

THE FULL TEXT OF THE DRAFT RULE IS:

61G15-18.011 Definitions

As used in Chapter 471, F.S., and in these rules where the context will permit the following terms have the following meanings:

(1) through (5) No change.

(6) The term “marine engineer” as used in Section 471.031(1)(b)1, F.S. shall mean a person who uses engineering principles and methodologies in the design of piers, docks, sea walls, or other marine structures governed by the Florida Building Code. Marine engineering shall not encompass the design of marine vessels, except for floating residential units as defined in Section 202 of the Florida Building Code.

Rulemaking Authority 471.008, 471.013(1)(a)1., 2. FS. Law Implemented 471.003(2)(f), 471.005(6), ~~471.005(7)~~, 471.013(1)(a)1., 2., 471.023(1), 471.025(3), 471.033(1)(j) FS. History—New 6-23-80, Amended 12-19-82, 11-22-83, Formerly 21H-18.11, Amended 1-16-91, 4-4-93, Formerly 21H-18.011, Amended 12-22-99, 4-19-01, 10-16-02, 9-15-04, 6-5-08, 6-2-09, 2-2-12,

Minutes

Florida Board of Professional Engineers September 23, 1998 The Biltmore Hotel Coral Gables, Florida

A. Meeting Administration

- #1. Call to Order; Invocation, and Pledge of Allegiance to the Flag
Chair Nodarse convened the meeting at 8:35 a.m. and led the attendees in the Pledge of Allegiance and a moment of silent prayer.

The following members of the Board were present:

Leila Nodarse, P.E., Chair
Melvin Anderson, Ph.D., P.E., Vice Chair
Alvin Coby
Pedro O. Martinez, P.E.
R. Gerry Miller Ph.D., P.E.
Jaykumar Patel, P.E.
Chester Rhodes
John W. Springstead, P.E., P.L.S.
David Whitston, P.E.

The following staff was present:

Dennis Barton, Executive Director, FBPE
Natalie Lowe, Esquire, Prosecuting Attorney, FBPE
Jerry Ongley, Investigator, FBPE
Jeannie Carlton, Licensure Technician, FBPE
James Powers, P.E., Consultant, FBPE

Others present were:

Ed Bayó, Esquire, Board Counsel, Assistant Attorney General
Lynne Quimby-Pennock, Esquire, Contract Administrator,
DBPR

H. Correspondence to the Board

- #1. Correspondence from Michael Monahan regarding Naval Architecture / Marine Engineering.

Mr. Monahan appeared and addressed the Board. He reported that naval architecture includes design specification on all types of ships, offshore structures, and pleasure vessels. Florida has cruise vessels that operate out of ports in Miami and Ft. Lauderdale. These ships represent tens of billions worth of assets. The difficulty with naval architecture is that the ships are regulated by the Federal government and the states have left the people who design ships out of their plans because they lack jurisdiction. Other countries have a chartered engineer system that does include marine engineers and naval architects. Only a few states have licensed naval architects or marine engineers. The term was previously ship design engineers. That term has been changed to naval architect/marine engineer. Offshore engineering would include drilling, platforms and other ocean structures that the state may have jurisdiction over. Their profession has typically done the design specification over that type of structure. Tankers come into port in Jacksonville and Tampa. This is under Federal jurisdiction but much of the designing is completed in Florida. All of the non-combat naval vessels fall within their practice. South Florida boasts yachts. Some are registered in the U.S. some are foreign. Florida Atlantic University and Florida Institute of Technology offer ocean engineering programs. Approximately 300-500 engineers work in this state. Mr. Bayó noted that he has previously responded to Mr. Monahan's questions. Mr. Monahan questioned how his colleagues would be brought into the fold of the engineering Board. Some of the questions posed would require a statute change and are unable to be addressed by the Board. Mr. Monahan's first question "can an unregistered NA/ME use either or both of these terms on correspondence, business cards, etc. in the State of Florida? Yes, the term engineer is not a protected term in the state of Florida. NCEES has changed the name of the exam from ship design to naval architecture/marine engineering. Ms. Lowe was directed to research this title change and to forward the information to Mr. Bayó for housekeeping rule change. His second question was whether there will be a grace period for seeking registration? Mr. Bayó said no. His third question was whether long-term practitioners could be grandfathered into the profession? According to Mr. Bayó they can not. The State of

Washington has been licensing ship design engineers since 1940 so this Board could recognize the 25/30 rule. This rule provides for the licensing of engineers who have been licensed in another state for 25 years or more and can show 30 years continuous active engineering experience. Mr. Monahan notes that the test given by NCEES is so broad that it would be difficult for an engineer who is so specialized to pass.

Mr. Rebane urged Mr. Monahan to increase the numbers in his profession and to strive to make the designation Marine Engineer / Naval Architect a protected term. Mr. Monahan stated his colleagues were trying to ensure that they were not breaching the Board's rules. Dr. Anderson asked who monitors the progress or reviews the plans of a marine engineer's work. According to Mr. Monahan, his organization, the American Bureau of Shipping, will certify to the validity of the plans and the person contracting with the engineer can contact this organization to ensure that the plans are good. The Coast Guard will accept structural plans sealed by a registered P.E. or stamped by the American Bureau of Shipping. This would apply to any U.S. vessel over 100 gross tons in commercial service, not a fishing or pleasure vessel. If the person does not want to go through his organization they can get a registered P.E. to seal the plans instead. The fourth question was whether the Board has any enforcement plans with respect to this discipline. According to Mr. Bayó, this area falls under the industrial exemption and will not be pursued by this Board. Mr. Bayó noted that the Department handles unlicensed activity cases but that the Department recognizes that this term is not a protected term. Mr. Monahan asked Ms. Deison what her response would be if someone filed a complaint against a marine engineer for use of that term. The Chair thanked Mr. Monahan for appearing before the Board.

#2. Correspondence from David Romano, P.E. regarding Testing Lab Supervision

Mr. Romano wrote to Dr. Bondada with the question of whether he, as a private consultant, can certify test results that were completed in the laboratory or does he have to be employed by that company? Mr. Bayó explained that if he is in responsible charge then he can certify the test. He does not have to be employed but can be a consultant. If he signs and seals without being in responsible charge then he would be subject to the Board's disciplinary procedures. Mr. Bayó volunteered to discuss the issue

with him personally. Mr. Bayó also noted that if the certification is on the company's letterhead, then the company is offering engineering services and should be registered with the Board. The certification should be issued on the engineer's letterhead. Otherwise, if he signs a certification on the company's letterhead, then he is practicing through the company and the company needs a Certificate of Authorization.

I. Old Business

- #1. Development of an Agenda for the first Product Approval Committee Meeting.

Mr. Rebane reported that the proposed Agenda will be to review the rulemaking process and the structural responsibility rules, then hear statements from each committee member regarding their interest, to develop a list of points to be covered by rule, and to develop a recommendation to Florida building codes and standards. This rule recommendation will be forwarded to Board counsel and to the full Board for review and approval.

- #2. Letter Regarding the Board's Fire Protection Rules and Laws.

Mr. Bayó will draft this letter.

- #3. Development of a Rule regarding the Measurement of Performance Standards and Measurable Outcomes.

A proposed rule will be presented to the Legislative and Rules Committee. Mr. Coby stressed the importance of careful consideration of appropriate standards.

- #4. Correspondence to Mr. Jeffrey Buckholz regarding use of the term "Project Engineer."

Mr. Bayó will confirm that he has corresponded with Mr. Buckholz.

- #5. Correspondence to Mr. Don Johnson regarding the Board's Special Inspector Rule.

Staff will forward Mr. Johnson's correspondence to Mr. Bayó for completion.

voted to approve the Agenda as amended.

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

Item B#1 was pulled from the Consent Agenda. Items A#5a and A#5b were pulled from the Consent Agenda. Item F#2 was added to the Consent Agenda. Upon a motion by Mr. Duyos and a second by Mr. Rebane, the Board voted to approve the Consent Agenda.

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

- a. Minutes from December 3-4, 2003 Meeting*

Mr. Duyos reviewed some of the action items from the December Board meeting. Ms. Lowe was reminded to add the index of opinion letters to the Board's website. Mr. Campbell was asked whether a Press Release had been distributed to the State's building officials regarding unlicensed activity. He reported that he had sent an email to all Southeast Florida Building Officials informing them that the Board is now prosecuting unlicensed activity. Mr. Campbell was requested to send the Press Release to the Building Official Association of Florida for dispersal. Ms. Lowe was also requested to do a Press Release regarding unlicensed activity and to forward it to the Florida Engineering Society.

Ms. Velazquez asked that the record reflect that she was on maternity leave when she missed the December board meeting.

Upon a motion by Mr. Duyos and a second by Mr. Rebane, the Board voted to approve the minutes.

- b. Minutes from January 29, 2004 Conference Call*

Mr. Duyos asked that the minutes reflect that he was in transit on an airplane while the conference call was conducted. Upon a motion by Mr. Rebane and a second by Mr. Duyos, the Board voted to approve the minutes as amended.

B. Committee Reports

#1. Applications Committee
(R. Gerry Miller, Ph.D., P.E., Chair; Jorge Duyos, P.E.; Robert Matthews, P.E.; Henn Rebane, P.E.; Paul Tomasino, P.E.; Gloria Velazquez, Esq.)

a. Report on the Meeting of February 5, 2004

Dr. Miller asked that the Minutes reflect his attendance at the meeting.

Ms. Flynn was asked to confirm whether applicant #64 on List 12 should be changed to a conditional approval. It was agreed that #64 would be pulled until the following day. Upon a motion by Dr. Miller and a second by Mr. Rebane, the Board voted to approve the lists with the exception of #64 on List 12.

Based on staff's research, there was a mistake on the Comments for applicant #64. This person had been recommended for approval without conditions. Mr. Duyos moved to add them to the list. Mr. Rivera seconded the motion. The motion passed.

#2. Educational Advisory Committee
(Jorge Duyos, P.E., Chair; R. Gerry Miller, Ph.D., P.E.; Melvin Anderson, Ph.D., P.E. (Consultant))

a. Report on the Meeting of February 5, 2004

This item was covered above.

b. University of Miami Request for Evaluator Status

Mr. Duyos asked Mr. Martin if he should recuse himself because he is employed by the University of Miami. Mr. Martin asked whether he would be able to make an unbiased decision. Mr. Duyos indicated that he could but stated that he wanted it to be noted on the record. Mr. Duyos stated he would like to extend an invitation to the University of Miami as had been extended to Foreign Credentials. Ms. Velazquez moved to invite them to a future Board meeting to elaborate on the points raised in their correspondence. Dr. Miller seconded the motion and added that they should be sent a letter explaining the Board's requirements and provided with a copy of the

Board's rules. Mr. Duyos requested staff to obtain references. Ms. Velazquez asked staff to find out what the University charges for translations. The motion passed.

c. Presentation by Foreign Credentials Service

Mr. Bill Paver, the owner of Foreign Credentials Service, appeared before the Board to discuss his request to become approved as a foreign degree evaluator. He explained that FCSA has reviewed 10-15,000 foreign degree applications for the University of Texas and noted that the College of Engineering was one of the heaviest loads. He feels his company is well-versed in evaluations and provided some of his own professional background. He stated he is assisting in the development of a set of national standards for evaluation of foreign degrees and that his company's objective is to provide good service at a reasonable cost. He and his staff remain accessible to Boards and to applicants. He explained his familiarity with ABET and ABET standards.

Mr. Duyos asked him to discuss FCSA's evaluation staff. Mr. Paver stated that he has three full-time evaluators in the office. In addition, he has consultants who train his evaluators. Mr. Duyos asked the turnaround time for evaluations. Mr. Paver stated ten working days or two weeks. Mr. Duyos asked how FCSA handles disputes from applicants when the applicant does not agree with the evaluation service. Mr. Paver stated he has experienced this since he began evaluating degrees. He explained that they go first to the original evaluator and will do additional research as necessary to determine the appropriate course. Mr. Duyos asked Mr. Paver to confirm the fees and asked how transcripts were submitted. ABET is a flat fee of \$210. Ms. Austin indicated the transcripts come directly from the institution and are sealed with a raised seal so the Board will know they are authentic.

Ms. Velazquez asked how FCSA worked with Cuban applicants because of the difficulty they have in obtaining documents from their schools. Ms. Austin stated they may refer some of those issues back to the state board because they will not make the final decision on whether to accept copies of transcripts from Cuba. Mr. Martin indicated the Board had addressed these types of situations before and always ensured that the applicant had exhausted all

avenues. Ms. Velazquez asked if they perform translations. They indicated that they did not but that they subcontracted with a company called Lingua. Mr. Rebane asked them how they addressed specific Board requirements. Ms. Austin indicated they will address any requirements the Board is looking for and they will report their findings.

Mr. Duyos moved to add FCSA as an approved evaluator and to amend the Board rule as such. Ms. Velazquez seconded the motion. Mr. Martin indicated it would be approximately ninety days before the amended rule was in place. He did not anticipate any problems with the rule development. Mr. Duyos suggested that FCSA staff travel to Tallahassee for an application review meeting. Mr. Paver indicated they would be able to do this. Mr. Martin confirmed for FCSA that the Board would not be able to accept their evaluations until after the effective date of the amended rule. The motion passed.

#3. Probable Cause Committee
(Robert Matthews, P.E.; Paul Tomasino, P.E.; Allen Seckinger, P.E., Consultant)

- a. Report on the Meeting of January 20, 2004*

This item was approved on the Consent Agenda.

#4. FBPE Rules Committee
(Henn Rebane, P.E., Chair; Paul Tomasino, P.E.; Gloria M. Velazquez, Esq.)

- a. There was no report.

#5. Joint Engineer / Architect Committee
(Henn Rebane, P.E., Chair)

- a. There was no report.

#6. FBPE / FEMC Liaison
(R. Gerry Miller, Ph.D., P.E., Chair)

- a. There was no report.

#7. Test Administration Committee
(R. Gerry Miller, Ph.D., P.E., Chair)

- a. There was no report.

#8. Continuing Education Committee
(Robert Matthews, P.E., Chair; R. Gerry Miller, Ph.D., P.E.; Henn
Rebane, P.E.; Paul Tomasino, P.E.)

- a. There was no report.

#9. FBPE Legislative Committee
(Henn Rebane, P.E., Chair; Jorge Duyos, P.E.; Paul Tomasino,
P.E.)

- a. Report on Meeting of January 29, 2004

The Committee had held a short telephonic meeting following the Board's conference call and discussed possible future legislative changes. SB494 has been filed this Session and exempts truss placement plans from sealing. The Board was informed that its amendments would be placed on HB 419 and its companion bill SB 1368. Ms. Lowe reported that she had spoken with Mr. Rudd, who had indicated that the Board's amendments had been added to both bills.

#10. Unlicensed Activity Committee
(Robert Matthews, P.E., Chair; Jorge Duyos, P.E., R. Gerry Miller,
Ph.D., P.E.)

- a. Presentation by Priscilla Trescott, FES

Mr. Matthews provided some background information to the new Board members regarding the Florida Engineering Society's unlicensed activity campaign. Ms. Trescott presented several recommendations to the Board for Phase Two of the campaign. She also reported on Parts 2, 3, and 4 of the campaign.

Part 2, she noted, required the identification of program partners. She provided Board members with a list of engineering societies with local chapter information. She reported that FES had contacted the NCEES to discuss their methods of reaching engineering students. She found that the Council has a print advertising campaign for student

magazines. They also have a poster and brochure campaign as well as a speaker's kit. The Council would actually send a speaker to programs. The program is fully scripted and comes with several visual aids. FES has contacted the President of ASCE-Florida to determine their interest in pooling resources. The Florida Engineering Society's FICE Board has also approved support of this project.

Ms. Trescott asked Board members for any other recommendations. Dr. Miller recommended that AIChE be added to the list of those organizations to be contacted. Mr. Rebane suggested that the Society of Fire Protection Engineers be added. He noted that they have one Florida chapter, in Orlando, which is quite active. He also noted that ASHRAE has at least three contacts in Florida who handle legislative issues. He stated that Ms. Trescott could get the names of these three individuals from Mr. Coda, the Executive Vice President.

Part 3 required FES to contact private consulting firms. FES had contacted nine engineering firms to find out how they promote licensure with their staff. She found that two companies offer bonuses upon successful completion of the exam; three adjust employees' salaries upon successful completion of the exam; four indicated they pay for the exam; five allow time off to sit for the exam; one declined to share information; and one would only indicate that they do generally promote licensure but they would not offer specifics.

Part 4 required FES to obtain course background. They had contacted the engineering school deans for eleven Florida universities and asked whether their school had a course which promotes or talks about licensure, whether they would be interested in receiving information on the benefits of licensure from the FBPE; and whether they would like the Board to provide a speaker for a one-hour lecture on the benefits of licensure. Ms. Lowe was requested to schedule a workshop for the April Board meeting, during which time the Board would discuss Phase Two of the contract. Ms. Lowe was requested to have the speakers kit available so that Board members can review the scripted presentation.

After she concluded her presentation, Ms. Trescott reminded Board members that they were meeting with FES in August, and extended an invitation to Board members to join FES for their general reception on the Thursday evening. In addition, they were invited to the FICE reception on Friday evening.

C. NCEES Business

#1. National Passing Rates*

This item was approved on the Consent Agenda

#2. NCEES Associate and Emeritus Members

Dr. Miller moved to add Jack Beamish and Bruce Campbell to the list of Associate members and to remove Mr. Dlouhy, Mr. Lobnitz, and Mr. Minacci from the list. Mr. Rebane moved to extend an invitation to Ms. Lacasa and Dr. Bondada to see whether they would like to be nominated as Emeritus members. Mr. Tomasino seconded. The motion passed.

#3. Memo from NCEES Regarding Proposed Amendment to Constitution and Bylaws

Mr. Rebane moved to support the amendments to the constitution and bylaws of the NCEES as described in the January 28, 2003 memo but specified that the decision be non-binding so that Florida's delegate would have the authority to change the position once they hear testimony during the Annual meeting. Mr. Duyos seconded the motion. The motion passed.

#4. Correspondence from the Texas Board of Professional Engineers

The Texas Board of Professional Engineers had sent out correspondence to the member boards offering changes to the Council's Bylaws and Constitution. The amendment would require a majority vote of the Council to suspend one member board's membership privileges and would clarify the ramifications when the Council fails to ratify the actions of the Board of Directors. Mr. Matthews called for a non-binding decision of the Board due to the amount of discussion that would certainly take place at the Annual Meeting.

Mr. Rebane reviewed the Texas issue for the benefit of new Board members and explained about ELSESES' administration of examinations.

Mr. Tomasino moved to instruct our voting delegate to note the checks and balances in the amendments to the Bylaws and Constitution. Dr. Miller seconded the motion. The motion passed.

D. Advisory Attorney's Report

#1. Rules Update

The following rules were tolled pending the outcome of a rule challenge:

21.001 and
21.004: Written Examination Designated; General Requirements,
and Passing Grade

21.003 and
21.005 Grading Criteria for the Essay Portion of Examination; and
Engineer Intern Examination (REPEALED)

The following rule was filed for final adoption and will be effective on
February 5, 2004:

23.001 and
23.002 Seals Acceptable to the Board, and Seal, Signature and
Date Shall be Affixed

Counsel is responding to JAPC regarding the following rules:

22.006 Demonstrating Compliance.
24.001 Schedule of fees Adopted by Board
30.001 Retention of Engineering Documents

A rule notice was filed for the following rule:

20.002 Experience.

The following rules were filed for development in December 2003:

35.003 Qualification program for special inspectors of threshold
buildings.
35.004 Common requirements to all engineers providing threshold
building inspection services as special inspectors.

#2. Board Counsel Opinion Letters

There was no report.

E. Executive Director's Report

#1. List of Applicants Requesting Retired Status*

This item was approved on the Consent Agenda.

#2. Board Member Outreach Report

a. There was no report.

#3. Department's Legislative Package

Ms. Lowe stated that this was a copy of the Department's privatization bill. Chapter 471, F.S. is not referenced in the statute. There were a few people who had expressed concern that the Department would try to bring FEMC in under its provisions. Mr. Whitston had indicated he would be more comfortable if FEMC was specifically exempted in the statute. Mr. Martin stated that without this exemption language, he would suspect that this Board would see some of the provisions in this statute referenced in their next contract. Mr. Matthews noted that there is a new requirement that there would be a quarterly assessment regarding contract compliance by the corporation. He expressed concern with this provision because of the trouble FEMC has had in the past getting a certification from the Department on an annual basis. Mr. Matthews stated he would like to hear from the FEMC Board their position on this bill. This is HB 851 and SB 2026. Mr. Matthews stated that the PE Board might want to join the FEMC Board on a conference call to discuss this bill. Mr. Rebane noted that it is difficult for Board members to participate in the legislative process because they are not permitted to lobby as a Board.

#4. HB 472 Surveyors and Mappers bill

Ms. Lowe noted that the Surveyors had given up on trying to get this bill passed and were focusing their efforts on amending the Department's privatization bill instead.

Mr. Martin reported that the surveyors held their quarterly meeting in January and at that time, Mr. Martin had discussed with the President of their professional society the possibility of FEMC

contracting to take over their Board office. He was reminded of the longstanding concern of the surveyors of being melded with the professional engineering board. Mr. Martin did not feel like there was a lot of support for having FEMC take over the Board.

#5. Update on LicenseEase transition.

Ms. Lowe described some of the problems staff was having with LicenseEase.

The information the Board needs to have is the accuracy and the completeness of the licensees' records. The website should give the building department personnel information sufficient to permit them to decide whether or not to issue a permit. If there are restrictions on the license, then these need to be displayed. Ms. Lowe was requested to research the information on the website and see what could and could not be displayed. Mr. Matthews stated he would be contacting Ms. Carr and attempting to schedule a meeting with her to discuss these issues. Ms. Velazquez recommended putting some of the Board's concerns in writing. Mr. Tomasino asked that the list of concerns that is provided to the Secretary be shared with the Board.

#6. Updated FBPE Calendar

Ms. Lowe pointed out some of the changes to the calendar. She was requested to add the Legislative Committee meetings to the full calendar.

Mr. Matthews noted that he will be appointing committees in the near future and so Board members should carefully review the calendars.

Upon review of the new date for the September Board meeting, Ms. Lowe was requested to explore moving the meeting to September 21st and 22nd.

#7. FEMC Quarterly Statistical Report

Mr. Rebane stated he had reviewed the quarterly report and had several items he would like to see included in future reports. For instance, how many complaints had been received? How many were in a backlog of greater than six months old. He explained that the Board had always believed that the person filing the complaint should remain informed throughout the process. In addition, FEMC was created in order to ensure that cases were

expedited through the system. The Department has specific criteria they want to check for contract compliance. The Board has certain requests in addition to those of the Department's. Mr. Rebane wants to have a degree of comfort that the complaints that come in are being handled as quickly as possible. He stated he understands that some of them take longer than that but he would like to remain informed. Ms. Lowe was requested to present a draft report at the next meeting. Mr. Whitston stated he would like to see when the complaints were received, when they went to probable cause, and what action was taken.

F. Chair's Report

#1. Discussion on NCEES Proposed Licensure Model
From ELQTF and LQOG

At the request of Mr. Bill Palm, the Board was asked to provide its opinion on the proposed licensure model.

Dr. Miller stated that he thought the public was already confused enough with the terms professional engineer and engineer intern without adding additional layers and additional terms. He spoke in support of the practical examination though he stated he does not think it would be useful for all licensees.

Mr. Rebane stated he thought it was a good step toward clarifying the problem they are having with licensure in that, practically speaking, the current model's path to getting the PE is only applicable to people who sign and seal their work product.

Mr. Matthews echoed Dr. Miller's concern over adding additional engineering titles, but concurred with Mr. Rebane's comments over the financial impact of the current examinations. He recommended that an outside organization take a look at this because NCEES has too much of a vested financial interest in the outcome.

Mr. Duyos stated he did not like the idea of being able to take the PE exam right out of school but then having to wait four years in order to be licensed.

Mr. Rose stated that he liked the idea of changing the title engineer intern to an associate engineer.

The consensus was that the Board did not support the recommended licensure model as developed.

Dr. Miller commented on the national registry suggested to contain a list of all registered and professional engineers. This is something that NCEES would do, that they would charge for, and that they have created. He stated he likes the idea of having an independent organization review the proposed licensure model.

#2. Correspondence from Bracken Engineering*

This item was approved on the Consent Agenda.

#3. N. Lowe Accenture Discussion

New Business Item-FBPE meeting of February 18, 2004

Chairman Matthews presented an overview of personnel issue (regarding N Lowe) that began with an anonymous e-mail "Concerned Republican" to the Governor's office. Mr. Matthews reviewed a number of documents and meetings that pertained to the subject including a report prepared by Mark Herron and a report prepared by DBPR Secretary, Diane Carr. Because of the serious nature of the issue, Chairman Matthews requested that the Board consider approving the issuance of a letter of reprimand to Ms. Lowe's personnel file. After much discussion by the Board, Vice Chair Rebane made a motion that a letter specific to the issue is written by the chairman to Ms Lowe's personnel file. The motion was seconded by Dr. Miller and passed 7 to 2. Mr. Duyos and Ms. Velazquez voted against the motion.

Mr. Duyos then raised the issue of FEMC needing a formal procurement policy. After discussion by the Board, Ms. Velazquez made a motion requesting FEMC to develop a formal procurement policy, an ethics policy and a budget transfer policy. Mr. Duyos seconded the motion and it passed 9 to 0.

G. Correspondence to the Board

#1. Email from Mr. William Murray

Mr. Murray wrote to the Board concerning the unlicensed practice in the area of naval architecture and marine engineering. He was stating his frustration at the number of companies practicing without appropriate licensure. He noted that these companies are designing boats and ships.

Mr. Campbell addressed the Board and stated that the person mentioned in Mr. Murray's letter, Mr. Rahn, resides in Florida but does not do design work in Florida. Instead, he performs work on projects out of the state and even out of the country. Mr. Campbell had issued a Cease and Desist based on the yellow pages advertisement offering naval engineering and structures. Mr. Rahn's website recognizes the fact that Florida now offers an examination in this subject and also acknowledges that the state will be regulating this discipline of engineering. Mr. Campbell also noted that Mr. Rahn and Mr. Murray had previously engaged in a business partnership.

Mr. Rebane asked Mr. Campbell to review the yellow pages from some major areas of the state to see what kind of a problem the Board is facing. Mr. Campbell was also asked to respond to Mr. Murray regarding his specific complaint and the general pursuit of information in this area.

Minutes

Florida Board of Professional Engineers September 23, 1998 The Biltmore Hotel Coral Gables, Florida

A. Meeting Administration

- #1. Call to Order; Invocation, and Pledge of Allegiance to the Flag
Chair Nodarse convened the meeting at 8:35 a.m. and led the attendees in the Pledge of Allegiance and a moment of silent prayer.

The following members of the Board were present:

Leila Nodarse, P.E., Chair
Melvin Anderson, Ph.D., P.E., Vice Chair
Alvin Coby
Pedro O. Martinez, P.E.
R. Gerry Miller Ph.D., P.E.
Jaykumar Patel, P.E.
Chester Rhodes
John W. Springstead, P.E., P.L.S.
David Whitston, P.E.

The following staff was present:

Dennis Barton, Executive Director, FBPE
Natalie Lowe, Esquire, Prosecuting Attorney, FBPE
Jerry Ongley, Investigator, FBPE
Jeannie Carlton, Licensure Technician, FBPE
James Powers, P.E., Consultant, FBPE

Others present were:

Ed Bayó, Esquire, Board Counsel, Assistant Attorney General
Lynne Quimby-Pennock, Esquire, Contract Administrator,
DBPR

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

The following guests were present:

Richard Gasset, P.E., FES Liaison to FBPE
Paul Ledford, Executive Director, FES
Eugene Bechamps, P.E., Vice Chair, FEMC
Robert Miller, P.E., President, FICE

- #3. Approval of the Agenda

Chair Nodarse announced that, due to the pending arrival of Hurricane Georges, the Board would attempt to complete the entire agenda on Wednesday. Individuals with requests for informal hearing scheduled for Thursday had been notified and rescheduled for Wednesday afternoon.

- #4. Review and Approval of previous Board meeting minutes:

September 4, 1998 (Conference Call)

It was **moved** by David Whitston, **seconded** by John Springstead, and **carried** to approve the minutes of the September 4, 1998 Conference Call meeting of the Board as distributed in the supplement to the General Business Agenda Book.

B. Committee Reports

- #1. Applications Committee (David Whitston, P.E., Chair; R. Gerry Miller, Ph.D., P.E.; Leila Nodarse, P.E.; John W. Springstead, P.E., P.L.S.; Jaykumar N. Patel, P.E.)

a. David Whitston announced that the Committee met beginning at 1:00 P.M. on Tuesday, September 22nd and presented the recommendations of the committee. A **motion** by David Whitston and a **second** by John Springstead **carried** to adopt the recommendations of the Applications Committee.

b. Results from rescoring of October 1997 exam for the following individuals were provided to the Board for information purpose.

- 1) Bihari Kalra

2) Ana Caveda

3) Mauricio Gonzalez

#2. Educational Advisory Committee (Melvin Anderson, Ph.D., P.E., Chair; R.Gerry Miller, Ph.D., P.E.)

a. Committee Chair Anderson announced that the work product of the Committee meeting of Tuesday, September 22nd, was incorporated in the Applications Committee report adopted previously.

#3. Board Operations Committee (Melvin Anderson, Ph.D., P.E., Chair; Leila Nodarse, P.E.; R. Gerry Miller, Ph.D., P.E.)

Committee Chair Anderson announced that the Committee meeting scheduled for October 1st will be rescheduled for mid-1999 in order to accommodate the review process needed to re-certify FEMC as a contract service provided for the FBPE.

#4. Probable Cause Committee (Pedro O. Martinez, P.E., Chair; Alvin G. Coby; Stanley Burnett, P.E., Consultant)

Committee Chair Martinez announced that the Committee met Tuesday, September 22nd, and dismissed five cases; directed dismissal for four additional cases with direction to the Prosecuting Attorney to write letters of guidance; and directed that an administrative complaint be filed in three cases.

#5. Legislative and Rules Committee (Pedro O. Martinez, P.E., Chair; Chester J. Rhodes)

a. Report on draft rule revisions relating to Foreign Degrees and authorization of Engineering Credential Evaluation International to determine "substantial equivalency" (61 G15-20.007(6)).

Mel Anderson reported that his review of the product of Engineering Credential Evaluation International was that it was lacking in that it failed to provide transcripts as did the other services. The Board agreed to place the proposed rule amendment putting ECEI on approved provider status until Dr. Anderson can contact ECEI for

additional information. Mr. Bayó assured the Board the rule could be held in its current status until after the December meeting of the Board.

- b. Report on draft rule revisions to Ch. 61G15-24.001 "Schedule of Fees", amending the rule to establish a fee for examination review at \$75.00; requiring that actual cost be paid of re-scoring by NCEES for exam challenges; establish a fee of \$25.00 for verification of licensure; and increase of the fee for duplicate certificates from \$5.00 to \$25.00.

A **motion** by Pedro O. Martinez, and a **second** by John Springstead, **carried** to approve the proposed rule amendment.

- #6. Responsibility Committee (David Whitston, P.E., Chair; Pedro O. Martinez, P.E.)

There was no report.

- #7. Joint Engineer / Architect Committee (Pedro O. Martinez, P.E., Chair; Melvin W. Anderson, Ph.D., P.E.)

- a. Chair Martinez presented three suggested amendments to the 1971 Joint E-A Agreement. Several members of the Board expressed concern about the utilization of the Joint E-A Committee to become involved in the day-to-day mechanics of providing interpretations of the definition of architecture and engineering. There was consensus to take the three proposed amendments to the next meeting of the E-A Joint Committee for the purpose of initiating discussion. (Subsequent to the Board meeting it was learned that the next meeting of the E-A Joint Committee will be held Monday, November 2, 1998, at the Marriott Marina Hotel in Ft. Lauderdale beginning at 1:00 p.m.)

- #8. Joint Engineer / Land Surveyor and Mapper Committee (Chester Rhodes, Chair; John W. Springstead, P.E., P.L.S.)

There was no report.

- #9. Joint Engineer / Landscape Architect Committee (Jaykumar Patel, P.E., Chair; Leila Nodarse, P.E.)

The Board reviewed the 1988 Joint P.E. / L.A. Committee report and a request by the Florida Engineering Society to enter into a Memorandum of Understanding with the Board of Landscape Architects relative to the conditions and circumstances a Landscape Architect may submit permit applications for the design of storm water management drainage systems. It was **moved** by Dr. Mel Anderson, **seconded** by John Springstead, and **carried** to re-adopt the 1988 Joint Agreement. Board Counsel Ed Bayó was directed to write a letter to the Board of Landscape Architecture indicating support and Executive Director Barton was tasked with acquiring any needed testing requirements from NCEES.

- #10. FBPE / FEMC Liaison (John Springstead, P.E., P.L.S., Chair)

Certification of FEMC Contract.

In accordance with statutory requirements for the Board to certify by October 1st each year that Florida Engineers Management Corporation provided the necessary staff, equipment, technology, and facilities to serve the FBPE in a manner consistent with its goals and purposes and in the best interest of the state. The certification, in this instance, is limited to the start-up activities conducted from October 1, 1997 to June 30, 1998. A **motion** by John Springstead, and a **second** by Dr. Mel Anderson, **carried** to approve the certification provided by DBPR Contract Administrator Lynne Quimby-Pennock at the meeting.

- #11. Mandatory Continuing Education Study Committee (David Whitston, P.E., Chair; R. Gerry Miller, Ph.D., P.E.)

Robert Miller, P.E., President of the Florida Institute of Consulting Engineers addressed the Board regarding the general support for the concept of mandatory continuing education and the desire of FICE and the Florida Engineering Society to work with the Board to study the issue. Mr. Miller noted that FICE had appointed two individuals, as had FES, to

meet with the Board's Mandatory Continuing Education Study Committee for the purpose of examining problems associated with the mandatory continuing education concept such as cost to the registrant, cost to the Board, and compatibility with requirements with other states. The Board thanked Mr. Miller and his organization for his interest in the profession and directed Executive Director Barton to work with FES Executive Director Paul Ledford in establishing an agenda to speak to the issues and a meeting to begin the dialogue.

#12. Finance Committee (Alvin Coby, Chair)

The 1998-99 Budget and Spending Plan was provided to the Board in the advance handout material and there were no questions.

#13. Test Administration Committee (Al Coby, Chair; Melvin W. Anderson, Ph.D., P.E.)

Dennis Barton reported the following numbers of applicants would be taking exams on October 30-31, 1998.

| | | |
|-------------|--------|--------|
| Miami | 318 PE | 307 FE |
| Orlando | 408 PE | 274 FE |
| Tallahassee | 144 PE | 92 FE |
| USF | | 68 FE |
| U of Fla. | | 100 FE |

In further discussions concerning the types of calculators and books an examinee may take into the exam there was consensus to allow any type calculators, but no computers.

C. NCEES Report

#1. Report on the 1998 Annual Meeting

Other than the summary of the meeting provided by NCEES, no report was given.

#2. Nominations for NCEES National Awards

Chair Nodarse confirmed from Mr. Martinez that he had provided the necessary personal information to Carrie Flynn for nomination for a NCEES Award.

D. ABET Information

There was no report.

E. Advisory Attorney's Report

Board Counsel Bayó reported on letters to Brian F. Keane, P.E. and Jim McDonald, P.E. contained in the handout material.

F. Executive Director's Report

- #1. Dennis Barton reported that efforts to review the Embry-Riddle civil engineering program were not successful as ABET's scheduled review on November 21-22, 1998 was so close at hand that educational consultants were reluctant to participate. David Whitston noted that he would participate in the ABET review and would seek retroactive approval by ABET to include 1997 graduates.
- #2. To accommodate a legal opinion by the Department new forms for travel reimbursement were distributed to Board members.
- #3. The proposed 1999 Board Meeting Schedule was circulated and was generally agreed to by the Board.
- #4. The 1999 - 2000 renewal notices were distributed to the Board in the advance handout material and there were no suggested corrections or improvements.
- #5. Dennis Barton reported that the October 1998 Newsletter would be an eight page newsletter and would be in the mail in early October. There was interest expressed about providing a "Directory" to all registrants and building departments after the close of the renewal period on March 1, 1999 and Barton was asked to get cost estimates on the printing and mailing of the directory.
- #6. Dennis Barton reported on participation at the "CLEAR" Conference and noted that future conferences would be a good training experience for new or experienced members of the Board.

- #7. Dennis Barton reported on a recent meeting with the staff of the Florida Building Code Commission and circulated a copy of the Nevada "Blue Book" for review by Board members. No comments were offered and Barton indicated he would continue to participate in the development of the Florida equivalent of the Nevada guide book to administering the building code.
- #8. A staff request for clarification of Rule 61G15-22 relative to "contact hours" and courses in "professionalism and ethics" was referred to the Educational Advisory Committee for evaluation.
- #9. A staff request for review of the "Model Law Engineer" program currently in effect in Ohio was referred to the Applications Committee.
- #10. A staff request for an amendment to 61G15-21.006 F.A.C. relating to Grade Review Procedures to clarify that reviews are for those who fail the exam was presented. A **motion** by David Whitston, a **second** by John Springstead, to initiate such a rule amendment **carried**.
- #11. Information regarding signing and sealing fire protection plans and when they should be presented to the permitting agency was distributed to the Board. The Board was emphatic that the current law is clear and such plans are no different than electrical, mechanical, or structural plans and should be submitted at the same time as those plans.

G. Chair's Report

The Chair expressed the gratitude of the Board to FES for the previous evening's entertainment and directed that letters of appreciation be written to FES and Mr. Gene Prescott expressing their appreciation.

In anticipation that the current term of Mr. Martinez was nearing conclusion the Chair appointed Mr. Martinez as a consultant to the Board on the issues involving architectural-engineering services.

The Chair reported on an invitation by the Palm Beach Chapter of FES to be a speaker and indicated the response of the members at the meeting was very favorable for future presentations to other chapters of FES or other engineering organizations.

The Chair appointed Dr. Mel Anderson, David Whitston and Al Coby to serve as the nominating committee for the 1999 Board Officers.

H. Correspondence to the Board

- #1. The Board reviewed a letter to the Board from Anthony Awtry, a "software systems and network engineer" regarding use of the term "Engineer". It was pointed out that such individuals are licensed as PE s in Texas and that NCEES is going to offer an exam in that subject area.
- #2. The Board reviewed a letter to the Board from George Crouse, P.E., regarding Delegated Engineer Responsibility for Prefabricated Wood Components indicating the need for clarification of the rule. The letter was referred to Mr. Jim Power, P.E., consultant to the Board and his report was included in the Board agenda packet. Pedro O. Martinez **moved**, and John Springstead **seconded**, and a motion **carried** to adopt the recommendation of Mr. Power to amend Chapter 61G15-31.003 F.A.C. to delete the current language and make it clear that the responsibilities of the structural engineer and the truss designer are set forth in Chapter 8 of ANSI/TPI 1-1995. The proposed rule amendment will be forwarded to Mr. Bayó for commencement of the rule making process.
- #3. The Board reviewed a letter to the Board from Johnny B. Dagenhart, P.E., requesting a change in Board rules relative to the use of a rubber stamp. There was no interest by the Board and Dennis Barton was directed to write Mr. Dagenhart to that effect.
- #4. The Board reviewed a letter to the Board from Stephen Sheridan requesting the Board confirm a county attorney statement regarding the planning, design and supervision of construction of buildings by engineers. The Board directed Mr. Bayó to write Mr. Sheridan and explain the application of the "incidental" provision contained in Chapter 471 F.S.
- #5. The Board was presented with a letter from Tim A. Jur, Ph.D., P.E., regarding "A Call for National Registration of Engineers".
- #6. The Board reviewed a letter from Stephen Shafer, P.E., requesting review of plans to determine if plans have been

appropriately signed and sealed. After review and discussion concerning whether origin and destination of traffic was adequately considered Pedro O. Martinez **moved**, and John Springstead **seconded**, and **carried** to refer the matter to a FBPE consultant with expertise in traffic design for review. Dennis Barton was also directed to correspond with the city informing them of the Board action and the possibility there could be problems with the plans.

- #7. The Board reviewed a letter from Mr. Lawrence Bennett, P.E., requesting review of plans to determine if he is practicing within his scope of practice. Mr. Bayó was asked to prepare a letter to be reviewed by the Chair and sent to Mr. Lawrence and the city engineer of Port Orange explaining the issue of "incidental" engineering.

I. Old Business

There was no Old Business.

J. New Business

There was no New Business.

K. Informal Hearings on Denial to Take Examinations

#1. Engineer Intern Exam

There were no requests for informal hearings on denial to take the FE exam.

#2. Engineer Intern (Foreign Degree Articulation)

a. Sarita Nebhrajani

Ms. Nebhrajani made a presentation to the Board indicating her belief that her academic preparation qualified her to take the FE exam. The evidence indicated she lacked 2.5 hours in basic science and suggested she needed to provide a transcript to indicate completion of the science requirement in college level courses. A **motion** by Pedro O. Martinez, **seconded** by David Whitston, **carried** to uphold the previous denial of the Board for Ms. Nebhrajani to take the FE exam.

b. Ashraf El-Magharaby

As Mr. El-Magharaby was permitted to sit for the FE exam on the condition he complete the educational course requirements in Humanities and Social Science prior to receipt of EI status or being allowed to sit for the PE exam, he withdrew his request for an informal hearing.

c. Ehah Moawad

As Mr. Moawad was permitted to sit for the FE exam on the condition he complete the educational course requirements in Humanities and Social Science prior to receipt of EI status or being allowed to sit for the PE exam, he withdrew his request for an informal hearing.

d. Julio Rincon

Mr. Rincon addressed the Board claiming his study at Valle University was adequate to meet the educational requirements. Following review of the transcripts by the Board with translation provided by Mr. Bayó the Board concurred with Mr. Rincon. David Whitston **moved**, and John Springstead **seconded**, and **carried** to allow Mr. Rincon to sit for the exam on the condition he successfully complete the Study Guide.

#3. Professional Engineer Exam

a. Ariel Millan

Mr. Millan presented his experience to the Board and the Board noted he remained shy of the necessary experience in design but observed that on the current track he would have adequate experience to sit for the April 1999 PE exam. Based on that a **motion** by David Whitston, and a **second** by John Springstead, **carried** to uphold the denial of Mr. Millan to sit for the October 1998 PE exam.

b. Reynaldo Abreu

Mr. Abreu contested the denial of his application to sit for the October 1998 PE exam on the basis that the Board failed to give him adequate credit for his work experience. Mr. Bayó pointed out that the experience he alludes to occurred prior to graduation from engineering school and therefore fails to meet the Board's expectation that experience be progressively more difficult in nature. Accordingly,

Mr. John Springstead **moved**, Mr. Chester Rhodes **seconded**, and the motion **carried** to uphold the denial of Mr. Abreu to sit for the October 1998 exam.

c. Mark Disosway

Mr. Disosway presented evidence to the Board that he had previously held licenses in other states, however, they had inadvertently lapsed and he had taken and successfully passed the FE and the PE in other states. On a motion by Dr. Mel Anderson and a second by Dr. Gerry Miller a motion **carried** to allow Mr. Disosway to sit for the October 1998 PE exam.

#4 Professional Engineer (Foreign Degree Articulation)

There were no requests for hearing.

L. Informal Hearing on Licensure by Endorsement

#1. Amir Salahshoor

Mr. Sallahshoor requested his hearing be postponed until the December meeting of the Board.

M. Informal Hearing on Licensure by Endorsement

#1. Richard Espinosa

Mr. Espinosa presented evidence of his licensure by the countries of Peru and Ecuador and, based on that licensure, requested that he be licensed by endorsement in Florida. Mr. Bayó explained the requirements of licensure by endorsement to Mr. Espinosa and, on a **motion** by Dr. Mel Anderson, a **second** by Mr. Al Coby a motion **carried** to uphold the denial of Mr. Espinosa's request for licensure by endorsement.

N. Consideration of Request for Formal Hearing

There were no requests.

O. Examination

#1. Recommended Orders (Examination Challenges)

a. Gabriel Enriquez

Mr. Enriquez was not present and did not submit any additional evidence to support his challenge. Mr. Al Coby **moved**, and Mr. Pedro O. Martinez **seconded**, and **carried** to adopt the Administrative Law Judge's Finding of Fact and Conclusions of Law. In addition, Mr. Al Coby **moved** and Mr. Pedro O. Martinez **seconded** and **carried** to adopt the Administrative Law Judge's Recommendations.

#2. Informal Hearing (Examination Challenge)

a. Glena Morris

The Board reviewed evidence that Ms. Morris had failed the PE exam five times; however, one of the failures was at an exam, the administration of which was fraught with difficulties. The Board apologized for the many inconveniences suffered by Ms. Morris and, on a **motion** by Mr. John Springstead, an a **second** by Mr. David Whitston, **approved** Ms. Morris for the October 1998 PE exam pending receipt of evidence of successful completion of 12 college credit hours additional education.

b. Maria A. Valdes

The Board reviewed evidence that Ms. Valdes failed the FE exam five times; however, one of the failures was attributed to significant problems associated with the administering of the exam. It was the position of Ms. Valdes that she would have passed the exam under normal conditions and it was her request of the Board to grant her the additional one point she required to pass. It was explained the Board could not grant such a request but in the alternative and, on a **motion** by Mr. Al Coby, a **second** by Mr. Jay Patel, **agreed** not to count the contested exam as one of the five and allow her to sit for the April 1999 exam without the requirement of completion of 12 hours of successful colleges courses.

P. Disciplinary Proceedings

#1. Recommended Orders

- a. Alberto Ribas, P.E. #0014452
DBPR Case #94-04089
Prosecuting Attorney: Mary Ellen Clark, Esquire
Respondent represented by Pedro Munilla, Esquire
Recused, Al Coby
Probable Cause Panel February 4, 1998

Prosecuting Attorney Natalie Lowe reviewed the case and pointed out that exceptions were not filed by Ms. Clark and, accordingly, recommended the adoption of the Administrative Law Judge's Findings of Fact and Conclusions of Law as well as the Recommendations which were **agreed to upon a motion** Mr. David Whitston and a **second** by Dr. Mel Anderson.

#2. Settlement Stipulations

- a. Earnest M. Wong.
Professional Engineer #0025486
DBPR Case # 97-12498
Not Represented By Counsel
Recused Al Coby and John Springstead, P.E., P.L.S.
Probable Cause Panel February 12, 1998
Case postponed from July 8, 1998 meeting

Prosecuting Attorney Natalie Lowe presented the case and the absence of Mr. Wong was noted. Upon a **motion** by Mr. David Whitston, and a **second** by Dr. Mel Anderson the Board **agreed** to the stipulation as agreed to by Mr. Wong, the Board required presence of Mr. Wong notwithstanding.

Q. Adjourn

The next meeting of the Florida Board of Professional Engineers is Wednesday and Thursday, December 9 and 10, 1998 in Room 1703 of the Ralph Turlington Building, 325 West Gaines St. Tallahassee, Fl.

Submitted by,

Dennis Barton

Dennis Barton, Executive Director

Approved by the Board December 9, 1998



FLORIDA BOARD OF PROFESSIONAL ENGINEERS

Minutes Meeting of the Florida Board of Professional Engineers Wednesday, October 6th And Thursday, October 7th, 1999 Omni Hotel Jacksonville, Florida

1208 HAYS STREET
TALLAHASSEE, FL 32301
850-521-0500
FAX 850-521-0521
EMAIL: board@fbpe.org

A. Meeting Administration

#1. Call to Order; Invocation, and Pledge of Allegiance to the Flag.
Chair Anderson called the meeting at 1:00 p.m., gave the Invocation and led the Pledge of Allegiance to the Flag.

Melvin W. Anderson,
Ph.D., P.E.
CHAIR
(EDUCATOR)
1/9/96 - 10/31/01

David A. Whitston, P.E.
VICE CHAIR
(MECHANICAL)
5/1/96 - 10/31/99

Alvin G. Coby
(PUBLIC)
2/10/92 - 10/31/99

Pedro O. Martinez, P.E.
(MECHANICAL)
5/12/87 - 10/31/98

R. Gerry Miller, Ph.D., P.E.
(MECHANICAL)
11/1/97 - 10/31/01

Leila Nodarse, P.E.
(CIVIL-GEOTECHNICAL)
7/3/95 - 10/31/98

Jaykumar N. Patel, P.E.
(CIVIL)
1/1/91 - 10/31/99

Chester J. Rhodes
(PUBLIC)
7/3/95 - 10/31/98

John W. Springstead,
P.E., P.L.S.
(CIVIL)
3, 27/97 - 10/31/01

Edwin A. Bayo, Esquire
ASSISTANT ATTORNEY
GENERAL

Debra Barton
EXECUTIVE DIRECTOR

a. The following members of the Board were present:

Melvin W. Anderson, Ph.D., P.E.
David A. Whitston, P.E.
Alvin G. Coby, Public Member
Pedro O. Martinez, P.E.
R. Gerry Miller, Ph.D., P.E.
Jaykumar N. Patel, P.E.
John W. Springstead, P.E., P.L.S.
Chester J. Rhodes, Public Member, joined the meeting in progress

The following member was absent:

Leila Nodarse, P.E.

Others present were:

Carrie Flynn, Assistant Executive Director
Natalie Lowe, Esquire, Prosecuting Attorney
Edwin Bayo, Esquire, Board Counsel
Lynne Quimby-Pennock, Esquire, Contract Administrator, DBPR
D. Matthew Stuart
Fred A. Martin
Buddy Dewar
Henn Rebane, P.E.
Brett Wadsworth, Esquire
William Bracken, P.E.
Kathleen Collins
Ben Stasiukiewicz
James Wornick
Taleb Shams

Alan J. Davis, P.E.
William H. Krick
Shro Rao
Ken Derrick
Ed Motter
Farhan Alnajjar

- #2. Introduction of guests and announcements as to presentations at a time certain
- a. Chair Anderson announced that there would be a presentation by Buddy Dewar regarding item D #5 (Fire Sprinkler Rule amendments) at 3:00 p.m. on Wednesday, October 6, 1999.
 - b. Chair Anderson announced that there would be a presentation by Mr. J.C. Rusello, P.E. regarding concerns on low quality of engineering at 3:30 p.m. on Wednesday, October 6, 1999.
- #3. Approval of the Agenda
- One disciplinary case was added to the Agenda as item O#1(e). O#1(e) is a Settlement Stipulation for George McDonald, P.E.
- #4. Review and Approval of previous Board meeting minutes:
- a. August 25-26, 1999 Meeting
- Ms. Flynn noted that the minutes to the previous meeting should have read that Mr. Guerra requested and was granted a continuance and that the Final Order that was filed was filed in error. Mr. Bayó will draft an order rescinding that Final Order.
- Upon a motion by David Whitston and a second by Pedro O. Martinez, the Board voted to approve the minutes as amended.
- b. September 23, 1999 Conference Call Meeting
- Upon a motion by David Whitston and a second by Pedro O. Martinez, the Board voted to approve the minutes.

B. Committee Reports

- #1. Applications Committee (David Whitston, P.E., Chair; Leila Nodarse, P.E.; John W. Springstead, P.E., P.L.S.; Jaykumar N. Patel, P.E.)

There was no report.

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

There was no report.

- #3. Board Operations Committee (Melvin Anderson, Ph.D., P.E., Chair; David Whitston, P.E., Leila Nodarse, P.E.; R. Gerry Miller, Ph.D., P.E.)

There was no report.

- #4. Probable Cause Committee (Pedro O. Martinez, P.E., Chair; Alvin G. Coby; John Springstead, P.E., P.L.S.)

- a. Report of the committee meeting on October 6, 1999

Pedro O. Martinez reported that the Panel had reviewed 13 cases. Four were dismissed, four were dismissed with a Letter of Guidance, and one was tabled for further investigation. The Panel found probable cause in four cases and directed the prosecuting attorney to file Administrative Complaints.

Martinez also reported on the committee meeting of August 24, 1999. At that meeting the Panel reviewed 36 cases. The Panel found probable cause in 14 cases and directed the prosecutor to file Administrative Complaints. The Panel dismissed 12 cases, dismissed 9 cases with a letter of guidance, and tabled 1 case for further investigation.

- #5. Legislative and Rules Committee (Pedro O. Martinez, P.E., Chair; Chester J. Rhodes)

There was no report.

- #6. Responsibility Committee (David Whitston, P.E., Chair; Pedro O. Martinez, P.E.)

There was no report.

- #7. Joint Engineer / Architect Committee (Pedro O. Martinez, P.E., Chair; David Whitston, P.E.)

- a. Pedro O. Martinez explained that the Joint Engineer/Architect Committee meeting of October 11, 1999 had been cancelled due to the subject matter of the meeting. The Committee had been requested to review a set of plans sealed by an engineer, which contained architecture as well as engineering in order to determine whether or not the architecture was appropriately placed. Martinez explained that the FBPE previously had an ad-hoc committee to review plans such as those at issue; however, that committee was no longer in existence and did not have the statutory authority to review plans connected with disciplinary cases. The Joint Engineer/Architect Committee is authorized to meet and discuss issues pertinent to both licensure boards.

Martinez also requested the Board to review the 1971 agreement between the FBPE and the Board of Architecture and requested this item be placed on the December 1999 agenda for further discussion.

- #8. Joint Engineer / Land Surveyor and Mapper Committee (Chester Rhodes, Chair; John W. Springstead, P.E., P.L.S.)

There was no report.

- #9. Joint Engineer / Landscape Architect Committee (Jaykumar Patel, P.E., Chair; Leila Nodarse, P.E.)

There was no report.

- #10. FBPE / FEMC Liaison (John Springstead, P.E., P.L.S., Chair)

- a. Certification of FEMC as service provider

As required by Chapter 471.038 F.S., Lynne Quimby-Pennock, Esquire presented a Certification signed by DBPR Secretary Henderson indicating that FEMC is performing in a manner that is consistent with the goals and purposes of the Board and the best interest of the state. Upon a motion by John Springstead and a second by David Whitston, the Board voted to approve the

Certification of FEMC. Chair Anderson then signed the agreement on behalf of the Board.

b. Status of Sunset Review of FEMC

- (1) Interim Project report by Senate Regulated Industries Committee

Pedro O. Martinez complimented Dennis Barton on his response to the Interim Project report.

- (2) Interim Project report by House Business Regulation and Consumer Affairs Committee

Al Coby reported his attendance at a meeting of the House Business Regulation and Consumer Affairs Committee on October 6, 1999. The Committee discussed four issues: whether FEMC should be reenacted until 2004; whether a private entity can adequately meet the needs of the public; whether FEMC Board of Directors meetings should be held subject to the Sunshine Law; and whether there should be a process in place should either FEMC or the DBPR refuse to certify FEMC's compliance with the contract. The Committee voted to recommend the filing of a committee bill which would reenact FEMC with a sunset review in 2004, require FEMC meeting be open to the public, and create a process for the property and records to revert to the DBPR should FEMC be de-certified.

- (3) Status of discussion with DBPR regarding differences in proposed amendments to Chapter 471 F.S.

It was suggested that this topic be reviewed at a later date as no significant progress was made in the discussions between FEMC and the DBPR regarding proposed amendments to Chapter 471, F.S. Lynne Quimby Pennock reported that she is reviewing language from other states' practice acts and is in the process of drafting proposed language regarding mandatory continuing education.

- #11. Mandatory Continuing Education Study Committee (David Whitston, P.E., Chair; R. Gerry Miller, Ph.D., P.E.)

David Whitston reported the Committee will provide information at the December 1999 Board meeting.

- #12. Finance Committee (Alvin Coby, Chair)

Lynne Quimby-Pennock, Esquire reported that FEMC's request for quarterly payment has been delivered to the appropriate parties at DBPR and is in the process of being completed.

- #13. Test Administration Committee (Al Coby, Chair; Melvin W. Anderson, Ph.D., P.E.)

There was no report.

C. NCEES Report

- #1. It was reported that NCEES has adjusted its policy concerning calculators in the examinations and will no longer allow the use of "QWERTY" keyboards for the Principles and Practice or the Fundamentals Examination.

- #2. Southern Zone Mobility Recommendations

The Board reviewed the point system suggested by the Southern Zone. Chair Anderson pointed out that, as stated, this system would not be in compliance with Florida's engineer registration law. John Springstead pointed out that this is a working draft and that further work on the language was needed. Board Counsel was asked to review the point system to determine if it comports with Chapter 471.

- #3. Nominations for NCEES National Awards

The Board will present any nominations at its December 1999 meeting.

D. Advisory Attorney's Report

- #1. 61G15-21.002 F.A.C. "Areas of Competency and Grading Procedures" As a result of changes by NCEES the Board, at the March 31-April 1, 1999 meeting approved proposed changes to update Rule 61G15-21.002, F.A.C. relative to grading procedures and areas of competency. The rule was advertised for rule development in the April 23, 1999 F.A.W., and the

rule text on July 30, 1999. Following comments from the Joint Administrative Procedures Committee negative to listing the NCEES Web Site as the reference for ascertaining percentages of each test topic in each discipline the rule was withdrawn and is currently being drafted to set forth each percentage for each test topic in each discipline. The rule has been completely rewritten and the Notice of Rule Development has been issued and the Notice of Rule Making will be issued soon.

- #2. 61G15-18.011 F.A.C. "Definitions"
The proposed rule amendment adds a new paragraph (5) and defines " a registered engineer whose principal practice is civil or structural engineering" to mean an engineer licensed in Florida who either has a degree in civil or structural engineering or who successfully completed the principles and practice examination in either discipline. The rule was noticed for development in the August 6, 1999 F.A.W.

Board Counsel Ed Bayó reported that the first Notice of Rule Development has been issued and the Notice of Rule development will be issued soon.

- #3. 61G15-23.003 F.A.C. "Seal, Signature and Date"
The proposed rule would require an extensive certification indicating compliance with the law and the rules of the Board as they relate to currency, competency, and responsible charge. The rule amendment was advertised for rule development in the August 6, 1999, F.A.W.; however, was withdrawn from further consideration by the Board at it August 25-26, 1999, meeting. At that meeting the Board asked that staff study an amendment to the rule that would allow use of a wet seal or CADD generated seal in lieu of the embossed seal.

The Board discussed adding the licensee's printed name and PE number below the impressed seal. John Springstead suggested that engineering businesses be required to print their EB number in the title block as well. Upon a motion by Pedro O. Martinez and a second by John Springstead, the Board voted to notice the rule for development with the addition of Springstead's suggested amendment.

- #4. 61G15-19.005 through 19.007 F.A.C., "Citations, Mediations and Non-Compliance"

The proposed rule amendment revises what offenses under Board rule may be handled by citations, mediation, or the issuance of a notice of non-compliance. The Board reviewed the draft rule amendment on August 25, 1999 and Board Counsel was directed to enter it into rule making. Board Counsel Ed Bayó reported that the rulemaking process is under way.

- #5. 61G15-32 F.A.C. "Responsibility Rules of Professional Engineers Concerning the Design of Fire Protection Systems"
The proposed rule amendment was developed through a series of workshops with the Fire Sprinkler Contractors and the Association of Fire Protection Engineers in an effort to clarify responsibilities between the design engineer and the fire sprinkler contractor. The rule amendment was recommended to the Board by the Legislative and Rules Committee and Board Counsel was directed to file the amendments for rule development at the August 25, 1999 meeting of the Board.

Board Counsel Ed Bayó reported that the rulemaking process is underway.

The Board heard a presentation by Mr. Buddy Dewar regarding the Board's proposed rule on Fire Protection Systems. Mr. Dewar expressed concerns of Fire Sprinkler Contractors regarding the addition of the term "design calculations" to Rule 61G15-32.002(5), F.A.C., as the term requires as-built drawings be completed by a licensed engineer. He proposed a change of wording to "preliminary design calculations" and requested the engineers to leave fire protection layout decisions to the fire protection contractors and to limit engineers to engineering decisions.

- #6. 61G15-35 F.A.C. "Responsibility Rules of Professional Engineers Offering Threshold Building Inspection Services".
The proposed new rule was suggested by staff as a result of an in depth study and survey conducted by the Florida Building Codes and Standards (now the Florida Building Code Commission) on problems associated with the Threshold Building Law. At the August 25, 1999, meeting the Board directed the rule draft be sent to interested parties and to the Legislative and Rules Committee for review.

Board Counsel Ed Bayó reported that no rulemaking has been directed as of this time. Pedro O. Martinez noted one typo in the proposed rule. John Springstead suggested the language be amended so as not to limit the threshold inspector's duties to inspecting "key concrete pours". He will work with Board Counsel Bayó to draft amended language and the rule will be noticed for rule development.

E. Executive Director's Report

- #1. 1999 Meeting Schedule

There are no changes to the meeting schedule for 1999.

#2. 2000 Meeting Schedule

The Board discussed setting the October meeting in Pensacola and changing the date to early October or late September. It was suggested that the February meeting be moved from Gainesville to Tampa.

F. Chair's Report

There was no report.

G. Correspondence to the Board

#1. Presentation to the Board by Mr. J.C. Rusello, P.E.

Mr. Rusello was not able to be present due to medical condition. William Bracken, P.E. addressed the Board and relayed his and Mr. Rusello's concerns regarding unlicensed activity and plan stamping. The Board expressed regret that they did not have the authority to prosecute unlicensed activity and referred him to Lynne Quimby-Pennock. Ms Quimby-Pennock stated that she reviews complaints related to the unlicensed practice of engineering. The Board also notified Mr. Bracken that Dennis Barton, Executive Director, would be making a presentation in Tampa regarding unlicensed activity and the Board's disciplinary process.

H. Old Business

#1. Ship design exam impact on existing designers.

- The Board reviewed NCEES's position regarding the impact of requiring ship designers to take and pass an NCEES exam. NCEES does not know of an exemption or "grandfather clause" that would permit individuals who had practiced this profession for several years to become licensed without having to take the examination. John Springstead suggested the Board review the possibility of obtaining statutory language to register "ship design engineers" who have practiced in the profession prior to the institution of the examination. Counsel Bayó stated he would research the matter.

