



*Linking You with the Florida Board's Latest Engineering News & Information*

# Connection



## Construction Certifications

### *By Way of Misleading Statements*

*This article is the first in a series intended to address the practice of engineers providing illegitimate construction certifications. This particular article focuses on engineers providing construction certifications that include misleading statements or omissions intended to facilitate a fallacious conclusion on the part of the permitting authority.*

Currently, there exists the practice of contractors obtaining plans and/or reports prepared by one engineer, using those plans and/or reports to obtain a permit, performing the work that the contractor choose to and then hiring a second engineer to "certify that the work was completed." One portion of the construction industry where this practice is known to exist is sinkhole remediation. Setting aside the efficacy and legality of the contractor's actions, this article is intended to address the role that the certifying engineer plays in prompting such activity.

### ***Construction Certifications***

The construction certification that is sought by the contractor is required to satisfy the permit requirements of Chapter 1 Section 107 of the Florida Building Code. Recognizing that an engineering certification constitutes an affidavit under the Florida Building Code, the specific passages that relate to this requirement are as follows:

***FBC 107.4 Amended Construction Documents.*** *Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.*

*(Continued on page 3)*

### *What's inside...*

<i>From the Executive Director</i>	<i>2</i>
<i>Chairman's Corner</i>	<i>2</i>
<i>Noteworthy News</i>	
<i>Florida Board Reaches Full Capacity</i>	<i>4</i>
<i>Latest News from NCEES</i>	<i>5</i>
<i>Florida's Division of Emergency Management Publishes Local Ordinance Examples &amp; Building Code Resources</i>	<i>6</i>
<i>Department Focus—Licensure</i>	
<i>2012 Exam Cycle Coming to a Close...Renewal Around the Corner</i>	<i>7</i>
<i>Newsworthy Events</i>	<i>8</i>
<i>Department Focus—Legal</i>	
<i>Florida's First Licensed Engineers</i>	<i>9</i>
<i>Recent Engineer Discipline</i>	<i>10</i>
<i>Engineer of Record Questions</i>	<i>17</i>
<i>ICC &amp; FSEA Working to Provide Assistance in Wake of Disasters</i>	<i>12</i>
<i>2012 ASCE Southeast Student Conference</i>	<i>13</i>
<i>Employee Spotlight</i>	<i>15</i>
<i>Mark Your Calendar</i>	<i>16</i>

# From the Executive Director

We are pleased to finally have a full Board seated with the addition of our last two appointees. They are Dr. Michelle Rambo-Roddenberry, Ph.D., P.E., of Tallahassee, and Richard Wohlfarth, P.E., of Lake Mary. Both new members attended their first Board meeting recently in Orlando, Florida and we look forward to working with them. You can read more about our newest members in the *Noteworthy News* section of the newsletter.

On March 23 and 24, 2012, FBPE staff members assisted with the 2012 ASCE Southeast Student Conference. Staff had the opportunity to greet participants and offer information about testing and licensure to students from all over the southeastern United States. FBPE staff observed student competitions in such areas as concrete canoes, steel bridges and hydraulic rockets. The annual competition, hosted this year by the ASCE Student Chapter and Conference Committee at the FAMU-FSU College of Engineering, brought students together to demonstrate their engineering skills and knowledge.

FBPE Board members and staff also served as observers during the recent NCEES examinations held across Florida on April 13 – 14, 2012. Approximately 1,028 F.E. candidates, 481 P.E. candidates and 27 structural candidates sat for exams in Miami, Ft. Myers, Tampa, Orlando, Gainesville, and Tallahassee over a two day period. We expect the exam results to be released by NCEES between May 15, 2012 and May 30, 2012 and those who successfully passed exams will receive their license or certificate within six to eight weeks following release of the grades.

On a low note, FBPE is sad to report that Jerry Ongley, long-time FBPE investigator, retired on April 30, 2012 after 14 years with the Board. Jerry was hired in 1998 when the legislature formed the Florida Engineers Management Corporation (FEMC) to manage the Board and moved it away from DBPR. He has been a diligent and conscientious staff member with a sunny personality and we will miss him terribly.

For those who are active with the Building Officials Association of Florida (BOAF), FBPE plans to have an exhibit at their upcoming 60<sup>th</sup> Annual Conference & Trade Expo from June 3 – 7, 2012 in Lake Buena Vista, Florida. The investigators from our legal section will attend and be available to answer any questions pertaining to unlicensed activity and other disciplinary matters related to engineering. Plan to visit our booth if you are there.

Lastly, be sure to visit our website and keep an eye out in the newsletter in the coming months for information about the 2013 license renewal. There are changes coming and you will want to be sure to have all the information necessary to renew your P.E. license without a glitch.



Zana Raybon  
FBPE Executive Director

A handwritten signature in dark ink, appearing to read "Zana Raybon".

## Chairman's Corner



John C. Burke, P.E. FBPE Chair

### Recap of 2012 NCEES Southern Zone Interim Meeting

I attended the NCEES Southern Zone Interim Meeting in Huntsville, Alabama from April 19-21, 2012, along with FEMC Board Chair, Roger Jeffery, P.E., and FBPE Executive Director, Zana Raybon. It was a very informative meeting and each of us had an opportunity to attend individual forums for engineers, administrators and law enforcement personnel.

The Committee on Computer Based Testing (CBT) provided an update and several presentations on the future of the Fundamentals Examination (F.E.). One of the presentations was a demonstration from Pearson VUE that shows both the type of navigation that examinees will see, as well as possible new item types that could be used in future versions of CBT exams. A global leader in CBT with the world's most comprehensive and secure network of testing centers across 165 countries, Pearson VUE has been selected by NCEES to administer the CBT examinations. Pearson VUE provides testing services for academic, government, and professional testing programs, including licensure exams for the National Council of State Boards of Nursing and the National Association of Boards of Pharmacy, as well as the Graduate Management Admissions Test (GMAT).

With the F.E. exam on a fast track for computer based testing, the Committee on Examinations for Professional Engineers (EPE) also made motions to transition the P.E. exam to a computer based format at the earliest possible time.

Aside from regular business, the attendees were treated to a tour of the U.S. Space & Rocket Center and a short seminar by Al Reisz, P.E., former NASA Engineer and former member of the Alabama Board of Engineers & Land Surveyors. Mr. Reisz spoke on engineering the Saturn V rocket and the many benefits the space program has made to other areas of technology.

Attendees also had a chance to hear from Dr. Travis Taylor, a Professional Engineer from Huntsville, AL, who leads a team of five on the popular National Geographic TV series "*Rocket City Rednecks*." Dr. Taylor is an enthusiastic young man whose passion for the U.S. space program is evident. Be sure to check out the show "*Rocket City Rednecks*" when you have a chance. It is both entertaining and educational.



**FBC 107.6 Affidavits.** *The building official may, without any examination or inspection, accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the building official copies of inspection reports as inspections are performed and upon completion of the structure ... that the structure ... has been erected in accordance with the requirements of the technical codes. Where the building official relies upon such affidavit, the architect or engineer shall assume full responsibility for compliance with all provisions of the technical codes and other pertinent laws and ordinances.*

Therefore, when an engineer issues a certification, or building code compliant affidavit, that engineer has an obligation to clearly state whether the work has been installed in accordance with the approved construction documents.

