed in Pennsylvania in 2008 and he meets all requirements for licensure in Florida. The application was initially approved and subsequent to the approval, the question was raised as to the ability to deny an application on grounds of moral character. In the May 23, 2008 conference call the approval was withdrawn to allow consideration by the full Board in their June meeting. If approved, Mr. Royce will be licensed. If denied, he will receive appeal rights.

Mr. Rebane believed facts of the case reflect the incident occurring seven years ago. Mr. Royce has received counseling and was put on probation; the terms of probation were very loose. In Mr. Rebane's opinion there are sufficient civil safe guards in place to justify approving the application. In reviewing the file it appears the judge did not think the crime was serious. He just had to report change of address and be visited by an officer of the court. The terms of the probation do not affect his ability to do competent engineering. The exception to this statement is the fact he performs HVAC and this is mostly work that happens in schools. This will probably result in being precluded from working in schools due to the security procedures applied for working in schools.

Upon a motion by Mr. Rebane, seconded by Mr. Tomasino, the application was approved for licensure by endorsement. The motion passed

b. Norman A. Cope

Mr. Cope was licensed in North Carolina in 1983 and he meets all qualifications for licensure in Florida. The application is before the Board for approval or denial based on disciplinary action taken in South Carolina.

Upon a motion by Mr. Rebane, seconded by Mr. Charland, the applicant was approved for licensure by endorsement. The motion is based on the fact that should the violation have happened in Florida it would have been closed with a Letter of Guidance. The motion passed.

#3. April 2008 Candidate Survey Results*

#4. Report on Investigators attendance at the Building Official's Conference

Ms. Flynn briefed the Board on FEMC investigators attendance for the recent Building Officials Annual Conference. This is an effort to reestablish connection with the Building Officials. It was successful and plans call for actual appearance on next year's agenda. The Contract Monitor, G.W. Harrell, was in attendance as Executive Director of the Construction Board. He was pleased with FEMC's initiative in attending the conference.

Ms. Flynn recognized Mr. Beamish's efforts in bringing this to her attention in time to plan for their attendance. Ms. Flynn also recognized Ms. Ingram for efforts in creating a Board logo that was applied to the investigator's shirts. A picture and notice of attendance will appear on the website in the next two weeks.

#5. Report on Continuing Education Presentations

- a. Scheduled Continuing Education Presentation for the FES Annual Meeting; August 6-9, 2008 in Naples, Florida
- b. Scheduled Continuing Education Presentation Florida Section of the American Society of Civil Engineers Annual Conference; August 21-23 in Lake Buena Vista, Florida

Ms. Flynn announced plans for a continuing education presentation for the FES and ASCE annual conferences.

Ms. Ingram explained the set up of tables with computers. Staff will give one-on-one instructions for entering their area of practice hours.

#6. Proposal to discontinue Continuing Education on second day of Board Meetings

Ms. Flynn announced action by the FEMC Board to support the plan to cease offering continuing education laws and rules credit for attendance on the second day of the Board meetings. FEMC understands the FBPE has to vote on the matter.

Mr. Burke called attention to a request in the last Board meeting for FES to submit an official letter from FES requesting the Board to cease offering credit for attending meetings. Mr. Ed Davis has submitted the letter as requested.

In discussion the following comments were entered to the record.

Dr. Bauer expressed support for saving time and money. In addition, it may be a way of securing smaller meeting rooms and save cost on room rental. There are numerous opportunities for achieving laws and rules credit for \$50.

Ms. Garcia expressed support based on savings in staff resources.

Mr. Tomasino expressed his support. When the option to attend meetings was first started, the content of the agenda was beneficial. The cases were explained in detail. The Board members know what is happening; the audience does not. It would be difficult to understand the full impact of what we intended. I don't think cases presented as settlement stipulations accomplish what is to be conveyed to the attendees.

Mr. Burke called attention to a comment made by Gary Kuhl, PE, FEMC Board member, that it does away with engineers attending meetings and witnessing what the Board responsibilities are in the disciplinary process and hearing firsthand what types of violations result in disciplinary actions.

Mr. Charland was supportive of the proposal. The Board is not addressing large numbers of licensees and those attending are not participating in a positive manner.

Mr. Burke commented on the resolution of most cases by settlement stipulations.

Mr. Rebane believed the original idea was good and he agreed with Mr. Kuhl's comment. He believes anyone attending goes away with an understanding of the disciplinary process and what they must do in their daily practice to avoid having complaints filed against them. As the presentation of disciplinary cases has changed, so has input from the Board members. Many times, there are no comments from the Board members regarding the violations. Other benefits are good advertising venue for our attorneys who come out and do a good job defending their clients. Personally he would like the program to continue, however, the cost per attendee is pretty high considering the numbers that are showing up. If we vote it out, there would be no further videoing of Board meetings for laws and rules credit.

Dr. Earle supports the concept; it just does not appear the program addresses large enough numbers.

Mr. Tomasino expressed interest in ceasing this program and assigning the money saved to the continued publication of newsletters. He would rather assign this funding toward continuing to mail out newsletters and

including in-depth descriptions of the disciplinary cases. The content of the disciplinary proceedings are not providing the necessary training/

Mr. Burke appreciated Mr. Tomasino's comments. He asked however for the issues to be addressed separately

Ms. Garcia wanted to know what the attendance for Board meetings was before instituting the Board-instituted program.

Mr. Burke responded by stating three or four people at the most.