#2. Proposed Rule Amendment to allow registrant active in another state to change from inactive to active in Florida by providing licensure information and passing study guide.

Upon a motion by David Whitston and a second by Chester Rhodes, the Board voted to initiate the rulemaking process.

#3. Revisions to registrant information update project.

The Board reviewed the proposed registrant computer screen. It as noted that additional work was needed in order to clarify the issue of exam waiver and specific degrees obtained by the licensee. It was also suggested that a notice be placed on the screen, advising engineers to keep information current with the Board.

I. New Business

Attorney Bayó requested Board assistance in regard to Section 471.013(1)(a)3, F.S. which states a person shall be qualified to sit for the PE exam if they have 10 years or more of active engineering work and that they notify the department before July 1, 1984 that he or she was engaged in such work on July 1, 1981. Bayó reported that Florida has interpreted licensure by another state as "notification" to the Board and wanted to discuss an applicant whose application to sit for the PE examination has been denied twice. This applicant, who was in attendance and briefly addressed the Board, applied to the Tennessee Board in 1977. Bayó pointed out that had he "notified" Florida he would have been eligible. It was noted that he is licensed in 41 other states. Bayó is requesting guidance from the Board to determine if this candidate should be approved. According to Bayó the Board would be within its rights and legal boundaries to approve or disapprove. The candidate has taken and passed the EI, the Structural I, and Structural II exam. Upon a motion by John Springstead and a second by Al Coby, the Board voted to return this application to the Application Committee for further review.

Attorney Bayó also presented a letter from the Department of Community Affairs which requests an answer to the question of whether approved product qualifying entities under 553.842, F.S. are exempt from licensure requirements of Chapter 471. Mr. Bayó reported that, in his opinion, they are exempt because they are employed by an entity that is exempt. Board counsel will draft letter and it will be included in the December agenda.

J. Informal Hearings on Denial to Take Examinations

#1 Engineer Intern Exam

a. William Krick

Mr. Krick submitted an application for reexamination and the record reflected applicant had failed the examination five times since October 1992.

Mr Krick was present. He advised the Board of his understanding for the denial and indicated that he has a slight problem with dyslexia, however, he had never submitted records under the disabilities act. The Board advised him to complete the twelve hours of engineering courses and to apply. At the time of reapplication he could apply for extra time, etc. if proper medical documentation is presented.

With a motion by Pedro O. Martinez and second by David Whitston the vote was unanimous to uphold the denial.

b. Kathleen Collins

Ms. Collins applied for the Engineer Intern Examination and was denied based on her having a degree in Civil Engineering from Florida Atlantic University which is not presently accredited by ABET. Ms. Collins was present to address the Board.

In review of the educational documentation the Board determined that Ms. Collins' Masters of Science in Civil Engineering could be considered as a similar or related degree to the Bachelors of Science degree in Ocean Engineering, a program that is accredited by ABET.

With a motion by Pedro O. Martinez and second by David Whitston the vote was unanimous that Ms. Collins be accepted for the Engineer Intern Examination.

#2 Engineer Intern (Foreign Degree Articulation)

a. Albert Gillings

Mr. Gillings holds a BS degree from the University of the West Indies. The Educational Advisory Committee determined him to be deficient by ten (10) semester credit hours of basic sciences that includes chemistry and physics.

This case was continued from the August meeting and all attempts to get a response from Albert or Heather Gillings were unsuccessful.

With a motion by David Whitston and second by Gerry Miller the Board voted unanimously to uphold the denials for Albert and Heather Gillings.

b. Heather Gillings

Ms. Gillings holds BS from the University of the West Indies and MS from University of Toronto. The Educational Advisory Committee found her to be deficient by 10 semester credit hours in basic sciences such as chemistry and physics. Ms. Gillings did not submit a transcript from Canada.

See item J #2a for action of the Board.

c. Manuel Celma

Mr. Celma applied for registration by examination. He holds BS degree in engineering from the University of Moscow, Russia. The Educational Advisory Committee determined him to be deficient in three (3) semester credit hours in higher mathematics, eight and one half (8.5) semester credit hours in basic sciences and four (4) semester credit hours in humanities and social sciences.

Mr. Celma was not present.

With a motion by David Whitston and a second by Chester Rhodes the Board voted unanimously to uphold the denial.

d. Amir Shafi

Mr. Shafi applied for licensure by examination. He holds a BS degree from a university in Pakistan and is presently enrolled in a masters program at FIU. The Educational Advisory Committee found him to be deficient by 6 semester credit hours in basic sciences and 6 semester credit hours in humanities and social sciences and evidence of computer programming at FORTRAN level or higher.

The Board restated that evidence of the MS degree would satisfy the humanities and social science which leaves deficiencies in basic sciences and computer programming. The Board Counsel suggested that he would reaffirm these findings to Mr. Shafi.

With motion by David Whitston and second by Gerry Miller the Board voted unanimously to uphold the denial.

e. Farhan Alnajar

Mr. Alnajar appeared in an Informal Hearing in December 1998. His request was tabled for ninety days to allow time to secure a

revised evaluation from Silny and Associates. The revised evaluation was reviewed and deficiencies were reduced but not eliminated. A new Notice of Denial was issued and applicant elected another Informal Hearing.

Mr. Alnajar was present and again reiterated the problem with securing educational transcripts from Iraq. He asked that similar documents from previous licensees be used to determine the curriculum that he would have completed.

The Board suggested he contact a new evaluation service and that any new information must be provided when he requests reconsideration in the future.

With a motion by David Whitston and a second by Pedro O. Martinez, the Board voted unanimously to uphold the denial.

f. Ali Tariq Sayyed

Mr. Sayyed holds BS degree in engineering from a university in Pakistan and an MS degree from Georgia Tech. Mr. Sayyed's application was denied and he was advised of deficiency of 5.5 semester credit hours in higher math such as probability and statistics. A revised evaluation was reviewed and Dr. Anderson determined that Mr. Sayyed remains deficient by 4 semester credit hours in higher math and thirteen (13) semester credit hours in basic sciences.

It was noted that the hearing has been continued on two occasions.

With a motion by David Whitston and a second by Jay Patel the Board voted unanimously to uphold the denial.

g. Beat Erwin Ruchti

Mr. Ruchti holds BS degree in engineering from a University in Germany. The Educational Advisory Committee determined him to be deficient by sixteen (16) semester credit hours in higher math, 16 semester credit hours in engineering design and six (6) semester credit hour in humanities and social sciences.

Mr. Ruchti was not present. In discussion it was noted that he does not have an engineering degree and articulation would not apply. Board Counsel indicated he will note that in the Final Order

With a motion by David Whitston and a second by Al Coby the Board voted unanimously to uphold the denial.

h. Sinan Buyukaksakal

Mr. Buyukaksakal holds a BS and MS degree from Istanbul University and a MS degree in Construction Management from FIT. The Educational Advisory Committee determined him to be deficient by four and one-half (4.5) semester credit hours in basic sciences. Mr. Buyukaksakal was present to address the Board.

Mr. Buyukaksakal submitted an evaluation completed by a second evaluation service. Upon review the hours in basic sciences were deemed satisfied.

With a motion by David Whitston and a second by Jay Patel the Board voted unanimously to approve Mr. Buyukaksakal for the October 1999 examination.

i. Taleb Shams

Mr. Shams holds a BS degree in engineering from Damascus University, Syria. The Educational Advisory Committee determined him to be deficient by three (3) semester credit hours in humanities and social sciences and nine (9) semester credit hours in higher math. Because of the method Silny and Associates used in evaluating hours, Mr. Shams is seeking a revised evaluation from another evaluation service.

Mr. Shams was present to address the Board.

Although Mr. Shams provided additional information on his academic preparation the Board explained that it must be presented by the evaluation service in order for it to revise the evaluation.

With a motion by David Whitston and a second by Chester Rhodes the Board voted unanimously to uphold the denial.

#3 Professional Engineer

a. Ben Stasiukiewicz

Mr. Stasiukiewicz applied for licensure by examination. In researching the file it was determined that he had failed the Principles and Practice examination five times since October of 1992.

The Board reaffirmed the fact that he must complete the required twelve semester credit hours of engineering courses before he can reapply.

With a motion by Al Coby and a second by David Whitston the Board voted unanimously to uphold the denial.

b. Eduardo Bravo

Mr. Bravo applied for licensure by examination. In researching the file it was determined that he had failed the examination five times since October of 1992.

Mr. Bravo was not present for the hearing. He had contacted the Board office to advise staff of his being unable to attend the hearing and indicated that he would check for courses to satisfy the requirement. He asked that statement be read into record.

With a motion by Martinez and second by Miller Board voted unanimously to uphold the denial.

c. James Wornick

Mr. Wornick applied for licensure by examination and was denied based on lack of experience. It was determined that he was 25 months short of the required 48 months experience of date of application.

Mr. Wornick was present and addressed the Board. He requested the Board consider that he completed all engineering courses in December of 1994, at which time he was allowed to graduate. Subsequent to graduation and prior to actual issuance of a transcript Mr. Wornick was notified of certain course deficiencies that were not accepted from community college by the university. He completed the additional courses at the University of Florida and received his transcript in December of 1998.

Following discussion and a motion by Al Coby with a second by David Whitston, the board voted unanimously to approve the applicant for the October 1999 examination.

d. Horace Autry

Mr. Autry applied for licensure by examination. It was determined that he has failed the examination five times since October of

1992. Mr. Autry was originally accepted under the ten-year experience provision.

It was noted that Mr. Autry had notified the board office by telephone that he would not be appearing for his hearing.

With this action the denial was reaffirmed.

e. Richard Brown

Mr. Brown applied for licensure by examination and was denied. He holds a degree in Geological Engineering from Auburn University; however, the degree is not an EAC/ABET accredited program.

Applicant notified the Board office by telephone that he would not appear for his hearing.

With this action the denial was reaffirmed.

f. David Rountree

Mr. Rountree applied for licensure by examination and was denied as he did not evidence four years of engineering experience. The experience from May 1, 1996 through February 1, 1998, was not considered engineering experience.

Mr. Rountree was present and presented an additional description of his experience in writing and through verbal presentation. He asked for reconsideration of the time frame that was deemed non-engineering.

David Whitston recalculated the length of experience and determined that applicant would have sufficient experience to qualify for the April 2000 examination.

With a motion by David Whitston and second by Pedro O. Martinez the Board voted unanimously to approve Mr. Rountree for the April 2000, examination provided he update his experience record.

#4 Professional Engineer (Foreign Degree Articulation)

a. Rao Shridhar

Mr. Shridhar holds an MS degree from Auburn University and a BS from a university in India. The Educational Advisory Committee determined that his education is deficient by seven (7) semester credit hours in basic sciences.

Mr. Shridhar was present. Following discussion a motion was made to uphold the denial. Following more discussion the motion was withdrawn.

With a motion by Pedro O. Martinez and a second by Al Coby, the application was re-referred to the Educational Advisory Committee for consideration of the MS degree in order to determine if deficiencies are satisfied.

K. Informal Hearings on Licensure by Endorsement

#1 Endorsement

a. Michael Woolf

Mr. Woolf was not present. He was denied licensure by endorsement for deficiencies of four (4) semester credit hours in basic sciences.

It was confirmed that Mr. Woolf is in the process of enrolling in courses to satisfy this requirement.

With a motion by David Whitston and second by Al Coby voted unanimously to uphold the denial.

b. Marcelle Zakhary

Ms. Zakhary was present and requested the Board to waive the EI (Fundamentals Examination) based on her education and experience.

After discussion and motion made by Pedro O. Martinez and second by Gerry Miller the application for licensure by endorsement was denied and application was approved for licensure by examination.

#2 Endorsement Foreign Degree

a. Ramon Miguel Riba

Mr. Riba was not present but did submit information, which was presented by Ed Bayó.

Mr. Riba's application was denied for licensure by endorsement because of educational deficiencies. A Notice of Denial was issued which identified the areas of deficiency in humanities and social sciences. As the process continued it was determined that the Notice of Denial was incorrect. The area of deficiency was basic sciences. Mr. Riba made arrangements to correct the deficiencies in humanities and social sciences only to find out the deficiency was basic science. Mr. Riba was unable to secure certain documents that would evidence additional hours in basic sciences because of the existing situation in Mexico. He provided an outline of his curriculum. In review of the overall situation, Board Counsel suggested that Mr. Riba be licensed based on the fact that he holds a BS degree from the University of Mexico, an MS degree from University of Miami and the attempts to satisfy educational deficiencies.

With a motion by Al Coby and a second by David Whitston the Board voted unanimously to approve Mr. Riba for licensure by endorsement.

b. Luis G. Cubas

Mr. Cubas requested a continuance which was approved with a motion by David Whitston and second by Jay Patel.

c. Otta Navratil

Mr. Navratil applied for licensure in 1998 and his examinations and experience were accepted. He was denied licensure based on a deficiency of nine semester credit hours in basic sciences. Mr. Navratil subsequently completed additional courses for a total of four semester credit hours in basic sciences and now lacks only five credit hours for the requisite education. He requested credit for courses completed in Russia and courses from University of Colorado as satisfying the basic science requirement.

Documents submitted from Russia did not substantiate courses completed at university level.

With a motion by Al Coby and a second by David Whitston the Board voted unanimously to uphold the denial.

d. Lino Zequeira

Mr. Zequeira requested a continuance.

With a motion by David Whitston and a second by Gerry Miller the Board voted to grant the continuance.

L Applications referred to Board for determination of eligibility for licensure by examination or endorsement

#1 Endorsement

a. Edward T. Motter

Mr. Motter previously held licensure in Florida. His license became Null and Void for failure to renew. Mr. Motter submitted an application for licensure by endorsement with intent of the board recognizing the previously met requirements of an EAC/ABET degree, required examinations and experience. In reviewing the application, there was concern with experience listed in Texas. Experience was not under registered Professional Engineers nor was Mr. Motter licensed.

Mr. Motter was present and he explained that his employer works in the area of marine engineering and is considered exempt from licensure requirements in Texas. With the issue of unlicensed practice satisfied, the Board determined that Mr. Motter should be licensed by endorsement.

With a motion by David Whitston and a second by Pedro O. Martinez the Board voted unanimously to grant licensure by endorsement.

#2 Examination

a. Michael Hubbard

Mr. Hubbard was not present, however, he submitted information concerning his criminal background. It was confirmed that his civil rights were restored in 1980 and he had not encountered any further trouble since that time. With the issue of moral character satisfied and experience clarified, the board determined that Mr. Hubbard should be approved for the Principles and Practice examination.

With a motion by Al Coby and a second by Chester Rhodes the Board voted unanimously to approve Mr. Hubbard's application for examination

O. Disciplinary Proceedings

#1 Settlement Stipulations

- a. John H. Elamad, P.E.
PE 42549
Represented by Harold F.X. Purnell, Esq.
FEMC Case Number 98-21871
Probable Cause Panel: Coby, Martinez, Springstead

Mr. Elamad was not present but was represented by counsel. He was charged with thirteen counts of negligence and one count of misconduct in regard to his role as P.E. of Record and Threshold Inspector in the Jade East project in Destin, Florida. He petitioned the Board to accept relinquishment of his license to practice engineering. Upon a motion by David Whitston and a second by Gerry Miller, the Board voted to accepted the licensee's petition for relinquishment and payment of \$14,000 in administrative costs.

- b. Orlando Martinez-Fortun, P.E.
PE 22249
Represented by Joseph W. Lawrence, II, Esquire
FEMC Case Number 98-A0027, 97-20378
Probable Cause Panel: Coby, Martinez, Springstead

A request for continuance was received from Mr. Martinez-Fortun. Upon a motion by Gerry Miller and a second by Chester Rhodes, the Board voted to continue this case until the December meeting.

- c. Raymond M. Warren, P.E.
PE 20271
FEMC Case Number 99-00061
Probable Cause Panel: Coby, Martinez, Springstead

Mr. Warren was not present. He was charged with being disciplined by the licensing authority of another state. Upon a motion by David Whitston and a second by Chester Rhodes, the Board voted to accept the Stipulation which places a reprimand on the licensee's record.

- d. Walter P. Medley, P.E.
PE 46861
FEMC Case Number 98-A0098
Probable Cause Panel: Coby, Martinez, Springstead

Mr. Medley was not present. This case was continued from the previous Board meeting in which the licensee did not appear as required. Mr. Medley was charged with two counts of violating a previous Board Final Order. He did not appear before the Board as required in the Stipulation. Upon a motion by David Whitston and a second by Gerry Miller, the Board voted to reject the proposed Stipulation and directed the prosecutor not to offer any further settlements to Mr. Medley. Mr. Medley is to be presented only with the option of formal hearing or informal hearing.

- e. George J. McDonald, P.E.
PE 44740
FEMC Case Number 98-A0118
Probable Cause Panel: Coby, Martinez, Springstead

Mr. McDonald was not present. He was charged with one count of negligence for deficiencies in an electrical engineering plan. Upon a motion by David Whitston and a second by Chester Rhodes the Board voted to accept the Stipulation which imposed a Reprimand, a \$1,000 fine, and a one year probationary period during which he will complete the Board's Study Guide within 30 days of the filing date of the Final Order and will complete a course in Professionalism and Ethics within six months. The licensee will also submit a list of projects for peer review.

#2 Informal Hearings

- a. Alan J. Davis, P.E.
PE 11035
FEMC Case Number 99-00032
Probable Cause Panel: Coby, Martinez, Springstead

Mr. Davis was present and addressed the Board. He was charged with one count of negligence for deficiencies in a set of structural plans. Upon a motion by David Whitston and a second by Gerry Miller, the Board voted to adopt the Findings of Fact and Conclusions of Law as set forth in the Administrative Complaint. Upon a motion by David Whitston and a second by Chester Rhodes, the Board voted to impose a \$1,000 fine and a two-year

probation with submission of a list of projects every six months and review of one project per year by a FEMC consultant.

P. Adjourn

The next meeting of the Florida Board of Professional Engineers is by conference call on Wednesday, October 20, 1999, at 2:00 P.M.

The last meeting of the Board for 1999 will be December 8 and 9, 1999 at the Radisson Hotel in Tallahassee, Florida.

Submitted,



Dennis Barton, Executive Director

These minutes were approved by the Board on December 8, 1999.



FLORIDA BOARD OF PROFESSIONAL ENGINEERS

JEB BUSH, GOVERNOR

KIM BINKLEY-SEYER, SECRETARY
DEPARTMENT OF BUSINESS
AND PROFESSIONAL REGULATION

John W. Springstead, P.E., P.L.S.

CHAIR
(CIVIL)
3/27/97 - 10/31/01

R. Gerry Miller, Ph.D., P.E.

VICE CHAIR
(MECHANICAL)
11/1/97 - 10/31/01

Melvin W. Anderson, Ph.D., P.E.

(EDUCATOR)
1/9/99 - 10/31/01

Murthy A. Bondada, Ph.D., P.E.

(CIVIL)
11/29/99 - 10/31/03

Alvin G. Coby

(PUBLIC)
2/10/92 - 10/31/99

Silvia Vilato Lacasa, P.E.

(ELECTRICAL)
11/29/99 - 10/31/02

Robert Matthews, P.E.

(CIVIL)
11/29/99 - 10/31/03

Henn Rebane, P.E.

(ELECTRICAL)
11/29/99 - 10/31/03

Gloria M. Velazquez, Esquire

(PUBLIC)
11/29/99 - 10/31/02

Allison Deison, Esquire

EXECUTIVE DIRECTOR

Edwin A. Bava, Esquire

ASSISTANT ATTORNEY
GENERAL

Natalie Lowe

ADMINISTRATOR

Minutes Florida Board of Professional Engineers Tuesday, October 17, 2000 Beginning at 8:30 a.m. and Wednesday, October 18, 2000 Beginning at 8:30 a.m. The Clarion Suites Resort Pensacola, Florida

Part I General Business Agenda

A. Meeting Administration

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

The following Board members were present:

John W. Springstead, P.E., P.L.S., Chair
R. Gerry Miller, Ph.D., P.E., Vice Chair
Henn Rebane, P.E.
Murthy Bondada, Ph.D., P.E.
Alvin Coby, Public Member
Melvin W. Anderson, Ph.D., P.E.
Silvia Lacasa, P.E.

The following Board members were absent:

Robert Matthews, P.E.
Gloria Velazquez, Esquire, Public Member

The following staff was present:

Carrie Flynn, Asst. Administrator
Natalie Lowe, Administrator
Douglas Sunshine, Prosecuting Attorney

The following guests were present:

Kim Binkley-Seyer, Secretary, DBPR
Barbara Auger, Esquire, Deputy Secretary, DMS
Mr. Michael Monahan
Richard Gassett, P.E., FES Liaison
Dave Whitston, P.E., FEMC Board Member
Matthew Hermanson
Stephen Weaver, P.E.
Khosrow Gandlei
Wes Strickland, Esquire
Randy Lasure, P.E.
John Benson, P.E.
Charles C. Stokes, P.E.
Randall L. Reynolds, P.E.
William G. Christopher, Esquire
Robert W. Case, P.E.
Kishore Tolia, P.E.

- #2. Introduction of guests and announcements as to presentations at a time certain.
- a. Recognition of Kim Binkley-Seyer, Secretary, DBPR and Barbara Auger, Esquire, Deputy Secretary, DMS
- #3. Approval of the Agenda
- Upon a motion by Dr. Anderson and a second by Mr. Rebane, the Board voted to approve the Agenda.
- #4. Review and Approval of previous Board meeting minutes:
- a. August 24-25, 2000 Board Meeting
- Upon a motion by Mr. Coby and a second by Dr. Anderson, the Board voted to approve the minutes as drafted.
- b. September 19, 2000 Conference Call Meeting
- Upon a motion by Mr. Rebane and a second by Dr. Miller, the Board voted to approve the minutes.

#5. Consent Agenda

- a. The following items are submitted for consideration on the Consent Agenda:

B#1.a September 28-29, 2000 Committee of One
Educational Advisory and Application Review
Committees

List #5

List #6, with the exception of Applicants #35 and #49.

List #8

List #11

E#1. 2001 Meeting Schedule

Mr. Springstead explained the process of the Consent Agenda. Board members were requested to remove any items which they would like to discuss.

Mr. Rebane requested that Items P#1, #2, and #3 be added.

Upon a motion by Mr. Rebane and a second by Dr. Miller, the Board voted to approve the agenda.

Mr. Springstead abstained from voting due to having a personal relationship with one of the Special Inspector applicants.

B. Committee Reports

#1. Applications Committee
(R. Gerry Miller, Ph.D., PE, Chair; Murthy V. Bondada, Ph.D., PE; Silvia Vilato Lacasa, PE; Robert Matthews, PE; Henn Rebane, PE)

- a. Report from Robert Matthews, P.E. on meeting of September 28, 2000 of a Committee of One.

This report was approved on the Consent Agenda.

- b. Report from Henn Rebane, P.E. on meeting of September 29, 2000 of a Committee of One.

This report was approved on the Consent Agenda.

#2. Educational Advisory Committee
(Melvin Anderson, Ph.D., P.E., Chair; Murthy V. Bondada, Ph.D.,
PE, Duane Ellifritt, Ph.D., PE, Consultant)

- a. Discussion on ABET as a sole-source provider.

This item was tabled until the December meeting. Dr. Robert Kersten will be invited to address the Board.

- b. EAC/ABET Interim Visit to Florida A&M/FSU
College of Engineering.

Dr. Bondada reported on the recent ABET visit to FSU/FAMU College of Engineering. The ABET team consisted of Ms. Susan O. Schall of the Engineering Accreditation Commission, Dr. Jai Kim, and Dr. Bondada. The team reviewed the program, which is a joint program serving both FSU and FAMU. In the 1997-1998 academic year, the ABET team visited the college program. There are five programs in the College of Engineering and all five programs were accredited. However, there was a deficiency in the civil engineering program. The team met with the two provosts of the universities as well as the Dean and other representatives of the Engineering Department. The College currently offers specific and very comprehensive engineering design courses to undergraduate programs. After the two-day meeting, the team found that the deficiency had been corrected. The school was directed to conform to that program and to maintain the current quality of the program. Dr. Bondada expressed concern that instructors were not licensed professional engineers.

Dr. Bondada reported that he would be attending the ABET Annual Meeting in Atlanta in October. In addition, he will be reviewing 30 multiple-choice questions for the NCEES exam committee.

- c. Mr. Rebane reported on his visit to the University of Florida. This team was one of the largest ABET teams. All programs were being reviewed including graduate programs that did not have an accompanying accredited undergraduate program. The team was impressed by the university's response to notes made during the teams'

previous visits. They were also impressed with the data provided in response to the EC 2000 program. The school offered a combined program where the student could obtain either an engineering degree or a science degree. This would prevent applicants from accidentally taking a curriculum that would be later rejected by the Board during the application process.

There is not a lot of importance placed on licensure by the ABET team. Mr. Rebane noted that promotion of licensure should start with the ABET organization. Mr. Rebane's team was asked to count the engineer versus non-engineer staff but he noted that this criteria was not used by the ABET team to evaluate the program.

- d. Mr. Coby reported on his team's visit to the University of West Florida. Dr. Jack Rutherford headed the team. The ABET team met on a Thursday for an organizational meeting. They then made a preliminary visit to UWF that afternoon. Their investigation of the program began on Friday and ran through Saturday afternoon. They reviewed the electrical and computer engineering programs which are offered in conjunction with the University of Florida because UWF is not currently authorized to provide these programs. Even though the students attend the University of West Florida, their degree would be issued by the University of Florida. There were no deficiencies noted. The program overview resulted in two deficiencies which will require internal reports. The deficiencies did not relate to the quality of the programs but related to the EC 2000 process, and the ability to demonstrate that the school is working within the loop of continuous improvement. There were concerns with the level of staffing in the schools. It was felt that the programs had the bare minimum of staffing necessary to run these programs and that the absence of even one instructor would press other instructors into double duty. The team was also concerned with the pay scale for the instructors which is currently \$31-58,000. The team felt that the appropriate scale should be in the \$90-110,000 range. The team was very impressed with the program and felt that the program operated very smoothly. Dr. Rashid, Dean of the Program, is a full-time UWF employee who is hired by and reports to the University of Florida. The ABET team felt it would not be

long before the computer and electrical engineering programs had their own accreditation. Civil and mechanical programs are also being requested.

Mr. Coby noted that the EC 2000 program was very complex and that universities currently have the option of utilizing the old program or adopting the EC 2000 program which will eventually become mandatory.

Mr. Springstead directed staff to forward a cover letter and report on the pass/fail rate to each of the universities that have candidates sitting for the Fundamentals Examination. This report provides valuable information to the schools because it confirms the pass rate of their students and may be of assistance to the universities in budget matters. The report was previously provided by the Department of Business and Professional Regulation and has been provided on one occasion by FEMC.

Dr. Anderson confirmed that the report from NCEES is known as Report #5. NCEES provides this report to member Boards and it is available on their website.

Mr. Springstead directed staff to forward a thank you letter to the office of the Accreditation Board for Engineering and Technology. The letter would reaffirm this Board's support of ABET and it would express appreciation for the opportunity to have Board members attend as an observer when the reviews are scheduled.

- #3. Board Operations Committee
(Henn Rebane, PE, Chair; Robert Matthews, PE, Gloria M. Velazquez, Esquire)

There has not been a meeting of the Committee. Staff was directed to include discussion of the Board's website on the Agenda.

- #4. Probable Cause Committee
(Alvin G. Coby, Chair; Henn Rebane, PE; Allen Seckinger, PE)

- a. Report of the meeting of September 29, 2000.

Mr. Coby reported that the Panel reviewed 11 cases. Probable cause was found in two cases. The Panel

dismissed four cases with a finding of no probable cause. The Panel dismissed three cases with a letter of guidance to the subject of the investigation. Two cases were referred back to FEMC's investigator for further investigation.

Mr. Coby also noted that several items relative to the Board's disciplinary guidelines were referred to the Legislative and Rules Committee.

This report will be reflected on the Consent Agenda in future Board meetings.

#5. Legislative and Rules Committee
(Henn Rebane, PE, Chair; Robert Matthews, PE; R. Gerry Miller, Ph.D., PE; Gloria M. Velazquez, Esquire)

a. Report on Meeting of October 10, 2000

Mr. Rebane noted that the Committee had met. Mr. Allen Seckinger, P.E., a member of the Probable Cause Panel, submitted several written corrections to the Board's rules for consideration. The Committee reviewed the Board's disciplinary guidelines and directed Staff to research the Department of Community Affairs' program for disciplining Special Inspectors. The Committee expressed dissatisfaction with the ability to track the progress of rules. The Committee reviewed the seal rule and added a provision that engineers should not sign preliminary drawings. The Committee reviewed the Board's preliminary draft of the fire protection rule but it is not yet ready to go to the Board's attorney for rule development. The Committee recommends that in the interest of progress, slide rules be removed from the list of materials that the applicant can take to the examination.

Mr. Bayó reported that a number of the changes suggested by Mr. Seckinger can be taken care of by filing a notice of technical change.

#6. Joint Engineer / Architect Committee
(Henn Rebane, PE, Chair; Melvin W. Anderson, Ph.D., PE)

There was no report.

- #7. FBPE / FEMC Liaison
(John Springstead, PE, PLS, Chair; R. Gerry Miller, Ph.D., PE)

The Chair noted that he and the Vice Chair had attended the FEMC meeting the day before and that the Board, having heard from the Secretary, had been apprised of the issues of discussion.

- a. CLEAR Conference Speech Delivered by Jill Collins,
Public Member on the FEMC Board of Director.

The Board commented very favorably on the speech delivered by Ms. Collins.

- #8. Test Administration Committee
(John Springstead, PE, PLS, Chair)

The Chair reported that Board members had been assigned to various sites and would report on the test administration at the December meeting.

- #9. Legal Liaison Committee
(Gloria M. Velazquez, Esquire)

There was no report.

- #10. Ad Hoc Committee on Implementation of Mandatory Continuing Education
(Al Coby, Chair; Mel Anderson, Ph.D., P.E., Robert Matthews, P.E., R. Gerry Miller, Ph.D., P.E., and Henn Rebane, P.E.)

- a. Report on the September 29, 2000 Meeting.
b. Report on the October 10, 2000 Meeting.

Mr. Coby reported that the Committee had met twice since the last Board meeting. At the September meeting the Committee reviewed other states' mandatory continuing education programs. Approximately 17 states currently have the requirement in place. As a result of that, staff prepared a listing of various program components and presented this to the Committee at its October 10 meeting. Most states seem to be patterned after the NCEES model. After discussion on the draft, staff was instructed to prepare a draft rule for consideration by the Committee. One

component the Committee is recommending is a Preamble used by the State of Georgia. Mr. Coby has since received some additional direction from the Secretary and this will be brought to the Committee at its next meeting. He gave a brief overview of the program being formulated by the Committee.

Mr. Coby noted that the Committee recommended that the engineer sign and seal an affidavit attesting to compliance with the Board's rules regarding MCE. However, the Department may require additional information. This issue will need to be addressed by the Committee.

Dr. Bondada requested consideration of engineers who are assigned to foreign duty. Mr. Springstead noted that there were five members of the Board serving on this Committee and that suggestions should be forwarded to the members of that Committee or to the Board's Executive Director.

Mr. Coby relayed the Secretary's suggestion to notice this for rule development in order to get the process started. That way, any public hearings requested can be addressed and held.

Mr. Rebane noted that two items had been referred by the Committee to the full board. The first question was whether the course on laws and rules should be pass/fail or should be merely instructional. The Committee's inclination was to recommend a pass/fail format but it is seeking the Board's input. The State of Texas presents a type of instructional course where engineers are presented with a real-life situation and asked to select the applicable Board rule or law.

The second question concerned the online course on laws and rules and the question of whether all eight hours should be able to be completed via the internet. The Chair requested the Board members to collect their thoughts and to e-mail them to the chairperson of the Committee for distribution at the next Committee meeting. The Chair requested the Committee to meet in different areas of the state with one meeting in Tampa or Orlando and one in South Florida. A third meeting could be held in Tallahassee. Mr. Rebane also volunteered to attend any

FES Chapter meetings to speak on the issue. The Chair of the Committee was asked to present a schedule of meetings and a draft rule at the next Board meeting.

#11. Product Approval Committee
(Henn Rebane, P.E., Chair; Al Coby, R. Gerry Miller, Ph.D., P.E.)

This Committee was formed as a result of the August meeting when several engineers from South Florida, who are involved in the product approval process, addressed the Board. Mr. Rebane attended the Florida Building Code's meeting. The Florida Building Code is in place and is scheduled to take effect July 1, 2001. However, the product approval issue has not been resolved. South Florida requires a licensed Professional Engineer to sign and seal product approvals to certify the application of the product meets the requirements of the SFBC. The process applies predominantly to structural engineering items. The product approval process for these items is different because the testing of the products is done by testing laboratories. The approval of the product is an approval of the assembly made up of pieces that have been tested. The engineer who gives the product approval conducts no field tests. He will take data from laboratories, look at the different components, and will then interpolate with engineering judgment to state the product's conditions. The Standard Building Code addresses product approval differently. Two or three product approval agencies take care of the process. They are pre-approved agencies and they issue a very voluminous report. Mr. Rebane reported that the Committee, with the Board's blessing, would review the Board's rules but would also come to a conclusion regarding what this Board should recommend to the Florida Building Code Commission for inclusion in their product approval section.

The Committee is chaired by Henn Rebane, P.E., and consists of Mr. Al Coby, Gerry Miller, Ph.D., P.E., Nasir Alam, P.E., Allen Seckinger, P.E., Humayun Farooq, P.E., V. John Knezevich, P.E., Mr. Jeff Robinson, a shutter manufacturer, Mr. Bob Clark, a window manufacturer, Mr. Peter Osterman of the Lennar Corporation, Mr. Dan Lavrich, a representative of the Broward County Board of Rules and Appeals, Mr. Tom Johnston of Town and Country Inc., Mr. George Atkinson of G&L Homes, James Mehltredder, P.E., representative of the Florida Building Code Commission, Mr. Alan Plante, Mr. Raul Rodriguez, Chief, Product

Control Division. The Committee will be meeting in approximately 30-45 days.

The Board's current rule of professional responsibility places these engineers out of compliance with the Board's rules. The Committee will either recommend a change in the ways of practice or a change in the Board's rule.

C. NCEES Report

There was no report but two meetings are shown on the Board's calendar. The Chair invited and encouraged Board members' attendance at the Southern Zone Meeting and the NCEES Annual Meeting.

Dr. Anderson noted that NCEES had mailed out surveys to Board members and he urged the members to fill them out.

D. Advisory Attorney's Report

- #1. 61G15-20, Florida Administrative Code, "Application for Licensure, Educational Requirements, and Experience"
- #2. 61G15-21, Florida Administrative Code, "Examinations"
- #3. 61G15-22, Florida Administrative Code, Continuing Education Requirements for Reactivation of Inactive License"
- #4. 61G15-23, Florida Administrative Code, "Seal, Signature and Date Shall be Affixed"
- #5. 61G15-35, Florida Administrative Code, "Responsibility Rules of Professional Engineers Offering Threshold Building Inspection Services"

Mr. Bayó reported that a Notice of Rule Development has been published on all items except #1. Before rule notice is submitted the attorney will confirm with staff that he has the latest draft. His paralegal has drafted a rules report that Mr. Bayó will utilize in the future. He will provide this report to the Board office for inclusion in Board materials for the December meeting.

In regard to Item M#1c, Mr. Bayó noted that Mr. Hooshang Shoaei, who requested a formal hearing in response to allegations he was found with a

page of engineering notes during the last examination, has an engineering technology degree. He has previously requested a formal hearing but Mr. Bayó worked out a settlement agreement with Mr. Shoaiei wherein he would not seek to take the engineer intern exam unless and until he receives an engineering degree from an accredited program in the State of Florida.

Upon a motion by Mr. Rebane and a second by Ms. Lacasa, the Board voted to accept the Stipulation. Mr. Bayó was directed to craft a Stipulation requiring Mr. Shoaiei to obtain an ABET accredited engineering degree before applying again to sit for the EI or PE examination.

Mr. Rebane requested Mr. Bayó to e-mail Board members the text of a rule when the rule was noticed for adoption in the Florida Administrative Weekly. This will assist Board members in educating the public. Mr. Bayó agreed and also volunteered to submit the notices to FEMC for placement on the Board's website.

Mr. Bayó also noted there was a formal hearing held in the matter of Mr. Netupsky. A Recommended Order was issued by the Administrative Law Judge finding that Mr. Netupsky's Canadian licensure examination was not substantially equivalent to Florida's. According to Mr. Bayó, this case will provide good guidance to the Board members when evaluating future applicants from Canada.

E. Board Administrator's Report

#1. 2001 Meeting Schedule

This was approved on the consent agenda.

#2. Update on Building Code Core Course

Ms. Lowe provided an update to the Board regarding the new requirement in Section 471.0195, F.S., that effective January 1, 2000, all licensees actively participating in the design of engineering works or systems in connection with buildings, structures, or facilities and systems covered by the Florida Building Code shall take continuing education courses and submit proof to the Board. Two Board members (at least) have taken the Building Code CORE Course and have submitted proof of completion to the Board office. This was a beta version of the test and is no longer available. A "Train the Trainer" course is

currently being offered and provides training for people who would like to become instructors of the CORE Course. Those who complete the course will receive four hours of CORE credit.

Ms. Lowe reported that the CORE course is scheduled to be released by the Department of Community Affairs some time in November. However, prior to that time information on the course will be mailed to all licensees. The date of availability determines the date the course must be completed. At one point Department staff indicated this date was two years from the date of availability. Recently a one-year period of time was contemplated.

Ms. Lowe noted that FEMC is working with the Department to establish a means of transmitting information between the two computer systems so that FEMC's database can be kept up to date with course completion. This system should be in place some time in October and will permit building department personnel to determine whether engineers have completed the course when they submit plans for permitting.

#3. Update on Online Licensure Renewal

Ms. Lowe reported that FEMC is on track to offer online licensure renewal. FEMC has contracted with Bank of America to provide the financial services involved in the transactions. The system is currently being installed and tested and should be ready when notices are mailed in November.

#4. FEMC Financial Report for Fiscal Year Ending June 2000

A report was provided for informational purposes.

#5. Nominations for NCEES National Awards

The Chair requested Board members to remove applications from their Board books and to prepare to submit them at the December Board meeting. The Chair urged consideration of William Palm, P.E. and Eugene Bechamps, P.E. Staff was directed to communicate with NCEES to find out what committees these past Board members have served.

F. Chair's Report

- #1. Reappointment of FEMC Board Members Gary Kuhl, P.E. and Kamal Al-Imam, P.E.

This item was addressed in the August Board meeting.

- #2. Selection of Alternates to the FEMC Board

The Chair noted that there might not be a vacancy for some time. Dr. Anderson raised the question of whether selection as an alternate to the FEMC Board would preclude their selection to the PE Board.

Upon a motion by Mr. Rebane and a second by Dr. Anderson, the Board voted to appoint Dr. Michael Phang as the first alternate and Mr. Richard Gassett as the second alternate. Ms. Lowe was requested to correspond with the new alternates regarding their appointments.

- #3. Discussion on Board Title for FEMC President

Several alternative titles were suggested and were put to the floor for a Board vote. Mr. Bayó suggested the additional title Chief Administrator. Upon a motion by Mr. Rebane and a second by Mr. Coby the Board voted to assign the title "Administrator" to the FEMC President.

G. Executive Director's Report

- #1. Report on unlicensed activity (clarification of publication).

Ms. Deison distributed a written report on the Department's unlicensed activity cases. Dr. Miller noted that FEMC had forwarded 26 unlicensed activity cases to the Department in 2000 and 40 cases in 1999. He requested a report from Ms. Deison regarding the 1999 unlicensed activity cases. She explained when a complaint comes from FEMC she reviews the case and forwards it to the appropriate investigative region. The supervisor in that region assigns it to a specific investigator. Once the investigation is complete it is forwarded to Ms. Deison in Tallahassee. If she finds no probable cause she will close the case. If she needs further investigation she will send it back to the investigator. If she finds probable cause she files a Notice to Cease and Desist.

Dr. Miller also requested dates when a case has been closed so that the Board could determine how quickly the cases are moving through the system.

According to Ms. Deison, the balance in the unlicensed activity fund is \$425,521.00. This report will be included in the unlicensed activity report in the future. The Chair asked how much money had been spent on unlicensed activity. According to the report, \$2,676 had been expended in the twelve months ending June 30, 2000. Ms. Deison stated that at the next meeting she will provide a quarterly report and will go through the financial report line by line and explain how the fee applies to the Board's expenditures.

Ms. Deison also requested clarification regarding publicizing unlicensed activity cases in the newsletter. She questioned how much information the Board needed for the next newsletter and where they wanted the information published. It was agreed that the names of the cases should be listed on the website and should be included in the newsletter.

#2. Report on Rule Regarding Performance Standards and Measurable Outcomes.

No further work has been done on this rule other than a few minor changes by Ms. Deison. She requested that the rule be forwarded to the Legislative and Rules Committee. Ms. Deison stated that as long as the Board was working diligently toward a rule then it would be in compliance with the statute. Ms. Deison will work with Board counsel on promulgating a rule.

#3. Cash Summary Report for Fiscal Year 1999-2000

Ms. Deison provided a copy of the Department of Business and Professional Regulation's Cash Summary Statement for the Fiscal Year 1999-2000. The actual cash balance in the professional regulation trust fund is \$5,667,958. Dr. Miller asked Ms. Deison to confirm that the trust fund had been reduced by \$800,000 in the past year.

The Chair asked Ms. Deison what other Boards she worked with. According to Ms. Deison, she prosecutes for the Employee Leasing Board and the Community Association Manager Council. The Chair requested clarification of Prorated Percent. Ms. Deison explained that the General Counsel is treated as a separate office

and the percentage represented is that percentage of the amount of time billed specifically to this Board. Mr. Rebane asked if the Department costs could be retrieved through the prosecution process as the prosecutor has been instructed to recapture prosecution costs in settlements. He also requested fair warning from the Department if the Board's budget is running short. He also recommended improving the Department's format for presenting the Budget to make it more user-friendly.

#4. Annual Certification of FEMC by the Department and the Board

Ms. Deison distributed a document outlining the Department's Certification of FEMC. This certification is relative to the preceding year. The document specifies "minor issues" and "major issues". According to the Department, minor issues can apparently be resolved through different procedures whereas major issues put the FEMC contract with the Department in jeopardy.

The issues were presented as follows:

The Department states that FEMC has not provided adequate security for the transportation of examinations and overnight storage of examinations pursuant to Section 2.1.1.4 of the Contract between FEMC, the Board, and the Department.

The Department states FEMC did not inform the ED of the title given on behalf of the PE Board to the FEMC President as the FBPE Board Administrator.

The Department states that FEMC has not allowed/provided the ED to be included in the policy/official decisions of the PE Board.

Mr. Bayó commented that he agrees that exam security should be accounted for. The second issue he felt was a grammatical issue. In regard to the third issue, Mr. Bayó accepted partial responsibility. He stated he had discussed this issue with the Executive Director and had stated he will copy her on all documents that he drafts on behalf of this Board.

Mr. Bayó also stated that there are a number of rules being developed that are currently in different stages of the process. He requested the opportunity to meet with the Board's Executive Director to bring all rules up to date.

Mr. Springstead addressed the Major Issues.

The FEMC Board has expressed a desire to comply with this request of the Department. The FEMC President has been instructed to contract with Loomis-Fargo for the sum of approximately \$10,000 for the transport of the tests to the examination sites for the October examination. FEMC is also exploring several options for future examinations.

In regard to the title issue, the Board Chair stated he gave the title Board Administrator to the FEMC President. He felt that this title would illustrate her duties to the Board of Professional Engineers. The title originates from NCEES as that is the designation given to all their Member Board Administrators. Because of its tie to the PE Board, Mr. Springstead requested Ms. Lowe to place this title on the Board stationery. This would enable the general public to understand who to speak with when they call the Board office with questions.

The Chair entertained a motion from the Board to approve or change the title given to the FEMC President.

Secretary Binkley-Seyer addressed the Board. She acknowledged that the title was well-thought. However, the Secretary stated that this title was misleading to the public in that it confuses the relationship between the vendor (FEMC), the Department, and the Board. Had the stationery been submitted to the Executive Director in advance, this confusion would have been avoided. She stated that this Board was not similar to other state Boards due to the relationship of the Florida Engineers Management Corporation with the Department. She views this as a contractual matter. FEMC, as a vendor of the Department, is responsible to answer the Department in regard to the contract. The Department is responsible to answer any concerns of the Board. She stated that the communication should be from the Board to the Department and from the Department to FEMC. She recognizes the Board's concern of the past history where the Department did not meet the Board's concerns.

Mr. Springstead asked for a suggestion from the Department relative to a Board title for the FEMC President. There are 27,000 engineers who might want to call the Board office with a question. They need to understand who they should call.

Mr. Springstead recognized Mr. David Whitston. Mr. Whitston noted that prior to the institution of FEMC the Board had a Member Board Administrator and an Executive Director. The functions of those offices have not changed so he questions why the titles should change.

According to the Secretary, the word Board of the title Board Administrator is the problem. Mr. Bayó recommended that the title reflect the function of the position.

Mr. Coby requested to be recognized. He stated that the FEMC President has always been a confusing title to him in that there is both a FEMC Chair and a FEMC President and he considers them nearly synonymous. He also noted that many of the daily activities of the Board are brought about through FEMC and he does not see how the Board's concerns can be met by funneling all those through the Executive Director.

The Secretary stated that all issues need to be taken directly to the Executive Director who will convey this to the Board. She states she is trying to ensure that FEMC is complying with the contract. She also noted that if the Board is not satisfied with the Executive Director's performance it can request that a different person be instituted.

Mr. Coby requested clarification on the Department's expectation of the Board. The Secretary stated that it would be better for the Executive Director to have an office in the FEMC headquarters. Mr. Springstead noted that the March 2000 agreement that was drafted with the Department and the Board clearly states that the Executive Director would operate out of the Department and would not be housed in the FEMC headquarters. This avoids confusion among FEMC staff regarding supervisory issues.

Mr. Springstead also relayed that he had asked the FEMC General Counsel to research whether there were any legal constraints on assigning a Board title to the FEMC President. Other than the title Executive Director, he has been notified that the Board has the authority to assign any title to the FEMC President.

Mr. Bayó requested clarification between Board policy versus day to day operating procedures. According to Mr. Bayó, the Board should not engage in rulemaking and should not take any new direction without input of the Executive Director. He suggested

that the best method of achieving that would be to keep communications open. He questioned how channeling all questions to the Executive Director could achieve efficiency and he requested clarification on which communications could go directly to FEMC and which issues should go instead to the Executive Director.

Mr. Rebane addressed the Board and expressed understanding of the police powers issue. He did question why the Board should not be able to assign a Board title to the FEMC President. He stated he felt there should be a direct pipeline to FEMC in regard to the voluminous load of paperwork that is associated with administering this Board. He commended the Chair's selection of title for the FEMC President.

The Secretary questioned this Board's position on examination security and stated that this Board's direction put FEMC in jeopardy of violating their contract. Mr. Springstead clarified the Board's position and stated that the Board had reviewed the new statute and had taken immediate steps to promulgate the necessary rule but that the Board had not promulgated an emergency rule because of the previous successful transportation and administration of the examination. He felt that FEMC should take its direction from the Board. Mr. Bayó emphasized the significance of the exam security issue and stated this is not an area in which cost savings should be the major consideration.

The Chair noted that FEMC was complying with NCEES guidelines for administering the examinations and added that this examination is administered simultaneously nationally.

He stated that Item 1 has been acknowledged and resolved. He also instructed Mr. Bayó to immediately resume working on a rule relative to examination security.

In regard to Item 2, the Chair requested input from the Board. Mr. Coby asked for clarification as to how this process would work. The Secretary suggested the title "Service Administrator." She emphasized that it was the Board that needed to initiate communication with the Executive Director. The Secretary also suggested "Chief Operating Officer." Mr. Rebane expressed his opinion that it would not be in violation of the contract to give the title with the word "Board" included.

The Secretary noted that the Board's stationery was misleading in that it appeared that Ms. Deison was the ED of the Department.

Mr. Gassett addressed the Board and echoed his support of the comments provided by Mr. Bayó.

Dr. Anderson recommended against signing number three in that the Executive Director has been present at all Board meetings and if she has not participated then that has been by her choice. Ms. Deison noted that a Press Release in regard to Product Approval was distributed without her input. The letterhead was a second issue as well as the FBPE title for the FEMC President. Dr. Anderson remarked that he was offended that this Certification would make a false representation to the Governor's office that the Board was taking official action without the Executive Director. Dr. Anderson suggested that some alternative wording be placed in the Certification. The wording "policy/official decisions" will be changed to "executive decisions".

Ms. Lacasa stated she felt it was important to make it clear that there is a person who represents the Board who the general public and licensees could call. She stated that most of her fellow licensees did not know that FEMC even existed.

In regard to Item 2, Mr. Bayó recommended that based on the Board's action earlier today to change the FEMC President's title to Administrator and because this was not a full Board action but rather direction from the Chair without input from FEMC, this clause be removed. He suggested that if the Board did not agree with the Certification that Mr. Springstead sign it and put a disclaimer by his signature. The Chair expressed dissatisfaction with the short period of time given the Board to review this Certification. He noted that the FEMC Board lost two devoted Board members due to the Department's failure to provide a draft contract until the last minute so that the Board was unable to adequately address them. If this document is intended to be a certification between the Board and the Department, it must be distinguished from an Audit being performed by the Department. If it is a joint certification, then both parties must agree on its content.

Ms. Lowe spoke to the Minor Issues concerning the Probable Cause Agenda and the Legally Insufficient closure. She expressed her disappointment that two issues she thought were resolved were brought before the Board in the form of a Certification. These two instances had been brought to the Executive Director's attention when they occurred with the assurance that it would not happen again.

The Chair accepted responsibility for the third minor issue regarding approval of the FBPE letterhead.

The Chair spoke in regard to the fourth issue which states that because FEMC returned \$606,888.98 to the Department at the close of fiscal year 1999-2000, it should reduce its budget for the fiscal year 2001-2002. The Chair noted that Florida is a large state with large numbers of engineers moving to Florida. Additional exam security will be a significant cost. FEMC is in need of additional office space. The Board is in the process of implementing a mandatory continuing education program. This will require significant start-up costs and a significant increase in costs in the coming year. He also noted that the Board is in a renewal year. Mr. Bayó noted that a certification such as this one discourages agencies from being fiscally responsible in that they are punished for returning money. He also noted that this Board had reduced renewal fees to its licensees which will further reduce revenue. In addition, there is a Special Inspector program to be instituted.

Mr. Rebane moved to authorize the Chair to sign the Certification upon deletion of the Major and Minor Issues for the reasons discussed. This document should be signed, with major and minor issues deleted, with a copy of the minutes attached. Dr. Miller seconded. Mr. Coby spoke in support of giving the Chair the authority to sign on behalf of the Board once the document has been revised to his satisfaction. He asked Board counsel to re-write the Certification. Mr. Rebane withdrew his motion in light of the previous discussion. The second was withdrawn as well. Mr. Coby moved that the Board authorize the Chairman to execute a revised Certification between the Department and the Board based on a Certification that the Chair feels accurately represents the feeling of the Board and the state of the contract. Mr. Bayó also noted that the revision could re-classify the title of the FEMC president and the letterhead issue as minor issues. Mr. Rebane seconded the motion.

The Chair stated he is displeased that the Certification has a negative connotation, that it should be clear that these issues are the Department's issues, and that FEMC has been operating in the manner requested by the Board during the past twelve months.

Mr. Gassett echoed the Chair's statement that this document is a negative representation of something that has worked well.

The Chair and Board counsel will work with the Department to develop language acceptable to this Board.

The Board voted unanimously in favor of the motion.

#5. Report on the Department's 2001 Legislative Package

Ms. Deison presented the Department's legislative package relative to Chapter 471, Florida Statutes. The first change is to 471.015, eliminating the words "or foreign national" from 471.015(3)(a), F.S. The second change amends the language of Section 471.025(1), F.S., to permit the Board to adopt rules regarding approved seals. This language has been forwarded to the Governor's office and she will keep the Board informed of the progress.

#6. Public Service Announcement Presentation

Ms. Deison collected information from various Boards. Some will be purchasing airtime on radio and television. All ads must be let for bids for the television spots and public service announcements. She has spoken with a representative from Tallahassee who recommended the Board adopt two to three radio spots costing somewhere between \$50-75,000. This would not include network television time. Television time would add approximately another \$50,000. In addition, some Boards have developed brochures speaking to unlicensed activity. Five thousand brochures would cost between \$1-2,000. The Accountancy Board has used billboards and spends approximately \$150,000 per year. A professional association has developed the media spots and then donated them to the engineering board. The Board is then responsible for purchasing time on the media. The Chair noted that the Board has approximately \$500,000 in its unlicensed activity account and charged the members to think about this issue and have suggestions ready for the December meeting.

H. Correspondence to the Board

- #1. Correspondence from Michael Monahan regarding Naval Architecture / Marine Engineering.

Mr. Monahan appeared and addressed the Board. He reported that naval architecture includes design specification on all types of ships, offshore structures, and pleasure vessels. Florida has cruise vessels that operate out of ports in Miami and Ft. Lauderdale. These ships represent tens of billions worth of assets. The difficulty with naval architecture is that the ships are regulated by the Federal government and the states have left the people who design ships out of their plans because they lack jurisdiction. Other countries have a chartered engineer system that does include marine engineers and naval architects. Only a few states have licensed naval architects or marine engineers. The term was previously ship design engineers. That term has been changed to naval architect/marine engineer. Offshore engineering would include drilling, platforms and other ocean structures that the state may have jurisdiction over. Their profession has typically done the design specification over that type of structure. Tankers come into port in Jacksonville and Tampa. This is under Federal jurisdiction but much of the designing is completed in Florida. All of the non-combat naval vessels fall within their practice. South Florida boasts yachts. Some are registered in the U.S. some are foreign. Florida Atlantic University and Florida Institute of Technology offer ocean engineering programs. Approximately 300-500 engineers work in this state. Mr. Bayó noted that he has previously responded to Mr. Monahan's questions. Mr. Monahan questioned how his colleagues would be brought into the fold of the engineering Board. Some of the questions posed would require a statute change and are unable to be addressed by the Board. Mr. Monahan's first question "can an unregistered NA/ME use either or both of these terms on correspondence, business cards, etc. in the State of Florida? Yes, the term engineer is not a protected term in the state of Florida. NCEES has changed the name of the exam from ship design to naval architecture/marine engineering. Ms. Lowe was directed to research this title change and to forward the information to Mr. Bayó for housekeeping rule change. His second question was whether there will be a grace period for seeking registration? Mr. Bayó said no. His third question was whether long-term practitioners could be grandfathered into the profession? According to Mr. Bayó they can not. The State of

Washington has been licensing ship design engineers since 1940 so this Board could recognize the 25/30 rule. This rule provides for the licensing of engineers who have been licensed in another state for 25 years or more and can show 30 years continuous active engineering experience. Mr. Monahan notes that the test given by NCEES is so broad that it would be difficult for an engineer who is so specialized to pass.

Mr. Rebane urged Mr. Monahan to increase the numbers in his profession and to strive to make the designation Marine Engineer / Naval Architect a protected term. Mr. Monahan stated his colleagues were trying to ensure that they were not breaching the Board's rules. Dr. Anderson asked who monitors the progress or reviews the plans of a marine engineer's work. According to Mr. Monahan, his organization, the American Bureau of Shipping, will certify to the validity of the plans and the person contracting with the engineer can contact this organization to ensure that the plans are good. The Coast Guard will accept structural plans sealed by a registered P.E. or stamped by the American Bureau of Shipping. This would apply to any U.S. vessel over 100 gross tons in commercial service, not a fishing or pleasure vessel. If the person does not want to go through his organization they can get a registered P.E. to seal the plans instead. The fourth question was whether the Board has any enforcement plans with respect to this discipline. According to Mr. Bayó, this area falls under the industrial exemption and will not be pursued by this Board. Mr. Bayó noted that the Department handles unlicensed activity cases but that the Department recognizes that this term is not a protected term. Mr. Monahan asked Ms. Deison what her response would be if someone filed a complaint against a marine engineer for use of that term. The Chair thanked Mr. Monahan for appearing before the Board.

#2. Correspondence from David Romano, P.E. regarding Testing Lab Supervision

Mr. Romano wrote to Dr. Bondada with the question of whether he, as a private consultant, can certify test results that were completed in the laboratory or does he have to be employed by that company? Mr. Bayó explained that if he is in responsible charge then he can certify the test. He does not have to be employed but can be a consultant. If he signs and seals without being in responsible charge then he would be subject to the Board's disciplinary procedures. Mr. Bayó volunteered to discuss the issue

with him personally. Mr. Bayó also noted that if the certification is on the company's letterhead, then the company is offering engineering services and should be registered with the Board. The certification should be issued on the engineer's letterhead. Otherwise, if he signs a certification on the company's letterhead, then he is practicing through the company and the company needs a Certificate of Authorization.

I. Old Business

- #1. Development of an Agenda for the first Product Approval Committee Meeting.

Mr. Rebane reported that the proposed Agenda will be to review the rulemaking process and the structural responsibility rules, then hear statements from each committee member regarding their interest, to develop a list of points to be covered by rule, and to develop a recommendation to Florida building codes and standards. This rule recommendation will be forwarded to Board counsel and to the full Board for review and approval.

- #2. Letter Regarding the Board's Fire Protection Rules and Laws.

Mr. Bayó will draft this letter.

- #3. Development of a Rule regarding the Measurement of Performance Standards and Measurable Outcomes.

A proposed rule will be presented to the Legislative and Rules Committee. Mr. Coby stressed the importance of careful consideration of appropriate standards.

- #4. Correspondence to Mr. Jeffrey Buckholz regarding use of the term "Project Engineer."

Mr. Bayó will confirm that he has corresponded with Mr. Buckholz.

- #5. Correspondence to Mr. Don Johnson regarding the Board's Special Inspector Rule.

Staff will forward Mr. Johnson's correspondence to Mr. Bayó for completion.

- #6. Correspondence to Rob Elliott, P.E. Regarding the Board's Position Relative to the Department of Transportation's QC 2000 Program.

This has been completed.

- #7. Correspondence to Mr. Daniel Starbuck regarding Battery Calculations for Fire Alarm Systems

Mr. Bayó will utilize the memo from Mr. Rebane to correspond with Mr. Starbuck.

- #8. Presentation of Proposals for an Online Laws and Rules Course to the Mandatory Continuing Education Committee.

This item has been completed.

- #9. Examination of all FBPE applications to ensure they accommodate candidates with Special Needs.

These forms will be revised for candidates for the April examination. Staff was directed to review the Board of Land Surveyors and Mappers application.

- #10. Correspondence to Mr. James Polk, P.E. regarding his White Paper.

That letter was sent to Mr. Polk by the Chair.

- #11. Update of Board's Website with information regarding new FEMC Board Members.

This item has been completed.

- #12. Development of Procedures to expedite Model Law Engineer Applications for Endorsement.

This process has been implemented. Staff will review the applications. The FEMC President and the Board's Executive Director will review and approve the applications. If they meet Florida's criteria, they will be issued a license and a list will be placed on the Board's next Consent Agenda.

- #13. Development of a proposed program to combat unlicensed activity.

This was completed and a subsequent presentation will be made at the December meeting.

- #14. Distribution of NCEES Posters Promoting Licensure and Registration.

Posters were distributed to schools by NCEES thereby accomplishing this task. Dr. Miller suggests that the posters be added to the Board's display.

J. New Business

Ms. Deison relayed that the Secretary of the Department had ordered FEMC to turn over all of its existing letterhead. After some discussion, it was also agreed that in the alternative, FEMC will remove the word "Board" from Ms. Lowe's Board Administrator title. FEMC will also move Ms. Deison's name to the left-hand side of the stationery.

Mr. Rebane suggested Board members contribute their two \$50.00 honorariums for this Board meeting to use in planning a Christmas party for staff and Board members.

Mr. Springstead appointed Dr. Anderson to Chair the Nominating Committee along with Mr. Coby and Ms. Lacasa, the purpose of which is to formulate a recommended slate of Board officers for the year 2001.

K. Public Forum

Part II
Informal Hearing Agenda

L. Informal Hearings on Denial to Take Examinations

#1. Engineer Intern Examination

a. Heather Renee Schmidt

Ms. Schmidt graduated from an institution that was not accredited upon her graduation. Penn State has, since May 2000, received its accreditation. Upon a motion by Dr. Miller and a second by Dr. Anderson, the Board voted to grant her application.

#2. Engineer Intern Foreign Degree

a. Alexander Iodanov

This applicant requested a continuance and his request was granted.

b. Varooj Hamarchian

The applicant was not present and has been granted three continuances. He is deficient seven hours of higher math, seven hours basic sciences, 12 hours basic design, and 12 hours engineering design. He has not demonstrated competency in English or computer skills. Upon a motion by Dr. Miller, and a second by Dr. Anderson, the Board voted to uphold the denial.

#3. Conditional Approval

a. Sonia Maza

The applicant was not present. She withdrew her request for a hearing and has indicated her acceptance of the conditions imposed by the Application Review Committee. She was deficient four hours humanities and social sciences. She will be required to take these hours prior to taking the Principles and Practice Examination. Mr. Bayó

read the request for withdrawal and noted that a Final Order would not be needed.

b. Manouchehr Raafati

The applicant was not present. He was deficient eight hours in higher math, eight hours in engineering design, and two hours in humanities and social sciences. All deficiencies with the exception of the higher math were cleared with a re-evaluation. He has since been administered an examination in math and has been accepted into the doctoral program at FIU. Steve Hudson, Ph.D. wrote the Board on Mr. Raafati's behalf, stating he demonstrates math skills in both linear algebra and differential equations. It was the consensus of the Board that the candidate still needed to complete the eight hours of higher math. Upon a motion by Dr. Anderson and a second by Dr. Miller, the Board voted to uphold the denial.

