



March 2015 FBPE Ratification Conference Call

March 20, 2015 at 10:00 AM

FBPE Board Office

2639 N. Monroe St., Ste. B-112

Tallahassee, Florida 32303

March 2015 FBPE Ratification Conference Call Meeting Book

1. Call to Order
2. Roll Call, Determination of Quorum and Address Absences
3. Ratification of the actions taken during the FBPE Application Review held on March 10, 2015

Exhibit #3 - March 2015 FBPE App Review Minutes.pdf - Page 3

4. Review and Determine what Action to take on Complaint against CE Provider

Exhibit #4 - Complaint against CE Provider.pdf - Page 19

5. Old Business

6. New Business

- a. Date, Time and Location of Next Educational Committee & Application Review Meeting

May 12, 2015 at 1p.m.
FBPE Office
2639 North Monroe Street
Suite B-112
Tallahassee, FL 32303

RICK SCOTT, GOVERNOR

KEN LAWSON, SECRETARY
DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION

2639 North Monroe Street
Suite B-112
Tallahassee, Florida 32303
Phone: (850) 521-0500
Fax: (850) 521-0521
www.fbpe.org

Board Members:

William C. Bracken, P.E., S.I.
CHAIR
(STRUCTURAL)
1/30/12 – 10/31/15

Anthony Fiorillo, P.E., S.I.
VICE-CHAIR
(CIVIL)
1/30/12 – 10/31/18

John C. Burke, P.E.
(ELECTRICAL)
1/9/04 – 10/31/14

Roland Dove, P.E.
(CIVIL)
3/28/14 – 10/31/17

Warren G. Hahn, P.E.
(MECHANICAL)
3/15/10 – 10/31/17

John Pepper, P.E., S.I.
(STRUCTURAL)
7/22/13 – 10/31/16

Michelle D. Roddenberry, Ph.D., P.E.
(EDUCATIONAL)
3/27/12 – 10/31/17

Kenneth Todd, P.E.
(CIVIL)
1/30/12 – 10/31/15

Babu Varghese, P.E., S.I.
(CIVIL)
2/20/15 – 10/31/16

Vivian Boza
(PUBLIC)
7/22/13 – 10/31/15

Nola Garcia
(PUBLIC)
2/12/08 – 10/31/14

Zana Raybon
EXECUTIVE DIRECTOR

Educational Advisory & Experience
Review Committee Minutes of the
Florida Board of Professional Engineers
Tuesday, March 10, 2015

The Committees were called to order at 8:30am on March 10th:

Board Committee Members present on Tuesday, March 10th:

Experience/Applications Review Committee:

Warren Hahn, P.E.
William Bracken, P.E., S.I.
John Pepper, P.E., S.I.
Roland Dove, P.E.

Educational Advisory Committee:

Michelle Roddenberry, Ph.D., P.E.
Anthony Fiorillo, P.E., S.I.

Board Counsel: Michael Flury, Sr. Assistant Attorney General

FBPE Staff Present:

Zana Raybon	Executive Director
Rebecca Sammons	Executive Assistant
<u>Licensure Analysts</u>	
Lisa Simmons	PE Exams
Brendan Henricks	Fundamental Applications
Nancy Wilkins	CE Provider Applications Laws & Rules Course Approval Applications Fundamental Re-Exam Applications
Rebecca Valentine	Endorsement Applications
Kathy Coleman	NCEES Endorsement Applications Certificates of Authorization

Mr. Hahn confirmed a quorum for the Experience Committee.

Dr. Roddenberry confirmed a quorum for the Education Committee.

Applications Reviewed:

Principles & Practice Examination –Lisa Simmons

- 7 Applications were submitted for review
- 5 Applications were recommended for approval
- 2 Applications were recommended for denial

NCEES Model Law – Kathy Coleman

- 54 Applicants approved by Zana Raybon, Executive Director
- 10 Applications were submitted for review
- 5 Applications were recommended for approval
- 5 Applications were recommended for denial

Engineer Intern/Fundamentals Exam– Brendan Henricks

- 16 Applications were submitted for review
- 6 Applications were recommended for approval
- 7 Applications were recommended for denial
- 1 Removal of Conditions (FE Retakes)
- 2 Conditional Approvals (FE Retakes)

Endorsements to application review - Rebecca Valentine

- 44 Applicants approved by Zana Raybon, Executive Director
- 5 Applications were submitted for review
- 0 Applications were recommended for approval
- 5 Applications were recommended for denial

Continuing Education Providers & FE Re-Exams – Nancy Wilkins

- 4 Applications were submitted for review-CE Providers
- 4 Applications were recommended for approval-CE Providers
- 0 Application was recommended for denial-CE Providers

Special Inspector Certification – Nancy Wilkins

- 0 Applications were submitted for review
- 0 Applications were recommended for approval
- 0 Application was recommended for denial

**PE EXAM APPLICANTS
MARCH 2015 Application Review**

	Name	File #	DATE RECEIVED	30 DAY	DATE COMPLETE	APPROVED	DENIED	COMMENTS
1.	Diaz, Elizabeth	81832	02/06/15	02/10/15	03/10/15	RD		
2.	Highstone, Rory	81644	02/17/15	03/02/15	03/05/15	RD		
3.	Orendorff, Michael	81163	09/23/14	10/07/14	02/26/15	WH		
4.	Schmidit, Katherine	81367	10/16/14	11/04/14	02/26/15	WH		

**EDUCATION / FOREIGN / ARTICULATION
MARCH 2015 Application Review**

	Name	File #	DATE RECEIVED	30 DAY	DATE COMPLETE	APPROVED	DENIED	COMMENTS
1.	Tadhani, Manojkumar	81697	01/05/15	01/20/15	01/29/15		AF MR	Lacks 22.56 M&BS. NCEES gave credit for Engineering Sciences to M&BS. Lacks CHEM & PHYS and sequence course and PROB & STATS Lacks 16 H&SS. Experience approved by WH.

**SUPPLEMENTAL INFORMATION / RECONSIDERATION
March 2015 Application Review**

	Name	File #	DATE RECEIVED	30 DAY	DATE COMPLETE	APPROVED	DENIED	COMMENTS
1.	Campbell, Khalil	81402	02/20/15	02/20/15	03/06/15		JP WB	Appear before Board to explain/verify experience.
2.	O'Brien, David	81164	02/25/15	02/25/15	03/06/15	WB		

**APPROVED: 5
DENIED: 2
TOTAL: 7**

NCEES

**APPLICANTS FOR LICENSURE BY ENDORSEMENT
MODEL LAW for Board Ratification
Approved by Zana Raybon, Executive Director
Ratified by the Board – 03.20.15**

	Name	Date Received	30 Day	Date Complete	Approved	Denied	License # + Date	Comments	# of days to Licensure
1.	CLINE, MATTHEW	02.06.15		02.12.15	ZR		78824 03.02.15		24
2.	HANSEN, DALE	02.05.15		02.11.15	ZR		78822 02.26.15		21
3.	BAKER, MIKE	01.26.15	02.03.15	02.12.15	ZR		78860 03.03.15		35
4.	BARRIOS, JORGE	12.11.14	01.07.15	02.16.15	ZR		78827 03.03.15	Experience	82
5.	BIRCH, DEVIN	01.29.15	02.04.15	02.05.15	ZR		78859 03.03.15		33
6.	BISCHOFF, JEFFREY	02.02.15	02.06.15	02.12.15	ZR		78858 03.03.15		29
7.	CORREIA SANTOS, MANUEL	02.09.15		02.12.15	ZR		78857 03.03.15		22
8.	COX, JARED	02.05.15		02.11.15	ZR		78856 03.03.15		26
9.	CROSSAN, RAYMOND	02.02.15	02.06.15	02.12.15	ZR		78855 03.03.15		29
10.	DABKOWSKI, ADRIAN	02.10.15		02.16.15	ZR		78828 03.03.15		21
11.	GARDNER, BRITT	01.26.15	02.03.15	02.12.15	ZR		78846 03.03.15		35
12.	GONZALEZ, HECTOR	01.26.15	02.03.15	02.05.15	ZR		78854 03.03.15		35

13.	JACOBS, WILLIAM	02.02.15	02.06.15	02.12.15	ZR		78853 03.03.15		29
14.	LaMUNYON, LYNN	02.02.15	02.10.15	02.12.15	ZR		78840 03.03.15		29
15.	LEE, TOM	02.09.15	02.12.15	02.16.15	ZR		78826 03.03.15		22
16.	LIFSEY, MATTHEW	02.09.15		02.12.15	ZR		78839 03.03.15		22
17.	MARKS, DAVID	01.26.15	02.03.15	02.24.15	ZR		78852 03.03.15		35
18.	McKEEHAN, BRIAN	02.05.15	02.11.15	02.13.15	ZR		78829 03.03.15		26
19.	MILLER, KEVIN	01.27.15	02.03.15	02.13.15	ZR		78831 03.03.15		34
20.	MORPHEY, MICHAEL	02.03.15	02.11.15	02.12.15	ZR		78838 03.03.15		28
21.	MORSE, STEPHEN	11.18.14	11.26.14	02.12.15	ZR		78837 03.03.15	Study guide	105
22.	MOSLEY, CHRISTOPHER	02.02.15	02.11.15	02.12.15	ZR		78836 03.03.15		29
23.	MOTLEY, TAYLOR	01.28.15	02.04.15	02.12.15	ZR		78835 03.03.15		33
24.	MUMMA, JENNA	02.04.15	.2.11.15	02.12.15	ZR		78834 03.03.15		27
25.	REED, JOHN	12.15.14	12.22.14	02.12.15	ZR		78833 03.03.15	Study guide	47
26.	SANDERS, DARRELL	01.09.15	01.26.15	02.04.15	ZR		78851 03.03.15	Study guide	53
27.	SCARBOROUGH, JON	01.23.15	02.03.15	02.12.15	ZR		78832 03.03.15		39
28.	SHAW, AARON	02.05.15	02.12.15	02.13.15	ZR		78830 03.03.15		26
29.	SHEARROW, ROGER	01.15.15	01.28.15	02.04.15	ZR		78850 03.03.15	Study guide	47
30.	SIEFERT, JAMES	01.26.15	02.03.15	02.04.15	ZR		78849 03.03.15		33

31.	SIMES, CLIFTON	01.15.15	01.28.15	02.12.15	ZR		78848 03.03.15	Study guide	46
32.	SIMMONS, ROBERT	05.06.14	05.20.14	02.16.15	ZR		78825 03.03.15	Study guide	224
33.	TEASLEY, FRANK	01.22.15	01.29.15	02.04.15	ZR		78847 03.03.15		39
34.	THOMAS, STEPHANIE	01.26.15	02.03.15	02.12.15	ZR		78845 03.03.15		35
35.	TSALA, MAX	02.02.15		02.05.15	ZR		78844 03.03.15		29
36.	VOGELSANG, KEVIN	01.28.15	02.04.15	02.12.15	ZR		78843 03.03.15		33
37.	WILKOWSKI, EDWARD	02.04.15		02.11.15	ZR		78842 03.03.15		27
38.	UNGER, TIMOTHY	02.19.15		03.02.15	ZR		78861 03.06.15		15
39.	BLOUIN, BRUCE	02.13.15		02.19.15	ZR		78862 03.09.15		24
40.	CALDERONE, JAMES	01.15.15	01.28.15	02.26.15	ZR		78863 03.09.15	Study guide	52
41.	CATES, MARK	02.17.15		02.27.15	ZR		78864 03.09.15		20
42.	CHEUNG, DIANA	02.09.15	02.12.15	02.17.15	ZR		78865 03.09.15		28
43.	DOVALINA, MARIO	02.09.15	02.12.15	02.26.15	ZR		78866 03.09.15		28
44.	FINKE, JOHN	02.11.15	02.16.15	02.18.15	ZR		78867 03.09.15		28
45.	GODDEYNE, SHAWN	02.02.15	02.06.15	02.17.15	ZR		78868 03.09.15		35
46.	GOODMAN, JOHN	02.03.15	02.11.15	02.17.15	ZR		78869 03.09.15		34
47.	HOWELL, PETER	02.06.15	02.12.15	02.17.15	ZR		78870 03.09.15		27
48.	MATTHEWS, ADAM	01.26.15	02.03.15	02.19.15	ZR		78871 03.09.15		41
49.	MAZZEI, DANIEL	01.12.15	01.28.15	02.17.15	ZR		78872 03.09.15		25

50.	MONTERO, ALLEN	2.10.15		02.16.15	ZR		78873 03.09.15		27
51.	SCOTT, ROBERT	12.29.14	01.08.15	02.17.15	ZR		78874 03.09.15		69
52.	SMITH, WILLIAM	01.20.15	01.29.15	02.26.15	ZR		78875 03.09.15	Study guide	47
53.	WALDBILLIG, MICHAEL	02.13.15	02.19.158	03.03.15	ZR		78876 03.09.15		24
54.	WITT, FRANK	01.21.15	01.29.15	02.26.15	ZR		78877 03.09.15	NCEES Records	46

of Applications submitted: 54
of Applications Denied: 0
of Applications Approved: 54

	Name	Date Received	30 Day	Date Complete	Approved	Denied	License # + Date	Comments	# of days to Licensure
	BARRAU PELOCHE, JOSE	12.04.14	12.12.14	01.15.15	ZR				
	HARDIE, CLINTON	01.12.15	01.26.15	02.17.15		ASF/MR		Technology Degree	
	KOZERO, JEFFERY	02.09.15	02.12.15	03.09.15	ZR				
	MOHAMMAD, ABDUL RAHEEM	02.02.15	02.12.15	02.13.15		ASF/MR		ENG Mechanics not M & BS; Lacks 2 credit hours M & BS & sequence course in CHEM & PHYSICS	
	MACHAVARAPU, NARESH	02.10.15		02.16.15		ASF/MR		Lacks 3.5 hours M & BS including sequential in Chemistry or Physics	

	PAULSON, GREGG	12.29.14	01.08.15	02.12.15		ASF/MR		Technology Degree	
	SIDDIQUI, SHAFIQ	12.10.14	12.17.14	03.09.15	ZR				
	SWAMINATHAN, MALINI	02.02.15	02.11.15	02.12.15	ASF				
	ZAICENKO, DMITRI	02.06.15	02.12.15	02.13.15	ASF				
	WARREN, MARK SUPPLEMENTAL	04.15.14	04.28.14	11.03.14		ASF/MR		Does not meet 15/20 rule; licensed in 2014	

of Applications submitted: 10
of Applications Denied: 5
of Applications Approved: 5

FE Applicants

March 10th & 11th, 2015 Application Review Committee Meeting, Ratification List

	Applicants Name	Received Date	30 Day Notice	Completion Date	Approved	Denied	Cond Approved	Comments
1.	Ocampo, Roger	1/20/15	2/10/15	1/31/15	A.F.			
2.	Mansour, Michael	1/22/15	2/11/15	1/28/15			A.F./M.R.	Lacks 11.25 hrs. of H & SS
3.	Morga Delgado, Yasniel	1/9/15	1/30/15	1/30/15		A.F./M.R.		Lacks Prob & Stats.
4.	Rodriguez, Yoandry	1/26/15	2/18/15	2/16/15		A.F./M.R.		Lacks 2.25 hrs. M & BS
5.	Alvarez, Boris (Removal of Conditions)	1/27/14	2/17/14	5/12/14	A.F.			
6.	Saenz, Diana (12 credit hrs. for 3 X fail)	2/2/15	2/2/15	2/16/15	A.F.			
7.	Marco, Donald	10/15/13	11/7/13	11/25/13	A.F.			
8.	Granadillo, Yaima	1/5/15	1/27/15	2/22/15		A.F./M.R.		Lacks 23 hrs. in M & BS (Including Chem. And seq. course in Chem. or Physics) and 10 hrs. in H & SS
9.	Abdelmesih, Gewana	8/8/14	8/20/14	8/20/14	A.F.			
10.	Dixon, Arlene (Conditional Approval sought)	1/20/15	2/10/15	2/11/15			A.F./M.R.	Lacks 16 hrs. of H & SS
11.	Perez Caro, Michael	2/24/15	3/6/15	3/2/15		A.F./MR.		Lacks 8 hrs. of H & SS
12.	Quiterio, Leonardo (3x Fail of FE/w Review Course)	2/27/15	3/9/15	3/2/15	A.F.			