Ms. Flynn added one final comment regarding the licensees achieving hours through this program. It has created a huge customer service problem due to the huge numbers of emails, phone calls and demand for immediate seat assignments. This is free program that carries no fee for attending and it has imposed a huge workload on staff. Any time, energy and funding can be better spent processing applications.

Mr. Geer believed staff was being to kind on this matter. He had attended the last Board meeting to observe the proceeding. Attendees did not pay attention; staff had to monitor the attendees to make sure they were not reading magazines, working on their computer or blackberry. That was half the audience. The other half was split evenly between laughing at the accused and laughing at the Board. Mr. Geer was disgusted with the behavior of his peers.

Upon a motion by Dr. Bauer, seconded by Mr. Tomasino, the Board will cease offering laws and rules credit for attending the second day of Board meetings effective with the February 2009 meeting.

In discussion, it was determined the appropriate action is amending Rule 61G15-22.010 to delete (4). A vote was called and the motion passed.

Dr. Bauer encouraged staff to place a notice on the web site and next newsletters immediately.

Mr. Burke agreed with observations by Mr. Rebane of the Board not being effective in content of the second day of meetings. A lot of work goes into wording of the responsibility rules. Although Settlement Stipulations represent tomorrow's cases, they are perfect examples of why we have responsibility rules. The rules need to be cited as part of the presentation of the case and the prosecuting attorneys need to be prepared to answer questions as to why the recommended penalties may be reduced from the PCP recommendation.

Ms. Flynn called on Ms. Ingram to update the Board on implementation of the Application Tracking Program in LicenseEase. Before outlining the application tracking program, Ms. Ingram asked the board to reconsider the February meeting as the last meeting for attendance of laws and rules. The February meeting is around the end of the renewal. It would be most difficult to have Sean attend the February meeting and have the data entered in LicenseEase prior to the end of renewal.

The Board discussed and the following action was taken

Upon a motion Dr. Bauer, seconded by Mr. Rebane, the motion to cease offering laws and rules in the February meeting was reconsidered and the cut off was set for December. A vote was called and the motion passed.

Ms. Ingram outlined the application tracking program installed this quarter. This program allows staff to advise applicants by phone and/or email what has been received for processing their application. At the end of month, she would be able to run a report for any application category to confirm when the application was first received and the first time the application was touched in processing.

Mr. Rebane asked and it was confirmed that application tracking is not available to the candidate. Ms. Ingram confirmed the ability to track progress on LicenseEase. Mr. Rebane believed access would eliminate the number of emails and telephone calls checking on application status

Ms. Ingram was not aware of any means to provide public access to application tracking.

Ms. Garcia asked about the possibility of channeling efforts on laws and rules to hold meetings on some of the engineering campuses. Ms. Garcia would like to schedule a meeting on the University of Miami campus.

There was also discussion on possibly holding one day meetings during the year. Mr. Rebane stressed the need to stay current. We need to have a feel for how we are doing in protection of the life, health and safety of the public. We must dig into those cases to get a feel as to how the profession is operating. To do less makes the Board ineffective.

Mr. Tomasino noted that with the Board's good relationship with FES, perhaps it would be beneficial to have FES put a section in their monthly magazine describing the disciplinary cases. FEMC could pay for the printing of the article.

Mr. Geer did not have a problem with considering this request. However, he was not sure of the benefits as the FES publication only goes to

members of FES. This is a relative small number compared to the overall licensing population.

Mr. Rebane supported any means of sharing information based on the decision to no longer allow laws and rules credit for attending Board meetings.

Dr. Hyder encouraged the continuation of published newsletters rather than post card notification.

Mr. Burke clarified that publication of newsletters will continue. What is being considered is the method of notification to the licensee to view from website or request hard copy.

- #8. Letter to John C. Burke, P.E., Chair, from Chuck Drago dated June 2, 2008 – Legislative Update from the 2008 Legislative Session

Mr. Burke reviewed the letter commenting on the budget reduction and the legislature having swept the trust fund. The budget that was referenced in the letter was not attached and he will have Ms. Flynn check on the missing attachment.

In discussion, it was confirmed that reduction in trust funds applies to several Boards with DBPR and the overall budget issues for state agencies. This was discussed in the FEMC Board meeting earlier in the day. Ms. Head will be looking at the budget to accommodate the reduction. The trust fund balance will be available at such time as the Department finalizes.

Ms. Flynn briefed the Board on the new requirements in the 2008-2009 contract. DBPR will be conducting a study of FEMC operations to determine when and how FEMC will implement OnBase, the new scanning program currently being used by the Department. Further details will be shared when available. DBPR's contract with Accenture will expire in December 2008. The Department determined to use the remaining funds from this budget allocation to cover costs of the study.

F. Chief Prosecutor's Report

- #1. Non-Compliance Report.

There was a short discussion over the case that involved a bounced check. The Board wanted to know why it took so long to move the case forward for violation of the order.

The Board was advised of the legal process and while it appears the case is slow in moving through the process, legal procedures have to be followed and the licensee must be given due process.

Mr. Rimes suggested future stipulations contain language calling for immediate suspension unless the fine is not paid within the specific time frame. Mr. Rimes further explained that Ms. Tomasi works with the probationer to get them into compliance. If the issue is not resolved timely, she forwards to Mr. Rimes for processing of a complaint.