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

#1. Principles and Practice Examination

a. Khosrow Gandjei

The applicant was present and addressed the Board. He has a Bachelor of Science degree in engineering technology. He was admitted to the Engineer Intern examination in error but passed the examination. He requests consideration by the Board of his degree in that he was enrolled in a community college taking prerequisites for the engineering technology program prior to July 1, 1979. Section 471.013, F.S., states in part that a person is entitled to take an examination if the person is of good moral character and is a graduate of an approved engineering technology curriculum and was enrolled or graduated prior to July 1, 1979. Upon a motion by Mr. Rebane and a second by Dr. Anderson, the Board voted to uphold the denial. The Board advised the applicant to seek a bachelors or masters degree in engineering from an ABET accredited institution.

b. Matthew Hermanson

The applicant was present and addressed the Board. He has been found to be deficient by six months of experience. Mr. Hermanson is requesting consideration of experience prior to graduation. This experience was predominantly of a surveying nature. He worked with the State of Michigan DOT for approximately 18 months where he took topographical surveys of Michigan highways. Dr. Anderson moved to grant credit for six months of the co-op experience credit prior to graduation. Mr. Rebane seconded. The motion passed.

c. Winston Lucky

The applicant was not present. He has failed the examination five times and does not evidence completion of 12 college-credit hours. Mr. Lucky is requesting consideration of the circumstances surrounding his fifth failure. Upon a motion by Dr. Anderson and a second by Dr. Miller, the Board voted to uphold the denial. Dr. Anderson volunteered to review proposed credit hours for Mr. Lucky before he enrolls if Mr. Lucky would like assistance. The motion passed.

N. Informal Hearings on Licensure by Endorsement

#1. Denial of Application

a. Randall Lamar Reynolds

The applicant was present and addressed the Board. He was licensed in Georgia in 1985 after taking the Principles and Practice examination. His application was denied because he evidences an engineering technology degree but can not demonstrate enrollment prior to July 1, 1979. However, in accordance with Section 471.013(1)(a)(3), F.S., the Board can also recognize ten years of experience as a means of qualifying for the examination. Upon a motion by Mr. Rebane and a second by Mr. Coby, the Board voted to uphold the denial.

b. Gary A. Yocum

The applicant was not present. He has an engineering degree from Louisville, that did not have an accredited undergraduate program. However, their masters program is accredited. There is a deficiency in engineering design courses in the applicant's senior year. Dr. Anderson moved to uphold the denial. Ms. Lacasa seconded. The motion passed.

#2. Conditional Approval of Application

a. Randy D. Lasure

Mr. Lasure's license went null and void when he failed to keep his address updated. He applied for licensure by endorsement and was granted conditional approval subject to payment of a fine and completion of a course in engineering professionalism and ethics. This has been the condition with other applicants who have practiced engineering during the time their license was null and void. However, Mr. Lasure was working in industry during the time his license was in null and void status and is requesting the Board to waive the fine and course in consideration of his position that he did not practice engineering inappropriately. According to Mr. Bayó, he was practicing in an exempt setting and was not required to be licensed. Mr. Bayó recommended the Board grant Mr. Lasure's request for licensure without the previously imposed conditions as he has never had occasion to seal documents and does not own a seal. Upon a motion by Ms. Lacasa and a second by Mr. Rebane, the Board voted to grant Mr. Lasure licensure without conditions.

**Part III
Exam Challenges and
Disciplinary Hearings**

O. Disciplinary Proceedings

#1. Settlement Stipulation

- a. Robert W. Case, P.E.
PE 51884
Represented by William G. Christopher, Esquire
FEMC Case Number 00-0026
Probable Cause Panel: Coby, Rebane, Seckinger

Mr. Case was present and was represented by Mr. Christopher. Mr. Case was charged with signing and sealing plans not prepared by him or under his responsible supervision, negligence for deficiencies in engineering drawings and calculations, and offering engineering services through a corporation that had not been issued a Certificate of Authorization. He entered into a Stipulation with FEMC for a Reprimand, a \$2,000 administrative fine, a 1-year probation with completion of a course in Professionalism and Ethics, and an appearance before the Board. Mr. Case presented an Affidavit with mitigating evidence. He has since obtained a Certificate of Authorization. Upon a motion by Ms. Lacasa and a second by Dr. Anderson, the Board voted to approve the Settlement.

- b. John B. Benson, III, P.E.
PE 20638
FEMC Case Number 99-00131
Probable Cause Panel: Coby, Rebane, Seckinger

Mr. Benson was present and was not represented by counsel. Mr. Benson was charged with one count of negligence and one count of misconduct. He has entered into a Stipulation with FEMC for a Reprimand, a \$1,500 administrative fine, permanent prohibition from practicing electrical engineering, a one-year probation with completion of a course in engineering professionalism and ethics, completion of the Board's Study Guide, and an

appearance before the Board. Upon a motion by Dr. Bondada and a second by Dr. Miller, the Board voted to accept the Stipulation.

- c. Robert J. Hudek, P.E.
PE 14207
Represented by Steven J. Cohen, Esquire
FEMC Case Number 99-00165
Probable Cause Panel: Coby, Rebane, Seckinger

Mr. Hudek was not present. He was charged with negligence in the performance of an electrical inspection. He has petitioned the Board to accept relinquishment of his license. Upon a motion by Dr. Miller and a second by Ms. Lacasa, the Board voted to grant the petition. The Board requested staff to retain a copy of this document in his permanent licensure file.

- d. Walter P. Medley, P.E.
PE 46861
FEMC Case Number 00-0028
Probable Cause Panel: Coby, Rebane, Seckinger

Mr. Medley was present and addressed the Board. Mr. Medley was charged with violating a Final Order previously entered by the Board. This case arose out of a previous complaint that was filed as a result of a Final Order violation. This is the third time he has been charged with violating a Final Order. He has entered into a Stipulation with FEMC for suspension of his license until all terms of the previous Final Orders have been satisfied. The Board was concerned with a lack of a deterrent in the Stipulation as presented. Ms. Lacasa moved to reject the Stipulation. Dr. Miller seconded. The motion passed. Upon a motion by Dr. Anderson and a second by Dr. Miller, the Board voted to extend a counter offer to Mr. Medley. The counter-offer included a suspension until such time as he fulfills the terms of the prior Final Order and appears before the Board to request reinstatement at which time the Board can impose conditions it deems appropriate. In addition, an additional \$500 administrative cost would be imposed. Mr. Medley accepted the terms of the counterstipulation.

- e. Kishore Tolia, P.E.
PE 18092
N. Wesley Strickland, Esquire
FEMC Case Number 99-00145
Probable Cause Panel: Coby, Rebane, Seckinger

Mr. Tolia was present and was represented by N. Wes Strickland, Esquire. Mr. Tolia was charged with one count of negligence due to deficiencies in structural engineering plans. He has entered into a Stipulation with FEMC for a Reprimand, a \$1,000 administrative fine, a two-year probation requiring annual submission of a list of projects, completion of a Board-approved course in Professionalism and Ethics, completion of the Board's Study Guide and an appearance before the Board. Upon a motion by Dr. Anderson and a second by Dr. Miller, the Board voted to accept the Stipulation.

- f. Stephen R. Weaver, P.E.
PE 37389
Represented by G. Stephen Manning, Esquire
FEMC Case Number 00-0034
Probable Cause Panel: Coby, Rebane, Seckinger

Mr. Weaver was present but was not represented by counsel. He was charged with becoming involved in a conflict of interest with his employer. He has entered into a Stipulation with FEMC for a Reprimand, a \$1,000 administrative fine, a two-year probation with completion of a course in engineering professionalism and ethics, and an appearance before the Board. Upon a motion by Ms. Lacasa and a second by Dr. Bondada, the Board voted to adopt the Stipulation as presented.

#2. Recommended Orders

- a. Charles C. Stokes, P.E.
PE 29985
FEMC Case Number 98-A0130
Probable Cause Panel: Coby, Martinez, Springstead

Mr. Stokes was present and was not represented by counsel. Mr. Stokes was previously charged with two counts of misconduct and four counts of negligence in the practice of engineering. He requested a formal hearing which was conducted March 23-24, 2000. The Administrative Law Judge found the Respondent guilty of two counts of misconduct as charged and one count of negligence in regard to deficiencies in the column and beam system on the second floor. The Judge's penalty recommendation was revocation of the Respondent's license to practice engineering. Mr. Stokes filed Exceptions to the Recommended Order that were discussed with the Board. Each exception to the Judge's Findings of Fact was responded to by the Board's Prosecuting Attorney. Upon a motion by Mr. Rebane and a second by Dr. Anderson, the Board voted unanimously to reject the Exceptions filed by the Respondent. Upon a motion by Dr. Miller and a second by Mr. Rebane, the Board voted unanimously to adopt the Judge's Findings of Fact and Conclusions of Law. Mr. Rebane moved to accept the Judge's recommendation. The motion died for lack of a second. Dr. Anderson moved to reject the Judge's recommendation and instead impose a fine of \$6,000, one-year suspension with payment of the fine and demonstration to the Board of his ability to practice as a condition of the lifting of the suspension, followed by 2 year probation, P&E course, review of plans each year of probation to be performed at Mr. Stokes' expense. The motion was seconded by Dr. Miller and passed unanimously.

#3. Update on Counterstipulation Offered to Ralph Hansen, P.E.

Mr. Sunshine notified the Board that Mr. Hansen had accepted the counteroffer made by the Board at the August 2000 meeting.

P. Review of Special Inspector Applications Submitted to the Board with Recommendations of Approval

#1. Manuel Ortega, P.E.

Approved by Consent Agenda.

#2. Michael W. Springstead, P.E.

Approved by Consent Agenda.

#3. Mark Alan Thompson, P.E.

Approved by Consent Agenda.

The Application Review Committee will be meeting on November 15th and the morning of November 16th at 10:00 a.m. The Mandatory Continuing Education Committee will meet again on November 15th from 3:00 p.m. to 5:00 p.m. The Probable Cause Panel will meet on the 16th in Tallahassee. The next meeting of the full Board will be by Conference Call on November 22, 2000 at 2:00 p.m. The Nominating Committee will meet from 2:00 to 3:00 p.m. on November 15th.

The Application Review Committee will meet again at the Board office in Tallahassee on Monday, December 4th beginning at 10:30 a.m. The Florida Board of Professional Engineers will meet on Tuesday, December 5th beginning at 8:30 a.m. and Wednesday, December 6th, beginning at 8:30 a.m. at the Radisson Hotel.

Upon a motion by Dr. Miller and a second by Mr. Coby, the Board voted to adjourn.



FLORIDA BOARD OF PROFESSIONAL ENGINEERS

JEB BUSH, GOVERNOR

KIM BINKLEY-SEYER, SECRETARY
DEPARTMENT OF BUSINESS
AND PROFESSIONAL REGULATION

John W. Springstead, P.E., P.L.S.
CHAIR
(CIVIL)
3/27/97 10/31/01

R. Gerry Miller, Ph.D., P.E.
VICE CHAIR
(MECHANICAL)
11/1/97 10/31/01

Melvin W. Anderson, Ph.D., P.E.
EDUCATOR
1/9/96 10/31/01

Murthy A. Bondada, Ph.D., P.E.
(CIVIL)
11/29/99 10/31/03

Alvin G. Coby
(PUBLIC)
2/10/92 10/31/99

Silvia Vilato Lucasa, P.E.
(ELECTRICAL)
11/29/99 10/31/02

Robert Matthews, P.E.
(CIVIL)
11/29/99 10/31/03

Henn Rebane, P.E.
(ELECTRICAL)
11/29/99 10/31/03

Gloria M. Velazquez, Esquire
(PUBLIC)
11/29/99 10/31/02

David K. Minacci, Esquire
EXECUTIVE DIRECTOR

Natalie Lowe
ADMINISTRATOR

Minutes

Florida Board of Professional Engineers
Tuesday, December 5th, 2000
Beginning at 8:30 a.m.
and Wednesday, December 6th, 2000
Beginning at 8:30 a.m.
Tallahassee, Florida

Part I General Business Agenda

A. Meeting Administration

- #1. Call to Order, Invocation, and Pledge of Allegiance to the Flag
- #2. Introduction of guests and announcements as to presentations at a time certain.

Board members present:

John W. Springstead, P.E., P.L.S., Chair
 R. Gerry Miller, Ph.D., P.E., Vice Chair
 Melvin Anderson, Ph.D., P.E.
 Murthy Bondada, Ph.D., P.E.
 Alvin Coby, Public Member
 Silvia Lacasa, P.E.
 Robert Matthews, P.E.
 Henn Rebane, P.E.
 Gloria Velazquez, Esq., Public Member

Others present:

Eugene Bechamps, P.E., Chair, FEMC
 Charles Langbein, P.E., Vice Chair, FEMC
 Natalie Lowe, Administrator, FBPE
 Carrie Flynn, Asst. Administrator, FBPE
 Douglas Sunshine, Prosecuting Attorney, FBPE
 Phyllis Burkhardt, FEMC Comptroller

John Vogt, P.E., Deputy Secretary, DBPR
Mr. Robert Day
Paul Ledford, Executive Director, FES
Richard Gassett, P.E., FES Liaison
Windy Deckerhoff, Attorney General's Office
David Minacci, Esquire, Executive Director, FBPE
Kari Hebrank, Lobbyist, Florida Building Materials Assn.
Carlos Penin, P.E., President, FICE
John Rimes, Esquire
M. Catherine Lannon, Esquire

- #3. Approval of the Agenda
- #4. Approval of the Consent Agenda
(Items denoted with an asterisk are included in the Consent Agenda)

Minutes from the December 4, 2000 application review meeting and the November 22, 2000 meeting by conference call were distributed and added to the Consent Agenda with the exception of List 8.

Upon a motion by Mr. Rebane and a second by Dr. Anderson, the Board voted to approve the Consent Agenda.

- #5. Review and Approval of previous Board meeting minutes*
 - a. October 17-18, 2000 Meeting
These minutes were approved on the Consent Agenda.
 - b. November 22, 2000 Meeting by Conference Call
These minutes were approved on the Consent Agenda.

B. Committee Reports

- #1. Applications Committee*
(R. Gerry Miller, Ph.D., P.E., Chair; Murthy V. Bondada, Ph.D., P.E.; Silvia Vilato Lacasa, P.E.; Robert Matthews, P.E.; Henn Rebane, P.E.)

- a. List 8 from Minutes of December 4, 2000

Mr. Matthews suggested the Board pull this item because the Application Review Committee did not have the benefit of Board counsel during its meeting. Ms. Lannon confirmed that there was evidence that the applicants had let their licenses go null and void and had also practiced while their license was in null and void status. Upon a motion by Dr. Anderson and a second by Mr. Rebane, the Board voted to approve List 8.

- #2. Educational Advisory Committee*
(Melvin Anderson, Ph.D., P.E., Chair; Murthy V. Bondada, Ph.D., P.E., Duane Ellifritt, Ph.D., P.E., Consultant)

- a. Discussion on ABET as a Sole Source Provider

Introduction of Eva-Angela Adan,
Director of International Activities, ABET
by Robert D. Kersten, Ph.D., P.E.

Dr. Anderson introduced Dr. Robert Kersten. Dr. Kersten, while serving as FES president, appointed the Committee responsible for drafting the legislative package to create FEMC. Dr. Anderson noted that the Board reviews a large number of applications to take the fundamentals exam from applicants who graduated from universities outside of the United States. The procedure of translating and evaluating their degree to a comparable U.S. degree is very burdensome. Currently there are several agencies that do this for the Board but he noted that ABET's program is much more complex. He further noted that ABET's requirements are written into the Board's rules. There are no other agencies that evaluate to ABET standards.

Dr. Kersten expressed concern that different standards are being applied to graduates from U.S. institutions

versus those from foreign institutions. The substantial equivalency standard has been in place since the 1960's. The failure to use this standard results in holders of foreign degrees being subjected to a lower standard. Dr. Kersten stated that in his opinion, there is no agency comparable to ABET as far as credentialing of foreign degrees and requested that ABET be considered as the Board's sole source for credentialing. Dr. Kersten then introduced Dr. Eva-Angela Adan, Director of International Activities of ABET.

Dr. Adan addressed the Board and presented a slide presentation regarding the general principles and methodology used by ABET to evaluate foreign engineering credentials.

Dr. Anderson noted that the difference between ABET and other credentialing agencies is that other agencies do not have criteria for authenticating transcripts.

Mr. Springstead referred the matter to the Education Committee. He requested the Committee to review the information provided to the Board members and to report back to the Board. Mr. Springstead thanked Dr. Adan for her presentation and thanked Dr. Kersten for appearing before the Board.

- #3. Board Operations Committee*
(Henn Rebane, P.E., Chair; Robert Matthews, P.E., Gloria M. Velazquez, Esquire)
 - a. There was no report.
- #4. Probable Cause Committee*
(Alvin G. Coby, Chair; Henn Rebane, P.E.; Allen Seckinger, P.E.)
 - a. Report on the meeting of November 16, 2000.

This report was approved on the Consent Agenda.
- #5. Legislative and Rules Committee*
(Henn Rebane, P.E., Chair; Robert Matthews, P.E.; R. Gerry Miller, Ph.D., P.E.; Gloria M. Velazquez, Esquire)
 - a. There was no report.

#6. Joint Engineer / Architect Committee*
(Henn Rebane, P.E., Chair; Melvin W. Anderson, Ph.D., P.E.)

a. There was no report.

#7. FBPE / FEMC Liaison*
(John Springstead, P.E., PLS, Chair; R. Gerry Miller, Ph.D., P.E.)

a. There was no report.

#8. Test Administration Committee
(John Springstead, P.E., PLS, Chair)

a. Report on Administration of October Principles and
Practice and Engineer Intern Examinations

Ms. Lowe reported that there were no unusual occurrences during the examination and that all sites had reported a smooth administration. She also noted that FEMC had engaged the services of Loomis Fargo for the transportation and overnight storage of the examinations and that the company's service was excellent.

Chair Springstead then requested reports from the members of the Board who traveled to different examination sites. Mr. Matthews reported that the site in Tallahassee, according to Ms. Deison, was better this year than last. Mr. Springstead reported that the Gainesville site had plenty of clocks, as requested by Board members previously. Dr. Anderson also reported that the administration in Tampa was very smooth. Ms. Lacasa reported that there was a strange odor coming from the canal next door but that this did not seem to affect the candidates or the administration of the examination.

#9. Legal Liaison Committee*
(Gloria M. Velazquez, Esquire)

a. There was no report.

#10. Ad Hoc Committee on Implementation of Mandatory Continuing Education
(Al Coby, Chair; Mel Anderson, Ph.D., P.E., Robert Matthews, P.E., Gerry Miller, Ph.D., P.E., and Henn Rebane, P.E.)

a. Report of the meeting of November 15, 2000

Mr. Coby noted that a draft proposed rule had been distributed to Board members for comments. Mr. Coby stressed the need to get the rule in place as quickly as possible to enable licensees to meet the continuing education requirement in time to renew their licenses by February 28, 2003. In addition, he reminded Board members that they had previously requested the rule be distributed to licensees through a series of meetings held in areas around the state. He recommended that a notice of rulemaking be filed so that the process would not be delayed. Mr. Coby asked the Chair if the Board members could review the document and comment on the rule draft so that staff could amend the rule as the Board felt appropriate. Ms. Lannon reviewed the rule and stated she found no problems with the text as drafted. However, she noted that the Board has no statutory authority to require the licensee to execute an affidavit. Instead, she suggested the Board require a signed statement. This would be more likely to be approved by the Joint Administrative Procedures Committee. Dr. Anderson requested input from the Department relative to the rule in its present state. He cautioned the Board to delay the workshops until the Department had time to review the rule and to comment. Mr. Coby suggested the Department review the rule between now and the February meeting and to report on the Department's position at the next Board meeting.

One issue before the Committee is the use of one entity to develop the Board's course on laws and rules. Ms. Lannon said it would be unprecedented to make this a sole source. Mr. Coby noted that the Building Code Commission had a contract with the Center for Professional Development to develop the CORE course, but that the CPD also offered a Train the Trainer course so that other individuals or companies could offer the same training once they completed the course. Mr. Bechamps stated that FEMC was interested in moving forward as quickly as possible due to the number of licensees involved. He suggested

moving in parallel with the rulemaking process, i.e., to begin the rulemaking process but contract with CPD in the meantime to begin the process of creating the course. In addition, Mr. Bechamps noted that while the course is in the format of an examination, it is a situation in which the licensee continues to answer questions until they demonstrate a certain competency level. Mr. Coby noted that the CPD could develop the bank of questions for the course. The 40 questions contained in the Study Guide are not enough.

The Chair requested Ms. Lowe to report on her research regarding the Center for Professional Development. She reported that the Center is affiliated with Florida State University, a state agency. It is also a non-profit entity. The CPD developed the Building Code Core Course for the Department of Community Affairs. The Board members also believed that because the CPD is affiliated with a state agency, there would be no question regarding the appropriateness of contracting with such an entity as a sole source provider.

Dr. Anderson stated the Committee liked the idea of sole-sourcing the course because the Board could maintain control over the content. He cautioned the Board against permitting other entities to deliver the laws and rules course because of the ongoing changes to the rules.

Ms. Lannon stated that the Board does not have the specific authority in the statute to administer the laws and rules course or to charge a fee for it. She noted that other professions that have a continuing education requirement do not maintain control over the content. She also stated that while the Board was not prohibited from providing the course, she did not see the authority to limit the availability of the course.

Mr. Minacci was consulted and stated he was reluctant to make a decision at the present time due to his recent appointment as Executive Director. He indicated he should be able to provide a response to Ms. Lowe within 15 days.

Ms. Lacasa reported that she had read the draft rule and stated she found it compatible with other states' rules that are currently in place. It was suggested that inactive licenses should be added to those licensees exempt from the requirement.

Mr. Coby noted that the Committee needed to meet again, and that the Department needed time to review the rule draft and to provide comments. Ms. Lannon recommended filing a Notice of Rule Development without text so that the Board would not be committed to a specific rule.

The Board requested Ms. Lowe to set up a continuing education workshop in conjunction with the February Board meeting. Dr. Anderson noted that the Board was meeting by conference call in January and that the Committee could report back to the Board at that time.

Upon a motion by Mr. Coby and a second by Mr. Matthews, the Board voted to request the Attorney General's office to file a Notice of Rule Development without text. Ms. Lannon requested clarification regarding a date for a workshop. The first workshop will be held in conjunction with the February Board meeting.

Natalie Lowe was requested to obtain a proposed contract from the CPD and distribute it to Board members. The Committee can then determine whether it would be appropriate to place this on the Board's agenda during its January conference call meeting. FEMC will also proceed with requesting a budget amendment from the Department concerning the release of contingency funds to pay for development of the course.

Mr. Springstead also requested Ms. Lowe to obtain information relative to developing a listserv for the Board to receive comments from licensees and the general public. After the current rule draft is reviewed by the Department and the Attorney General's office, it could be placed on the listserv. Ms. Lowe was requested to have this in place in time for the January meeting by conference call but not to activate the listserv until the Board approves it.

- #11. Nominating Committee
(Mel Anderson, Ph.D., P.E., Chair, Al Coby, and Silvia Lacasa,
P.E.)

- a. Report of the meeting of November 15, 2000

Dr. Anderson reported that the Committee had met and recommended Mr. Springstead as Chair and Dr. Miller as Vice Chair. Upon a motion by Dr. Miller and a second by Mr. Rebane, the nominations were closed.

The vote passed unanimously.

Mr. Springstead thanked the Board for the vote of confidence and also thanked the Board members who had served on the various committees during the year.

- #12. Product Approval Committee
(Henn Rebane, P.E., Chair, Mr. Al Coby, R. Gerry Miller,
Ph.D., P.E., Allen Seckinger, P.E., and Nasir Alam, P.E.)

Mr. Rebane reported that the Committee will be holding its first meeting December 13, 2000 at 10:00 a.m. at the Radisson Suite Inn Palm Beach Airport.

C. Advisory Attorney's Report

- #1. Report on Rule For the Issue of Signing and Sealing the
Cover Sheet for Truss Drawings

Presentation by Ms. Kari Hebrank,
Lobbyist for the Florida Building Materials Association

Within the materials distributed was a draft of a rule relative to the issue of signing and sealing the cover sheet for truss drawings. Having just received the draft rule, Ms. Hebrank stated it appeared to be consistent with Mr. Rebane's memo; however, she had not had the opportunity to present the draft to her members. She stated this was a critical issue to her members and expressed her appreciation to the Board for its consideration of this issue.

Ms. Lannon stated that the Notice of Rule Making would be filed upon the Board's request. She stated it would take approximately two months for the rule to be in effect. Ms. Hebrank stated she did not foresee any problems with the draft of the rule and urged the Board to move forward.

61G15-20.0016, F.A.C., "Laws and Rules Examination" Mr. Rebane requested that the words "forty (40)" be deleted and that the "passing score of 36" be changed to 90% because the Board may want to increase the number of questions and would still like to require that at least a 90% be obtained as a passing score. This rule will also be discussed at the next MCE Committee meeting. The words "or more correct answers" will be struck. Windy Deckerhoff, Ed Bayó's paralegal, notified the Board that because this rule has already been filed, a Notice of Change will have to be filed.

20.0017, F.A.C., "Application for Retired Status" – Mr. Rebane asked that the text be amended to reflect that the application is available on the Board's website as well.

61G15-21.008, F.A.C., "State of Florida, Security Policies, Procedures and Guidelines." This rule is being repealed for administrative reasons. Chapter 471, Florida Statutes, was amended in the last legislative session and now requires the Board to develop rules relative to examination security.

61G15-21.010, F.A.C., "Examination Administration"

Ms. Lowe noted that this rule needed to be compared with NCEES security guidelines regarding the administration of an examination.

61G15-22.001, F.A.C., "Continuing Education Requirements for Reactivation of Inactive License"

This rule became effective June 13, 2000.

Mr. Rebane noted that this language should also be changed to reflect a 90% passing score.

61G15-23.002, F.A.C., "Seal, Signature and Date Shall be Affixed"

The most recent amendments were reviewed by Board members. The words "license number" will be substituted for "registration number".

61G15-32.002, F.A.C., "Definitions"

Ms. Lannon reported that a rule notice has been filed. The text was before the Board for review. A Board consultant provided comments and these comments were incorporated in this rule draft. Mr. Rebane noted that the rule does not capture all of the suggestions and suggested that the text be filed with the rule notice to see if anyone requests a hearing.

(9) Layout: The language should read "the location of risers, cross mains, branch lines, sprinkler heads, sizing of pipe, hanger locations, and hydraulic calculations, based on engineering documents, without material deviation."

61G15-35, F.A.C., "Responsibility Rules of Professional Engineers Providing Threshold Building Inspection"

This draft is also before the Board for final approval.

61G15-35.002(4), F.A.C., strike "engineer of record". Shoring "and reshoring" plans can be submitted by the contractor or the engineer.

61G15-35.003(c)6 #2, 3, and 6 will be struck in order to avoid special inspectors using this application as a change of address form.

Upon a motion by Mr. Matthews and a second by Mr. Rebane, the Board voted to approve the changes discussed above.

D. Administrator's Report

#1. 2001 Calendar*

This was approved on the consent agenda.

#2. Update on Online Renewal

Ms. Lowe reported that 243 people had used the Internet to renew their licenses so far. More licensees were renewing their licenses by submitting credit card information on the renewal form.

#3. NCEES Policy Regarding Examination Reviews

Ms. Lowe noted that the National Council is changing the format of most of its examinations and continues to convert subjective scoring to completely objective scoring. The Council has requested that its member boards return all copies of the examinations to the council. This will prohibit the Board from providing examination reviews to candidates who fail the examination. Ms. Lowe reported that this Board currently offers examination reviews. Ms. Lannon noted that Chapter 455, F.S., exempts national examinations from the exam review process. Mr. Rebane noted that previously the Board has assisted failing candidates by permitting them to review their examinations so that candidates would be able to determine their weaknesses. He noted

that if the Board can provide candidates with NCEES reports regarding their weaknesses, this should accomplish the same as the review. Ms. Lannon noted that the Board should repeal Rule 61G15-21.006, F.A.C., in that it does not have the authority to offer the review. Mr. Rebane also noted that the Board would prefer to refer candidates to the NCEES webpage rather than specify, in its rule, details regarding the examination questions. Ms. Lannon noted that Section 455.217, F.S., exempts national examinations from spelling out the exam components and recommended that the Board repeal Rule 61G15-21.002, F.A.C., as well. Upon a motion by Dr. Anderson and a second by Dr. Miller, the Board voted to repeal Rule 61G15-21.006, F.A.C.. Upon a motion by Mr. Rebane and a second by Mr. Matthews, the Board voted to repeal 61G15-21.002, F.A.C.

#4. Report on 2000 International Mechanical Engineering Conference and Exhibition

This was provided for information purposes only.

#5. Report on NCEES Examination Administration

Ms. Lowe reported that she had spoken with Ms. Susan Whitfield of NCEES and that NCEES would not be able to administer the April examination but could be ready to assume responsibility for the October examination if the Board approved the proposal. Mr. Rebane requested that this item be tabled and placed on the Board Operations Committee agenda. Dr. Anderson suggested Susan Whitfield attend the April examination and provide the Board with a proposal of costs. Mr. Bechamps urged the Board to move quickly on this item in order to give NCEES time to be prepared. Mr. Springstead asked the Executive Director to meet with Ms. Lowe to review the procedures in place to determine whether the Department agrees with the procedure used by FEMC. It was agreed that the current examination administration procedure would continue, at least through the April examination.

E. Chair's Report

#1. Nominations for NCEES National Awards

Mr. Springstead recommended Mr. William Palm, P.E. be nominated for the Distinguished Service Award with Special Commendation. He has previously received the Distinguished Service Award (without Special Commendation) in 1990. He was a member of the Board for several years and was also a member of

the FEMC Board. He has served on several NCEES committees over the years. Upon a motion by Dr. Anderson and a second by Mr. Matthews, the Board voted to nominate Mr. Palm for this award.

Mr. Coby asked the Board to consider Mr. Charles Langbein and noted that Mr. Langbein is very active with the National Council at the present time as a member of the exam committee. Upon a motion by Dr. Anderson and a second by Mr. Coby, the Board voted to nominate Mr. Langbein.

#2. 2001 Board Presidents/MBA Assembly and
NCEES Survey Regarding the Model Law Engineer

The Chair noted that the National Council will fund attendance at the Assembly for the Member Board Administrator and the Board President from each member Board. The meeting will be held in February 2001 in Phoenix, Arizona. The Chair also requested Mr. Minacci to attend the meeting and requested FEMC to reimburse Mr. Minacci for his expenses. Upon a motion by Mr. Coby and a second by Dr. Miller, the Board voted to send the Board Chair, the Administrator, and the Executive Director to the meeting. The motion will include attendance by the Vice Chair if the Chair is unavailable.

#3. Certification of FEMC by the Board and the Department

Mr. Springstead noted that there was considerable discussion at the Board's October meeting relative to the Certification of FEMC by the Department and the Board. The Board's certification was provided to members for review. The Department has executed its own certification and Mr. Minacci indicated that a copy of this will be provided to FEMC.

#4. ABET is requesting nominations to the EAC/TAC/RAC
Commission.

This is a presidential appointment for one year. ABET requires that members have attended three ABET visits to engineering schools. This Board does not currently have any members who have attended three visits to engineering schools. The Chair asked Ms. Lowe to submit Dr. Bondada's name to the Commission for consideration.

#5. The Chair noted that all Board members have received a memorandum from the Secretary of the Department notifying this Board that Mr. David Minacci has been appointed as the Executive Director for the Board. In addition, Mr. Ed Bayó will be replaced as Counsel to the Board. Mr. Springstead offered a resolution for consideration by the Board.

Mr. Springstead asked Board members if they would like to add anything or amend the Resolution in any way. Upon a motion by Mr. Coby and a second by Mr. Rebane, the Board voted to adopt this Resolution and requested staff to fulfill the requirements of the resolution. On behalf of the Florida Engineering Society, Mr. Paul Ledford volunteered to provide a frame for the Resolution before it is presented to Mr. Bayó. The Board thanked Mr. Ledford.

Mr. Rebane asked that the minutes reflect his feelings regarding the replacement of Mr. Bayó. In his opinion, Mr. Bayó was an able and realistic advisor to this Board and he does not agree with the Secretary's position. He also feels that the Secretary's removal of Mr. Bayó without consultation with the Board is not consistent with the Department's current position of cooperation.

Mr. Matthews noted that when any change comes about a period of transition is appropriate and that this quick change does not seem to help the Board to move forward. He would like the Deputy Secretary to convey to the Secretary his request that Mr. Bayó be reinstated for some sort of transition period.

Deputy Secretary John Vogt addressed the Board. He noted that the Secretary had thought the Board's next meeting was in January and was not aware that the Board was meeting so quickly after her decision. She had wanted to resolve this before she went on maternity leave. He expressed understanding of the Board's position and requested consideration of the Department's position as well. Ms. Lannon reported that she first heard of concerns very recently when she was contacted by Deputy Secretary Vogt. Ms. Lannon agreed to replace Mr. Bayó at this meeting but stated that a decision of this magnitude could not be made by her at this time. She requested tapes of the last Board meeting, which were provided to her. She also indicated she did not know if the Attorney General would agree to replace Mr. Bayó as the Board's counsel.

Mr. Rebane moved that the Board show confidence in Mr. Bayo's ability to serve the Board and that this should be reflected in the Board's minutes. Dr. Anderson seconded. The motion passed.

Ms. Velazquez added that Mr. Bayó served both the Board and the community. She stated she has forwarded several e-mails she received in Spanish to Mr. Bayó for consideration. According to Ms. Velazquez, Mr. Bayó has served the community effectively and efficiently and something to this effect should be added to the Resolution. Ms. Velazquez volunteered to draft an additional clause for inclusion in the Resolution.

F. Executive Director's Report

Mr. David Minacci introduced himself to the Board as the new Executive Director. He briefly outlined his background noting that he had attended law school at Florida State University, was in private practice for five years, and had been with the Department since May as the lead professions attorney. He was promoted to Chief Attorney and currently supervises both the professions and construction boards. He stated his number one goal is to get the Board and the Department on the same page. He also stated that he looks forward to working with the Board's Administrator and getting up to speed on the Board's issues.

#1. Report on Unlicensed Activity

Mr. Minacci presented a list of cases referred to the Department by FEMC. The list includes 31 cases and a lists their status. He indicated the cases are moving through the system very efficiently. The report indicates a balance in the engineers unlicensed activity account of \$431,617.

Mr. Springstead noted that the Board had previously been working with the former Executive Director on a means of enforcing unlicensed activity. Mr. Springstead requested Mr. Minacci to explore this area and assist this Board with some sort of media campaign designed to educate the public.

Dr. Miller requested that the newsletter reflect the status of unlicensed activity cases.

On an unrelated issue, Mr. Coby noted that the Probable Cause Panel had a question relative to discipline. He explained that the Panel often dismisses cases with Letters of Guidance. However, when Chapter 471 was amended to create FEMC, it was also amended to open all the Board's disciplinary records to the public. According to Ms. Lannon, a Letter of Guidance should be issued in cases where the Panel members find probable cause but also find that in lieu of a finding of probable cause it would be more

appropriate to send a letter placing the licensee on notice of the potential violation. Ms. Lannon cautioned the Board that because engineers' records are now public, a Letter of Guidance could be contested and a hearing requested.

#2. Professional Regulation Quarterly Financial Report

This was provided for information purposes only.

It was noted that DOAH costs are at \$20,942 and that this Board's cases comprise only 9.6% of the Department's total cases at DOAH. Ms. Lannon explained that the Attorney General's office costs of \$8,452 represent 4.4% of the total amount billed to the Department by her office.

Mr. Rebane noted that FEMC's report was created using the numbers created in this report. He wants to ensure that the Board has ample warning if they are going over budget.

Ms. Burkhart addressed the Board and stated she previously requested a breakdown of the costs of the Attorney General, DOAH, and the Board's Executive Director. These figures are currently provided to FEMC on a quarterly basis. She requested monthly figures in order to better clarify the expenditures for the Board.

Dr. Miller requested clarification regarding the amount of unused funds returned to the Department by FEMC as there is a \$6.00 difference in the amount reported by FEMC and the amount reported by the Department. Mr. Minacci agreed to research that matter.

G. Correspondence to the Board

#1. Correspondence from Mr. Tom Ayers regarding Responsibilities of the Engineer of Record

Mr. Ayers, a fire sprinkler contractor, wrote to the Board with several questions concerning an engineer who Mr. Ayers accuses of filing incomplete plans. Mr. Rebane was requested to formulate a reply to the Board in accordance with the recent statutory changes and with the Board's responsibility rules. Ms. Lannon urged the Board to file a complaint because the complaint pertains to another person's behavior. Mr. Ayers is a Certified Engineering Technician. This is a sprinkler contractor's draftperson. Board counsel was requested to correspond with Mr. Ayers and to request

additional details pertaining to the engineer involved and the drawings in question.

- #2. Correspondence from Mr. Charles Kovacs
- #3. Correspondence from Valerian Villanyi-Hausner

The Board considered letters from Valerian Villanyi-Hausner, Sc.D., P.E. and Mr. Charles Kovacs. These individuals had allowed their Special Inspector certifications to expire and were requesting reinstatement rather than reapplying to meet the current requirements. Upon a motion by Mr. Rebane and a second by Mr. Matthews, the Board voted to deny the two licensees' requests for reinstatement. Mr. Rimes also advised the Board that when programs transfer the rules applicable to these programs transfer with them.

- H. Old Business
- I. New Business
 - #1. Election of Board Officers for 2001

This was covered under the Nominating Committee's report.

- J. Public Forum

Part II Informal Hearing Agenda

- K. Informal Hearings on Denial of Application for Engineer Intern Examination

- #1. Engineer Intern Examination
 - a. Mikel Isaac

Mr. Isaac was present and addressed the Board. Mr. Isaac has failed the Fundamentals examination five times and is requesting a waiver of the continuing education requirements. Because this is a statutory requirement, the Board is not permitted to waive this requirement. Upon a motion by Dr. Miller and a second by Dr. Anderson, the Board voted to uphold the denial.

- b. Appearance (not Informal Hearing) by Mansoor A. Khuwaga

Mr. Khuwaga was not present. He is deficient 12.5 hours of basic sciences. Upon a motion by Mr. Matthews and a second by Ms. Lacasa, the Board voted to uphold the denial.

#2. Engineer Intern Examination Foreign Degree

- a. Tarsico Noguera

This applicant requested a continuance to enable him to obtain additional information. He is deficient two hours in basic sciences though his record reflects a deficiency of five hours. Staff was requested to correspond with Mr. Noguera and notify him of this correction.

- b. Joseph Henri Blaise

The applicant was not present. He has elected to supplement his record but the information has not been provided to the Board office. Upon a motion by Mr. Rebane and a second by Mr. Matthews, the Board voted to uphold the denial.

- c. Alexander Iordanov

The applicant was present. He addressed the Board and distributed supplemental information. He was deficient 11.5 hours in Basic Sciences and 13 hours in Humanities and Social Sciences. He submitted additional information relative to the Humanities requirement. Dr. Anderson advised Mr. Iordanov that he needed to have his second transcript evaluated by ECEI so that the Board can give him credit. Dr. Miller noted that the second transcript submitted for additional credit was a transcript of high school education and that this does not qualify. He was requesting clarification of the deficiencies. Ms. Flynn was requested to correspond with Mr. Iordanov regarding his deficiencies. Upon a motion by Mr. Rebane and a second by Dr. Anderson, the Board voted to uphold the denial.

d. Victor Pinol

This applicant has requested a continuance. This was his first request. Upon a motion by Mr. Coby and a second by Dr. Anderson, the Board voted to continue this hearing.

e. Zarko Ognjenovic

The applicant was present and addressed the Board. He is deficient 13.5 hours in basic sciences. He requests consideration of credits he obtained in high school. Dr. Anderson explained that the credits for basic sciences must be taken at the college level. He did note that if the evaluation service gives him credit for advance placement courses, then the Board will accept it. Dr. Anderson was requested to contact ABET to see if they have the ability to evaluate advanced placement courses. Upon a motion by Mr. Coby and a second by Dr. Anderson, the Board voted to uphold the denial.

f. Juan M. Plasencia

This applicant was not present and has requested a continuance. Upon a motion by Mr. Matthews and a second by Mr. Coby, the Board voted to grant the continuance.

g. Mohamad Al-hawaree

The applicant was present and addressed the Board. He is deficient four hours in math and nine hours in basic sciences. Additional documentation he submitted clears the deficiency in math. It also demonstrates an additional hour of basic sciences. He is now deficient in eight hours in basic sciences. Upon a motion by Dr. Anderson and a second by Mr. Coby the Board voted to uphold the denial.

L. Informal Hearing on Denial of Application for Principles and Practice Examination

#1. Thomas Lunsford

The applicant was not present. He has asked for a continuance. This would be the second time his hearing was cancelled. Upon a motion by Mr. Rebane and a second by Mr. Matthews, the Board

voted to deny the request for a continuance and to uphold the denial based on experience in surveying rather than engineering.

#2. Matthew Johnson

The applicant was present and addressed the Board. Mr. Johnson has a Bachelors degree in both Physics and Economics and has a Masters degree in civil engineering as of May 2000. However, he does not evidence four years experience. He is deficient two years experience as of July 12, 2000 and requested consideration of his work experience and the technical nature of his undergraduate education. The Board explained that Mr. Johnson had already been given all available credit for his education. Upon a motion by Dr. Miller and a second by Mr. Coby, the Board voted to uphold the denial.

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

#1. Denials

#2. Conditional Approval

a. Jacques J. Bellasai

The applicant was present and addressed the Board. His license was permitted to go null and void. He was conditionally approved with the imposition of a fine and other sanctions due to evidence in his file that demonstrates he may have practiced engineering without a valid license. He provided evidence to the Board regarding the work he performed while his license was null and void and asked the Board to reconsider the \$1,000 fine. Mr. Rebane recommended the Board approve the previous action in that the documentation demonstrates he did practice in that he acted as a Special Inspector during that time and a professional engineers license is required to act as a Special Inspector. Upon a motion by Dr. Anderson and a second by Dr. Miller, the Board voted to uphold the conditions previously imposed.

**Part III
Exam Challenges and
Disciplinary Hearings**

Ms. Lowe advised the Board that the court reporter scheduled to appear today had been involved in an automobile accident and was not available. Mr. Rimes advised the Board that as long as the meeting is being recorded, the Board is meeting the intent of the Sunshine Law. Therefore, the Board agreed to go forward with the scheduled hearings.

N. Examination Challenges

#1. Recommended Orders

- a. Omar Beckford
- b. Rasik V. Chokshi

Neither Mr. Beckford nor Mr. Chokshi were present. Upon a motion by Dr. Miller and a second by Ms. Lacasa, the Board voted to uphold the Judge's findings of fact and conclusions of law and recommendation in the Omar Beckford and the Rasik Chokshi cases.

O. Disciplinary Proceedings

#1. Motion for Default

- a. Seyad-Ebrahim Beladi, P.E.
PE 36751
FEMC Case Number 00-0016
Probable Cause Panel: Coby, Rebane, Springstead
(See Exhibit O#1a in Red Book One)

Dr. Beladi was not present. When Mr. Sunshine assumed responsibility for this case he found that Mr. Beladi had not filed the necessary Election of Rights and moved for Default. Upon receipt of that Motion, Dr. Beladi contacted Mr. Sunshine and requested either an informal hearing or a settlement. Mr. Sunshine requested a continuance from the Board. Upon a motion by Ms. Lacasa and a second by Dr. Miller, the Board voted to grant the continuance.

P. Petition for Waiver and Variance

Q. Adjourn

a. Announcements

The Application Review Committee will be meeting at the Board office on January 9, 2001 beginning at 9:00 a.m. The Probable Cause Panel will meet on January 10, 2001 beginning at 10:00 a.m. The next meeting of the full Board will be by conference call on January 16, 2001 at 2:00 p.m.

Mr. Coby requested that a MCE meeting be scheduled around the application review and probable cause. Ms. Lowe was asked to coordinate this.

Upon a motion by Dr. Anderson and a second by Dr. Miller, the Board voted to adjourn.

Carlos Penin, P.E., President, FICE, appeared before the Board and invited Board members to attend their meeting later in the day and the legislative reception. On behalf of FES and FICE expressed appreciation to Board members for their time and dedication to the profession.



FLORIDA BOARD OF PROFESSIONAL ENGINEERS

JEB BUSH, GOVERNOR

KIM BINKLEY-SEYER, SECRETARY
DEPARTMENT OF BUSINESS
AND PROFESSIONAL REGULATION

R. Gerry Miller, Ph.D., P.E.
CHAIR
(MECHANICAL)
11/1/97 - 10/31/05

Robert Matthews, P.E.
VICE CHAIR
(CIVIL)
11/29/99 - 10/31/03

Murthy V. Bondada, Ph.D., P.E.
(CIVIL)
11/29/99 - 10/31/03

Jorge R. Duyos, P.E.
(EDUCATOR)
2/11/02 - 10/31/05

Silvia Vilato Lucasa, P.E.
(ELECTRICAL)
11/29/99 - 10/31/02

Henn Rebane, P.E.
(ELECTRICAL)
11/29/99 - 10/31/03

Paul Tomasino, P.E.
(CIVIL)
2/11/02 - 10/31/05

Gloria M. Velazquez, Esquire
(PUBLIC)
11/29/99 - 10/31/02

David K. Minacci, Esquire
EXECUTIVE DIRECTOR

Natalie Lowe
ADMINISTRATOR

Minutes Florida Board of Professional Engineers Wednesday, February 20th, 2002 and Thursday, February 21st, 2002 Beginning at 8:30 a.m. Orlando, Florida

Part I General Business Agenda

A. Meeting Administration

- #1. Call to Order, Invocation, and Pledge of Allegiance to the Flag
- #2. Introduction of guests and announcements as to presentations at a time certain.

The following Board members were present:

R. Gerry Miller, Ph.D., P.E., Chair
 Robert Matthews, P.E., Vice Chair
 Melvin Anderson, Ph.D., P.E.
 Murthy Bondada, Ph.D., P.E.
 Silvia Lacasa, P.E.
 Henn Rebane, P.E.
 Paul Tomasino, P.E.
 Gloria Velazquez, Esq., Public Member

Others present:

Natalie Lowe, Administrator
 Paul Martin, Esquire, FBPE Counsel
 David K. Minacci, Esq., Executive Director
 Douglas Sunshine, Esq., Prosecuting Attorney
 Carrie Flynn, Asst. Administrator
 Jeannie Carlton, CE Coordinator

P 000352

EXHIBIT L

Allen Seckinger, P.E.
William Palm, P.E.
Dick Gassett, P.E., FES
Mr. Nouraddin Zarifi-Diazaji
Mrs. Zarifi-Diazaji
Scott Pittman
Mr. Josef Silny

- a. Introduction of new Board members:
Paul Tomasino, P.E.
Jorge R. Duyos, P.E.

Dr. Miller introduced Paul Tomasino, P.E. Mr. Tomasino had been appointed February 11th and was attending his first Board meeting.

Dr. Miller noted that Mr. Duyos had been unable to attend the meeting due to a previous travel commitment.

#3. Approval of the Agenda

Upon a motion by Mr. Rebane and a second by Mr. Matthews the Board voted to approve the Agenda.

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

Mr. Rebane requested that Item #5A be removed. Upon a motion by Mr. Rebane and a second by Mr. Matthews, the Board voted to approve the Consent Agenda as modified.

#5. Review and Approval of previous Board meeting minutes

- a. December 4-5, 2001 Meeting

Mr. Rebane noted that on page 7, the minutes should be amended to reflect that the discussion had centered on the Board's laws and rules requirement and that a motion had been made and passed.

- b. February 5, 2002 Meeting by Conference Call*

This item was approved on the Consent Agenda.

B. Committee Reports

#1. Applications Committee

(R. Gerry Miller, Ph.D., P.E., Chair; Murthy V. Bondada, Ph.D.; P.E.; Jorge Duyos, P.E.; Silvia Vilato Lacasa, P.E.; Henn Rebane, P.E.; Paul Tomasino, P.E.; Gloria Velazquez, Esq.)

a. Report on the Meeting of January 30, 2002*

This item was approved on the Consent Agenda.

#2. Educational Advisory Committee

(Jorge Duyos, P.E., Chair; Murthy V. Bondada, Ph.D., P.E., R. Gerry Miller, Ph.D., P.E.; Duane Ellifritt, Ph.D., P.E., Consultant; Melvin Anderson, Ph.D., P.E. (Consultant))

a. Report on the Meeting of January 30, 2002*

This item was approved on the Consent Agenda.

b. Scheduled Appearance by Mr. Josef Silny

Mr. Silny was present and addressed the Board. Dr. Anderson asked Mr. Silny to explain how his company would avoid processing fraudulent transcripts. He also indicated that high school subjects were being included under mathematics. Dr. Anderson asked that Mr. Silny indicate which courses were high school courses and note that they had not been counted. There were also some questions regarding humanities and social sciences.

Mr. Silny thanked the Board members for providing their comments. He assured the Board that his company would implement any procedures necessary to satisfy the Board's concerns. He reported that his company was requiring their clients to have transcripts sent directly to Josef Silny rather than to the client.

Mr. Silny also noted that the University of Miami was assisting his company in the evaluation of transcripts and that he has found conflicting opinions within engineering faculty as to how to categorize certain courses depending on the curriculum.

Mr. Matthews commented that Josef Silny's evaluations were much easier to read than they had been in the past.

Ms. Velazquez spoke in support of approving Mr. Silny's company. She thanked Mr. Silny for responding to the Board's concerns and stated that

she appreciated his appearance before the Board. Ms. Velazquez moved to amend the Board's rule to approve Mr. Silny's company as an evaluation service. Mr. Matthews seconded the motion.

Mr. Matthews asked for opinions from the Educational Advisory Committee members. Dr. Anderson stated he felt comfortable with permitting JSA to evaluate transcripts based on Mr. Silny's response to the Board's recommendations.

Dr. Bondada asked Mr. Silny how he assigns credit hour amounts to the courses. Mr. Silny stated he works with the candidate to document how much time they spend in the classroom and to describe the work involved in the course.

The motion passed. Mr. Martin stated he would publish a notice of rule development and bring text before the Board at its next conference call meeting. Once the text is approved he will file the rule for adoption. He estimated it would take 60-90 days to accomplish the rule change. Mr. Silny asked if he would be permitted to perform evaluations in the interim. Mr. Martin stated that to be consistent, Mr. Silny should not accept work until after the rule takes effect.

Ms. Velazquez moved to begin accepting JSA reviews once the rule takes effect. Dr. Anderson seconded the motion. Mr. Silny was notified that any future evaluations would have to be dated for the effective date of the rule or later. The motion passed.

- #3. Board Operations Committee
(Henn Rebane, P.E., Chair; Murthy V. Bondada, Ph.D., P.E.; Robert Matthews, P.E.; Gloria M. Velazquez, Esq.)

a. There was no report.

- #4. Probable Cause Committee
(Henn Rebane, P.E., Chair; Robert Matthews, P.E.; Allen Seckinger, P.E., Consultant)

a. Report on the meeting of December 3, 2001*

This item was approved on the Consent Agenda.

b. Report on the meeting of January 29, 2002*

This item was approved on the Consent Agenda.

#5. Legislative and Rules Committee
(Henn Rebane, P.E., Chair; Silvia Vilato Lacasa, P.E.; R. Gerry Miller, Ph.D.,
P.E.; Gloria M. Velazquez, Esq.)

a. Report on Product Approval Rule and Florida Building Code*

This item was approved on the Consent Agenda.

b. Report on Florida Building Commission QMTF*

This item was approved on the Consent Agenda.

c. Report on Meeting of January 29, 2002

Mr. Rebane reported that the Committee had heard testimony from the Board's consultant and from members of the wood truss industry. After the meeting the truss industry representatives agreed to submit proposed language for consideration by the full Board. Mr. Rebane reported that the truss industry had not submitted any additional information and stated that this item would be addressed in the April Board meeting. Mr. Rebane stated that the truss industry is not pleased with the rule in its current state and that the Committee is in the process of rewriting the rule.

Mr. Rebane asked Board members for input regarding the truss engineering rule. He stated that the objective was to establish a link between the engineer of record and the delegated (truss) engineer. Typically the engineer of record does not include a truss placement plan in the plans submitted for permitting. The truss placement plan is prepared by the truss manufacturer and is not signed and sealed. Although the truss placement plan is important information to have with the package of truss plans, it would be difficult to have that particular plan be signed and sealed by the engineer of record. He suggested that the delegated engineer be required to have copies of the truss placement plan from the engineer of record to ensure that the link is not broken. But he also noted that the bulk of truss projects do not have an engineer of record. The only engineer involved in the design is the truss engineer because most buildings are single- and multi-family residences which are exempt from engineering licensure laws. The truss plans are signed and sealed only because building department personnel are insisting that this be done.

Mr. Seckinger stated that an erection drawing should be submitted by the engineer of record in order to assist the contractor in the placement of the trusses. Mr. Rebane agreed that the truss placement plan was necessary but that the question the Committee was addressing was whether the plan should be signed and sealed.

Mr. Gassett suggested that the Board require the placement plan to be signed and sealed by the engineer of record. It was the consensus of the Board that the truss placement plan should be signed and sealed by either the engineer of record or the delegated engineer. Mr. Rebane asked Ms. Lowe to relay the Board's decision to its consultant, Joseph Berryman, P.E.

In regard to additional items covered by the Legislative and Rules Committee, Mr. Martin agreed to provide the Board with proposed rule language at its April meeting.

Mr. Rebane asked the Board to consider the recommendations submitted by Steven L. Elias, P.E. regarding the Board's rule for engineering firms and branch offices. The question posed was whether the Board should require firms to have registered principal officers assigned to each branch office. Examples of other state Boards' administrative rules as well as Florida's Board of Architecture were included with the Board's materials. Mr. Rebane suggested that should the Board decide to amend its rule, that the rule parallel the Architects' rule.

Dr. Miller noted that the Board Operations Committee had recommended that firms be given the option of providing branch office information to the Board office for listing on the FBPE website. It was the consensus of the Board that this issue was adequately covered in the Board's rules and that no amendments were needed at this time. Mr. Rebane asked Ms. Lowe to correspond with Mr. Elias and to relay the Board's decision.

Mr. Rebane reported that the Committee had discussed whether a fourth seal design was needed for engineers who hold Special Inspector certifications. The Committee recommended against this amendment. It was agreed that no action was needed by the Board at this time.

In addition, Ms. Flynn had asked the Board to consider amending the Board's seal rule to clarify the difference between a CAD generated seal and electronic sealing. The Chair requested that this item be added to the next Legislative and Rules Agenda.

Ms. Flynn had also asked the Committee for guidance for applicants who have failed either the Fundamentals or Principles and Practice examination five times and have to take 12 hours of college courses. She stated that rule language was needed to clarify which courses would be acceptable. Dr. Miller asked that this item also be added to the next Legislative and Rules Agenda. Mr. Matthews asked that the MCE Committee meet on the same day as the Legislative and Rules Committee.

#6. Joint Engineer / Architect Committee
(Henn Rebane, P.E., Chair; Murthy Bondada, Ph.D., P.E.)

- a. No report.*

#7. FBPE / FEMC Liaison
(R. Gerry Miller, Ph.D., P.E., Chair)

- a. No report.*

#8. Test Administration Committee
(R. Gerry Miller, Ph.D., P.E., Chair)

- a. April 2002 Examination

Dr. Miller asked for volunteers to visit the April examination sites. Ms. Lacasa volunteered to visit the Miami examination site on Friday. Ms. Velazquez volunteered to visit the Miami site on Saturday. Mr. Matthews volunteered to visit the Tallahassee site on Friday. Mr. Rebane volunteered to visit the Orlando site on Saturday. Mr. Tomasino volunteered to visit the Tampa site on Saturday.

Dr. Miller asked Ms. Lowe to obtain easels to display the clocks at examination sites.

#9. Ad Hoc Committee on Implementation of Mandatory Continuing Education
(Robert Matthews, P.E., Chair; Silvia Vilato Lacasa, P.E.; R. Gerry Miller, Ph.D., P.E.; Henn Rebane, P.E.; Paul Tomasino, P.E.)

- a. Request for Exempt Status by National Highway Institute

Mr. Martin noted that three categories of providers are exempt from the application process: education institutions teaching college level courses, state and national professional associations approved by the Board, and core curriculum providers accepted by the Florida Building Commission.

Dr. Bondada spoke in support of exempting the National Highway Institute because of the benefit to licensees who take their courses. Mr. Martin noted that the Board had previously required the FDOT to go through the approval process and that requiring the NHI to apply as a provider would be consistent with previous actions of the Board.

Upon a motion by Mr. Rebane and a second by Mr. Matthews, the Board voted to deny the request for exempt status.

b. Request for Exempt Status by MSHA and A&WMA

The Board asked Ms. Carlton to correspond with Mr. Ahnberg and to notify him that he either needs to clarify his position within the two organizations or have a representative from the organizations apply for exempt status.

c. Lists of Approved and Exempt Providers

Mr. Rebane noted that the exempt provider list includes several local chapters of organizations that have been approved on a national level. He stated that these different organization chapters were approved to put on courses as long as the courses were approved or sanctioned by the State or National Chapter.

Ms. Lowe was requested to schedule an MCE Meeting at which time the issue of exempt status could be discussed.

d. Request for Exempt Status by APWA

Upon a motion by Mr. Rebane and a second by Mr. Matthews, the Board voted to approve the APWA as an exempt provider and to notify the West Coast Branch of the Florida Chapter that their courses are approved as long as they are sanctioned by the national chapter.

e. Request for Exempt Status by UF Pinellas County Extension

Ms. Lowe had asked the Board to consider whether it would exempt University extension services in light of the fact that they award continuing education credit hours and not college credit hours.

It was the consensus of the Board that because the University of Florida is an exempt provider, that this exemption should be extended to the extension services. Ms. Lowe was requested to prepare a form letter for approval by the CE Chair that explains the requirements.

f. Request for Exempt Status by APA - The Engineered Wood Assn.

Upon a motion by Mr. Rebane and a second by Ms. Lacasa, the Board voted to deny the APA's request for exempt status.

Attached to the APA's request was a request from the US Army Corps of Engineers. Mr. Rebane moved to remove the US Army Corps of Engineers from the exempt list. Ms. Lacasa seconded the motion for the purpose of discussion.

It was agreed that the issue of exempt providers needs to be referred to the MCE Committee. Dr. Anderson noted for the record that the national organizations at issue will not apply to become approved in Florida because there is nothing at stake for the organization. There is, however, much at stake for Florida licensees residing out of state. He urged the Board to amend the rule to exempt these types of organizations.

Mr. Rebane withdrew his motion in light of the discussion.

g. Request for Exempt Status by the NGWA

Mr. Matthews spoke in support of approving the NGWA as an exempt provider. Upon a motion by Dr. Miller and a second by Mr. Rebane, the Board voted to grant exempt status.

C. NCEES Report

- #1. Announcement of Martin A. Pederson's Candidacy for NCEES Treasurer*
- #2. Announcement of Mitchell S. Tibshirany, Jr.'s Candidacy for NCEES Treasurer*
- #3. National Pass Rates for October 2001 Principles and Practice Examination*
- #4. Memo from NCEES Regarding Partnership with C²Ed*
- #5. Memo from NCEES Regarding April 2002 Examination*
- #6. Memo from NCEES Regarding Legal Action by Council*
- #7. NCEES 2000-2001 Fiscal Year Financial Statements*

Items #1-7 were approved on the Consent Agenda.

#8. NCEES Southern Zone Meeting 2002

Dr. Miller noted that due to budgetary constraints the Board would only be able to fund four people for the upcoming meeting. R. Gerry Miller, Ph.D., P.E., Henn Rebane, P.E., Murthy Bondada, Ph.D., P.E., and Natalie Lowe would attend the meeting.

#9. Appointment of Emeritus Members

Dr. Miller noted that John Springstead, P.E., P.S.M., and Melvin Anderson, Ph.D., P.E. would no longer be serving on the Board due to recent gubernatorial appointments. Upon a motion by Mr. Matthews and a second by Ms. Velazquez, the Board voted to appoint Dr. Anderson and Mr. Springstead as Emeritus members.

D. Advisory Attorney's Report

#1. Rules Update

Mr. Martin reviewed the rules that had taken effect since the last meeting:

- 18.005 Probable cause determination.
- 18.0071 Attendance at Board meetings, unexcused absences.
- 20.007 Foreign degrees.
- 36.001 General responsibility. (Product evaluation.)
- 36.002 Definitions.
- 36.003 Common Requirements.
- 24.001 Schedule of Fees -- this rule will take effect February 21, 2002.

Mr. Martin then presented proposed text for the Board's approval.

19.001 Grounds for Disciplinary Proceedings. This rule would enable the Board to take disciplinary action against engineers performing building code inspector or plans examiner duties. It also would specify disciplinary action for engineers performing special inspector services.

Upon a motion by Mr. Matthews and a second by Mr. Rebane, the Board approved the rule text.

19.004 Disciplinary Guidelines. This rule would specify a range of penalties in disciplinary action against engineers performing special inspector duties.

Upon a motion by Mr. Rebane and a second by Dr. Bondada, the Board voted to approve the rule text.

19.008 Confidentiality of Investigations. This rule would set forth specific allegations that involve substantial physical or financial harm to the public. Allegations of this nature would be disclosed to the public and would not be subject to the same confidentiality protection of other less serious allegations.

Upon a motion by Mr. Rebane and a second by Mr. Matthews, the Board voted to approve the rule text.

20.002 Experience. This rule amendment would change the number of references required in order to verify an applicant's experience record from five references to three references. All three references would have to be professional engineers. Upon a motion by Mr. Rebane and a second by Dr. Bondada, the Board voted to approve the rule text.