### ***The Engineer's Role - Obligations***

When evaluating an engineer's role in such an enterprise, one begins by examining the service or deliverable that the engineer provided and then evaluating the standard of care exercised in producing it. Beginning with the certification that is produced, Florida Administrative Code **61G15-29.001** titled: ***Certification Definition, Procedures, Prohibitions*** discusses what is required of an engineer when providing a signed and sealed certification. Of particular note are the following passages:

**61G15-29.001(2)** *When an engineer is presented with a certification to be signed and sealed, he or she shall carefully evaluate that certification to determine if any of the circumstances set forth in subsection (3) would apply. If any of these circumstances would apply, that engineer shall either: (a) modify such certification to limit its scope to those matters which the engineer can properly sign and seal, or (b) decline to sign and seal such certification.*

**61G15-29.001(3)** *Engineers who sign and/or seal certifications which: (a) relate to matters which are beyond the engineer's technical competence, or (b) involve matters which are beyond the engineer's scope of services actually provided, or (c) relate to matters which were not prepared under engineer's responsible supervision, direction, or control; would be subject to discipline pursuant to Rule 61G15-19.001(6), F.A.C.*

In other words, when issuing a certification the engineer is obligated to clearly state the limits on his or her scope. Also, keep in mind that **61G15-30.002** and **61G15-30.003** deal with engineering documents and the minimum requirements for engineering documents. With respect to certifications, these sections state that when the engineer does not intend to accept full responsibility for elements, the engineer shall clearly note on the documents the extent of his or her responsibility.

Therefore, when an engineer issues a certification, that engineer has an obligation to clearly state the limits on his or her scope as well as any matters for which the engineer does not intend to accept responsibility.

### ***The Engineer's Role - Standard of Care***

The next step in evaluating an engineer's role in such an enterprise is to consider the standard of care the engineer exercised. In the case where the engineer omits or misrepresents the engineer's scope or any material facts, one must consider Florida Administrative Code **61G15-19.001**. This passage, titled: ***Grounds for Disciplinary Proceedings***, establishes practice rules by way of outlining and discussing prohibitions. Of particular note are the following passages:

**61G15-19.001(6)** *A professional engineer shall not commit misconduct in the practice of engineering. Misconduct in the practice of engineering as set forth in Section 471.033(1)(g), F.S., shall include, but not be limited to: (b) Being untruthful, deceptive, or misleading in any professional report, statement, or testimony whether or not under oath or omitting relevant and pertinent information from such report, statement or testimony when the result of such omission would or reasonably could lead to a fallacious conclusion on the part of the client, employer or the general public;*



# Noteworthy News

## Florida's Professional Engineers Board Reaches Full Capacity

On March 27, 2012, two more appointments and one re-appointment were made by Governor Rick Scott to the Florida Board of Professional Engineers. These latest appointments fill the remaining two seats on the Board since the appointment of members William Bracken, P.E., Anthony Fiorillo, P.E., and Kenneth Todd, P.E. made on January 30, 2012. We congratulate Ms. Nola Garcia on her re-appointment and welcome newest members Dr. Michelle Rambo-Roddenberry, Ph.D., P.E. and Richard C. Wohlfarth, P.E.



### Dr. Michelle Rambo-Roddenberry, Ph.D., P.E.



**Dr. Michelle Rambo-Roddenberry, P.E.,** is an Assistant Professor at the Florida A&M – Florida State University College of Engineering in Tallahassee, Florida. She received her Bachelor and Master's degrees in Civil Engineering from Florida State University, and her Ph.D. degree in Civil Engineering from Virginia Tech. She has seven years of previous experience as a Bridge Engineer and is a registered Professional Engineer in the state of Florida. At FAMU-FSU, she has taught

“Senior Design Project,” an engineering professional issues course, and structural engineering courses, including Concrete Design, Bridge Engineering, and Pre-Stressed Concrete. Her research is primarily in concrete failure behavior and bridge engineering, particularly pre-stressed concrete bridges, analysis, in-field measurements, and load rating.

Based on Dr. Roddenberry's work with the “Senior Design Project” course, her department is the past winner of the NCEES Engineering Award Grand Prize for the “**Connecting Professional Practice with Education.**” She is an active member of the Florida Engineering Society (FES) and the American Society of Civil Engineers (ASCE). Aside from normal academic service activities such as reviewing technical journals and NSF proposals, she is involved in service to the community and students through her work in K-12 outreach, MathCOUNTS, the regional science fair, advising the FAMU-FSU ASCE-FES Student Chapter, and hosting annual Order of the Engineer Ring Ceremonies for students and engineering professionals. She is also author of several technical journal articles and conference papers.

Dr. Roddenberry fills the Education seat on the Board and her term is approved for March 27, 2012 through October 31, 2013.

### Richard C. Wohlfarth, P.E.



**Richard C. Wohlfarth, P.E.,** better known as “Rick,” is currently the Associate Director and Chief Operating Officer of IBI Group, (Florida), Inc. He obtained his Bachelor of Science Degree in Civil Engineering from the University of Florida and is a licensed Professional Engineer in the State of Florida.

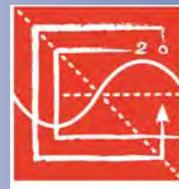
Mr. Wohlfarth's professional career and engineering experience spans nearly 40 years, beginning as a Staff Engineer at Hardrives Company in 1973, and later joining Williams, Hatfield and Stoner, Inc. in 1975 as Resident

Project Representative and Project Manager. His consulting career began when he started working at CCL Consultants, Inc. in 1980. Soon after joining CCL Consultants, Inc., he was promoted from Regional Manager to a Principal and President of the firm. In 2004, CCL was acquired by IBI Group, a multi-disciplinary architecture, engineering, consulting and design firm.

His expertise and involvement with land development work throughout the State of Florida includes various projects including Weston, Broward County; The Waterways; Dade County; Tuscan Woods, Volusia County; and Heathbrook, Marion County, just to name a few. His work experience also encompasses many parts of the world including the Middle East, Africa, China and the Caribbean.

Mr. Wohlfarth's appointment completes the vacancy for the Civil discipline seats on the Board and his term is from March 27, 2012 through October 31, 2013.

For a listing of all FBPE and FEMC Board members go to our website at [www.fbpe.org](http://www.fbpe.org) and select **About FBPE** or **About FEMC**.



## New Developments in Aftermath of Deepwater Horizon Disaster Emphasize Role of Licensure in Ethical Engineering Practice

Dale Jans, P.E., NCEES President, along with Jerry Carter, NCEES Executive Director, released the following update to all of its member licensing boards on May 3, 2012, regarding the 2010 disastrous oil spill in the Gulf of Mexico.

With the arrest of former BP Engineer Kurt Mix putting the Deepwater Horizon disaster back in the headlines, it is important to remember the vital role that the licensing of engineers plays in protecting the American public, not just from technical incompetence but also from unethical practices.

Mix was arrested on April 24 on charges of obstruction of justice. He is accused of intentionally destroying electronic records related to the response to the April 2010 Deepwater Horizon disaster, which killed 11 and led to the largest oil spill in U.S. history. The first individual to face criminal charges following the disaster, Mix is accused of deleting hundreds of text messages, including some concerning the amount of oil potentially flowing into the Gulf of Mexico following the Macondo well explosions. While Mix should be afforded the presumption of innocence that any accused person is entitled to under our legal system, the allegations surrounding his arrest present an opportunity for sober judgment about the public's interest in the practice of engineering.

Most of the media reports about Mix are referring to him as an engineer. Individuals such as Mix practice engineering in the private

sector every day without a license under licensure exemptions. While state laws may not always require a license, NCEES is committed to advancing licensure for engineers to better protect the public from incompetent or unethical practice.

Professional Engineers are licensed at the state level; they must meet education and experience requirements in addition to passing a standardized examination program. To maintain a license, a P.E. must adhere to a strict code of conduct, with the primary charge being to practice the profession in a manner that protects the health, safety, and welfare of the public. A Professional Engineer who violates this obligation is subject to losing his or her license.