#2. May Open Case Report

#3. Profile of legal cases by year

a. Cases open for 1 years plus

b. Total open cases by year

Mr. Creehan reviewed the two reports. It is his goal to have all 04, 05 and 06 cases off the books by end of year unless they are under appeal. Cases have picked up slightly but the numbers do not pose a problem. At one point in time, overall cases reached numbers of approximately 176 up to 214. The numbers are now reduced to 184. In Mr. Creehan's opinion, a caseload of 200 allows for meaningful and thoughtful prosecution. Numbers higher than 200 provide a problem.

Mr. Burke asked when some of the Fred Jones cases are coming before the Board.

Mr. Creehan explained difficulties with working out a resolution with Mr. Jones' attorney. There was also a factor with the expert being out of the country for the summer and having to wait until August of 2007. Mr. Creehan did not want to pursue the case without the best expert witness. He indicated a settlement or appearance for informal hearing by December.

Mr. Burke asked why Mr. Valdes-Linares was not present. It would appear that time had allowed opportunity to offer the Counter Settlement Stipulation discussed in the last Board meeting. Mr. Creehan indicated acceptance of the counter stipulation and Mr. Valdes-Linares counsel has told me that he would like to give up his license. I think we will see this case as a Settlement Stipulation calling for voluntary relinquishment of license, payment of fine and consultant fees. If the license is surrendered, the restriction of practice sought by the Board would go away. These are 04 and 05 cases and would further reduce the outstanding case load.

Mr. Flury advised the Board to cease discussion of cases that might be addressed on future agendas.

Mr. Rebane asked for clarification on the statement of positive view of a caseload showing numbers of 225 and 250 cases and presently only having 186 cases.

Mr. Creehan explained that when he first started, FEMC had a caseload of 411 open cases. Looking at that number gives a positive perspective to a caseload of 150. Beyond this number, the investigators begin to feel stressed. I think that given the state of some of these cases with a couple of large settlements, I think 150 are reachable.

Mr. Burke was concerned with the numbers. There are two investigators and two attorneys.

Mr. Rebane questioned the overall process and the fact that tomorrow's agenda only includes two cases. He was concerned that lack of cases might be based on overall load and process of each case. A two case agenda brings back memories of overall stalling in the processing of cases.

Mr. Creehan indicated fewer complaints being filed. Further, there are some cases that are deemed legally insufficient based on lack of evidence or determination that the case does not involve engineering. Those are being taken out almost immediately. I think what you will see, all things being equal, is that we are averaging five to six findings of Administrative Complaints per probable cause panel meeting.

Mr. Rebane asked what the number of cases should be closed by January 2009. Mr. Rebane also asked why Mr. Barnett was not before the Board for this meeting. Mr. Creehan is working on the matter and the future consideration of this case will be addressed in the near future.

Mr. Creehan predicated twenty five (25) cases to be closed by January 2009.

#4. Investigator's Travel Synopsis

To confirm efforts of the investigators contact with Building Officials, each investigator provides a travel synopsis.

G. Chair's Report

#1. Chair's Report.

- a. Letter from D. Edward Davis, P.E., President of the Florida Engineering Society, regarding Laws and Rules Continuing Education Rule

This matter was addressed as part of the action to cease offering credit for law as and rules hours.

A. Response email to Mr. Burke from Bill Dunn regarding Laws and Rules Course offered by Suncam.

At the request of this board, Mr. Burke was to contact Mr. Dunn regarding the advertisement his firm uses in announcing continuing education credits for use of his video. Mr. Burke advised him of the Board's concern with the content of the advertisement. Mr. Dunn responded with a letter confirming his understanding and rewording of his advertisement.

H. Correspondence to the Board

#1. Email from Deb Bartolucci, Florida Masonry Council, dated May 27, 2008 regarding Continuing Education

Mr. Patrick McLaughlin, Executive Director of the Florida Masonry and Apprentice Educational Foundation explained the recent approval of the Masonry Council's application as an approved provider of continuing education courses. Prior to the approval, the council administered the program through CSI, based on indication that CSI was an approved provider. This occurred in October of 2007. The program was well received and very successful. After this presentation, it was actually confirmed that CSI was indeed denied provider status. A visit to the Board resulted in discussion with Ms. Flynn as to what could be done to ensure the engineers attending the course through the denied provider receive credit. The course taught by CSI is the same as the course now offered by the Masonry Council.

Mr. Burke advised Mr. Laughlin the Board does not approve courses. The Board approves providers. Mr. Charland confirmed his attendance in this course previously and that it is a very good course.

Mr. Flury advised the Board of the option to have the council file a Petition for Variance and Waiver.

Mr. Burke advised Mr. Laughlin that no action can be taken at this time. He should work with Mr. Flury to determine how to file the Petition for Variance and Waiver. Once the Board receives the Petition for Variance and Waiver, all factors will be considered and granting of the variance appears favorable.

#2. Letter from Perry M. Schweiss, President of the ASHE National Board dated April 2, 2008 regarding the new Model Law adopted by the NCEES (BS plus 30 hours)

Mr. Burke will work with Ms. Flynn on responding to Mr. Schweiss. The response will advise Mr. Schweiss of this Board's consideration of all facts for a vote in the annual meeting.

- #3. NCEES Response letter to Perry M. Schweiss, President of the ASHE National Board, dated May 29, 2008 regarding the new Model Law adopted by the NCEES (BS plus 30 hours)
- #4. Letter from J. Marshall Gilmore, Esquire regarding Threshold Inspection of Public School Buildings

In discussion of Mr. Gilmore's letter, it was determined to refrain from issuing a response. The matter rests with the Department of Education as they are the agency to review and comment on school design projects. When reviewing, they consider all factors to make the final decision on approval. Mr. Flury was requested to advise Mr. Gilmore to address his question to the Department of Education.