20.007 Foreign Degrees. This amendment would combine course requirements in engineering design and engineering sciences in one section.

Dr. Anderson requested that the text be modified to require 48 hours of engineering science AND engineering design.

Upon a motion by Mr. Rebane and a second by Mr. Matthews the Board voted to approve the rule text as amended.

#2. Board Counsel Opinion Letters*

a. Letter to Clark Richards, C.B.O.*

This item was approved on the Consent Agenda.

E. Administrator's Report

#1. List of Applicants Requesting Retired Status*

This item was approved on the Consent Agenda.

#2. Probation Report*

This item was approved on the Consent Agenda.

#3. Schedule of Board Meetings for 2002 for Travel Pre-Authorization

It was the consensus of the Board that the schedule would be amended as follows:

The MCE Committee will meet on Monday, March 11th at 1:00 p.m. The Legislative and Rules Committee will meet on Tuesday, March 12th at 8:00 a.m. The Probable Cause Panel will meet on March 12th at 1:00 p.m. The Application Review/Educational Advisory Committees will meet on March 13th at 9:00 a.m. The July 23rd Probable Cause Panel meeting will be moved to July 31st in Ponte Vedra Beach.

Upon a motion by Mr. Matthews and a second by Ms. Lacasa, the Board voted to approve travel for the revised 2002 schedule.

#4. Question Regarding Examination Scoring

Ms. Lowe reported that in the October 2001 examination, five candidates had received no score from the NCEES. They had failed to indicate on their grade sheet which discipline of questions they were answering and NCEES had been unable to score their tests. Mr. Nouraddin Zarifi-Diazaji appeared before the Board. He was one of the five candidates from the October 2001 examination whose exam was at issue. He explained which discipline he took and requested that his examination be scored. Ms. Lowe had contacted the NCEES to determine

their policy in this situation. The NCEES had stated that if the Florida Board will notify them of the discipline they will score the examinations. If the Florida Board staff scores the examination it will not be accepted as official.

Mr. Matthews moved to ask the candidates, in writing, to state which module they took. Mr. Rebane seconded the motion and the motion passed.

Ms. Lowe asked the Board how it would address this situation if it occurred again. It was agreed that the Board would hear each case on an individual basis.

F. Chair's Report

#1. 2002 Committee Assignments*

This item was approved on the Consent Agenda.

#2. Board Operations Action Items

Dr. Miller stated that several items from the Board Operations Committee's last meeting had been left without the Board taking final action. A copy of the minutes had been provided to Board members and he reviewed each item in the report.

Study Guide: The Committee had recommended that the Study Guide be expanded to 50 questions and that questions on ethics be added. It was the consensus of the Board that a draft Study Guide should be provided to the Legislative and Rules Committee in March. If the Committee approved the draft it would be included on the conference call the following week.

Consultant Selection Process: The Committee had recommended that FEMC address their consultant selection process. Mr. Rebane stated that FEMC should collect additional information documenting the consultants' experience. In addition, consultants should be requested to provide a preliminary verbal report prior to issuing their final report. This way, staff can address any deficiencies before the report is finalized. Ms. Lowe was asked to report in August on the progress in this area.

Website and rule tracking: The Committee had recommended that the website track the progress of the Board's rules. Ms. Lowe stated that the new website was nearly complete and that once it was up, Board staff would begin to cross reference the Board's rules to the corresponding FAW issue where it is discussed.

Performance based budgeting: Ms. Lowe stated that the Committee had referred this issue to the FEMC Board. She further reported that she was working with Mr. Bechamps to better track Board staff workloads. She was asked to report on this subject in the June meeting.

Education of the Public/Building Departments/Licensees: In order to demonstrate the Board's public service, Board members were asked to report any incidences so that this information can be tracked. Dr. Miller asked Ms. Lowe to report on this item at each Board meeting.

Public Service Announcement: Mr. Matthews reported that he has a scripted presentation that he will review with Board staff and with Mr. Minacci and that this could be presented at the April Board meeting.

Proctoring candidates from other states: Ms. Lowe reported that in April 2001 there were 34 candidates from other states scheduled and 30 examined; in October 2001 there were 36 scheduled and 30 examined. She was requested to report back to the Board in April on how many Florida applicants took the exam in other states and approximately how much it costs per person to examine them.

Board member assignments. Ms. Lowe was requested to distribute Board member assignments following every meeting.

Executive Director's performance. Ms. Lowe was requested to send evaluation forms to Board members with the February and August Board meeting assignments. Each Board member was requested to fill out the multiple-choice type questions. The Chair will then answer the essay-type questions. This review will be accomplished in December 2002.

License Wallet Cards: It was the consensus of the Board that a paper license and card should be issued.

NCEES Exam Administration: Mr. Martin has previously stated that the Board might not have the statutory authority to transfer responsibility for the administration of the examination to the NCEES. Mr. Martin was requested to research this issue and to report to the Board in April.

Disciplinary process: The Committee had recommended that the Board's investigator send a notification letter to complainants in cases exceeding 180 days in investigation to notify them of the status of the case. Legal staff was also requested to notify the Complainant when formal charges were filed and after the Board takes final action against a licensee.

#3. Report on NCEES Campaigns by Florida Board Members

Dr. Miller reported that Mr. Rebane is running for Secretary / Treasurer of the NCEES Southern Zone.

G. Executive Director's Report

#1. Report on Unlicensed Activity with copies of Final Orders

Mr. Minacci provided Board members with a printout showing all of the unlicensed activity cases being processed by the Department. Mr. Rebane asked how many cases were unresolved at this time. Mr. Minacci reported that the Department has 19 cases in various stages of prosecution.

#2. Department Certification of FEMC

Mr. Minacci had provided Board members with a copy of the Department's Certification of FEMC. He explained that the Certification, which is required to be part of the Board's October meeting minutes, had been delayed because the Department was waiting for the audit report for Fiscal Year 2000-2001. When the audit report was released, Mr. Minacci included language from the report in the Certification. Ms. Lowe had provided a draft Certification from the Board which responded to the Department's Certification. Upon a motion by Mr. Matthews and a second by Mr. Rebane, the Board voted to approve the Certification.

H. Correspondence to the Board

#1. Correspondence from the University of North Florida

The University of North Florida explained to the Board that their civil and mechanical engineering programs would not have their ABET accreditation in time for the October 2002 examination. They are requesting the Board to permit their candidates to sit for the October examination in anticipation of ABET accreditation.

Ms. Flynn explained that in the past, schools have paid to have two Board members go to the school and perform a review similar to ABET's. Mr. Rebane stated that he had visited the school with ABET during their visitation and felt like the school was in a very favorable position and would receive its accreditation. Dr. Anderson stated that he would like to see senior course work. Mr. Rebane spoke in support of discontinuing the Board's former practice of reviewing schools prior to their receipt of ABET accreditation.

Dr. Bondada moved to grant UNF's request. The motion died for lack of a second.

Mr. Rebane moved to discontinue the Board's previous policy of reviewing schools prior to ABET accreditation because of legal constraints and because of Dr. Anderson's remark that students would not be eligible to be an NCEES model law engineer. Mr. Matthews seconded the motion. The motion passed. Dr. Miller asked Ms. Flynn to draft a letter and submit it to Dr. Anderson for review.

#2. Correspondence from Eugene Bechamps, P.E.

Eugene Bechamps, P.E., former Chair of the FEMC Board, had written all of the Board members a letter responding to a report prepared by a House of Representatives Committee staff. The report discussed various privatization efforts. Mr. Bechamps presented several counterpoints to issues raised in the House report.

In regard to the engineers' trust fund, Mr. Minacci noted that the Legislature has always had the authority to take funds from the trust fund but that the bill referenced in Mr. Bechamps' letter does not give the Governor any more authority than he already had.

Mr. Martin was requested to review HB 25-C and to report to the Board at its March conference call.

I. Old Business

J. New Business

Mr. Gassett reminded Board members that they were invited to the banquet at the University of Central Florida celebrating Engineers Week. Mr. Gassett noted that this would be a good opportunity for Board members to interact with engineering students.

Mr. Gassett also suggested that the Board reduce its renewal fee in the upcoming renewal in order to give something back to the engineering community. Dr. Miller asked that this item be added to the April agenda.

K. Public Forum

**Part II
Informal Hearing Agenda**

L. Informal Hearings on Denial of Application for Fundamentals Examination

#1. Elias Mateus

Mr. Mateus was not present. His application had been denied for failure to evidence completion of 12 college credit hours after failing to pass the Fundamentals examination five times. Mr. Mateus had submitted lower mathematics (high school level) courses.

Upon a motion by Mr. Matthews and a second by Ms. Lacasa, the Board voted to uphold the denial.

#2. Richard Alan Welch

Mr. Welch was not present. His application to sit for the Fundamentals and Principles and Practice had been previously approved; however, it was subsequently pulled because it became known to the Board that Mr. Welch had been arrested and charged with criminal allegations several years ago. The Board had requested staff to obtain additional information on the charges. That supplemental information had been provided to the Board for determination of whether the application should be denied based on failure to demonstrate good moral character. A review of the file indicated Mr. Welch had had falsely testified that he had witnessed his partner execute certain documents. He had been arrested but adjudication had been withheld. Mr. Martin noted that Mr. Welch had answered the question on the application honestly but that the Board had a right to seek additional details concerning the charges against him.

Upon a motion by Ms. Lacasa and a second by Mr. Matthews, the Board voted to rescind his application to sit for the examination and deny the application for bad character evidenced by the perjury he committed.

#3. Nestor Dominguez (Foreign Degree)

Mr. Dominguez was not present. His application was denied for failure to demonstrate English competency. Dr. Anderson noted that Mr. Dominguez had recently submitted a Certificate evidencing completion of an English language course at the Hialeah Adult Education Center. Upon a motion by Dr. Anderson and a second by Mr. Matthews, the Board voted to approve the application.

#4. Cyril Paul Gazagnaire (Foreign Degree)

Mr. Gazagnaire was present and addressed the Board. His application was denied for deficiencies of six hours in humanities and social sciences, four hours in mathematics, and three hours in basic sciences. He had subsequently obtained a Masters degree which cleared the humanities and the mathematics deficiency but he still lacked three credit hours of basic sciences. Mr. Gazagnaire asked the Board to review his transcripts and consider granting him credit in the area of basic sciences.

Dr. Anderson moved to approve the application based on a review of additional information provided and a problem he found with the transcript evaluation performed by Josef Silny Associates. Ms. Velazquez seconded the motion. The motion passed.

#5. Jose Marquez (Foreign Degree)

Mr. Marquez was present and addressed the Board. His application had been denied for a deficiency of ten credit hours in engineering science. Mr. Marquez stated he had taken 600 additional hours of postgraduate work in Cuba but had just received the transcripts the week before the Board meeting. He distributed information to the Board members but was advised he would need to submit this information to a transcript evaluation service to determine how this would compute in credit hours.

Mr. Rehane moved to continue the case for a period not to exceed 180 days in order to permit the applicant to have the additional transcript reviewed by an evaluation service. Ms. Velazquez seconded the motion. The motion passed.

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

#1. Christopher Camp

Mr. Camp was not present. His application had been denied for failure to evidence 12 hours of college credit subsequent to failing the examination five times. Upon a motion by Mr. Matthews and a second by Dr. Anderson, the Board voted to uphold the denial.

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

#1. Geni Brafman Bahar

Ms. Bahar was present and addressed the Board. Her application had been denied based on a deficiency in mathematics and humanities and social sciences. She had also failed to evidence completion of the NCEES Fundamentals of Engineering and Principles and Practice examinations. Ms. Bahar presented information regarding her credentials and emphasized that she has been working with the fundamentals of engineering for more than twenty years. She had also provided additional evidence to clear the deficiency in mathematics. Dr. Anderson noted that she had provided a transcript of her Masters degree since her original application and her mathematics deficiency had been cleared. He recommended she sit for the Fundamentals examination and then clear the humanities and social sciences deficiency prior to sitting for the Principles and Practice examination.

Upon a motion by Mr. Rehane and a second by Dr. Anderson, the Board voted to uphold the denial based on her failure to evidence completion of the Fundamentals and Principles and Practice of Engineering. She would also need to clear the deficiency in humanities and social sciences. The motion passed.

#2. Ben Reeves

Mr. Reeves was not present. It was noted that Mr. Reeves' attorney had faxed a letter to the Board office immediately prior to the meeting in which he requested a continuance. His application was denied for failure to evidence an engineering degree from an ABET accredited program. Upon a motion by Ms. Velazquez and a second by Mr. Matthews, the Board voted to grant the continuance.

#3. Robert Ettinger

Mr. Ettinger was present and addressed the Board. His application had been denied for lack of good moral character because company brochures included with his application listed him as a Florida licensee when in fact he did not hold a Florida license. Mr. Ettinger stated he had no knowledge of the contents of the brochure, that he had not intended the error, and that he regretted that it had occurred. Ms. Velazquez moved to approve Mr. Ettinger's application for licensure by endorsement. Mr. Matthews seconded the motion for purposes of discussion. Mr. Matthews asked Ms. Velazquez to amend her motion to include a letter of guidance to Mr. Ettinger. The motion passed.

#4. Todd Matthew Mason

Mr. Mason was not present. His application had been denied for failure to evidence an engineering degree from an ABET accredited program. He had faxed a letter stating he would not be appearing but asked the Board to consider the letter instead. Mr. Martin read the letter, which highlighted his past experience and licensure in other states, to the Board members. Mr. Martin advised the Board that Mr. Mason's licensure in other states did not qualify him for licensure in Florida because he has a degree in Engineering Technology. Upon a motion by Dr. Anderson and a second by Mr. Matthews, the Board voted to uphold the denial.

#5. Marco Antonio Fuentes

Mr. Fuentes was not present. His application had been denied for failure to evidence at least a score of 70 on the NCEES Fundamentals and Principles and Practice examinations. Upon a motion by Mr. Matthews and a second by Dr. Anderson, the Board voted to uphold the denial.

O. Informal Hearings on Denial of Application for Continuing Education Provider Status

#1. Clifford Gorman, Esquire for Gorman & Israel, Attorneys at Law

Mr. Gorman was present and addressed the Board. His application for CE provider status had been denied for failure to meet the Board's criteria for providers. Mr. Gorman, an attorney, stated that his law practice is limited to the

defense of licensees including contractors, engineers, and architects. Because he works with licensing issues on a daily basis, he requested the Board to consider his application as a provider even though he does not meet the Board's current criteria.

Mr. Rebane spoke in support of approving the specific course Mr. Gorman had outlined and asked Mr. Martin if the Board had the legal authority to do so. Mr. Martin advised the Board members that if they felt like this course would benefit engineers it would be within their ability to approve the course as modified. Mr. Gorman was requested to modify his application to limit his course to the one described. He agreed to do so.

Dr. Anderson moved to uphold the denial of the application based on the Board's previous decision not to approve courses and based on the Board's criteria as outlined in the rule. Dr. Anderson noted that Mr. Gorman could contract with a licensed professional engineer who could apply to the Board as a provider and who would qualify under the criteria. Ms. Lacasa seconded the motion.

Mr. Gorman explained that he would be reluctant to form a partnership with an engineer he respected so highly because he would not be able to use that engineer as an expert witness in any future trials. Ms. Velazquez spoke in support of amending the Board's rule to expand the provider criteria to include attorneys who practice in the area of defense of licensees. The motion passed 4-2 to uphold the denial.

Ms. Lowe was requested to include the materials from this case in the materials for the CE Committee meeting in March.

Part III Exam Challenges and Disciplinary Hearings

P. Settlement Stipulations

- #1. Carlos Cardoso, P.E.
PE 55780
FEMC Case Number 01-0107
Probable Cause Panel: Rebane, Matthews and Seckinger

Mr. Cardoso was present and addressed the Board. He had been charged with one count of violating a Board Final Order for failing to complete a course in Engineering Professionalism and Ethics in a timely manner. He had entered into a Stipulation with FEMC for a 60-day suspension, payment of a \$1,000 administrative fine and administrative costs of \$782.76, and an appearance before the Board.

Upon a motion by Dr. Anderson and a second by Ms. Velazquez, the Board voted to adopt the Stipulation.

- #2. Shields E. Clark, P.E.
PE 6826
Represented by Brian A. Burden, Esquire
FEMC Case Numbers 00-0083, 00-0108, 01-0028,
01-0062 & 01-0081
Probable Cause Panel: Case No.00-0083 Coby, Rebane, Seckinger
Probable Cause Panel: Case No. 00-0108 Rebane and Seckinger

Mr. Clark was represented by counsel at the Board meeting but did not appear himself. He had entered into a Stipulation that incorporated several disciplinary cases, including cases still in the investigation stages for which the Respondent waived probable cause. In the Stipulation, Mr. Clark agreed to relinquish his license and to make application to the Board to be granted Retired Status. In addition, he agreed not to reapply to the Board for licensure and to pay costs of \$2,740.11.

Mr. Burden addressed the Board and stated that Mr. Clark now resides in a nursing home but that he had been a licensed engineer for fifty years. He asked the Board to permit Mr. Clark to retire with dignity from a profession he loved.

Dr. Bondada spoke out against accepting the Stipulation because he was concerned that licensees who were under disciplinary action would attempt to retire and would not be held responsible for their actions.

Upon a motion by Ms. Velazquez and a second by Ms. Lacasa, the Board voted to accept the Stipulation.

- #3. James M. Grant, P.E.
PE 38208
FEMC Case Numbers 01-0054, 01-0089 and 01-0129
Probable Cause Panel: Rebane, Matthews, Seckinger

Mr. Grant was present and addressed the Board. He had been charged in one case with three counts of negligence and one count of plan stamping. In two additional cases Mr. Grant waived the finding of probable cause and asked that the cases be incorporated in the Stipulation.

He had entered into a Stipulation with FEMC that required him to relinquish his license and to apply for Retired Status, to pay administrative costs of \$1,118.81 and to appear before the Board. He had also agreed not to reapply for licensure.

Ms. Velazquez moved to adopt the Stipulation. Ms. Lacasa seconded the motion. Dr. Anderson asked Ms. Velazquez to change her motion to adopt the Stipulation

but to add a course in Engineering Professionalism and Ethics within twelve months.

The motion was subsequently amended to adopt the Stipulation with amendments requiring Mr. Grant to relinquish his license sixty days from the filing date of the Final Order and to take a course in Professionalism and Ethics within twelve months of the filing date of the Final Order. The motion passed.

Q. Informal Hearings

- #1. Gary G. Bloom, P.E.
PE 19832
FEMC Case Number 01-0064
Probable Cause Panel: Rebane, Matthews, Seckinger

Mr. Bloom was not present. He had been charged with two counts of negligence for sealing calculations with a rubber stamp. He did not dispute the allegations and submitted a letter for the Board's review. Dr. Anderson moved to continue the case until the next meeting. The motion died for lack of a second. Ms. Lacasa moved to impose the Panel's recommendation of a Reprimand and a letter of guidance advising the Respondent to stop using the rubber seal and rubber signature stamp. Ms. Velazquez seconded the motion. The motion passed.

- #2. Mark E. Wilson, P.E.
PE 47615
Represented by Timothy F. Campbell, P.A.
FEMC Case Number 01-0033
Probable Cause Panel: Rebane, Matthews, Seckinger

Mr. Wilson was present and was represented by his attorney. He had been charged with aiding and abetting unlicensed practice by permitting unlicensed surveying services to be performed through his company. He had also been charged with one count of misconduct. He did not dispute the allegations and elected an informal hearing. At the hearing, Mr. Wilson submitted an affidavit from a licensed surveyor indicating the work had actually been performed by a licensed surveyor.

Ms. Velazquez moved to dismiss the charges against the licensee based on the testimony and the information contained in the affidavit submitted by Mr. Wilson. The motion died for lack of a second.

Ms. Lacasa moved to impose a Reprimand, a \$2,000 administrative fine, imposition of costs in the amount of \$956.10, completion of the Board's Study Guide, and completion of a course in Professionalism and Ethics. Mr. Matthews seconded the motion. The motion passed.

R. Motion for Default

- #1. Sergio De Jesus Alcorta, P.E.
PE 14464
FEMC Case Number 01-0006
Probable Cause Panel: Rebane, Matthews, Seckinger

Mr. Alcorta was not present. He had been charged with practicing on a suspended license in that he signed and sealed three sheets of plans on October 15, 2000, while his license was suspended. Mr. Alcorta failed to return his Election of Rights after being served with the Administrative Complaint. Mr. Sunshine subsequently had filed a Motion for Default.

Ms. Velazquez moved to grant the prosecutor's Motion for Default, to revoke Mr. Alcorta's license, and to impose a \$1,000 fine. Ms. Lacasa seconded the motion. The motion passed.

- #2. William J. Payne, P.E.
PE 51230
Represented by Michael A. O'Quinn, Esquire
FEMC Case Number 01-0086
Probable Cause Panel: Coby, Rebane, Seckinger

Mr. Payne was present. He had been charged with two counts of violating a Final Order of the Board for failing to pay all of his administrative fine and failing to submit a list of projects to the Board for review. The prosecuting attorney had filed a Motion for Default because Mr. Payne had also failed to return his Election of Rights. Mr. Payne subsequently appeared before the Board to contest the Motion for Default. He stated he had received notice of the Administrative Complaint and had notified his attorney of his decision regarding the hearing. Mr. Payne further stated that he had performed no work in the state of Florida during the time of his probation and therefore had no list of projects to submit.

Mr. Martin established through dialogue with Mr. Payne that there were no facts in dispute. Mr. Sunshine withdrew his Motion for Default.

Ms. Velazquez moved to ask Mr. Payne to relinquish his license. Mr. Matthews seconded the motion. Mr. Payne agreed not to reapply for licensure. The motion passed.

S. Adjourn

#1. Announcements

Board members were advised that the next meeting of the MCE Committee would be on Monday, March 11, 2002 at 1:00 p.m. The Legislative and Rules Committee would be meeting on Tuesday, March 12, 2002 at 8:00 a.m. followed by the Probable Cause Panel's meeting at 1:00 p.m. The next Application Review/Educational Advisory Committees was scheduled for March 13, 2002 beginning at 9:00 a.m. The next meeting of the full Board would be on March 19, 2002 by conference call.

Ms. Carlton presented Board members with minutes from the Application Review of the previous day. Board members reviewed the minutes. Upon a motion by Mr. Matthews and a second by Dr. Anderson, the Board voted to approve the actions of the Committee.



FLORIDA BOARD OF PROFESSIONAL ENGINEERS

JER BUSH, GOVERNOR

DIANE CARR, SECRETARY
DEPARTMENT OF BUSINESS
AND PROFESSIONAL REGULATION

**Minutes
Joint Meeting of the
Florida Board of Professional Engineers
and the
Florida Engineers Management Corporation
Wednesday, May 28, 2003
Beginning at 2:00 p.m.
By Conference Call
1-800-659-1025**

R. Gerry Miller, Ph.D., P.E.
CHAIR
(MECHANICAL)
11/1/97-10/31/05

Robert Matthews, P.E.
VICE CHAIR
(CIVIL)
11/29/99-10/31/02

Murthy V. Bondada, Ph.D., P.E.
(CIVIL)
11/29/99-10/31/03

Jorge R. Duvos, P.E.
(EDUCATOR)
2/11/02-10/31/05

Silvia Vilato Lucasa, P.E.
(ELECTRICAL)
11/29/99-10/31/02

Henn Rebane, P.E.
(ELECTRICAL)
11/29/99-10/31/03

Paul Tomasino, P.E.
(CIVIL)
2/11/02-10/31/05

Gloria Velazquez, Esquire
(PUBLIC)
11/29/99-10/31/02

Julie Baker
EXECUTIVE DIRECTOR

Natalie Lowe
ADMINISTRATOR

- A. Call to Order.
- B. Introduction of those participating in the call.

FBPE Board members participating in the call:

R. Gerry Miller, Ph.D., P.E., Chair
Murthy Bondada, Ph.D., P.E.
Silvia Lacasa, P.E.
Henn Rebane, P.E.
Paul Tomasino, P.E.
Gloria Velazquez, Esq., Public Member

FEMC Board Members participating in the call:

Gary Kuhl, P.E., Chair
David Whitston, P.E., Vice Chair
Kamal Al-Imam, P.E.
Melvin Anderson, Ph.D., P.E.
Jill Collins, Public Member

Also participating in the call:

Diane Carr, Secretary, DBPR
Julie Baker, FBPE Executive Director
Natalie Lowe, FBPE Administrator
Douglas Sunshine, FBPE Prosecuting Attorney
Marvin Vickers, FEMC Comptroller
Carrie Flynn, Asst. Administrator
Jeannie Carlton, Licensure Technician

Kay Huneidi, Licensure Technician
Chuck Birmingham, Asst. to the FEMC President

C. Approval of the Agenda

Dr. Miller added discussion of FEMC's Unlicensed Activity Campaign Committee as H#5 and added the NCEES Annual Meeting as H#6.

Upon a motion by Mr. Tomasino and a second by Mr. Rebane, the Boards voted to approve the Agenda.

D. Approval of the Consent Agenda

There is no consent Agenda.

E. Committee Reports.

#1. Minutes from the May 22, 2003 Application Review / Educational Advisory Committee meetings.

Dr. Miller thanked Mr. Rebane and Dr. Bondada for performing the review. He asked the Board to review List #19, Special Inspectors. One applicant, Mr. Evetts, had been approved pending complete Board review.

Mr. Rebane had forwarded a memo to the Board office expressing concerns over this Special Inspector applicant's work experience. Essentially Mr. Rebane had felt that some of the projects listed on the application did not meet the Board's definition of experience. One project was the Harbor and Shiplift Control Building. In this instance, Mr. Rebane felt that the experience could be conditionally approved provided the applicant submitted a description of the scope of the field inspections.

Mr. Evetts had also included concrete restoration work in his list of experience. Mr. Rebane had felt that this work was more cosmetic in nature rather than structural. Mr. Rebane had questioned whether one project, an unmanned radar station, would qualify as a "building." In another project, Mr. Rebane found that the design of the structure had been performed by someone other than the applicant. In a final project, Mr. Rebane felt that concrete repairs and design of metal stud curtain walls was too limited to qualify as "design of all structural components of the building," as required by Rule 61G15-35.003(1)(c).

Mr. Martin stated that the Board's rule is fairly straightforward but that it is also more general and did not address the specific

circumstances outlined by Mr. Rebane. He suggested that the Board review the rule and determine whether more detail should be included.

Ms. Lacasa pointed out several differences between a structure and a building. Mr. Martin pointed out, however, that many applicants present their work on structures such as grandstands and that they have been approved because building departments typically require a special inspector on this type of structure. He recommended that this application be pulled from the list and presented to the full Board in June so that they can review Mr. Rebane's comments. Mr. Tomasino moved to pull the applicant. Ms. Lacasa seconded the motion. The motion passed.

Upon a motion by Mr. Rebane and a second by Ms. Lacasa, the Board voted to approve the remaining lists of applicants.

Ms. Flynn advised the Board that a previous applicant, Ms. Hegemon, had submitted transcripts demonstrating her completion of a necessary course. Upon a motion by Mr. Rebane and a second by Ms. Lacasa, the Board voted to approve her application.

F. Financial Report.

Ms. Baker had distributed quarterly financial reports to Board members prior to the meeting. According to the report, the FBPE had a total of \$7,613,285 in the engineers trust fund as of March 31, 2003. The report also indicated that there is \$781,840 in the unlicensed activity account.

Dr. Bondada asked about the service charge to general revenue. Ms. Baker advised the Board that 7.9% of every dollar of revenue is paid to the general revenue fund and that this is standard for every state agency.

Ms. Collins thanked Ms. Baker for providing Board members with the financial reports.

G. Unfinished Business.

Mr. Whitston asked the status of FBPE and FEMC Board vacancies. Ms. Baker indicated she had not heard any news of new appointments to the FBPE. She further indicated the Secretary was working on an appointment to the FEMC Board.

H. New Business.

#1. Discussion of LicenseEase

Dr. Bondada brought up an issue he had read in a newspaper article that discussed how large corporations were incorporating overseas to avoid tax responsibilities in the United States. The article also pointed out that one company, Accenture, was securing lucrative federal contracts despite residing offshore in Bermuda.

Ms. Baker stated that the Department had issued a statement that Accenture is an international firm and has always been based in the Bahamas. Ms. Collins noted that the State had awarded one of its largest contracts ever to a company that is not even incorporated within the United States. Dr. Bondada asked Ms. Baker to look into what other states are doing with regard to their contracts with Accenture in preparation for the June Board meeting.

Mr. Whitston stated that Congress is taking a look at companies that move off of United States soil in order to avoid taxes and, he noted, there may be a security concern. Based on the recent events in the United States, he urged the Board to be careful with their files and information and expressed surprise that the State of Florida would contract with offshore companies.

Mr. Kuhl stated that a factual summary that explains the company's historical background and their financial status would be extremely helpful.

Mr. Tomasino asked Mr. Martin to comment on contracting with a company with its headquarters offshore. Mr. Martin stated that Accenture already has a contract with the Department and that the Department is merely asking the Board to participate in its licensing system.

Ms. Lacasa asked how Versa and Accenture were related. Ms. Baker reported that Versa is a subconsultant to Accenture.

#2. Proposed Contract for 2003-2004

Mr. Whitston noted that the proposed contract from the Department was only for a period of one year. He stated that there had been much discussion of a five-year contract and asked Mr. Martin to comment on the feasibility of a five-year contract. Mr. Martin stated that his understanding was that the intent of the Department was to enter into a multi-year contract with FEMC.

That contract would be subject to appropriation by the Legislature and the Boards and the Department would have to agree on a budget each year. Subject to that, it had been his understanding that the Board would enter into the multi-year contract. Mr. Martin commented that many state agencies execute multi-year contracts on a regular basis.

Ms. Baker stated when the Department was negotiating with the Boards on the legislative package there had been discussion of a multi-year contract. She added that the Department had originally drafted a multi-year contract but found that the contract was too closely tied to the appropriation by the Legislature.

Mr. Whitston asked whether it mattered that this would be the first Board to enter into a multi-year contract. Ms. Baker did note that the Architects had entered into an 18-month contract with the Department. Ms. Collins stated she saw no reason why the Boards could not enter into a contract with the understanding that the appropriation each year could change. Mr. Kuhl requested Ms. Lowe to draft language proposing a five-year contract for the Department to review.

Mr. Tomasino pointed out that on page 10, paragraph E, the contract was requiring the Board to contract with the Department for use of the LicenseEase system through December 31, 2008 and yet the Department was only entering into a one-year contract with FEMC and the Board. Ms. Baker stated that this was the Department's guarantee to the Board that the price for use of LicenseEase would be \$80,000 per year through the life of the Department's contract with Accenture.

Dr. Miller expressed concern that if the Board's appropriation was \$100,000 less in any year, that the Board would still be obligated to pay the \$80,000. He also asked if the contract could require the Department to provide quarterly financial reports to FEMC.

Mr. Whitston noted that the contract does not refer to monies being set aside for the prosecution of unlicensed activity. Ms. Baker confirmed that the budget referenced in this contract was the budget for the investigation and prosecution of licensees and that a separate budget would be considered for the unlicensed activity prosecution. Ms. Baker stated that there is a separate appropriation for the unlicensed activity for the Department and the Board of Professional Engineers is included in that lump sum appropriation. Ms. Lowe noted that Ms. Baker had been reviewing previous financial statements for the FBPE and had found that funding of

the unlicensed activity prosecution had previously been taken out of the money withheld from the FEMC appropriation of \$2.17 million.

Mr. Al-Imam thanked Ms. Baker for drafting such a clear contract.

Ms. Baker requested to be able to discuss some comments she had received from Board members. She stated that Mr. Matthews had been uncomfortable with the word "ensure" because it typically is construed to mean "guarantee". Ms. Baker stated that the word "ensure" in the contract puts a burden on the Department, and that the Department was comfortable with that language as it relates to the Department being obligated to provide those services. Mr. Al-Imam recommended the word "ascertain" be substituted. Ms. Baker stated she would take the recommendation back to her General Counsel's office.

Mr. Whitston asked who would supervise the DBPR contract for the FBPE if this is a service not to be provided by FEMC. Ms. Baker stated she did not know and that she would find out.

She stated that Mr. Matthews had requested an annual evaluation of the Board's Executive Director by FEMC. Ms. Baker stated that this would be something to be resolved between the FBPE and FEMC and the Department did not see a need to put this language in the contract. In addition, Mr. Matthews had stated he wanted to see FEMC maintain a backup licensee file system. Ms. Baker stated the Department would not support this.

Mr. Duyos stated he wanted contract performance measures regarding turn-around time and calls for LicenseEase support in the contract. Ms. Baker reassured the Board that the Department would handle any calls for assistance in as timely manner as possible. Mr. Duyos also asked for an itemized list of the services provided for the fee of \$80,000.

Ms. Lowe had requested some changes relative to the deposit of monies and Ms. Baker stated they had made those changes. Ms. Lowe had also requested language relative to the certification of FEMC that stated that if the Department failed to perform the certification in time, then FEMC would be deemed certified.

Ms. Baker asked the Board members to continue to forward any comments on the contract to Ms. Lowe.

Mr. Kuhl noted the requirement that FEMC develop performance standards and measurable outcomes for the FBPE to adopt by rule. Ms. Baker noted that this requirement was in the previous year's contract and in fact had already been complied with. She stated she would review that language with their legal department.

#3. Discussion of Proposed Budget for 2003-2004

Ms. Lowe proceeded through the budget line item by line item.

Salary and Expenses. An additional attorney position was added but the cost of the position had been split between this budget and the unlicensed activity budget because it was anticipated that this person's duties would not be limited to unlicensed activity prosecution.

Prosecution / Enforcement Consultants. This line item was increased from \$90,000/year to \$125,000/year. Ms. Lowe explained that FEMC had hired its second investigator midway through the current fiscal year and that end of the year projections put that line item at around \$118,000, well over the \$90,000 budgeted. The increase was in anticipation of even more consultant activity with two full-time investigators.

Computer Consultant / Services. This line item was established at \$48,000. Of that, \$24,000 would be used for IT support for the office, and \$24,000 was being requested for much-needed software upgrades. FEMC was currently using the same software packages, Windows 98 and Office 97, that were purchased with the original computers.

Accounting Services. This line item was reduced from \$35,000 to \$20,000 because after July 1, FEMC would no longer be utilizing Carroll and Company on a monthly basis. After the Enron scandal, the laws had changed and now prohibited firms from using the same accounting firm for both monthly services and end of the year audits.

Employment Training. Mr. Rebane commented that this budget item was underutilized. Mr. Kuhl requested that in light of Mr. Rebane's comment, that the balance be added to the Employee Training line item. Ms. Lowe agreed to increase this item from \$3,000 to \$5,774.54, which constitutes the difference in the bottom line of the original proposed budget and the \$1,950,000 available from the Legislature's appropriation of \$2,170,000.

Publications and Dues. This line item was reduced from \$5,000 to \$4,000 as a result of the current year's spending.

Worker's Compensation Insurance. This line item was increased from \$5,081.25 to \$8,000 as an actual expense.

Liability Insurance. This line item was increased from \$21,775 to \$26,775 due to increases in the cost of insurances.

Board Member Honorarium. This line item was increased from \$10,400 to \$14,000 in anticipation of the Governor appointing a public member to the empty position on the Board.

Copying/Printing Applicant Information. This line item was reduced from \$10,000 to \$4,000 due to the increase in usage of the internet and the Board's website. The Board office is mailing out less and less applications all the time.

Office Supplies. This line item was increased from \$20,000 to \$25,000 based on actual usage and in anticipation of hiring an additional staff person.

State Archive Fees. This new line item was added to address records retention fees at the State Bureau of Archives.

Equipment and Repair. This line item was increased from \$8,000 to \$18,000. Ms. Lowe explained that this budget item covers leases on office equipment including the large copier, a fax machine, and a postage machine.

Rent. This line item was increased from \$89,295.96 to \$93,994.46 in accordance with FEMC's property lease.

Utilities. This line item was reduced from \$12,000 to \$7,000 based on actual usage.

Local Telephone Expenses. This line item was increased from \$6,000 to \$7,000 in anticipation of hiring an additional staff person.

Long Distance Telephone Expenses. This line item was reduced from \$7,500 to \$6,000 based on moving Conference Call expenses to a separate line item.

Conference Calling. This new line item of \$4,500 was added to include Board meeting conference calls.

Internet Access Charges. This line item was reduced from \$9,000 to \$7,000 based on actual usage.

Board/Committee Meeting Travel. This line item was increased from \$67,292 to \$70,000 in anticipation of filling the vacant public member slot.

Investigation/Prosecution Travel. This line item was increased from \$4,000 to \$10,000 to accommodate FEMC's second investigator.

General Travel. This line item was increased from \$1,500 to \$2,200 based on actual usage.

The total proposed budget was \$1,950,000.00.

Unlicensed Activity Budget

A second proposed budget, specific to unlicensed activity, had been drafted. Ms. Lowe proceeded to explain each line item.

Salary and Expenses. One-half of an attorney position was included in this line item based on a salary of \$50,000 plus benefits for a total of \$33,875.

Prosecution / Enforcement Consultant. This line item includes \$40,000 for expert consultants.

Unlicensed Activity Campaign. Ms. Lowe explained that this line item would fund Phase Two of the FBPE Unlicensed Activity Campaign. She was planning to request this funding from the Department during this fiscal year so it is possible this line item will not be necessary.

Investigation / Prosecution Travel. This line item includes \$5,000.

The total unlicensed activity budget, as proposed, came to \$100,875.00.

Dr. Bondada asked Ms. Lowe to fill in the \$220,000 in accordance with the terms of the contract. He also asked Ms. Baker to confirm that the \$220,000 would be sufficient to cover the items contained in that section of the budget. Ms. Baker stated that this amount would be sufficient due to the duties of the contract monitor decreasing from previous years. In addition, the Department no longer felt a need to retain a contingency fund.

Mr. Rebane asked since the Department did not retain a contingency fund, whether FEMC budget for one. Ms. Lowe stated that in the past, FEMC had requested to be able to retain monies left over at the end of the fiscal year in order to build a contingency fund but they had never obtained permission to accomplish this.

Ms. Baker stated that the Department is concerned with the computer consultants category. The Department does not feel there is a need for a backup system. This issue would be addressed at the June Board meeting.

Upon a motion by Mr. Whitston and a second by Mr. Al-Imam, both Boards voted to approve the budget.

#4. Legislative Update

Secretary Carr introduced herself and stated she had recently received a telephone call from Mr. Denver Stutler, the Governor's Deputy Chief of Staff, regarding the regulation of aerospace engineers. At the April Board meeting, she had presented some proposed amendment language and the Board had indicated that it would not be able to support such broad language. That amendment was never enacted. However, the aerospace engineers persisted in their efforts to get a "fix" to their problem and succeeded in incorporating language in the appropriations implementing bill that was more narrowly drawn and this was enacted. The language prohibits the Department and FEMC from prosecuting engineers in their industry. Now the aerospace engineers are claiming this was an insufficient fix and they are encouraging resolution in a more substantive manner. The Secretary stated they had called her to request that she coordinate their message to the Board. She stated she made it clear to them that she was not willing to stand in the shoes of either Board or to be an advocate for them (the aerospace industry). She stated that she would be willing to facilitate the appropriate conversation.

Secretary Carr stated that companies such as Lockheed and Boeing would be drafting language in the next few days that they feel would address their concerns. They would also set forth their rationale behind the changes. The Secretary stated she would transmit the information to the Boards and would facilitate conversations between the two parties. At this point, she was seeking direction from the Boards to make sure she had a strong feeling of the Board's position.

Mr. Whitston asked whether representatives from those industries wanted to be able to promote themselves as licensed engineers in order to promote themselves outside of their industry? The Secretary said she would not know the answer to that question until she saw the actual language they would propose.

Dr. Miller recommended that the Secretary work through Ms. Lowe and noted that the Board could not take action without a noticed meeting. The Secretary pointed out that time was crucial as the next special session was scheduled to begin on June 16th.

Mr. Rebane recommended that either Dr. Miller or Mr. Tomasino be the point person for the Board in order to have a licensee aware of potential changes. Ms. Lowe would remain as a point of contact with one of the Board members acting as the primary spokesperson for the Board.

Mr. Whitston asked the status of SB 2464. Ms. Baker confirmed that the bill is in transit to the Governor but she did not know whether it had reached his desk yet.

#5. Unlicensed Activity Campaign Selection Committee

Mr. Kuhl reported that he had appointed two Board members to a Committee to select a vendor for the FBPE's unlicensed activity campaign. Ms. Collins and Mr. Al-Imam had agreed to serve on the Committee for this selection.

#6. NCEES Annual Meeting

Ms. Lowe reported that Mr. Matthews, Mr. Rebane, Mr. Duyos, and Dr. Bondada were planning to attend the NCEES Annual Meeting. Of those, Mr. Rebane would be funded by the Southern Zone. Dr. Anderson stated he also planned to attend but that his trip would be funded by the Council for his participation on the Exam Security Task Force. It was agreed that Dr. Bondada would be attending as the NCEES Funded Delegate.

Because of the availability of funding, it was agreed that the Chair and the Vice Chair of FEMC should attend the Annual Meeting.

I. Adjourn.



FLORIDA BOARD OF PROFESSIONAL ENGINEERS

JEB BUSH, GOVERNOR

DIANE CARR, SECRETARY
DEPARTMENT OF BUSINESS
AND PROFESSIONAL REGULATION

R. Gerry Miller, Ph.D., P.E.
CHAIR
(MECHANICAL)
11/1/97-10/31/05

Robert Matthews, P.E.
VICE CHAIR
(CIVIL)
11/29/99-10/31/02

Murthy V. Bondada, Ph.D., P.E.
(CIVIL)
11/29/99-10/31/03

Jorge R. Duyos, P.E.
(EDUCATOR)
2/11/02-10/31/05

Silvia Vilato Lacasa, P.E.
(ELECTRICAL)
11/29/99-10/31/02

Henn Rebane, P.E.
(ELECTRICAL)
11/29/99-10/31/03

Paul Tomasino, P.E.
(CIVIL)
2/11/02-10/31/05

G. M. Velazquez, Esquire
(PUBLIC)
11/29/99-10/31/02

▪
Julie Baker
EXECUTIVE DIRECTOR

▪
Natalie Lowe
ADMINISTRATOR

Draft Minutes
Joint Meeting of the
Florida Board of Professional Engineers
And the
Florida Engineers Management Corporation
June 26, 2003 starting at 2:00 p.m.
By Conference Call

Chair Kuhl called the meeting to order at approximately 2:13 p.m.

FBPE Board members present:

R. Gerry Miller, Ph.D., P.E., Chair
Robert Matthews, P.E., Vice Chair
Murthy Bondada, Ph.D., P.E.
Jorge Duyos, P.E.
Silvia V. Lacasa, P.E.
Henn Rebane, P.E.
Paul Tomasino, P.E.
Gloria M. Velazquez, Esq., Public Member

FEMC Board members present:

Gary Kuhl, P.E., Chair
David Whitston, P.E., Vice Chair
Kamal Al-Imam, P.E.
Melvin Anderson, Ph.D., P.E.
Eugene Bechamps, P.E.
Ms. Jill Collins, Public Member

Others present:

Diane Carr, Secretary
Julie Baker, Executive Director
John Vogt, Deputy Secretary, DBPR
Paul Martin, Esq., FBPE Counsel
Natalie Lowe, Administrator, FBPE
Carrie Flynn, Asst. Administrator
Marvin Vickers, FEMC Comptroller

P000387

EXHIBIT L

Doug Sunshine, FBPE Prosecuting Attorney
Jeannie Carlton, FBPE CE Coordinator
Brian Lynch, Licensure Technician
Jack Beamish, Investigator
Barbie Calero, Legal Assistant
Jerry Ongley, Investigator
Wade Wright, Licensure Technician
Drew Branch, Licensure Technician
Teresa Baker, Legal Assistant

Mr. Kuhl noted that everyone had been forwarded a copy of a proposed contract from the Department and stated that all proposed changes seemed to be included in the revised contract.

Mr. Whitston moved to accept the contract. Mr. Bechamps seconded the motion. The motion passed.

Mr. Rebane moved to approve the contract. Mr. Duyos seconded the motion. The motion passed.

P. 4. Mr. Matthews stated that the language in this section as it relates to FEMC maintaining a backup licensure system, did not coincide with the discussion at the Board meeting. Mr. Matthews noted that this does not indicate that a backup licensure system needs to be maintained. The Secretary stated FEMC would be entitled to use its own system as well as LicenseEase through the end of this calendar year. Mr. Martin stated that the Secretary had authorized FEMC to use funds to maintain its own licensure system. Mr. Duyos stated that he found the language unclear. It was agreed that a backup system would be maintained through the end of December 2003.

The contract had been changed to use the term "exam results" instead of scores.

P. 6. The contract reflects "emergency restriction of practice".

Mr. Whitston asked Ms. Baker to clarify an issue regarding continuing education. He asked how FEMC would handle renewals with LicenseEase. Ms. Baker explained that the continuing education data comes into LicenseEase but FEMC would handle the renewals. Ms. Baker stated that LicenseEase would include the continuing education information. She also noted that it was up to the FEMC staff as to how the information is collected and stored.

P. 7, V. Police Powers. Ms. Lowe asked if this section would affect the Board's direction to Mr. Sunshine to issue Administrative Complaints in cases involving a violation of a Final Order where there is no charge of negligence. Mr. Martin stated that this contract would not affect the Board's ability to delegate this authority to Mr. Sunshine. However, he did express concern over a recent case

P000388

EXHIBIT L

wherein FEMC's standing as a party in a litigation case was challenged. He thought this language might be used to challenge FEMC's authority to be a party petitioner in a licensure action. Mr. Martin suggested a slight amendment: "Except for prosecutorial duties outlined elsewhere in the contract, FEMC shall not exercise police powers..."

Mr. Rebane asked for clarification of the paragraph that requires the FBPE to supervise the contract. Ms. Baker explained that this would not add additional duties to the FBPE because the statute requires the PE Board to supervise the contract.

Mr. Bechamps asked the Department to confirm that the \$80,000 designated for the LicenseEase program was included in the \$220,000 withheld from the Legislature's appropriation of \$2.17 million. Ms. Baker confirmed that it was.

P. 13, X. Technology. Mr. Matthews noted that the Board had discussed language that said "the Department shall take full responsibility and liability for the security of the data" but that additional language, "as set forth in the Department's Operational Manual, incorporated herein by reference," had been added by the Department. Ms. Baker stated that the Operational Manual is a 300-page manual that sets forth their backup and security procedures. Mr. Matthews stated that he did not feel like this additional language was necessary and that the manual has limitations. The Secretary stated she would approve removing the wording in the sentence after the word "data."

Mr. Duyos asked Ms. Lowe if she was comfortable with the services outlined in Attachment 5. Ms. Lowe stated she was taking a "wait and see" attitude and asked only that the Board be patient if or when they receive complaints from their licensees.

Mr. Bechamps thanked the Secretary for expressing her intent to consider the multi-year contract prior to the expiration date of this contract.

Mr. Kuhl stated he would entertain a motion to make the changes discussed above.

Mr. Martin read a proposed change to Section V.A.:

"Except when providing those prosecutorial and investigative services set forth in Section IV (D) and (E) of this Agreement, FEMC shall not exercise the police powers inherent in the Department and the FBPE under Chapters 455 or 471, Florida Statutes, including determining probable cause to pursue disciplinary action against a licensee other than failure to comply with final orders of the Board as set forth in Rule 61G15-18.005(2), F.A.C., taking final action on license applications or in disciplinary cases, or adopting administrative rules under Chapter 120, Florida Statutes."

P000389

EXHIBIT L

Ms. Baker stated that the Department would approve this change. Ms. Lowe stated that change was fine with her.

Upon a motion by Ms. Collins and a second by Mr. Whitston, the FEMC Board voted to approve the contract with the amendments discussed.

The FBPE passed the same motion.

Mr. Kuhl expressed his appreciation to all parties involved. Mr. Bechamps thanked the Secretary. Secretary Carr thanked the Boards for permitting her to participate in the negotiation process with them. She stated it had been a learning experience and a beneficial one.

She further stated she had received requests from the FEMC Board to make an appointment to the Board and stated that she would be making that appointment forthwith. She had looked for someone who would be very helpful to the Board and announced that Mr. Wade Hopping was going to be appointed to the FEMC Board. He is an attorney with the local firm Hopping Green and Sams and is a former Justice on the Florida Supreme Court. She spoke in praise of Mr. Hopping and stated she felt he would be extremely helpful to the Board.

Mr. Bechamps stated that the Boards needed to address the 2004-2005 budget. He noted that they would be facing a renewal year and this budget should be ready to go to the Department and subsequently to the Legislature by this Fall. For this reason, he suggested a joint meeting in August to review a proposed budget.

At this point in the call, the FEMC Board members left the conference call and the FBPE members scheduled several committee meetings. It was agreed that the Unlicensed Activity Committee would meet in Tallahassee on July 22nd at 9:00 a.m., to be followed by the Legislative Committee. A Rules Committee meeting would be scheduled for August 6th at 9:00 a.m., to run concurrently with the Application Review in Fort Lauderdale.

The conference call was adjourned.



FLORIDA BOARD OF PROFESSIONAL ENGINEERS

JER BUSH, GOVERNOR

DIANE GARR, SECRETARY
DEPARTMENT OF BUSINESS
AND PROFESSIONAL REGULATION

Robert L. Matthews, P.E.
CHAIR
11/24/99 - 10/31/01

Henn Rebane, P.E.
VICE CHAIR
ELECTRICAL
11/29/99 - 10/31/01

John C. Burke, P.E.
ELECTRICAL
1/9/04 - 10/31/06

Jorge R. Duyos, P.E.
EDUCATOR
2/11/02 - 10/31/05

R. Gerry Miller, Ph.D., P.E.
MECHANICAL
11/1/97 - 10/31/05

Daniel J. Rivera
PUBLIC
1/9/04 - 10/31/07

Murthy V. Bondada, P.E.
1/9/04 - 10/31/07

Paul Tomasino, P.E.
CHIEF
2/11/02 - 10/31/05

Gloria M. Velazquez, Esquire
PUBLIC
11/29/99 - 10/31/06

Natalie Lowe
EXECUTIVE DIRECTOR

Minutes Florida Board of Professional Engineers December 3-4, 2003 Beginning at 8:30 a.m. or soon thereafter. Tallahassee, Florida

Part I General Business Agenda

A. Meeting Administration

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

The Chair called the meeting to order.

Board members present:

R. Gerry Miller, Ph.D., P.E., Chair
Robert Matthews, P.E., Vice Chair
Murthy V. Bondada, Ph.D., P.E.
Jorge R. Duyos, P.E.
Silvia Vilato Lacasa, P.E.
Henn Rebane, P.E.
Paul Tomasino, P.E.

Board members not present:

Gloria Velazquez, Esq., Public Member (maternity leave)

Others present:

Natalie Lowe, Executive Director (2nd day only)
Carrie Flynn, Asst. Executive Director
Paul Martin, Esq., Board Counsel
Douglas Sunshine, Esq., Prosecuting Attorney
Bruce Campbell, Esq., Prosecuting Attorney
Marvin Vickers, FEMC Comptroller
Do Y. Kim, P.E.
Fred Oppenheimer, A.A.F., West Coast Chapter

P 000391

Jack W. Johnson, Fla. Alliance for Construction Edu. (FACE)
Julie Baker, DBPR
Frank Rudd, FES
Allen W. Seckinger, P.E., FBPE Consultant
Dwight S. Wilkes, D.B.O., St. Johns Co. Building Dept.
David W. Miller
Bill Palm, P.E.
Kamal Al-Imam, P.E., FEMC Board Member
John Vogt, P.E., DBPR
Dave Whitston, P.E., FEMC Board Chair
Jose Boscan, Walt Disney World
Bob Minnick, P.E., Disney
Kermit Prime, P.E., FES
Richard Coates, United Space Alliance
Steve Metz, Esq., Disney
Mike Huey, Esq., Representing Lockheed Martin Corp.
Armando Cabre
Luis Velazquez
William Senkevich
Chris Holland, United Space Alliance
Thom Rumberger, United Space Alliance
Jennifer Johnson, United Space Alliance

- #2. Introduction of guests and announcements as to presentations at a time certain.
- a. Discussion of Master File Systems to begin at 9:00 a.m.
 - b. Presentation by the Florida Engineering Society regarding the FBPE Unlicensed Activity Campaign to begin at 1:00 p.m.

#3. Approval of the Agenda

Dr. Miller noted that a presentation by Bill Palm would be added to the agenda. Mr. Palm would address the Board regarding the NCEES's ongoing attempts to develop a licensure model.

Mr. Rebane moved item B#9 to a time certain of 9:30 a.m.

It was also announced that the Legislative Committee report would be taken out of order to accommodate the Disney and aerospace industry representatives.

Mr. Steve Metz thanked the Board members for taking the time to work on this issue. He stated he felt that the last meeting was very good. They had met with the Board's Legislative Committee to arrive at language which appears to be satisfactory to all concerned parties. With this limited language their company engineers, if holding a degree in engineering, will be allowed to call themselves engineers.

Mr. Metz also stated that the meeting they had had with the Aerospace industry on the previous day had been successful. He had met with Mr. Chris Holland of the United Space Alliance. Mr. Holland was present and he confirmed that the aerospace industry did not want to complicate the Disney agreement but they did not want any changes to the language that had been previously agreed upon.

Mr. Kermit Prime of the Florida Engineering Society distributed language that was developed on November 18, 2003. The draft language would add the previously agreed upon aerospace language and would also reflect changes to section 471.003(2)(c) and (e) to address Disney's concerns. He stated that the language is not perfect but is something that can be lived with and takes care of the concerns of both parties regarding exemption language.

Dr. Bondada expressed concerns with the proposed language. Mr. Rebane responded by stating he understood Dr. Bondada's concerns but that he felt that stressing engineering licensure and establishing pathways to licensure is better addressed by NCEES as referenced in the licensure model project underway by NCEES.

Upon a motion by Mr. Rebane and a second by Mr. Duyos, the Board voted unanimously to accept the legislative changes as presented by Mr. Prime.

It was noted that the engineering title could be used on business cards and letterhead. Mr. Rebane asked Mr. Martin whether state agencies such as the FDOT would enjoy the same benefit. Mr. Martin confirmed that they would not meet the criteria specified in the statute and so they would not be able to use those titles.

A discussion of FEMC's Annual Report was added to Item B#6.

Upon a motion by Mr. Rebane and a second by Mr. Duyos, the Board voted to approve the Agenda.

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

Mr. Rebane requested that Item B#8 be pulled.

It was noted that the Educational Advisory Committee report would be given on the following day.

Upon a motion by Mr. Matthews and a second by Mr. Rebane, the Board voted to approve the consent agenda.

- #5. Review and Approval of previous Board meeting minutes
- a. Minutes from September 24-25, 2003 Meeting*
 - b. Minutes from August 7, 2003 Joint Meeting of FEMC and the FBPE*

These items were approved on the Consent Agenda.

B. Committee Reports

- #1. Applications Committee
(R. Gerry Miller, Ph.D., P.E., Chair; Murthy V. Bondada, Ph.D., P.E.; Jorge Duyos, P.E.; Silvia Vilato Lacasa, P.E.; Robert Matthews, P.E.; Henn Rebane, P.E.; Paul Tomasino, P.E.; Gloria Velazquez, Esq.)

- a. Report on the Meeting of December 2, 2003

Upon a motion by Mr. Matthews and a second by Mr. Rebane, the Board voted to approve the minutes.

- #2. Educational Advisory Committee
(Jorge Duyos, P.E., Chair; Murthy V. Bondada, Ph.D., P.E.; R. Gerry Miller, Ph.D., P.E.; Melvin Anderson, Ph.D., P.E. (Consultant))

- a. Report on the Meeting of December 2, 2003

Upon a motion by Mr. Matthews and a second by Mr. Rebane, the Board voted to approve the minutes.

b. Correspondence from Foreign Credentials Service of America

Mr. Duyos summarized the request from Foreign Credentials Service of America to be approved as an evaluator of foreign credentials. He stated he was originally concerned that no clients were served but upon a second review he found that they perform reviews for the Texas Board of Professional Engineers. Foreign Credentials Service does evaluate to EAC/ABET standards but they would have to conform to what we require by rule as to course content. Mr. Rebane did not believe that they evidenced a good understanding of ABET content. Mr. Martin disagreed and reviewed a letter explaining their approach to different evaluations.

Mr. Duyos wanted to extend an invitation to other services that were previously used. Mr. Martin did not agree that this was necessary. Mr. Rebane moved to turn down the request. The motion died for lack of second.

Mr. Martin stated that the service is reasonable in costs and that Dr. Paver has an excellent educational background.

Mr. Tomasino moved to request Mr. Martin to correspond with the evaluator to explain the Florida Board's requirements and to ask them to make a personal appearance before the Board to discuss a possible approval. Mr. Duyos seconded the motion and added an amendment to have staff obtain a recommendation from the Texas Board. The motion, as amended, passed.

#3. Probable Cause Committee
(Robert Matthews, P.E.; Paul Tomasino, P.E.; Allen Seckinger, P.E., Consultant)

a. Report on the Meeting of October 2, 2003*

This item was approved on the Consent Agenda.

b. Report on the Meeting of December 2, 2003

Mr. Matthews reported that the Committee had met on the previous day and had reviewed a total of 17 cases. Of those, probable cause was found in seven of them, one case was closed with a letter of guidance, one case was

dismissed without a finding of probable cause, four cases were tabled for further investigation. In four unlicensed activity cases in which a Notice to Cease and Desist had previously been filed, the Panel requested that an Administrative Complaint be filed.

#4. FBPE Rules Committee
(Henn Rebane, P.E., Chair; Silvia Vilato Lacasa, P.E.; Paul Tomasino, P.E.; Gloria M. Velazquez, Esq.)

a. Report on the Meeting of November 13, 2003

Mr. Rebane reviewed the minutes of the November 13, 2003 meeting and noted those items that were being presented to the Board as recommendations for change.

Upon a motion by Mr. Rebane and a second by Mr. Matthews, the Board voted to accept the Committee's proposed changes to 61G15-35.003, F.A.C., calling for deletion of paragraph (1)(e) and (2) and renumbering of paragraphs (3) and (5) to (2) and (4).

Upon a motion by Mr. Rebane and a second by Mr. Matthews, the Board voted to accept proposed changes to 61G15- 35.004 calling for insertion of "as Special Inspectors" at the end of the title and to delete "Threshold Building: and insert "Special" in paragraphs (2) (3), and (4).

The Model Law Engineer File

After discussion on the need to print the entire file provided by NCEES for individuals applying by endorsement the committee assigned the issue to Board Operations as a matter that requires internal decision-making by FEMC.

Item 5 related to procedures for investigating revoked engineers. After discussion it was determined that procedures used for investigation of suspended engineers would apply to revoked engineers.

Item 6 related to Procedures for responding to letters to the Board.

Moved by Mr. Rebane and seconded by Mr. Duyos to have staff develop an index of opinion letters to appear on web site. A vote was called and the motion passed. Mr. Martin usually generates these types of letters and he would work with the Executive Director.

Item 7 related to the consideration of entering into a contract with ELSESES.

Upon a motion by Mr. Rebane and a second by Mr. Tomasino, the Board voted to request FEMC to contract with ELSESES if possible by the October 2004 examination.

Item 9 related to JAPC letters.

Mr. Martin advised the committee that JAPC has ruled that this Board does not have authority to set records retention rule. He stated he would conduct further research on this matter.

On the issue of additional discipline examinations, JAPC stated that this Board does not have statutory authority to charge an additional discipline fee. In discussion it was determined that the application for additional discipline would be considered an initial application.

b. Discussion of Master File Systems

Joseph Berryman, P.E. was present to address the issue of Master File Systems. He read his report and upon conclusion it was determined that the rule on product approval is sufficient to address the matter of Master Files.

Moved by Mr. Rebane to accept Mr. Berryman's report and agreed that the Board has authority to prosecute designers that do not design to standard those master file documents filed with building departments. There was a second by Mr. Matthews and the motion passed.

The Board asked that Mr. Berryman draft an article for the next newsletter

#5. Joint Engineer / Architect Committee
(Henn Rebane, P.E., Chair; Murthy Bondada, Ph.D., P.E.)

a. No report.*

#6. FBPE / FEMC Liaison
(R. Gerry Miller, Ph.D., P.E., Chair)

- a. Report on the FEMC Board Operations Committee meeting of November 14, 2003

Dr. Miller reported that the FEMC Board Ops Committee had met and discussed unlicensed activity and the need to monitor workloads to determine if more investigative positions are needed. The Committee also discussed examples of different types of unlicensed activity cases.

Mr. Martin noted that FEMC should develop in-house procedures for responding to public records requests. In one instance confidential information was inadvertently released by staff when Ms. Lowe was out of the office. The information could not be tied to individual candidates and when Ms. Lowe refused to provide that information, the individual requested a DOAH hearing on failure to provide public records. That hearing is now pending before the Division of Administrative Hearings.

- b. Correspondence from the Department Regarding Budgetary Request

The letter from the Department confirmed that there would be no additional funds for unlicensed activity. Mr. Vickers explained how the budget for unlicensed activity was being tracked. It was the consensus of the Board that FEMC needed to develop time sheets breaking down the investigators' time in order to capture the time being spent on prosecuting both licensed and unlicensed disciplinary cases.

Mr. Martin stated that eventually the Legislature should be approached regarding changing the law to allow for direct source funding of unlicensed activity enforcement.

Financial reports will show actual expenses that come out of the operating fund but Mr. Vickers stated he would also keep a separate log showing the portion of funding devoted to unlicensed activity

#7. Test Administration Committee
(R. Gerry Miller, Ph.D., P.E., Chair)

a. Reports from Board Members on October Examinations

Mr. Matthews reported that there were no problems at the Tallahassee site. Dr. Bondada reported no problems with the Orlando site. Mr. Tomasino reported no problems from Tampa other than the need to provide more signs outside of the site to assist candidates in locating the proper room.