	Applicants Name	Received Date	30 Day Notice	Completion Date	Approved	Denied	Cond Approved	Comments
13.	Garibay, Jesus	2/6/15	2/24/14	2/27/15		A.F./M.R.		Lacks 1.25 hrs. in M & B.S. (Including Calculus based Physics or Chem.) and 13 hrs. in H & SS
14.	Gutierrez, Amet (5 X Fail of SG)	2/5/15	2/24/15	3/10/15		A.F./M.R.		
15.	Velez, Gloria	2/2/15	2/23/15	3/2/15		A.F./M.R.		Credit for World Religion (3 credits); lacks 9.01 hrs H&SS.
16.	Fleming, Matthew	4/28/14	5/14/14	3/2/15	A.F.			

Approvals: 6
Conditional Approvals: 2
Denials: 7
Removal of Conditions: 1
Total Submitted: 16

APPLICANTS FOR LICENSURE BY ENDORSEMENT
MODEL LAW for Board Ratification
Approved by Zana Raybon, Executive Director
Ratified by the Board – 03/20/15

	Name	Date Received	30 Day	Date Complete	Approved	Denied	License # + Date	Comments	# of days to Licensure
1.	Adams, Cody	10/30/14	11/05/14	11/13/14	ZR 01/14/15		78683 01/14/15	Incomplete Application	76
2.	Fowler, Gregory	09/08/14	09/18/14	11/17/14	ZR 01/14/15		78684 01/14/15	Incomplete Application	128
3.	Olds, Dusten	10/14/14	10/29/14	11/12/14	ZR 01/14/15		78685 01/14/15	Incomplete Application	92
4.	Pedigo, Scott	10/20/14	11/04/14	11/13/14	ZR 01/14/15		78686 01/14/15	Incomplete Application	86
5.	Cestari, Felix	08/25/14	09/08/14	11/19/14	ZR 01/16/15		78687 01/20/15	Incomplete Application	148
6.	King, Lane	11/03/14	11/12/14	11/24/14	ZR 11/16/15		78688 01/20/15	Incomplete Application	78
7.	Slaughter, Stephen	10/17/14	10/30/14	11/13/14	ZR 11/16/15		78689 01/20/15	Incomplete Application	95
8.	Tong, Christopher	09/17/14	09/25/14	11/18/14	ZR 11/16/15		78690 01/20/15	Incomplete Application	125
9.	Wagner, Mark	10/29/14	11/05/14	11/24/14	ZR 11/16/15		78691 01/20/15	Incomplete Application	83
10.	Alamo, Enrique	05/08/14	05/23/14	11/25/14	ZR 01/22/15		78692 01/23/15	Incomplete Application	260
11.	Cashman, Edward	11/10/14	11/18/14	12/02/14	ZR 01/22/15		78693 01/23/15	Incomplete Application	74
12.	Cohen, Robert	10/21/14	11/04/14	11/25/14	ZR 01/22/15		78694 01/23/15	Incomplete Application	94

13.	Novak, Albert	11/03/14	11/12/14	12/01/14	ZR 01/22/15		78695 01/23/15	Incomplete Application	81
14.	Berrios Rojas, Edgardo	11/20/14	12/02/14	12/10/14	ZR 01/29/15		78740 01/30/15	Incomplete Application	71
15.	Fuchs, Michael	09/15/14	10/07/14	12/11/14	ZR 01/29/15		78744 01/30/15	Incomplete Application	137
16.	Lewkowski, Scott	09/09/14	09/18/14	12/09/14	ZR 01/29/15		78750 01/30/15	Incomplete Application	143
17.	Martin, Ryan	12/08/14	12/12/14	12/16/14	ZR 01/29/15		78751 01/30/15	Incomplete Application	53
18.	Messerschmit, Bernhard	12/03/14	12/08/14	12/16/14	ZR 01/29/15		78752 01/30/15	Incomplete Application	58
19.	Ryan, Eugene	10/07/14	10/30/14	12/10/14	ZR 01/29/15		78753 01/30/15	Incomplete Application	115
20.	Sosa, Geysa	11/17/14	12/01/14	12/18/14	ZR 01/30/15		78754 01/30/15	Incomplete Application	74
21.	Weninegar, James	11/19/14	12/02/14	12/09/14	ZR 01/29/15		78755 01/30/15	Incomplete Application	72
22.	Crespo, Kevin	10/28/14	11/05/14	12/15/14	ZR 01/30/15		78756 01/30/15	Incomplete Application	94
23.	Adams, William	11/04/14	11/13/14	12/30/14	ZR 02/02/15		78758 02/04/15	Incomplete Application	92
24.	Bridges, Derick	11/17/14	12/01/14	12/29/14	ZR 02/02/15		78759 02/04/15	Incomplete Application	79
25.	Calak, Matthew	12/08/14	12/12/14	01/05/15	ZR 02/02/15		78760 02/04/14	Incomplete Application	58
26.	Camp, WM Joseph	12/05/14	12/12/14	12/29/14	ZR 02/02/15		78761 02/04/15	Incomplete Application	61
27.	Grooters, Jonathan	09/29/14	10/08/14	12/22/14	ZR 01/30/15		78762 02/04/15	Incomplete Application	128
28.	O'Neill, Michael	04/19/13	04/30/13	12/23/14	ZR 01/30/15		78763 02/04/15	Incomplete Application	656
29.	Prunty, Gregory	10/06/14	10/30/14	12/30/14	ZR 02/02/15		78764 02/04/15	Incomplete Application	121

30.	Veldboom, Lee	12/15/14	12/19/14	01/05/15	ZR 02/02/15		78765 02/04/15	Incomplete Application	51
31.	Carroll, Randal	10/20/14	11/03/14	01/09/14	ZR 02/04/15		78766 02/05/15	Incomplete Application	108
32.	Donegan, Joseph	12/29/14	01/07/14	01/12/14	ZR 02/04/15		78767 02/05/15	Incomplete Application	38
33.	Hahn, Jason	12/16/14	12/30/14	01/16/14	ZR 02/04/15		78768 02/05/15	Incomplete Application	51
34.	Jones, James	10/20/14	11/03/14	01/06/15	ZR 02/04/15		78769 02/05/15	Incomplete Application	108
35.	Murray, John	12/10/14	12/17/14	01/06/15	ZR 02/04/15		78770 02/05/15	Incomplete Application	57
36.	Philipp, Valarie	12/10/14	12/17/14	01/14/18	ZR 02/04/15		78771 02/05/15	Incomplete Application	57
37.	Buttermore, Christopher	11/10/14	11/18/14	01/23/15	ZR 02/06/15		78811 02/09/15	Incomplete Application	91
38.	Lau, Wing	12/22/14	01/06/15	01/20/15	ZR 02/06/15		78812 02/09/15	Incomplete Application	49
39.	Mausert, Brian	10/06/14	10/26/14	01/21/15	ZR 02/06/15		78813 02/09/15	Incomplete Application	126
40.	Orton, Joshua	12/19/14	01/06/15	01/21/15	ZR 02/06/15		78814 02/09/15	Incomplete Application	52
41.	Perrier, Jeffrey	11/03/14	11/12/14	01/21/15	ZR 02/06/15		78815 02/09/15	Incomplete Application	98
42.	Said, Morsey	09/19/14	10/03/14	01/21/15	ZR 02/06/15		78816 02/09/15	Incomplete Application	143
43.	Thomas, Lawrence	09/05/14	09/16/14	01/23/15	ZR 02/06/15		78817 02/09/15	Incomplete Application	157
44.	Khatchatourian, Arthur	09/22/14	10/07/14	01/27/15	ZR 02/24/15		78821 02/25/15	Incomplete Application	156

APPLICANTS FOR LICENSURE BY ENDORSEMENT
Application Review 03/10/2015
Ratified by Board 03/20/2015

	Name	Date Received	30 Day	Date Complete	Approved	Denied	License # + Date	Comments	# of days to Licensure
1.	Singh, Hardeep Supplemental	07/17/14	08/05/15	03/10/15	MR				
2.	Lhotsky, Paul	01/28/15	02/10/15	02/18/15	AF				
3.	El Habbal, Mohammad	01/23/15	02/04/15	02/25/15	AF				
4.	Calderon Vizcarrondo, Luis	08/25/14	09/05/14	03/02/15	WCB				
5.	Becerril, Enrique	09/12/14	09/22/14	03/05/15	JP				

of Applications submitted: 5
of Applications Denied: 0
of Applications Approved: 5

**Continuing Education Provider Applications
Application Review March 2015**

	Name	Date Received	30 Day	Date Completed	Approved	Denied	Comments
1.	Construction Management Association of America	02/06/2015	02/16/2015	02/16/2015	WB		
2.	EJ USA Inc	02/25/2015	03/03/2015	03/03/2015	WB		
3.	Green Building Education Service	03/05/2015	03/09/2015	03/09/2015	WB		
4.	NavtechGPS	0305/2015	03/09/2015	03/09/2015	WB		
5.							
6.							

Approved:4

Denied:0

TOTAL : 4



FBPE

FLORIDA BOARD OF
PROFESSIONAL ENGINEERS

INVESTIGATIVE REPORT

Office: FLORIDA BOARD OF PROFESSIONAL ENGINEERS		Date of Complaint: November 24, 2014		Case Number: 2014049617	
Subject: Professional Online Educators/EngineerCE.com 125 South, SR 7, Suite 104-210 West Palm Beach, Florida 33414			Complainant/Source: Dennis Barton 857 East Park Avenue Tallahassee, Florida 32301		
Prefix:	License #: Provider #0004668	Profession: CE Provider	Board: Engineers	Report Date: December 9, 2014	
Period of Investigation: November 24, 2014 through December 9, 2014			Type of Report: Investigative Report		
Alleged Violation: Rule 61G15-19.001(2)(b) and (6)(b); FAC: A professional engineer shall not advertise in a false, fraudulent, deceptive or misleading manner and A professional engineer shall not commit misconduct in the practice of engineering. Rule 61G15-22.011(7), FAC: The Board retains the right and authority to audit and/or monitor programs and review records and course materials given by any provider approved pursuant to this rule. The Board shall request that the Department of Business and Professional Regulation revoke the approved status of the provider or reject individual programs given by a provider if the provider disseminated any false or misleading information in connection with the continuing education programs, or if the provider fails to conform to and abide by the rules of the Board..					
<p><u>Synopsis:</u> This matter was predicated upon receipt of a complaint from Dennis Barton (Ex. 1). In his complaint, Mr. Barton alleged:</p> <p><i>Mr. Abraham Lee, Florida PE #56359, is in violation of 61 G15-19.001 (2)(b) and subject to discipline in that he created an internet domain name for the purpose of directing internet traffic from my company, Engineer Educators, Inc to his company Engineer CE. By creating the domain name www.engineereducator.com (the same domain name as Engineer Educators.Com without pluralizing "educators") Mr. Lee currently advertises his company in a fraudulent, deceptive and misleading manner in an effort to direct internet traffic and sale of internet based continuing education courses from Engineer Educators to Mr. Lee's Engineer CE web site. The effect of Mr. Lee's deceptive and misleading domain name is to take the engineer seeking the Engineer Educators web site directly to the Engineer CE web site and is a clear omission of a material fact, the "s" in educators, that makes the domain name www.engineereducator.com grossly misleading.</i></p> <p><i>In addition, Mr. Lee is also in violation of 61G15-19.001(6)(b) by committing misconduct as he is untruthful, deceptive and misleading in that the omission of the "s" in Engineer Educators leads the public to a fallacious conclusion that they will land on the Engineer Educators web site when, in fact, they are sent directly to Mr. Lee's Engineer CE web site.</i></p> <p><i>There is no other reason for Mr. Lee to create the domain name, www.engineereducator.com than to purposefully and fraudulently direct the public</i></p>					

away from the www.engineereducators.com web site to that of EngineerCE. In that renewal of the Florida professional engineer licenses is currently underway and many engineers will be looking to internet based continuing education courses to fulfill the continuing education requirements, we respectfully ask that this complaint be expedited so that Mr. Lee's effort at ill gain will conclude as soon as possible.

This Investigator performed a "Google" search utilizing the term "engineer educator" (Ex. 2). As shown in Exhibit 2, there were no results for the company owned by Mr. Lee, Engineer CE. This Investigator also performed a "Bing" search utilizing the term "engineer educator" (Ex. 3). As shown in Exhibit 3, there were no results for the company owned by Mr. Lee, Engineer CE.

This Investigator corresponded with Mr. Barton on December 1, 2014 (Ex. 4). The email stated:

Please provide me with a list of any regulatory actions you have taken or filed against Abraham Lee, P.E., with any State or Federal agency and the disposition thereof.