- #5. Nevada's Reciprocity Agreement with the Association of Professional Engineers, Geologists and Physicists of Alberta

This item is for informational purposes. It will be addressed in the Annual Meeting.

- #6. Email from Harvey Greenberg regarding Use of PE designation on business cards by out-of-state visitors

Mr. Burke called for discussion on Mr. Greenberg's concerns. In discussion, it was determined that presently it would be a violation of Chapter 471, F.S. to use the designation if not licensed in Florida. This issue is being discussed by NCEES and there is an effort moving forward to amend the Model Law to address ability to use the PE designation in another state if the person is not actually practicing engineering in the state. It was the consensus of the Board to wait for the proposed change in Model Law, review the matter further and determine if it is something for the rules committee.

Ms. Flynn should notify Mr. Greenberg of the Board's decision.

I. Old Business

J. New Business

Mr. Burke called attention to an email from Edward J. Eng, PE, regarding protected titles. Mr. Eng filed a complaint against a contracting firm in Jacksonville because they use the word "environmental engineering" in their title. They also have a side business named "Environmental Engineers" that performs duct cleaning.

In general discussion with Mr. Rimes, it was determined the basis for moving forward on Cease and Desist must be determined by what the person is actually doing. When

reviewing the complaint, it must be determined if the action is engineering but under the provided exemptions or if the work is engineering by activity and title.

Mr. Eng was complaining about lack of perceived action by FEMC on protected title. It appears a Cease and Desist had been issued against the company in early 2007 for the title "environmental engineering." Several parties were copied on the email and Mr. Geer is researching the matter to report back to all parties copied on the email exchange. The outcome would determine the need for any legislative change to Chapter 471, F.S.

Mr. Rimes explained that under Chapter 471, F.S. if you are working under the responsible charge of an engineer in the state of Florida or an employee of a firm licensed in the state of Florida, you can perform engineering and are exempt from licensure. Further, there are certain titles listed in Chapter 471, F.S. that are protected from use by unlicensed people.

In further discussion, it was determined while all examples referenced in Mr. Eng's email would not be considered a violation; the company using the word environmental in their advertisement would be a violation. Mr. Burke asked staff to check this matter and follow up with Mr. Eng. If needed, a new complaint should be filed and processed.

K. Public Forum

Ms. Flynn advised the Board of two applications for review after the meeting is recessed.

THURSDAY, June 19, 2008

Mr. Burke called the meeting to order. He directed all attendees to turn off their cell phones and to be sure to sign in and out to receive continuing education laws and rules credit. He announced the Board's decision on the first day of the meeting to cease allowing laws and rules credit after the December Board meeting.

Mr. Burke advised the audience of three vacant positions on the Board. He advised the audience of the Board's responsibility to review applications for eligibility, service on various Board committees, rules review, addressing letters from the public concerning the rules and regulations. One major item of concern, discussed in this meeting for preparation to revisit and vote on in the August meeting, is the BS+30 hours. Mr. Burke must vote the Board's opinion in the NCEES annual meeting to support or oppose the BS+30 hours. He reminded all present should NCEES move forward on this issue, it would require amendments to Chapter 471, F.S. in order to enforce in Florida.

Sean Benjamin, Licensure Analyst: Renewal 2009 Workshop Presentation

Mr. Benjamin presented a training video on how to enter continuing education hours into the public portal.

- #1. Endorsement/Continuing Education Committee
(Vacant, Chair)
 - a. Committee Chair's Report.

Mr. Burke called on Dr. Bauer to report the findings of the two applications reviewed.

Upon a motion by Dr. Bauer, seconded by Mr. Rebane, the application for Valeria Areyho to sit for examination and David Allison's application for licensure by endorsement were approved. A vote was called and the motion passed.

- #2. Rules Report - Michael Flury, Esquire, Board Counsel

Mr. Flury reviewed the rules report.

**Part II
Informal Hearing Agenda**

Mr. Burke called on Dr. Bauer to outline the process of application by applicants that do not hold an EAC/ABET accredited engineering degree.

Dr. Bauer outlined the process of application if the applicant has a degree from a non-accredited engineering program or education completed in foreign Countries. If the

applicant holds a non accredited degree, they are treated like foreign applicants and transcripts must be evaluated by one of the two evaluation services presently approved by the Board. Dr. Bauer stated, for the record, this provision of evaluation does not apply to engineering technology degrees. If holding an engineering technology degree the applicant must meet the specific timelines outlined in Section 471.013, F.S. Dr. Bauer noted changes to the electrical engineering examination. In April 2009, the examination will be expanded to offer three options for examination; power, electrical or computer. He suggested the audience share this information with young engineers that may be sitting for the examination.

L. Consideration of Petition for Formal Hearing

None

M. Informal Hearings on Denial of Application for Fundamentals Examination

#1. Seyla Berrio-Gonzales

Ms. Berrio-Gonzales was not present for her hearing. Mr. Flury outlined the applicant's educational background. Ms. Berrio-Gonzales holds a Bachelor's Degree in Civil Engineering from Peru and a Master's Degree in Civil Engineering from the University of Idaho. Ms. Berrio-Gonzales applied for the Fundamentals examination and was denied based on educational deficiencies. The Board reviewed the evaluation of her studies by Josef Silny & Associates to determine substantial equivalency to Rule 61G15-20.007, F.A.C. Mr. Berrio-Gonzales was deemed to be deficient 3.7 semester hours in Mathematics & Basic Sciences and 9.5 semester hours in Humanities and Social Sciences.