#8. Continuing Education Committee
(Robert Matthews, P.E., Chair; Silvia Vilato Lacasa, P.E.; R. Gerry Miller, Ph.D., P.E.; Henn Rebane, P.E.; Paul Tomasino, P.E.)

a. No report.*

Mr. Rebane stated that initially it was thought that the Building Commission would develop advanced level building code courses. This is not the case. This Board will have to begin to approve courses so that engineers can remain in compliance. New licensees can still take the CORE courses but those who are already licensed will have to take an advanced course. This board will need to develop rules regarding the approval of those courses.

He suggested sending a request to approved continuing education providers to determine whether they have an interest in developing new courses or if they are already offering some type of advanced level building code courses.

After discussion this issue was assigned to the Continuing Education Committee for additional study.

It was also determined that Ms. Lowe should check on exactly what is required of this Board and to schedule a workshop open to public. Board staff should advise providers to begin to offer more advanced courses.

Mr. Martin stated that the Board's present rule requires four hours on laws and four hours in the engineer's area of practice. Thus, only four hours would apply to building code.

Staff was advised to proceed with a workshop at the February meeting.

#9. FBPE Legislative Committee
(Henn Rebane, P.E., Chair; Jorge Duyos, P.E.; Paul Tomasino, P.E.)

a. Report on the Meeting of November 13, 2003

Mr. Rebane moved to accept the Committee's recommendations to amend Chapter 471 to require college credit hours after three failures rather than five and to delete the language "area of deficiency as determined by the Board".

Mr. Duyos seconded the motion for discussion. He asked for consideration of review courses offered by national technical societies as an alternative to college courses.

Mr. Martin noted that additional college courses were a more serious approach to continuing to prepare for entry into the examination process.

Mr. Duyos was of the opinion that review course would be more effective.

Mr. Matthews noted some courses do not require a pass or fail but only require the student to complete the course. The objective with this statutory section is better training as an engineer, not just preparation to pass the examination.

Mr. Rebane stated that in his opinion, 12 credit hours in the applicant's area of weakness is necessary. It is not a penalty but rather based on pass/fail rate. In his opinion, refresher courses are very general in nature and do not concentrate on weaknesses.

Mr. Lynch presented Board members with a copy of the breakdown that is provided to fail candidates. It was confirmed that sufficient information is provided to candidates. The question was called by Mr. Matthews and the motion passed by majority.

Revision to Section 471.013, F.S. Examinations, prerequisites, Ph.D. waiver statute.

It was moved by Mr. Rebane and seconded by Mr. Matthews to modify Section 47.015(5)(a)3, F.S. to require three years of teaching at an undergraduate engineering program accredited by ABET. Discussion followed and a vote was called. The motion passed

Comparison of the NCEES Model Law.

Mr. Rebane recommended Section 471.023, F.S., be modified to parallel the NCEES Model Law, which states that an engineer who renders occasional, part-time or consulting engineering services for a firm may not, for the purposes of this section be designated as being in responsible charge of the professional activities of the firm.

This item was deferred for discussion on the second day of the meeting or it will be held for next session.

The next issue was raised by the Electrical Contractors Board, which was asking the Board to modify the present exemptions for electrical design work found in Section 471.003, F.S. Upon a motion by Mr. Rebane and a second by Mr. Matthews, the Board voted not to accept the proposed change to exemptions to Electrical Contractors. Mr. Martin agreed to prepare a letter to the Electrical Contractors Board.

Mr. Campbell next outlined a proposed change to Chapter 455, Florida Statutes, which would prohibit Administrative Law Judges from rendering Conclusions of Law in cases of negligence. This proposed change would instead delegate that decision strictly to the Board. In discussion it was noted that proposed language is not available. The Board was not ready to address this and the subject was tabled. Mr. Prime suggested that the Department be consulted and that this item be considered in the future. The item was tabled.

Correspondence from JAPC regarding 61G15-20.002, F.A.C.

Mr. Martin is drafting language for response and it will be discussed in the second day of this meeting.

At the conclusion of the Legislative Committee report, Mr. Rudd stated that the Governor's office is working on

appointments and that they hope to be completed very soon.

- #10. Unlicensed Activity Committee
(Robert Matthews, P.E., Chair; Murthy Bondada, Ph.D., P.E.,
Jorge Duyos, P.E., R. Gerry Miller, Ph.D., P.E.)

- a. Report on the Meeting of October 22, 2003

C. NCEES Business

- #1. Correspondence from NCEES Regarding Communication with Member Boards

Mr. Matthews noted that the Council had not referenced how they would solve the Member Boards' concerns about participation in Executive Committee sessions.

- #2. Nominations for National Awards

The Board recommended that Dr. Mel Anderson be nominated for the Distinguished Service Award.

Ms. Flynn clarified the reason for not submitting her name. National awards require points for participating in the NCEES committees whereas Southern Zone focuses on contributions to the Board. It had been determined that her name would be presented for consideration of an award at the next Southern Zone meeting.

D. Advisory Attorney's Report

- #1. Rules Update

Mr. Martin reviewed his rules report for the Board members.

Rule notices have been published for the following rules:

- 21.001 and 21.004: Written Examination Designated
- 21.003 and 21.005: Grading Criteria for the Essay Portion of the Examination
- 23.001 and 23.002: Seals Acceptable to the Board
- 24.001: Schedule of Fees Adopted by Board
- 30.009: Retention of Engineering Documents

The following rules took effect on November 19, 2003:

20.001: Definitions

20.0010: Application for Licensure by Examination

20.005: Rules Governing Candidates Qualifying Under
471.0139(1)(a)3.. F.S.

The following rule took effect on October 2, 2003:

20.007: Foreign Degree

The following rules will be prepared for final adoption:

22.006: Demonstrating Compliance

22.011: Board Approval of CE Providers

#2. Board Counsel Opinion Letters

a. Letter to L. John Samedi, P.E.

No changes were offered by the Board.

b. Letter to Thomas E. Kuck, P.E.

No changes were offered by the Board.

c. Email response to John Scates, P.E.

Mr. Scates proposed an electronic sealing method that is different from that described in the Board's rules and questioned the method's legality with this Board. After much discussion, it was agreed that the Board should resume its research on electronic sealing. Staff was requested to invite a computer software security expert to address the Board in February. Staff was also requested to contact Mr. Scates to see if he would be willing to attend the February Board meeting and update the Board on the procedures used in Texas.

d. Email response to Blake Thorson, A.I.A.

The original correspondence was submitted when a Miami Beach building official stopped construction on a project when the engineer refused to sign and seal structural shop drawings. Mr. Martin had informed the building official that although the rule requires all documents filed for

public record to be signed and sealed, the Board's structural steel rule specifically exempts shop drawings from the signing and sealing requirement. No further comments were offered.

E. Executive Director's Report

#1. List of Applicants Requesting Retired Status*

This item was approved on the Consent Agenda.

#2. Probation Report

This item was discussed under New Business.

#3. Board Member Outreach Report

There was no report.

#4. Unlicensed Activity Campaign report by Florida Engineering Society.

Ms. Priscilla Trescott appeared on behalf of the Florida Engineering Society and presented a power point demonstration on Phase I of the Unlicensed Activity Campaign.

In Phase II, Mr. Rebane suggested FES go back to universities in 68% category Question 4 regarding the need for the one-hour session.

Discussion followed on the possibility of requesting ABET to include the one hour session. It was agreed that although this would be ideal it probably would not be practical.

Ms. Trescott was requested to return in February meeting with outline of the one-hour session on need for licensure.

#5. Certification of FEMC by the Department

Ms. Lowe stated that this was provided for informational purposes only. The Department had issued a very positive Certification of FEMC for the previous year's performance under the contract.

#6. Calendar of FBPE Meetings for 2004

There were a few minor changes made to the following year's meeting calendar.

F. Chair's Report

#1. Nominations for Chair and Vice Chair for the year 2004.

Ms. Lacasa reported that the Committee was nominating Mr. Matthews for Chair and Mr. Rebane for Vice Chair. There were no further nominations. The Board voted to adopt the Committee's recommendations.

G. Correspondence to the Board

#1. Correspondence from Tracey Piccone, P.E. and Rich Virgil, P.E.

There was no response required. The licensees were merely expressing their opinion regarding engineering titles.

#2. Correspondence from Ms. Monica Manolas

Ms. Manolas requested the Board's opinion on whether she could use the letters E.I.T. after her name on a business card after she had passed the Fundamentals examination in another state. Mr. Martin stated they were not eligible to be an E.I. in Florida unless their education was approved by the Board. Therefore, he did not think that this person should be permitted to call themselves an E.I. until they apply for it. The only way the Board could sanction this practice would be for someone who has applied for and passed the FE in Florida. Mr. Martin was requested to correspond with Ms. Manolas.

#3. Correspondence from Casey Carrigan, P.E.

Mr. Rebane noted that with his reading, he felt like the behavior described was not in compliance with the Board's rules. He does not feel that the Engineer of Record is in responsible charge as described. He suggested that Board staff contact either Mr. Seckinger or Mr. Berryman and request them to render an opinion for the Board's review.

#4. Correspondence from Albert C. Nelson, P.E.

Mr. Nelson asks how it could be legal for an engineer to certify that "documents meet all the requirements pertaining to building construction in the City of West Palm Beach." The Board's consensus was that it would not tread on the Building Officials' territory. If this language was acceptable to the building official, the Board will not interfere. The Board took no action. Ms. Lowe was requested to form a response.

#5. Correspondence from Tomas Armstrong, P.E.

Mr. Armstrong is requesting the Board to make a ruling. He states that the Authority Having Jurisdiction is requiring the engineer to perform an illumination night survey after installation of illumination in parking areas and to submit a signed and sealed certification letter attesting that the illumination is in compliance before the building department will issue a final Certificate of Occupancy. This is apparently not the practice with the illumination being performed around the bank's ATM machines. The Board's position was that it is the engineer's responsibility to ensure that his design meets code when they seal a document.

#6. Correspondence from Jeffrey DeBoer, C.B.O.*

This item was approved on the Consent Agenda.

H. Old Business

#1. Review of Action Item List from September Board Meeting.

Ms. Lowe still needs to email Mr. Struh at DEP to inform him that the Board has taken over unlicensed activity. Mr. Campbell reported that he had looked at the Department's case history from 1999 through 2002 to see if there any interesting changes in the number of cases being filed and there was not any real difference. The Board requested him to check with the Contractors' board to see if they had had an increase in caseloads following their media report. Mr. Tomasino suggested that the Board develop a press release and send it to all the engineering associations in Florida, building officials, etc. Mention that now that unlicensed activity is part of Chapter 471, F.S., engineers have a legal obligation to turn in suspected unlicensed activity to the Board for investigation. Mr. Martin still needs to correspond with Mr. Hall and Mr. Healy.

I. New Business

Mr. Rebane asked Ms. Flynn why Mr. Grant, who is on the Probation Report, is being referred to the Probable Cause Panel for failure to comply with his Final Order, when part of his Final Order was to permit him to go into Retired Status. Once he is retired, the Board can not take any action. Mr. Sunshine had explained to Mr. Grant that his retired status could be changed to revoked status. This case had been referred in May. Mr. Rebane advised staff to be tougher with the licensees when they do not comply with Final Orders.

Dr. Miller reported that the FEMC Board had elected a new Chair and Vice Chair. The Chair for 2004 will be David Whitston, P.E. The Vice Chair will be Ms. Collins.

Mr. Duyos asked the Board to consider removing the requirement for Humanities and Social Sciences and computer skills for foreign graduates. ABET has a category called "other" that could include humanities. He thinks the requirement is not necessary when it comes to qualifications to take the examinations. In regard to computer skills, he feels that anyone who does NOT know how to use a computer will soon use one as soon as they get into the workforce. Mr. Tomasino spoke in support of requiring foreign graduates to take humanities courses in the United States to familiarize them with this country. Dr. Miller asked the Educational Advisory Committee to consider this issue at its next meeting and then bring a recommendation to the full Board in February.

Mr. Duyos asked the Board to consider printing a directory. He feels it would be a great resource to building officials. Ms. Lowe suggested that the Board look at their budget in June and if there is funding available, to consider it at that time. Mr. Rebane recommended giving the list to Kinko's or providing a file to Kinko's and refer everyone to Kinko's so they pay for their books separately. Ms. Lowe was requested to do some research and find some alternatives, to explore costs.

#1. Board Member training.

Mr. Sunshine outlined the various types of cases that the Board would hear on the following day and ensured that Board members understood the legal process that would take place.

J. Public Forum

Part II
Informal Hearing Agenda

K. Informal Hearings on Denial of Application for Fundamentals Examination

#1. Tan Qu
(Continued from September 2003 Meeting)

Mr. Qu had confirmed in writing that he would not attend the December meeting. He had applied for the Fundamentals examination in 1998 and was denied for three hours in Basic Sciences. In 2003 he again applied and was denied because he had not submitted an evaluation from Josef Silny in the currently approved format. He supplemented his application with a new evaluation and it was determined that he was deficient two semester credit hours in basic sciences.

Mr. Qu's hearing in September was continued to December to allow reconsideration under changes to Rule 61G15-20.007, F.A.C., which allows basic sciences and mathematics to be combined in total hours.

Upon a motion by Mr. Duyos and a second by Mr. Rebane, the Board voted to approve his application. Staff was requested to confirm his address before the Final Order is mailed.

#2. Charles Miney

Mr. Miney was present and addressed the Board. He had applied for the Fundamentals examination and was granted Conditional Approval under the authority of 61G15-20.007 (6), FAC. Mr. Miney appealed his conditional approval and submitted for consideration his MS degree from the University College of Dublin. At that time an Informal Hearing should have been scheduled. Through oversight the licensing technician failed to forward the file for scheduling of a hearing. Mr. Miney passed the examination in April of 2003. He then contacted the office to discuss the fact that he never received his hearing on the conditional approval of his application. His file was re-reviewed in September of 2003 and he was notified that conditions were not removed based on the fact that his MS degree was not completed in an EAC/ABET accredited program in the United States.

Following his comments the following action was taken. Mr. Miney noted that his Baccalaureate degree was recognized by the Washington Accord. His file was reviewed and it was confirmed that the Washington Accord was not in existence at the time he obtained his degree.

Mr. Rebane emphasized that Humanities and Social Sciences are a part of the requirements for engineering licensure in Florida and moved to uphold the denial. Mr. Duyos seconded the motion. The motion passed.

#3. Giselle Albisu

Ms. Albisu was not present. She had applied for the Fundamentals examination and was denied for educational deficiencies. Ms. Albisu's education was completed in Cuba and according to the evaluation from Josef Silny and Associates there was a deficiency of seven hours in Basic Sciences.

Ms. Albisu filed an Election of Rights for Formal Hearing. As directed by counsel, this petition would be considered in the December meeting and if denied an Informal Hearing would follow.

Upon a motion by Mr. Rebane and a second by Ms. Lacasa, the Board voted to deny her Petition for Formal Hearing

The matter proceeded as an Informal Hearing. Dr. Miller noted that she is also missing a statistics course and a chemistry course. Upon a motion by Mr. Duyos and a second by Mr. Rebane, the Board voted to uphold the denial.

#4. Justin Youney

Mr. Youney had confirmed by e-mail that he would not be in attendance for the hearing.

Mr. Youney applied for the Fundamentals examination. The basis for denying his application is education. Mr. Youney holds a Bachelors Degree in Industrial Technology from Rochester Institute of Technology issued in 1999. This does not meet criteria of Section 471.013(1) (a) 2., F.S. Mr. Youney did not file any supplemental information.

Upon a motion by Ms. Lacasa and a second by Mr. Duyos, the Board voted to uphold the denial.

#5. Sudhakar N. Chodavarapu

Mr. Chodavarapu was not present. His application was denied for educational deficiencies of mathematics as well as humanities and social sciences. He is obtaining a Masters Degree from an ABET program and is due to graduate in August 2004. He has been advised that his humanities and social sciences deficiency was resolved but the mathematics deficiency of 5.5 hours still remained. Upon a motion by Mr. Tomasino and a second by Mr. Duyos, the Board voted to uphold the denial.

L. Informal Hearings on Denial of Application for Principles and Practice

#1. Tanase S. Bude

Mr. Bude was present and addressed the Board. He had applied for the Principles and Practice Examination. His NCEES Fundamentals examination was accepted and his experience was accepted. The basis for denial is education. Mr. Bude holds a BS degree from the University of Agronomic Sciences and Veterinary Medicine Bucharest, Romania. The evaluation of this program by ECEI indicated deficiencies of 9 hours in math, 6.50 hours in basic sciences and 3.50 hours in humanities and social sciences.

Mr. Bude submitted an Election of Rights to supplement and to have an Informal Hearing. Supplemental information was a letter requesting that consideration be given to the total number of hours in his curriculum to satisfy the deficiencies in math, basic sciences and humanities and social sciences.

He obtained a new evaluation that demonstrated more deficiencies than the 2003. Upon a motion by Mr. Rebane and a second by Mr. Duyos, the Board voted to uphold the denial.

#2. Michael John Wylie

Mr. Wylie applied for the Principles and Practice examination. In review of his experience record it was determined that he needed an additional 18 months of experience. The decision on experience is based on date of graduation October of 2000 and total amount of credit for work prior to receipt of degree and certain experience that was not considered engineering. Mr. Wylie submitted an Election of Rights to supplement and to have an

Informal Hearing should the denial be upheld. The supplemental information was reviewed and deficiency in experience was revised to 12 months. Although the deficiency was revised the application remained denied and the matter is before the Board for an informal hearing.

Mr. Wylie indicated in his testimony that he had obtained a Masters Degree in civil engineering in May 2003. The transcripts indicating graduating with the degree were not submitted to the Board.

Mr. Rebane noted that with experience as relayed, Mr. Wylie would have a total of 52 months of experience. The Board requires 48 in order to permit the applicant to sit for the examination.

Mr. Rebane moved to approve the application. Mr. Duyos seconded the motion. The motion passed.

#3. Frank Hill

Mr. Hill was present and addressed the Board. He also distributed some additional information for the Board members. He had applied for the Principles and Practice examination. The application was denied based on Mr. Hill's education. Mr. Hill holds a BSME degree from Florida Atlantic University issued in 1974. The program was not accredited by ABET until 1977. Mr. Hill filed an Election of Rights to supplement and to have an Informal Hearing if the denial was not reversed. The supplemental information did not reverse the denial and the matter is before the Board for an Informal Hearing. It was noted that Mr. Hill had applied for and passed the Fundamentals examination in October of 1981. His degree was accepted by the Board at that time.

Ms. Flynn indicated that she had spoken with former Board member, Mr. Eugene Bechamps, P.E. Mr. Bechamps had indicated that in 1973, when FAU, FIT, and FSU created their engineering programs, the Board had retained a consultant and had visited the three programs along with himself and another Board member. In approximately 1973-1974, the Board issued a two-year accreditation to FAU and it was conditional upon the program making an effort to achieve accreditation. FAU did eventually achieve accreditation in 1977. Based on Mr. Bechamps' testimonial and historical information in Mr. Hill's file, it is logical to assume that the Board had approved his educational program when he took the Fundamentals examination. Mr. Duyos noted

that Mr. Bechamps had offered to execute an affidavit relaying this historical information for the benefit of the Board and for future applicants who might be similarly situated.

Mr. Duyos moved to continue the case to permit the Board time to obtain the affidavit from Mr. Bechamps.

Mr. Matthews spoke in support of approving Mr. Hill's application at this time based on information in the file that indicates the Board had already reviewed his education previously. Mr. Rebane echoed Mr. Matthews' position and spoke in support of approving Mr. Hill's application. Mr. Rebane requested staff to have Mr. Villanueva's letter notarized, to obtain the affidavit from Mr. Bechamps, and to obtain similar letters from FSU and FIT. He also recommended that staff place some information on the Board's website relative to these applicants being approved.

Mr. Duyos withdrew his motion to continue. Mr. Matthews seconded Mr. Rebane's motion. The motion passed.

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

#1. Ruben Ramirez-Colon

Mr. Ramirez-Colon appeared before the Board with his attorney, Sherrie Barnes, Esq. Mr. Ramirez-Colon had filed an Emergency Petition for Variance and Waiver. Mr. Rebane moved to continue Mr. Ramirez-Colon's hearing until the next Board meeting. Mr. Matthews seconded the motion. The motion passed. Ms. Barnes requested the Board to consider Mr. Ramirez-Colon's application earlier than February if possible.

#2. William. L. Nally

Mr. Nally was present and addressed the Board. He indicated that while he had been represented by an attorney in the past, he was going forward with the informal hearing without counsel. He had applied for licensure by endorsement. He was licensed in Alabama in December of 2002. He has passed the NCEES Fundamentals and Principles and Practice examination and his experience meets requirements of Chapter 471, F.S. The basis for denial is education. Mr. Nally holds a BS degree in Electrical Engineering Technology issued in 1988 from the University of Alabama. This does not meet statutory requirements outlined in Section 471.013 (1)(a) 2., F.S.

Mr. Nally had petitioned for a Formal Hearing. Board Counsel directed the petition for consideration in the September Board Meeting. If the petition was denied, the matter would proceed as Informal Hearing.

The matter was addressed in the September meeting, however, following the meeting it was discovered that staff had failed to provide notice of the hearing. For this reason Board Counsel withheld issuance of the Final Order denying the application and directed that it be rescheduled for the December Board meeting.

Upon a motion by Mr. Rebane and a second by Mr. Duyos, the Board voted to deny Mr. Nally's request for a formal hearing.

Mr. Nally noted that he had attempted to have his degree evaluated by the Board's approved evaluation services but had been refused because his degree is domestic rather than from a non-ABET institution. Upon a motion by Mr. Duyos and a second by Mr. Rebane, the Board voted to uphold the denial.

#3. Srinivasa S. N. Buttula

Mr. Battula was present and addressed the Board. He had applied for licensure by endorsement based on licensure in North Carolina. He has passed the NCEES Fundamentals and Principles and Practice examination and his experience meets requirements of Chapter 471, F.S. The basis for denial was education. Mr. Battula completed a BS degree from Andhra University and an MS Degree from the University of North Carolina. Initially the application was denied because Mr. Battula submitted an evaluation from WES which is not an approved evaluator. He elected to supplement and to have a hearing. The supplement was an evaluation from ECEI. Review of the evaluation from ECEI indicated deficiencies in his education of 2.25 semester credit hours in math and 2.25 semester credit hours in basic sciences

The Informal Hearing, as requested by the applicant, was held for December to allow him the opportunity to secure a revised evaluation. He also indicates enrollment in a course from the University of North Florida. Mr. Battula has submitted additional information as a part of his appearance in December. The additional information was a letter from Dr. Richard Conte, PE, Academic Advisor/Instructor College University of North Florida and copies of letters from Andhra University outlining the course content. Mr. Battula indicated he had completed an additional course in Biology that should reduce the basic science deficiency

to .5 credit hours. Mr. Battula requested a continuance so that he could have the college forward the transcript of the course he completed the day before the Board meeting. Mr. Duyos pointed out that the Board's rules required a two-semester sequence of either physics or chemistry and that the biology course would not satisfy that requirement. Mr. Battula was advised to contact ECEI and see if they would re-evaluate his degree to determine whether or not he had completed two semesters of either physics or chemistry. Mr. Buttula indicated that in his college, each physics and chemistry class was for a full year, not just for a semester. Mr. Martin advised him to take up this point with ECEI to see if they would revise their evaluation.

Upon a motion by Mr. Duyos and a second by Mr. Rebane, the Board voted to grant the continuance.

N. Consideration of Modification of Terms of Final Order

#1. Scott Cramer

Mr. Cramer was placed on probation for Case 00-0018. He has completed all terms of the Final Order that included a fine, study guide and a course in ethics. He has not completed the project review requirement because he no longer signs and seals engineering documents. Mr. Cramer indicated that he did not want to appear before the Board when this matter was considered.

Mr. Cramer was not present. He was represented by Edwin Bayo, Esquire, who appeared before the Board. Mr. Bayo submitted that his client had complied with the Board's requirements by filing a report listing any projects that he had completed so that the Board could perform a project review. Mr. Bayo had filed a motion to terminate probation based on his client's compliance with the order. Mr. Martin noted that once the time period for appeal has expired, the Board no longer has jurisdiction over this case and it is incumbent on the prosecuting attorney to determine whether an additional case should be submitted back to the Probable Cause Panel. Mr. Sunshine noted that the Stipulation requires him to remain on probation for at least eighteen months and implies that it might take longer for him to complete the two projects to provide for plan review.

Mr. Martin stated that the Board should not take any action at this time. Mr. Bayo stated that the Stipulation does not state that his probation would be extended until the two projects are reviewed. It states that he will be placed on probation and is required to submit lists of projects.

Mr. Rebane spoke in support of tabling the ruling on the motion. The Board members had not received a copy of the motion until the Board meeting. The motion hearing was delayed until the February Board meeting.

O. Informal Hearings on Denial of Continuing Education Provider Application

#1. Gorman & Israel

Gorman and Israel applied for renewal of their continuing education provider status for 2003-2005. The Board determined that they do not meet criteria outlined in 61G15-22.011, Florida Administrative Code, as a provider of continuing education and the application was denied.

Ms. Flynn indicated that the law firm had withdrawn its application for provider status.

**Part III
Disciplinary Hearings**

Mr. Matthews made a brief presentation to the audience outlining the complaint process for licensed and unlicensed cases.

P. Recommended Orders

- #1. Anthony Pedonesi, P.E.
PE 34653
DOAH Case Number 03-0890PL
FEMC Case Number 01-0104
Represented by David P. Rankin, Esquire
Probable Cause Panel: Rebane, Matthews, Seckinger

Mr. Sunshine advised the Board of a request for continuance to the February Board meeting filed by Mr. Pedonesi so that the location is closer to his home.

- #2. Nicholas W. Nicholson, P.E.
PE 37862
DOAH 03-0731PL
FEMC Case Number 01-0037
Represented by David P. Rankin, Esquire
Probable Cause Panel: Rebane, Matthews, Seckinger

Mr. Nicholson was present with his attorney. He had been charged by Administrative Complaint with two counts of negligence in the practice of engineering relating to plans for his Wing/Alexander Residence and Rutman projects.

Mr. Nicholson disputed the facts upon which the Administrative Complaint was based and elected a formal hearing, which was conducted on June 5, 2003. By Recommended Order dated October 28, 2003, the Administrative Law Judge concluded Mr. Nicholson was guilty of negligence in the practice of engineering, in violation of Section 471.033(1)(g), Florida Statutes, and recommended the Board enter a Final Order imposing a reprimand, and placing him on probation for a period of two years.

On November 11, 2003, Counsel for Mr. Nicholson filed Exceptions to the Recommended Order. The Board's Prosecuting Attorney filed a response to Mr. Nicholson's exceptions to the Recommended Order.

Mr. Rankin addressed the Board on behalf of Mr. Nicholson. He argued that there was not competent substantial evidence presented by Mr. Berryman in his testimony at hearing.

Mr. Martin pointed out that witness credibility is within the hands of the judge. If the judge issued a finding of fact based on this, then it is difficult for the Board to overturn that finding unless they find that there was no competent substantial evidence. Mr. Martin also reviewed a hard copy of a powerpoint presentation Mr. Rankin was prepared to show and opined that the presentation was more of an attempt to reargue the case that went to hearing and would therefore not be appropriate. Mr. Rankin's argument was that Mr. Berryman did not establish at hearing what the appropriate standard of practice would be in the State of Florida. Mr. Rankin also argued that the Board's rule defining negligence states that it is the failure of the engineer to practice within the acceptable standard of practice. Because Mr. Berryman did not articulate this standard, Mr. Rankin did not feel like the Board had sufficient information to determine whether Mr. Nicholson violated that standard.

Mr. Rankin asked whether Board members had reviewed the plans associated with the hearing. Mr. Sunshine stated that the plans were available for Board members to review if necessary.

Ms. Lacasa moved to reject the Exceptions to the Judge's Findings of Fact and to adopt the Judge's Findings of Fact. Dr. Bondada seconded the motion. The motion passed.

Mr. Duyos moved to reject the Exception to the Administrative Law Judge's Conclusion of Law. Ms. Lacasa seconded the motion. The motion passed.

Ms. Lacasa moved to adopt the Findings of Fact in the Judge's Recommended Order. Mr. Duyos seconded the motion. The motion passed.

Mr. Duyos moved to adopt the Judge's Recommended Conclusion of Law. Ms. Lacasa seconded the motion. The motion passed.

The Board would next consider a disciplinary penalty. Mr. Sunshine distributed information detailing the administrative costs associated with the case in the amount of \$7,140.65. Mr. Rankin presented mitigating evidence to the Board. Mr. Sunshine noted the minimum disciplinary guideline for this type of offense.

The Board imposed a reprimand, a two-year period of probation with project review at six and 18 months, an administrative fine of \$1,000 plus costs of \$7,140.65.

Q. Settlement Stipulations

- #1. Leslie E. Colby, P.E.
PE 36686
FEMC Case Number 02-0026
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Colby was present and addressed the Board. He was charged with one count of plan stamping relating to two sheets of mechanical plans that were prepared by Steve Henry Design, Inc. The mechanical plans were not prepared under the direction or supervision of Mr. Colby. He simply signed and sealed the mechanical plans.

Mr. Colby had entered into a stipulation with FEMC for a \$1,000.00 administrative fine, costs of \$150.43, a reprimand, probation for one year with the requirement that he successfully complete a Board approved course in Engineering Professionalism and Ethics and complete the Study Guide, and a requirement that he explain his understanding of the plan stamping rule when he appeared before the Board. Mr. Colby explained his position in regard to the charge of plan stamping and stated that he would not sign another mechanical plan again. Mr. Rebane noted that there would be no problem with him sealing mechanical plans as long as he is in responsible charge of the project.

Upon a motion by Ms. Lacasa and a second by Dr. Bondada, the Board voted to approve the Stipulation.

- #2. Steven E. Harris, P.E.
PE 36805
FEMC Case Number 03-0004
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Harris was not present. He had been charged by Administrative Complaint with two counts of negligence in the practice of engineering relating to two sheets of deficient fire protection plans and hydraulic calculations for a lumber processing plant.

Mr. Harris had entered into a stipulation with FEMC for a \$2,000 fine, costs of \$1,049.70, an appearance before the Board, a reprimand, probation for two years with a CE course in fire protection, submission of a detailed list of projects with two projects to be selected for review, a course in Engineering Professionalism and Ethics, and completion of the Board's study guide.

Staff was recommending adoption of the Settlement Stipulation as the Board's Final Order. The terms are identical to the terms recommended by the Probable Cause Panel. However, Mr. Harris did not appear before the Board when the Stipulation was presented.

Mr. Rebane moved to accept the Stipulation. The motion died for lack of a second.

Ms. Lacasa moved to continue the case until the February Board meeting with the expectation that Mr. Harris will appear. Mr. Duyos seconded the motion. The motion passed.

- #3. Natural Resource Recovery Group, Inc.,
Anthony P. Mazpule, P.E.
EB 6879
FEMC Case Number 01-0095
Represented by Stanley E. Goodman, Esquire
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Mazpule was charged with one count each of negligence and misconduct relating to a groundwater contamination assessment and remediation activities for a dry-cleaning site.

Mr. Mazpule entered into a Stipulation with FEMC for a \$1,000 fine, costs of \$1,773.08, a reprimand, probation for two years with completion of a course in Engineering Professionalism and Ethics and completion of the Board's Study Guide.

Mr. Martin confirmed that this matter was previously presented to a Probable Cause Panel on which Mr. Rebane served; however, the Panel took no action on the case at that time. Therefore, Mr. Rebane remained eligible to participate in final action.

Mr. Rebane spoke out against lowering the administrative fine based on potential costs of litigation. Mr. Duyos spoke out against shortening the probation time from the minimum two years to one year because of the seriousness of the offense. Mr. Rebane pointed out several allegations in the original complaint that the Respondent never addressed and moved to reject the Settlement Stipulation. Mr. Duyos seconded the motion. The motion passed.

The Board requested Mr. Sunshine to make a counter-offer to Mr. Mazpule for a settlement including a \$2,000 administrative fine, a two-year probation, plus a course in Engineering Professionalism and Ethics and the Board's Study Guide.

- #4. Faustino Prado, P.E.
PE 20948
FEMC Case Number 02-0173
Represented by Edwin A. Bayo, Esquire
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Prado was present and represented by Mr. Bayo. Mr. Prado had been charged by Administrative Complaint with one count of aiding or assisting an unlicensed entity to practice professional engineering, one count of negligence in the practice of engineering, and one count of using an unacceptable seal.

Mr. Prado entered into a stipulation with FEMC for a \$1,500.00 administrative fine and costs of \$969.22; he shall successfully complete a Board approved course in Engineering and Professionalism and Ethics; and the successful completion of the Board's Study Guide. Count One of the Administrative Complaint would be dismissed.

Mr. Bayo presented mitigating circumstances including Mr. Prado's previous clean record and the fact that he is an engineering professor at the University of South Florida.

Upon a motion by Mr. Rebane and a second by Ms. Lacasa, the Board voted to accept the Stipulation.

R. Informals

- #1. Valdez A. Chavis, P.E.
PE 38576
FEMC Case Number 02-0039
Represented by Robert C. Rivers, Esquire
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Chavis was present with his attorney, Mr. Rivers. He was charged with two counts of negligence or misconduct in the practice of engineering relating to a letter to the City of Jacksonville Building Department certifying that a single-family residential addition was built to in accordance with the South Florida Building Code.

Mr. Chavis did not dispute the allegations and elected an informal hearing before the Board. His attorney presented some background information and expressed regret that this issue was not resolved in the field. He presented mitigating circumstances such as a lack of harm to the public for the Board's consideration.

Through testimony, it was found that Mr. Chavis practices through a company called VAC, an acronym for his initials, but a fictitious name nonetheless. He was advised that he needs to obtain a Certificate of Authorization. Mr. Sunshine indicated that the costs in the case were \$515.33.

Mr. Rebane moved to impose the penalty recommended by the Probable Cause Panel of a \$2,000 administrative fine, costs of \$515.33, a two-year probation with completion of the Board's Study Guide, and completion of a course in Engineering

Professionalism and Ethics. Dr. Bondada seconded the motion.
The motion passed.

- #2. Raymond Reichard (Unlicensed)
FEMC Case Number 01-0117
Probable Cause Panel: DBPR

Mr. Reichard was charged with two counts of unlicensed practice of engineering. Mr. Campbell requested the Board to consider a motion to adopt the findings of fact and conclusions of law in the Administrative Complaint. This person had obtained a Florida seal using his Colorado license number and had practiced engineering in Florida for several years. He had previously been issued a Cease and Desist by the Department in 1999 for the same allegations. Dr. Miller requested Mr. Campbell to take measures to require Mr. Reichard to submit his seal to the Board office.

Ms. Lowe was requested to post this gentleman's name on the Board Administrator listserve in addition to CouncilNet.

Upon a motion by Mr. Rebane and a second by Mr. Matthews, the Board voted to adopt the Findings of Fact as alleged in the Administrative Complaint.

Mr. Rebane moved to impose a fine of \$15,000 based on the fact that Mr. Reichard had five allegations of unlicensed activity with a \$3,000 fine per incident. Mr. Duyos seconded the motion. Ms. Lacasa spoke out against the motion and requested the Board to consider imposing a stiffer penalty based on this gentleman's failure to recognize that he should not practice without a license. Mr. Rebane withdrew his motion.

Ms. Lacasa moved to impose a \$25,000 penalty based on a \$5,000 fine per incident. Mr. Matthews seconded the motion. Mr. Tomasino offered a friendly amendment to require Mr. Reichard to turn in all of his seals immediately. Ms. Lacasa and Mr. Matthews seconded the motion.

In response to a question from a Board member, Mr. Campbell noted that if the fine is not submitted, the next step would be to go to Circuit Court to enforce the order. The motion passed.

S. Motion for Default

- #1. Edward D. Collins, P.E.
PE 53338
FEMC Case Number 02-0149
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Collins has been charged with one count of violating Chapter 471 and 455, Florida Statutes, for discipline taken by the Nevada Board of Professional Engineers and Land Surveyors against his Nevada PE license. The Nevada Board took action against Mr. Collins PE license for practicing a discipline of professional engineering in which the Nevada Board has not qualified him. He was also charged with stamping plans over which he did not have responsible charge; and failing to sign and date his stamp on the plans.

On July 8, 2003, an Administrative Complaint was filed and sent to Mr. Collins by certified mailed, along with an Election of Rights form and an Explanation of Rights form. Mr. Collins received and signed for the aforementioned documents on July 18, 2003.

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

Mr. Rebane moved to find him in default. Mr. Duyos seconded. The motion passed.

Mr. Rebane moved the probable cause panel recommendation of a reprimand, a \$1,000 fine, and completion of the Board's Study Guide. Ms. Lacasa seconded the motion. Mr. Duyos noted that Mr. Collins' license is currently in delinquent status. The motion passed.

- #2. Joel H. Rosenblatt, P.E.
PE 29173
FEMC Case Number 02-0063
Represented by Theodore W. Herzog, Esquire
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Rosenblatt was charged with one count of negligence in the practice of engineering and one count of violating Chapter 471 and Chapter 455, Florida Statutes, the delegated engineer rule, relating to a Belew Residence project.

On July 8, 2003, an Administrative Complaint was filed and sent to Mr. Rosenblatt by certified mailed, along with an Election of Rights form and an Explanation of Rights form. Mr. Rosenblatt received and signed for the aforementioned documents on July 21, 2003.

The Explanation of Rights form advised Mr. Rosenblatt that if he failed to make an election in this matter within twenty-one days from receipt of the Administrative Complaint, his failure to do so may be considered a waiver and the Board may proceed to hear his case. Mr. Rosenblatt failed to timely request a hearing. Staff was requesting the Board grant the motion for default and consider an appropriate penalty.

Mr. Sunshine indicated that the costs in the case were \$1,010.50.

Following discussion the following action was taken.

Moved by Mr. Rebane and second by Mr. Duyos to grant the Motion for Default. Upon a motion by Mr. Rebane and a second by Mr. Duyos, the Board voted to adopt the Findings of Fact and Conclusions of Law in the Administrative Complaint.

Moved by Mr. Duyos and second by Ms. Lacasa that a Final Order be issued calling for a reprimand; \$2,000.00 administrative fine; costs of \$1,010.50; completion of a course in Engineering Professionalism and Ethics; completion of the Board's study guide; plus two years of probation with a plans review at six and 18 months.

- #3. David Koval (Unlicensed)
FEMC Case Number 02-0021
Probable Cause Panel: DBPR

Mr. Koval had entered into a contract for engineering services and had already received in excess of \$35,000 when the Complainant discovered he was not licensed. FEMC staff had not been able to locate Mr. Koval and notification of this proceeding was accomplished by publication. Mr. Campbell filed a Motion for Default which was in front of the Board for action.

Upon a motion by Mr. Rebane and a second by Mr. Duyos the Board voted to find Mr. Koval in default.

Upon a motion by Mr. Rebane and a second by Mr. Matthews, the Board voted to adopt the Findings of Fact and Conclusions of Law as alleged in the Administrative Complaint.

Mr. Duyos asked how he had practiced engineering if no services were provided. Mr. Campbell stated that he had represented himself as an engineer and that he had prepared a set of preliminary permitting documents which were rejected by the building department for incompetence.

Mr. Rebane moved to impose a \$5,000 penalty. Ms. Lacasa seconded the motion. The motion passed.

T. Appeals

- #1. John F. Sheils, P.E.
PE 36170
FEMC Case Number 02-0005
Represented by Robert A. Sweetapple, Esquire
Probable Cause Panel: Rebane, Matthews, Seckinger

Mr. Sheils was not present. On October 28, 2003, a Final Order was filed against Mr. Sheils in case number 02-0005. In this Order, the Board reprimanded Mr. Sheils, issued a \$1,000.00 fine and costs of \$5,068.15, imposed probation for two years with terms and conditions that he shall complete the Board's Study Guide and take an approved course in Engineering Professionalism and Ethics.

On November 10, 2003, Mr. Sheils filed a Notice of Appeal in regard to the Final Order and filed a Motion for Stay of Imposition of Penalty. Staff recommended the Board grant the Motion. Upon

a motion by Ms. Lacasa and a second by Mr. Tomasino, the Board granted the Respondent's Motion.

U. Prosecuting Attorney Report

V. Adjourn

Upon a motion by Mr. Rebane and a second by Mr. Matthews, the Board voted to consider this an unexcused absence for Ms. Velazquez.

#1. Announcements

Minutes
Florida Board of Professional Engineers
February 18-19, 2004
Beginning at 8:30 a.m. or soon thereafter.
Jacksonville, Florida

Part I
General Business Agenda

A. Meeting Administration

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

The meeting was called to order at 8:31 a.m.

Board members present:

Robert Matthews, P.E., Chair
Henn Rebane, P.E., Vice Chair
John Burke, P.E.
Jorge Duyos, P.E.
R. Gerry Miller, Ph.D., P.E.
Daniel J. Rivera, Consumer Member
Albert Rose, P.E.
Paul Tomasino, P.E.
Gloria Velazquez, Esq., Consumer Member

Also present:

David Whitston, P.E., Chair, FEMC Board
Natalie Lowe, Executive Director
Carrie Flynn, Asst. Executive Director
Douglas Sunshine, Esq., Prosecuting Attorney
Bruce Campbell, Esq., Prosecuting Attorney
Jeannie Carlton, FBPE CE Coordinator
Paul Martin, Esq., Board Counsel
Charlie Geer, P.E., FES Board Member, President, FICE
Priscilla Trescott, FES
Ila Jones, DCA
Mr. Paver, FCSA
Julia Austin, FCSA

- #2. Introduction of guests and announcements as to presentations at a time certain.
- a. Appearance by Foreign Credentials Service – 10:00 a.m.
 - b. Presentation by FES on FBPE Unlicensed Activity Campaign - 11:00 a.m.
 - c. Building Code Course Workshop – 1:00 p.m.

Ms. Ila Jones from the Department of Community Affairs, appeared before the Board to conduct a workshop on the new Florida Building Code.

Ms. Jones, the administrator for the Codes and Standards section of the Florida Building Commission, provided some historical information regarding the new Florida Building Code and the building code training program. According to Ms. Jones, the Legislature created the Florida Building Commission (FBC) to develop and administer the Florida Building Code. In addition, they created the Florida building code training program to strengthen code compliance through code knowledge. Statutes allow the FBC to either develop or cause to be developed core curriculum and advanced courses. The Commission, through the Education TAC (Technical Advisory Committee), decided to develop the five technical and one administrative CORE courses that were unified throughout the state. The administrative course involves technical and enforcement aspects of the building code. The other five are technical courses which define the differences in the old code and the new Florida Building Code.

The statute also requires the Commission to use existing programs and resources to keep costs down. The Commission decided to use CE providers already approved through the Department of Business and Professional Regulation and the Board. Once a provider is approved, they would be permitted to purchase and administer the CORE courses. According to Ms. Jones, the Department has trained about 65,000 licensees so far and there are about 100,000 licensees required to take the CORE. That would leave approximately 35,000 licensees who still need to take the CORE course.

The Commission has also developed seven technical

advanced courses. The original intent of the Commission was to allow providers to develop the technical courses. What they found was that there were not enough advanced level courses available to licensees. The Commission deemed it appropriate to sell the courses for \$300 per continuing education credit hour. The individual providers could purchase the courses, and then take those courses to the Board for use under their providership.

The CORE requirement went into effect June 1, 2001. Licensees must either have taken the CORE course by May 31, 2003 or within two years from the date of initial licensure. Mr. Rebane asked if the CORE could be repeated with a licensee simply taking another one of the six each two years? Ms. Jones stated the statute only requires the licensee to take a CORE course one time. She stated it would be up to the Board whether or not to permit licensees to take the course more than one time.

(The DCA has a building code information website where there is a list of every licensee who has taken the CORE course. www.floridabuilding.org,)

The Commission has asked each licensing board to select a representative to attend meetings and to help make decisions regarding the building code training program. She noted that there has been some controversy as to who would be responsible for conducting training. The compromise that was reached was that the overall responsibility and oversight for Florida's training program would remain with the FBC but that implementation and administration of the program would be returned to the licensing boards. The Department is trying to accomplish this statutorily and language has been submitted to the Legislature this Session. As for the CORE, the Commission will continue to provide online and instructor-led administrative courses only. The development of technical courses will be conducted by private providers. The provider would be able to go to licensing boards to have their CORE courses approved. The Commission, however, would still have to deem this course a CORE course either before or after it goes to the licensing boards. The advanced modules would be turned over to the licensing boards. Providers will develop the courses and will submit them to the boards for approval. Licensing boards will review and approve the courses for compliance

with their board rules.

The Commission hopes to retain some oversight responsibility by obtaining statutory authority as an accreditor. The Commission would approve individuals with expertise in certain fields, who would review the courses and ensure they are code compliant. This would be a voluntary system. The providers would not be required to take the course to the accreditors. If they choose to take the course to the Commission, then the Commission's accreditor would review the course for code compliance. If it is found compliant, the course will be granted some kind of seal of approval. Ms. Jones noted that the Florida Statutes require engineers to take advanced level courses. However, there is no requirement that the Board establish a rule setting the requirement for advanced level course hours.

Mr. Geer introduced himself to Board members as the President of the Florida Institute of Consulting Engineers and stated that there is a lot of confusion in the field over the building code CORE course requirement. He asked whether the online administrative course would be considered one of the CORE courses. The Board members responded that yes, it would.

He also asked whether civil engineers, who render site civil drawings covered by the land development code, are required to take the CORE course. If the engineers are designing under the building code, they are required to take that CORE course. If the building department personnel are incorrectly interpreting the statute, then this Board would not be able to help this situation.

Mr. Matthews stated that when he appoints a Chair of the Mandatory Continuing Education Committee, a meeting will be convened to discuss issues such as this one.

#3. Approval of the Agenda

Item L#3 was added to the Agenda. Mr. Sunshine reported that Mr. Shah, Agenda item U#1, had requested a continuance. Mr. Matthews asked to move Item F#3 to the end of the Agenda. Mr. Rebane asked to discuss the monthly quarterly report under the Executive Director's report. This would be item E#7. Upon a motion by Mr. Duyos and a second by Mr. Rebane, the Board

voted to approve the Agenda as amended.

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

Item B#1 was pulled from the Consent Agenda. Items A#5a and A#5b were pulled from the Consent Agenda. Item F#2 was added to the Consent Agenda. Upon a motion by Mr. Duyos and a second by Mr. Rebane, the Board voted to approve the Consent Agenda.

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

- a. Minutes from December 3-4, 2003 Meeting*

Mr. Duyos reviewed some of the action items from the December Board meeting. Ms. Lowe was reminded to add the index of opinion letters to the Board's website. Mr. Campbell was asked whether a Press Release had been distributed to the State's building officials regarding unlicensed activity. He reported that he had sent an email to all Southeast Florida Building Officials informing them that the Board is now prosecuting unlicensed activity. Mr. Campbell was requested to send the Press Release to the Building Official Association of Florida for dispersal. Ms. Lowe was also requested to do a Press Release regarding unlicensed activity and to forward it to the Florida Engineering Society.

Ms. Velazquez asked that the record reflect that she was on maternity leave when she missed the December board meeting.

Upon a motion by Mr. Duyos and a second by Mr. Rebane, the Board voted to approve the minutes.

- b. Minutes from January 29, 2004 Conference Call*

Mr. Duyos asked that the minutes reflect that he was in transit on an airplane while the conference call was conducted. Upon a motion by Mr. Rebane and a second by Mr. Duyos, the Board voted to approve the minutes as amended.

B. Committee Reports

#1. Applications Committee
(R. Gerry Miller, Ph.D., P.E., Chair; Jorge Duyos, P.E.; Robert Matthews, P.E.; Henn Rebane, P.E.; Paul Tomasino, P.E.; Gloria Velazquez, Esq.)

a. Report on the Meeting of February 5, 2004

Dr. Miller asked that the Minutes reflect his attendance at the meeting.

Ms. Flynn was asked to confirm whether applicant #64 on List 12 should be changed to a conditional approval. It was agreed that #64 would be pulled until the following day. Upon a motion by Dr. Miller and a second by Mr. Rebane, the Board voted to approve the lists with the exception of #64 on List 12.

Based on staff's research, there was a mistake on the Comments for applicant #64. This person had been recommended for approval without conditions. Mr. Duyos moved to add them to the list. Mr. Rivera seconded the motion. The motion passed.

#2. Educational Advisory Committee
(Jorge Duyos, P.E., Chair; R. Gerry Miller, Ph.D., P.E.; Melvin Anderson, Ph.D., P.E. (Consultant))

a. Report on the Meeting of February 5, 2004

This item was covered above.

b. University of Miami Request for Evaluator Status

Mr. Duyos asked Mr. Martin if he should recuse himself because he is employed by the University of Miami. Mr. Martin asked whether he would be able to make an unbiased decision. Mr. Duyos indicated that he could but stated that he wanted it to be noted on the record. Mr. Duyos stated he would like to extend an invitation to the University of Miami as had been extended to Foreign Credentials. Ms. Velazquez moved to invite them to a future Board meeting to elaborate on the points raised in their correspondence. Dr. Miller seconded the motion and added that they should be sent a letter explaining the Board's requirements and provided with a copy of the

Board's rules. Mr. Duyos requested staff to obtain references. Ms. Velazquez asked staff to find out what the University charges for translations. The motion passed.

c. Presentation by Foreign Credentials Service

Mr. Bill Paver, the owner of Foreign Credentials Service, appeared before the Board to discuss his request to become approved as a foreign degree evaluator. He explained that FCSA has reviewed 10-15,000 foreign degree applications for the University of Texas and noted that the College of Engineering was one of the heaviest loads. He feels his company is well-versed in evaluations and provided some of his own professional background. He stated he is assisting in the development of a set of national standards for evaluation of foreign degrees and that his company's objective is to provide good service at a reasonable cost. He and his staff remain accessible to Boards and to applicants. He explained his familiarity with ABET and ABET standards.

Mr. Duyos asked him to discuss FCSA's evaluation staff. Mr. Paver stated that he has three full-time evaluators in the office. In addition, he has consultants who train his evaluators. Mr. Duyos asked the turnaround time for evaluations. Mr. Paver stated ten working days or two weeks. Mr. Duyos asked how FCSA handles disputes from applicants when the applicant does not agree with the evaluation service. Mr. Paver stated he has experienced this since he began evaluating degrees. He explained that they go first to the original evaluator and will do additional research as necessary to determine the appropriate course. Mr. Duyos asked Mr. Paver to confirm the fees and asked how transcripts were submitted. ABET is a flat fee of \$210. Ms. Austin indicated the transcripts come directly from the institution and are sealed with a raised seal so the Board will know they are authentic.

Ms. Velazquez asked how FCSA worked with Cuban applicants because of the difficulty they have in obtaining documents from their schools. Ms. Austin stated they may refer some of those issues back to the state board because they will not make the final decision on whether to accept copies of transcripts from Cuba. Mr. Martin indicated the Board had addressed these types of situations before and always ensured that the applicant had exhausted all

avenues. Ms. Velazquez asked if they perform translations. They indicated that they did not but that they subcontracted with a company called Lingua. Mr. Rebane asked them how they addressed specific Board requirements. Ms. Austin indicated they will address any requirements the Board is looking for and they will report their findings.

Mr. Duyos moved to add FCSA as an approved evaluator and to amend the Board rule as such. Ms. Velazquez seconded the motion. Mr. Martin indicated it would be approximately ninety days before the amended rule was in place. He did not anticipate any problems with the rule development. Mr. Duyos suggested that FCSA staff travel to Tallahassee for an application review meeting. Mr. Paver indicated they would be able to do this. Mr. Martin confirmed for FCSA that the Board would not be able to accept their evaluations until after the effective date of the amended rule. The motion passed.

#3. Probable Cause Committee
(Robert Matthews, P.E.; Paul Tomasino, P.E.; Allen Seckinger, P.E., Consultant)

- a. Report on the Meeting of January 20, 2004*

This item was approved on the Consent Agenda.

#4. FBPE Rules Committee
(Henn Rebane, P.E., Chair; Paul Tomasino, P.E.; Gloria M. Velazquez, Esq.)

- a. There was no report.

#5. Joint Engineer / Architect Committee
(Henn Rebane, P.E., Chair)

- a. There was no report.

#6. FBPE / FEMC Liaison
(R. Gerry Miller, Ph.D., P.E., Chair)

- a. There was no report.

#7. Test Administration Committee
(R. Gerry Miller, Ph.D., P.E., Chair)

- a. There was no report.

#8. Continuing Education Committee
(Robert Matthews, P.E., Chair; R. Gerry Miller, Ph.D., P.E.; Henn
Rebane, P.E.; Paul Tomasino, P.E.)

- a. There was no report.

#9. FBPE Legislative Committee
(Henn Rebane, P.E., Chair; Jorge Duyos, P.E.; Paul Tomasino,
P.E.)

- a. Report on Meeting of January 29, 2004

The Committee had held a short telephonic meeting following the Board's conference call and discussed possible future legislative changes. SB494 has been filed this Session and exempts truss placement plans from sealing. The Board was informed that its amendments would be placed on HB 419 and its companion bill SB 1368. Ms. Lowe reported that she had spoken with Mr. Rudd, who had indicated that the Board's amendments had been added to both bills.

#10. Unlicensed Activity Committee
(Robert Matthews, P.E., Chair; Jorge Duyos, P.E., R. Gerry Miller,
Ph.D., P.E.)

- a. Presentation by Priscilla Trescott, FES

Mr. Matthews provided some background information to the new Board members regarding the Florida Engineering Society's unlicensed activity campaign. Ms. Trescott presented several recommendations to the Board for Phase Two of the campaign. She also reported on Parts 2, 3, and 4 of the campaign.

Part 2, she noted, required the identification of program partners. She provided Board members with a list of engineering societies with local chapter information. She reported that FES had contacted the NCEES to discuss their methods of reaching engineering students. She found that the Council has a print advertising campaign for student

magazines. They also have a poster and brochure campaign as well as a speaker's kit. The Council would actually send a speaker to programs. The program is fully scripted and comes with several visual aids. FES has contacted the President of ASCE-Florida to determine their interest in pooling resources. The Florida Engineering Society's FICE Board has also approved support of this project.

Ms. Trescott asked Board members for any other recommendations. Dr. Miller recommended that AIChE be added to the list of those organizations to be contacted. Mr. Rebane suggested that the Society of Fire Protection Engineers be added. He noted that they have one Florida chapter, in Orlando, which is quite active. He also noted that ASHRAE has at least three contacts in Florida who handle legislative issues. He stated that Ms. Trescott could get the names of these three individuals from Mr. Coda, the Executive Vice President.

Part 3 required FES to contact private consulting firms. FES had contacted nine engineering firms to find out how they promote licensure with their staff. She found that two companies offer bonuses upon successful completion of the exam; three adjust employees' salaries upon successful completion of the exam; four indicated they pay for the exam; five allow time off to sit for the exam; one declined to share information; and one would only indicate that they do generally promote licensure but they would not offer specifics.

Part 4 required FES to obtain course background. They had contacted the engineering school deans for eleven Florida universities and asked whether their school had a course which promotes or talks about licensure, whether they would be interested in receiving information on the benefits of licensure from the FBPE; and whether they would like the Board to provide a speaker for a one-hour lecture on the benefits of licensure. Ms. Lowe was requested to schedule a workshop for the April Board meeting, during which time the Board would discuss Phase Two of the contract. Ms. Lowe was requested to have the speakers kit available so that Board members can review the scripted presentation.

After she concluded her presentation, Ms. Trescott reminded Board members that they were meeting with FES in August, and extended an invitation to Board members to join FES for their general reception on the Thursday evening. In addition, they were invited to the FICE reception on Friday evening.

C. NCEES Business

#1. National Passing Rates*

This item was approved on the Consent Agenda

#2. NCEES Associate and Emeritus Members

Dr. Miller moved to add Jack Beamish and Bruce Campbell to the list of Associate members and to remove Mr. Dlouhy, Mr. Lobnitz, and Mr. Minacci from the list. Mr. Rebane moved to extend an invitation to Ms. Lacasa and Dr. Bondada to see whether they would like to be nominated as Emeritus members. Mr. Tomasino seconded. The motion passed.

#3. Memo from NCEES Regarding Proposed Amendment to Constitution and Bylaws

Mr. Rebane moved to support the amendments to the constitution and bylaws of the NCEES as described in the January 28, 2003 memo but specified that the decision be non-binding so that Florida's delegate would have the authority to change the position once they hear testimony during the Annual meeting. Mr. Duyos seconded the motion. The motion passed.

#4. Correspondence from the Texas Board of Professional Engineers

The Texas Board of Professional Engineers had sent out correspondence to the member boards offering changes to the Council's Bylaws and Constitution. The amendment would require a majority vote of the Council to suspend one member board's membership privileges and would clarify the ramifications when the Council fails to ratify the actions of the Board of Directors. Mr. Matthews called for a non-binding decision of the Board due to the amount of discussion that would certainly take place at the Annual Meeting.

Mr. Rebane reviewed the Texas issue for the benefit of new Board members and explained about ELSESES' administration of examinations.

Mr. Tomasino moved to instruct our voting delegate to note the checks and balances in the amendments to the Bylaws and Constitution. Dr. Miller seconded the motion. The motion passed.

D. Advisory Attorney's Report

#1. Rules Update

The following rules were tolled pending the outcome of a rule challenge:

21.001 and
21.004: Written Examination Designated; General Requirements,
and Passing Grade

21.003 and
21.005 Grading Criteria for the Essay Portion of Examination; and
Engineer Intern Examination (REPEALED)

The following rule was filed for final adoption and will be effective on
February 5, 2004:

23.001 and
23.002 Seals Acceptable to the Board, and Seal, Signature and
Date Shall be Affixed

Counsel is responding to JAPC regarding the following rules:

22.006 Demonstrating Compliance.
24.001 Schedule of fees Adopted by Board
30.001 Retention of Engineering Documents

A rule notice was filed for the following rule:

20.002 Experience.

The following rules were filed for development in December 2003:

35.003 Qualification program for special inspectors of threshold
buildings.
35.004 Common requirements to all engineers providing threshold
building inspection services as special inspectors.

#2. Board Counsel Opinion Letters

There was no report.

E. Executive Director's Report

#1. List of Applicants Requesting Retired Status*

This item was approved on the Consent Agenda.

#2. Board Member Outreach Report

a. There was no report.

#3. Department's Legislative Package

Ms. Lowe stated that this was a copy of the Department's privatization bill. Chapter 471, F.S. is not referenced in the statute. There were a few people who had expressed concern that the Department would try to bring FEMC in under its provisions. Mr. Whitston had indicated he would be more comfortable if FEMC was specifically exempted in the statute. Mr. Martin stated that without this exemption language, he would suspect that this Board would see some of the provisions in this statute referenced in their next contract. Mr. Matthews noted that there is a new requirement that there would be a quarterly assessment regarding contract compliance by the corporation. He expressed concern with this provision because of the trouble FEMC has had in the past getting a certification from the Department on an annual basis. Mr. Matthews stated he would like to hear from the FEMC Board their position on this bill. This is HB 851 and SB 2026. Mr. Matthews stated that the PE Board might want to join the FEMC Board on a conference call to discuss this bill. Mr. Rebane noted that it is difficult for Board members to participate in the legislative process because they are not permitted to lobby as a Board.

#4. HB 472 Surveyors and Mappers bill

Ms. Lowe noted that the Surveyors had given up on trying to get this bill passed and were focusing their efforts on amending the Department's privatization bill instead.

Mr. Martin reported that the surveyors held their quarterly meeting in January and at that time, Mr. Martin had discussed with the President of their professional society the possibility of FEMC

contracting to take over their Board office. He was reminded of the longstanding concern of the surveyors of being melded with the professional engineering board. Mr. Martin did not feel like there was a lot of support for having FEMC take over the Board.

#5. Update on LicenseEase transition.

Ms. Lowe described some of the problems staff was having with LicenseEase.

The information the Board needs to have is the accuracy and the completeness of the licensees' records. The website should give the building department personnel information sufficient to permit them to decide whether or not to issue a permit. If there are restrictions on the license, then these need to be displayed. Ms. Lowe was requested to research the information on the website and see what could and could not be displayed. Mr. Matthews stated he would be contacting Ms. Carr and attempting to schedule a meeting with her to discuss these issues. Ms. Velazquez recommended putting some of the Board's concerns in writing. Mr. Tomasino asked that the list of concerns that is provided to the Secretary be shared with the Board.

#6. Updated FBPE Calendar

Ms. Lowe pointed out some of the changes to the calendar. She was requested to add the Legislative Committee meetings to the full calendar.

Mr. Matthews noted that he will be appointing committees in the near future and so Board members should carefully review the calendars.

Upon review of the new date for the September Board meeting, Ms. Lowe was requested to explore moving the meeting to September 21st and 22nd.

#7. FEMC Quarterly Statistical Report

Mr. Rebane stated he had reviewed the quarterly report and had several items he would like to see included in future reports. For instance, how many complaints had been received? How many were in a backlog of greater than six months old. He explained that the Board had always believed that the person filing the complaint should remain informed throughout the process. In addition, FEMC was created in order to ensure that cases were

expedited through the system. The Department has specific criteria they want to check for contract compliance. The Board has certain requests in addition to those of the Department's. Mr. Rebane wants to have a degree of comfort that the complaints that come in are being handled as quickly as possible. He stated he understands that some of them take longer than that but he would like to remain informed. Ms. Lowe was requested to present a draft report at the next meeting. Mr. Whitston stated he would like to see when the complaints were received, when they went to probable cause, and what action was taken.

F. Chair's Report

#1. Discussion on NCEES Proposed Licensure Model
From ELQTF and LQOG

At the request of Mr. Bill Palm, the Board was asked to provide its opinion on the proposed licensure model.

Dr. Miller stated that he thought the public was already confused enough with the terms professional engineer and engineer intern without adding additional layers and additional terms. He spoke in support of the practical examination though he stated he does not think it would be useful for all licensees.