Mr. Barton responded on December 1, 2014 (Ex. 5). In his email, Mr. Barton stated:

We filed a complaint against Mr. Lee with the Internet Crime Complaint Center (IC3), which is a part of the Federal Bureau of Investigation on November 18, 2014. We have not received word from them on the status of the complaint.

We will be meeting tomorrow to decide if we should file a complaint with ICANN, the Internet Corporation for Assigned Names and Numbers. ICANN's Uniform Domain Name Dispute Resolution Policy is that such disputes are arbitrated by National Arbitration Forum and the upfront fee for them to arbitrate is \$1500 so we are hoping for a less costly resolution.

I contacted Mr. Lee when we first discovered his deceptive practice and asked him to withdraw the "educator" domain name as he was committing fraud. He was belligerent and abusive and indicated I was at fault as I should have filed for the "educator" domain name to protect my business and hung up me.

In addition he has not responded to a letter outlining our grievances sent by our attorney, Ed Bayo.

Of course we have also filed a complaint with the FBPE of which you are familiar. In addition to the request for discipline for violations of 61G15-19.001 (2) (b) and (6)(b) contained in our complaint our hope is that the FBPE will request the DBPR to revoke the approved status of Mr. Lee's company as he is providing false and misleading information in connection with his continuing education programs, per Chapter 61G15-22.011(7) FAC.

On December 2, 2014, this Investigator again corresponded with Mr. Barton (Ex. 6). The email stated:

You filed your complaint against Abraham Lee, P.E. asserting violations of Rule 61G15-19.001(2)(b), FAC, and Rule 61G15-19.001(6)(b), FAC. Please explain to me how his activities involve the practice of engineering. As you know, Rules 61G15-19.001(2)(b) and 61G15-19.001(6)(b) involves advertising and misconduct by professional engineers engaged in the practice of engineering as opposed to a CE Provider. Did you intend to file your complaint against him and his firm for inappropriate activities as a CE Provider?

The above question was posed after discussion with Prosecuting Attorney John Rimes. It is clear that the Rules referenced in the initial complaint against Abraham Lee, P.E. only would subject Mr. Lee to potential Board action if Mr. Lee was practicing engineering. There is nothing contained in the information received which show the actions of Mr. Lee are those of an engineer, but rather are the actions of a continuing education provider which is not the professional practice of engineering. See Florida Ethics Commission Opinion (CEO 96-17) attached as Exhibit 7.

Mr. Barton responded on December 2, 2014 (Ex. 8). Mr. Barton's email stated:

The Ch 471 and 61G15 are not always clear as to what may be a violation. I would agree the definition of engineering does not include the act of being a continuing education provider, however, providers of Law and Rules must be an engineer or attorney so the suggestion of a high standard of behavior and the opportunity for relief through enforcement of professional practice standards is there by inference if not in fact. Should that not be the case then Mr. Lee clearly is in violation of 61G15-22.011(5) (in appropriate continuing education services) and (7) (misleading information in connection with continuing education programs). With that I would like to amend my complaint to include 61G15-22.011(5) and (7) .

Rule 22.011(5) and (7), FAC, state:

(5) Should the Board determine that the provider has failed to provide appropriate continuing education services, it shall request that the Department of Business and Professional Regulation issue an order requiring the provider cease and desist from offering any continuing education courses and shall request that the Department revoke any approval of the provider granted by the Board.

There does not appear to be any complaint related to the quality or appropriateness of the continuing education services.

The only portion of (7) which may apply is the portion related to false or misleading information in connection with the continuing education programs.

(7) The Board retains the right and authority to audit and/or monitor programs and review records and course materials given by any provider approved pursuant to this rule. The Board shall request that the Department of Business and Professional Regulation revoke the approved status of the provider or reject individual programs given by a provider if the provider disseminated any false or misleading information in connection with the continuing education programs, or if the provider fails to conform to and abide by the rules of the Board. Licensees will not lose credit for attending courses offered by approved providers that are later rejected or stopped by the Board.

On December 8, 2014, this Investigator corresponded with Mr. Barton (Ex. 9). The email to Mr. Barton stated:

...are you asking that a complaint be opened against the Provider? Please advise. Thank you.

Mr. Barton responded as follows (Ex. 10):

Yes, I am asking that a complaint be opened against Mr. Abraham Lee.

This Investigator responded as follows (Ex. 11):

I was referring to Engineer CE, not Mr. Abraham. I need to determine whether you wanted a complaint opened against Engineer CE. Please advise. Thanks.

Mr. Barton responded as follows (Ex. 12):

I am sorry, Wendy. I don't see the difference. Engineer CE is owned and operated by Mr. Lee so I see them as one and the same. However, if there is a legal distinction and a complaint against Engineer CE, instead of Mr. Lee, will provide relief then I want to file a complaint against Engineer CE.

This complaint was initially opened against Abraham Lee, P.E., individually. After investigation and discussions with Mr. Barton and Prosecuting Attorney John Rimes, this secondary complaint was opened against Professional Online Educators/EngineerCE.com. The case against Abraham Lee, P.E., was closed as legally insufficient on December 9, 2014. Copies of the Continuing Education Provider records on file with the Board are attached for reference as Exhibit 13).

If the Board determines that Professional Online Educators/Engineer CE.com has violated these rules, the matter must be referred to the Department of Business & Professional Regulation for handling.

For these reasons this matter is being forwarded to the Executive Director for processing.

Related Case:

Investigator/Date:

Wendy Anderson
Investigator

Date: December 9, 2014

Distribution: Legal

TABLE OF CONTENTS

I. INVESTIGATIVE REPORT COVER PAGE

II. EXHIBITS

Pages:

- 1) Complaint
- 2) "Google" Search Results
- 3) "Bing" Search Results
- 4) Email to Complainant
- 5) Email from Complainant
- 6) Email to Complainant
- 7) Florida Ethics Commission Opinion CEO 96-17
- 8) Email from Complainant
- 9) Email to Complainant
- 10) Email from Complainant
- 11) Email to Complainant
- 12) Email from Complainant
- 13) Records for Professional Online Educators Inc. (EngineerCE.com)

Wendy Anderson

From: John Rimes
Sent: Monday, November 24, 2014 1:32 PM
To: Wendy Anderson
Subject: FW: Compliant
Attachments: complaint_interactive_form_092811 (1).doc

From: Dennis Barton [<mailto:dennis.barton@engineereducators.com>]
Sent: Monday, November 24, 2014 12:18 PM
To: John Rimes
Subject: Compliant

Attached is my complaint against Mr. Abraham Lee.

Dennis Barton

Florida Board of Professional Engineers

UNIFORM COMPLAINT FORM

Please return to: Florida Board of Professional Engineers
2639 North Monroe Street, Suite B-112
Tallahassee, Florida 32303

Type or Print

Contact (other than yourself)

Your Name: Dennis Barton

Name: William Palm

Address: 857 East Park Avenue

Address: 2127 Mallard Circle _____

Tallahassee FL 32301

Winter Park FL 32789

City, State, Zip

City, State, Zip

Telephone (850) (224)0500

Telephone (850-510-1940) _____
Business Residence

Your Occupation: _____

SUBJECT OF COMPLAINT

Name: Abraham Lee
Engineer and/or Engineering Firm

Address: 2150 Balsam Way

Telephone: (888-346-4734 _____) _____

City: Wellington

State FL

Zip: 33414 _____

License # (if known): 56359 _____

Have you contacted subject concerning complaint? Yes No Date: _____

Private Attorney

(if applicable) Ed Bayo
Name

2022-2 Raymond Diehl Rd
Address

Tallahassee FL 32308

_____, _____, _____
City State Zip

(850)385-1314 _____
Telephone

Because of the Statute of Limitations, please do not delay in consulting with an attorney or initiating any actions to preserve your civil remedies in this matter. *The Board cannot be your legal representative. Matters, which involve monetary recovery or questions of restitution for damages, are civil in nature and should be addressed to the court with appropriate jurisdiction.*

Witnesses (Please give full name and address) _____

Please see other side

Note: A copy of this form will be sent to the Engineer named in your complaint pursuant to **455.225(1) Florida Statutes**.
Please give full details of your complaint. Include facts, details, and dates. Please attach copies of documents, records, correspondence, plans and contracts.

Florida Statutes 837.06, False Official Statements: Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree.

Dennis Barton
Signature (required to file complaint)

11/24/14
Date

Mr Abraham Lee, Florida PE #56359, is in violation of 61G15-19.001(2)(b) and subject to discipline in that he created an internet domain name for the purpose of directing internet traffic from my company, Engineer Educators, Inc to his company Engineer CE. By creating the domain name www.engineereducator.com (the same domain name as Engineer Educators.Com without pluralizing "educators") Mr. Lee currently advertises his company in a fraudulent, deceptive and misleading manner in an effort to direct internet traffic and sale of internet based continuing education courses from Engineer Educators to Mr. Lee's Engineer CE web site. The effect of Mr. Lee's deceptive and misleading domain name is to take the engineer seeking the Engineer Educators web site directly to the Engineer CE web site and is a clear omission of a material fact, the "s" in educators, that makes the domain name www.engineereducator.com grossly misleading.

In addition, Mr Lee is also in violation of 61G15-19.001(6)(b) by committing misconduct as he is untruthful, deceptive and misleading in that the omission of the "s" in Engineer Educators leads the public to a fallacious conclusion that they will land on the Engineer Educators web site when, in fact, they are sent directly to Mr. Lee's Engineer CE web site.

There is no other reason for Mr. Lee to create the domain name, www.engineereducator.com than to purposefully and fraudulently direct the public away from the www.engineereducators.com web site to that of EngineerCE. In that renewal of the Florida professional engineer licenses is currently underway and many engineers will be looking to internet based continuing education courses to fulfill the continuing education requirements, we respectfully ask that this complaint be expedited so that Mr. Lee's effort at ill gain will conclude as soon as possible.

engineer educator

Sign in

Web Images Shopping News Videos More Search tools

About 11,700,000 results (0.44 seconds)

EngineerEducators.com; on line or by correspondence ...

https://www.engineereducators.com/

Welcome to Engineer Educators web site. We are happy you found us as a competitor has created a domain name one letter different than ours in hopes that a ... Google+ page Be the first to review

857 E Park Ave, Tallahassee, FL 32301 (850) 224-0500

Indiana continuing education ...

Indiana continuing education requirements, Indiana is ...

Client Login

Client Login, Email Address, Password, Forgot your ...

Courses offered by Engineer ...

Courses Offered by Engineer Educators. Click on Home Page ...

BUY NOW

Enter your name as it appears on your license. * First Name ...

More results from engineereducators.com »

American Society for Engineering Education: Home

www.asee.org/ American Society for Engineering Education

Transitioning Veterans to Engineering-Related Careers. This report provides ... The Fall 2014 Advances in Engineering Education is now online, SEP. 17, 2014.

Engineering education - Wikipedia, the free encyclopedia

en.wikipedia.org/wiki/Engineering_education Wikipedia

Engineering education is the activity of teaching knowledge and principles related to the professional practice of engineering. It includes the initial education for ... Africa - Asia - Europe - North America

Licensure as an Engineering Educator

www.tbpe.state.tx.us/lic_ed.htm

The Texas Board of Professional Engineers has revised the rules for licensure for Engineering Educators via a waiver of both the FE and the PE examinations.

Electronics Engineer - Education Portal

education-portal.com/electronics_engineer.html

Prospective students searching for electronics engineer found the following related ... Electronics Engineer Education Requirements and Career Information.

Aeronautical Engineer: Educational Requirements

education-portal.com/.../Aeronautical_Engineer_Educational_Requireme...

People searching for Aeronautical Engineer: Educational Requirements found the ... How to Become a Locomotive Engineer: Education and Career Roadmap.

K-12 STEM Literacy Committee Educator-Engineer ...

www.ieeeusa.org Volunteers

May 20, 2014 - Honor the educator-engineer collaborative partnership for successfully providing a specific project or program to the students that supports the ...

Boston University » College of Engineering » Special ...

www.bu.edu/eng/academics/special-programs/steep/ Boston University

STEM Educator-Engineer Program (STEEP). Discovering the excitement of innovation and technology often happens at an early age. For engineering students ...

Searches related to engineer educator

- engineer education requirements electrical engineer education mechanical engineer education software engineer education civil engineer education train engineer education computer engineer education chemical engineer education

Engineer Educators

Directions

More about Engineer Educators

Are you the business owner?

Feedback

Ads

Engineering Jobs @ Google

www.google.com/careers

We're Hiring Software Ninjas. Browse Openings and Apply Now!

Hire Engineers \$25-\$87/hr

www.elance.com/Engineer

Quality Work Done Once, Done Right. On Demand Engineers. Try Us!

Risk Free Engineer PDH

www.redvector.com/Engineer-PDH-CE

(800) 471-0384 Save 20% on Online CE Courses. Most Trusted Provider 2000+ Course Hours

\$19 Florida Laws & Rules

www.pdhlbrary.com/

Online PDH Course for Engineers Hurry Special Ends Sunday

See your ad here »

Town and Country, Tallahassee, FL - From your Internet address - Use precise location - [Learn more](#)

[Help](#) [Send feedback](#) [Privacy & Terms](#)

engineer educator

Web Images Videos Maps News More

13

Thomas-Wen... 

Also try: [Engineering Educators Florida](#) · [Engineers to Teachers Florida](#) · [From En...](#)

30,400,000 RESULTS Any time

Engineer Educators

https://www.engineereducators.com

Welcome to **Engineer Educators** web site. We are happy you found us as a competitor has created a domain name one letter different than ours in hopes that a miscue in ...

Indiana

Indiana continuing education requirements. Indiana is ...

Details

EE 101 An Introduction to Electrical Engineering ...

Maryland

A licensee who maintains current licenses in the ...

857 E Park Ave, Tallahassee, FL 32301 · (850) 224-0500

Directions · Details

Client Login

EngineerEducators.com offers continuing ...

Buy Now

EngineerEducators.com offers continuing ...

Line or by Corresp...

EngineerEducators.com offers continuing education for ...

Engineering education - Wikipedia, the free encyclopedia

en.wikipedia.org/wiki/Engineering_education

Engineering education is the activity of teaching knowledge and principles related to the professional practice of **engineering**. It includes the initial **education** for ...
Africa · Asia · Europe · North America

ENGINEERING.com | Education

www.engineering.com/Education.aspx

ENGINEERING.com supports engineering students with career advice, links to engineering schools and programs, university directory, lesson plans all to ...