In a statement released in June 2010 during efforts to stop the flow of oil into the Gulf of Mexico, NCEES leadership highlighted the role of engineering licensure in protecting the public from incompetent or unethical practice. The latest developments in the Deepwater Horizon disaster call attention to the importance of ensuring that business activities do not sacrifice the well-being of our nation's citizens.

It is a mission to which NCEES and its member licensing boards remain firmly committed. FBPE supports NCEES' commitment to the proper practice of engineering and ethical business practices. We remain dedicated to protecting the interest of public health and safety by properly regulating the practice of engineering in this state through appropriate licensing practices, investigating any/all alleged violations and enforcing prosecution of any individual or firm found violating the Florida Statutes or Rules for the engineering profession.



## PE Industrial Exam Moving to Spring Administration

Following the October 2012 administration of its PE Industrial exam, NCEES announced May 1, 2012, that they will move the exam to an April administration. The first offering of the exam with this new schedule will be in April 2013.

When the exam is offered in April 2013, it will also have new specifications, which indicate the knowledge areas to be tested and their relative weights of emphasis. As the developer of the exams used for engineering licensure in the United States, NCEES—in partnership with the Institute of Industrial Engineers (IIE) — conducted a survey of licensed engineers working in industry, government, private practice, and academia to gather information about the knowledge and skills required of professionals in industrial engineering. With support from IIE, NCEES used the results to update the exam specifications.

The new specifications are available online on the NCEES website at [http://www.ncees.org/Exams/PE\\_exam.php](http://www.ncees.org/Exams/PE_exam.php). Updated study materials will be published in October 2012.

NCEES stated that the exam WILL NOT change for the October 2012 administration. The exam will be offered at the same time using the current exam specifications. The new time and updated specifications will be effective and used in the April 2013 exam cycle.

*This section contains a brief overview of recent news releases by NCEES concerning items that may be of interest to our engineering community. These updates published here are intended to be only a brief description so we encourage you to visit [www.ncees.org](http://www.ncees.org) for full releases and their latest and most up-to-date information.*



# Florida's Division of Emergency Management Publishes

## Local Ordinance Examples and Building Code Resources

Recently, the State of Florida's Division of Emergency Management published information for Design Professionals, Code Officials, Contractors and Floodplain Managers regarding the new flood provisions within the 2010 Florida Building Code. To aid users, the Division of Emergency Management added to its website a page containing links to **Local Ordinance Examples** and **Building Code Resources**.

The **Local Ordinance Examples**, updated on April 12, 2012, are intended to provide Code Officials, Floodplain Managers and their respective legislative bodies with guidance by way of an example ordinance. Given that review and enforcement authority regarding structures in flood hazard areas was, prior to the 2010 Florida Building Code, granted by way of specific ordinance to the Floodplain Manager, agencies throughout the State of Florida are now faced with transitioning all or part of this authority between their respective floodplain manager and building official. The example ordinance provided is intended to help jurisdictions with this transition.

A number of the provisions dealing with construction in flood hazard areas were referenced or included in previous versions of the Florida Building Code, however the lack of clarity as to what enforcement and plan review authority the building official had resulted in many jurisdictions using separate floodplain ordinances. According to one of the State's leading Floodplain Managers, Mr. Gene Henry with Hillsborough County, *"This change has allowed for better monitoring of construction standards under a community's implementation of the NFIP ... It creates better collaboration between agencies and with the private sector performing designs within flood-hazard areas."*

The **Building Code Resources**, originally compiled for the Florida Building Commission, provide the reader with cites and passages found within the 2010 Florida Building Code pertaining to construction within flood hazard areas. Even the experienced designer or contractor will find that the "Rules" have changed. While many of the definitions and

performance requirements remain the same, a number of prescriptive requirements have been added and/or modified. In addition, ASCE's 24-05 titled: **Flood Resistant Design and Construction**, has been incorporated by reference so as to include its performance and prescriptive requirements as well.

***"This change has allowed for better monitoring of construction standards under a community's implementation of the NFIP ..."***

Mr. Gene Henry with Hillsborough County

With the newly added design requirements, many of which are prescriptive, adequate design and detailing are to be shown within the plans. In addition, the code has expanded the plans review and inspection requirements thereby, calling for certain items prior to the permit, prior to vertical construction and prior to the project being completed. According to Mr. Henry; *"The change in the code did not modify the responsibilities of the Building Official or the Floodplain Manager, but does now clearly illustrate how design professionals are to include flood requirements and what respective items are now to be included within the field inspections."*

For more information on **Local Ordinance Examples** and **Building Code Resources** please visit: [http://www.floridadisaster.org/Mitigation/SFMP/lobc\\_resources.htm](http://www.floridadisaster.org/Mitigation/SFMP/lobc_resources.htm). For those seeing training or seminars on this topic, two professional societies recognized by the Florida Board of Professional Engineers, the Florida Engineering Society (FES) <http://www.fleng.org> and the Building Officials Association of Florida (BOAF) <http://www.boaf.net>, have held classes on these updates and are reportedly planning future classes.

Whether through FES, BOAF, or other legitimate providers, it is highly recommended that any engineer whose practice includes work governed by the Florida Building Code stay up to date and remain aware of its changes. This is especially true for those engineers whose work is subject to the new flood provisions within the 2010 Florida Building Code.

*This article was submitted by FBPE Board member William C. Bracken, P.E., S.I. Mr. Bracken is the President and Principal Engineer for Bracken Engineering located in Tampa, Florida. He is a licensed Special Inspector and Professional Engineer in the State of Florida.*

**FLORIDADISASTER.org**  
Florida Division of Emergency Management

## Licensure »»»»

### 2012 Exam Cycle Coming to A Close ... Renewal Around the Corner

The Board Application and Licensure section is in the process of wrapping up the April exam administration and grades should be released shortly by the NCEES. Once released, P.E. licenses can be issued to passing Principles and Practice exam takers and eligible Fundamentals candidates will receive their Engineer in Training (EIT) certification. Passers of the Principles and Practice exam will be able to verify their licensure status at [www.myfloridalicense.com](http://www.myfloridalicense.com), where the numbers will be displayed prior to mailing out the licensure documents.

Our office has steadily been receiving October exam applications and now that the May 18, 2012, deadline has passed, licensure staff will be working hard to complete these applications by the June 22, 2012, completion deadline. It is important to note that all applications received after May 18, 2012, will be scheduled for the April 2013 exam cycle.

Deadlines for applications and exam dates are listed below:

#### Application Due Dates for NCEES Exam

Applications Received By:	Application Files Completed and Re-Exam Applications By:	Professional Engineering Exam Date	Fundamental Engineering Exam Date
May 18, 2012	June 22, 2012	October 26, 2012	October 27, 2012
October 12, 2012	December 14, 2012	April 12, 2013	April 13, 2013
May 17, 2013	June 12, 2013	October 25, 2013	October 26, 2013
October 11, 2013	December 13, 2013	April 11, 2014	April 12, 2014
May 16, 2014	June 20, 2014	October 24, 2014	October 25, 2014

#### NCEES Exam Dates

Professional Engineering Exam Date	Fundamental Engineering Exam Date	Structural Engineering Exam Date
April 13, 2012	April 14, 2012	Apr   13-14, 2012
October 26, 2012	October 27, 2012	October 26-27, 2012
April 12, 2013	April 13, 2013	Apr   12-13, 2013
October 25, 2013	October 26, 2013	October 25-26, 2013
April 11, 2014	April 12, 2014	Apr   11-12, 2014
October 24, 2014	October 25, 2014	October 24-25, 2014

It's also getting close to that time again....**RENEWAL!** Current licenses will expire on **February 28, 2013**. Remember that continuing education requirements of four (4) hours in area of practice and four (4) hours of Florida laws and rules need to be completed prior to the onset of renewal. Once your CE requirements are satisfied, it will be as simple as logging into your account at [www.myfloridalicense.com](http://www.myfloridalicense.com) and paying your renewal fee. This year license holders will sign a statement attesting to completion of CE credits and then pay the fee. By signing the statement, you will acknowledge that you are subject to a random audit of continuing education credits, so be sure to keep your certificates! We expect the renewal process to even easier this year than in previous years. Be on the lookout for future announcements in the FBPE newsletter regarding renewal.