Mr. Rebane stated he thought it was a good step toward clarifying the problem they are having with licensure in that, practically speaking, the current model's path to getting the PE is only applicable to people who sign and seal their work product.

Mr. Matthews echoed Dr. Miller's concern over adding additional engineering titles, but concurred with Mr. Rebane's comments over the financial impact of the current examinations. He recommended that an outside organization take a look at this because NCEES has too much of a vested financial interest in the outcome.

Mr. Duyos stated he did not like the idea of being able to take the PE exam right out of school but then having to wait four years in order to be licensed.

Mr. Rose stated that he liked the idea of changing the title engineer intern to an associate engineer.

The consensus was that the Board did not support the recommended licensure model as developed.

Dr. Miller commented on the national registry suggested to contain a list of all registered and professional engineers. This is something that NCEES would do, that they would charge for, and that they have created. He stated he likes the idea of having an independent organization review the proposed licensure model.

#2. Correspondence from Bracken Engineering*

This item was approved on the Consent Agenda.

#3. N. Lowe Accenture Discussion

New Business Item-FBPE meeting of February 18, 2004

Chairman Matthews presented an overview of personnel issue (regarding N Lowe) that began with an anonymous e-mail "Concerned Republican" to the Governor's office. Mr. Matthews reviewed a number of documents and meetings that pertained to the subject including a report prepared by Mark Herron and a report prepared by DBPR Secretary, Diane Carr. Because of the serious nature of the issue, Chairman Matthews requested that the Board consider approving the issuance of a letter of reprimand to Ms. Lowe's personnel file. After much discussion by the Board, Vice Chair Rebane made a motion that a letter specific to the issue is written by the chairman to Ms Lowe's personnel file. The motion was seconded by Dr. Miller and passed 7 to 2. Mr. Duyos and Ms. Velazquez voted against the motion.

Mr. Duyos then raised the issue of FEMC needing a formal procurement policy. After discussion by the Board, Ms. Velazquez made a motion requesting FEMC to develop a formal procurement policy, an ethics policy and a budget transfer policy. Mr. Duyos seconded the motion and it passed 9 to 0.

G. Correspondence to the Board

#1. Email from Mr. William Murray

Mr. Murray wrote to the Board concerning the unlicensed practice in the area of naval architecture and marine engineering. He was stating his frustration at the number of companies practicing without appropriate licensure. He noted that these companies are designing boats and ships.

Mr. Campbell addressed the Board and stated that the person mentioned in Mr. Murray's letter, Mr. Rahn, resides in Florida but does not do design work in Florida. Instead, he performs work on projects out of the state and even out of the country. Mr. Campbell had issued a Cease and Desist based on the yellow pages advertisement offering naval engineering and structures. Mr. Rahn's website recognizes the fact that Florida now offers an examination in this subject and also acknowledges that the state will be regulating this discipline of engineering. Mr. Campbell also noted that Mr. Rahn and Mr. Murray had previously engaged in a business partnership.

Mr. Rebane asked Mr. Campbell to review the yellow pages from some major areas of the state to see what kind of a problem the Board is facing. Mr. Campbell was also asked to respond to Mr. Murray regarding his specific complaint and the general pursuit of information in this area.

#2. Email from Samuel Thomas, P.E.

Mr. Thomas asked the Board whether forensic engineering reports should be signed and sealed in Florida. Mr. Martin stated that if an engineer is going to do a report on how or why a structure failed and how to fix it, then that would constitute the practice of engineering and the report should be signed and sealed.

Mr. Rebane recommended that the issue be referred to the Rules Committee for discussion. Mr. Martin stated he would respond to Mr. Thomas and notify him that those using the term "forensic engineering" in their practice should seek to obtain licensure.

#3. Correspondence regarding Roy H. Barto, P.E.*

This item was approved on the Consent Agenda. Ms. Lowe was asked to place a small obituary notice in the next newsletter.

#4. Correspondence from Augustine Mennella, P.E.

Mr. Rebane moved to deny the request for a waiver of renewal fees due to medical reasons. Mr. Duyos seconded the motion. The motion passed. Ms. Velazquez opposed the motion.

#5. Correspondence from Mr. Richard L. Gaines

Mr. Gaines requested the Board to discuss the differences in engineering degrees and engineering technology degrees. He also asked for an alternative to pursuing licensure other than the two avenues he had been given when he appeared before the Board. At that time he was told he could obtain a Masters degree in engineering or to go back to school and obtain another BS degree in engineering from an ABET accredited program. Mr. Matthews reported that he had spoken with Mr. Lombardo who had indicated that Mr. Gaines was going to find out from a local university what courses he would need to take to obtain a BS degree in engineering. Therefore no action was deemed necessary.

#6. Correspondence from Nicholas Jammal, P.E.

Mr. Sunshine stated he had spoken with Mr. Jammal and that Mr. Jammal's concern was whether the design of a commercial building was considered incidental to his engineering work.

The answer to his first question, whether the Board had prepared or had assisted in the preparation of a chart he had included, is no.

In answer to his second question, Mr. Martin noted that the maker of the chart was defining commercial systems to be the design of specific components such as HVAC components, not entire engineering systems. The chart shows that the architect can always design commercial buildings. The commercial systems can always be designed by the engineer. Then each professional can perform the other's work that is incidental to their own. Architects can only design engineering systems if it is incidental to their architecture work. And the engineer can not just perform architecture work. They must perform the engineering work on the project. Mr. Martin will formulate a response to Mr. Jammal's question.

#7. Correspondence from Gator Engineering Services, Inc.

Mr. Fetrow wrote to the Board members bringing to light a problem he saw with engineering firms which are using engineers and designers from as far away as India to perform land development and building design projects in order to save money. He asked first whether the Board was aware of this practice. The Board members confirmed that they were aware that this situation was occurring. He asked next whether this was a legal means of operation for an engineering business in the State of Florida or whether it violated the statutory requirement that all design work be performed under the responsible charge of a licensed engineer. The consensus of the Board was that, assuming certain facts that were not detailed in the letter, this would not be a legal practice. In regard to the third question posed, whether this mode of operation violates federal commerce laws, the Board stated that this would be a federal matter and therefore out of the board's jurisdiction. There was much discussion on responsible charge and the advantages and disadvantages of modern technology and firms with international branches. Mr. Matthews stated he would do some research while he is in India in May.

Ms. Velazquez recommended that rule 18.011(1)(a)1. be amended to require the person to be "physically" available in a reasonable period of time. She also recommended striking the words "through the use of communication devices." Mr. Tomasino moved to amend the rule accordingly. Mr. Rebane seconded the motion. Mr. Rebane then moved to table the issue until June, when the Chair returns from his trip to India and reports to the Board. Ms. Velazquez seconded the motion. The motion passed. Mr. Tomasino opposed the motion.

#8. Correspondence from Murthy Bondada, Ph.D., P.E.*

This item was approved on the Consent Agenda.

#9. Correspondence from Clarence Hutto, P.E.

Mr. Hutto posed the question of whether engineering design work performed in the State of Florida but on federally owned property was required to be signed and sealed. Mr. Martin noted that this issue is surfacing because DEP is requiring permitting of federal projects. DEP has very strong ideas of what needs to be permitted for stormwater projects and is requiring sealing. It doesn't matter whether the project is being performed on federal property if the work will not be submitted to a building department. These projects are required by the DEP to be submitted for permitting and the Department wants the documents to be sealed. It was the consensus of the Board that if the permitting agency requires the projects to be signed and sealed, then this is their territory.

H. Old Business

#1. Review of Action Item List from December Board Meeting.

Ms. Lowe has several outstanding action items.

#2. Berryman response to Casey Carrigan, P.E.

This was provided to the Board members for informational purposes only. Ms. Lowe was requested to make sure the response had been forwarded to Mr. Carrigan.

Mr. Martin stated he had spoken with an engineer recently who had purchased a manufactured building. The engineer had signed and sealed the foundation drawings and had obtained signed and sealed drawings for the manufactured building. But no one wanted to accept responsibility as the engineer of record for the entire structure. The foundation engineer considered himself a delegated engineer. Mr. Martin clarified that he had not been hired by another engineer, he was hired by the owner. His work had not been prescribed by a delegating engineer and so he was not a delegated engineer. But this engineer did not want to accept the liability or the responsibility. Mr. Rebane stated that Mr. Martin had exactly described the problem that caused the Board to develop the rule in the first place.

I. New Business

#1. Board Member training.

Mr. Sunshine reviewed the different types of hearings that would be held on the following day.

J. Public Forum

**Part II
Informal Hearing Agenda**

K. Informal Hearings on Denial of Application for Fundamentals Examination

#1. Giselle Albisu

Ms. Albisu was not present. Her application had been presented to the Board in December. After the meeting it was discovered that notification regarding the status of the request for Formal Hearing was not completed. It was determined that to avoid any misunderstanding of the process, the file would be presented again in February and Ms. Albisu would be notified accordingly. Ms. Albisu had applied for the Fundamentals examination. In reviewing the evaluation provided by Josef Silny it was determined that she was deficient seven hours in Basic Sciences.

Ms. Velazquez noted that the return receipt was not included but noted that the letter was sent to an incorrect address. Ms. Flynn stated that the address was corrected and the letter had been mailed again to the correct address. The letter was returned to the Board office as unclaimed. Mr. Martin indicated he had also written to the applicant and that his letter was returned unclaimed.

Upon a motion by Mr. Rebane and a second by Mr. Tomasino, the Board voted to deny Ms. Albisu's request for a formal hearing.

Upon a motion by Mr. Duyos and a second by Mr. Rebane, the Board voted to uphold the denial.

Ms. Velazquez excused herself and telephoned Ms. Albisu during the Board meeting. She confirmed that Ms. Albisu did not receive her notice of hearing and had supplemental information available. Ms. Velazquez moved to rescind the Board's original action. Mr. Burke seconded. The motion passed. Her case was continued until the April Board meeting.

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

#1. Robert J. Butler

In lieu of attending, Dr. Butler had submitted a letter regarding his application.

Dr. Butler had applied for the Principles and Practice examination and had requested waiver of the Fundamentals examination in accordance with the provisions outlined in Section 471.015, Florida Statutes. The request was denied and Mr. Butler submitted an Election of Rights to have a Formal Hearing.

In review of this section of the statute by Board Counsel it was determined that waiving the Fundamentals examination would only apply to individuals applying for licensure by endorsement. Dr. Butler was applying for examination. With the legal interpretation applied, the Board has taken action to submit legislation that would allow this provision to apply to individuals applying under Section 471.013, Florida Statutes for licensure by examination.

Upon a motion by Mr. Duyos and a second by Mr. Rebane, the Board voted to deny Mr. Butler's request for a formal hearing.

Mr. Rose moved to uphold the denial. Mr. Burke seconded the motion.

Mr. Duyos noted that the Board had always intended to waive the Fundamentals for those who hold a Ph.D., and also noted that the Board was taking definitive steps to change the statute in this legislative session to permit Ph.D. holders to waive the Fundamentals examination.

Mr. Martin stated he understood why Mr. Duyos wanted to approve the application, but noted that the statute, in its current form, simply does not allow the board to do this legally. The statute, if changed, would take effect at the earliest by July 1, 2004. Mr. Matthews asked if notice of this potential change could be included in the letter to Dr. Butler.

The motion passed with Mr. Duyos voting against.

#2. Xiaoyu Mei

Mr. Mei was not present. He had applied for the Principles and Practice examination. Mr. Mei holds a BS and MS degree from China and a Ph.D. from the University of South Florida completed in August of 2001. In reviewing the evaluation from Josef Silny to determine articulation under Section 61G15-20.001(b), F.A.C., it was noted that he was deficient 5.25 semester credit hours in Basic Sciences. In addition to deficiencies in Basic Sciences it was determined that he does not evidence 48 months of experience. He would be required to secure an additional twelve months of experience.

Mr. Rebane requested clarification as to whether we were waiving the Fundamentals examination for this individual. It was confirmed that the Board would be unable to legally waive the Fundamentals examination until the statute was changed. Ms. Flynn noted that Mr. Mei had asked the Board to waive the Fundamentals examination based on his Ph.D. Mr. Martin stated that the Final Order would note that he had also not passed the Fundamentals exam.

Upon a motion by Dr. Miller and a second by Mr. Rebane, the Board voted to uphold the denial.

#3. Bjorn Anderson

Mr. Anderson was present and addressed the Board. His application had been denied for deficiencies in experience. His file was referred to the full Board for consideration of whether he had been engaged in the unlicensed practice of engineering. Mr. Anderson answered questions from Board members relative to his work experience and it was the consensus of the Board that he had been engaging in the unlicensed practice of engineering. Mr. Rebane moved to deny the application and to refer the case to the Board's prosecuting attorney to perform an investigation. Mr. Duyos seconded the motion. Mr. Duyos suggested that a CPA be consulted as part of the investigation in order to clarify the business relationship between Mr. Anderson and his employer. The motion passed.

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

#1. Ruben Ramirez-Colon
Consideration of Petition for Variance and Waiver

Mr. Ramirez-Colon was present with counsel. He had applied for licensure by endorsement. His education and experience meet the requirements of Section 471.013, F.S. The basis for denial was examination scores. The verification from Puerto Rico stated that he took examinations on September 17 & 24 in 1967, and that he passed the Structural Planning and Design and Basic Engineering Science. It is unclear as to the length of the examinations and scores achieved. There is a difference in dates listed on his application (1964) versus verification form from Puerto Rico that lists a date of licensure as 1968.

A copy of the laws and rules from an older Board Directory was provided for comparison to whatever additional information Mr. Colon would present. He was also advised to submit a new verification from Puerto Rico and a copy of their laws and rules to define what examinations and scores were required for licensure in 1967 and to address the difference in the 1964 and 1967 dates.

During the process of preparing for the Informal Hearing, his counsel, Ms. Sherrie Barnes had filed a Petition for Variance and Waiver under authority of Chapter 120.542, Florida Statutes.

Through discussion it was determined that Mr. Ramirez-Colon may be eligible for licensure under the 25/30 statute found at 471.015, F.S. However, the file seems to reveal that there may be a gap in his licensure. Mr. Ramirez-Colon will request Puerto Rico's board of professional engineers to verify his licensure record.

Dr. Miller moved to deny the petition for waiver and variance. Mr. Duyos seconded the motion. The motion passed.

#2. Randall W. Brown

Mr. Brown was not present. He had applied for licensure by endorsement. He had been licensed in Texas in 1991 based on education and experience. He was not required to pass the NCEES Fundamentals or Principles and Practice examinations. Under authority of Section 471.015(5) (a), F.S. Mr. Brown is eligible for waiving the Fundamentals examination based on fifteen years of continuous registration and twenty years of continuous experience.

However, he does not meet criteria of Section 471.015(5)(b), F.S. for waiving the Principles and Practice examination.

Mr. Brown had requested a continuance because he was called to active military duty. Upon a motion by Mr. Duyos and a second by Mr. Rebane, the Board voted to grant the continuance.

#3. Carl F. Powell, Jr.

Mr. Powell was present with Mr. Gary Dunn, his employment supervisor. Mr. Powell had applied for licensure by endorsement. He had passed the NCEES Fundamentals examination and Principles and Practice examination and has the requisite number of years of experience. The basis for denial is education. Mr. Powell holds a BS degree in civil engineering technology issued in 1991 from the University of North Carolina. This does not meet statutory requirements outlined in Section 471.013 (1) (a) 2., F.S.

Mr. Brown asked for clarification as to why the technology degree would not be acceptable. Mr. Martin explained that at this time, engineers must hold an ABET degree in engineering.

Mr. Dunn addressed the Board and spoke in support of licensing Mr. Powell based on his engineering proficiency.

Based on the advice of Board counsel, Mr. Rebane moved to deny the application. Mr. Duyos seconded the motion. The motion passed.

#4. Richard Gene Marceau

Mr. Marceau was present. He had applied for licensure by endorsement. In reviewing the experience section of the application there was reason to believe he may have performed engineering prior to licensure. The Board decided that determination of eligibility for licensure would be an action of the full Board. Mr. Marceau was notified so that he could attend the meeting.

The Board members asked him several questions about his current employment, and, in particular, his supervision of the civil engineering division of the company for which he works. He stated he had been employed for six weeks by Design Services Incorporated in New Port Richey. His title within the company is Project Engineer.

Based on the discussion, Mr. Rebane moved to refer the case to the Prosecuting Attorney for investigation of Mr. Marceau's current employment situation and to deny the application. Mr. Duyos seconded the motion. The motion passed with Ms. Velazquez opposing the motion.

#5. Srinivasa S. N. Battula

This hearing was continued from December. A revised evaluation had defined a two-semester course sequence in Physics. Mr. Battula was found to be .5 hours deficient in math. Upon a motion by Mr. Duyos and a second by Ms. Velazquez, the Board voted to approve his application.

N. Informal Hearings on Denial of Continuing Education Provider Application

#1. W. R. Grace and Company

Mr. Lee Holland appeared on behalf of W.R. Grace and Co. This company had applied for continuing education provider status. The Board had determined that they do not meet criteria outlined in 61G15-22.11, Florida Administrative Code (commercial educator status) and the application was denied. In reviewing the application and information it appears they offer training on products sold by their company.

Mr. Holland stated he understood that he did not meet the letter of the law with respect to being a commercial educator; however, he was before the Board to tout the value and merit of his continuing education courses. He asked for a variance from this rule. Mr. Martin stated he would have to file a formal petition for the variance. Mr. Holland stated he would do that. It was also suggested that he could hire a professional engineer to teach the courses on behalf of his company. Mr. Rebane moved to uphold the denial. Mr. Duyos seconded the motion. The motion passed.

O. Informal Hearings on Denial of Application for Special Inspector Certification

#1. James Evetts

Mr. Evetts was not present. He had applied for certification as a Special Inspector. The Board had denied his application based on a review of his experience. It was the determination of the Board that Mr. Evetts' experience does not satisfy requirements of

61G15-35.003, Florida Administrative Code and Section
553.71(7), F.A.C.

Upon a motion by Mr. Tomasino and a second by Mr. Burke, the Board voted to uphold the denial.

P. Other

#1. Walter Medley
Petition for Reinstatement of License

Mr. Medley appeared before the Board to request reinstatement of his license. He had satisfied all terms of previous disciplinary cases.

Mr. Duyos asked Mr. Medley for his most recent work experience. Mr. Medley stated he has been working under the supervision of a licensed professional engineer and has not signed or sealed anything since his suspension took place. As continuing education, Mr. Medley stated he had taken a drainage course and a course in engineering professionalism and ethics from Texas Tech. Mr. Rebane asked him for a recommendation for Texas Tech. Mr. Medley stated that he had derived great value from the course and prior to taking it had no in-depth knowledge of professional ethics. It was noted that he had never participated in a project review. Mr. Medley indicated that he had anticipated that he would participate in a project review once the suspension was lifted.

Mr. Duyos moved to reinstate his license but to place him on probation with project review at six and eighteen months. Mr. Rivera seconded the motion. The motion passed.

#2. Thein Swe

Mr. Swe was present and addressed the Board. He had applied to sit for the Principles and Practice exam but concerns were raised over his education. The undergraduate transcripts used for his evaluation were not original transcripts. The Education Committee had raised the question of whether they were authenticated. Mr. Swe has indicated a hardship in obtaining original transcripts from his native country. He stated he has an original transcript that he obtained in 1992. These are the only transcripts he has. He has been told that the institution has to send the transcript directly. He stated he was told by people from his country that if were a diplomat, then they would send the transcripts but because he is not, they will not do so. Mr. Duyos moved to authorize evaluation

by Silny from his original transcripts. Mr. Rivera seconded the motion and the motion passed unanimously.

When the evaluation is submitted the application will be presented back to the application committee to review the overall application for eligibility to sit for the Principles and Practice examination.

Part III Disciplinary Hearings

*Q. Recommended Orders

- #1. Anthony Pedonesi, P.E.
PE 34653
DOAH Case Number 03-0890PL
FEMC Case Number 01-0104
Represented by David P. Rankin, Esquire
Probable Cause Panel: Rebane, Matthews, Seckinger

Mr. Pedonesi was charged by Administrative Complaint with six counts of negligence in the practice of engineering for violating a provision of a chapter or rule of the board or department relating to drawings for a New Water Slide Construction project located at Weeki Wachee Springs, Florida. Mr. Pedonesi's New Water Slide Construction project drawings were found to have nineteen separate deficiencies in the plans.

Mr. Pedonesi disputed the facts upon which the Administrative Complaint was based. A formal hearing was conducted on June 2 and July 1, 2003. By Recommended Order dated September 30, 2003, the Administrative Law Judge concluded Mr. Pedonesi was not negligent in the practice of engineering and recommended that the Administrative Complaint be dismissed.

The Board's Prosecuting Attorney filed exceptions to the Recommended Order on October 15, 2003. Mr. Pedonesi did not file a response to the exceptions.

Mr. McKenzie respectfully requested the Board to accept Mr. Pedonesi's response to the exceptions. Mr. McKenzie proffered that the Model Rules do not require a response to the exceptions. Furthermore, he added that the Final Order only pointed out the rule that applies to filing exceptions, it did not apply to responding to exceptions.

Ms. Velazquez moved not to accept the untimely written response to Mr. Sunshine's exceptions. Mr. Burke seconded the motion. The motion passed.

Mr. McKenzie asked for a roll call vote:

Burke: yes
Duyos: yes
Miller: yes
Rivera: yes
Rose: yes
Tomasino: no
Velazquez: yes

In regard to the first and second exceptions, Mr. Sunshine provided argument in support and counsel responded.

Mr. Duyos noted that the building official has no choice but to render a decision based on what is on the plans. He moved to accept the exception. Mr. Rivera seconded the motion. Dr. Miller pointed out the portion of the transcript where the building official did not agree that this was a fast track project. Mr. Tomasino stated he found the record to be consistent with the judge's findings and that he would not support the exceptions. The motion was passed.

Burke: yes
Duyos: yes
Miller yes
Rivera: yes
Rose: no
Tomasino: no
Velazquez: no
Motion passes 4-3.

In the third exception filed by the prosecution, the issue was whether Mr. Pedonesi's actions rose to the level of negligence

After an exchange of dialogue, Dr. Miller moved to reject the third exception. Mr. Duyos seconded the motion. The motion passed unanimously.

In regard to the fourth exception, after both counsels presented their arguments, Mr. Duyos moved to reject the exception. Mr. Tomasino seconded the motion and the motion passed.

The fifth exception filed by the prosecution addressed the Administrative Law Judge's conclusions of law.

Mr. Duyos noted that two parts of the exception were contained in previous exceptions. Mr. Martin advised that the Board could not consider that part of the exception that addresses parts that have already been decided on in previous exceptions. Mr. Tomasino moved to reject the fifth exception. Mr. Duyos seconded the motion. The motion passed.

Burke: no
Duyos: yes
Miller: no
Rivera: yes
Rose: yes
Tomasino: yes
Velasquez: no

In regard to the sixth exception filed by the prosecution, Mr. Burke moved to accept the exception. Dr. Miller seconded the motion. The motion passed with Mr. Tomasino opposing.

In regard to the seventh exception filed by the prosecution, the issue before the Board was whether to find Mr. Pedonesi guilty of the charges as alleged in the Administrative Complaint.

There was much discussion on identifying the plans that were submitted to the building department. The plans were marked "bidding documents" but were not identified as preliminary plans or fast-track. There was much discussion on whether or not the project was ever officially declared a "fast-track" project. It was noted that Mr. Tolbert had not come aboard the project until after construction.

Mr. Duyos moved to adopt judge's recommendation of not guilty. Ms. Velazquez seconded the motion and the motion passed.

Burke: no
Duyos: yes
Miller: no
Rivera: yes
Rose: yes
Tomasino: yes
Velazquez: yes

R. Settlement Stipulations

- #1. Emilio D. Castro, P.E.
PE 41592
FEMC Case Number 03-0032
Represented by Eric B. Tilton, Esquire
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Castro was charged by Administrative Complaint with negligence in the practice of engineering when he failed to adequately secure his seal, resulting in a forged set of plans and calculations, bearing his seal, being filed with the Village of Pinecrest Building Department.

Mr. Castro had entered into a stipulation with FEMC for a \$500.00 fine and costs of \$1,346.40, a reprimand, an appearance before the Board, and probation for one year with the requirement that he successfully complete the Study Guide.

Upon a motion by Mr. Rebane and a second by Mr. Rivera, the Board voted to approve the Stipulation.

- #2. Douglas A. Dowdy, P.E.
PE 22763
FEMC Case Number 03-0025
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Dowdy was charged by Administrative Complaint with negligence in the practice of engineering relating to master plans for a Pool/Patio Enclosure project.

Mr. Dowdy had entered into a stipulation with FEMC for a \$1,000.00 administrative fine and costs of \$2,315.28, a reprimand, probation for two years with the requirement that he successfully complete a Board approved course in Engineering Professionalism and Ethics, submission to the Board of a list of projects for review, and successful completion of the Board's Study Guide.

Mr. Rebane requested Mr. Sunshine to ensure that Mr. Dowdy retracted all of his sets of master plans.

Upon a motion by Dr. Miller and a second by Mr. Burke, the Board voted to approve the Stipulation.

- #3. Edgar Munoz, P.E.
PE 50051
Represented by Kathleen M. Sales, Esquire
DOAH Case Number 03-3568PL
FEMC Case Number 02-0029
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Munoz was present and addressed the board. He had been charged with negligence in the practice of engineering for deficiencies in a set of residential structural plans. He had entered into a Stipulation with FEMC for a \$3,000.00 fine, costs of \$1,589.10, an appearance before the Board, completion of a course in engineering professionalism and ethics, completion of the Board's study guide, two years probation with plans review at 6, 12, 18, and 24 months, and restriction from sealing structural plans and calculations until he passes the Structural I examination.

Mr. Munoz stated he had entered into the Stipulation as described but that he had performed all the work himself. Mr. Duyos asked if the City was aware of his outside employment. Mr. Munoz stated he was permitted to perform the work. Mr. Rebane moved to adopt the Stipulation but requested that the Board's investigator go back and change the investigative report to reflect more accurately the circumstances surrounding the work performed on the structure. He would like to see who the engineer of record for the project was. Mr. Duyos seconded the motion. The motion passed.

- #4. Masood A. Feghhi, P.E.
PE 38622
FEMC Case Number 01-0043
Represented by Lorne E. Berkeley, Esquire
Probable Cause Panel: Coby, Rebane, Seckinger

Mr. Feghhi was present and addressed the Board. He had been charged with negligence in the practice of engineering for structural deficiencies relating to plans for the Merrick Way Building project.

Mr. Feghhi had entered into a stipulation with FEMC for a \$500.00 administrative fine and costs of \$1,470.00; an appearance before the Board when the stipulation is presented; probation for one year with the terms that he must successfully complete a Board approved course in Engineering Professionalism and Ethics; submission of a list of projects to the Board for review; and completion of the Board's Study Guide.

Dr. Miller asked Mr. Feghi whether he had completed the building code CORE course. Mr. Feghi replied that he had but that the Department's website did not reflect completion. He stated he would send documentation to the Board office.

Upon a motion by Ms. Velazquez and a second by Mr. Rivera, the Board voted to approve the Stipulation.

- #5. Steven E. Harris, P.E.
PE 36805
FEMC Case Number 03-0004
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Harris had been charged by Administrative Complaint with two counts of negligence in the practice of engineering for deficiencies relating to fire protection plans and hydraulic calculations for a lumber processing plant.

Mr. Harris had entered into a stipulation with FEMC for a \$2,000.00 administrative fine and costs of \$1,049.70, a reprimand, probation for two years with successful completion of a course (CE) on Fire Protection recommended by a FEMC Consultant, submission to the Board of a detailed list of projects for review, completion of a Board approved course in Engineering Professionalism and Ethics, and completion of the Board's Study Guide. He was also required to address the Board on measures taken to prevent this matter from reoccurring.

Upon a motion by Mr. Rebane and a second by Mr. Rivera, the Board voted to reject the Stipulation.

Mr. Rebane moved to offer a new stipulation with a fine of \$3,000 instead of \$2,000. Dr. Miller asked the Board to consider removing the term of a Fire Protection course and substitute completion of the Fire Protection examination. Mr. Rebane accepted the amendment to the motion. Mr. Burke seconded the motion. The motion passed.

- #6. Donald E. Pflueger, P.E.
PE 13831
FEMC Case Number 03-0131
Probable Cause Panel: Matthews, Tomasino, Seckinger
(See Exhibit R#6 in Red Book One

Mr. Pflueger was present and addressed the Board. He had been charged by Administrative Complaint with one count of negligence and one count of violation of rule 61G15-30.002(6), F.A.C. relating to deficient plans for the Markham Signs & Awning, Inc.- Commercial and Eve Alexander-Residential projects.

Mr. Pflueger had entered into a stipulation with FEMC for a \$2,000.00 administrative fine, a reprimand, and an appearance before the Board to discuss quality control of his projects.

Mr. Pflueger was asked how he would improve quality control in his office. He stated that in the future, he would be performing destructive testing in order to make sure the attachment to the building was properly engineered. Mr. Rebane stated that if he was submitting an incomplete set of plans for permit then he would need to specify this on the plans, and state that the design would be finished after demolition is completed. Engineering decisions would be documented at that time. Mr. Rebane did not agree that the use of ink to confirm an original seal would satisfy the Board's concerns.

Mr. Duyos asked about prior disciplinary history. Mr. Sunshine noted that this current case resulted from a project review in a previous case. In addition, there were other previous disciplinary cases.

Mr. Rebane cautioned Mr. Pflueger on having not completed the building code core course. Mr. Pflueger indicated he had taken a course and would submit documentation to the Board office.

Mr. Rebane moved to continue this case until the next Board meeting to allow Mr. Pflueger to collect the information the Board was requesting and to address the continuing education problems if there are any. Mr. Duyos seconded the motion. The motion to continue passed.

S. Informals

- #1. Fred C. Jones, P.E.
PE 54476
FEMC Case Number 03-0037
Probable Cause Panel: Matthews, Tomasino, Seckinger
(See Exhibit S#1 in Red Book Two)

Mr. Jones was present and addressed the Board. He had been charged by Administrative Complaint with negligence in the practice of engineering relating to sketches for a Panel Window project for a single-family residence.

Mr. Jones did not dispute the allegations and elected an informal hearing before the Board

The Probable Cause recommendation was a reprimand, a \$1,000 fine, Administrative costs, two years probation, completion of the Board's Study Guide and a course on Professionalism and Ethics.

It was noted that Section 553.79(1), F.S., does not permit the engineer who designed the structure to also perform the inspections of the work. Mr. Rebane asked Mr. Jones if what he was doing was product approval.

Mr. Rebane moved to impose the Panel's recommendation. Mr. Burke seconded the motion. Mr. Duyos offered a friendly amendment to add a plans review at 6 and 18 months. The amendment was accepted by the maker of the motion and the one who seconded. The motion passed.

- #2. Mahendra B. Pathak, P.E.
PE 56667
FEMC Case Number 01-0120
Probable Cause Panel: Rebane, Matthews, Seckinger (July 2002)
Matthews, Tomasino, Seckinger (June 2003)

Mr. Pathak was present with his employer, Mr. Torres. He had been charged by Administrative Complaint with negligence in the practice of engineering relating to deficient and misleading plans for a Booker T. Washington High School project. Mr. Pathak did not dispute the allegations and elected an informal hearing before the Board

The Probable Cause recommendation was a reprimand; a \$1,000.00 administrative fine; two years probation with project review at 6 and 18 months; and appearance before the Board to explain plans for improving quality control. In addition, the Panel had recommended payment of administrative costs of \$589.48 and mandatory continuing education.

Ms. Velazquez moved the PCP recommendation. Mr. Burke seconded. A friendly amendment was offered to add three college credit hours at graduate level in structural engineering. The amendment was accepted by the maker of the motion and the one who seconded. The motion passed.

- #3. Joseph H. Najjarian, P.E.
PE 38755
FEMC Case Number 01-0175
Probable Cause Panel: Matthews, Tomasino, Seckinger
(See Exhibit S#3 in Red Book One)

Mr. Najjarian was present and addressed the Board. He had been charged by Administrative Complaint with negligence or misconduct in the practice of engineering relating to a roof truss placement plan for an antenna installation project.

Mr. Najjarian did not dispute the allegations and elected an informal hearing before the Board.

The Probable Cause recommendation was reprimand; \$1,000.00 administrative fine; costs; an appearance before the Board; 2 yrs. probation; study guide; and Board approved course in professionalism and ethics.

He asked the Board to consider dismissing the case. Ms. Velazquez proposed that he should have been charged with a sealing violation rather than negligence.

She moved to dismiss the charges of negligence. The motion died for lack of a second.

Mr. Rebane moved to adopt the Panel's recommendation. Mr. Duyos seconded the motion. Mr. Duyos asked to make a friendly amendment to reduce the probation to one year as the minimum

guideline for misconduct. Costs were noted to be \$1,268.80. Mr. Rebane accepted the amendment. Mr. Duyos also accepted the amendment. Mr. Rebane also offered two years to complete ethics course. Mr. Duyos accepted the amendment. The motion passed.

T. Motion for Default

- #1. Ralph M. Hansen, P.E.
PE 9280
FEMC Case Number 03-0005
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Hansen was not present. He had been charged with one count of negligence in the practice of engineering relating to deficiencies in a set of electrical plans for an ROE Church/Office Building #2 project.

On October 28, 2003, an Administrative Complaint was filed and sent to Mr. Hansen by certified mail, along with an Election of Rights form and an Explanation of Rights form. Jill M. Robinson received and signed for the aforementioned documents on November 4, 2003.

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

Mr. Sunshine recommended that the Board grant his Motion for Default and impose \$5,000.00 administrative fine and \$301.23 costs as Mr. Hansen's license was revoked by Final Order filed on June 18, 2002.

Upon a motion by Ms. Velazquez and a second by Mr. Rivera, the Board voted to impose the penalty recommended by staff.

U. Motion to Dismiss Petition for Formal Hearing

- #1. Narendra H. Shah, P.E.
PE 12658
FEMC Case Number 01-0118
Probable Cause Panel: Rebane, Matthews, Seckinger (July 2002)
Matthews, Tomasino, Seckinger (June 2003)

Mr. Shah had been charged with negligence in the practice of engineering and with violating a provision of Chapters 455 and 471, Florida Statutes, relating to the certification of the foundation and tie down of a Metal Shed Building manufactured by Lark Building, Lyons, Georgia.

On August 6, 2003, an Administrative Complaint was filed and sent to Mr. Shah by certified mail, along with an Election of Rights form and an Explanation of Rights form. The certified letter returned unclaimed on October 23, 2003. On September 20, 2003, Paul Siddall, Investigative Consultant, personally delivered the Settlement Stipulation to Mr. Shah and advised him that he had twenty-one days in which to respond.

Respondent returned the Election of Rights form requesting a formal hearing; however, Respondent failed to properly submit a petition in conformance with Rule 28-106.201, Florida Administrative Code. On October 14, 2003, Respondent was advised that his request for an extension of time to forward his request for a formal hearing to the Division of Administrative Hearings until January 2004 was granted.

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

Mr. Sunshine presented the information to the Board and recommended that the Board grant his Motion to Dismiss the Petition for Formal Hearing

The Probable Cause Panel had recommended a reprimand, a \$3,000.00 administrative fine, \$1,333.11 in costs; a one-year suspension, a Board approved course on professionalism and ethics, and completion of the Board's Study Guide. They also recommended an appearance before the Board to explain his

refusal to comply with the subpoena and his lack of professional attitude when he was corresponding with the Board.

Mr. Sunshine indicated he had received a fax from Mr. Shah's doctor in India saying he would be remaining in India until March. Mr. Sunshine also noted that Mr. Shah had notified the Board's investigator that he was not practicing any longer due to retirement.

Upon a motion by Mr. Rebane and a second by Mr. Duyos, the Board voted to deny the petition for a formal hearing.

Upon a motion by Mr. Rebane and a second by Mr. Duyos, the Board voted to suspend Mr. Shah's license until he takes and passes the Structural I examination, to impose a fine of \$3,000 and costs of \$1,183.55, and to place him on probation for two years with project reviews at 6 and 18 months.

V. Prosecuting Attorney Report

W. Adjourn

The meeting was adjourned at approximately 5:00 p.m.

**Minutes of the
The Florida Board of Professional Engineers
October 17 & 18, 2007, 8:30 a.m.
West Palm Beach, Florida
Part I**

A. Meeting Administration

- #1. Call to Order, Invocation, and Pledge of Allegiance to the Flag.
- #2. Roll Call, Determination of Quorum, and Address Absences.
 - a. Vote on Dr. Bauer's absence from the September 21, 2007 conference call.

Upon a motion by Mr. Burke seconded by Mr. Rose, the absence of Dr. Bauer from the September conference call was unexcused.

Board members present:

Henn Rebane, P.E.
John Burke, P.E.
Paul Tomasino, P.E.
Albert Rose, P.E.
Christian Bauer, Ph.D., P.E.
Zafar Hyder, Ph.D., P.E.

Board members absent:

David Charland, P.E.

Upon a motion by Mr. Rebane seconded by Mr. Rose, Mr. Charland's absence was excused.

FBPE Staff present:

Carrie Flynn, Executive Director
Patrick Creehan, FEMC Vice President
Marvin Vickers, FEMC Comptroller
Leigh Ann Dollar, Executive Assistant

Michael Flury, Esquire, Counsel to the Board

Others present:

Michael Kovacs
Anthony Scala, P.E.

Barry Wolk, P.E.
Emil Vekensfeld, P.E.
Charlie Geer, P.E., FES/FICE
Chris LaRue

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

10:30 a.m. – Dr. Robert O’Neill, FCGU Accreditation

Dr. O’Neill provided a power point presentation regarding the Florida Gulf Coast University. Dr. O’Neill was requesting the board’s approval of the students graduating in 2009 and 2010 to be approved for the Fundamentals Examination as they would be in their senior year. He asked if this would be acceptable and suggested the Board hold the Wall Certificate until the students present final transcripts and the University is granted ABET accreditation.

Ms. Flynn advised the Board of previous similar requests to which the Board denied access to the examination until the program was accredited by EAC/ABET. She also advised the Board of their policy a number of years ago not to grant interim accreditation. Several members did not believe the issue was identical as they would just be approving the students and not the program.

Upon a motion by Dr. Bauer seconded by Mr. Rose, students at FCGU would be allowed to apply and sit for the 2009-2010 FE examination. Certificates would be held until notification of ABET accreditation and final transcripts filed by the students.

In discussion, Mr. Flury explained a lack of authority to approve the students and the only provision for accomplishing this would be a Petition for Variance and Waiver. Dr. Bauer deferred his motion until the December board meeting.

In the December meeting the Board will consider Mr. Flury’s recommendation and make a final decision on the matter. Mr. Flury was directed to work with Dr. O’Neill regarding filing a Petition for Variance and Waiver or developing an alternative method of accomplishing the approval.

Mr. Rebane requested staff to research the possibility of determining additional programs that may be seeking EAC/ABET accreditation. The Board should develop a plan for approving students in similar situation.

Michael Kovacs – Structural Engineering Courses

Mr. Kovacs outlined his experience in engineering. He currently works for Structures International. Mr. Kovacs has failed the exam three times and was before the Board to discuss the problems of locating courses available for completing the required 12 hours of engineering courses related to structural engineering. He is requesting as an alternative to satisfy the 12 hours through completion of an examination preparation course. His alternative suggestion is recognition of an examination review course.

Mr. Flury advised Mr. Kovacs of the Board's rule defining the 12 hours of engineering courses. The only avenue to seek relief from required rule is to file a Petition for Variance and Waiver.

Dr. Bauer explained the difference between a review course and college courses and said they are not equivalent. A review course is a means of instruction on how to complete an examination.

Mr. Rebane did not support any deviation from the present rules. He further advised Mr. Kovacs to be very cautious as to use of any titles that may imply licensure until such time as he is licensed.

The Board advised Mr. Kovacs of the need to approach this requirement in a positive manner. With three failed attempts there is reason to believe that additional college courses are needed to prepare him for passing a future examination. He should research for civil courses if he cannot specifically find structural courses. He should be familiar with his area of weaknesses.

Emil Veksenfeld, P.E. – Provisions of the Florida Administrative Code

Mr. Veksenfeld outlined his background as a Professional Engineer. He outlined the basis for having filed a complaint against a Professional Engineer based on work associated with rebuilding balconies of the condominium in which he resides. Because of the outcome of the complaint, Mr. Veksenfeld is filing for rulemaking on establishing threshold inspection requirement on existing buildings. He has been unsuccessful in getting any positive movement by the FBPE, the Department of Community Affairs and/or Building Departments. He also expressed concerns with the complaint process and investigative procedures in place for FEMC.

Mr. Rebane advised that some complaints have taken two years to completely move through the legal process. He agreed that two years is too long. However, Mr. Rebane did not see a need to change the laws and rules. If there is a situation in immediate danger to the public, the Board

will make the necessary decision and take the necessary actions against any professional engineer found to violate the laws and rules. Mr. Rebane directed Mr. Creehan to provide information as to what is needed when filing a complaint against an engineer. This should assist in moving the process along when the complaint is filed. Mr. Rebane further clarified the Board being unable to declare buildings that are considered subject to threshold under Chapter 553, F.S.

Ms. Flynn advised that there was some discussion on the need to update the responsibility rules for structural engineering. Mr. Rebane confirmed that Mr. Charland will be chairing a task force to study the need for updating the structural and special inspector rules.

Upon a motion by Mr. Burke seconded by Dr. Bauer, the Board voted to deny Mr. Veksensfeld's petition to initiate rule making for FEMC's investigative process and grant his petition for rule making on Rules 61G15-31 - Structural and 61G15-35 – Threshold Building Inspection.

Mr. Rebane asked that Mr. Creehan meet with Mr. Veksensfeld and explain exactly what is required when filing a complaint and what parameters apply when filing a complaint. If he is not satisfied, he may contact the Chair or the Executive Director.

Mr. Rebane advised Mr. Veksensfeld that the detail of the changes of the rules will be available for review once they are noticed for rule development. Mr. Veksensfeld may submit comments to the committee.

Steve Walsh, P.E., Boca Raton

Mr. Walsh called attention to two questions contained in the Study Guide. Question #40 has no correct answer and the answer to question #44 should be revised. He had previously notified the Board and had not received a response. The Board thanked Mr. Walsh for calling this matter to their attention. Staff was directed to research and correct the questions and answers and advise Mr. Walsh accordingly.

In discussion of how laws and rules are available for review, it was confirmed that Mr. Walsh should be able to review the laws and rules from the Board's web site.

#4. Approval of the Agenda

Ms. Flynn added to the Executive Director's report E#18 Certification of FEMC for the year of 2007.

Mr. Burke added K1 under New Business to discuss an issue brought to his attention by the Chair of the Surveyors Board (Digital Geographic Data).

The agenda was approved as amended.

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

Mr. Burke pulled the August Board minutes. A6a.

Upon a motion by Dr. Bauer seconded by Mr. Burke, the Board approved the consent agenda.

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

- a. Minutes from the August 1 & 2, 2007 Board Meeting*

Mr. Burke had the following changes:

On page two of the August minutes staff should correct the last paragraph as the civil and structural are not part of the present rule development.

Mr. Burke explained the need for issuing a revised letter to Charles Meister. There are two issues. One issue deals with practice beyond area of competency. This arose in a disciplinary case where a civil engineer signed and sealed as part of the overall design package standard details that contained electrical design. The second issue is one relating to the use of standard details and the requirement of some building departments and state agencies requiring the Engineer of Record to adopt the standard details as part of the overall design package and sign and seal as part of the permitting package. The letter to Mr. Meister outlined the procedures to be followed in the adoption rule and expressed the Board's opinion that it is not a violation of the rules to sign and seal the standard detail as part of the design package.

In subsequent discussion it was determined to issue a revised letter stating that engineers following the adoption process and incorporating standard details as part of the overall design package would not be in violation of the Board's rule if they are competent to perform the area of engineering involved in the standard details.

Upon a motion by Mr. Burke seconded by Dr. Bauer, the minutes were approved with noted corrections.

b. Minutes from the September 21st, 2007 Conference Call

Upon a motion by Mr. Tomasino seconded by Mr. Rose, the minutes were approved as presented.

B. Committee Reports

- #1. Applications Committee (**Next meeting 11-14-07**)
(John Burke, P.E., Chair; David Charland, P.E.; Henn Rebane, P.E.; Albert Rose, P.E.; , Zafar Hyder, Ph.D., P.E.) (Alternates: Christian Bauer, Ph.D., P.E.; Paul Tomasino, P.E.)

Mr. Burke confirmed attendance of all Board members, with the exception of Mr. Rebane. Ms. Flynn advised the Board of three files to review after the meeting is recessed.

- #2. Educational Advisory Committee (**Next meeting 11-14-07**)
(Christian Bauer, Ph.D., P.E., Chair; Melvin Anderson, Ph.D., P.E. (Consultant), R. Gerry Miller, Ph.D., P.E. (Consultant))

Dr. Bauer discussed the meeting with Eva Adán, Director from CPEES, and he agreed with the content of her memorandum.

Dr. Bauer reported on a candidate who had contacted him regarding the application process for the FE exam. He will forward the comments to Ms. Flynn. The candidate did not feel comfortable with the application process. Dr. Bauer offered to work with staff on drafting an article that would be placed on the website and summarizes the benefits of examination, where the applications are located.

Mr. Rebane asked for comments on the memorandum from Ms. Adán outlining her understanding of how the evaluations are to be completed. Mr. Rebane requested Mr. Flury to review the memorandum and compare it to Rule 61G15-20.007, F.A.C. If Mr. Flury determines the need for any correction, Ms. Adán should be advised so that she may make the necessary corrections. Mr. Rebane suggested this information be provided to Josef Silny so that both evaluators will have identical information on which to base evaluations.

Dr. Bauer reaffirmed the Board's determination to follow EAC/ABET criteria in place prior to 2000. Mr. Rebane asked for an update on Dr. Anderson's offer to review EAC/ABET requirements prior to 2000 for comparison to present requirements. Mr. Burke confirmed Dr. Anderson's support of the Board's position to follow EAC/ABET 2000.

Ms. Flynn inquired of the Board an opinion on seeking an additional evaluator. Mr. Silny is the only source for non-EAC/ABET degrees and

articulation of non-engineering degrees at the baccalaureate level with postgraduate degree in engineering. The Board declined to address this matter until the work-load merits an additional service.

Staff was advised to make sure of proper notation on the web site regarding the education evaluators and the types of degrees each service evaluates.

- #3. Probable Cause Panel (**Next meeting 11-15-07**)
(Henn Rebane, P.E., Chair; Allen Seckinger, P.E., Consultant) (Alternate: John Burke, P.E.)

a. Committee Chair's Report.

- #4. FBPE Rules Committee
(John Burke, P.E., Chair; Henn Rebane, P.E.; David Charland, P.E., Paul Tomasino, P.E.)

a. Minutes from the September 11, 2007 Meeting.

Mr. Burke discussed the steps involved in finalizing the present proposed rules before the Board for rule development. Mr. Burke expressed hope that FES will aggressively notice their membership once the new rules are in place. He advised the Board of the Rules Committee's intent to have consistency on the lead in language for each area of the responsibility rules. If the Board is in agreement, Mr. Flury will begin rule development.

Mr. Flury stated that he was continuing to work on the Continuing Education rules re-write. He is checking to determine if the Board has authority to rewrite the rules in accordance with Mr. Rebane's proposal. If research confirms authority, Mr. Rebane would like to implement the rules at the earliest possible date.

Mr. Flury confirmed the option for anyone to file for a hearing once rule development begins.

Mr. Geer will work with Board staff on getting this information in the FES newsletter once the rules are ready for publication.

Mr. Tomasino confirmed by adopting the minutes that the process could move forward for all of the referenced rules. To make the action official the following action was taken.

Upon a motion by Mr. Tomasino seconded by Mr. Burke the minutes of the Rules Committee meeting of September 11, 2007 were approved.

b. Revisions to rules following the Rules Committee Meeting:

1. Revisions to Rule 61G15-23.002, FAC – Seal, Signatures and Date Shall Be Affixed

Upon a motion by Mr. Tomasino seconded by Dr. Bauer the revisions were approved.

2. Revisions to Rule 61G15-22.0105, FAC - Approval of Continuing Education Courses in Laws and Rules

Upon a motion by Mr. Tomasino seconded by Dr. Bauer the revisions were approved.

3. Revisions to Rule 61G15-32.001, FAC – General Responsibility and 61G15-34.001 - General Responsibility

Upon a motion by Mr. Tomasino seconded by Mr. Burke the revisions were approved.

4. John Rimes' revisions to Rule 61G15-32.001, FAC – General Responsibility and 61G15-32.002 – Definitions

Upon a motion by Mr. Tomasino seconded by Dr. Bauer the revisions were approved.

5. John Rimes' revisions to Rule 61G15-33.001, FAC – General Responsibility and 61G5-33.002 – Definitions

Upon a motion by Mr. Tomasino seconded by Mr. Burke the revisions were approved.

6. John Rimes' revisions to Rules 61G15-34.001, FAC – General Responsibility and 61G15-34.002 – Definitions

Upon a motion by Mr. Tomasino seconded by Mr. Burke the revisions were approved.

Mr. Geer requested that staff notify him when the rules are ready for publication.

- #5. FBPE Legislative Committee
(Paul Tomasino, P.E., Chair; Christian Bauer, Ph.D., P.E.; Zafar Hyder, Ph.D., P.E.)

Mr. Geer advised the Board of the need to provide any legislative issues for the upcoming session for consideration in November or December.

FES will have to consider the 2008 legislative package in the very near future. Ms. Flynn will provide information to Mr. Tomasino and Mr. Geer.

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

a. No Reports.

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

a. Revised letter to Charles Meister, P.E., F.ASCE, Chairman, Ethical Practices Coordinating Committee, Florida Engineering Society*

The revised letter to Mr. Meister was on the consent agenda.

Mr. Geer suggested the Board notify Mr. Meister, P.E. regarding appointment of a task force to work with FES on the issue of standard details. The letter issued to Mr. Meister has created a number of reactions from the FES membership. Mr. Geer confirmed FES appointment of Chuck Meister, P.E., City Engineer in Destin, and Wilson Lorenz, P.E., of the IBI Group.

Mr. Rebane asked for an update on the committee assigned to review the need for structural and threshold inspections responsibility rules.

Mr. Charland was not present and the names of the individuals to assist with rules review are unknown. Further discussion will occur in the December board meeting.

Mr. Geer confirmed that FES would be happy to work with the committee on rewrite of these rules.

#8. NCEES
(John Burke, P.E., FBPE Liaison)

a. Annual Meeting in Philadelphia

Mr. Burke discussed the agenda from the NCEES Annual meeting in Philadelphia. The highlight of the meeting was Mr. Rebane's election as President-Elect of the NCEES. In the annual meeting it was announced that Jerry Carter would be the Executive Director of NCEES. There was discussion on the software used for exams and candidates that were caught cheating by using a pen to transmit the test questions outside of the room.

The biggest issue discussed was the bachelor plus 30 hours. Many states support advanced education, they just have concerns with content of

course work. There are many differences of opinions and many states are still not sure of the need as there has been no change in the pass rate on examinations. Mr. Burke reminded the Board of the original vote by this Board to not support the advanced education.

Florida will have to determine the need for legislative revision to pursue this as a requirement under Chapter 471, F.S.

Mr. Geer advised that FES has a position paper on this subject matter and he confirmed a split decision when a vote was called in the meetings held to discuss the matter.

Mr. Burke confirmed no changes in calculators, and that computer-based testing is being researched. A motion to nominate the President Elect from the body at large was defeated. The Structural exam will be combined into one 16 hour exam. They will do away with Structural I designation. The NCEES examination committee is continuously reviewing the exam content to maintain consistency and to ensure academic rather than totally practical experience questions for the Principles and Practice examination. A move to provide an exemption of licensure by engineers providing engineering testimony failed. It is a consensus that if offering expert opinion it is considered the practice of engineering. A motion to establish a Washington, DC office was voted down. NCEES donated \$250,000 to Engineering-week programs. A motion to establish a position statement on Record Drawings passed. The Southern Zone meeting in 2008 will be in Puerto Rico.

Discussion of FEMC being designated as an associate member cannot proceed at this time. NCEES is reviewing the matter and further developments will be shared in the future.

D. Advisory Attorney's Report

- #1. Revisions to Rule 61G15-20.001, F.A.C. and Rule 61G15-20.007, F.A.C.
- #2. Response letter to Marjorie Holladay, Senior Attorney, JAPC regarding Rule 61G15-31.003, .004, .005, .006, .007 and .009, F.A.C.

Mr. Flury has not received a response from his letter citing the Board's authority to establish requirements in the Responsibility Rules.

Mr. Flury indicated the progress of the rule requirement a "c" grade or higher on engineering courses taken after failing the examination three times is still pending.

- #3. Response letter to Marjorie Holladay, Senior Attorney, JAPC regarding Rule 61G15-20.006, F.A.C.

For informational purposes only

#4. Board Counsel Opinion Letters

a. None.

E. Executive Director's Report

#1. List of Applicants Requesting Retired Status*

Approved under the Consent Agenda

The applications were copied to confirm for the record they will be placed in retired status.

#2. NCEES Nominations for National Awards*

The Board has no candidates at this time.

The Chair confirmed no nominations this year. He asked the Executive Director be prepared to make recommendation next year under the new guidelines that would require participation in the NCEES in order to be considered for nomination.

#3. Quarterly Report*

The quarterly report is being updated to be up to date with the new requirements of the Contract. We will have the format updated by the next quarter. All future statistics will have supporting backup reports.

#4. NCEES Zone Update*

Approved under the Consent Agenda

#5. Emeritus Status for Robert Matthews, P.E. and Katherine Hogenkamp, P.E.

Upon a motion by Dr. Bauer seconded by Mr. Burke the Florida Board of Professional Engineers will submit the names of Robert Matthews, PE and Kathy Hogenkamp, PE for Emeritus status with NCEES.

#6. Future requirements for Emeritus status

Mr. Flury advised that former Board members can serve on Board Committees. Other boards have "councils" that are comprised of past board members and non members of the board. It is to handle large workloads within the profession. Mr. Burke would like to pursue this issue. Ms. Flynn will research this issue and report back at the December

meeting. Mr. Rebane advised that we might use past Board member in conducting future Board member training.

Mr. Burke advised that Mr. Kuhl would like to serve another term on the FEMC board. Mr. Burke asked Mr. Geer if FES has any names for nominations to serve on the FEMC Board.

Mr. Geer did not have any names presently and he asked that staff provide a list of the FEMC Board members and their terms.

Ms. Flynn advised the Board of discussion with Mr. Rebane the possibility of adopting a rule that would address requirement of Board members to participate in NCEES Southern Zone and Annual Meetings.

Staff discussed the matter and it was determined the matter could not be addressed in the Administrative Rules as it is not associated to Board membership. Reacting to this determination, Ms. Flynn had drafted an introductory letter to be included in the Board member training manual.

#7. Redacting social security numbers on all applications for future Green Book materials*

One of our CE providers sent out some information with a PE's name and social security number included in the publication. Ms. Flynn confirmed the immediate action by the provider to redact Social Security numbers from their publication and Ms. Flynn confirmed future staff action to redact social security numbers from the books containing Informal Hearing on application denials.

Mr. Flury clarified, for the record, that should a social security number appear in the Board agenda books it is not a problem. The problem arises from distribution to the public. In this case a public records request was completed and the record contained Social Security numbers.

#8. Proposed revisions to Rule 61G15-22.001, F.A.C.

Ms. Flynn explained the provision under Chapter 455, F.S that allows a licensee to change from active status to inactive status. If the licensee decides to return from inactive status to active status within one year of attaining inactive status there was no provision for assessing continuing education. Several licensees elected the change in status within the first year of the inactive status being granted. To have these licensees meet the same requirements of licensees renewing active status, the Board should implement a rule requiring payment of the reactivation fee and complete eight hours of continuing education.

Upon a motion by Mr. Tomasino seconded by Mr. Rose the Board approved this rule for rule development.

#9. Analysis of Request for Examination Observation Checklist

This issue continues to show up in the FEMC annual audit. FEMC has developed an examination record book that contains all lists of approved candidates, a list of pass/fail scores for those who sit for the examination guidelines for administering the examination, proctor training manuals, and a signed statement by ELSEs that all examination security procedures were followed in the examination administration. The auditors recognized this part of the process in the 2007 audit; they still, however, want staff and/or board members to have a checklist to complete when attending as an observer.

Ms. Flynn presented a draft check list for Board comment.

Mr. Rebane recommended a space for indicating the date and time of arrival. Observations would begin one half hour before exam and end two hours after the exam starts. Questions #2 would be deleted and #8 would be reworded and inclusion of a commentary statement at the bottom of the check list.

Future examinations would be reviewed for staff to serve as support to Board member observation.

#10. Memorandum from Eva Adán, Director, CPEES

This was covered under Dr. Bauer's report.

#11. Memorandum from NCEES dated October 2, 2007 regarding CPEES*

Approved under the Consent Agenda.

#12. Email from Patricia Harper re: Engineering Ethics Study by Correspondence and Online*

Ms. Flynn noted the long-time use of this course for the ethics requirement in disciplinary cases.

Mr. Rebane noted that the program now offers several options for coursework. He asked Mr. Creehan to review each course offered by Texas Tech and report to the Board in December a need for specifying in disciplinary cases specific components of the ethics courses.

#13. Calendar of meetings for 2008

The Board can review the proposed calendar and a final decision will be made in the December board meeting.

- #14. Proclamation for 100 years of engineering*

Approved under the Consent Agenda.

- #15. Requiring response from the last board meeting

Philip J. Kelly, P.E., Stellar – dated September 4, 2007*

Approved under the Consent Agenda.

Staff will send a follow up letter to Mr. Kelly calling attention to the proposed revisions in the Signing and Sealing rule. The name has to be typed with the rule revision.

- #16. NCEES named Accredited Standards Developer*

Approved under the Consent Agenda.

- #17. FEMC/FBPE Christmas Party

The Board agreed on \$200.00 per member for the 2007 Christmas Party.

- #18. FEMC Certification for 2007

Upon a motion by Dr. Bauer seconded by Mr. Rose, the Florida Board of Professional Engineers voted to approve the 2007 certification of FEMC as being compliance with the contract between FEMC and DBPR.

Ms. Flynn gave an update on the website. FEMC is taking steps to make the website more user friendly. As part of the redesign, Ms. Flynn will be creating a staff website team to work with the selected vendor for redesigning the web site. Ms. Flynn confirmed the ongoing plan for outsourcing the server maintenance and negotiations with a vendor that provides service to FES.

- #19. Discussion of Annual Christmas Party

After discussion it was determined each Board member would make an increased contribution toward the Staff Christmas Party. The party is held on December 4, 2007 following the FEMC Board meeting. Mr. Rebane encouraged all Board members to attend the FMEC meeting.

F. FEMC Comptroller

- #1. FEMC Financial and Compliance Audit ending June 30, 2007

Mr. Vickers advised the Board of a successful audit for 2007. There was one item that does require action. There is a new accounting standard that became effective December 2006. Carroll and Company audits FEMC's financial statement and under the new law they cannot prepare the financial statement. It is not uncommon with small corporations such as FEMC to have to consider corrective action on this new requirement. Carroll and Company are going to recommend names of companies that might be able to provide the service to FEMC.

Upon a motion by Mr. Tomasino seconded by Mr. Burke, the FBPE Board accepted the audit performed for 2007 and would look to receive follow up from the FEMC Board regarding corrective plans for resolving noted deficiencies.

#2. Expenditure Report as of June 30, 2007

Mr. Vickers briefed the Board on the report confirming the unexpended funds as of June 30, 2007. After closing of the fiscal year FEMC would be returning \$44,926 to the trust fund. One change affecting the amount left over for the fiscal years is due to the requirement of the Department to deposit all monies collected for copy costs. Mr. Vickers gave a brief description on how he establishes the line item allocation in the budget.

#3. 5-year Projected Revenue and Expenses

The Board reviewed the proposal from Mr. Vickers and suggested the report be designed with further details of expenses and income based on several possible fee reductions.

Mr. Vickers and Ms. Flynn will discuss with the Department the possibility of fees collected in the disciplinary process being deposited directly to the general revenue. Mr. Vickers will report on this at the December board meeting.

G. Chief Prosecutor's Report

#1. Non-Compliance Report

Informational purposes only.

#2. August Open Case Report

Mr. Creehan reported that one year ago legal had 415 total cases. As of this date there are 209 total cases. The report confirms 152 year-old cases for 2006 and 94 for 2007. In 2004-2005 there were 109 cases and today there are six. The goal for the end of the year is to have 150 cases with 30 of those cases in one-year status.

Mr. Creehan confirmed the resignation of Mr. Paul Siddall, Investigator, in Tampa and he confirmed he would have a case reduction report in the December meeting.

#3. PCP Protocols

There was a technical issue with the last Probable Cause meeting. These protocols will help with any future problems.

H. Chair's Report

#1. Question and response to Ms. Minabe of T Y Lin International regarding 471.031(1) (b) 1, Engineering Titles

Mr. Rebane directed staff to place this question and proposed answer on the website under frequently asked questions. Mr. Burke expressed concerns with the response as he believed engineers working in a firm should not be allowed to use protected titles. Mr. Burke agreed with the interpretation that you can be called an "Engineer". However, use of this word in conjunction with other words such "Electrical" poses a problem.

Mr. Flury will discuss this issue with Mr. Rimes and further deliberation will occur prior to issuing any statement.

I. Correspondence to the Board

#1. Email from Margaret M. Craig, Esquire, dated October 2, 2007, regarding Florida Gas Transmission Company

Ms. Craig was requesting the Board to issue a letter confirming their exemption from licensure requirements under Chapter 471, F.S. This would also address the fact their engineers are not required to be licensed. The problem occurred when the Water Management District required they sign and seal permits submitted to the district.

