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# NEWSWATCH

www.fbpe.org

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**From the Chairman**

## Signing & Sealing Documents

By John C. Burke, PE

### 1 What has to be signed and sealed?

As provided in Section 471.025(1) all final engineering documents (drawings, specifications, plans, reports and any other documents) that are “prepared or issued” by a PE and are either (1) being filed for public record, or (2) are provided to “the owner or the owner’s representative” must be sealed, signed and dated. This requirement applies to final certifications and as-built/record drawings and reports that are filed with agencies at the conclusion of construction.



Under the law, the foregoing are the only documents that must be sealed, signed and dated. Other “preliminary” documents may be sealed, signed and dated at the direction of clients and agencies, however, a PE must indicate the limits placed upon the use of such documents or it will be presumed that the documents are “final” and can be put to whatever reasonable uses by clients or agencies that are normal uses for such “final” documents.

### 2 Reminder of responsible charge requirement and what it entails as a prerequisite to signing and sealing.

A PE may not seal, sign and date documents unless the documents were prepared under the PE’s “responsible supervision direction and control” (Section 471.033(1)(j)). What constitutes “responsible supervision direction and control” is described in Rule 61G15-18.011(1) which defines “responsible charge.” As set out in that Rule, “responsible charge” is the “degree of control” that a PE must exercise in order to be able to provide the “supervisory direction and control authority” required by Chapter 471. A PE who is in “responsible charge” is the Engineer of Record for the project as a whole or that portion of the project over which the PE exercises such charge (Rule 61G15-18.011(1)).

The degree of control that must be exercised may vary based upon the type of project, however, at a minimum, a PE who is Engineer of Record must make and accept personal professional responsibility for all ultimate engineering decisions made in a project or portion thereof over which the PE exercises Engineer of Record responsibility. Included in that responsibility is not only the duty to personally make final engineering decisions but also the duty to make sure that information upon which the PE relies to make those decisions has been prepared and transmitted to the PE by others, such as subordinates or consultants, who are adequately trained and qualified to collect and transmit such information.

Continued

**John Burke: Signing & Sealing Documents (continued)**

**3 Board's interpretation of "complete"**

Engineering documents under seal are considered complete when the information contained on the documents meets acceptable engineering standards of practice and complies with the applicable Responsibility Rules of the Board, when the documents are usable for all purposes (such as bidding or permitting) for which they can reasonably be used by clients, and when the seal, the autograph signature (not stamp), and date are affixed to the pages or pages of the document that is required by the Board's Rules.

**4 Qualifiers on documents**

A PE is generally advised not to seal documents that are not final or which are not complete. However, sometimes it is necessary to do so in order to comply with AHJ (Authority Having Jurisdiction) requirements or with client demands. If a PE must seal such documents then the PE must describe whatever limits have been placed both on the PE's responsibility and/or on the scope of use of the documents. Such limitations on responsibility or scope of use must be found on the documents and must be clear and unambiguous. Failure on the part of the PE to clearly set out any limit on the PE's responsibility or scope of use of the document will result in the document being considered to be both complete and final and usable for any purposes for which such an engineering document could reasonably be put, such as for governmental permitting, for bidding and construction, construction completion certification, inspection approval, and the like.

**5 Documented understanding with building department when submitting unqualified incomplete drawings.**

PEs should not rely upon "common practice" to submit sealed, signed and dated engineering documents to permitting agencies that are knowingly incomplete but without any notation of that fact on the plans. However, the Board is aware of the fact that certain agencies will perform "initial reviews" or "dry run analysis" of plans but will not engage in such "preliminary" or "dry run" plans reviews upon sealed documents that are stamped as usable only for that purpose. These agencies require the filing of unqualified plans. If PEs are forced to submit unqualified plans to AHJs to obtain a preliminary "dry run review" then, in order to assure that the PE can justify filing plans that are knowingly incomplete, the PE must create a contemporaneous documented understanding of the scope of the AHJs review and of the parties full understanding that the plans were submitted for "dry run" review and would later be supplemented with complete final sealed documents.

**6 Building departments are not for QA/QC**

Submissions of documents under seal and without qualifiers on their use to AHJs are considered to be submissions of final documents and the documents are assumed to be complete for the purpose for which they have been filed. PEs whose practice has been to submit incomplete documents to AHJs and using the review process as a method of Quality Assurance/Quality Control should be aware of the fact that they run the risk of having their work considered to be negligently prepared and subject to discipline. Responding to such a charge that the documents were only submitted for review and were not intended to be complete is not a defense in the absence of some notation on the design of such a limited purpose.