The Board is currently looking at ways to make reporting easier for the licensee and providers and any changes will be announced in future newsletters. Stay tuned for more information and instruction on the renewal process in our next issue of **FBPE Connection**.

# Newsorthy Events

## “RAISING THE PROFILE”



The BOAF (Building Officials Association of Florida) 60<sup>th</sup> Annual Education Conference and Trade Expo will be held on June 2, 2012 through June 7, 2012, at the Hilton Walt Disney World in Lake Buena Vista, Florida. This year’s theme, “*Raising the Profile*,” is focused on educating and training code enforcement professionals on the latest changes within the profession. In addition to the opportunities to network with others, the multi-day event offers professional high quality education training, a trade expo, companion program events, a banquet and officer installation.

Currently, there are over 75 cities, counties, and districts from across the state registered for this event along with other exhibitors, and the FBPE will be in attendance. Having attended this event several times, this venue provides an excellent opportunity for Building Officials across the state to discuss with FBPE Investigators issues that have arisen throughout the year. Since so much of FBPE’s contact with city, county and state officials is handled telephonically or electronically, officials have the ability to ask questions one-on-one about rule definitions and changes, the complaint and investigative process, or inquire about cases on public record. We look forward to participating in this year’s conference and supporting our mission of ensuring the health and safety of the public through education, licensure and regulation of the engineering practice in the State of Florida.

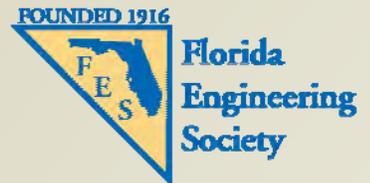
For more information about this event, go to <http://www.boaf.net/education/2012-conference-lake-buena-vista/444-2012-conference-a-trade-expo.html>.

*BOAF represents Building Officials, Inspectors and Plans Examiners and the building industry in the State of Florida.*

## “ENGINEERS: MAKING DREAMS COME TRUE”

FBPE will be attending the FES/FICE 96<sup>th</sup> Annual Summer Conference and Exposition, August 8 – 11, 2012, in Hilton Bonnett Creek, Orlando Florida. Each year FES/FICE’s conference offers its members a number of educational sessions regarding industry related topics and exhibits, a Florida Laws and Rules seminar, member meetings and receptions, and a guest Key Note Speaker.

This year’s theme is “Engineers: Making Dreams Come True,” and the Key Note Speaker is Dennis Snow. Mr. Snow worked with Walt Disney World over 20 years and now is a full-time speaker, trainer and consultant who helps organizations achieve goals related to customer service, employee development and leadership. He is a published author and frequent writer of industry related publications. This year attendees will be educated on “Delivering World-Class Customer Service” and “Leading a Culture of Service Excellence.”



Registration for this event will be accepted at the FES office until July 20, 2012 using the printable registration form found at <http://www.fleng.org/images/files/Registration%20Form.doc%201.pdf> or you can register online at [http://www.fleng.org/seminar\\_register.cfm](http://www.fleng.org/seminar_register.cfm). FES has also arranged a special room rate with the Hilton Bonnet Creek until July 13, 2012, so don’t hesitate to reserve today at [http://www.hilton.com/en/hi/groups/personalized/O/ORLHHHH-ZENG-20120807/index.jhtml?WT.mc\\_id=POG](http://www.hilton.com/en/hi/groups/personalized/O/ORLHHHH-ZENG-20120807/index.jhtml?WT.mc_id=POG).

Several hundred people attend this event each year, and it serves as an excellent opportunity to network, gain a better understanding of Engineering Statutes and Rules, and hear the latest trends and issues within the engineering industry in Florida. For more information about FES and how to become a member visit their website at [www.fleng.org/](http://www.fleng.org/).

*The Florida Engineering Society (FES) has been the statewide society of Professional Engineers since 1916, from all disciplines that promotes the ethical and competent practice of engineering, advocates licensure, and enhances the image of its members. FES serves over 3,500 members.*

### Florida's First Licensed Engineers

Engineering has been around for thousands and thousands of years. History tells us that Imhotep was the earliest civil engineer known by name. The “rumor” is that he probably designed and supervised the construction of the Pyramid of Djoser at Saqqara in Egypt between the years 2630-2611, B.C. Of course, since that time the practice of engineering has changed drastically.

Recently, a decision was made to take all licensure records held on microfilm and have them converted and placed into the current archival system. While reviewing some of the older microfilm records, we came across the applications for the first Professional Engineers licensed in the State of Florida. Many of the first engineers licensed were not born in Florida but from places like England, France and Denmark. Such a diverse group of individuals all landed in Florida and, the history of Professional Engineering in Florida began.

To honor those first Florida licensed engineers, below is a list of the first twenty-five (25) Professional Engineers licensed in the State of Florida.

NAME	LICENSE #	DATE OF BIRTH
Richard Edward Chandler	1	November 17, 1866
Randolph Orrin	2	October 11, 1881
Clarence Sherman Hammett	3	November 11, 1858
Gail Lawrence Barnard	4	January 28, 1877
Robert Youngman Patterson	5	September 22, 1880
Leander Irving Smith	6	October 26, 1885
Frank Horatio Downes	7	April 1, 1869
Roy F. Goodman	8	June 17, 1882
T. Hurd Kooker	9	June 19, 1871
Arthur D. Stevens	10	November 18, 1862
John William Bushnell	11	December 1, 1851
Leon T. Morgan	12	February 8, 1868
Robert Naadain Ellis, Jr.	13	October 10, 1874
Chester A. Barnett	14	June 10, 1882
Ernest Waldo Curtis	15	December 27, 1880
Charles Elliott Henderson	16	January 16, 1879
H. E. Wylie	17	August 14, 1847
Benjamin Thompson	18	May 27, 1855
William E. Brown	19	April 14, 1880
Goold Taylor Butler	20	June 22, 1860
William Hale Kimball	21	February 22, 1878
Clarence Mord Rogers	22	May 20, 1874
Alan John MacDonough	23	November 1, 1888
Anton Schneider	24	January 11, 1871
Fred Thomas Williams	25	April 22, 1876



John W. Bushnell, a Civil Engineer with Florida Railway and Navigation Company, was responsible for laying out the railroad right of way in Sumter County, Florida and for whom the town of Bushnell was later named in 1884, when he was just 33 years old.



Arthur D. Stevens was a Mechanical and Electrical Engineer who served as President of Merrill-Stevens Engineering Company incorporated in 1885. Once located on the St. John's River in South Jacksonville, Florida, the engineering company evolved from a blacksmith shop to building ships for transporting troops during WWI and later became the largest Atlantic shipyard south of Norfolk, VA during WWII.

Picture Source: Florida Department of State, Florida Memory Project.

*In the last three months, the Board has formally approved the following enforcement cases based on the Florida Statutes and Rules applicable at the time of the violation. Included is a brief description of the licensee's violation and discipline imposed by the Board.*

# Recent Engineer Discipline



**Donald Flood, P.E.**  
License No. 44847  
Case No. 2010055664

Licensee performed revised calculations related to the mechanical attachments of the A/C Equipment Screens for a housing community in which two A/C equipment screens sustained structural damage as a result of Hurricane Wilma. The revised calculations were alleged to inadequately reflect a proper design of the expansion bolts, and, as a result, the bolts were alleged to be overloaded as per the 2001 Florida Building Code prescribed wind loads. Therefore the licensee was charged with engaging in negligence in the practice of engineering.