The Board has never issued letters confirming exemptions. It should be up to the permitting agencies to determine when they required signed and sealed documents. There may be occasions when the firm or person steps out of the exemption and in that case signing and sealing may apply.

Upon a motion by Mr. Burke seconded by Mr. Rose, the Board voted not to respond to the letter.

Mr. Flury will notify Ms. Craig of the Board's decision.

#2. Email from Lance Kinney, P.E., dated September 10, 2007 regarding Software Engineering.

Dr. Bauer will contact Mr. Kinney and will report back to the board at the December meeting.

- #3. Letter from Cliff Rise, Education Manager, American Society of Plumbing Engineers, dated August 21, 2007, regarding CEP status.

The Board voted to grant exempt status.

- #4. Letter from Peter Brett, P.E., Manager, Traffic Engineering Section for Hillsborough County dated August 9, 2007, regarding Documents requiring the Professional Engineer Seal.

The Board reviewed the correspondence and determined in general a Professional Engineer is responsible regarding design of the system, but not the ongoing traffic timing changes that are performed by field technicians. The Board determined the subject of the correspondence to be an operational issue. Staff should prepare a response to Mr. Brett and have Mr. Tomasino review the letter prior to mailing.

- #5. Letter from Panetlis Mourges, P.E., dated August 24, 2007, regarding Title "PE Retired" on business cards.

The Board reviewed the content of the letter. Mr. Mourges is a Retired PE from New York. He was requesting the Board to render an opinion on his ability to perform survey operation and maintenance of water cooled air conditioning systems installed in condominiums, for purposes of restoring systems performance to original design specifications. The Board directed staff to advise Mr. Mourges not to use the title "PE, Retired" on his business cards and to be cautious when performing any service that may be viewed as the practice of engineering.

- #6. Email from Stan Chrzanowski, P.E. re: Engineering Titles

Mr. Flury had asked staff to place this on the agenda so that clarification on the response can be confirmed. The Board advised Mr. Flury to respond with a recommendation to change the title as "Inspector" instead of "engineering inspector," which is misleading.

J. Old Business

K. New Business

Mr. Burke advised the Board a phone call received from the Chair of the Professional Surveyors Board regarding concerns with Digital Terrain Model (DTM). This information is taken from surveying and engineering plans, downloaded into the machine for formulation. CADD technicians prepare the data gathered from the machine. The concern is with data gathered by persons

other than surveyors and engineers and accuracy of information provided and the affect on the final design product.

Mr. Geer indicated a problem other than with contractors performing this data collection. Surveyors also follow the same procedure.

In discussion it was determined that Mr. Tomasino should attend the meeting at such time as he receives notice from Mr. Burke as to date, time and location.

L. Public Forum

The meeting was recessed at 3:45 p.m on October 18, 2007.

THURSDAY, October 18, 2007

The Chair welcomed the licensees attending for continuing education. He advised them to turn off their cell phones and that they must sign out upon conclusion for the meeting to receive credit.

- #1. Endorsement/Continuing Education Committee
(Albert Rose, P.E., Chair)

Upon a motion by Mr. Rose seconded by Dr. Bauer, the Endorsement file for Stacy Fowler was approved.

- #2. Rules Report – Michael Flury, Assistant Attorney General, Counsel to the Board

Mr. Flury stated that Rule 61G15-20.006 will move forward once the Board approves the application developed in consultation between staff and the Educational Advisory Committee. Mr. Flury confirmed his continued efforts to work with JAPC on Rule 61G15-20.007.

- #3. Revision to Rules 61G15-20.001 and 61G15-20.007, FAC

In the application review held in September certain changes were agreed upon for Rule 61G15-20.001 and 20.007, F.A.C. The changes to these rules appear below.

61G15-20.001 Definitions.

As used hereinafter in this chapter the following words or phrases shall be defined as follows:

(1) No change

(2) “Board approved engineering programs” shall mean:

(a) No change

(b) In the case of an applicant who did not graduate from an approved program as set forth in paragraph (2)(a) above, and who either:

~~1. Holds a post baccalaureate degree from a school or college in the United States which has an EAC/ABET accredited engineering program in a related discipline at the baccalaureate level, or~~

~~2. Holds a baccalaureate degree from an engineering program that is not accredited by EAC/ABET, provided the applicant meets the educational requirements set forth in ~~can demonstrate substantial equivalency to an EAC/ABET accredited program pursuant to~~ subsection 61G15-20.007(1~~2~~), F.A.C., or~~

(c) No change

61G15-20.007 Demonstration of Substantial Equivalency.

- (1) Applicants having engineering degrees from programs that are not accredited by EAC/ABET ~~shall be required to document substantial equivalency to an EAC/ABET accredited engineering program.~~
- (2) ~~In order to document and prove substantial equivalency to an EAC/ABET accredited engineering program, the applicant must demonstrate:~~

Upon a motion by Mr. Tomasino seconded by Dr. Bauer, the Board approved revisions to Rule 61G15-20.001 and Rule 61G15-20.007, FAC.

Mr. Burke discussed the rules that were amended and he expressed concern with the frequent basis for changes and the importance of all parties remaining informed.

- #4. Motion to Vacate/Set Aside/Modify Final Order – Joel H. Rosenblatt, P.E. and Rosenblatt-Naderi Associates, P.A.

Mr. Rimes advised that the Board issued a Final Order in April and Mr. Rosenblatt let his license lapse. The Board cannot modify the Final Order once ordered.

Upon a motion by Mr. Burke seconded by Mr. Rose the Final Order of the Board is valid and declined to Vacate/Set Aside the Final Order.

Part II Informal Hearing Agenda

The Chair called on Dr. Bauer to outline the education required to sit for the Fundamentals examination. Dr. Bauer stated that applicants must hold an EAC/ABET accredited degree or be able to articulate requirements of Rule 61G15-20.007, F.A.C. through an evaluation of education by one of the Board approved evaluators. This process does not provide for review of technology degrees.

- L. Consideration of Petition for Formal Hearing

None.

- M. Informal Hearings on Denial of Application for Fundamentals Examination

- #1. Ricardo Lopez

Mr. Lopez was present for his hearing.

Mr. Lopez applied for the Fundamentals examination and was denied as he has failed the examination five times. Mr. Lopez submitted a transcript for 12 semester credit hours and upon review the Board did not approve

the Pre-Calculus and Trigonometry course. This leaves Mr. Lopez with a deficiency of 5 semester credit hours and failure to comply with Rule 61G15-21.007, F.A.C. Mr. Lopez requested a formal hearing and the file was copied to Board Counsel. After consultation, Mr. Flury received confirmation from Mr. Lopez to change the hearing from Formal to Informal and to schedule the Informal Hearing for the October Board meeting.

Mr. Lopez addressed the Board based on his interpretation he should be able to take the exam after failing five times. He took the required twelve credits and would like to sit for the exam.

Dr. Bauer advised that pre-calculus and trigonometry is not higher mathematics. He is still deficient five semester credit hours with appropriate remedial work to get him ready for the exam.

Upon a motion by Dr. Bauer seconded by Mr. Burke, the Board upheld the denial.

#2. Ihab Ekladious

Mr. Ekladious was present for his hearing.

Mr. Ekladious was denied based on educational deficiencies. Mr. Ekladious holds a BS degree in engineering from Cairo University. Review of the evaluation of his undergraduate transcripts confirms a deficiency of 11.04 semester credit hours of Mathematics and Basic Sciences and 10.01 semester credit hours in Humanities and Social Sciences. Mr. Ekladious submitted a transcript from Valencia Community College of Orlando to clear the deficiencies and the Board determined he remained deficient as certain courses were not recognized as satisfying the requirement in mathematics and basic sciences.

Mr. Ekladious addressed the Board. He does not understand why Math 1 and Math 2 are not considered Calculus 1 and 2. Dr. Bauer advised him that they do not dispute the evaluator recommendations. The trigonometry course is not higher math. He is enrolled in differential math and will be finished in December 2007.

Upon a motion by Dr. Bauer and Mr. Burke, the Board voted to allow him to sit for FE in April pending timely submission of his transcripts, the certificate would be held until the Humanities and Social Sciences was completed and to work with Board staff. His file will remain open until the final transcripts are received.

#3. Jannek Cederberg

Mr. Cederberg was not present for his hearing.

Mr. Cederberg's application for the Fundamental Examination was denied back in 2004 for deficiencies of a second level course of study in Chemistry and/or Calculus based Physics and 11 semester credit hours in Humanities and Social Sciences. Mr. Cederberg completed classes at Florida International University and Miami Dade College and reapplied in June of 2007. The Board reviewed the transcripts submitted as part of the new application and determined the Humanities and Social Sciences satisfied. The transcripts submitted did not satisfy the requirement of a second level sequence course of study in Chemistry and/or Calculus based physics.

Mr. Cederberg submitted his Election of Rights to have an Informal Hearing. Mr. Cederberg submitted a letter requesting the Board reconsider his present coursework as satisfying the second level course of study in Chemistry or Calculus Based Physics.

Upon a motion by Dr. Bauer seconded by Dr. Hyder, the Board approved the application of Mr. Jannek Cederberg for the Fundamentals examination based on supplemental information confirming coursework in Chemistry and Calculus Board Physics.

#4. Angel Resto

Mr. Resto was present for his hearing. Mr. Resto passed the Fundamentals examination in Puerto Rico and subsequently applied for Engineer Intern by Endorsement in the State of Florida. He holds a Bachelor of Science degree and an MS degree in Engineering Management from Polytechnic University of Puerto Rico. As Mr. Resto did not hold an EAC/ABET accredited degree at the undergraduate level at the time of graduation and the application was denied.

Mr. Resto submitted his Election of Rights, electing to supplement and to have a Formal Hearing. Board Counsel reviewed the Petition for Formal and determined staff should place the Petition on the agenda, he would recommend denial of the Petition for Formal Hearing and the matter moved forward as an Informal Hearing.

The Board should uphold the denial of EI Certification by Endorsement and advise the applicant of the opportunity, when applying for the Principles and Practice examination, to have an educational evaluation to articulate requirements of Rule 61G15-20.007, F.A.C.

Upon a motion by Dr. Bauer seconded by Mr. Burke, the Board denied the request for formal hearing.

Mr. Resto addressed the Board regarding his education and examinations from Puerto Rico. He understands the program was not accredited by EAC/ABET at the time of graduation. However, the program content was the same at the time of his graduation as when accredited. In discussion it was determined that he could have his transcripts evaluated and if determined to meet criteria of Rule 61G15-20.007, F.A.C. he could apply for the Principles and Practice examination providing he has the years of experience. In further discussion it was determined that Mr. Resto could seek the evaluation and depending on the outcome the Board would reconsider his EI Endorsement application. Based on this determination the following action was taken.

Upon a motion by Dr. Bauer seconded by Mr. Burke, the Board voted to continue his hearing until the December meeting until the evaluation is received.

#5. Matthew Smith

Mr. Smith was not present for his hearing.

Mr. Smith was denied based on educational deficiencies. Mr. Smith holds a Bachelor's degree from Germany. The Board determined that Mr. Smith was deficient 20.5 semester credit hours including a course in Probability and Statistics and 10 semester credit hours in Humanities and Social Sciences. At the Board's September Application Review, the Committee reviewed transcripts from Pasco-Hernando Community College. The Board determined that Mr. Smith remains deficient 8 semester credit hours in Math and Basic Science including a course in calculus based physics.

Mr. Smith has registered to take the courses and will be finished at the end of the year. Mr. Smith is requesting the Board to keep his present application file open until the February 2008 Board meeting to allow sufficient time to complete courses and submit transcripts to the Board office.

Upon a motion by Dr. Bauer seconded by Mr. Rose, the Board voted to continue his hearing until the February 2008 meeting at which time he must have on file completed a transcript of the deficient courses.

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

#1. Ignamara Petrowicz

Ms. Petrowicz was present for her hearing.

Ms. Petrowicz applied to sit for the Principles & Practice examination. Her application was denied based on education. Ms. Petrowicz holds a

Bachelor Degree from Venezuela. The Board reviewed the evaluation of her undergraduate studies by Josef Silny & Associates to determine substantial equivalency to Rule 61G15-20.007, F.A.C. Ms. Petrowicz was determined to be deficient 10 semester credit hours in Humanities and Social Sciences.

Ms. Petrowicz submitted an Election of Rights form to supplement and to an Informal Hearing. The supplement submitted was an evaluation completed by ECEI. ECEI is no longer listed as an approved evaluator.

Ms. Petrowicz addressed the Board regarding her education and experience.

Upon a motion by Dr. Bauer seconded by Mr. Burke, the Board voted to deny her application based on 10 semester credit hour deficiency in Humanities and Social Sciences.

Mr. Tomasino was against the motion. A vote was called and it was recorded as a tie vote (3 to3). The motion failed.

Upon a motion by Mr. Tomasino seconded by Mr. Rose, Ms. Petrowicz should receive credit for the Humanities and Social Sciences that were included in the Silny evaluation. Motion failed.

Upon a motion by Dr. Bauer seconded by Mr. Rose, the hearing should be continued to the December Board meeting and before the meeting the application would be returned to the Educational Committee on November 14, 2007 for review of the entire file. The report from the Committee would be part of the December agenda.

#2. Mohammad Rashid

Mr. Rashid submitted an Election of Rights form to supplement and to have an Informal Hearing. Mr. Rashid was not present for his hearing.

In preparing this case for Informal Hearing, staff determined that Mr. Rashid applied to sit for the Principles & Practice examination and his application was reviewed for experience and education. Further review confirms the Notice of Denial was issued to Mr. Rashid for educational deficiencies and did not reference experience deficiencies. In consultation with Board Counsel it is determined to move forward with the Informal Hearing on the denial for education and advise the applicant of the need to verify four years of experience in any future application.

Regarding education, Mr. Rashid holds a Bachelor Degree from Bangladesh. The Board reviewed the evaluation of his undergraduate studies by Josef Siln & Associates to determine substantial equivalency to Rule 61G15-20.007, F.A.C. Mr. Rashid was determined to be deficient 9

semester credit hours in Humanities and Social Sciences and 5.25 semester credit hours in Math and Basic Sciences.

Upon a motion by Dr. Bauer seconded by Mr. Rose, the Board voted to uphold the denial of the application for Educational Deficiencies.

#3. Aydade Adeyefa

Mr. Adeyefa was not present for his hearing.

Mr. Adeyefa applied to sit for the Principles & Practice examination. His application was denied based on education. Mr. Adeyefa holds a Bachelor Degree from Nigeria and an MS degree from the University of South Carolina. The Board reviewed the evaluation of his undergraduate studies by Josef Silny & Associates to determine substantial equivalency to Rule 61G15-20.007, F.A.C. Mr. Adeyefa was determined to be deficient 13.25 a semester credit hours in Humanities and Social Sciences.

Mr. Adeyefa submitted an Election of Rights form to supplement and to have an Informal Hearing. He has been scheduled for the October Board meeting.

Upon a motion by Dr. Bauer seconded by Mr. Burke, the Board voted to uphold the denial.

#4. Boyd Jenkins

Mr. Jenkins was present for his hearing.

Mr. Jenkins applied to sit for the Principles & Practice Examination. His application was denied based on experience. Mr. Jenkins failed to evidence four years of acceptable engineering experience at the time of application, per Rule 61G15-20.002, F.A.C.

Mr. Jenkins submitted an Election of Rights form to have an Informal hearing and is requesting the Board to recognize more than 12 months prior to graduation based on experience history.

Mr. Jenkins believes he should be granted special consideration under the experience requirements. Mr. Jenkins original application required 30 months of experience and he had 48 months of experience and he worked while in college. Mr. Jenkins read letters from past and present employers.

Upon a motion by Mr. Burke seconded by Dr. Bauer, the Board approved the application.

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

#1. B.M. Rubel Siddique

Mr. Siddique was not present for his hearing.

Mr. Siddique was licensed in Texas in 2006. Mr. Siddique passed the Fundamentals examination in Texas in 2003. Mr. Siddique passed the Principles and Practice examination in Texas in 2006. Mr. Siddique holds a BS in Civil Engineering from Bangladesh University and a Masters Degree in Civil Engineering from the University of Texas at Arlington. Mr. Siddique has evidenced four years of engineering experience. To supplement his education, Mr. Siddique has submitted a transcript from Palm Beach Community College and Indian River Community College.

Mr. Siddique's application is denied for educational deficiencies. Mr. Siddique holds a Bachelor of Science Degree in Civil Engineering from Bangladesh and a Masters Degree in Civil Engineering from the University of Texas at Arlington. The transcript evaluation of the undergraduate degree was reviewed by the Education Advisory Committee to determine equivalency to requirements of Rule 61G15-20.007, Florida Administrative Code. It was determined that Mr. Siddique was deficient 10 semester credit hours in Math and Basic Sciences and 11 semester credit hours in Humanities and Social Sciences. Mr. Siddique submitted a transcript from Palm Beach Community College and the application was returned to the July Application Committee. Review of additional transcript revised the deficiencies from 10 to 7 semester credit hours in Math and Basic Sciences and from 11 to 2 semester credit hours in Humanities and Social Sciences.

In accordance with the Election of Rights the Informal Hearing was scheduled for the October Board meeting. Mr. Siddique does not evidence two years of licensure, which would allow waiving the Humanities and Social Sciences. The Board should review the latest transcript from Indian River Community College to determine if the deficiencies are satisfied.

Upon a motion by Dr. Bauer seconded by Mr. Rose, the Board voted to continue Mr. Siddique's hearing to the December Board meeting. Prior to the December meeting, the application will be reconsidered by the Educational Advisory Committee to determine any and all deficiencies in education. The final report will be included in the December agenda as part of the continued hearing.

#2. George Murray

Mr. Murray was not present for his hearing.

Mr. Murray was licensed in Minnesota in 1997. Mr. Murray passed the Fundamentals examination in Texas in 1989. Mr. Murray passed the

Principles and Practice examination in Minnesota in 1997. Mr. Murray has provided evidence of four years of engineering experience.

Mr. Murray's application was denied for educational deficiencies. Mr. Murray holds a Bachelor of Science in Civil Engineering from the University of Liberia and a Masters Degree from the University of Texas. The Board determined Mr. Murray failed to evidence a course in Probability and Statistics. Mr. Murray submitted an Election of Rights form to supplement and to have an Informal Hearing that was held April 19, 2007. The Board granted a continuance to the October 2007 meeting to allow Mr. Murray time to complete a course in Probability and Statistics.

Mr. Murray has submitted a transcript from Georgia Perimeter College confirming completion of a course in Introduction to Statistics.

Upon a motion by Dr. Bauer seconded by Mr. Rose, the Board approved the application.

#3. Sachin Butala

Mr. Butala was present for his hearing.

Mr. Butala was licensed in Texas in 2006. Mr. Butala holds a BS in Civil Engineering from India and a Masters Degree in Civil Engineering from Lamar University. Mr. Butala passed the Fundamentals examination in Texas in 2005. Mr. Butala passed the Principles and Practice examination in Texas in 2006. Mr. Butala has evidenced four years of engineering experience. Mr. Butala has submitted a transcript from Indian River Community College.

Review of the evaluation of Mr. Butala's application by the Education Advisory Committee to determine equivalency to requirements of Rule 61G15-20.007, Florida Administrative Code, indicates a deficiency of 14.25 semester credit hours in Math and Basic Sciences and 16 semester credit hours in Humanities and Social Sciences. Review of the Masters Degree in Civil Engineering from Lamar University did not change the deficiencies.

Mr. Butala submitted his Election of Rights to supplement and to have an Informal Hearing. Mr. Butala is requesting the board's consideration to hold his file open until July 2008 to allow completion of additional courses. In making a decision to hold the file open, the Board should also review the present transcript from Indian River Community College to determine if the noted deficiencies should be amended.

The Board reviewed the latest transcript to determine if deficiencies were to be revised and to vote to have the file remain open until the continuance of the hearing for August 2008 Board meeting.

Mr. Butala addressed the Board. Mr. Butala advised that he has completed three hours in statistics and six hours in history and politics.

Upon a motion by Dr. Bauer seconded by Mr. Burke, the Board voted to keep the file open until August 2008 at which time final transcripts should be filed with the Board office to satisfy the remaining 11.25 hours of deficiency in mathematics and basic sciences and 10 hours in humanities and social sciences.

#4. Quazi Masood

Mr. Masood was present for his hearing.

Mr. Masood was licensed in Texas in 2006. Mr. Masood passed the Principles and Practice examination in Texas in 2006. Mr. Masood passed the Fundamentals examination in Georgia in 2003. Mr. Masood holds a BS from Bangladesh University of Engineering and Technology and a Masters Degree from Florida International University.

Mr. Masood's application was denied for educational deficiencies. The transcript evaluation was reviewed by the Education Advisory Committee to determine equivalency to requirements of Rule 61G15-20.007, Florida Administrative Code. It was determined that Mr. Masood was deficient seven semester credit hours in Humanities and Social Sciences. Review of the MS transcript did not change the deficiency.

In response to the Notice of Denial, Mr. Masood submitted an Election of Rights to have an Informal Hearing.

Mr. Masood addressed the Board. Mr. Masood advised that he has been working as a Transportation Engineer for the past 12 years. He read for the Board a letter from his present employer. He would like to waive the requirement of the Humanities and Social Sciences. Mr. Flury advised that he would have to file a Petition for Variance and Waiver. Mr. Rebane explained the rules that the Board has to abide by and this instance is covered by Statute 471. Mr. Masood advised that he is not able to take the courses at this time. Dr. Bauer advised him that he can take CLEP courses and there are courses available on the Internet.

Upon a motion by Dr. Bauer seconded by Mr. Burke, to Board voted to uphold the denial of the application.

#5. Srikanth Mangalampalli

Mr. Mangalampalli was present for his hearing.

Mr. Mangalampalli was licensed in Ohio in 2006. Mr. Mangalampalli passed the Principles and Practice examination in Ohio in 2006. Mr. Mangalampalli passed the Fundamentals examination in Ohio in 2004. Mr. Mangalampalli holds a Bachelor of Technology from REC Warangal University, India and a Masters Degree from Southern Illinois University.

Mr. Mangalampalli's application was denied for educational deficiencies. The results of the educational evaluation to determine equivalency to requirements of Rule 61G15-20.007, Florida Administrative Code, indicates deficiencies of 10 semester credit hours in Humanities and Social Sciences and 11.8 semester credit hours in Math and Basic Sciences. Review of supplemental information submitted revised the deficiency in math and basic sciences from 11.8 to 7.12 the supplement did not revise the Humanities and Social Sciences.

In response to the Notice of Denial, Mr. Mangalampalli submitted an Election of Rights to have a Formal Hearing. Board counsel advised that Mr. Mangalampalli changed his election to an informal hearing.

Mr. Mangalampalli addressed the Board. He discussed the evaluation from CPEES. The Board advised him of the opportunity to apply for the College Level Equivalency Program. If he applies and can have a college or university accept the CLEP and issue final transcripts confirming the hours it would be accepted for a future application.

Upon a motion by Dr. Bauer seconded Mr. Rose to uphold the denial.

Part III Disciplinary Hearings

Mr. Rebane gave a description of the disciplinary process and explained the steps involved in a determination of Probable Cause.

P. Settlement Stipulations

- #2. Carlos A. Muller, P.E.
PE 20547
FEMC Case Number 2005015397
Probable Cause Panel: Matthews, Seckinger

The Miami-Dade County Building department filed this complaint after their investigation concluded Respondent had filed plans and certifications under a County amnesty plan which allowed Respondent's client to get a building permit for an existing structure that had been built without the required permit. Over much of 2002 Respondent prepared several certifications (which he considered to be preliminary although without any such disclaimer appearing on the certifications) stating the addition was in compliance with applicable code provisions. Apparently, the building officials accepted Respondent's submissions as part of the ongoing dialogue until January 2003 when a final certification and as-builts were filed and accepted. Then, in 2005, as a result of an inquiry, the building officials did a site visit and found that the actual on-site conditions were not as reflected in the drawings and the addition was not up to code. The complaint followed. Respondent did not respond to the complaint prior to the PCP meeting.

PCP was found and an AC issued charging negligence & fraud. The case was originally set as an informal hearing in December 2006 but when Respondent appeared it was determined that facts were in dispute and the BOPE, first by order in December 2006 and then by a revised order in May 2007 referred the matter to DOAH. In June 2007, Respondent filed a petition wherein which for the first time he agreed that due to illness he had not adequately assured that the contractor had built the addition project to code, thus confirming that the final certification and as-built plans were not correct. However, but he denied any intent to defraud adverting that he had been very ill in 2003 and really let his practice slide.

Stipulation provides for costs (\$156.00), \$2000.00 Fine, Probation for two years with terms he successfully complete a Board approved course in Engineering Professionalism and Ethics; submit a list of site designs for commercial (if done) and residential projects- completed by him at six (6)

and eighteen (18) month intervals for consultant review at Respondent's cost; and successfully complete the Board's study guide.

Appearance and discussion of practice.

Probable Cause Recommendation:

PCP Recommendation: Reprimand; \$6,000.00 administrative fine (six counts @ \$1,000 per count.); and one year suspension. After the suspension, Mr. Muller will be placed on two years probation; take a Board approved course in Engineering Professionalism and Ethics; and study guide. An appearance before the Board to explain how the project was so significantly different from his certification and plans.

It was requested that Mr. Muller be moved to first on the agenda due to health conditions. Mr. Muller provided a note from his doctor. Therefore, Mr. Muller's case was heard first.

Mr. Muller was sworn in prior to addressing the Board.

Mr. Burke was recused from this case due to the fact that he was on the Probable Cause Panel for this case.

Mr. Rebane asked Mr. Muller to address the board as to his current business practices and to explain how he intended to keep the problems he was having from reoccurring.

Mr. Muller indicated that he would be more conservative in his work and make no assumptions. He has already improved his system of checks and balances. He has decided that when his health is bad he will not accept work. He has learned from this experience. This case resulted from miscommunication with the client and he will make sure that there is no more miscommunication.

Mr. Rebane asked Mr. Muller whether in the current assignments he is taking, whether he is certifying that construction is complete at the end of construction, at the time of the CO.

Mr. Muller indicated that he was not doing that; what he was doing was supervising the design work only and signing and sealing the projects. He is not overseeing any construction right now; he is working only in the design phase. He does work for the county in other areas.

Mr. Rebane asked that if he agrees to observe construction, and his health does not permit him to go to a construction site, how he would fulfill his contractual obligations. Mr. Muller said that right now he is not overseeing construction of any kind. He works only in the design phase.

Mr. Rebane asked whether if Mr. Muller was required to perform inspections and provide certification to the building department at the completion of a project, and he was unable to do it at the time of the request, would he send another PE to perform the work.

Mr. Muller said that he would have to negotiate with whoever is going to approve the work, either the county or the owner. He has not yet encountered that situation, so he does not have the answer but that he would make sure everything turned out right.

Mr. Rebane suggested that if Mr. Muller was unable to verify it himself, that he engage the services of a PE that would do the certification. He strongly recommended that due to his history, Mr. Mueller not certify someone else's work.

Mr. Muller indicated that he believed that was good advice.

It was indicated that upon reviewing his files, it appears that the type of work he is doing is plan review for the county on traffic signals and that type of work. He asked Mr. Muller if that was what he was limiting his future work to.

Mr. Muller indicated that he perceived that as being the main part of his work.

Upon a motion by Mr. Rebane, seconded by Mr. Tomasino, the Board accepted the Settlement Stipulation.

- #1. Alfredo Carbonell, P.E.
PE 14170
FEMC Case Number 2004052898
Represented by Violeta Longino, Esquire
Probable Cause Panel: Matthews, Burke, Seckinger

Mr. Carbonell has been charged by an Administrative Complaint with four counts of negligence in the practice of engineering for designing a two-story new addition for an existing home. The design contained architectural, structural, electrical, mechanical and plumbing deficiencies.

After a request for a formal hearing was made, the Board and the Subject signed a settlement stipulation, which was rejected at the Board's December 2006 meeting, primarily for the Subject's nonappearance at that Board meeting.

The stipulation calls for a fine increase to \$2,000.00 from the original amount of \$1,000, a reprimand, two years probation with a plan review within 12 months of the Final Order being filed, a Board approved course in Engineering Professionalism and Ethics; study guide; and appearance

before the Board to explain how he will improve quality control and explain his understanding of the need to sign and seal only accurate and complete plans, or limit his signature as needed.

Neither Mr. Carbonell nor his attorney were present.

Prosecutor, Mr. Creehan, asked that the Stipulation be pulled from the agenda and sent for formal hearing.

Upon Motion by Dr. Bauer, seconded by Mr. Rose, the Board agreed to pull this matter from the agenda.

- #3. Andrew J. Morgan, P.E.
PE 57171
FEMC Case Number 2006067898
Represented by Bruce Loren, Esquire

Mr. Morgan has been charged by Administrative Complaint with one count of engaging in negligence in the practice of engineering in relation to the Golden Bear Plaza project. Pursuant to a Final Order Approving Settlement Stipulation in Case Number 2004038064, Mr. Morgan agreed to submit for review a list of projects at six and 18 month intervals. Upon review, the Board Consultant noted deficiencies in both the calculations and drawings for the Golden Bear project.

Mr. Morgan had entered into settlement with FEMC for an administrative fine of \$1,000.00; a reprimand; probation for six months to run consecutive with Case Number 2004038064 with the terms that he submit a list of completed projects for review on July 20, 2007. This stipulation was presented to the FBPE at their June 2007 meeting in Tampa, FL. The Board had concerns about the reduction in the fine and the fact that the results of Morgan's January 2007 project review were not known at that time.

It has since been learned that Mr. Morgan's January 2007 project review (project submitted timely – delays with FEMC consultant) has been approved and as such all the terms of the prior probation have been met and that probation was terminated on July 20, 2007.

This current stipulation calls for an increased fine to \$2,000.00 dollars, a reprimand and a final project review at six months from the date the Final Order is filed.

Mr. Morgan was sworn in prior to addressing the Board.

Both Mr. Morgan and his attorney were present at the Board meeting.

Mr. Rebane asked whether Mr. Morgan wished to address the Board.

Bruce Loren, Counsel for Mr. Morgan, introduced himself to the Board. After that introduction, Mr. Morgan indicated that he was open to any questions of the Board.

Mr. Rebane asked the Board whether they had questions for Mr. Morgan. The Board did not.

Upon Motion by Mr. Burke, seconded by Mr. Rose, the Board accepted the Settlement Stipulation.

- #4. Julio C. Banks, P.E.
PE 46544
FEMC Case Numbers 2005048959, 2005014473 & 2006041480
Represented by Diane S. Perera, Esquire
Probable Cause Panel: Matthews, Burke, Seckinger

Case No. 20050004859: This investigation is predicated on the receipt of a complaint from Ted Schoppe, Senior Building Technician of Martin County Building Department, alleging that Mr. Banks signed, sealed, and dated a set of plans for the construction of a new residence that contained deficiencies.

Board Consultant Julian J. Garcia, P.E., reviewed the investigative file and opines that Mr. Banks design for the Lemasters Residence project contains structural and design deficiencies. Some of the deficiencies include, but not limited to: no information on the load capacity of the beams, details drawn to different scales or scales not provided, and the roof framing plan not dimensioned and missing gravity load values. In addition the four count Administrative Complaint has charges also included for the electrical and plumbing deficiencies and for failure to include his address on the drawings.

Case No 2005014473: This complaint came from Diane M. Lankford, Senior Building Technician for Martin County, also alleging that the Mr. Banks submitted plans for the construction of a new residence that contained engineering deficiencies.

Board Consultant Medhi Ashraf, P.E., reviewed the investigative file and opines that Mr. Banks design for the Scartozzi Residence project contains structural and design deficiencies. Some of those deficiencies include, but are not limited to: no specifications for the roof assembly, the wood and masonry used, no site plan showing the location of the building, and the location of the interior bearing walls and their foundation are not coordinated. The two-count administrative complaint filed against the Mr. Banks charged him with negligence in the practice of engineering and also charged with deficiencies in the architectural design.

Case No 2006041480: This complaint also came from Mr. Schoppe, from the Martin County Building Department, alleging that Mr. Banks, signed, sealed, and dated a set of plans for the construction of a new residence that contained deficiencies.

Board Consultant Scott Eddy, P.E., reviewed the investigative file and opines that Mr. Banks design for the Skyard project contains structural and design deficiencies. Some of those deficiencies include but are not limited to: no floor or load design criteria provided, no indication that the trusses are to be pre-engineered and the loads not shown, the W8 beam not being adequate, and the W10x15 beam not adequate enough to the point that it would fail under the assumed loads.

The one-count administrative complaint filed against Mr. Banks charged him with negligence in the practice of engineering. Mr. Banks waived probable cause on this case so as to resolve all outstanding cases with one stipulation.

The stipulation calls for Reprimand, \$6,000 administrative fine, costs of \$2,642.90, Respondent to be placed on two years probation with plan review at six and 18 months; Board approved course in Engineering Professionalism and Ethics; and study guide.

Mr. Burke was recused from this case due to the fact that he was on the Probable Cause Panel for this case.

Both Mr. Banks and his attorney were present.

Mr. Banks was sworn in prior to addressing the Board.

Mr. Rebane asked whether the Board had any questions for Mr. Banks.

Mr. Banks indicated that he was open to answer any questions regarding his character or professionalism, he was willing to participate.

Mr. Burke asked Mr. Banks what area of engineering Mr. Banks' practices.

Mr. Banks indicated that he had a Master's of Science degree in mechanical engineering with structural mechanics.

It was indicated that Mr. Banks was making the same mistakes over and over again. Is there a reason for this?

Mr. Banks said that if you look at the common factor, it's called Martin County.

Ms. Perera requested that she be able to address the Board in regard to Mr. Banks repeating the same mistakes and also to address Mr. Banks' comments. The circumstances in this case all arose from the same municipality. Mr. Banks was working with a contractor who had he worked with for a period of five years on about 20 or 30 similar projects. During that time period, there had never been a similar problem with any plans that were submitted to other municipalities. Mr. Perera hired her own expert to review the plans. Mr. Banks took the comments of the Board's consultant and his own consultant to heart, and since that time he has made changes and developed a relationship with an engineer who reviews his plans prior to submittal. Since he has begun this practice, he has submitted plans to Martin County and has had no problems with those plans. Mr. Banks has addressed the issues.

Mr. Rebane asked Mr. Banks what made him qualified to do architectural, HVCA, plumbing, electrical design.

Mr. Banks indicated that he did not engage in mechanical, plumbing, and electrical. What he has learned is that he should perform work on structures only. He has learned to keep his name out of portions of the construction drawings where he has no responsibility.

Mr. Rebane asked what qualifications the individual has who reviews Mr. Banks' work and why does he use that individual.

His name is Harvey Cohen and he is a registered architect and a professional engineer. He recently has taken Walter Karpinia under his wing, Mr. Karpinia appears in the agenda. He owned Pace 2000 for 20 years and is also a certified general contractor.

Mr. Rebane asked what the connection was to Walter Karpinia.

Mr. Banks indicated that during Mr. Karpinia's period of review, Mr. Cohen was supervising his work. That is the type of association he would have.

Upon Motion by Mr. Rose, seconded by Dr. Bauer, the Board accepted the Settlement Stipulation.

- #5. Oscar De Pineres, P.E.
PE 52826
FEMC Case Number: 2004052785
Probable Cause Panel: Matthews, Burke, Seckinger

On November 28, 2006, an Administrative Complaint charged Mr. De Pineres with one count of misconduct for facilitating the use of his seal on hundreds of reports that were not prepared, produced or reviewed by him. After conducting an informal hearing at the Board's February 2006 Board

meeting, the Board entered a on Final Order April 13, 2006 imposing a 30-day suspension, a \$5,000 fine, costs of \$157.35, a one-year period of probation with two plan reviews, completion of a Board approved course on professionalism and ethics, and completion of the Board's Study Guide.

Mr. De Pineres decided to appeal the Final Order and after various motions by the Respondent and briefs filed by both parties, the Respondent lost his appeal on July 27, 2007.

Rather than abide by the terms of the Final Order, Mr. De Pineres has decided to voluntary relinquish his professional engineer's license. On September 8, 2007, he signed a settlement stipulation to that effect.

Mr. De Pineres was not present at the Board meeting.

Upon motion by Dr. Bauer, seconded by Mr. Rose, the Board accepted the Settlement Stipulation for Voluntary Relinquishment of his license.

#6 Lars Dohm
PE 11802
FEMC Case Number: 2005057260
Probable Cause Panel: Rebane Seckinger

A complaint was filed by Brian Foster, P.E. of Global Fire Engineering, Inc., alleging that Mr. Dohm signed and sealed a set of fire sprinkler plans for the Hidden Harbor Boat Storage Building (the Project). Mr. Foster is a third party fire sprinkler reviewer. Mr. Foster is also an FBPE Board Consultant. It was alleged that Mr. Dohm violated rule 61G15-32 F.A.C.

A response was received from Subject on November 22, 2005, in which he states that he became involved in the project after the original engineer died. Mr. Dohm offers, "The Hidden Harbor Marina project has been in the works for several years. I got involved with the project while I was working with Fire Protection Engineering Co. under Charles Seifert PE. The job was turned over to the technician, Randolph Reitz, who bitterly complained that he could not get the necessary data from the architect, John Bodziak." "Furthermore you should know that I resigned from this project before I was aware of the action by the Florida Board of Professional Engineers."

Mr. Foster states that based on his review, the plans fail to meet the requirements of Chapter 471 and the Rules, "the minimal criteria of a preliminary plan and certainly not the level of detail of a working drawing as defined by NFPA 13. The major design flaws include the use of sidewall sprinklers outside their listed use and the failure to protect the lower heads from overhead sprinkler water discharge, the improper sprinkler spacing and the failure to calculate the remote area. The general

lack of details prevents us from being able to fully review the hydraulic calculations. We question how the Engineer of Record was able to seal these plans, since it would have been impossible to review even the system hydraulics. Our recommendation is that these plans be returned to the engineer for a complete redesign and a subsequent resubmittal.”

The PCP reviewed the case and authorized the issuance of an Administrative Complaint which was filed on August 7, 2007. The Respondent, through counsel, felt that certain of the allegations were in error but agreed that the design did contain certain material flaws.

The PCP Recommendation was: Reprimand; \$2,000.00 administrative fine (\$1,000.00 per count for two counts); costs of \$175.50; suspension of licensure, stayed if fine/costs paid within 30 days of Final Order date; subject will be placed on two years probation with plan review at six and 18 months (Fire Protection selections if submitted); Board approved course in Engineering Professionalism and Ethics; study guide; and appearance before the Board to explain the following: what his qualifications are for performing Fire Protection engineering, and what areas of practice his firm is practicing; his comments as to his association with a firm that was not licensed; and what steps he has taken to improve the quality control of his work.

The Subject has decided to voluntarily relinquish his professional engineer's license effective 12/31/2007.

Mr. Dohm was not present at the Board meeting

Upon motion by Mr. Burke, seconded by Mr. Tomasino, the Settlement Stipulation was adopted with an effective date of December 31, 2007 for relinquishment of the license.

#7 J. S. Nagamia, P.E.
PE 19241
FEMC Case Number: 2005014450
Probable Cause Panel: Rebane Seckinger

Because a request for continuance was filed due to a conflict, Mr. Rimes requested this case be continued to a future Board Meeting.

Upon motion by Dr. Bauer, seconded by Mr. Burke, the case is continued to the December Board meeting.

#8. Adalberto M. Pascual, P.E.
PE 46747
FEMC Case Number: 2007018522
Probable Cause Panel: Matthews, Seckinger

On October 5, 2004, the Board of Professional Engineers issued a Final Order in Case Number 03-0130, that required Respondent, Adalberto M. Pascual, to submit a list of projects completed by him at six and 18 months from the date of the filing of the Final Order for a Board Consultant to review. Mr. Pascual's North Miami Station (2005) and Hammondville Station (2005) projects (the Projects) were selected for the initial project review. Respondent sealed, signed and dated all plans for all disciplines represented on the plans for the Projects. Due to the length of time for submission of the documents and the time to complete, the review Subject's probation ended on October 6, 2006. No tolling was provided for in the Final Order. This delay occurred because of the fact that several engineering disciplines were involved, which occasioned the need to seek a reviewer (Pistorino & Alam) that had the capacity to review all disciplines.

Petitioner's engineering consultants, Pistorino & Alam, Consulting Engineers, Inc., through various professional engineers in the employ of that firm, reviewed the plans for the Projects and submitted a summary report dated May 15, 2006, with accompanying comments on each of the engineering disciplines for which Mr. Pascual sealed, signed and dated plans for the Projects. There were significant departures from accepted engineering principles and lack of due care in the pages of the plans addressing the Electrical, Structural, Mechanical, Architectural, and Civil aspects of the Projects. Moreover, the portions of the plans addressing the Electrical, Structural, Mechanical, Architectural, and Civil aspects of the Projects did not comply with applicable building code requirements. The departures from accepted engineering principles, lack of due care, and failures to comply with applicable building codes were set out in full in the Pistorino & Alam comments to the May 15, 2006 summary report.

On July 20, 2006, Mr. Pascual filed a response to the comments contained in the May 15, 2006 summary report and comments. On February 16, 2007, Petitioner's engineering consultants, Pistorino & Alam, Consulting Engineers, Inc., through various professional engineers in the employ of that firm, submitted a final report to Petitioner. This report was compiled after the consultants' reviewed the plans for the Projects in light of the information contained in the July 20, 2006 response from Petitioner. The consultants maintained their conclusions that the plans for the Projects contained significant departures from accepted engineering principles and were not in compliance with building code requirements as to the Electrical, Structural, Mechanical, Architectural and Civil disciplines and the plans related thereto.

On May 17, 2007 the PCP found probable cause and an eight-count AC was issued. Mr. Pascual through counsel immediately sought to resolve the case on essentially the same terms as those approved by the PCP. On July, 16, 2007 a stipulation was signed and received.

The Stipulation provided as follows: Reprimand; \$4,000.00 administrative fine; no costs since none were incurred insofar as Respondent had already

paid for the review during the completed probationary term; Suspension of licensure, stayed if fine paid within 30 days of Final Order date; permanent restriction of practicing electrical and structural; Subject will be placed on two years probation with plan review at six and 18 months; and appearance before the Board to explain the following: with his previously self-imposed restrictions, what has he done to improve his mechanical and civil engineering skills; and who will he assign the electrical and structural tasks to.

On August 2, 2007 the above stipulation was presented to the Board which voted to reject it, offering a counter stipulation which included all other portions of the original stipulation but required imposition of an \$8000.00 fine and permanent restriction of Respondent's right to practice mechanical engineering in addition to electrical and structural.

After negotiation, the following is proposed: Reprimand; **\$8,000.00 administrative fine to be paid in installments**; no costs since none were incurred insofar as Mr. Pascual had already paid for the review during the completed probationary term; Suspension of licensure, stayed if fine paid within 30 days of Final Order date; permanent restriction of practicing electrical, structural and mechanical (except for mechanical systems covered by Rule 61G15-34.007, Fla. Admin. Code [plumbing]); Subject will be placed on two years probation with plan review at six and 18 months; no appearance was required since he was present at the August Board meeting.

Mr. Pascual was not present at the Board meeting.

Upon motion by Mr. Burke, seconded by Mr. Tomasino the Settlement Stipulation was adopted.

- #9. Rodrigo H. Cadavid, P.E.
PE 39415
FEMC Case Numbers 2004033481, 2004006472, 2004006473,
2005011460, 2005031755
Probable Cause Panel: Matthews, Burke, Seckinger

These complaints arose from complaints to Florida DBPR addressed to Mr. Cadavid's licenses as a Certified General Contractor, and as a Certified Pool Contractor. Four of the complaints stem from contracts to build pools in the name of Sunny Dreams Pools & Spas, Inc., an entity owned by Subject, for which he was the contractor qualifier. In each of the pool projects, Subject prepared engineering plans, and filed a permit application identifying himself as the engineer. Sunny Dreams does not have a Certificate of Authority. The plans for the pools were reviewed by Board consultants who found they contained engineering deficiencies as to structural and electrical details.

In Case No. 2005011460 the complaint arose from a contract to build a room addition on an existing house. The contract is in the name of

Roherca General Contractors Corporation, an entity owned by Cadavid for which he was the contractor qualifier. Cadavid prepared engineering plans and filed a permit application identifying himself as the engineer. Roherca also did not have a Certificate of Authority. The Board consultant found the plans for the room addition contained deficiencies as to structural details.

The projects in issue span a period from February 2002 to May 2005. Mr. Cadavid's license to practice engineering was delinquent from February 1, 2003 to June 30, 2004. On two of the projects, it is clear Subject signed and sealed plans during the period of delinquency.

In parallel cases, the Construction Industry Licensing Board revoked Subject's contractor's licenses on May 19, 2005, when Respondent failed to timely respond to the charges levied against him in that Administrative Complaint.

NOTE: The 2004 cases represent some of the oldest active cases in the FBPE Legal Department. In addition, Mr. Cadavid has been licensed for nearly 30 years and has no prior history of complaints or discipline pursuant to his tenure as a licensed professional engineer.

The Stipulation calls for a Reprimand, \$5,000 administrative fine, costs of \$2,587.50, subject to be placed on two years probation with plan review at six and 18 months; Board approved course in Engineering Professionalism and Ethics; study guide and an appearance before the Board at the presentation of the stipulation.

Neither Mr. Cadavid nor his attorney were present at the Board meeting.

Upon motion by Mr. Rose, seconded by Mr. Hyder, the Board approved the Settlement Stipulation.

Q#1. Walter Karpinia, P.E.
PE 46635
FEMC Case Number 2007013218

On May 18, 2004, the Board of Professional Engineers filed its Final Order with the Florida Department of Business and Professional Regulation in Case Nos. 01-0015, 01-0044, 01-0045, 01-0172 and 02-0158, Florida Engineers Management Corporation v. Walter R. Karpinia, P.E. The Final Order permanently prohibited Respondent from practicing structural engineering until he passed the National Council of Examiners for Engineering and Surveying (NCEES) Structures I examination. Respondent has not passed the Structures I examination. On or about December 11, 2006, Respondent signed, sealed and dated plans for an addition to the LaValley residence which included the design for the structural system of the residence. On or about December 19, 2006, the plans were filed for an additions building for permit, which was assigned number 06-065894, by the Palm Beach County Planning, Zoning & Building Dept.

An Administrative Complaint was issued on July 20, 2007 which Respondent received and signed for on July 26, 2007. No response was filed within the 21 days required by the notice and election of rights. As a result, a Motion For Determination that Respondent has Waived Respondent's Right to an Administrative Hearing under the Provisions of Section 120.569, Florida Statutes, and the Entry of a Final Order as a Result of such Waiver was filed. No specific response was made to the Motion but a Response to the AC was filed by Respondent's counsel. Insofar as the AC Response was facially untimely, this case is being submitted to the Board upon the above Motion for Determination. No PCP Recommendation in light of fact that the case involves an alleged violation of Final Order.

Mr. Karpinia was not present at the Board meeting, but his attorney, Barry Taylor, Esquire was present.

On motion by Mr. Burke, seconded by Mr. Rose, the Board determined that the Respondent waived his right for an administrative hearing.

Upon motion by Mr. Burke, seconded by Mr. Rose, the Board accepts the findings of fact and conclusions of law of the Administrative Complaint.

Mr. Taylor advised that there were mitigating circumstances. He indicated that Mr. Karpinia complied with every term and condition of the agreement except for taking and passing the structural 1. He took it at least four times. The first time was within weeks of entry of the order. Also, there appears to be a conflict as to what was on the screens of the FBPE website and Mr. Karpinia's interpretation as to whether his restriction was still in place. This is what caused the problem. An error was made as to whether his license was still restricted. "It is my understanding that he contacted someone at the Board and asked for clarification. He was told that he was clear when he wasn't. He paid the fines, took the classes, the exams, everything, he just couldn't pass the test," Mr. Taylor said.

Upon motion by Mr. Rebane, seconded by Mr. Burke, the Board revokes the license of Mr. Karpinia.

- #2. Kenneth Yurkovich, P.E.
PE 57004
FEMC Case Number 20070013396
Probable Cause Panel: Matthews, Seckinger

Mr. Yurkovich has been charged by an Administrative Complaint on May 23, 2007, of one count of practicing engineering on a suspended license. Mr. Yurkovich signed a settlement stipulation on October 9, 2006, to resolve a charge of failing to abide by a prior stipulation. The October 9, 2006, stipulation called for Mr. Yurkovich's license to be suspended for a

period of six months. This stipulation was presented at the FBPE meeting in December 2006, and was approved by the Board at that time. Mr. Yurkovich was present at that Board meeting and was witness to its acceptance.

On December 14, 2006, the Final Order was filed and as such Yurkovich's license was officially suspended at that time. On December 19, 2006, the Respondent was served the Final Order alerting him to the suspension via certified mail at his address of record. On January 2, 2007, Mr. Yurkovich signed and sealed a project in Port Charlotte, Florida while suspended.

The one count Administrative Complaint charging Mr. Yurkovich with operating under a suspended license was served on him on June 4, 2007. He did not respond within the 21 days after service was affected and as such has waived his right to a formal administrative hearing.

Mr. Yurkovich was not present at the Board Meeting.

Upon motion Dr. Bauer, seconded by Mr. Burke, the Board determined that the Respondent waived his right for an administrative hearing.

Upon motion by Dr. Bauer, seconded by Mr. Burke, the Board accepts the findings of fact and conclusions of law of the Administrative Complaint.

Upon motion by Mr. Rebane, seconded by Dr. Bauer, the Board revokes the license of Mr. Yurkovich.

- #3. Alberto Ribas, P.E.
PE 14452
FEMC Case Number 2005014604
Probable Cause Panel: Rebane, Seckinger

On August 7, 2007, the Board of Professional Engineers filed an Administrative Complaint in Case No. 2005014604, against Alberto Ribas, P.E. for one count of negligence in the practice of engineering.

Specifically, the one count Administrative Complaint alleged that the on a residential design project in Coral Gables, FL, Mr. Ribas used calculations which appear to based on arbitrary assumptions, dimensions and loading.

In addition, the calculations used did not address the additional loading on the existing structure.

The Administrative Complaint was served on the Subject on September 8, 2007 by certified mail and the subject failed to request a formal hearing within 21 days.

Mr. Ribas was not present at the Board meeting.

Upon motion by Dr. Bauer, seconded by Mr. Rose, the Board determined that the Respondent waived his right for an administrative hearing.

Upon motion by Dr. Bauer, seconded by Mr. Rose, the Board accepts the findings of fact and conclusions of law of the Administrative Complaint and adopt the PCP recommendation.

Upon motion by Dr. Bauer, seconded by Mr. Rose, the Board determined that the Final Order should require appearance of Mr. Ribas at the December Board Meeting.

#4. Roy Aach, P.E.
PE 18011
FEMC Case Number 2007033164

On November 28, 2006, an Administrative Complaint charged Mr. Aach with a three-count Administrative Complaint that charged him with negligence in the practice of engineering, filing undated plans for the public record and for failure to complete the Building Code Core course. After an informal hearing was held, on March 13, 2007, the Board of Professional Engineers filed its Final Order in Case No. 2005014569, Florida Engineers Management Corporation v. Roy L. Aach, P.E.

The Final Order required Subject to pay an administrative fine of \$2,000.00, pay investigative costs of \$1,459.00 and successfully complete the Study Guide regarding the Engineering Practice Act prepared by the Board of Professional Engineers within 30 days of the Final Order being filed with the Board of Professional Engineers.

Subject has not paid the administrative fine, the investigative costs and has not successfully completed the Study Guide. Numerous unsuccessful attempts were made by Board staff to contact Subject to inquire as to if/when he would comply with the Order. As a result, on July 16, 2007, a one-count Administrative Complaint was filed against the Subject for violating any order of the board or department previously entered in a disciplinary hearing. This Administrative Complaint was served via publication on August 24, 2007, and the subject failed to request a formal hearing within 21 days.

Mr. Aach was not present at the Board meeting.

Upon motion by Dr. Bauer, seconded by Mr. Rose, the Board determined that the Respondent waived his right for an administrative hearing.

Upon motion by Dr. Bauer, seconded by Mr. Rose, the Board accepts the findings of fact and conclusions of law of the Administrative Complaint.

Upon motion of Dr. Bauer, seconded by Mr. Rose, the Board revokes the license of Mr. Aach.

R. The meeting adjourned at 12:45 p.m.

**Minutes for
The Florida Board of Professional Engineers
October 6, 2010 beginning at 1:00 p.m. and
October 7, 2010 beginning at 8:30 a.m., or soon thereafter
Tampa, Florida
Part I**

- A. Call to Order, Invocation, and Pledge of Allegiance to the Flag
- B. Roll Call, Determination of Quorum, and Address Absences.

Board Members Present:

John C. Burke, P.E., Chair
H. Dann Wallis, P.E., Vice Chair
David Charland, P.E.
Christian S. Bauer, Ph.D., P.E.
Warren Hahn, P.E.
Bijay Panigrahi, Ph.D., P.E.
Nola Garcia, Public Member
Mary Young, Public Member (absent 1st day only)

Board Members Absent:

R. Scott Batterson, P.E.
Jonathan Earle, Ph.D., P.E.
Zafar Hyder, Ph.D., P.E.

Attorney General's Office:

Deborah Loucks, Assistant Attorney General, Counsel to the Board

Staff members present:

Carrie A. Flynn, Executive Director
Zana Raybon, Assistant Executive Director
John J. Rimes, III, Chief Prosecuting Attorney
Rebecca Sammons, Executive Assistant

Upon motion by Mr. Charland seconded by Mr. Hahn, Dr. Earle's absence was excused. The motion passed.

Upon motion by Mr. Hahn seconded by Mr. Charland, Mr. Batterson and Dr. Hyder's absence were unexcused. The motion passed.

Upon motion by Ms. Garcia seconded by Dr. Bauer, Ms. Young's absence was excused. The motion passed.

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

Ernie Cox, P.E., FEMC Board Member
Charlie Geer, FES
Ron Milmed

D. Approval of the Agenda

Upon motion by Dr. Panigrahi, seconded by Ms. Garcia, the agenda was approved. The motion passed.

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

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

E. Review and Approval of previous Board & Committee Meeting Minutes

#1. Minutes from the August 11-12, 2010 Board Meeting*
Approved under consent agenda.

#2. Minutes from September 24, 2010 Ratification Conference Call*
Approved under consent agenda.

F. Committee Reports

#1. Applications Committee (Next Meeting December 1, 2010)
(John Burke, P.E., Chair; Scott Batterson, P.E., David Charland, P.E.; Warren Hahn, P.E.
Nola Garcia; H. Dann Wallis, P.E.)

- (a) Committee Chair's Report.
Mr. Burke mentioned that the system we have in place has been working.

#2. Educational Advisory Committee (Next Meeting December 1, 2010)
(Christian Bauer, Ph.D., P.E., Chair; Dr. Jonathan Earle, Ph.D., P.E.; Zafar Hyder, Ph.D.,
P.E.; Bijay Panigrahi, Ph.D., P.E., Mary Young;)

- (a) Committee Chair's Report.
No Report.

(b) NCEES Standard

Mr. Burke stated that NCEES has adopted an Educational standard to be used in evaluating non EAC/ABET degrees. As discussed previously, Mr. Burke mentioned Dr. Anderson's input in development of this language through his work with the committee. Requirements of our rule 61G15-20.007, F.A.C. were followed. Mr.

Burke mentioned Dr. Earle's concerns with the standard and our rule. Mr. Burke instructed the Educational Committee to get with Mr. Flury to make sure our rule follows the NCEES Standard. If there is a proven need to address changes the concerns should be brought to the Board.

#3. Probable Cause Panel (Next Meeting November 30, 2010)

(David O. Charland, P.E, Chair, Warren G. Hahn, P.E., Henn Rebane, P.E.) (Alternate: John Burke, P.E.)

- (a) PCP Memo from September 14, 2010, Meeting*
Approved under consent agenda.

#4. FBPE Rules Committee (Next Meeting to be Determined)

(John Burke, P.E., Chair; David Charland, P.E.; P.E.; Jonathan F. K. Earle, Ph.D., P.E., H. Dann Wallis, P.E.)

- (a) Committee Chair's Report.
Mr. Burke gave a brief recap of the September Rules Committee Meeting. He confirmed requirements for any new rule to first be reviewed and approved by this Board.

#5. FBPE Legislative Committee (Next Meeting to Be Determined)

(Dr. Christian Bauer, Ph D., P.E., Chair; Mary Young)

- (a) Committee Chair's Report.
No Report.

(b) Legislative Update

Mr. Geer indicated FES is pursuing a veto of the Governor's decision on the personal liability bill. With the number of elections going on it may or may not be successful. If unsuccessful it will be pursued as a new bill in the next session.

#6. Joint Engineer/Architect Committee

(John Burke, P.E., Chair; Zafar Hyder, Ph.D., P.E., Nola Garcia)

- (a) Committee Chair's Report.
No Report.

Mr. Rimes mentioned a publication relating to overlap of practice by engineers and architects. The publication appears to have been drafted by the architect association. This usually becomes an issue when the economy is bad. Mr. Rimes noted it was definitely not an official document from either Board.

#7. Structural Rules Committee
(David O. Charland, P.E., Chair)

(a) Committee Chair's Report.
No Report.

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

#1. Report from Annual Meeting

Mr. Burke briefed the board on his attendance to the annual meeting in Denver. He mentioned NCEES is trying taking steps to encourage more interest in the engineering field. He mentioned that there was a motion made to allow to Ph.D. to receive licensure without exam and the motion was defeated.

Mr. Burke mentioned that PE Agricultural Exam is currently on probation and the board of directors has allowed the exam to be offered until October 2011 at which time the situation will be reviewed and that starting in April 2011 there would be a 16 hours structural exam over 2 days.

Mr. Burke stated that by 2013 NCEES would be going to computer based testing for the Fundamentals of Engineering and the Fundamentals of Surveying.

Mr. Burke mentioned that the requirement for member boards to utilize the Law Enforcement Exchange was placed in Model Law.

#2. Letter to Mr. Michael Bromwich from NCEES
Provided for informational purposes.

Mr. Geer advised the Board of the position held by the FES Board. They are not ready or in favor doing a separate license for structural engineering. They are in favor of seeking a higher level of CE hours required to include a mandatory course in ethics. FES is researching the possibility of making this change without statutory revision. Mr. Burke referenced the NCEES requirement is 30 hours every 2 years with various methods of completing the hours. Mr. Burke confirmed the requirements for our state are very low compared to other states and other professions. Mr. Burke asked staff to gather statistics of other Florida professions to show how many CE hours they require for renewal of their license.

H. Advisory Attorney's Report

#1. Rules Report

BOARD OF PROFESSIONAL ENGINEERS
RULES REPORT
September, 2010

| Rule No. | Title | Development Published | Notice Published | Adptd. | Effective |
|---|--|-----------------------|------------------|----------|--|
| The following rules are IN PROCESS : | | | | | |
| 61G15-20.007 | Demonstration of Substantial Equivalency | 08/06/100 | 9/17/2010 | | |
| 61G15-20.0015 | Application for Licensure by Endorsement | 08/06/10 | 09/17/2010 | | |
| 61G15-22.011 | Board Approval of Continuing Education Provider | 2/19/10 | 4/30/10 | 06/18/10 | 07/08/10 |
| 61G15-31.001 | General Responsibility | 8/7/09 | 11/13/09 | 9/08/10 | 9/28/10 (JAPC ltrs rcv'd 12-016-09, 2-01-10, 2-09-10, 4-12-10, 5-05-10, 05/18/10; Rule tolled 2-5-10; JAPC resp sent 2-05-10, 5-18-10; NOC published 7-23-10) |
| 61G15-31.002 | Definitions; | 8/7/09 | 11/13/09 | 9/08/10 | 9/28/10 (JAPC ltrs rcv'd 12-016-09, 2-01-10, 2-09-10, 4-12-10, 5-05-10, 05/18/10; Rule tolled 2-5-10; JAPC resp sent 2-05-10, 5-18-10; NOC published 7-23-10) |
| 61G15-31.003 | Design of Structures Utilizing Prefabricated Wood Trusses | 8/7/09 | 11/3/09 | | (JAPC ltrs rcv'd 12-016-09, 2-01-10, 2-09-10, 4-12-10, 5-05-10, 05/18/10; Rule tolled 2-5-10; JAPC resp sent 2-05-10, 5-18-10; NOC published 7-23-10) |
| 61G15-31.004 | Design of Cast-in-Place Post-Tensional Concrete Structural Systems | 8/7/09 | 11/13/09 | 9/08/10 | 9/28/10 (JAPC ltrs rcv'd 12-016-09, 2-01-10, 2-09-10, 4-12-10, 5-05-10, 05/18/10; Rule tolled 2-5-10; JAPC resp sent 2-05-10, 5-18-10; NOC published 7-23-10) |
| 61G15-31.005 | Design of Structures Utilizing Precast and Prestressed Concrete Components | 8/7/09 | 11/13/09 | 9/08/10 | 9/28/10 (JAPC ltrs rcv'd 12-016-09, 2-01-10, 2-09-10, 4-12-10, 5-05-10, 05/18/10; Rule tolled 2-5-10; JAPC resp sent 2-05-10, 5-18-10; NOC published 7-23-10) |
| 61G15-31.006 | Design of Structures Utilizing Open Web Street Joists And Joists Girders | 8-7-09 | 11-13-09 | | (JAPC ltrs rcv'd 12-016-09, 2-01-10, 2-09-10, 4-12-10, 5-05-10, 05/18/10; Rule tolled 2-5-10; JAPC resp sent 2-05-10, 5-18-10; NOC published 7-23-10) |
| 61G15-31.007 | Design of Pre-Engineered Structures | 8-7-09 | 11-13-09 | 9/08/10 | 9/28/10 |

| | | | |
|--------------|---------------------------------------|---------|--|
| | | | JAPC ltrs rcv'd 12-016-09, 2-01-10, 2-09-10, 4-12-10, 5-05-10, 05/18/10; Rule tolled 2-5-10; JAPC resp sent 2-05-10, 5-18-10; NOC published 7-23-10) |
| 61G15-31.008 | Design of Foundations | 8/7/09 | 11/13/09 9/08/10 9/28/10 JAPC ltrs rcv'd 12-016-09, 2-01-10, 2-09-10, 4-12-10, 5-05-10, 05/18/10; Rule tolled 2-5-10; JAPC resp sent 2-05-10, 5-18-10; NOC published 7-23-10) |
| 61G15-31.009 | Design of Structural Steel Systems | 8/7/09 | 11/13/09 9/08/10 9/28/10 JAPC ltrs rcv'd 12-016-09, 2-01-10, 2-09-10, 4-12-10, 5-05-10, 05/18/10; Rule tolled 2-5-10; JAPC resp sent 2-05-10, 5-18-10; NOC published 7-23-10) |
| 61G15-31.010 | Design of Cold Steel Fram. | 8/21/09 | 11/13/09 (JAPC ltrs rcv'd 12-16-09, 2-05-10, 2-09-10, 5-04-10, 05-21-10; rule tolled 2-5-10; JAPC resp sent 2-05-10, 5-18-10; NOC Published 7-23-10) |
| 61G15-31.011 | Design of Aluminum Struct. | 8/21/09 | 11/13/09 (JAPC ltrs rcv'd 12-16-09, 2-05-10, 2-09-10, 5-04-10; rule tolled 2-5-10; rule tolled 2-5-10; JAPC resp sent 2-05-10, 5-18-10; Hearing 2-17-10; NOC published 7-23-10)) |
| 61G15-31.012 | Design of Temp. Supp. | 8/21/09 | 11/13/09 (JAPC ltrs rcv'd 12-16-09, 2-05-10, 2-09-10, 5-04-10; rule tolled 2-5-10; rule tolled 2-5-10; JAPC resp sent 2-05-10, 5-18-10; Hearing 2-17-10; NOC published 7-23-10) |
| 61G15-32.002 | Definitions | 7/09/10 | 8/06/10 09/21/10 10/11/10 |

The following rules have been **ADOPTED**:

| | | | |
|---------------|--------------------------|----------|---|
| 61G15-19.004 | Disciplinary Guidelines | 3/07/08 | 8/08/08 2/01/10 2/21/10 (Tolled 10-28-08; JAPC letter 10-23-09; Notice of Change 11-25-09) |
| 61G15-19.0051 | Notice of Non-Compliance | 11/20/09 | 2-12-10 4/15/10 05/05/10 (JAPC letter 3-16-10; Response 3-23-10 Ready to be adopted with technical change; 4-8-10; Sent JAPC letter to certify for adoption on 4-15-10) |

I. Executive Director's Report

#1. Application for Retired Status*

Approved under consent agenda.