Ms. Berrio-Gonzales submitted an Election of Rights form to go directly to an Informal Hearing. As part of the process, Ms. Berrio-Gonzales is requesting her file remain open until such time as deficiencies are cleared by additional information or completion of courses.

The Board discussed the denial and the length of time required to complete courses. The usual schedule for leaving a file open is completion of deficiencies within six months.

Dr. Bauer did not believe the applicant could complete all courses within six months.

Upon a motion by Dr. Bauer, seconded by Mr. Rebane, the denial was upheld. The motion passed.

#2. Justin Preikschas

Mr. Preikschas was not present for his hearing. Mr. Flury outlined Mr. Preikschas educational background. Mr. Preikschas holds a Bachelor's Degree in Mechanical Engineering from the University of Calgary.

Mr. Preikschas applied for the Fundamentals examination and was denied based on educational deficiencies. The Board reviewed the evaluation of his transcripts by Josef Silny & Associates to determine substantial equivalency to Rule 61G15-20.007, F.A.C. Mr. Preikschas was deemed to be deficient 8 semester hours in Mathematics & Basic Sciences and 4 semester hours in Humanities and Social Sciences. The Notice of Denial contained an error regarding the hours of deficiency in Humanities and Social Sciences.

Mr. Preikschas submitted an Election of Rights form to supplement and to have an Informal Hearing. Ninety (90) days have passed and no supplement was submitted. To bring closure to the file, the Informal Hearing must go forward.

After discussion, the following action was taken.

Upon a motion by Mr. Charland, seconded by Mr. Rebane, the denial was upheld.

Mr. Rebane asked if Mr. Charland would amend his motion to include recognition of the error in the deficiencies in Humanities and Social Sciences.

Mr. Charland amended his motion and Mr. Rebane seconded. The motion passed.

The Final Order would clarify the error in the Notice of Denial to state the deficiency of eight hours in humanities and social sciences is actually four hours.

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

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

#1. Raghu K. Veturi

Mr. Veturi was present and was sworn prior to addressing the Board. Mr. Flury outlined Mr. Veturi's educational background. Mr. Veturi holds a Bachelors Degree from India and an MS degree from the University of Massachusetts. Mr. Veturi was licensed in Ohio in 2007 based on acceptance of his education, passing the Fundamentals examination and the Principles and Practice examination, and evidence of the required years of experience.

Mr. Veturi applied for licensure by endorsement. The application was denied for educational deficiencies. The Board reviewed the evaluation of his undergraduate studies by CPEES to determine substantial equivalency to Rule 61G15-20.007, F.A.C. Mr. Veturi was deemed to be deficient 4 hours in Math

and Basic Sciences as well as 13 hours in Humanities and Social Sciences. Mr. Veturi has submitted an Election of Rights form to have an Informal Hearing.

Mr. Veturi advised the Board of submitting two supplemental letters explaining his position on the denial. Dr. Bauer explained the review of the letters did not clear the deficiencies

Upon motion by Dr. Bauer, seconded by Dr. Earle the denial was upheld.

Mr. Veturi confirmed enrollment at Hillsborough Community College and he asked if his application could be held in open status.

Mr. Flury asked if the courses would satisfy all of the deficiencies and Mr. Venturi responded in the affirmative. Courses should be completed by August 12, 2008.

Dr. Bauer moved to amend his motion to allow continuation until December of 2008 by which time Mr. Veturi must supply transcripts clearing all deficiencies. The motion was seconded by Ms. Garcia. Motion passed.

#2. Esneyder Montoya

Mr. Montoya was present and was sworn prior to addressing the Board on the denial of his application for licensure by endorsement. Mr. Flury outlined Mr. Montoya's background. Mr. Montoya was licensed in Montana in 2006 based on acceptance of his degree, waiving the Fundamentals examination, verification of four years of experience and passing of the Principles and Practice examination. Mr. Montoya holds a BS degree in Civil Engineering from National University in Columbia. Mr. Montoya holds an MS degree and Ph.D. degree in Structural Engineering from the University of Toronto. Mr. Montoya applied for licensure by endorsement. In review of the file, it was determined Mr. Montoya has not passed the NCEES Fundamental examination and he does not qualify for a waiver of the examination. The Board reviewed the evaluation of his undergraduate studies by Josef Silny & Associates to determine substantial equivalency to Rule 61G15-20.007, F.A.C. It was determined Mr. Montoya was deficient 2 hours of Humanities and Social Sciences.

Mr. Montoya has submitted an Election of Rights to supplement and to have an Informal Hearing. The supplement did not correct the deficiency and the Informal Hearing was scheduled for the June, 2008 meeting.

In discussion, Mr. Flury advised the Board of an error in the number of hours deficient in Humanities and Social Sciences. Mr. Montoya was advised of a deficiency of eight hours and actually he is deficient two hours in Humanities and Social Sciences. Mr. Flury advised the Board of Mr. Montoya's eligibility to waive the Fundamentals examination as of October 2008. At that time, he will meet the requirements of rule 61G15 that provides for waiving the examination if

holding licensure in another state for two years. With this action, it does not address his failure to evidence passing of the Fundamentals examination. He does not meet requirements for waiving the examination.

After discussion, the following action was taken.