**Ruling:** A Final Order and Settlement Stipulation was approved by the Board imposing fines and costs, reprimand, appearance, probation for two years with project reviews conducted at six and eighteen months, successful completion of the Professionalism and Ethics course and study guide. In the event, the Licensee has not performed enough structural engineering services to meet the requirements of the project reviews, the licensee agrees to have his license restricted from practicing any structural engineering until such time he recommences his practice. A formal request to the Board is required to lift restriction.

**Violation:** 471.033(1)(g),F.S. and Rule 61G15-19.001(4) F.A.C.

**Lawrence George, P.E.**  
License No. 21282  
Case No. 2011028426

Licensee was originally charged in FEMC Case No. 03-0116 and as part of the terms imposed in the Final Order for that case he was required to submit a project list for review annually over a period of five years. The order states that should an unfavorable report concerning licensee's project be returned from the consultant the reports would be submitted to the Probable Cause Panel for determination of further disciplinary action. After completion of the final project review, the materials submitted were deemed materially deficient and as the Engineer of Record the licensee was charged for failure to comply with the responsibility rules and negligence in the practice of engineering.

**Ruling:** A Final Order and Settlement Stipulation was approved by the Board imposing reprimand, costs, appearance, a one year probation extension with a six month project review. (Note: should the six month project review return a favorable opinion, the

**Disclaimer:** FBPE would like to note that every effort has been made to ensure the accuracy of discipline information; however this should not be relied upon without verification from the Board office or website. It is possible that names of companies and individuals listed may be similar to the names of parties who **HAVE NOT BEEN** disciplined or had compliant actions taken against them, so we encourage you to review licensee information on [myfloridalicense.com](http://myfloridalicense.com) or contact our office or make a public records request should you have any specific questions regarding disciplinary actions. Public records requests can be sent to [publicrecords@fbpe.org](mailto:publicrecords@fbpe.org).

probation will be terminated. If returned unfavorable, the Board reserves the right to extend probation and apply additional terms including restriction of license until successful completion of the NCEES Civil Engineering Exam with Structural option and presentation to the PCP for further action.)

**Violation:** 471.033(1)(g),F.S. and Rule 61G15-19.001(4) F.A.C.

**James Kimes, P.E.**  
License No. 33678  
Case No. 2010025328

The Licensee was responsible for supervising all building inspections performed on a swimming pool project and for confirming that the project was constructed in accordance with the approved construction plans under the provision of Sections 105.14 and 106.6 of the Florida Building Code (FBC). During construction errors occurred that had the Licensee adequately performed the duties mandated upon a Professional Engineer when performing a Permit by Affidavit (PBA) engagement, the errors would have been noted and corrected. Licensee was charged with failing to comply with the provisions of the FBC and Section 455.227(1)(k) F.S., which subjects a licensee to discipline for "failing to perform any statutory of legal obligation placed upon a licensee..."

**Ruling:** A Final Order was approved by the Board imposing a reprimand and costs.

**Violation:** 455.271(1)(k), F.S.

**Luis Lopez, P.E.**  
License No. 59805  
Case No. 2010058230

Licensee was originally charged in FEMC Case No. 200012615 and as part of the terms imposed in the Final Order for that case he was required to submit a project list for a six and eighteen month project review. In both project reviews, the materials submitted were deemed materially deficient in respect to and not in compliance with applicable code requirements or acceptable engineering principles, thus the Licensee was charged with negligence in the practice of engineering.

**Ruling:** A Board approved Final Order and Amended Settlement Stipulation was entered with the Licensee voluntarily relinquishing his license and agreeing to never reapply for licensure as a Professional Engineer in the State of Florida.

**Violation:** 471.033(1)(g),F.S. and Rule 61G15.19.001(4), F.A.C.

**Soheil Rouhi, P.E.**  
License No. 40820  
Case No. 2009041686

Licensee was the Engineer of Record for the Berkman Plaza 2 Parking Garage Project and signed and sealed structural engineering documents for said project. The structural drawings for the Garage project were deemed materially deficient in respect to and not in compliance with applicable code requirements or acceptable engineering principles. By signing and sealing these documents issued for public record the licensee was charged with engaging in negligence in the practice of engineering.

**Ruling:** The Board approved Final Order and Settlement Stipulation imposed payment of fines and costs, states that the Licensee's license became "permanently retired" by operation of law on February 19, 2009, (Note: all of the factual allegations set forth in the Administrative Complaint in this case derived from conduct that occurred while his license was active and in good standing) and includes an agreement that the Licensee will never seek future licensure as a Professional Engineer in the State of Florida.

**Violation:** 471.033(1)(g),F.S. and Rule 61G15.19.001(4), F.A.C.

**Suncoast Architecture & Engineering, Inc.**  
Certificate of Authorization No. 28841  
Case No. 2011023396

A report detailing engineering analysis and conclusions on a residence was provided to the owner signed by the President of the engineering firm who is not a licensed Professional Engineer. The report contained engineering opinions and recommendations regarding the structural status of the residence and was issued under the firm's letterhead which qualifies said document as a final engineering document. By issuing the report without the seal and signature of a Professional Engineer the provisions of sections 471.023(1) and 471.025(1), F.S. and Rule 61G15-23.002(1) have been violated.

**Ruling:** An Amended Final Order and Settlement Stipulation was approved by the Board imposing a fine and costs, reprimand, appearance, successful completion of the Professionalism and Ethics course and study guide.

**Violation:** 471.033(1)(a),F.S.

**Oliver Swallows, P.E.**  
License No. 19947  
Case No. 2010056933

Licensee was responsible for the preparation of the engineering design, permitting, and costs estimates for a development project and was required to exercise due diligence in fulfilling the terms of the agreement with the construction company. His failure to make any reasonable effort to complete and file the required permit submissions for the surface water management plan permit allows for the charge of engaging in negligence in the practice of engineering.

**Ruling:** A Board approved Final Order was entered imposing a reprimand, fines and costs, successful completion of the Professionalism & Ethics course and study guide.

**Violation:** 471.033(1)(g),F.S.

*You can access the final orders for these cases and other recent engineer disciplines on our website under the Legal section at <http://fbpe.org/legal/disciplinary-action>. If you are unsure if an engineer has been disciplined you can verify their license on [myfloridalicense.com](http://myfloridalicense.com). Information on public cases in which an engineer has been disciplined can be obtained by sending an email request to [publicrecords@fbpe.org](mailto:publicrecords@fbpe.org).*

*(Continued from page 3) - Construction Certifications by Way of Misleading Statements*

Therefore, when an engineer issues a certification, that engineer has an obligation to avoid untruthful, deceptive, or misleading statements. In addition, that engineer has an obligation to avoid omitting relevant and pertinent information that would lead to a fallacious conclusion on the part of the building department.

**Conclusion**

Simply put, when an engineer is hired, especially after work has been completed, to issue a certification stating that the work outlined within a permitted project has been completed, that engineer has an obligation to clearly state the limits on his or her scope as well as any matters for which the engineer does not intend to accept responsibility. Further, since such a certification is clearly intended to be turned over to the permitting authority, that engineer has an obligation to clearly state whether the work has been installed in accordance with the approved construction documents, (permitted plans). To fail to do so could lead to a fallacious conclusion on the part of the building department thereby resulting in the engineer having committed misconduct in the practice of engineering.