American Society for Engineering Education - Official Site

www.asee.org

ASEE recognizes the role K-12 educators play in demonstrating exciting engineering concepts to young people. ASEE convenes an annual K-12 workshop giving teachers ...

Engineer Educators - Tallahassee, FL - Engineering ...

www.manta.com › ... › Professional Services › Engineering Services
Engineering Services in Tallahassee, FL · 857 East Park Avenue Tallahassee, FL
More Details for **Engineer Educators**. Categorized under **Engineering Services**. Our records show it was established in 2006 and incorporated in Florida.

Related searches for engineer educator

- [Engineering Educators Florida](#)
- [Indiana Engineer Continuing Education](#)
- [Engineers to Teachers Florida](#)
- [Indiana PE Continuing Education](#)
- [From Engineer to Teacher](#)
- [Indiana PE License Continuing Education](#)

Engineering Education Jobs & Employment - FlipDog ...

www.flipdog.com › Washington Jobs › Engineering Jobs
Find new **Engineering Education** jobs, careers, and employment opportunities at FlipDog. Visit www.FlipDog.com for **Engineering Education** job listings posted today!

Engineering Education Service Center

www.engineeringedu.com

The **Engineering Education Service Center (EESC)** is an **engineering education** company that specializes in providing products for K-12 schools to teach and share ...

CivilPDH - Online Education Engineering - Engineer ...

www.civilpdh.com

Civil PDH provides **engineering continuing education** online specially tailored toward **Civil Engineers**. Our experience makes it possible for you to obtain your required ...

Engineer Educators, Inc. in Tallahassee FL - Company ...

www.corporationwiki.com/Florida/Tallahassee/engineer-educators-inc...
2 items · **Engineer Educators, Inc.** filed as a Domestic for Profit Corporation in the State of Florida on Tuesday, February 12, 2002 and is approximately twelve years old, as ...

Engineer Educators



Directions **Website**

Address: 857 E Park Ave, Tallahassee, FL 32301

Phone: (850) 224-0500

Data from: Yelp

Details incorrect? Let us know! · Do you own this business?

Related searches

- Engineering Educators Florida
- Engineers to Teachers Florida
- From Engineer to Teacher
- Indiana Engineer Continuing Education
- Indiana PE Continuing Education
- Indiana PE License Continuing Education
- Online Engineering Education Inc
- Engineer Educators Inc

Twitter



Javed Aziz Khan
@JavedAzizKhan · 9 hours ago

#Peshawar has worst traffic system in absence of traffic engineering, education and enforcement. #KP
pic.twitter.com/3ko2u4vOBi



Javed Aziz Khan on Twitter
twitter.com

See on Twitter

See more on Twitter

[Learn more](#)

[Info for](#)

[Support](#)

[Privacy and Cookies](#)

[Advertise](#)

[Help](#)

© 2014 Microsoft

[Legal](#)

[About our ads](#)

[Feedback](#)

Wendy Anderson

From: Wendy Anderson
Sent: Monday, December 01, 2014 1:50 PM
To: 'dennis.barton@engineereducators.com'
Subject: Complaint

Mr. Barton:

Please provide me with a list of any regulatory actions you have taken or filed against Abraham Lee, P.E., with any State or Federal agency and the disposition thereof. Thank you.

Wendy Anderson
Investigator &
Public Records Requests



2639 North Monroe Street
Suite B-112
Tallahassee, FL 32303
850-523-1619



This e-mail message, including any attachments, is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged and/or confidential. If you are not the intended recipient or the employee or agent responsible for delivering the communication to the intended recipient, please notify us immediately by replying to this message and then delete this message from your system. You are hereby notified that any use, dissemination, distribution and/or reproduction of this message and/or any attachments by unintended recipients is unauthorized and may be unlawful. Furthermore, although we have taken precautions to minimize the risk of transmitting software viruses, we advise you to perform your own virus checks on any attachment to this message. We do not accept liability for any loss or damage caused by software viruses.

Wendy Anderson

From: Dennis Barton <dennis.barton@engineereducators.com>
Sent: Monday, December 01, 2014 2:34 PM
To: Wendy Anderson
Subject: RE: Complaint

Hi Wendy

We filed a complaint against Mr. Lee with the Internet Crime Complaint Center (IC3), which is a part of the Federal Bureau of Investigation on November 18, 2014. We have not received word from them on the status of the complaint.

We will be meeting tomorrow to decide if we should file a complaint with ICANN, the Internet Corporation for Assigned Names and Numbers. ICANN's Uniform Domain Name Dispute Resolution Policy is that such disputes are arbitrated by National Arbitration Forum and the upfront fee for them to arbitrate is \$1500 so we are hoping for a less costly resolution.

I contacted Mr. Lee when we first discovered his deceptive practice and asked him to withdraw the "educator" domain name as he was committing fraud. He was belligerent and abusive and indicated I was at fault as I should have filed for the "educator" domain name to protect my business and hung up me.

In addition he has not responded to a letter outlining our grievances sent by our attorney, Ed Bayo.

Of course we have also filed a complaint with the FBPE of which you are familiar. In addition to the request for discipline for violations of 61G15-19.001 (2) (b) and (6)(b) contained in our complaint our hope is that the FBPE will request the DBPR to revoke the approved status of Mr Lee's company as he is providing false and misleading information in connection with his continuing education programs, per Chapter 61G15-22.011(7) FAC.

Thanks for your inquiry and follow up on this important matter.

Dennis Barton

From: Wendy Anderson [<mailto:WAnderson@fbpe.org>]
Sent: Monday, December 01, 2014 1:50 PM
To: dennis.barton@engineereducators.com
Subject: Complaint

Mr. Barton:

Please provide me with a list of any regulatory actions you have taken or filed against Abraham Lee, P.E., with any State or Federal agency and the disposition thereof. Thank you.

Wendy Anderson
Investigator &
Public Records Requests



2639 North Monroe Street
Suite B-112
Tallahassee, FL 32303
850-523-1619



This e-mail message, including any attachments, is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged and/or confidential. If you are not the intended recipient or the employee or agent responsible for delivering the communication to the intended recipient, please notify us immediately by replying to this message and then delete this message from your system. You are hereby notified that any use, dissemination, distribution and/or reproduction of this message and/or any attachments by unintended recipients is unauthorized and may be unlawful. Furthermore, although we have taken precautions to minimize the risk of transmitting software viruses, we advise you to perform your own virus checks on any attachment to this message. We do not accept liability for any loss or damage caused by software viruses.

Wendy Anderson

From: Wendy Anderson
Sent: Tuesday, December 02, 2014 9:32 AM
To: dennis.barton@engineereducators.com
Subject: Abraham Lee, P.E.

Mr. Barton:

You filed your complaint against Abraham Lee, P.E. asserting violations of Rule 61G15-19.001(2)(b), FAC, and Rule 61G15-19.001(6)(b), FAC. Please explain to me how his activities involve the practice of engineering. As you know, Rules 61G15-19.001(2)(b) and 61G15-19.001(6)(b) involves advertising and misconduct by professional engineers engaged in the practice of engineering as opposed to a CE Provider. Did you intend to file your complaint against him and his firm for inappropriate activities as a CE Provider?

Wendy Anderson
Investigator &
Public Records Requests



2639 North Monroe Street
Suite B-112
Tallahassee, FL 32303
850-523-1619



This e-mail message, including any attachments, is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged and/or confidential. If you are not the intended recipient or the employee or agent responsible for delivering the communication to the intended recipient, please notify us immediately by replying to this message and then delete this message from your system. You are hereby notified that any use, dissemination, distribution and/or reproduction of this message and/or any attachments by unintended recipients is unauthorized and may be unlawful. Furthermore, although we have taken precautions to minimize the risk of transmitting software viruses, we advise you to perform your own virus checks on any attachment to this message. We do not accept liability for any loss or damage caused by software viruses.

CONFLICT OF INTEREST

BOARD OF ARCHITECTURE AND INTERIOR DESIGN MEMBER PROVIDING AND TEACHING COURSES FOR CONTINUING EDUCATION CREDIT

To: *Carl Gerkin, AIA, Member, State Board of Architecture and Interior Design (Ormond Beach)*

SUMMARY:

A prohibited conflict of interest would be created under Section 112.313(7)(a) were a member of the State Board of Architecture and Interior design to become a provider and instructor of continuing education courses. In light of the Board's authority to establish criteria for the approval of continuing education courses and providers and to approve such courses, providers, and instructors, a Board member who submits his application to the Board for its approval of him or an entity created by him to be a provider or instructor has a prohibited contractual relationship with a business entity which is regulated by his agency, the Board. By contracting individually with individual architects and/or their firms to teach his courses, he also has prohibited contractual relationships with business entities, the individual architects and/or their firms, regulated by his agency.

A continuing or frequently recurring conflict between the Board member's private interests and the performance of his public duties or an impediment to the full and faithful discharge of his public duties also was created by his seeking approval of himself as a provider and/or instructor for purposes of teaching continuing education courses due to the Board's authority over and role in the development of administrative rules regarding such courses and the requirements for the renewal of architect's licenses, and the approval of providers and instructors.

Because Section 481.205(1), Florida Statutes, requires the Board to consist, in part, of five registered architects, Section 112.313(7)(b), Florida Statutes, permits the Board member's service on the Board notwithstanding the prohibition of the first part of Section 112.313(7)(a). However, because neither Section 481.205(1), Florida Statutes, nor any other provision of Chapter 481, Florida Statutes, requires a Board member also to be a compensated provider or instructor of continuing education courses and because being in the business of providing continuing education courses and/or teaching such courses which are required for license renewal is not a facet of the practice of architecture, which is generally regulated by the Board under Chapter 481, Florida Statutes, Section 112.313(7)(b) does not apply to permit the Board member's proposed activity.

QUESTION:

Was a prohibited conflict of interest created by you, a member and chairman of the Board of Architecture and Interior Design, becoming an approved provider and instructor of continuing education courses for architects licensed in this State?

Your question is answered in the affirmative.

You advise that after graduating from the University of Florida in 1950, you started your architectural career and obtained your license to practice in 1954. You write that not only have you been practicing in Florida since that time, but at one time you also were registered to practice in 11 southeast states. Presently, you advise, you are a member of the State Board of Architecture and Interior Design ("Board"), having been first appointed in 1986. Pursuant to Chapter 481, Florida Statutes, the Board has the authority to examine and certify architects and interior designers, to prescribe standards of professional conduct, to investigate violations of Chapter 481, and to revoke licenses. You also write that you were elected by the Board to be its Chairman in 1990 and served in that capacity until your term expired in December 1990, at which time, because the Board was busy licensing new Interior Design applicants, and because you had served on the Board's Interior Design Committee, you became a consultant to the Board for purposes of assisting it in reviewing applications for licensure.

In October 1991, you again were appointed to the Board, you advise. At the expiration of that term in 1994, you were reappointed to another term which expires in October 1998. You write that you again were elected by the Board to two consecutive terms as Board Chairman in 1994 and 1995.

You write that the Board is a member of the Board of the National Council of Architectural Registration Boards (NCARB). As such, you advise, Board members in each jurisdiction are expected to serve on the various committees of the NCARB. During your terms, you have served on the Item Writing Committee for the Architectural Registration Examination (ARE) and the Grading Committees for the ARE. You also served on the task force that reviewed testlets that were to be used in the computer-based ARE and the Item Writing committee for the monographs prepared by the NCARB for use as continuing education tools for the profession. Presently, you advise, you are serving on the 1995-1996 Professional Development Committee which determines the subject matter of proposed monographs.

You relate that in 1994, the Legislature amended Section 481.215(3), Florida Statutes [Section 156, Chapter 94-119, Laws of Florida] to require that, in addition to interior designers, all architects must have 20 hours of continuing education every biennium. Section 481.215(4) gave the Board authority to establish criteria for the approval of continuing education courses and providers and directed it to adopt rules establishing criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis. As a result, during the State Board's rule-making process, two other architect Board members were appointed to the Board's Continuing Education Committee and six registered architects, who were not Board members, were appointed to a task force to assist them, you write. The result was the adoption of Chapter 61G1-24, Florida Administrative Code, effective January 17, 1996, which includes Rule 61G1-24.002 which adopts by reference the Board's publication, *Architecture Continuing Education Handbook* (1995). Encompassed within the publication is material covering the approval of continuing education courses and providerships.

You advise that after the Board's rules were adopted, the Committee, with the task

force's assistance, also was requested to review the applications of continuing education providers, programs, and instructors and to make recommendations to the Board for action. Inasmuch as in 1995 you already had begun gathering together a group of professionals, including architects, attorneys, historians, financial planners, and others to conduct seminars that would meet the requirements of the statute and the Board's rules, you also made application to the Board to become a provider and an instructor, you write.

You advise that you teach a course through Professional Seminars Group (PSG), an unincorporated entity created by you to provide continuing education courses and credit hours to architects and interior designers. You advise that you are reimbursed for expenses and paid a speaker's fee by PSG for teaching the course. You further advise that PSG has been certified by the State Board as an architectural firm^{1[1]} and has been approved by the Board as a continuing education provider for both architecture and interior design courses. PSG's approval as an interior design continuing education provider expires on October 15, 1996 and its approval as an architecture continuing education provider expires on February 28, 1997, you write. You also advise that all of your continuing education programs which previously were approved by the Board will expire on those same dates.

In addition, you advise that PSG also is registered with the American Institute of Architects Continuing Education (AIA/CE) program. The information that you provided our staff indicates that a provider registers with the AIA/CE program. The AIA/CE neither approves the courses taught by a provider such as PSG nor sets the number of learning units (LUs) that a course registrant can obtain from attending a particular class. The number of LUs are set by the provider according to guidelines established by the AIA/CE.

The copy of the PSG's Third and Fourth Quarter 1996 Course Schedule which you also provided to our staff indicates that eleven (11) different courses are being taught during the last two quarters of the year. Some are being taught as many as six (6) times. The course that you teach, Florida Law Governing Architects and Interior Designers and CE Requirement, is scheduled to be taught eight times during this time period. At least ten (10) different instructors are teaching the courses. Two courses, one a core level and the other an intermediate level course, are being taught by two of the same instructors. Two of the other courses also are being taught by two instructors. Two of the courses, Alternative Dispute Resolution and Owner-Architect/Contractor Agreements and General Conditions, are taught by lawyers. Financial Planning and Retirement Planning is taught by a certified financial planner, and Introduction to Basic Economics for the Practitioner is taught by two certified public accountants (CPAs). The class synopsis that you provided staff indicates that your class, Florida Law Governing Architects & Interior Designers and Continuing Education Requirements, is designed to take the attendee through Chapter 481, Florida Statutes (Part 1--Architecture and Interior Design), as well as the administrative rules (Chapter 61G1-11, F.A.C.). You also write:

[The course] will be an interactive presentation with questions encouraged as the material is presented. We will give examples of violations of the statute and rules and the

^{1[1]} Section 481.219, F.S., requires a certificate of authorization for a corporation, partnership, or person practicing under a fictitious name, offering architectural services to the public jointly or separately.

consequences when not followed. They can range from simple Letter of Guidance to License Revocation. We will also present the contents of the Continuing Education Handbook for Architects and Interior Designers. A small written quiz will be given at the end for discussion only.