Upon a motion by Mr. Rebane, the denial of the application for licensure by endorsement was upheld based on educational deficiencies of two hours in Humanities and Social Sciences and failure to evidence passing the Fundamentals examination.

Dr. Bauer asked if he could meet deadlines for October examination. It was confirmed deadlines for April would have passed by the time he qualifies for examination. He could apply in October for the April 2009 examination.

Mr. Flury advised Mr. Montoya of his option to withdraw the application and apply for FE when he is eligible.

Mr. Burke stated the Board has two options vote on Mr. Rebane's motion to deny or request Mr. Rebane to amend his motion to allow Mr. Montoya option of withdrawing his application for licensure by endorsement.

Mr. Montoya confirmed his wish to withdraw his application at this time.

Mr. Rebane withdrew his first motion and the following action was taken.

Upon a motion by Mr. Rebane, seconded by Dr. Bauer, the application was considered withdrawn. The motion passed.

#3. Edward D. Maceiko

Mr. Maceiko contacted Mr. Flury to change his election to a Formal Hearing. With this action, he will be able to submit additional information on his education.

The Board will be advised of this matter as it progresses.

#4. Timothy Baldrige

Mr. Baldrige was present and was sworn prior to addressing the Board on the denial of his application for licensure by endorsement. Mr. Flury outlined Mr. Baldrige's background. Mr. Baldrige was licensed in Indiana in 1998. Mr. Baldrige passed the Fundamentals and the Principles and Practice examination in Indiana. Mr. Baldrige has evidenced the required years of experience. Mr. Baldrige applied for licensure in 2002 and was denied based on his Bachelor's degree in Mechanical Engineering Technology. Mr. Baldrige completed an MS degree in 2007 and reapplied. Mr. Baldrige's application was denied at this

time for educational deficiencies. The Board reviewed the evaluation of his undergraduate and post-graduate studies by Josef Silny & Associates to determine substantial equivalency to Rule 61G15-20.007, F.A.C. Mr. Baldrige was determined to be deficient 12 hours of Math and Basic Science, including Calculus-based Physics, General Chemistry and an additional sequence course in chemistry or physics. Deficiency in Humanities and Social Sciences were waived pursuant to Rule 61G15-20.0015(4), F.A.C. Mr. Baldrige has submitted an Election of Rights form to have an Informal Hearing.

Mr. Baldrige thanked the board for hearing him and he discussed his concern with the Board not accepting his chemistry course. He acknowledged his physics courses were not calculus-based but he asked the Board to recognize his chemistry courses.

Mr. Baldrige also asked for consideration of recognizing his MS degree to clear the educational deficiencies. Mr. Flury explained the change in the provision and the fact of the Board's consideration of requirements at the time of reviewing the application not the date on which the application was submitted.

After further discussion, the following action was taken.

Upon a motion by Dr. Bauer, seconded by Mr. Charland, the denial of the application was upheld for deficiencies in mathematics and basic sciences. The motion passed.

P. Consideration of DOAH Recommended Orders

#1. Rahul Parab

Mr. Flury explained as the litigator in the DOAH hearing, he would be unable to advise the Board in the proceedings. He asked that Mr. Rimes assume the responsibilities as Board Counsel for this case only.

Mr. Rimes confirmed that all Board members received and had read the Recommended Order and exhibits. All members confirmed on the record.

Mr. Rimes advised there have been no exceptions to the Administrative Law Judge's Recommended Order. This means the next step in the process is to make appropriate motions on findings of fact and conclusions of law. If the Board does not accept, they have to enter on the record specific findings on which to dispute the recommendation.

Upon a motion by Mr. Rebane, seconded by Dr. Bauer, the finding of fact were adopted. Motion passes.

Upon a motion by Mr. Rebane, seconded by Dr. Bauer, the board adopted the Conclusions of Law.

Mr. Rimes explained the next action which is to accept or reject the Recommended Order, upholding the denial.

Upon motion by Mr. Rebane, seconded by Ms. Garcia, the DOAH Recommended Order was adopted. Motion passes.

Mr. Rimes explained the next step of issuance of a Final Order. Mr. Rimes believed it important to note specific findings that have not been issued previously. The Hearing Officer upheld the Board's position regarding evaluation of foreign degrees and the right to decline acceptance of the Washington Accord. He suggested this order be posted on the web site for future reference when disputing the process with future applicants.

The entire Board recognized Mr. Flury for his efforts in the case and for Dr. Anderson's assistance as the expert.

Part III Disciplinary Hearings

Description of Disciplinary Process by Chairman of the Probable Cause Panel, Henn Rebane, P.E.

Mr. Rebane reviewed the steps in the disciplinary process. He mentioned special items of concern for the future. The FBPE is requesting the FEMC investigators be trained in the laws and rules applying to energy conservation. Violations of the energy code will apply mostly to complaints involving electrical engineers. The Florida Building Code has requirements that address energy code. The Board has attempted to address this issue through the rewrite of the responsibility rules for electrical engineers. These proposed rules are going through the review process with JAPC which means the process may take a few months. Mr. Rebane advised the audience of the Governor's intent to follow the energy conservation approach followed in the State of California which will eventually call for a LEEDS certified buildings. This will affect every licensed Professional Engineer. If an engineer contracts a LEED certified building, the plans and design must meet the standard. Failure to do so may result in disciplinary action. LEED itself is not a requirement of Chapter 471, F.S. Mr. Rebane briefed the audience on the FEMC investigators having manned a booth at the recent Building Officials annual meeting. The feedback so far has been very positive.