*To: Building Department  
Re: Certification  
I hereby certify that the contractor's work is complete.  
Signed: Certifying Engineer*

*This article was submitted by FBPE Board member William C. Bracken, P.E., S.I. Mr. Bracken is the President and Principal Engineer for Bracken Engineering located in Tampa, Florida. He is a licensed Special Inspector and Professional Engineer in the State of Florida. For more information on the codes and statutes mentioned in this article, please visit the Statutes and Rules page in the Legal section of the FBPE website at <http://www.fbpe.org/>.*



# ICC & FSEA

## Working to Provide Assistance in Wake of Disasters

All too often after a disaster, affected communities are left on their own to struggle with assessing damage and determining whether buildings can be safely reoccupied. When assessments are not performed in a rapid fashion by properly qualified individuals, residents can and most likely will reoccupy potentially unsafe buildings. The key to preventing residents from reoccupying unsafe buildings is to ensure that sufficient numbers of qualified individuals exist so that appropriate building damage assessments can be performed in a rapid fashion. Currently, at least two organizations are working to help train individuals to perform these assessments, the Florida Structural Engineers Association (FSEA) and the International Code Council (ICC).



FLORIDA STRUCTURAL  
ENGINEERS  
ASSOCIATION

Originally developed for use by Building Officials, Volunteer Design Professionals, and other emergency response personnel, ATC's 20 & 45 manuals serve as the basis for conducting these assessments. The ATC 20, titled: *Postearthquake Building Safety Evaluation Procedures* was developed for the purpose of evaluating damage to buildings resulting from earthquake. The ATC 20 was utilized in the wake of the 1989 Loma Prieta and 1994 Northridge California earthquakes. The ATC 45, titled: *Safety Evaluation of Buildings after Windstorms and Floods* was developed for the purpose of evaluating damage to buildings resulting from hurricanes, tornadoes and floods. This manual was developed in part based on the success of the ATC 20 and in response to the hurricanes of the 1990s which included Hurricane Andrew, Hurricane Fran, and Hurricane Iniki. Currently, these documents serve as the basis for ICC's Disaster Response Inspector (DRI) program and The National Council of Structural Engineering Associations (NCSEA) Structural Engineers Emergency Response (SEER) plan.



For small scale events local building departments are often able to conduct these assessments. However, in large scale events local building departments are unable to meet the demand. For this reason FSEA (NCSEA's Florida delegate) is working with ICC to train and certify qualified professionals throughout the State of Florida that can be relied upon to assist with performing Post-Disaster Building Assessments. In addition, a credentialing process is being developed at a national level whereby properly qualified, trained and certified volunteers can be prequalified. Once prequalified, those individuals can then be rostered either by the ICC or the Building Officials Association of Florida (BOAF). By properly training and pre-qualifying volunteers, a pool of individuals exists to assist locals and building officials to help jump start recovery.

# 2012 ASCE SOUTHEAST STUDENT CONFERENCE

FLORIDA A&M UNIVERSITY - FLORIDA STATE UNIVERSITY COLLEGE OF ENGINEERING

## *“Breaking the Mold”*

Members of FBPE attended and volunteered at the 2012 ASCE Southeast Student Conference, **“Breaking the Mold,”** at the FAMU-FSU College of Engineering held March 22-24, 2012. The conference only makes the rotation to the FAMU-FSU College of Engineering about every 10 years so it was an excellent opportunity to take advantage of the relevance of the event and its locality. With 25 schools in the Southeast region, spread out through Puerto Rico and four states Alabama, Florida, Georgia and Tennessee, over 900 students and volunteers came to participate.



The following schools were in attendance for this year’s events:

- Alabama A&M University
- Auburn University
- Florida A&M University – Florida State University
- Florida Atlantic University
- Florida Gulf Coast University
- Florida Institute of Technology
- Florida International University
- Georgia Southern University
- Middle Tennessee State University
- Southern Polytechnic State University
- Tennessee State University
- Tennessee Technological University
- University of Alabama
- University of Alabama at Birmingham
- University of Alabama at Huntsville
- University of Central Florida
- University of Florida
- University of Miami
- University of North Florida
- University of Puerto Rico
- University of South Alabama
- University of South Florida
- University of Tennessee at Chattanooga
- University of Tennessee at Knoxville
- Vanderbilt University



There were about 14 competitions for the students during the conference, all of which were related to Civil Engineering disciplines including geotechnical, environmental, surveying, transportation, hydrology, and hydraulics. Competitions included building a concrete canoe, a functional 24-foot steel bridge display, hydraulic rocket launching, balsa tower, and skee ball games. These competitions take a dedicated team months of planning and hundreds of hours of building, like the team of students from the University of Puerto Rico. Their canoe and bridge had to be shipped three weeks prior to the competition!

The two most popular competitions are the Concrete Canoe and Steel Bridge. The Concrete Canoe team's main objectives were to build an economical 20 foot long canoe from lightweight concrete that floated when completely submerged, incorporate recycled materials in the concrete mix, and could hold four people during races. Male, female and co-ed teams tested

*(Continued on page 14)*

(Continued from page 13)

these boats in 100-meter sprints and 400-meter endurance races, displaying the canoes' lightness and durability. Participants also wrote a paper on ethics and globalization.

The Steel Bridge competition challenged students to design, fabricate and construct a scaled steel bridge. The rules of the competition simulate a request for proposal that requires a scaled model to demonstrate the efficacy of competing designs. The "Problem Statement" portion relates the rules to realistic challenges encountered in bridge design, construction and standards for strength, durability, constructability, usability, functionality, and safety. This reflects the volumes of regulations that govern the design and construction of full-scale bridges. Participating students gain practical experience in structural design, fabrication processes, construction planning, organization, project management, and teamwork.



The FBPE applauds all of the students and schools who participated in making this year's event such a success and gives special congratulations to the University of Puerto Rico who went home the Overall Winner of the conference followed by the FAMU/FSU College of Engineering and the University of Florida! Results from all of the competitions can be found at <http://www.eng.fsu.edu/asce2012/results.php>.

More photos from the event can be found on FBPE's website at <http://www.fbpe.org/your-fbpe/events-and-conferences> or on the 2012 Student Southeast Conference page on [facebook.com](http://facebook.com). (some photos appear courtesy of the ASCE Student Chapter at FAMU/FSU College of Engineering.)

# Employee Spotlight

Last issue, we spotlighted Lisa Simmons, Licensure Analyst for the Principals and Practice Exams. In this issue, we introduce **Kathy Coleman**. Kathy is a Licensure Analyst for the Fundamentals Exam in the Applications and Licensure Department. In January 2008, she began her career at FBPE as an Administrative Assistant within the Licensure Department. She quickly advanced to the Fundamental Exams (F.E.) desk where she remained until November 2008 when she left to become a stay-at-home mom. In November 2010 she returned to FBPE and remains at the Fundamental Exams desk.

Kathy processes Initial, Foreign Degree and Engineer Intern Endorsement Applications as well as certifying applicants as Engineer Interns in Training (EIT). In order to apply for the Professional Engineer Exam one must possess a B.S. in Engineering, pass the F.E. exam and gain four years of experience.



Kathy begins accepting and preparing applications six months prior to the NCEES exam date. It is important to know that the receipt, preparation, review and Board approval of an application takes approximately three months. Applicants are notified of their status via email within 30 days of receipt of their application. Applicants may also visit [myfloridalicense.com](http://myfloridalicense.com) to view the status of their application.

Three of the most common issues that Kathy says prevent approval of an application are:

1. Incomplete applications,
2. Missing supporting documentation, and
3. Failure to read the instructions page.

Kathy explains that valuable information for the applicant is provided on the instructions page. In order to reduce anxiety over the application process, applicants should be sure to read the entire form and instructions carefully. Most answers to their questions can be found there or on the FBPE website.