The course schedule also indicates that the courses offered by your PSG are approved by the Florida State Board of Architecture and Interior Design for Continuing education hours. In addition, in order for PSG to maintain its accreditation by the Board, the Agreement for Limited Services, which PSG enters into with the course instructors, requires that the instructors provide outlines of their course presentations, copies of all handouts, slides/overhead slicks, etc., and photographs of themselves and any possible alternate instructors.

You advise that due to your submission of an application, you were advised by the Board's attorney to submit a Conflict of Interest form. Upon his receipt of the form, the Secretary of the Department of Business and Professional Regulation indicated to you that he felt that your proposed activities may create a prohibited conflict of interest. He suggested that you either resign from the Board, cease being a provider, or request an opinion from us.

Notwithstanding the Secretary's opinion that a possible prohibited conflict of interest may exist, you contend that Section 112.313(7)(b), Florida Statutes, permits your proposed activities as a continuing education provider and instructor. Section 112.313(7) provides, as follows:

CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.--

(a) No public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he or she is an officer or employee, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties. . . .

(b) This subsection shall not prohibit a public officer or employee from practicing in a particular profession or occupation when such practice by persons holding such public office or employment is required or permitted by law or ordinance.

The first part of Section 112.313(7)(a) prohibits a public officer from having an employment or contractual relationship with a business entity which is doing business with or is regulated by his agency. The second part prohibits a public officer from having a contractual or employment

relationship which creates a continuing or frequently recurring conflict between his private interests and the performance of his public duties, or which impedes the full and faithful discharge of his public duties.

In CEO 77-28, we opined that a person serving as executive director of the State Board of Accountancy would be prohibited by Section 112.313(7)(a) from teaching a professional development course for compensation, which course would qualify for continuing professional education credit and which would be sponsored by a professional organization. We advised that while the Board generally does not regulate accountancy professional organizations, to the extent that such organizations sponsor professional development courses that must be approved for credit by the Board, such organizations are subject to the regulation of the Board. Therefore, we opined that the executive director would have a prohibited employment or contractual relationship with a business entity which is subject to the regulation of his agency. We opined further that if the executive director were to teach a course sponsored by a professional organization, an impediment to the full and faithful discharge of his public duties also would exist because, as executive director to the Board, he was responsible for designing and implementing all Board decisions, procedures, and programs as well as for drafting proposed rules implementing and interpreting the Florida Accountancy Law. Therefore, we advised, his public duties would put him in the position of assisting the Board and its Committee on Continuing Professional Education to evaluate matters which would relate directly to his private interests. Furthermore, we advised that if the executive director were to teach a continuing education course in his own name and if he were to be paid directly by each practitioner who takes the course, he would have a prohibited contractual relationship with each practitioner (~~business entity~~ as that term is defined at Section 112.312(5), Florida Statutes) taking the course, who also is regulated by the Board.

We similarly opined in CEO 87-61, Question 2, that a Criminal Justice Standards and Training Commission member who also was a law enforcement training center director would be prohibited from acting as a consultant to persons involved in the training of law enforcement and corrections personnel in the State. We advised that because the Criminal Justice Standards and Training Commission is responsible for certifying law enforcement officers, correctional officers, and correctional probation officers, as well as instructors, and for establishing training standards and curricular requirements and adopting a program regarding mandatory continuing training or education, his employment as a consultant to persons involved in the training of law enforcement and correctional personnel would impede the full and faithful discharge of his public duties.

We adhere to our reasoning in those opinions here and find that, as a provider and instructor of continuing education courses, you have a conflict of interest prohibited by Section 112.313(7)(a). We are of the view that by having to seek approval of your courses from your Board, you have a contractual or employment relationship with a business entity which is regulated by your agency. Section 112.312(5), Florida Statutes, defines the term ~~business entity~~ to mean

any corporation, partnership, limited partnership, proprietorship, firm, enterprise, franchise, association, self-employed individual, or trust, whether fictitiously named or not, doing business in this state.

Furthermore, by contracting individually with individual architects and/or their firms to teach your courses, you have contractual relationships with business entities which are regulated by your agency.

Additionally, we are of the view that a continuing or frequently recurring conflict between your private interests and the performance of your public duties, as a Board member, or an impediment to the full and faithful discharge of your public duties, as a Board member, under the second part of Section 112.313(7)(a), is created by your seeking approval of and teaching or providing continuing education courses for which you are compensated. This is due to the Board's authority over and role in the development of administrative rules regarding such continuing education courses and the continuing education requirements for renewal of architecture and interior design licenses and approval of providers and instructors.

We note that under the second clause of Section 112.313(7)(a) it is not necessary that a public officer actually misuse his public position, and this opinion does not make such a finding of misuse or intent to misuse regarding your conduct. The existence of temptation for a public officer to forsake the objective performance of his public duty in favor of his own private interests is sufficient to create a prohibited conflict; the existence of such a temptation is to be discerned from an examination of the nature and extent of the public officer's duties together with a review of his private employment to determine whether the two are compatible, separate and distinct, or whether they coincide to create a situation which tempts dishonor. See Zerweck v. State Commission on Ethics, 409 So. 2d 57 (Fla. 4th DCA 1982). Clearly, in a situation in which a public officer has no public duties or responsibilities in relation to his private employment, he could not be tempted to compromise the performance of his public duties. However, here, your situation is one in which you do have public duties with respect to determining continuing education requirements and approving continuing education courses, providers, and instructors, while at the same time you seek approval of and provide such courses and are an instructor. Thus, we find that a prohibited conflict of interest exists.

You have asked us to consider whether the exemption of Section 112.313(7)(b) applies to permit your proposed activities as a continuing education provider and instructor. You argue that as a professional member of the Board, you are engaged in the practice of architecture and enter in contractual relationships, all of which are regulated by the Board. You argue that being a continuing education course provider and instructor are only facets of the practice of architecture which is regulated by the Board and permitted by Section 112.313(7)(b).

Typically, as we noted in CEO 95-27, we have discussed Section 112.313(7)(b) relative to situations where a public officer sits on a board that regulates himself or his interests and where, by law, persons holding those interests are required or permitted to sit on that board. See, for example, CEO 94-45 and CEO 84-63. Consequently, because Section 481.205(1), Florida Statutes, requires the Board to consist of 11 members, five of whom must be registered architects who have been engaged in the practice of architecture for at least five years, Section 112.313(7)(b) permits you to serve on the Board notwithstanding the fact that a prohibited conflict of interest would otherwise exist due to the Board's regulation of the practice of architecture and its licensees. However, neither Section 481.205(1) nor any other provision of Chapter 481 requires that a Board member also be a compensated provider of continuing education courses or a compensated instructor of such courses. Because we do not view your acting as a continuing education provider or instructor for compensation as a facet of the practice of architecture, we find that a prohibited conflict of interest is created by your becoming an approved continuing education provider or instructor in the State while at the same time serving

as a member of the State Board.

Although you advise that there is no exemption from State licensure for teaching architecture related courses, there also is no requirement that an instructor be licensed by the State Board of Architects and Interior Designers in order to teach continuing education courses. For example, you advise that Florida A & M University has an architectural faculty of 25 members. Of that number, ten (10) are Florida licensed architects, one (1) is licensed as an architect in another state, and the remainder are not licensed as architects in any state. Similarly, you write that the University of Florida has 36 full-time architectural faculty members. Of that number, 20 are Florida licensed architects, nine (9) are licensed to practice architecture in another state, one (1) is a professional engineer, and the remainder are not licensed in any state. There also are eight (8) visiting architectural faculty members of which six (6) are licensed in Florida and two (2) are not licensed in any state.

Finally, with respect to the course that you teach, we caution that you also are governed by the following provisions within the Code of Ethics for Public Officers and Employees:

MISUSE OF PUBLIC POSITION.--No public officer or employee of an agency shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others. This section shall not be construed to conflict with s. 104.31. [Section 112.313(6), Florida Statutes.]

DISCLOSURE OR USE OF CERTAIN INFORMATION.-
-No public officer or employee of an agency shall disclose or use information not available to members of the general public and gained by reason of his or her official position for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity. [Section 112.313(8), Florida Statutes.]

These provisions prohibit you from using any public resources or any information not available to the general public to further your private business activity. In other opinions, we have noted that Section 112.313(8), Florida Statutes, prohibits public officers and employees from imparting information gained through their official positions and not available to the general public. See CEO 82-66, CEO 87-53, CEO 93-5, and CEO 93-9. Thus, as long as your course does not include information that you obtained through your position, as a member or Chairman of the Board, and that is not available to members of the general public, these provisions would not be implicated.

Accordingly, we find that a prohibited conflict of interest would be created were you to act as a continuing education provider or instructor in the State while serving as a member of the State Board of Architecture and Interior Design. However, we also are of the opinion that nothing in this opinion would prohibit you from acting as a provider or instructor outside of Florida, where the Board plays no role in approving either your courses or yourself as an instructor and/or provider.

ORDERED by the State of Florida Commission on Ethics meeting in public session on August 29, 1996, and **RENDERED** this 3rd day of September, 1996.

Mary Alice Phelan
Chair

CEO 96-17 -- August 29, 1996

CONFLICT OF INTEREST

**BOARD OF ARCHITECTURE AND INTERIOR DESIGN
MEMBER PROVIDING AND TEACHING COURSES
FOR CONTINUING EDUCATION CREDIT**

To: Carl Gerkin, AIA, Member, State Board of Architecture and Interior Design (Ormond Beach)

SUMMARY:

A prohibited conflict of interest would be created under Section 112.313(7)(a) were a member of the State Board of Architecture and Interior design to become a provider and instructor of continuing education courses. In light of the Board's authority to establish criteria for the approval of continuing education courses and providers and to approve such courses, providers, and instructors, a Board member who submits his application to the Board for its approval of him or an entity created by him to be a provider or instructor has a prohibited contractual relationship with a business entity which is regulated by his agency, the Board. By contracting individually with individual architects and/or their firms to teach his courses, he also has prohibited contractual relationships with business entities, the individual architects and/or their firms, regulated by his agency.

A continuing or frequently recurring conflict between the Board member's private interests and the performance of his public duties or an impediment to the full and faithful discharge of his public duties also was created by his seeking approval of himself as a provider and/or instructor for purposes of teaching continuing education courses due to the Board's authority over and role in the development of administrative rules regarding such courses and the requirements for the renewal of architect's licenses, and the approval of providers and instructors.

Because Section 481.205(1), Florida Statutes, requires the Board to consist, in part, of five registered architects, Section 112.313(7)(b), Florida Statutes, permits the Board member's service on the Board notwithstanding the prohibition of the first part of Section 112.313(7)(a). However, because neither Section 481.205(1), Florida Statutes, nor any other provision of Chapter 481, Florida Statutes, requires a Board member also to be a compensated provider or instructor of continuing education courses and because being in the business of providing continuing education courses and/or teaching such courses which are required for license renewal is not a facet of the practice of architecture, which is generally regulated by the Board under Chapter 481, Florida Statutes, Section 112.313(7)(b) does not apply to permit the Board member's proposed activity.

QUESTION:

Was a prohibited conflict of interest created by you, a member and chairman of the Board of Architecture and Interior Design, becoming an approved provider and instructor of continuing education courses for architects licensed in this State?

Your question is answered in the affirmative.

You advise that after graduating from the University of Florida in 1950, you started your architectural career and obtained your license to practice in 1954. You write that not only have you been practicing in Florida since that time, but at one time you also were registered to practice in 11 southeast states. Presently, you advise, you are a member of the State Board of Architecture and Interior Design ("Board"), having been first appointed in 1986. Pursuant to Chapter 481, Florida Statutes, the Board has the authority to examine and certify architects and interior designers, to prescribe standards of professional conduct, to investigate violations of Chapter 481, and to revoke licenses. You also write that you were elected by the Board to be its Chairman in 1990 and served in that capacity until your term expired in December 1990, at which time, because the Board was busy licensing new Interior Design applicants, and because you had served on the Board's Interior Design Committee, you became a consultant to the Board for purposes of assisting it in reviewing applications for licensure.

In October 1991, you again were appointed to the Board, you advise. At the expiration of that term in 1994, you were reappointed to another term which expires in October 1998. You write that you again were elected by the Board to two consecutive terms as Board Chairman in 1994 and 1995.

You write that the Board is a member of the Board of the National Council of Architectural Registration Boards (NCARB). As such, you advise, Board members in each jurisdiction are expected to serve on the various committees of the NCARB. During your terms, you have served on the Item Writing Committee for the Architectural Registration Examination (ARE) and the Grading Committees for the ARE. You also served on the task force that reviewed testlets that were to be used in the computer-based ARE and the Item Writing committee for the monographs prepared by the NCARB for use as continuing education tools for the profession. Presently, you advise, you are serving on the 1995-1996 Professional Development Committee which determines the subject matter of proposed monographs.

You relate that in 1994, the Legislature amended Section 481.215(3), Florida Statutes

[Section 156, Chapter 94-119, Laws of Florida] to require that, in addition to interior designers, all architects must have 20 hours of continuing education every biennium. Section 481.215(4) gave the Board authority to establish criteria for the approval of continuing education courses and providers and directed it to adopt rules establishing criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis. As a result, during the State Board's rule-making process, two other architect Board members were appointed to the Board's Continuing Education Committee and six registered architects, who were not Board members, were appointed to a task force to assist them, you write. The result was the adoption of Chapter 61G1-24, Florida Administrative Code, effective January 17, 1996, which includes Rule 61G1-24.002 which adopts by reference the Board's publication, "Architecture Continuing Education Handbook" (1995). Encompassed within the publication is material covering the approval of continuing education courses and providerships.