**All Professional Engineers licenses must be renewed by February 28, 2009**

All Current Licensees will need to complete four (4) hours of Areas of Practice and four (4) hours of Laws & Rules with a \$5.00 renewal fee before the expiration date. If a current license is not renewed by 02/28/2009, your license will become delinquent. You cannot practice engineering in Florida with a delinquent P.E. license.

A \$100.00 delinquency fee will be added to the renewal fee if you renew after 02/28/2009.

All Delinquent Licensees will need 16 Professional Development Hours are eight (8) hours of Laws & Rules from two different providers and eight (8) hours of Areas of Practice. You will also require a renewal fee of \$235.00. If your license is not renewed timely, your license will go Null & Void.

**NOTE: All Professional Development hours submitted for continuing education credit must meet the requirements of our Continuing Education Rules 61G15-22, F.A.C.**

When a license goes "Null & Void" Status, your license cannot be re-activated or renewed. You must re-apply for a new PE license in Florida through the Endorsement application process.

You can renew your Florida Professional Engineers license online at [www.myfloridalicense.com](http://www.myfloridalicense.com) by reporting your Areas of Practice hours, viewing your Laws & Rules Course, and paying your fees.

You can review a list of Continuing Education providers on the Boards website at [www.fbpe.org](http://www.fbpe.org) under the Continuing Education link.

If you choose to renew by mail, submit your completed renewal form to the Board Office to the address on the renewal form.

## Meet the Licensure Team for PE Exams

### BRIAN LYNCH

**B**rian joined FEMC in March of 2002. Mr. Lynch has functioned in several positions beginning as the Examination Administration Supervisor and the Licensure Analyst for the Licensure by Endorsement process.

In August 2006, Brian moved to the Principles & Practice Examination Application process, and the examination scheduling the P&P exams.

Brian has over 20 years of Florida Licensure and Regulatory experience beginning in 1986 as the Review Coordinator for the Probable Cause Panel for the Board of Medicine with the Department of Business and Professional Regulation. After four years in this capacity, Mr. Lynch accepted the position of Examination Administration Supervisor for several DBPR Boards including the Dental/Dental Hygiene, Chiropractic, Optometry and Pilots examinations.

Prior to coming on-board with FEMC, Mr. Lynch handled the Regulatory and Complaint Investigation process for Florida Timeshare operations in the Florida Panhandle.



### AMANDA DAY-JANECEK

**A**manda Day-Janecek is currently in charge of the Principles and Practices exam and Re-exam applications with the surname beginning with N-Z. She is also a backup to accounting and a part of the renewal team.

Amanda has worked in licensure for over four years. She started her career in State licensure in July 2004 at the Department of Business and Professional Regulation/Central Intake unit in the License maintenance department. She maintained licenses including renewal, active/inactive status, address changes and other license maintenance issues with various Boards including but not limited to Construction, Real Estate, Cosmetology, and Architecture. In August 2006 she moved to the "application" section of the Central Intake Unit reviewing and approving Real Estate Trainee, Residential and General Appraiser applications.

Amanda joined the Florida Engineers Management Corporation in January 2007 in the height of 2005-2007 renewal. She was Licensure Analyst for Certificate of Authorization applications, NCEES Endorsement applications and she was part of the renewal team.

In August 2008 her job duties changed to the Principles and Practices exam and Re-exam applications with the surname beginning with N-Z. She is also a backup to accounting and a part of the renewal team. She recently handled the deadline for the Initial P.E. exam application for the upcoming April 09 P.E. exam of about 300 applicants with the surname of N-Z.



## EXECUTIVE DIRECTOR MESSAGE

### Recognition

**O**ver the past 28 years, I have had the opportunity to work with many outstanding individuals who made the commitment to serve on the Board of Professional Engineers. When an engineer /or layperson assumes a position on the Board the engineer/ or layperson is suddenly faced with attending Board meetings, application committee meetings, probable cause and/or special rules and legislative committees meetings as needed. A great deal of time is devoted to the board business. This time is in addition to continuing with their personal and business obligations. I salute the present and past Board members for their dedication and service to the Board and the profession of engineering.



**Carrie A. Flynn**  
Executive Director

### Welcome new Board members

**A** special welcome is extended to Paul Halyard, P.E. Mary Young, Public Member, Dan Wallis, P.E. and Dr. Bijay Penagrahi, Ph.D., P.E. latest appointees to the Board of Professional Engineers. The Board is now serving with a full complement of eleven members.