The last six month exam cycle (for April 2012) was busy as usual, and Kathy processed **1150** applications. **WELL DONE!!** She has recently completed accepting and preparing applications for the October 2012 exam cycle which ended May 18, 2012. Any applications received after that date, Kathy will work and prepare for the April 2013 exam session.

The application and NCEES Exam due dates can be found in the *Licensure Department Focus* section of this newsletter and also on our website with applications and instructions under *Application Process* in the Licensure section at [www.fbpe.org](http://www.fbpe.org).

*We are grateful to have Kathy as part of the FBPE/FEMC team and thank her for all her efforts in providing timely and professional services to all pursuing a career in the engineering industry in the State of Florida.*

## >>> Information Accuracy Depends on You!<<<

It is the responsibility of the licensee or certificate holder to notify the Board of any change of vital information previously submitted, such as a name or address change, change of employer, or change of P.E. in responsible charge for a firm. This information should be provided within 30 days of when the change occurs to ensure proper delivery of licensure correspondence and uninterrupted Board service. We also encourage licensees to provide the most current email address as well since we routinely provide special notices, information and the quarterly newsletter electronically.

To submit your changes you can simply complete the interactive form located at <http://fbpe.org/licensure/other-forms> or email the new information to [board@fbpe.org](mailto:board@fbpe.org).

For those individuals requesting to change their name and obtain a new copy of your license, **you must submit** new photo identification and a copy of a marriage certificate or divorce decree along with the appropriate order form and the \$25.00 fee. The order form can be downloaded from our website under “*Order Form for Duplicate Licenses and Certificates*” at <http://fbpe.org/licensure/other-forms>.

Additional forms can be located on this page such as requests to change license status, verification of licensure and delinquent renewal forms. If you have any questions feel free to contact the Board’s office.





## NCEES Introduces P.E. Exam for Software Engineering

On May 2, 2012, NCEES announced the introduction of the new PE exam for software engineering. NCEES is preparing to launch its latest Principles and Practice of Engineering exam, which will be used by engineering licensing boards across the United States beginning in April 2013. After that, the exam will be administered yearly.

For more information on the P.E. Software exam, visit [ncees.org/exams](http://ncees.org/exams). Registration for the April 2013 exam administration is scheduled to open mid-December 2012. The exam specifications—the test blueprint of knowledge areas to be tested and their relative weights of emphasis—are available online at [ncees.org/exams](http://ncees.org/exams). IEEE is planning to publish study materials for the exam later this year.

## NCEES Leads NAE Technical Session on Licensure

Three NCEES past presidents recently represented the organization at the 2012 National Academy of Engineering (NAE) Convocation of Professional Engineering Societies. Gene Corley, Ph.D., P.E., S.E.; Jon Nelson, P.E.; and David Whitman, Ph.D., P.E., presented a technical session titled "*P.E.: The Regulation of Engineering in the United States*" at the April 16-17, 2012, event at the Keck Center of the National Academies in Washington, D.C.

Each presenter focused on a particular aspect of engineering licensure to include:

- an overview of the history of engineering licensure and the process of regulation in the United States;
- an explanation of the requirements for licensure, including education, examination, and experience, which are to establish minimum competency; and
- a discussion on professional ethics and the standard of professional behavior required to ensure the health, safety, and welfare of the public.

You can download a copy of the presentation on the NCEES website at [http://www.ncees.org/About\\_NCEES/News/News\\_Pages/](http://www.ncees.org/About_NCEES/News/News_Pages/).

*The National Academy of Engineering is a private, independent, nonprofit institution that provides engineering leadership in service to the nation. For more information about NAE, you can visit their website at <http://www.nae.edu/>.*

# Mark Your Calendar

**June 1, 2012**

*FEMC Board Ops Committee Conference Call*

**June 2 – 7, 2012**

*60<sup>th</sup> Annual BOAF Educational Conference & Trade Expo*  
Lake Buena Vista, Florida

**June 8, 2012**

*FEMC Board Meeting Conference Call*

**June 13 -14, 2012**

*FBPE Board Meeting*  
Orlando, Florida

**June 22, 2012**

*All complete submitted NCEES exam applications and  
re-exam applications due*  
(for NCEES Exam on October 26, 2012 & October 27, 2012)

**July 17, 2012**

*PCP and Application Review*

**July 18, 2012**

*FBPE Rules Committee Meeting*

**July 20, 2012**

*FEMC Board Ops Conference Call*

**July 27, 2012**

*Ratification Conference Call*

**August 8 -9, 2012**

*FBPE Board Meeting*

**August 9 – 10, 2012**

*96<sup>th</sup> Annual FES/FICE Annual Summer Conference & Expo*  
Orlando, Florida

**August 28, 2012**

*FEMC Board Meeting Conference Call*

**September 5, 2012**

*FEMC Board Ops Conference Call*

**September 18, 2012**

*PCP and Application Review*

**September 19, 2012**

*FAMU-FSU College of Engineering Fall 2012 Engineering Day*  
Tallahassee, Florida

Board meetings and other scheduled activities can also be found on our calendar located on the *Home* page of

[www.fbpe.org](http://www.fbpe.org).

# Engineering Career Day Fall 2012

The Florida Agricultural and Mechanical University (FAMU) and Florida State University (FSU) College of Engineering will be hosting its second *Engineering Day Career Fair* for this year on **Wednesday, September 19, 2012** on campus in Tallahassee,

Florida. Engineering Day is a career exposition for students to meet employers and search for full-time, co-op, and internship opportunities in the engineering field with companies, non-profit and government agencies.



This event draws many companies offering engineering and industry related services within the areas of Aerospace/Defense, Energy, Transportation, Utilities, Construction, Land Planning, Urban Redevelopment, Computer Hardware and Software, Electronics, and Water Resources. FBPE will be attending this event in the fall to educate graduates and undergraduates on the *Fundamentals of Engineering (F.E.) Exam* application process and its requirements. The F.E. exam is typically the first step in the process to obtaining a Professional Engineer license.

For more information about this event go to the FAMU/FSU College of Engineering website at <http://www.career.fsu.edu/expos/engineering/>.

*Legal continued »»»»*

## Questions Regarding Engineer of Record (EOR)

Recently certain questions have arisen with regard to taking over as Engineer of Record on projects. Below are two questions posed with regard to this issue and the answer.

### Relevant facts:

The previous engineer designed the project, but left prior to certifying the design. You then took over the project and have subsequently recreated all the work done by the previous engineer. This work has included rethinking and reworking the entire design process, and included recreating all calculations, site visits, and research. You are designated as the Professional Engineer in the plans' title block.

**Q:** As the previous engineer never signed and sealed the plans, am I required to give him written notification that I intend to use his work (with revisions)?

**A:** The answer is no. You have stated that the previous P. E. did not “certify” the plans-by acknowledging that you understand that the previous P. E. did not seal and sign the documents. The notification requirements in Rule 61G15-27.001(2) only apply to documents that were sealed and signed by another P. E.; you are not required by the provisions of the Rule to make such a notification.

**Q:** I am designated as the P.E. in the title block, and will thus assume professional and legal responsibility for the documents. The block also includes three smaller areas for people’s initials – “Designed By,” “Drawn By,” and “Checked By.” Am I correct in retaining the initials of the previous engineer in the “Designed By” block?

**A:** The information to which you allude is not required by any Board Rule. Therefore, so long as the information is true and correct it is your decision as to whether to include it. However, based upon your statement that you actually have completely redone the “entire design process” it would not be untrue for you to list yourself as the designer and would potentially be less confusing than listing a P. E. who has no present responsibility for the design.