You advise that after the Board's rules were adopted, the Committee, with the task force's assistance, also was requested to review the applications of continuing education providers, programs, and instructors and to make recommendations to the Board for action. Inasmuch as in 1995 you already had begun gathering together a group of professionals, including architects, attorneys, historians, financial planners, and others to conduct seminars that would meet the requirements of the statute and the Board's rules, you also made application to the Board to become a provider and an instructor, you write.

You advise that you teach a course through Professional Seminars Group ("PSG"), an unincorporated entity created by you to provide continuing education courses and credit hours to architects and interior designers. You advise that you are reimbursed for expenses and paid a "speaker's fee" by PSG for teaching the course. You further advise that PSG has been certified by the State Board as an "architectural firm"^{2[1]} and has been approved by the Board as a continuing education provider for both architecture and interior design courses. PSG's approval as an interior design continuing education provider expires on October 15, 1996 and its approval as an architecture continuing education provider expires on February 28, 1997, you write. You also advise that all of your continuing education programs which previously were approved by the Board will expire on those same dates.

In addition, you advise that PSG also is registered with the American Institute of Architects Continuing Education (AIA/CE) program. The information that you provided our staff indicates that a provider "registers" with the AIA/CE program. The AIA/CE neither approves the courses taught by a provider such as PSG nor sets the number of learning units (LUs) that a course registrant can obtain from attending a particular class. The number of LUs are set by the provider according to guidelines established by the AIA/CE.

The copy of the PSG's "Third and Fourth Quarter 1996 Course Schedule" which you also provided to our staff indicates that eleven (11) different courses are being taught during the last two quarters of the year. Some are being taught as many as six (6) times. The course that you teach, "Florida Law Governing Architects and Interior Designers and CE Requirement," is scheduled to be taught eight times during this time period. At least ten (10) different instructors are teaching the courses. Two courses, one a core level and the other an intermediate level

^{2[1]} Section 481.219, F.S., requires a certificate of authorization for a corporation, partnership, or person practicing under a fictitious name, offering architectural services to the public jointly or separately.

course, are being taught by two of the same instructors. Two of the other courses also are being taught by two instructors. Two of the courses, ~~§~~Alternative Dispute Resolution and ~~§~~Owner-Architect/Contractor Agreements and General Conditions, are taught by lawyers. ~~§~~Financial Planning and Retirement Planning is taught by a certified financial planner, and ~~§~~Introduction to Basic Economics for the Practitioner is taught by two certified public accountants (CPA's). The class synopsis that you provided staff indicates that your class, ~~§~~Florida Law Governing Architects & Interior Designers and Continuing Education Requirements, is designed to take the attendee through Chapter 481, Florida Statutes (Part 1--Architecture and Interior Design), as well as the administrative rules (Chapter 61G1-11, F.A.C.). You also write:

[The course] will be an interactive presentation with questions encouraged as the material is presented. We will give examples of violations of the statute and rules and the consequences when not followed. They can range from simple Letter of Guidance to License Revocation. We will also present the contents of the Continuing Education Handbook for Architects and Interior Designers. A small written quiz will be given at the end for discussion only.

The course schedule also indicates that the courses offered by your PSG are approved by the Florida State Board of Architecture and Interior Design for Continuing education hours. In addition, in order for PSG to maintain its accreditation by the Board, the ~~§~~Agreement for Limited Services, which PSG enters into with the course instructors, requires that the instructors provide outlines of their course presentations, copies of all handouts, slides/overhead slicks, etc., and photographs of themselves and any possible alternate instructors.

You advise that due to your submission of an application, you were advised by the Board's attorney to submit a Conflict of Interest form. Upon his receipt of the form, the Secretary of the Department of Business and Professional Regulation indicated to you that he felt that your proposed activities may create a prohibited conflict of interest. He suggested that you either resign from the Board, cease being a provider, or request an opinion from us.

Notwithstanding the Secretary's opinion that a possible prohibited conflict of interest may exist, you contend that Section 112.313(7)(b), Florida Statutes, permits your proposed activities as a continuing education provider and instructor. Section 112.313(7) provides, as follows:

CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.--

(a) No public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he or she is an officer or employee, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall an officer or employee of an agency have or hold any

employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties. . . .

(b) This subsection shall not prohibit a public officer or employee from practicing in a particular profession or occupation when such practice by persons holding such public office or employment is required or permitted by law or ordinance.

The first part of Section 112.313(7)(a) prohibits a public officer from having an employment or contractual relationship with a business entity which is doing business with or is regulated by his agency. The second part prohibits a public officer from having a contractual or employment relationship which creates a continuing or frequently recurring conflict between his private interests and the performance of his public duties, or which impedes the full and faithful discharge of his public duties.

In CEO 77-28, we opined that a person serving as executive director of the State Board of Accountancy would be prohibited by Section 112.313(7)(a) from teaching a professional development course for compensation, which course would qualify for continuing professional education credit and which would be sponsored by a professional organization. We advised that while the Board generally does not regulate accountancy professional organizations, to the extent that such organizations sponsor professional development courses that must be approved for credit by the Board, such organizations are subject to the regulation of the Board. Therefore, we opined that the executive director would have a prohibited employment or contractual relationship with a business entity which is subject to the regulation of his agency. We opined further that if the executive director were to teach a course sponsored by a professional organization, an impediment to the full and faithful discharge of his public duties also would exist because, as executive director to the Board, he was responsible for designing and implementing all Board decisions, procedures, and programs as well as for drafting proposed rules implementing and interpreting the Florida Accountancy Law. Therefore, we advised, his public duties would put him in the position of assisting the Board and its Committee on Continuing Professional Education to evaluate matters which would relate directly to his private interests. Furthermore, we advised that if the executive director were to teach a continuing education course in his own name and if he were to be paid directly by each practitioner who takes the course, he would have a prohibited contractual relationship with each practitioner (~~business entity~~ as that term is defined at Section 112.312(5), Florida Statutes) taking the course, who also is regulated by the Board.

We similarly opined in CEO 87-61, Question 2, that a Criminal Justice Standards and Training Commission member who also was a law enforcement training center director would be prohibited from acting as a consultant to persons involved in the training of law enforcement and corrections personnel in the State. We advised that because the Criminal Justice Standards and Training Commission is responsible for certifying law enforcement officers, correctional officers, and correctional probation officers, as well as instructors, and for establishing training standards and curricular requirements and adopting a program regarding mandatory continuing training or education, his employment as a consultant to persons involved in the training of law enforcement and correctional personnel would impede the full and faithful discharge of his

public duties.

We adhere to our reasoning in those opinions here and find that, as a provider and instructor of continuing education courses, you have a conflict of interest prohibited by Section 112.313(7)(a). We are of the view that by having to seek approval of your courses from your Board, you have a contractual or employment relationship with a business entity which is regulated by your agency. Section 112.312(5), Florida Statutes, defines the term "business entity" to mean

any corporation, partnership, limited partnership, proprietorship, firm, enterprise, franchise, association, self-employed individual, or trust, whether fictitiously named or not, doing business in this state.

Furthermore, by contracting individually with individual architects and/or their firms to teach your courses, you have contractual relationships with business entities which are regulated by your agency.

Additionally, we are of the view that a continuing or frequently recurring conflict between your private interests and the performance of your public duties, as a Board member, or an impediment to the full and faithful discharge of your public duties, as a Board member, under the second part of Section 112.313(7)(a), is created by your seeking approval of and teaching or providing continuing education courses for which you are compensated. This is due to the Board's authority over and role in the development of administrative rules regarding such continuing education courses and the continuing education requirements for renewal of architecture and interior design licenses and approval of providers and instructors.

We note that under the second clause of Section 112.313(7)(a) it is not necessary that a public officer actually misuse his public position, and this opinion does not make such a finding of misuse or intent to misuse regarding your conduct. The existence of temptation for a public officer to forsake the objective performance of his public duty in favor of his own private interests is sufficient to create a prohibited conflict; the existence of such a temptation is to be discerned from an examination of the nature and extent of the public officer's duties together with a review of his private employment to determine whether the two are compatible, separate and distinct, or whether they coincide to create a situation which tempts dishonor. See Zerweck v. State Commission on Ethics, 409 So. 2d 57 (Fla. 4th DCA 1982). Clearly, in a situation in which a public officer has no public duties or responsibilities in relation to his private employment, he could not be tempted to compromise the performance of his public duties. However, here, your situation is one in which you do have public duties with respect to determining continuing education requirements and approving continuing education courses, providers, and instructors, while at the same time you seek approval of and provide such courses and are an instructor. Thus, we find that a prohibited conflict of interest exists.

You have asked us to consider whether the exemption of Section 112.313(7)(b) applies to permit your proposed activities as a continuing education provider and instructor. You argue that as a professional member of the Board, you are engaged in the practice of architecture and enter in contractual relationships, all of which are regulated by the Board. You argue that being a continuing education course provider and instructor are only facets of the practice of architecture which is regulated by the Board and permitted by Section 112.313(7)(b).

Typically, as we noted in CEO 95-27, we have discussed Section 112.313(7)(b) relative

to situations where a public officer sits on a board that regulates himself or his interests and where, by law, persons holding those interests are required or permitted to sit on that board. See, for example, CEO 94-45 and CEO 84-63. Consequently, because Section 481.205(1), Florida Statutes, requires the Board to consist of 11 members, five of whom must be registered architects who have been engaged in the practice of architecture for at least five years, Section 112.313(7)(b) permits you to serve on the Board notwithstanding the fact that a prohibited conflict of interest would otherwise exist due to the Board's regulation of the practice of architecture and its licensees. However, neither Section 481.205(1) nor any other provision of Chapter 481 requires that a Board member also be a compensated provider of continuing education courses or a compensated instructor of such courses. Because we do not view your acting as a continuing education provider or instructor for compensation as a facet of the practice of architecture, we find that a prohibited conflict of interest is created by your becoming an approved continuing education provider or instructor in the State while at the same time serving as a member of the State Board.

Although you advise that there is no exemption from State licensure for teaching architecture related courses, there also is no requirement that an instructor be licensed by the State Board of Architects and Interior Designers in order to teach continuing education courses. For example, you advise that Florida A & M University has an architectural faculty of 25 members. Of that number, ten (10) are Florida licensed architects, one (1) is licensed as an architect in another state, and the remainder are not licensed as architects in any state. Similarly, you write that the University of Florida has 36 full-time architectural faculty members. Of that number, 20 are Florida licensed architects, nine (9) are licensed to practice architecture in another state, one (1) is a professional engineer, and the remainder are not licensed in any state. There also are eight (8) visiting architectural faculty members of which six (6) are licensed in Florida and two (2) are not licensed in any state.

Finally, with respect to the course that you teach, we caution that you also are governed by the following provisions within the Code of Ethics for Public Officers and Employees:

MISUSE OF PUBLIC POSITION.--No public officer or employee of an agency shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others. This section shall not be construed to conflict with s. 104.31. [Section 112.313(6), Florida Statutes.]

DISCLOSURE OR USE OF CERTAIN INFORMATION.-
-No public officer or employee of an agency shall disclose or use information not available to members of the general public and gained by reason of his or her official position for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity. [Section 112.313(8), Florida Statutes.]

These provisions prohibit you from using any public resources or any information not available to the general public to further your private business activity. In other opinions, we have noted

that Section 112.313(8), Florida Statutes, prohibits public officers and employees from imparting information gained through their official positions and not available to the general public. See CEO 82-66, CEO 87-53, CEO 93-5, and CEO 93-9. Thus, as long as your course does not include information that you obtained through your position, as a member or Chairman of the Board, and that is not available to members of the general public, these provisions would not be implicated.

Accordingly, we find that a prohibited conflict of interest would be created were you to act as a continuing education provider or instructor in the State while serving as a member of the State Board of Architecture and Interior Design. However, we also are of the opinion that nothing in this opinion would prohibit you from acting as a provider or instructor outside of Florida, where the Board plays no role in approving either your courses or yourself as an instructor and/or provider.

ORDERED by the State of Florida Commission on Ethics meeting in public session on August 29, 1996, and **RENDERED** this 3rd day of September, 1996.

Mary Alice Phelan
Chair

Wendy Anderson

From: Dennis Barton <dennis.barton@engineereducators.com>
Sent: Tuesday, December 02, 2014 11:04 AM
To: Wendy Anderson
Cc: 'Bill Palm'
Subject: RE: Abraham Lee, P.E.

Wendy

The Ch 471 and 61G15 are not always clear as to what may be a violation. I would agree the definition of engineering does not include the act of being a continuing education provider, however, providers of Law and Rules must be an engineer or attorney so the suggestion of a high standard of behavior and the opportunity for relief through enforcement of professional practice standards is there by inference if not in fact. Should that not be the case then Mr Lee clearly is in violation of 61G15-22.011(5) (in appropriate continuing education services) and (7) (misleading information in connection with continuing education programs). With that I would like to amend my complaint to include 61G15-22.011(5) and (7) .

Dennis Barton
Engineer Educators

From: Wendy Anderson [<mailto:WAnderson@fbpe.org>]
Sent: Tuesday, December 02, 2014 9:32 AM
To: dennis.barton@engineereducators.com
Subject: Abraham Lee, P.E.

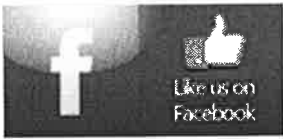
Mr. Barton:

You filed your complaint against Abraham Lee, P.E. asserting violations of Rule 61G15-19.001(2)(b), FAC, and Rule 61G15-19.001(6)(b), FAC. Please explain to me how his activities involve the practice of engineering. As you know, Rules 61G15-19.001(2)(b) and 61G15-19.001(6)(b) involves advertising and misconduct by professional engineers engaged in the practice of engineering as opposed to a CE Provider. Did you intend to file your complaint against him and his firm for inappropriate activities as a CE Provider?

Wendy Anderson
Investigator &
Public Records Requests



2639 North Monroe Street
Suite B-112
Tallahassee, FL 32303
850-523-1619



This e-mail message, including any attachments, is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged and/or confidential. If you are not the intended recipient or the employee or agent responsible for delivering the communication to the intended recipient, please notify us immediately by replying to this message and then delete this message from your system. You are hereby notified that any use, dissemination, distribution and/or reproduction of this message and/or any attachments by unintended recipients is unauthorized and may be unlawful. Furthermore, although we have taken precautions to minimize the risk of transmitting software viruses, we advise you to perform your own virus checks on any attachment to this message. We do not accept liability for any loss or damage caused by software viruses.

Wendy Anderson

From: Wendy Anderson
Sent: Monday, December 08, 2014 9:15 AM
To: 'Dennis Barton'
Subject: RE: Abraham Lee, P.E.