Q. Settlement Stipulations

- #1. Art L. Stitzel, P.E.
PE 50658
FEMC Case Number 2007005521
Represented by: Edwin A. Bayo, Esquire
Probable Cause Panel: Rebane, Seckinger

Mr. Stitzel was present with his attorney, Ed Bayo. Mr. Stitzel was sworn prior to addressing the Board.

For the record, it was noted that Mr. Rebane was recused as he served on Probable Cause

Mr. Rimes outlined the charges in this case. The investigation was predicated on the receipt of a complaint from Mr. Kenneth Parker, alleging that Respondent signed and sealed a set of plans for structural framing on a home owned by the complainant. Mr. Parker stated that his home could not pass inspection due to the alleged incorrect engineering. FEMC's consultant James O. Power, P.E. reviewed the drawings. Mr. Power's report opined the respondent was guilty of negligence. The charge was based on failure to provide adequate support of bearing walls at the Second Floor, failure to provide for adequate resistance to wind uplift loads transmitted through rods designated as GO BOLTS, failure to comply with the requirements of 61G15-31.003(1), F.A.C. and failure to comply with the requirements of 61G15-30.005, F.A.C.

The Probable Cause Panel authorized the filing of an Administrative Complaint and the respondent entered into a Settlement Stipulation to resolve this complaint. The Probable Cause Panel Recommended Penalty recommendation was issuance of a reprimand; \$1,000.00 administrative fine (\$1,000.00 per count for (1) count); costs of \$1,073.00; Suspension of licensure, stayed if fine/costs paid within 30 days of Final Order date; Subject will be placed on 2 year(s) probation with plan review at 6 and 18 months; Board approved course in Engineering Professionalism and Ethics; study guide; and appearance before the Board to explain: his understanding of the Delegated Engineer's Responsibility Rule.

In order to move forward with the case, Mr. Creehan negotiated a Settlement Stipulation Signed calling for a \$1,000.00 administrative fine (\$1,000.00 per count for (1) count); costs of \$1,073.00; Suspension of licensure, stayed if fine/costs paid within 30 days of Final Order date; Subject will be placed on 2 year(s) probation with plan review at 6 and 18 months; Board approved course in Engineering Professionalism and Ethics; study guide; and appearance before the Board to explain: his understanding of the Delegated Engineer's Responsibility Rule.

Mr. Bayo agreed with the facts presented by Mr. Rimes. Mr. Bayo noted ongoing civil litigation as the basis for his client entering into a Settlement Stipulation. With this entry his client neither admits nor denies the allegations. Mr. Bayo noted that his client has been an engineer for 11 years and has no previous disciplinary history. He and his client reviewed Mr. Power's report and his client fully understands the responsibility rule and the allegation and criticism levied by Mr. Powers. He now understands the purpose and procedure for following the adoption rule. Any future instance would call for extensive review of the documents to make sure the documents have been signed and sealed by a

Professional Engineer; they meet design criteria and also the determination that he is responsible for the overall structure.

Mr. Burke confirmed ongoing civil litigation. Mr. Burke asked Mr. Stitzel to address the Board directly regarding his understanding of the responsibility rules.

Mr. Stitzel advised the Board of his review of the rules since the notification of the civil case being filed against him. He had read the rules several times to acquaint himself with the purpose of following the responsibility rules and acceptance of work provided by delegated engineers. He understands that he is not relieved of responsibility when delegating portions of the project to specialty engineers. He understands being the engineer of record and delegating out certain portions of structures does not release him from responsibility of the overall project. He should review the overall design document prior to construction.

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

Mr. Burke advised Mr. Stitzel the purpose of appearance is not to embarrass him; rather it is a means for the Board to make sure the engineer understands the purpose of rules. In this case, it appears that with the method of reaching the overall design, there was not Engineer of Record to be responsible for the project to completion. From that point forward it went downhill. Mr. Burke advised Mr. Stitzel and all present of the ease in which engineers can wind up with this type of action against their license. When taking on a project, it should allow for costs necessary to cover all areas of responsibility. In cutting corners, situations such as this occur.

A vote was called and the motion passed.

#2. Seelye Nagel, P.E.
PE 36133
FEMC Case Number 2005051324
Represented by: Hardy L. Roberts, III
Probable Cause Panel: Rebane, Seckinger

Mr. Nagel was present with his attorney, Mr. Hardy Roberts, III. Mr. Nagel was sworn prior to addressing the board. It was noted that Mr. Rebane was recused as he served on the Probable Cause Panel

Mr. Rimes outlined the charges in this complaint. This investigation was predicated on the receipt of a complaint from Michael Gordon, Chief Building Official for Panama City, Florida, alleging concerns about concrete restoration work at the Regency Towers Condominium at Panama City. The Condominium is located at 5801 Thomas Drive, Panama City Beach. A response was received from Respondent on 11/21/05 and again 12/5/05, in which he responded, "we

have done our due diligence on this project and have provided documents that meet the standard of care for the industry. It is our opinion, given the information that was available when the contract documents were prepared, that we clearly gave the contractor directions as to removal, repair or replacement of concrete, reinforcing and railings. Our contract documents, specifications, details, drawings, and as-builts are clear, concise and are in accordance with ICRI Technical Guidelines, Guideline No 03730 and ACI 546R-96.”