*NOTE: Please review Rule 61G15-27, Florida Administrative Code, on our website under the **Legal Section and Statutes and Rules** related to this issue.*

As a word of caution to those not properly trained and certified within Florida, whether volunteered or paid, services that constitute the practice of engineering are subject to Florida Statute 471 and Florida Administrative Code 61G15. For more information on the codes and statutes mentioned in this article, please visit the *Statutes and Rules* page in the *Legal* section of the FBPE website at [www.fbpe.org](http://www.fbpe.org).

To gain more information or to become a properly trained non-emergent professional volunteer to assist with Post-Disaster Building Assessments, individuals are encouraged to contact either FSEA's SEER Committee at: [www.flsea.com](http://www.flsea.com), ICC training at: <http://www.iccsafe.org/Education/Courses/Pages/default.aspx>, or ICC's Disaster Response Network at: <http://www.iccsafe.org/safety/Pages/disaster-network.aspx>.



*This article was submitted by FBPE Board member William C. Bracken, P.E., S.I. Mr. Bracken is the President and Principal Engineer for Bracken Engineering located in Tampa, Florida. He is a licensed Special Inspector and Professional Engineer in the State of Florida.*

## Sign Up Today to Receive Board Updates



Don't want to miss recent news from the Florida Board? Sign up for our RSS feeds and be kept up to date on current information and updates from FBPE!

Many of you may be familiar with RSS feeds and some may not. RSS (Really Simple Syndication) feeds are a way of alerting subscribers that a website has been updated. It feeds subscribers the latest updates that have occurred on that web site.

Why subscribe to a RSS feed? Normally, you would have to proactively visit the site or subscribe to get email as updates occur. RSS feeds prevent you from having to be proactive about searching for any recent updates by allowing you to read the latest postings on your favorite websites. RSS alerts you without email so once you subscribe the notifications roll into your news aggregator and are not spammable because you control your subscriptions. The site owner does not have access to your contact information from this function.

To add FBPE to your RSS feeds, go to [www.fbpe.org](http://www.fbpe.org) and select the RSS Feed Entries icon located at the bottom of the page. You will then be prompted to "*Subscribe to this feed.*" Once you have subscribed you will be able to access your subscription through Internet Explorer. If you would like to receive email distributions of updates and publications send a request to [board@fbpe.org](mailto:board@fbpe.org). For questions related to the website or this feature contact [webmaster@fbpe.org](mailto:webmaster@fbpe.org).

*FBPE would like to note that we have added this feature to expand our communication within the engineering community and is not intended to replace the distribution of newsletters, mailings, and periodic emails.*

# COMING SOON!



*Like many other organizations, FBPE recognizes the importance of maintaining a professional presence so we are in the process of developing our facebook page. Look for more details soon about joining us on our page for information on FBPE and upcoming engineering related events and updates.*

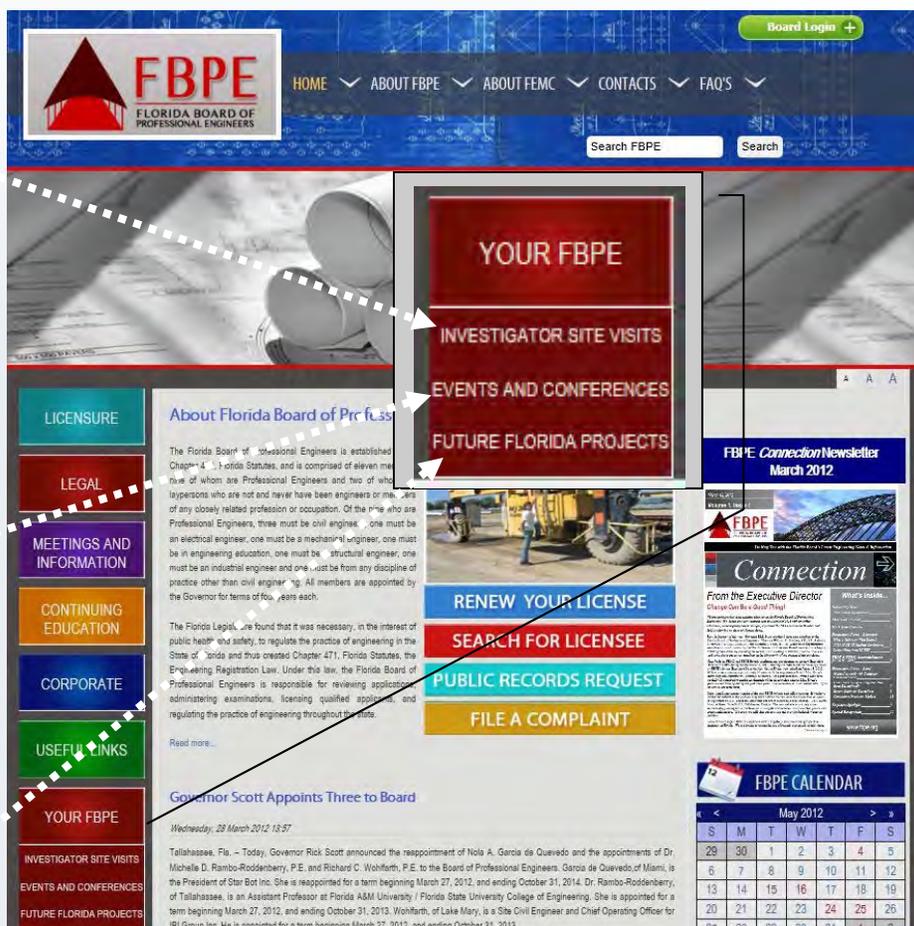
# Introducing *Your FBPE*

We are pleased to announce that we have added a new section to our website called **Your FBPE**. You can access this section on our **Home** page at [www.fbpe.org](http://www.fbpe.org). This new feature to our site includes photo galleries of FBPE's involvement in the Florida engineering community. The categories included are as follows:

**Investigator Site Visits** – This section includes visits made to different job sites locally or throughout the state as part of meetings with consultants or as a results of investigations. The intent of such visits is to have our Legal team gain a better understanding of the different engineering disciplines or as follow-up to a complaint filed with our organization.

**Events and Conferences** – We have participated in a number of engineering related activities in the past but we are expanding our involvement in an effort to become more visible and educate those wishing to pursue a career in engineering and to support those already licensed in the State. FBPE is coordinating our attendance at industry-related university level conferences and career days as well as association and state chapter meetings for the many different discipline specific organizations.

**Future Florida Projects** – FBPE would like to recognize the significant number of engineering projects being conducted throughout the state and locally and this section is intended to highlight their progress and accomplishments.



*It is important to note that this section only reflects FBPE's involvement within the engineering community at all levels and where certain projects and or events are presented in this section, it is not our intent to promote any specific discipline or organization/company. If you would like to provide input or information on significant projects you can email the Board at*

[webmaster@fbpe.org](mailto:webmaster@fbpe.org).

## Welcome Aboard!

FBPE would like to welcome the newest member of our team, **Jason T. Moore**. Jason officially started with FBPE on May 17, 2012, as an Investigator in our Legal Department.



Jason graduated from Florida State University with a Bachelor of Science degree and earned his Juris Doctorate from Widener University School of Law. Jason's experience ranges from general accounting, due diligence and compliance, electronic disaster recovery and testing, and extensive legal research and trial preparation.

Jason will be working with the Legal department assisting with complaint intake, obtaining initial information on the subject, conducting interviews, collecting data such as plans, records and statements. Additional duties include preparation of investigative reports for presentation to the Chief Prosecuting Attorney, the Probable Cause Panel and the Board of Professional Engineers.

For more information on FBPE's Legal department, please visit our website at [www.fbpe.org](http://www.fbpe.org).

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