Mr. Barton:

With the email below are you asking that a complaint be opened against the Provider? Please advise. Thank you.

Wendy Anderson
Investigator &
Public Records Requests



2639 North Monroe Street
Suite B-112
Tallahassee, FL 32303
850-523-1619



This e-mail message, including any attachments, is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged and/or confidential. If you are not the intended recipient or the employee or agent responsible for delivering the communication to the intended recipient, please notify us immediately by replying to this message and then delete this message from your system. You are hereby notified that any use, dissemination, distribution and/or reproduction of this message and/or any attachments by unintended recipients is unauthorized and may be unlawful. Furthermore, although we have taken precautions to minimize the risk of transmitting software viruses, we advise you to perform your own virus checks on any attachment to this message. We do not accept liability for any loss or damage caused by software viruses.

From: Dennis Barton [<mailto:dennis.barton@engineereducators.com>]
Sent: Tuesday, December 02, 2014 11:04 AM
To: Wendy Anderson
Cc: 'Bill Palm'
Subject: RE: Abraham Lee, P.E.

Wendy

The Ch 471 and 61G15 are not always clear as to what may be a violation. I would agree the definition of engineering does not include the act of being a continuing education provider, however, providers of Law and Rules must be an engineer or

attorney so the suggestion of a high standard of behavior and the opportunity for relief through enforcement of professional practice standards is there by inference if not in fact. Should that not be the case then Mr Lee clearly is in violation of 61G15-22.011(5) (in appropriate continuing education services) and (7) (misleading information in connection with continuing education programs). With that I would like to amend my complaint to include 61G15-22.011(5) and (7) .

Dennis Barton
Engineer Educators

From: Wendy Anderson [<mailto:WAnderson@fbpe.org>]
Sent: Tuesday, December 02, 2014 9:32 AM
To: dennis.barton@engineereducators.com
Subject: Abraham Lee, P.E.

Mr. Barton:

You filed your complaint against Abraham Lee, P.E. asserting violations of Rule 61G15-19.001(2)(b), FAC, and Rule 61G15-19.001(6)(b), FAC. Please explain to me how his activities involve the practice of engineering. As you know, Rules 61G15-19.001(2)(b) and 61G15-19.001(6)(b) involves advertising and misconduct by professional engineers engaged in the practice of engineering as opposed to a CE Provider. Did you intend to file your complaint against him and his firm for inappropriate activities as a CE Provider?

Wendy Anderson
Investigator &
Public Records Requests



2639 North Monroe Street
Suite B-112
Tallahassee, FL 32303
850-523-1619



This e-mail message, including any attachments, is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged and/or confidential. If you are not the intended recipient or the employee or agent responsible for delivering the communication to the intended recipient, please notify us immediately by replying to this message and then delete this message from your system. You are hereby notified that any use, dissemination, distribution and/or reproduction of this message and/or any attachments by unintended recipients is unauthorized and may be unlawful. Furthermore, although we have taken precautions to minimize the risk of transmitting software viruses, we advise you to perform your own virus checks on any attachment to this message. We do not accept liability for any loss or damage caused by software viruses.

Wendy Anderson

From: Dennis Barton <dennis.barton@engineereducators.com>
Sent: Monday, December 08, 2014 9:19 AM
To: Wendy Anderson
Subject: RE: Abraham Lee, P.E.

Yes, I am asking that a complaint be opened against Mr. Abraham Lee.

Dennis Barton

From: Wendy Anderson [<mailto:WAnderson@fbpe.org>]
Sent: Monday, December 08, 2014 9:15 AM
To: Dennis Barton
Subject: RE: Abraham Lee, P.E.

Mr. Barton:

With the email below are you asking that a complaint be opened against the Provider? Please advise. Thank you.

Wendy Anderson
Investigator &
Public Records Requests



2639 North Monroe Street
Suite B-112
Tallahassee, FL 32303
850-523-1619



This e-mail message, including any attachments, is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged and/or confidential. If you are not the intended recipient or the employee or agent responsible for delivering the communication to the intended recipient, please notify us immediately by replying to this message and then delete this message from your system. You are hereby notified that any use, dissemination, distribution and/or reproduction of this message and/or any attachments by unintended recipients is unauthorized and may be unlawful. Furthermore, although we have taken precautions to minimize the risk of transmitting software viruses, we advise you to perform your own virus checks on any attachment to this message. We do not accept liability for any loss or damage caused by software viruses.

From: Dennis Barton [<mailto:dennis.barton@engineereducators.com>]
Sent: Tuesday, December 02, 2014 11:04 AM
To: Wendy Anderson
Cc: 'Bill Palm'
Subject: RE: Abraham Lee, P.E.

Wendy

The Ch 471 and 61G15 are not always clear as to what may be a violation. I would agree the definition of engineering does not include the act of being a continuing education provider, however, providers of Law and Rules must be an engineer or attorney so the suggestion of a high standard of behavior and the opportunity for relief through enforcement of professional practice standards is there by inference if not in fact. Should that not be the case then Mr Lee clearly is in violation of 61G15-22.011(5) (in appropriate continuing education services) and (7) (misleading information in connection with continuing education programs). With that I would like to amend my complaint to include 61G15-22.011(5) and (7) .

Dennis Barton
Engineer Educators

From: Wendy Anderson [<mailto:WAnderson@fbpe.org>]
Sent: Tuesday, December 02, 2014 9:32 AM
To: dennis.barton@engineereducators.com
Subject: Abraham Lee, P.E.

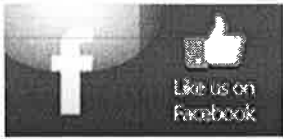
Mr. Barton:

You filed your complaint against Abraham Lee, P.E. asserting violations of Rule 61G15-19.001(2)(b), FAC, and Rule 61G15-19.001(6)(b), FAC. Please explain to me how his activities involve the practice of engineering. As you know, Rules 61G15-19.001(2)(b) and 61G15-19.001(6)(b) involves advertising and misconduct by professional engineers engaged in the practice of engineering as opposed to a CE Provider. Did you intend to file your complaint against him and his firm for inappropriate activities as a CE Provider?

Wendy Anderson
Investigator &
Public Records Requests



2639 North Monroe Street
Suite B-112
Tallahassee, FL 32303
850-523-1619



This e-mail message, including any attachments, is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged and/or confidential. If you are not the intended recipient or the employee or agent responsible for delivering the communication to the intended recipient, please notify us immediately by replying to this message and then delete this message from your system. You are hereby notified that any use, dissemination, distribution and/or reproduction of this message and/or any attachments by unintended recipients is unauthorized and may be unlawful. Furthermore, although we have taken precautions to minimize the risk of transmitting software viruses, we advise you to perform your own virus checks on any attachment to this message. We do not accept liability for any loss or damage caused by software viruses.

Wendy Anderson

From: Wendy Anderson
Sent: Monday, December 08, 2014 9:22 AM
To: 'Dennis Barton'
Subject: RE: Abraham Lee, P.E.

Mr. Barton:

I was referring to Engineer CE, not Mr. Abraham. I need to determine whether you wanted a complaint open against Engineer CE. Please advise. Thanks.

Wendy Anderson
Investigator &
Public Records Requests



2639 North Monroe Street
Suite B-112
Tallahassee, FL 32303
850-523-1619



This e-mail message, including any attachments, is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged and/or confidential. If you are not the intended recipient or the employee or agent responsible for delivering the communication to the intended recipient, please notify us immediately by replying to this message and then delete this message from your system. You are hereby notified that any use, dissemination, distribution and/or reproduction of this message and/or any attachments by unintended recipients is unauthorized and may be unlawful. Furthermore, although we have taken precautions to minimize the risk of transmitting software viruses, we advise you to perform your own virus checks on any attachment to this message. We do not accept liability for any loss or damage caused by software viruses.

From: Dennis Barton [mailto:dennis.barton@engineereducators.com]
Sent: Monday, December 08, 2014 9:19 AM
To: Wendy Anderson
Subject: RE: Abraham Lee, P.E.

Yes, I am asking that a complaint be opened against Mr. Abraham Lee.

Dennis Barton

From: Wendy Anderson [<mailto:WAnderson@fbpe.org>]
Sent: Monday, December 08, 2014 9:15 AM
To: Dennis Barton
Subject: RE: Abraham Lee, P.E.

Mr. Barton:

With the email below are you asking that a complaint be opened against the Provider? Please advise. Thank you.

Wendy Anderson
Investigator &
Public Records Requests



2639 North Monroe Street
Suite B-112
Tallahassee, FL 32303
850-523-1619



This e-mail message, including any attachments, is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged and/or confidential. If you are not the intended recipient or the employee or agent responsible for delivering the communication to the intended recipient, please notify us immediately by replying to this message and then delete this message from your system. You are hereby notified that any use, dissemination, distribution and/or reproduction of this message and/or any attachments by unintended recipients is unauthorized and may be unlawful. Furthermore, although we have taken precautions to minimize the risk of transmitting software viruses, we advise you to perform your own virus checks on any attachment to this message. We do not accept liability for any loss or damage caused by software viruses.

From: Dennis Barton [<mailto:dennis.barton@engineereducators.com>]
Sent: Tuesday, December 02, 2014 11:04 AM
To: Wendy Anderson
Cc: 'Bill Palm'
Subject: RE: Abraham Lee, P.E.

Wendy

The Ch 471 and 61G15 are not always clear as to what may be a violation. I would agree the definition of engineering does not include the act of being a continuing education provider, however, providers of Law and Rules must be an engineer or attorney so the suggestion of a high standard of behavior and the opportunity for relief through enforcement of professional practice standards is there by inference if not in fact. Should that not be the case then Mr Lee clearly is in violation of 61G15-22.011(5) (in appropriate continuing education services) and (7) (misleading information in

connection with continuing education programs). With that I would like to amend my complaint to include 61G15-22.011(5) and (7) .

Dennis Barton
Engineer Educators

From: Wendy Anderson [<mailto:WAnderson@fbpe.org>]
Sent: Tuesday, December 02, 2014 9:32 AM
To: dennis.barton@engineereducators.com
Subject: Abraham Lee, P.E.

Mr. Barton:

You filed your complaint against Abraham Lee, P.E. asserting violations of Rule 61G15-19.001(2)(b), FAC, and Rule 61G15-19.001(6)(b), FAC. Please explain to me how his activities involve the practice of engineering. As you know, Rules 61G15-19.001(2)(b) and 61G15-19.001(6)(b) involves advertising and misconduct by professional engineers engaged in the practice of engineering as opposed to a CE Provider. Did you intend to file your complaint against him and his firm for inappropriate activities as a CE Provider?

Wendy Anderson
Investigator &
Public Records Requests



2639 North Monroe Street
Suite B-112
Tallahassee, FL 32303
850-523-1619



This e-mail message, including any attachments, is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged and/or confidential. If you are not the intended recipient or the employee or agent responsible for delivering the communication to the intended recipient, please notify us immediately by replying to this message and then delete this message from your system. You are hereby notified that any use, dissemination, distribution and/or reproduction of this message and/or any attachments by unintended recipients is unauthorized and may be unlawful. Furthermore, although we have taken precautions to minimize the risk of transmitting software viruses, we advise you to perform your own virus checks on any attachment to this message. We do not accept liability for any loss or damage caused by software viruses.

Wendy Anderson

From: Dennis Barton <dennis.barton@engineereducators.com>
Sent: Monday, December 08, 2014 9:28 AM
To: Wendy Anderson
Subject: RE: Abraham Lee, P.E.

I am sorry, Wendy. I don't see the difference. Engineer CE is owned and operated by Mr. Lee so I see them as one and the same. However, if there is a legal distinction and a complaint against Engineer CE, instead of Mr Lee, will provide relief then I want to file a complaint against Engineer CE.

Dennis Barton

From: Wendy Anderson [mailto:WAnderson@fbpe.org]
Sent: Monday, December 08, 2014 9:22 AM
To: Dennis Barton
Subject: RE: Abraham Lee, P.E.

Mr. Barton:

I was referring to Engineer CE, not Mr. Abraham. I need to determine whether you wanted a complaint open against Engineer CE. Please advise. Thanks.

Wendy Anderson
Investigator &
Public Records Requests



2639 North Monroe Street
Suite B-112
Tallahassee, FL 32303
850-523-1619



This e-mail message, including any attachments, is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged and/or confidential. If you are not the intended recipient or the employee or agent responsible for delivering the communication to the intended recipient, please notify us immediately by replying to this message and then delete this message from your system. You are hereby notified that any use, dissemination, distribution and/or reproduction of this message and/or any attachments by unintended recipients is unauthorized and may be unlawful. Furthermore, although we have taken precautions to minimize the risk of transmitting software viruses, we advise you to perform your own virus checks on any attachment to this message. We do not accept liability for any loss or damage caused by software viruses.

From: Dennis Barton [<mailto:dennis.barton@engineereducators.com>]
Sent: Monday, December 08, 2014 9:19 AM
To: Wendy Anderson
Subject: RE: Abraham Lee, P.E.

Yes, I am asking that a complaint be opened against Mr. Abraham Lee.

Dennis Barton

From: Wendy Anderson [<mailto:WAnderson@fbpe.org>]
Sent: Monday, December 08, 2014 9:15 AM
To: Dennis Barton
Subject: RE: Abraham Lee, P.E.

Mr. Barton:

With the email below are you asking that a complaint be opened against the Provider? Please advise. Thank you.

Wendy Anderson
Investigator &
Public Records Requests



2639 North Monroe Street
Suite B-112
Tallahassee, FL 32303
850-523-1619



This e-mail message, including any attachments, is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged and/or confidential. If you are not the intended recipient or the employee or agent responsible for delivering the communication to the intended recipient, please notify us immediately by replying to this message and then delete this message from your system. You are hereby notified that any use, dissemination, distribution and/or reproduction of this message and/or any attachments by unintended recipients is unauthorized and may be unlawful. Furthermore, although we have taken precautions to minimize the risk of transmitting software viruses, we advise you to perform your own virus checks on any attachment to this message. We do not accept liability for any loss or damage caused by software viruses.

From: Dennis Barton [<mailto:dennis.barton@engineereducators.com>]
Sent: Tuesday, December 02, 2014 11:04 AM
To: Wendy Anderson

Cc: 'Bill Palm'

Subject: RE: Abraham Lee, P.E.