Between January 22 and June 1, 2004, BECI (Respondent’s firm), through its representative, Michael Fell, an Engineer Intern, entered into a contract with the Regency Towers Owners Association to provide engineering services. The contract provided that BECI would perform engineering services relating to the repair and refurbishing of the Regency Towers, an existing condominium structure in Panama City Beach, Florida (the Regency Towers Project). As part of the services performed for the Regency Towers Project, on July 22, 2004, BECI prepared an Exterior Restoration Project Manual which included an “Engineering Scope of Work,” project specifications, final bid specifications, and a regimen of construction inspections. The Engineering Scope of Work and the bid specifications were to be utilized by contractors submitting bids to renovate and replace damaged concrete masonry, reinforcing rods, railings or other structural building components for the Regency Towers Project. The July 22, 2004, Exterior Restoration Project Manual, was not sealed and signed by Respondent as the Professional Engineer responsible for the Manual. SunCoast Restoration and Waterproofing LLC. (SunCoast), a Florida licensed general contracting company, was awarded the construction contract for the Regency Towers Project. SunCoast applied for a building permit on February 1, 2005 with the Panama City Building Department. The building permit application delineated the work to be performed by quoting the “Engineers Scope of Work from Bid Package” prepared by BECI and estimated the cost of construction to be approximately \$27,000.00. The building permit (#B0500535) was issued on March 3, 2005.

The July 22, 2004, Exterior Restoration Project Manual for the Regency Towers Project, prepared by BECI, contains the following phrases to describe work required to be performed by the contractor: (1) “Locate all spalled and cracked areas at the slab edge and overhead ceiling of each floor level.” However, there are no drawings and no measurements reflecting the width, depth and/or length of such cracked areas. (2) “Repair all delaminated concrete surfaces that are identified by the Engineer.” However, there was no further explanation of how or when such identification would take place.

Other than information copied from the July 22, 2004, Exterior Restoration Project Manual; no other drawings or details were submitted to the Building Official by SunCoast to describe the work to be performed by the contractor. There were no measurable performance expectations for the contractor described in the permit application or in the Exterior Restoration Project Manual. There were also no specific directions as to what concrete, masonry, reinforcing rods,

railings or other structural building components are to be removed, repaired and/or replaced during construction.

Based upon the foregoing, the PCP found probable cause and authorized the filing of a two-count Administrative Complaint on January 17, 2008. The PCP recommendation for penalty was Reprimand; \$2,000.00 administrative fine (\$1,000.00 per count for (2) counts); costs of \$2,662.50; Suspension of licensure, stayed if fine/costs paid within 30 days of Final Order date; Subject will be placed on 2 year(s) probation with plan review at 6 and 18 months; Board approved course in Engineering Professionalism and Ethics; study guide; and appearance before the Board to explain: what steps his firm is taking in the investigative phase of a project; if he believes his type of work should be performed by a special inspector; and how he is exercising his responsible charge.

Mr. Rimes explained his concern with the reading of the Florida Building Code. It is not as clear as it should be in addressing this type of practice. With that being said, Professional Engineers must follow the Board's responsibility rules. In negotiation with Mr. Roberts and understanding the possible litigation involved should this case go to DOAH, a Settlement Stipulation was entered into calling a **REPRIMAND for failing to seal and properly sign all engineering documents; COSTS \$2662.50; REVIEW Of PROJECTS at Respondent's cost, from a list to be submitted at 6 months after entry of Final Order; APPEARANCE by Respondent to explain what steps his firm is taking in the investigative phase of a project; if he believes his type of work should be performed by a special inspector; and how he is exercising his responsible charge; ATTENDANCE at Board approved course in Engineering Professionalism and Ethics; COMPLETION of study guide.**

Mr. Roberts discussed the compromise that was made in this case. He does appreciate the concern about standard of care and he noted that entry into a Settlement Stipulation as it does not admit or deny the allegations. Mr. Roberts added that Mr. Nagel takes this matter seriously as it is his first violation since licensure in 1985.

Mr. Nagle addressed the Board by stating that he has practiced engineering for 38 years and he has been licensed in Florida since 1985. He takes the concerns of the Board seriously and he appreciates the Board's responsibility in disciplining of engineers that failed to comply with the rules. He wanted to resolve the issues and move on and for that reason he entered into the Settlement Stipulation.

Mr. Charland stated that in his review of the case the project became one big mess. The reports from the Board's experts prove this fact. He was concerned with the apparent overlooking of recommendations made by the Board's experts.

Upon a motion by Mr. Charland the Settlement Stipulation was rejected and he wanted the case returned to PCP.

Mr. Flury advised the Board of the matter. The Board must accept or reject the Settlement Stipulation. If rejecting, the Board can make a counter stipulation and if the counter stipulation is not accepted the case would go to DOAH. The only time a case should be returned to PCP is to add charges.

Mr. Flury recommended a rewording of the motion.

Upon a motion by Mr. Charland, seconded by Dr. Bauer, the Settlement Stipulation was rejected. A vote was called and the motion passed by majority.

Upon conclusion of discussion, the following action was taken

Upon a motion by Mr. Charland, seconded by Dr. Earle, a counter stipulation was offered calling for terms to follow the recommendation of the Probable Cause Panel. A vote was called and the motion passed.

Mr. Flury advised Mr. Roberts and Mr. Nagel of receiving a copy of the Counter Stipulation unless they were to agree to terms at this time.

Mr. Rimes asked for the record if the appearance would be a part of the counter stipulation as Mr. Nagel was before the Board at this time. The Board confirmed no further appearance as part of the counter stipulation.

R. Professional Practice Presentation by John J. Rimes, III

S. Adjourn