Renewal for 2009-2011 is underway. I am happy to report an increase in the numbers of licensees renewing on line. Remember on line renewal is the most expedient method of renewal. Our Renewal Team can assist you with renewal questions. Press Option 6 when calling the office (850-521-0500) to speak to one of the Renewal Team members. Office hours are 8:00 - 5:00 p.m. daily.

### Examinations

**T**he FE and PE examinations are scheduled for April 24 and 25, 2009. Remember you must have your Candidate Number to register with ELSSES In order to sit for the April 2009 examination. If you miss the filing deadline and/or complete deadline, your next opportunity is to follow established deadlines for the October 2009 examinations. Further details are available by visiting [www.fbpe.org](http://www.fbpe.org) select applications then select application deadlines.

# Whitston, Former FBPE/FEMC Board Member, Retires

The Florida Board of Professional Engineers and Florida Engineers Management Corporation would like to recognize David A. Whitston, PE 34940.

Mr. Whitston served as a member

of the Board of Professional Engineers from 1996 through 1999 and the Florida Engineers Management Corporation from 2000 through 2004.

During his tenure on the FBPE and the FEMC Boards, Mr. Whitston

held the title of Vice Chair and Chair.

We wish Mr. Whitston well as he enters retired status and we applaud him for his distinguished service to each of these Boards and the profession of engineering.

If your mailing address contains red stars, you need to check the status of your license.



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## DISCIPLINARY ENFORCEMENT ACTIVITY

### **Thomas Carey, P.E.** *PE 5574*

Licensee was charged with eight (8) counts of negligence in the practice of engineering and for failure to comply with the requirements for structural construction documents as set forth in Responsibility Rule 61G15-31.002(1), F.A.C. Based on a stipulation, the Board imposed a fine of \$1,000.00, costs of \$1,874.92, and accepted a voluntary relinquishment of Mr. Carey's license to practice engineering.

### **Judy A. Perkins, P.E.** *PE 62332*

Licensee was charged with one (1) count of negligence in the practice of engineering. Perkins signed and sealed plans for a planned unit development but failed to allow for a stormwater collection system to collect roadway drainage. The Board approved a settlement stipulation imposing a fine of \$1,000.00, costs of \$2,300.00, reprimand, and probation of two (2) years, concurrent with Case No. 2006033572.

### **Nicholas W. Nicholson, P.E.** *PE 37862*

Licensee was charged with one (1) count of negligence in practice of engineering. The drawings and specifications signed and sealed by Nicholson were filed with Hernando County, which formed the basis for the issuance of a building permit. Design documents exceeded applicable code limits for live/dead loads, allowable bending stress,

and loading tension. Based on an appearance before the Board and settlement stipulation, the Board imposed a Letter of Guidance for signing and sealing documents for a firm without an active Certificate of Authorization, reprimand, costs of \$2,000.00, one (1) year probation, and completion of an Intermediate Professionalism & Ethics course.

### **Art Stitzel, P.E.** *PE 50658*

Licensee was charged with one (1) count of negligence for failure to comply with the requirements set forth in Responsibility Rule 61G15-31.003(1), F.A.C. governing the design of structures utilizing prefabricated wood trusses. Stitzel failed to provide adequate support of second floor bearing walls, resistance to wind uplift loads transmitted through rods, and lack of specifications on design loads, truss profiles, intended support conditions, and special requirements in the truss design. Following an appearance before the Board where Stitzel discussed his understanding of the Delegated Engineer's Responsibility Rule, and based on a settlement stipulation, the Board imposed a fine of \$1,000.00, costs of \$1,073.00, reprimand, probation of two (2) 2 years, completion of the Laws & Rules Study Guide, project review at six (6) and eighteen (18) months, and completion of a Professionalism & Ethics course.

### **Costa S. Vatikiotis, P.E.** *PE 45631*

Licensee was charged with one (1) count of negligence in the practice of engineering. Vatikiotis signed and sealed permit drawings as the structural Engineer of Record and failed to consider site conditions, demonstrate the adequacy of the foundation to safely resist Florida Building Code specified wind loads, and to specify anchorage devices necessary for a critical shear wall to safely resist Code specified wind loads. The Board approved a settlement stipulation imposing a fine of \$1,000.00 and costs of \$273.00.