Wendy

The Ch 471 and 61G15 are not always clear as to what may be a violation. I would agree the definition of engineering does not include the act of being a continuing education provider, however, providers of Law and Rules must be an engineer or attorney so the suggestion of a high standard of behavior and the opportunity for relief through enforcement of professional practice standards is there by inference if not in fact. Should that not be the case then Mr Lee clearly is in violation of 61G15-22.011(5) (in appropriate continuing education services) and (7) (misleading information in connection with continuing education programs). With that I would like to amend my complaint to include 61G15-22.011(5) and (7) .

Dennis Barton
Engineer Educators

From: Wendy Anderson [<mailto:WAnderson@fbpe.org>]

Sent: Tuesday, December 02, 2014 9:32 AM

To: dennis.barton@engineereducators.com

Subject: Abraham Lee, P.E.

Mr. Barton:

You filed your complaint against Abraham Lee, P.E. asserting violations of Rule 61G15-19.001(2)(b), FAC, and Rule 61G15-19.001(6)(b), FAC. Please explain to me how his activities involve the practice of engineering. As you know, Rules 61G15-19.001(2)(b) and 61G15-19.001(6)(b) involves advertising and misconduct by professional engineers engaged in the practice of engineering as opposed to a CE Provider. Did you intend to file your complaint against him and his firm for inappropriate activities as a CE Provider?

Wendy Anderson
Investigator &
Public Records Requests



2639 North Monroe Street
Suite B-112
Tallahassee, FL 32303
850-523-1619



This e-mail message, including any attachments, is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged and/or confidential. If you are not the intended recipient or the employee or agent responsible for delivering the communication to the intended recipient, please notify us immediately by replying to this message and then delete this message from your system. You are hereby notified that any use, dissemination, distribution and/or reproduction of this message and/or any attachments by unintended recipients is unauthorized and may be unlawful. Furthermore, although we have taken precautions to minimize the risk of transmitting software viruses, we advise you to perform your own virus checks on any attachment to this message. We do not accept liability for any loss or damage caused by software viruses.

491

Continuing Education Provider Renewal Application

Florida Board of Professional Engineers
Attn: Nancy Wilkins
2639 N. Monroe Street, Ste B-112
Tallahassee, FL 32303

RECEIVED

MAY 13 2013

If you have any questions or need assistance in completing this application, please contact Nancy Wilkins, Continuing Education Analyst, at (850) 521-0500, ext. 113 or at nwilkins@fbpe.org

FLORIDA BOARD OF
PROFESSIONAL ENGINEERS

Return Provider: ✓
(This application is for providers approved in the 2013-2015 period.)

Provider Information	
Federal Employer ID Number/Social Security Number	26-0756067
Individual/Company Name	Professional Online Educators Inc. (EngineerCE.com)
Provider Number	0004668
Point of Contact	Abraham Lee, P.E.
Mailing Address	125 S. State Rd. 7, Suite 104-210
City, State, Zip Code	Wellington, FL 33414
Email Address	Website
abelee@engineerce.com	www.EngineerCE.com
Telephone Number	888.346.4734
Fax Number	888.346.4734

*Under the Federal Privacy Act, disclosure of Social Security Numbers is voluntary, unless specifically required by Federal Statute. In this instance, Social Security Numbers are mandatory pursuant to Title 42, United States Code, Section 883 and 854; and Sections 455.203(9), 409.2577 and 409.2598, Florida Statutes. Social Security Numbers are used to allow efficient screening of applicants and licensees by a Title IV-D child support agency to assure compliance with child support obligations. Social Security Numbers must also be recorded on all professional and occupational license applications and will be used for licensee identification pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Welfare Reform Act), 104 Pub. L. 193, Sec. 317.

RECEIVED

MAY 13 2013

FLORIDA BOARD OF PROFESSIONAL ENGINEERS

Provider Category

Please check the category that best describes your organization.

A commercial educator. 61G15-22.002 Definitions. (An individual or business organization trained in teaching and offering education courses for a profit).

A state or national professional association whose primary purpose is to promote the profession of engineering.

A Professional Engineer with a Florida license to practice engineering who is not and has never been the subject of disciplinary action.

A Professional Engineering Business holding a current Florida Certificate of Authorization.

A governmental agency impacting the practice of engineering that is **NOT** a State or Federal Agency exempt under 61G15-22.011(9), F.A.C.

Additional Provider Information

If you are a **Professional Engineer** applying for provider status, please list your Florida P.E. License # 56359 (Applying as a Commercial Educator)

If you are a **P.E.** applying for provider status, please indicate whether the Board of Professional Engineers has ever taken disciplinary action against your license. Yes No

If you answered yes, please provide the Final Order number and the violation.

FINAL ORDER NUMBER: N/A

Violation:

If you are a **Professional Engineering Business** applying for provider status, please list your Florida CA # N/A

If you are a professional engineering business applying for provider status, please indicate whether the Board of Professional Engineers has ever taken disciplinary action against your certificate of authorization? Yes No

If you answered yes, please provide the Final Order number and the violation.

FINAL ORDER NUMBER:

Violation:

Course Information

Please answer the following questions pertaining to the course(s) your organization is offering.

Have you added new courses to your current course listing?

No

Yes

If yes; describe the types of courses or seminars you expect to conduct as a Continuing Education Provider for the 2013-2015 provider periods.

We will continue to expand our library to provide online-based courses. As a new course is developed, we submit to the FBPE our new course to obtain the FBPE Course #. In addition, we will be adding Webinars, as a course delivery format. This will allow the professionals taking our course to have an interaction with the instructor.

Attach supplement if needed.

Have any courses been updated because of changes to the laws or rules?

No

Yes

If yes, describe how you plan to update your course(s) based on changes in the law or rules for the 2013-2015 provider periods.

Attach supplement if needed.

Have you changed the evaluation process of licensee's performance in the course?

No

Yes

If yes, describe the procedures to be used in evaluating the licensee's performance in the course.

Attach supplement if needed.

RECEIVED
MAY 13 2013

FLORIDA BOARD OF PROFESSIONAL ENGINEERS

Have the anticipated locations where the courses will be offered changed?

No

Yes

If yes, please provide a list of anticipated location for course offerings.

RECEIVED
MAY 13 2013
FLORIDA BOARD OF
PROFESSIONAL ENGINEERS

Attach supplement if needed.

Has your staffing capabilities changed?

No

Yes

If yes, please describe any changes to your company or organization.

Attach supplement if needed.

Has your course curriculum for each intended course changed or updated?

No

Yes

**If yes, list and attach a sample course curriculum for each intended course.
Diskettes, CDs, books, or bulky materials are not acceptable samples.**

Attach supplement if needed.

Have your certificate(s) of completion changed or updated?

No

Yes

If yes, attach a copy of the certificate(s) of completion.

Have your instructors changed or updated?

No

Yes

If yes, attach a copy of the instructor(s) resume that demonstrates knowledge of subject matter.

Attest Statement

Requires Signature of the Provider Point of Contact

I affirm I have provided the above information completely and truthfully to the best of my knowledge and I hereby agree to abide by the Florida Board of Professional Engineers Laws and Rules regarding Continuing Education provider status in Chapter 61G15-22.

Signature: _____

Date: _____

RECEIVED
MAY 13 2013
FLORIDA BOARD OF
PROFESSIONAL ENGINEERS

RECEIVED Laws & Rules Course Renewal Application

MAY 13 2013

FLORIDA BOARD OF
PROFESSIONAL ENGINEERS

Florida Board of Professional Engineers
Attn: Nancy Wilkins
2639 N. Monroe Street, Ste B-112
Tallahassee, FL 32303

If you have any questions or need assistance in completing this application, please contact Nancy Wilkins, Continuing Education Coordinator, at (850) 521-0500, ext. 113 or at nwilkins@fbpe.org

Return Provider: ✓
*For Providers with a Laws & Rules Course
Approved for the 2013-2015 Biennium Only*

Provider Information			
Federal Employer ID Number/Social Security Number	26-0756067		
Individual/Company Name	Professional Online Educators, Inc. (EngineerCE.com)		
Provider Number	0004668		
Course Number	0000149		
Point of Contact	Abraham Lee, P.E.		
Mailing Address	125 S. State Rd. 7, Suite 104-210		
City, State, Zip Code	Wellington, FL 33414		
Email Address	abelee@engineerce.com	Website	www.EngineerCE.com
Telephone	888.346.4734		
Fax Numbers	888.346.4734		

*Under the Federal Privacy Act, disclosure of Social Security Numbers is voluntary, unless specifically required by Federal Statute. In this instance, Social Security Numbers are mandatory pursuant to Title 42, United States Code, Section 883 and 854; and Sections 455.203(9), 409.2577 and 409.2598, Florida Statutes. Social Security Numbers are used to allow efficient screening of applicants and licensees by a Title IV-D child support agency to assure compliance with child support obligations. Social Security Numbers must also be recorded on all professional and occupational license applications and will be used for licensee identification pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Welfare Reform Act), 104 Pub. L. 193, Sec. 317.

Provider Category

Please check the category that best describes your organization.

A commercial educator. 61G15-22.002 Definitions. (An individual or business organization trained in teaching and offering education courses for a profit).

A state or national professional association whose primary purpose is to promote the profession of engineering.

A Professional Engineer with a Florida license to practice engineering who is not and has never been the subject of disciplinary action.

A Professional Engineering Business holding a current Florida Certificate of Authorization.

A governmental agency impacting the practice of engineering that is **NOT** a State or Federal Agency exempt under 61G15-22.011(9), F.A.C.

RECEIVED

MAY 13 2013

FLORIDA BOARD OF
PROFESSIONAL ENGINEERS

Course Information

Submit a copy of your course materials and indicate within your course content where you address the following:

Have any rules adopted, amended, or repealed changed or updated during the immediate preceding biennium?

No

Yes

If Yes, list rules adopted, amended, or repealed during the Immediate preceding biennium.

Amended 61G15-18.005 61G15-18.011 61G15-19.008 61G15-20.007 61G15-21.001 61G15-22.006 61G15-23.001 61G15-23.003	Amended 61G15-29.001	Repealed 61G15-35.001 61G15-35.002 61G15-22.007 61G15-19.003 61G15-18.008 61G15-18.010
---	-------------------------	--

Have there been any changes to Chapters 455 and 471, F.S., from legislative action during the preceding biennium?

No

Yes

If Yes, list changes to Chapters 455 and 471, F.S., from legislative action during the preceding biennium.

Changes to Chapter 455:

455.116 (Amended)

455.1165 (Added)

455.213 (Amended)

455.2179 (Amended)

455.271 (Amended)

455.273 (Amended)

455.275 (Amended)

RECEIVED

MAY 13 2013

FLORIDA BOARD OF
PROFESSIONAL ENGINEERS

Changes to Chapter 471: None.

Have there been any changes to the provisions of Chapter 471, F.S., to individual disciplinary cases and unlicensed practice cases during the immediately preceding biennium?

No

Yes

If Yes, list the provisions of Chapter 471, F.S., to individual disciplinary cases and unlicensed practice cases during the immediately preceding biennium.

Attach supplement if needed.

Have the List of resources used to develop the course content changed?

No

Yes

If Yes, list resources used to develop the course content.

RECEIVED

MAY 13 2013

FLORIDA BOARD OF
PROFESSIONAL ENGINEERS

1. The 2011 Florida Statutes – Chapter 455
2. The 2011 Florida Statutes – Chapter 471
3. The 2012 Florida Statutes – Chapter 455
4. The 2012 Florida Statutes – Chapter 471
5. Florida Administrative Code Changes in Rule 61G15
6. Minutes from The Florida Board of Professional Engineers, June 15 and 16, 2011 Meeting (Pgs 16)
7. October 2011 The Florida Board of Professional Engineers Red Book 1
8. October 2012 The Florida Board of Professional Engineers Business Book

Attach supplement if needed.

Course Offering Information

Has this course changed?

No

Yes – Update information under Method of Presentation and submit documentation.

Title of Course, Workshop, or Seminar

Number of Classroom Hours in Professional Development Hours (PDH's)

Method of Presentation

Instructor Led/Classroom

Have you attached a sample certificate of completion? Yes No

Interactive Distance Learning - Courses offered through distance learning must comply with 61G15-22.0105(5), F.A.C., content as follows:

Attach a copy of the document used by the students to interact and achieve answers to inquires within two business days.

Describe how the program promotes student involvement and measures learning and comprehension of content at regular intervals.

Course is split into 7 sections. At the end of each section, Key Points are discussed and Sample Questions are provided.

Students must finish each section before proceeding to the next section.

Attach a copy of the document used to evidence ability to monitor student enrollment and participation upon completion of the course. Quiz at the end of the course (must earn 70% minimum to earn the credit).

Describe how you will assure qualified instructors will be available to answer questions and provide students with necessary support during the duration of the course, pursuant to the requirements in the requirements in Rule 61G15-22.0105 Under Section VI, we provide a Contact Form (Phone, Email, & Fax)

RECEIVED

MAY 13 2013

FLORIDA BOARD OF
 PROFESSIONAL ENGINEERS

Attach a copy of the statement used by the students to evidence completion of each module/session of instruction.

Have your certificate of completion changed or updated?

No

Yes

If Yes , attach a copy of the certificate of completion.

Have your instructors changed or updated?

No

Yes

If Yes , attach a copy of the Instructor(s) Resume that demonstrates knowledge of subject matter and complete the Instructor Information below.

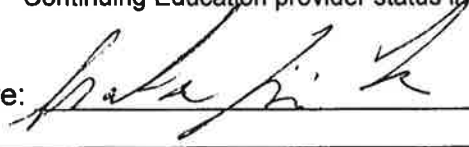
Instructor Information

Last Name	First Name	Middle	Title	Suffix
Lee	Abraham	S		
License Type: (Check Only One)	Professional Engineer <input checked="" type="checkbox"/>		Attorney <input type="checkbox"/>	
License Number:	56359			
Last Name	First Name	Middle	Title	Suffix
Loutan	Clifford			
License Type: (Check Only One)	Professional Engineer <input checked="" type="checkbox"/>		Attorney <input type="checkbox"/>	
License Number:	56890			
Last Name	First Name	Middle	Title	Suffix
License Type: (Check Only One)	Professional Engineer <input type="checkbox"/>		Attorney <input type="checkbox"/>	
License Number:				

Attest Statement

I affirm that I have provided the above information completely and truthfully to the best of my knowledge and I hereby agree to abide by the Florida Board of Professional Engineers Laws and Rules regarding Continuing Education provider status in Chapter 61G15-22.

Signature: _____



Date: _____

05/29/13

RECEIVED

MAY 13 2013

FLORIDA BOARD OF
PROFESSIONAL ENGINEERS