#2. Update on ABET Accreditation for program at Florida Gulf Coast University
Provided for Informational Purposes.

#3. Certification for Contract with DBPR
Bauer moved 2nd Garcia; motion passed.

#4. Appointment to FEMC Board

Ms. Flynn asked the Board's consideration of an application filed by Mr. Jeff Arey for appointment to the FEMC Board. Mr. Geer was complimentary of Mr. Arey and his long involvement in engineering.

Upon motion by Dr. Bauer seconded by Ms. Garcia, the application filed by Mr. Jeff Arey was approved for appointment to the FEMC Board. The motion passed.

Ms. Flynn confirmed these appointments are effective October 2010 for terms of four years.

The Board was advised of FEMC's recognition of Dr. Mel Anderson, Gary Kuhl and Robert Lombardo for their service to the FEMC Board.

#5. Proposed Meeting Locations for 2011

Ms. Flynn brought before the board the proposed locations for meetings in 2011. After discussion the following action was taken.

Upon motion by Mr. Hahn seconded by Ms. Garcia, the meetings for 2011 will be held at the Tampa Hyatt. The motion passed.

#6. Assignment of Members for October Examination Sites
Provided for informational purposes.

J. Assistant Executive Director's Report

#1. 2011-2013 Renewal Plan

Ms. Raybon advised the Board of the mailing of the postcards announcing the opening of renewal for 2011-2013. The postcards will be mailed in the next couple of weeks. Staff is busy with gearing up for renewal. She mentioned the newsletter about the upcoming renewal sent electronically. This resulted in numerous calls on reporting of continuing education hours.

#2. Professional Engineer Application Revision

Ms. Raybon discussed the change made to the application dealing with item "C" on the application.

Upon motion by Ms. Garcia seconded by Dr. Bauer, the proposed change to application was accepted. The motion passed.

K. Chief Prosecutor's Report

#1. 300 day report

Provided for informational purposes.

#2. Profile of legal cases by year

(a) Cases open for 1 year plus

Provided for informational purposes.

(b) Total open cases by year

Provided for informational purposes.

Dr. Panigrahi asked Mr. Rimes how long it takes a case to move through the complaint process. He asked further if there is a way to present a comparison for statistics over the past three years. Mr. Rimes indicated he could get those numbers for the next board meeting.

L. Chair's Report

Mr. Burke confirmed expiration of his term on the Board along with Ms. Garcia and Dr. Hyder. He and Ms. Garcia have reappplied. Dr. Hyder would not be seeking re-appointment to the board.

Mr. Burke talked about the Holiday Party and the need for a contribution \$150. Checks should be made payable to Rebecca Sammons and mailed to the FBPE Board Office.

Mr. Burke mentioned the position of chair and vice chair for 2011. He stated that Mr. Wallis still desires to be chair but wants to wait another year before becoming chair as a result of his health status. Mr. Burke asked if any board member wants to be considered for the position of Chair and /or Vice Chair please let him know. Mr. Burke recommended he continue as Chair and Mr. Wallace would continue as Vice Chair until sometime in the future.

Upon motion by Mr. Hahn, seconded by Mr. Charland, Mr. Burke will remain as Chair and Mr. Wallis will remain as Vice Chair for 2011. The motion passed.

M. Petition for Variance and Waiver

#1. Richard Getz

Ms. Loucks reminded the Board of Mr. Getz's appearance in the August 2010 board meeting as an Informal Hearing. He was denied for licensure and advised of the right to file a petition for variance and waiver of the present rules and his licensure be considered based on when he first secured licensure.

Ms. Loucks stated Mr. Getz has been working as an engineer since 1979. Mr. Getz applied for licensure by endorsement. When the application was presented to the Application Committee it was determine Mr. Getz would have to seek licensure under comparison of law as he does not hold an engineering degree and would not be eligible for application under articulation of requirements set forth in Rule 61G15-20.007, F.A.C. Ms. Loucks stated that Mr. Getz has submitted a petition for variance and waiver of Rule 61G15-20.0015(5).

Mr. Getz addressed the board regarding his experience.

Mr. Burke explained in these types of cases the decision is a case by case basis and sets no precedence for future applications.

Upon motion by Ms. Garcia; seconded by Mr. Hahn, the Petition for Variance and Waiver was approved. The motion passed with Dr. Bauer opposing.

N. Correspondence to the Board

- #1. Email from Mr. Lance Kinney, Texas BPE - Re: Petroleum PE Exam Provided for Informational Purposes.
- #2. Letter from SunCam, Inc. Provided for Informational Purposes.

Part II Informal Hearing Agenda

Description of Educational Committee Process by Christian Bauer, Ph.D., P.E.

- #1. Ratification of Actions from Application Review, October 6, 2010

Mr. Burke inquired about the file for Oswald Pasquesi. Mr. Burke asked this file be pulled from the list and researched by staff to clarify comments on the ratification list.

Upon motion by Dr. Bauer; seconded by Mr. Wallis the actions of the application committee held on October 6, 2010 were approved with the stipulation the file for Mr. Pasquesi being pulled from the list for further review and action at a later time in the meeting. The motion passed.

Before addressing the Informal Hearings, Mr. Burke called on Dr. Bauer to provide a description of the application process for applicants with non EAC/ABET engineering degrees.

Dr. Bauer explained the requirement of applicants to meet requirements of Rule 61G15-20.007, F.A.C. This is determined by evaluations of their existing education and any additional courses or degrees completed. The evaluation is performed by one of the two approved evaluators.

O. Informal Hearings on Denial of Fundamentals Examination

#1. Yamile Cordero

Ms. Loucks outlined the basis of denial of Ms. Cordero's file. Ms. Cordero holds a BS in Civil Engineering from the "Jose Antonio Echeverria" Higher Polytechnic Institute. The evaluation from Josef Silny and Associates dated August 31, 2009 determined a deficiency of 8.25 M&BS to include Differential Equations and 2.25 H&SS. After issuance of the denial letter, it was determined a transcript from Miami Dade had not reached the file in time for the review. Ms. Cordero submitted her Election of Rights on July 2, 2010 electing to supplement and to have an Informal Hearing. The supplemental transcripts were reviewed and deficiencies were revised from 8.25 hours in M&BS to 4.25 hours and the Differential Equations were satisfied. Based on this action the application denial was upheld for 4.25 hours in Mathematics and Basic Sciences.

Upon motion by Dr. Bauer; seconded by Dr. Panigrahi, the denial of Ms. Cordero's application was upheld based on the deficiency of 8.25 M&BS to include Differential Equations and 2.25 H&SS. The motion passed.

#2. Yanet Gonzalez

Ms. Gonzalez was present and sworn in prior to addressing the board.

Ms. Loucks outlined the basis of denial of Ms. Gonzalez's file. Ms. Gonzalez holds a BS in Civil Engineering from the "Jose Antonio Echeverria" Higher Polytechnic Institute. The evaluation from Josef Silny and Associates dated February 25, 2009 determined a deficiency of 2.0 M&BS and 3.5 H&SS. Ms. Gonzalez, in response to the denial, returned the Elections of Rights form on July 15, 2010 to have an Informal Hearing.

Ms. Gonzalez addressed the board in regards to the deficiencies in her application.

Upon motion by Dr. Bauer; seconded by Ms. Garcia, the denial of Ms. Gonzalez's application was upheld based on the deficiency of 2.0 M&BS and 3.5 H&SS. The motion passed.

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

#1. William Meredith

Mr. Meredith was present and sworn in prior to addressing the board.

Ms. Loucks outlined the basis of denial of Mr. Meredith's file. Mr. Meredith applied for licensure by endorsement. Mr. Meredith holds a BS in Biology and MS in Civil Engineering. Review of the evaluation from Josef Silny and Associates indicated a deficiency in Mathematics and Basic Sciences. Mr. Meredith does not evidence a course in probability and statistics regarding educational requirements of the Florida Administrative Code 61G15-20.007

referencing college credit hours of higher mathematics and basic sciences. Mr. Meredith returned his Election of Rights with a request to supplement and have an informal hearing. Mr. Meredith agrees he does not have a course in probability and statistics and he wishes to pursue his Informal Hearing.

Mr. Meredith addressed the board requesting the board waive the requirement for a course in probability and statistics.

Upon motion by Dr. Bauer; seconded by Mr. Wallis, the denial of Mr. Meredith's application is upheld based on the deficiency in Mathematics and Basic Sciences. The motion passed.

Part III Disciplinary Hearings

Mr. Burke outlined the disciplinary process as it relates to the filing a complaints, review by legal, presentation to Probable Cause Panel, procedures followed after panel's meeting and appearance before the Board. He noted members of the panel are not allowed to participate in the hearing at the time of appearance before the Board.

Mr. Charland was recused from participation in disciplinary hearings as he serves on Probable Cause. Mr. Hahn is recused from participation in some of the disciplinary hearings as he serves on Probable Cause.

Q. Settlement Stipulations

#1. Anglin, Lisga
PE 63844
FEMC Case Number: 2009000861
Probable Cause Panel: Rebane, Charland & Halyard

Mr. Rimes asked that the board delay the hearing on this case until later in the meeting due to the fact the Mr. Anglin had indicated that he would be present at the meeting.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1)(g), F.S., & Rule 61G15-19.001(4) by engaging in negligence in the practice of engineering.

Probable Cause was found in January 2010 and an Administrative Complaint authorized. Respondent signed a Stipulation to resolve the matter on March 21, 2010. Respondent was required by the Stipulation to be present at the June 2010 Board Meeting but was not present. The Board directed the Respondent be given until August meeting to comply with the terms of the Stipulation and to be present as required. Respondent stated that he did not get the notice for the June meeting due to postal issues and that he would certainly be at the August meeting. This case was continued from the August 2010 board meeting due to a family emergency.

The Probable Cause Panel's recommendation is: Reprimand; \$2,000.00 administrative fine; costs of \$1,745.00; Suspension of licensure, stayed if fine/costs paid within 30 days of Final Order date; Subject will be placed on 2 year(s) probation; must complete a Board approved course in Engineering Professionalism and Ethics; study guide; and appearance before the Board to explain: his inspection practices and what improvements and quality control measures he plans to implement to improve his work product.

The stipulation is the same as the Probable Cause Panel's recommendation.

Upon motion by Dr. Bauer seconded by Ms. Garcia, the stipulation was rejected.

Mr. Rimes stated that he will bring this case back to the board at the December meeting.

As the meeting was closing, Mr. Anglin arrived at the meeting. The following action was taken.

Upon motion by Dr. Bauer; seconded by Mr. Hahn, the case of Mr. Anglin was brought up for reconsideration of earlier action.

Mr. Anglin was present and sworn in prior to addressing the board.

Mr. Anglin addressed the board and following conclusion of discussion and response to several questions on care of his seal the following action was taken.

Upon motion by Mr. Hahn; seconded by Ms. Garcia, the motion to reject the stipulation was withdrawn and a motion is before the Board to accept stipulation as presented. The motion passed.

#2. Scanlon, Paul W.
PE 65199
FEMC Case Number: 2010020854
Probable Cause Panel: Charland, Rebane & Hahn

Mr. Scanlon was present and was sworn in before addressing the board.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of FS 471033(1)(j), affixing or permitting to be affixed his seal, name, or digital signature to a report that was not prepared by him or under his responsible supervision, direction, or control; FS 471.025(1), failure to seal documents submitted for public record or to the owner.

Probable Cause was found in July 2010 and an Administrative Complaint authorized. Respondent signed a Stipulation to resolve the matter on September 3, 2010.

The Probable Cause Panel's Recommendation is: Reprimand; \$1,000.00 administrative fine; costs of \$79.75; Suspension of licensure, stayed if fine/costs paid within 30 days of Final Order date; Board approved course in Engineering Professionalism and Ethics; study guide; and appearance before the Board to explain: his understanding of the law and rules as it relates to

plan-stamping and what improvements and quality control measures he plans to implement to improve his work product.

The Stipulation calls for: Reprimand; \$1,000.00 administrative fine; costs of \$79.75; Suspension of licensure, stayed if fine/costs paid within 30 days of Final Order date; Board approved course in Engineering Professionalism and Ethics; study guide; and appearance before the Board to explain: his understanding of the law and rules as it relates to plan-stamping and what improvements and quality control measures he plans to implement to improve his work product.

Mr. Scanlon addressed the board in regards to his case and the procedures he has put into place to make sure that his seal is not used inappropriately.

Upon motion by Dr. Bauer; seconded by Ms. Garcia, the stipulation is accepted. The motion passed.

#3. McGinnis, Daniel
PE 57928
FEMC Case Number: 2009054256
Probable Cause Panel: Charland, Rebane & Hahn

Mr. McGinnis was present with his attorney, Ms. Christina L. Scaringe, Esquire. Mr. McGinnis was sworn in prior to addressing the board.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of F.S. § 471.033(1)(g), FS: Engaging in fraud or deceit, or misconduct, in the practice of engineering.

Respondent signed a Stipulation to resolve the matter on September 3, 2010.

The Probable Cause Panel Recommendation is: Reprimand; \$1,000.00 administrative; costs of \$175.50; Suspension of licensure, stayed if fine/costs paid within 30 days of Final Order date; Board approved course in Engineering Professionalism and Ethics; study guide; and appearance before the Board to explain: what improvements and quality control measures he plans to implement to improve his work product and prevent similar situations from occurring in the future.

The Stipulation calls for: Costs of \$175.50; Suspension of licensure, stayed if fine/costs paid within 30 days of Final Order date; Appearance, LETTER OF GUIDANCE reflecting that Respondent fully understands when he provides a site specific design to a client the design documents must contain sufficient information to identify the location of the site to which the design documents apply; Board approved course in Engineering Professionalism and Ethics; study guide.

Ms. Scaringe addressed the board in regards to the case.

Upon motion by Dr. Bauer seconded by Ms. Garcia, the stipulation was accepted. The motion passed.

#4. Curtis, James
PE 37912
FEMC Case Number: 2008005578
Probable Cause Panel: Rebane, Charland & Halyard
Represented by: Ken Metzger, Esquire
Strawn, Monaghan & Metzger, P.A.

Mr. James was present with his attorneys Mr. Kenneth Metzger, Esquire and Ms. Leslie Paugh, Esquire. Mr. James was sworn in prior to addressing the board.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1) (g), F.S., & Rule 61G15-19.001(4) by engaging in negligence in the practice of engineering.

The Probable Cause Panel Recommendation is: Reprimand; \$5,000.00 administrative fine; costs of \$10,990.00; Suspension of licensure, stayed if fine/costs paid within 30 days of Final Order date; Subject will be placed on 2 year(s) probation with plan review at 6 and 18 months; Board approved course in Engineering Professionalism and Ethics and study guide and appearance before the Board to discuss what procedures and quality control measures he plans to implement to improve his work product.

The Stipulation is: Appearance; Respondent shall be issued a LETTER OF GUIDANCE reflecting that Respondent recognizes the necessity of fully complying with the Board's Responsibility Rules addressing the design of Fire Protection Systems (Rule 61G15-32, F. A. C) and will do so in the future. Respondent agrees that he fully accepts the intent of the LETTER OF GUIDANCE and that he will adhere to its admonitions in his future engineering practice; Board approved course in Engineering Professionalism and Ethics and study guide.

Mr. Metzger addressed the board along with Mr. James.

Mr. Burke gave his thoughts on this case and background on the case. There were a number of errors in the prosecution of the case. The errors involved information pertinent to the case and the delay in time to bring the matter to this point in time.

Upon motion by Ms. Garcia; seconded by Mr. Hahn, the stipulation was accepted. The motion passed.

R. Disciplinary Matters

#5. Abolhassani, Al
PE 64212
FEMC Case Number: 200808997
Probable Cause Panel: Rebane, Charland & Halyard
Represented by: Drew Winters, Esquire
Grossman, Furlow & Bayo, LLC

Mr. Abolhassani was present along with his attorney, Mr. Drew Winters, Esquire. Mr. Abolhassani was sworn in before addressing the board.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of § 471.023, FS requires that an entity must have a valid Certificate of Authorization to offer engineering services in the State of Florida. Rule 61G15-23.002(2)(a) requires every sheet of plans and prints which must be sealed under the provisions of Chapter 471, FS, shall be sealed, signed and dated by the professional engineer in responsible charge.

Probable Cause was found an Administrative Complaint was issued on January 27, 2010 which Respondent received and signed for on February 2, 2010. No response was filed within the 21 days required by the notice and election of rights. As a result, a Motion for Determination that Respondent has Waived Respondent's Right to an Administrative Hearing under the Provisions of Section 120.569, Florida Statutes, and the Entry of a Final Order as a Result of such Waiver was filed on March 1, 2010.

At the April Board Meeting the Board granted the Motion for Waiver and entered a Final Order providing Mr. Abolhassani's license would be Reprimanded, Fined \$6000.00 and Suspended until he has appeared before the Board and requested reinstatement. Reinstatement was not guaranteed and the Board reserved the right to place conditions upon the license which may include a 2 year Probation with terms as decided by the Board.

Mr. Abolhassani has sent the FINE check and has requested to appear before the Board as per the terms of the Final Order. Mr. Abolhassani is represented by: Drew Winters, Esquire, Grossman, Furlow & Bayo, LLC. On September 29, 2010 a Notice of Appearance was filed along with a Petition for Reinstatement of License.

Mr. Winters addressed the board.

Dr. Panigrahi asked if Mr. Abolhassani would speak at a conference about his experience in this case as it applies to Certificate of Authorization. Mr. Hahn agreed with this suggestion.

Ms. Flynn suggested and Mr. Burke agreed the article could be posted in the Board's newsletter.

Upon motion by Ms. Garcia; seconded by Mr. Hahn, Mr. Abolhassani complete an approved Ethics course within a year; complete the study guide within a year; write and submit an article for newsletter within 30 days; and his license be reinstated. The motion passed.

#6. James Zaleski
PE 51544
FEMC Case Number: 2008045140
Probable Cause Panel: Rebane, Charland & Halyard

Mr. Zaleski was present and sworn in prior to addressing the board.

Mr. Rimes advised the Board of Mr. Zaleski's appearance to have his probation terminated early as provided by the final order.

The Stipulation provided as follows: Reprimand; \$2,000.00 administrative fine (\$2,000.00 per count for (1) count); costs of \$1,112.00; Suspension of licensure, stayed if fine/costs paid within 30 days of Final Order date; Subject will be placed on 2 year(s) probation with plan review at 6 and 18 months; Board approved course in Engineering Professionalism and Ethics; study guide; and appearance before the Board to explain: what steps he plans to take to improve the quality of his practice. The second year of PROBATION will be terminated early if, at the sole discretion of the Board Consultant and the Board, it is determined that the initial plan review report was "favorable" (defined in the Stipulation as being free of any material deficiencies).

All costs have been paid and requirements of the Probation completed except for the second plans review. However, as per the stipulation, the Respondent is requesting early termination of probation. The report (March 23, 2010) by FEMC Consultant Payne appears to support respondent's contention his review was free of material deficiencies. The Board, however, must make the final decision on the request.

Upon motion by Dr. Panigrahi; seconded by Dr. Bauer, Mr. Zaleski's probation is terminated. The motion passed.

#7. Richard Wasilewski
PE 15586
FEMC Case Number: 200702504
Probable Cause Panel: Rebane & Seckinger

Mr. Wasilewski was present and sworn in prior to addressing the board.

Mr. Rimes stated Mr. Wasilewski is before the board to request wavier of his project reviews as required by his final order and in lieu of project review he be allowed to take a course he believes beneficial to his practice. The original charges relate to a violation of 471.033(1)(g), F.S., by engaging in fraud or deceit, negligence, incompetence, or misconduct in the practice of engineering. (2 counts)

In May 2008, Probable Cause was found and an Administrative Complaint was issued. After service and negotiations a Stipulation to resolve the matter was entered into. At the January 2010 Board Meeting the Board rejected the Stipulation and offered a Counter Stipulation which was accepted by Respondent on January 15, 2010. A Final Order incorporating the Counter Stipulation was entered on February 16, 2010.

Counter Stipulation: FINE of \$1000.00, COSTS of \$1,795.00; APPEARANCE before the Board when the stipulation is presented to discuss: what education, experience, and training he has to perform structural engineering and specifically aluminum structures; what impact the Consultant's report from this case will have on his future designs; what future training and educational courses does he plan to take to improve the quality of his work; PLAN REVIEWS at

6 and 18 months; The second year requirement of PLAN REVIEWS will be terminated early if, at the sole discretion of the Board Consultant and the Board, it is determined that the initial plan review report was "favorable" (defined in the Stipulation as being free of any material deficiencies); Board approved course in Engineering Professionalism and Ethics & study guide w/in one (1) year of Final Order.

All costs have been paid and requirements of the Probation completed except for the plans review. Respondent, by letters dated 8/13/2010 & 8/31/2010, has requested the Board modify the terms of the Probation to delete the project reviews and to substitute a CE course in Aluminum design instead of the plans reviews. This request is totally within the Board's discretion to grant or deny.

Mr. Wasilewski addressed the board in regards to his request to take a course (Aluminum Structural Design with the new design manual) in lieu of his project reviews. Mr. Rimes mentioned there has been no project review at this time.

Mr. Burke explained the danger in allowing this type of deviation. It defeats the purpose of project reviews and would set a dangerous precedent.

Mr. Charland commented on the matter by indicating to the licensee of the need to take the course and do the project reviews. The course is for his benefit and the project reviews are required by the Board to determine improved knowledge and abilities in design.

Upon motion by Mr. Charland; seconded by Mr. Hahn, the request to substitute the required project reviews for a course in Aluminum Structures was denied. The motion passed.

#8. Irving E. Abcug
PE 28376
FEMC Case Number: 2007033986
Probable Cause Panel: Rebane & Seckinger
Represented by: Diane S. Perera, Esquire
Law Offices of Diane S. Perera, P.A.

Mr. Rimes stated that the case is back before the board because the respondent has requested early termination of probation.

On May 20, 2008 Probable Cause was found and an Administrative Complaint was issued and served. Mr. Abcug, through counsel, elected a formal hearing at DOAH. After significant discovery, the parties entered into a Stipulation on January 8, 2009. This Stipulation was presented to the Board at the February 2009 meeting and was accepted. A Final Order accepting the Stipulation was entered on March 3, 2009.

The Stipulation provided as follows: Reprimand; costs of \$6403.64; Suspension of licensure, stayed & vacated if fine/costs paid within 1 year of Final Order date; Subject will be placed on (2) year(s) probation with plan review at 6 and 18 months; The second year of probation will be terminated early if, at the sole discretion of the Board Consultant and the Board, it is determined

that the initial plan review report was “favorable” (defined in the Stipulation as being free of any material deficiencies); Board approved course in Engineering Professionalism and Ethics; study guide; and appearance before the Board to explain: the quality of his plans, and what steps he plans to take to improve them; and his compliance with the Florida Building Code.

All costs have been paid and requirements of the Probation completed except for the second plans review. However, as per the stipulation, the respondent is requesting early termination of probation. The reports (November 24, 2009 and July 23, 2010) by FEMC Consultant Driscoll appear to support Respondent’s contention that his review was free of material deficiencies. The Board, however, must make the final decision on the request.

Upon motion by Mr. Charland seconded by Ms. Garcia, Mr. Abcug’s probation is terminated early as provided for in the Settlement Stipulation. The motion passed.

S. Old Business

Mr. Burke brought back before the board the application file of Mr. Oswald Pasquesi.

Ms. Flynn confirmed the application should be denied as Mr. Pasquesi does not hold an engineering degree.

Upon motion by Dr. Bauer seconded by Ms. Garcia, the application of Oswald Pasquesi was denied. The motion passed.

T. New Business

U. Public Forum

V. Community Involvement

Ms. Garcia mentioned she has two projects that she is working on in the South Florida area. They are Summer Engineering and Apprentice Program and the Cosmic Ray Project.

W. Adjourn

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

**Minutes of the
Florida Board of Professional Engineers
Ratification Conference Call
September 26, 2012
10:00 a.m. – Tallahassee**

Board Members:

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

Warren G. Hahn, P.E.
VICE-CHAIR
(MECHANICAL)
3/15/10 – 10/31/13

Christian S. Bauer, Ph.D., P.E.
(INDUSTRIAL)
4/20/05 – 10/31/12

William C. Bracken, P.E., S.I.
(DISCIPLINE OTHER THAN CIVIL)
1/30/12 – 10/31/15

David O. Charland, P.E., S.I.
(STRUCTURAL)
4/20/05 – 10/31/12

Anthony Fiorillo, P.E.
(CIVIL)
1/30/12 – 1/31/14

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

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

Mary M. Young
(PUBLIC)
10/14/08 – 10/31/11

Richard C. Wohlfarth, P.E.
(CIVIL)
3/24/12 – 10/31/13

Michelle D. Roddenberry, Ph.D., P.E.
(EDUCATIONAL)
3/27/12 – 10/31/13

Zana Raybon
EXECUTIVE DIRECTOR

1. Call to Order.
2. Roll Call.

Board Members present:

John C. Burke, P.E., Chair
Warren G. Hahn, P.E., Vice Chair
Christian S. Bauer, Ph. D., P.E., C.M.S.P
William Bracken, P.E., S.I.
David O. Charland, P.E., S.I.
Kenneth Todd, P.E.
Michelle Roddenberry, Ph.D., P.E.
Richard Wohlfarth, P.E.
Nola Garcia, Public Member
Mary Young, Public Member

Board Members Absent:

Anthony Fiorillo, P.E.

General Counsel:

Donne McNulty sitting in for Michael Flury, Attorney General's Office

FBPE Staff Present:

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

Mr. Burke confirmed a quorum for the conference call.

Upon motion by Mr. Hahn, seconded by Mr. Todd, the absence of Mr. Fiorillo was unexcused. The motion passed.

P 000528

EXHIBIT L

3. Ratification of the actions taken during the FBPE Application Review held September 20, 2012.

Mr. Todd asked why there were comments made on some of the denials but not all of them.

Ms. Sammons stated that it was an oversight on staff's part and normally the reason for the denial is put on the ratification list and will be on future ratification lists.

Staff read into the record why the file was denied if it was not mentioned on the ratification list.

- Malcolm Rahot – Denial Upheld on Education
- Nicolas McMorris – Denial Upheld on Education
- Roland Diaz – Denied based on lacking sequence course in physics or chemistry
- Michael Carr – Denied based on Technology Degree
- Richard Giffen – Denied based on lacking 13.50 hours of Math & Basic Science & 1 course in chemistry
- John Vincent - Denied based on Technology Degree
- Jacqueline Doyle – Incomplete for 6 months
- Andrew Terragnoli – Incomplete for 6 months
- Power Fastener – does not qualify as a commercial educator

Upon motion by Dr. Bauer, seconded by Mr. Hahn, the ratification list was approved as presented. The motion passed.

4. Proposed Rule Change to Rule 61G15-35.004

Mr. Burke stated that this language that was presented to the board at the August 2012 FBPE Board Meeting and there was an issue with the language and language is back before the Board to vote on it.

Mr. Burke asked Ms. Sammons to read the proposed changes to the rule.

Mr. Todd and Mr. Bracken suggested that the word "and" be inserted after the word "inspector" and before the word "shall" in section 2. Ms. McNulty also stated that Mr. Flury wanted to remind that board members that the language in red should be underlined since it is new language.

Mr. Bracken also stated that the word "pursuant" is spelled wrong in the rule. Ms. McNulty stated that Mr. Flury and his staff will review the language for grammar and punctuation.

Upon motion by Dr. Bauer, seconded by Mr. Bracken, the proposed language was adopted. The motion passed.

Ms. McNulty asked if the proposed rule amendment to Rule 61G15-35.004 would have an adverse impact on small business or is likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate.

Upon motion by Mr. Charland, seconded by Ms. Garcia, the proposed change to Rule 61G15-35.004 will have no adverse impact on small business. The motion passed.

5. Annual Certification of FEMC for the 2011-2012 Contract (as required by statute and the contract).

Mr. Burke stated this is something the board has to do every year.

Upon motion by Mr. Charland, seconded by Mr. Hahn, the certification of FEMC for 2011-2012 is adopted. The motion passed.

6. Old Business

None.

7. New Business.

Upon motion by Mr. Todd, seconded by Dr. Bauer, the meeting was adjourned. The motion passed.

P 000529

EXHIBIT L

**Minutes for
The Florida Board of Professional Engineers
August 10, 2011 beginning at 1:00 p.m. and
August 11, 2011 beginning at 8:30 a.m., or soon thereafter
Tampa, Florida
Part I**

- A. Call to Order, Invocation, and Pledge of Allegiance to the Flag
- B. Roll Call, Determination of Quorum, and Address Absences.

Board Members Present:

John C. Burke, P.E., Chair
R. Scott Batterson, P.E.
David Charland, P.E.
Christian S. Bauer, Ph.D., P.E.
Warren Hahn, P.E.
Bijay Panigrahi, Ph.D., P.E. (1st day only)
Nola Garcia, Public Member
Mary Young, Public Member

Attorney General's Office:

Michael Flury, Assistant Attorney General, Counsel to the Board

Staff members present:

Carrie A. Flynn, Executive Director
Zana Raybon, Assistant Executive Director
John J. Rimes, III, Chief Prosecuting Attorney
Rebecca Sammons, Executive Assistant

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

Bill Palm
James Tully
Bob Mackey
Charlie Geer
Ron Milmed
Roger Jeffery, P.E., FEMC Board Chair

- D. Approval of the Agenda

Upon motion by Dr. Bauer, seconded by Ms. Garcia, the agenda was approved. The motion passed.

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

Upon motion by Ms. Garcia, seconded by Mr. Hahn, the consent agenda was approved. The motion passed.

E. Review and Approval of previous Board & Committee Meeting Minutes

- #1. Minutes from June 15-16, 2011 FBPE Board Meeting*

Approved under consent agenda.

- #2. Minutes from the July 19, 2011 Rules Committee Meeting*

Approved under consent agenda.

- #3. Minutes from July 29, 2011 FBPE Ratification Conference Call*

Approved under consent agenda.

F. Committee Reports

- #1. Applications Committee (Next Meeting: September 21, 2011)

(John Burke, P.E., Chair; David Charland, P.E.; Nola Garcia, Public Member; Warren Hahn, P.E.; Scott Batterson, P.E.)

(a) Committee Chair's Report.

- #2. Educational Advisory Committee (Next Meeting: September 21, 2011)

(Christian Bauer, Ph.D., P.E., Chair; Bijay Panigrahi, Ph.D., P.E.; Mary Young, Public Member)

(a) Committee Chair's Report.

No report.

- #3. Probable Cause Panel (Next Meeting: September 20, 2011)

(David O. Charland, P.E., Chair; Warren G. Hahn, P.E.; Henn Rebane, P.E.)
(Alternate: John Burke, P.E.)

(a) PCP Memo from July 19, 2011 Meeting

Approved under consent agenda.

- #4. FBPE Rules Committee (Next Meeting: November 15, 2011)

(John Burke, P.E., Chair; David Charland, P.E.; P.E.)

(a) Committee Chair's Report.

Mr. Burke advised the Board of the results of the Rules Committee in July. Work on rules is moving forward with some rules being submitted for approval by OFAR pursuant to the Governor's office. The Committee talked about product evaluation and the committee decided the rules in place are sufficient to address any situation and the Board should not pursue further rulemaking as it pertains to product evaluation.

Mr. Burke stated by statute the Board is required to have a rule on Building Code Courses and a rule for discipline for failure to follow the rule. Mr. Flury will draft language and it will be brought back to the committee for their approval and subsequent presentation to the Board.

#5. FBPE Legislative Committee (Next Meeting to Be Determined)

(Dr. Christian Bauer, Ph D., P.E., Chair; Mary Young, Public Member)

(a) Committee Chair's Report.

No Report.

(b) Legislative Update

Mr. Geer mentioned FES is going to resubmit limitation of liability legislation this year.

#6. Joint Engineer/Architect Committee

(John Burke, P.E., Chair; Nola Garcia, Public Member)

(a) Committee Chair's Report.

#7. Structural Rules Committee

(David O. Charland, P.E., Chair)

(a) Committee Chair's Report.

Mr. Charland stated he will have the proposed threshold language for the Rules Committee meeting in November.

G. NCEES

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

Mr. Burke mentioned the annual meeting of NCEES is scheduled for August 24-27 in Providence, Rhode Island.

H. Advisory Attorney's Report

#1. Letter to Mr. Brian Moore, JAPC – Re: Rule 61G15-20.007

Provided for informational purposes.

#2. Rules Report

Mr. Flury confirmed the requirement for all boards to submit their proposed rules to OFAR for review. Each new rule must have a SERC and it could be very costly.

Mr. Flury mentioned the Board could allow OFAR to the rules review and agree with their recommendations.

Upon motion by Mr. Batterson, seconded by Dr. Bauer, the Board authorized Mr. Burke as Chair to sign a letter advising OFAR of this Board's intent to have them review the rules. The motion passed.

Mr. Flury asked the Board to vote on the rules being brought up for repeal.

Upon motion by Ms. Garcia, seconded by Ms. Young, the rules repealed in the July 2011 Rules Committee Minutes are accepted as presented. The motion passed.

I. Executive Director's Report

#1. Application for Retired Status*

Approved under consent agenda.

#2. 2011 Holiday Party – December 6th in Tallahassee

Ms. Flynn

#3. 2012 Proposed Calendar

The 2012 proposed calendar was accepted.

#4. Certification for Contract with DBPR

Ms. Flynn stated FEMC is required to have a certification signed by the FBPE Chair confirming FEMC's performance in compliance with the contract.

Upon motion by Ms. Garcia, seconded by Dr. Bauer, Mr. Burke is authorized to sign the certification. The motion passed.

#5. Change in Retired Application Form – For Informational Purposes

Ms. Flynn stated the change was made to address liability in granting retired status to a person who may have an active complaint.

Mr. Flury confirmed the reference in Board rule to this form. For that reason the change would need to be voted on by the Board and it would have to go thru the rules amendment process.

Upon motion by Ms. Garcia, seconded by Dr. Bauer, the proposed change to the Retired Status Change form is approved. The motion passed.

Mr. Flury asked if the proposed change to Form FBPE/005 (06-01) would have an adverse impact on small business or be likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate.

Upon motion by Ms. Garcia, seconded by Dr. Bauer, the proposed change to Form FBPE/005 (06-01) will have no adverse impact on small business. The motion passed.

#6. Structural Exam Numbers – For Informational Purposes

Mr. Burke asked that this information be put into the next newsletter.

#7. Legislation on Sinkholes– For Informational Purposes

For informational purposes.

J. Assistant Executive Director's Report

#1. Update on Office Building

Ms. Raybon mentioned the construction on the new office space is moving right along and we should be in very soon.

#2. Update on Website and Logo

Provided for informational purposes.

#3. Staff Update

Ms. Raybon confirmed Ms. Claudia Berry is no employed by FEMC and Mr. Thomas Smith replaced Ms. Joy Bell, who moved out of state.

K. Chief Prosecutor's Report

#1. Investigator Field Trips

Provided for informational purposes.

#2. 300 day report

Provided for informational purposes.

#3. Profile of legal cases by year

(a) Cases open for 1 year plus
(Exhibit K#3a)

(b) Total open cases by year
(Exhibit K#3b)

Provided for informational purposes.

L. Chair's Report

#1. Discussion about Election of Vice Chair

Mr. Burke mentioned with the passing of Mr. Wallis, the Board does not have a Vice Chair. Mr. Burke requested the Board's consideration of appointing Mr. Hahn as Vice Chair until the December meeting when the election of officers and appointment of committees will be held for the year of 2012. The board agreed with Mr. Burke's request.

M. Action Items from Previous Board Meetings

#1. Letter to Mr. Juan Lapica – Completed – For Informational Purposes

#2. Advise MBA Networking Group that FBPE would not sign their letter Re: Cost of CBT – Completed – For informational

N. Correspondence to the Board

#1. Complaint by Mr. Fred Kosinski against Mr. John Rimes

Mr. Rimes advised the Board of this complaint and his determination the Board should review and determine if any action is necessary. Mr. Rimes mentioned Mr. Kosinski appeared before the Board in June 2011 and the board disciplined him. Mr. Kosinski took offense to the way the case was presented at the Board meeting.

Upon motion by Dr. Bauer, seconded by Dr. Panigrahi, a letter should be sent to Mr. Kosinski confirming review of his letter and no further action is deemed necessary. The motion passed.

#2. Letter from Mr. Fred Hilpert, P.E. - Re: Sinkholes

Mr. Hilpert addressed the Board about this concern regarding sinkholes and asked the Board to take some action on the sinkhole issue and develop a position.

Mr. Hilpert believes the issue is with the property owners, engineers, geologist, insurance companies and insurance companies when hiring someone to determine the following items: 1) is there a sinkhole or sinkhole activity; 2) is there sinkhole damage; and 3) develop a plan to stabilize the land. This is confusing and it is more confusing because of legislation passed by the legislature in the 2011 session.

Mr. Hilpert believes the sinkhole issues produced by residential home owners are the largest segment of confusion and questionable actions.

Dr. Panigrahi stated that many issues have been brought up and not all of them belong to the engineers' Board.

Mr. Burke mentioned the Board has some constraints in this area as it relates to inability to lobby or talk to legislators about anything. Any change in statute or rules must occur as a result of the legislature passing legislation. The only lobbyists are those who represent the various professions involved.

#3. Email from Mr. Alan Sirkin, P.E., - Re: Renewal

Mr. Sirkin was unhappy with the renewal process. Ms. Raybon stated his CE credits were not reported until after the renewal deadline had passed.

#4. Email from Mr. Randy Raley, P.E., - Re: License Exemptions for the Practice of Engineering

Mr. Geer mentioned that at a recent NSPE meeting they affirmed their efforts to close the industrial exemptions on a national basis. They know it will be met with tremendous opposition from aerospace industry and other entities practicing under this exemption.

The Board has acknowledged NCEES and NSPE are considering this issue.

#5. Email/Letter from Mr. Terry Townsend, P.E., - Re: Clarification on FBPE Position on Commissioning

Mr. Burke stated the Board did not make a ruling defining commission as the practice of engineering. The Board discussed it and in their discussion they determined some tasks are engineering. Mr. Burke affirmed the opportunity for any engineer who believes a violation of Chapter 471, F.S. has occurred may file a complaint with the Board office.

Part II
Informal Hearing Agenda
(Thursday, August 11, 2011)

Description of Educational Committee Process by Christian Bauer, Ph.D., P.E.

Mr. Burke called on Dr. Bauer to provide a description of the application process for applicants with non EAC/ABET engineering degrees.

Dr. Bauer explained the requirement applicants must meet if they do not hold an EAC/ABET engineering degrees. The requirement is to meet criteria of Rule 61G15-20.007, F.A.C. through evaluation of their transcripts by one of the two approved evaluators. If the evaluation does meet criteria of the rule the application is denied.

1. Ratification of Actions from Application Review, August 10, 2011

Upon motion by Dr. Bauer; seconded by Mr. Hahn, the actions of the application committee held on August 10, 2011 were approved. The motion passed.

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

#1. Michael Schultz

Mr. Flury outlined the facts of the case. Mr. Schultz has a BS in Engineering Management University of Evansville. He holds an MS in Civil Engineering from Oklahoma State University. The denial of the application is education. Mr. Schultz failed to articulate the requirements of Rule 61G15-20.007 FAC. Review of the evaluation from NCEES confirmed a deficiency in probability and statistics. Mr. Schultz returned his Election of Rights with a request to supplement and have an Informal Hearing. The supplemental information was a request to recognize a course entitled "Quantitative Business Analysis". This course was not accepted for probability and statistics.

Upon motion by Dr. Bauer, seconded by Ms. Young, Mr. Schultz's application was denied. The motion passed.

P. Consideration of Recommended Order

#1. Mahmood Davoodi

Mr. Flury explained that in cases where he serves as the attorney representing the matter in an administrative hearing he cannot serve as counsel to the Board when hearing the case. He would have Mr. Rimes conduct this proceeding and present to the Board.

Mr. Rimes outlined the facts of the case and he asked all Board members to confirm receipt and review of the file for Mahmood Davoodi. Each Board member confirmed receipt and review. Mr. Rimes stated this case is before the Board with a Recommended Order by an Administrative Law Judge recommending the denial of the application for endorsement by Mahmood Davoodi. Mr. Rimes stated in a review of a Recommended Order the Board is constrained by Florida Statutes Chapters 124 & 57 in actions it can take. According to statute, the Board must accept the Findings of Fact by the Administrative Law Judge unless the Board performs two tasks and explains its reasoning for not accepting the Recommended Order. The Board must review the entire record and determine the findings of fact by the Administrative Law Judge are not supported by evidence or were allowed into the record by violation of acceptable standards of legal practice. Mr. Rimes stated he has reviewed the exceptions filed by both parties and his recommendation is to accept the findings of facts by the Administrative Law Judge.

Mr. Rimes stated the Board must accept the facts and findings of the case.

Upon motion by Dr. Bauer, seconded by Ms. Garcia, the findings of fact by the Administrative Law Judge were accepted as the Board's Findings of Fact. The motion passed.

Mr. Rimes stated the next step is to review the Conclusions of Law issued by the Administrative Law Judge. The Board is limited to the review of the Conclusions of Law by the Administrative Law Judge. Mr. Rimes stated in his review the exceptions being filed by the petitioner are essentially his disagreement with the Administrative Law judge's legal analysis of what is substantially the same for licensure requirements when applying for licensure by endorsement. Mr. Flury has filed a response to the exceptions and he is available to answer questions.

Mr. Flury addressed Board with the petitioner's exceptions.

Mr. Rimes stated the Administrative Law Judge found the petitioner's failure to have passed the FE, failure to have a doctorate degree and failure to have licensure experience at the time of licensure in North Carolina as the basis for determining standards were substantially the same as the requirements of Florida at the time he was licensed in North Carolina. Unless the Board disagrees, Mr. Rimes recommends that the Board reject the exceptions filed by the petitioner and accept the Administrative Law Judge's Conclusions of Law.

Upon motion by Ms. Garcia, seconded by Mr. Batterson, the Board accepted the Administrative Law Judge's Conclusion of Law and rejects the petitioner's exceptions. The motion passed.

Mr. Rimes stated the Board needed to accept or deny the recommendation by the Administrative Law Judge to deny the application for endorsement by Mahmood Davoodi.

Upon motion by Dr. Bauer, seconded by Ms. Garcia, the Board accepted the Administrative Law Judge recommendation to deny the application for licensure by endorsement of Mahmood Davoodi. The motion passed.

Part III
Disciplinary Hearings
(Thursday, August 11, 2011)

Description of Disciplinary Process by John C. Burke, P.E.

Q. Settlement Stipulations

- #1. Whittum, James
PE 27689
FEMC Case Number: 2010062357
Probable Cause Panel: Rebane & Hahn

Mr. Hahn is recused from this case.

Mr. Whittum was present with his attorney Ms. Jennifer Hinson. Mr. Whittum was sworn in prior to addressing the Board.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1) (g), F.S., & Rule 61G15-19.001(4) by engaging in negligence in the practice of engineering.

Probable Cause was found in May 2011 and an Administrative Complaint authorized. Respondent signed a Stipulation to resolve the matter on June 17, 2011.

The Probable Cause Recommendation is a Reprimand; \$2,000.00 administrative fine; costs of \$659.50; Suspension of licensure, stayed if fine/costs paid within 30 days of Final Order date; Restriction from issuing certifications or engineering reports on any construction projects that would require on-site inspection in order for the certification/report to be issued. This Restriction precludes Respondent from issuing such certification/reports if the on-site inspection(s) is performed by Respondent or if performed by others acting under Respondent's supervision; Board approved course in Intermediate Engineering Professionalism and Ethics; study guide; and appearance before the Board to explain: how the situation occurred, his understanding of responsibilities as it relates to field situations and certifications, what improvements and quality control measures he plans to implement to improve his work product, how he intends to prevent this circumstance from occurring in the future and how he will handle current client's business and future business while license is restricted.

The Settlement Stipulation is a Reprimand; \$1500.00 administrative fine; costs of \$659.50; Suspension of licensure, stayed if fine/costs paid within 30 days of Final Order

date; study guide, successful completion of the intermediate Professionalism & Ethics course; Respondent's license shall be restricted from issuing certifications or engineering reports on any construction projects that would require on-site inspection in order for the certification/report to be issued. This restriction precludes Respondent from issuing such certification/reports if the on-site inspection(s) is performed by Respondent or if performed by others acting under Respondent's supervision unless such subordinates are also Professional Engineers or Engineer Interns; Appearance to explain how the situation occurred, his understanding of responsibilities as it relates to field situations and certifications, what improvements and quality control measures he plans to implement to improve his work product, how he intends to prevent this circumstance from occurring in the future and how he will handle current client's business and future business while license is restricted.

Upon motion by Dr. Bauer, seconded by Ms. Garcia, the settlement stipulation is accepted. Mr. Charland voted no. The motion passed.

#2. Briz, Jose
PE 47510
FEMC Case Number: 2010045560
Probable Cause Panel: Rebane & Hahn
Represented by: Edwin Bayo, Esquire
Grossman, Furlow & Bayo, LLC

Mr. Hahn is recused from the case.

Mr. Briz was present with his attorney, Mr. Edwin Bayo'. Mr. Briz was sworn in prior to addressing the Board.

Mr. Rimes stated that the next four cases will be taken up as one since they all are the same charge and represented by the same counsel.

Mr. Rimes outlined the facts of the case. The charges relate to a §471.033(1)(d), F.S.; Being convicted or found guilty of, or entering a plea of Nolo Contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of engineering or the ability to practice engineering.

Probable Cause was found in May 2011 and an Administrative Complaint authorized. In negotiation, the respondent signed a Settlement Stipulation to resolve the matter on June 29, 2011.

The Probable Cause Panel Recommendation is a Reprimand; costs of \$77.45; Suspension of licensure for 5 year(s); required to maintain all continuing education requirements during suspension period; successful completion of Board approved course in Engineering Professionalism and Ethics; study guide; and appearance before the Board to

explain: how he will handle current client's business and future business while license is suspended; what improvements and quality control measures he plans to implement to improve his work product and how he intends to prevent this circumstance from occurring in the future.

The Stipulation is a Reprimand; costs of \$77.45; \$2000.00 Fine; one year Probation; with terms requiring successful completion of Board approved course in Engineering Professionalism and Ethics; study guide; and appearance before the Board to explain: what improvements and quality control measures he plans to implement to improve his work product and how he intends to prevent this circumstance from occurring in the future.

Mr. Bayo' addressed the Board.

Upon motion by Ms. Garcia, seconded by Dr. Bauer, the settlement stipulation is accepted. The motion passed.

#3. Corrales, Alberto
PE 51895
FEMC Case Number: 2010044867
Probable Cause Panel: Rebane & Hahn
Represented by: Edwin Bayo, Esquire
Grossman, Furlow & Bayo', LLC

Mr. Corrales was present along with his attorney, Mr. Edwin Bayo'. Mr. Corrales was sworn in prior to addressing the board.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Statute or Rule at Issue: §471.033(1)(d), F.S.; Being convicted or found guilty of, or entering a plea of Nolo Contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of engineering or the ability to practice engineering.

Respondent signed a Stipulation to resolve the matter on June 28, 2011.

The Probable Cause Panel Recommendation is a Reprimand; costs of \$77.45; Suspension of licensure for 5 year(s); required to maintain all continuing education requirements during suspension period; successful completion of Board approved course in Engineering Professionalism and Ethics; study guide; and appearance before the Board to explain: how he will handle current client's business and future business while license is suspended; what improvements and quality control measures he plans to implement to improve his work product and how he intends to prevent this circumstance from occurring in the future.

The Settlement Stipulation is a Reprimand; costs of \$77.45; \$2000.00 fine; one year probation; with terms requiring successful completion of Board approved course in Engineering Professionalism and Ethics; study guide; and appearance before the Board to

explain: what improvements and quality control measures he plans to implement to improve his work product and how he intends to prevent this circumstance from occurring in the future.

Upon motion by Ms. Garcia, seconded by Dr. Bauer, the settlement stipulation is accepted. The motion passed.

#4. Ordonez, Juan
PE 43380
FEMC Case Number: 2010049773
Probable Cause Panel: Rebane & Hahn
Represented by: Edwin Bayo, Esquire
Grossman, Furlow & Bayo, LLC

Mr. Ordonez was present along with his attorney, Mr. Edwin Bayo'. Mr. Ordonez was sworn in prior to addressing the Board.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of §471.033(1)(d), F.S.; Being convicted or found guilty of, or entering a plea of Nolo Contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of engineering or the ability to practice engineering.

Respondent signed a Stipulation to resolve the matter on June 28, 2011.

The Probable Cause Panel Recommendation is a Reprimand; costs of \$77.45; Suspension of licensure for 5 year(s); required to maintain all continuing education requirements during suspension period; successful completion of Board approved course in Engineering Professionalism and Ethics; study guide; and appearance before the Board to explain: how he will handle current client's business and future business while license is suspended; what improvements and quality control measures he plans to implement to improve his work product and how he intends to prevent this circumstance from occurring in the future.

The Settlement Stipulation is a Reprimand; costs of \$77.45; \$2000.00 fine; one year probation; with terms requiring successful completion of Board approved course in Engineering Professionalism and Ethics; study guide; and appearance before the Board to explain: what improvements and quality control measures he plans to implement to improve his work product and how he intends to prevent this circumstance from occurring in the future.

Upon motion by Ms. Garcia, seconded by Dr. Bauer, the settlement stipulation is accepted. The motion passed.

#5. Vega, Manuel
PE 61864
FEMC Case Number: 2010049929

Probable Cause Panel: Rebane & Hahn
Represented by: Edwin Bayo, Esquire
Grossman, Furlow & Bayo', LLC

Mr. Vega was present along with his attorney, Mr. Edwin Bayo'. Mr. Vega was sworn in prior to addressing the Board.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of §471.033(1)(d), F.S.; Being convicted or found guilty of, or entering a plea of Nolo Contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of engineering or the ability to practice engineering.

Probable Cause was found in May 2011 and an Administrative Complaint authorized.

Respondent signed a Stipulation to resolve the matter on June 29, 2011.

The Probable Cause Panel Recommendation is a Reprimand; costs of \$77.45; Suspension of licensure for 5 year(s); required to maintain all continuing education requirements during suspension period; successful completion of Board approved course in Engineering Professionalism and Ethics; study guide; and appearance before the Board to explain: how he will handle current client's business and future business while license is suspended; what improvements and quality control measures he plans to implement to improve his work product and how he intends to prevent this circumstance from occurring in the future.

The Settlement Stipulation is a Reprimand; costs of \$77.45; \$2000.00 fine; one year probation; with terms requiring successful completion of Board approved course in Engineering Professionalism and Ethics; study guide; and appearance before the Board to explain: what improvements and quality control measures he plans to implement to improve his work product and how he intends to prevent this circumstance from occurring in the future.

Upon motion by Ms. Garcia, seconded by Dr. Bauer, the settlement stipulation is accepted. The motion passed.

#6. Williams, Donald
PE 31648
FEMC Case Number: 2011000472
Probable Cause Panel: Rebane & Hahn

Mr. Rimes outlined the facts of the case. The charges relate to a violation of 471.033(1) (c) having a license to practice engineering revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country, for any act that would constitute a violation of this chapter or chapter 455.

Respondent signed a Stipulation to resolve the matter on June 28, 2011.

The Probable Cause Panel Recommendation is a Reprimand; costs of \$112.00; Respondent will be required to notify FEMC in writing when practice will resume and shall appear before the Board subsequent to the notification and prior to having completed any services in Florida. He should be prepared to discuss what his plans are for conducting business in the State and what improvements and quality control measures he plans to implement to improve his work product. The Board reserves the right to impose additional conditions upon resumption of practice in the State to include but not be limited to project reviews at six (6) and eighteen (18) months.

The Stipulation is a Reprimand; costs of \$112.00; Respondent will be required to notify FEMC in writing when practice will resume; and, he shall appear before the Board subsequent to the notification and prior to having completed any services in Florida. He should be prepared to discuss what his plans are for conducting business in the State and what improvements and quality control measures he plans to implement to improve his work product. The Board reserves the right to impose additional conditions upon resumption of practice in the State to include but not be limited to project reviews at six (6) and eighteen (18) months.

Upon motion by Dr. Bauer, seconded by Ms. Garcia, the settlement stipulation is accepted. The motion passed.

#7. Banks, Julio
PE 46544
FEMC Case Number: 2009015308
Probable Cause Panel: Rebane, Charland & Halyard
Represented by: Diane Perera, Esquire
Law Offices of Diane S. Perera, P.A.

Mr. Rimes asked that this case be pulled from the agenda and put on agenda for October 2011.

Upon motion by Dr. Bauer, seconded by Mr. Batterson, this case is continued until October 13, 2011 FBPE Board Meeting. The motion passed.

#8. Rao, Gollaville
PE 41516
FEMC Case Numbers: 2009019203, 2009000854, 2010030437
Probable Cause Panel: Charland, Rebane & Hahn

Mr. Rimes outlined the facts of the case. The charges relate to a violation of (2009000854) Section 471.033(1)(g), F.S., & Rule 61G15-19.001(4) by engaging in negligence in the practice of engineering; Section 471.033(1) (a), Florida Statutes, and Section 455.227(1)(k), Florida Statutes (practicing engineering through a firm that does

not have a CA): (2009019203) Section 471.033(1)(g), F.S., & Rule 61G15-19.001(4) by engaging in negligence in the practice of engineering; (2010030437) Section 471.033(1)(g), F.S., & Rule 61G15- 19.001(4) by engaging in negligence in the practice of engineering.

Mr. Rimes informed the Board that Mr. Rao passed away.

Upon motion by Ms. Garcia, seconded by Dr. Bauer, the case is dismissed. The motion passed.

#9. Daugherty, Kristina
PE 68455
FEMC Case No: 2010059945
Probable Cause Panel: Rebane & Hahn

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1) (g), F.S., & Rule 61G15-19.001(4) by engaging in negligence in the practice of engineering.

Probable Cause was found in May 2011 and an Administrative Complaint authorized. Respondent signed a Stipulation to resolve the matter on June 30, 2011.

The Probable Cause Panel Recommendation is a Reprimand; \$1,000.00 administrative fine; costs of \$734.00; Suspension of licensure, stayed if fine/costs paid within 30 days of Final Order date; restriction of practicing structural engineering until she takes and submits proof of successful completion of the *Wind Load Design Criteria II*, Florida Course Code 0000263, offered by Engineer Educators, Inc. (www.engineereducators.com) and *A General Overview of ASCE 7-10 Changes to Windload Provisions* Webinar offered by the American Society of Civil Engineers, (www.asce.org/webinars); Board approved course in Engineering Professionalism and Ethics; study guide; appearance before the Board to explain: her plans to complete the education requirement to lift restriction; what improvements and quality control measures she plans to implement to improve her work product; how she intends to prevent this circumstance from occurring in the future and who will be the qualifier to oversee her work during restriction period. After restriction is lifted Subject will be placed on 2 year(s) probation with plan review at 6 and 18 months.

The Stipulation is a Reprimand; \$1,000.00 administrative fine; costs of \$734.00; Suspension of licensure, stayed if fine/costs paid within 30 days of Final Order date; restriction of practicing structural engineering until she takes and submits proof of successful completion of the *Wind Load Design Criteria II*, Florida Course Code 0000263, offered by Engineer Educators, Inc. (www.engineereducators.com) and *A General Overview of ASCE 7-10 Changes to Windload Provisions* Webinar offered by the American Society of Civil Engineers, (www.asce.org/webinars); Board approved course in Engineering Professionalism and Ethics; study guide; appearance before the Board to explain: her plans to complete the education requirement to lift restriction; what

improvements and quality control measures she plans to implement to improve her work product; how she intends to prevent this circumstance from occurring in the future and who will be the qualifier to oversee her work during restriction period. After restriction is lifted Subject will be placed on 2 year(s) probation with plan review at 6 and 18 months.

Upon motion by Mr. Charland, seconded by Dr. Bauer, the settlement stipulation was accepted. The motion passed.

R. Waiver of Hearing

#10. Shumate, David
PE 47088
FEMC Case No: 2010051788
Probable Cause Panel: Hahn, Rebane & Burke

Mr. Shumate was present and sworn in prior to addressing the Board.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1) (g), F.S., & Rule 61G15-19.001(4) by engaging in negligence in the practice of engineering and by failing Final Order mandate for six month project review.

Probable Cause was found in March 2011 and an Administrative Complaint authorized. The AC was served on April 29, 2011. No response was filed within the 21 days required by the notice and election of rights. As a result, a Motion to Determine Respondent has Forfeited his Right to an Administrative Hearing Under Sections 120.569 And 120.57(1), Florida Statutes, and to Convene Proceedings Under Sections 120.569 and 120.57(2), Florida Statutes was filed.

The Probable Cause Panel Recommendation is a Reprimand; Restriction of licensure from practicing structural engineering until such time that he completes, passes and submits proof of passing the NCEES civil engineering exam with structural option, costs of \$117.00 to be paid within 30 days of Final Order date. Upon passing the examination, Subject will be required to appear before the Board for lift of restriction and discuss all completed continuing education requirements and what improvements and quality control measures he plans to implement to improve his work product; unconditional reinstatement is not guaranteed. Subject is also required to appear before the Board when the stipulation is presented to discuss: what additional educational requirements are required to prove engineering competency and what type of work he will do while suspended from structural engineering.

Mr. Shumate stated he has requested an informal hearing by the time specified along with the \$117 cost assessment. Mr. Rimes stated FEMC has no record of receiving this request.

Mr. Rimes stated we have received letters from engineers that know Mr. Shumate.

Mr. Rimes will withdraw the motion that he has waived his right to a hearing if Mr. Shumate articulates for the record he is requesting an informal hearing under Chapter 120, F.S. With this confirmation you admit the factual findings, the allegations in the AC administrative complaint are correct and you are not disputing the findings.

Mr. Shumate agreed the factual findings in the administrative complaint are correct.

Mr. Rimes withdrew his motion for waiver of hearing.

Mr. Rimes will proceed with an informal hearing for the case against Mr. Shumate.

Upon motion by Ms. Garcia, seconded by Dr. Bauer, the allegations of facts in the administrative complaint are accepted as the Board's findings of facts. The motion passed.

Upon motion by Mr. Charland, seconded by Ms. Garcia, the allegations of law in the administrative complaint are accepted as Board's conclusion of law in this case. The motion passed.

Mr. Shumate addressed the Board.

Upon motion by Mr. Batterson, seconded by Mr. Charland, to accept the probable cause panel recommendation of a Reprimand; Restriction of licensure from practicing structural engineering until such time that he completes, passes and submits proof of passing the NCEES civil engineering examination with structural option (16 hour exam), costs of \$117.00 to be paid within 30 days of Final Order date. Upon passing the examination, Subject will be required to appear before the Board for lift of restriction and discuss all completed continuing education requirements and what improvements and quality control measures he plans to implement to improve his work product; unconditional reinstatement is not guaranteed. Subject is also required to appear before the Board when the stipulation is presented to discuss: what additional educational requirements are required to prove engineering competency and what type of work he will do while suspended from structural engineering. The motion passed.

#11. Hampton, John
PE 22072
FEMC Case No: 2011003212
Probable Cause Panel: Rebane & Hahn

Mr. Rimes outlined the charges of the case. The charges relate to a violation of §471.033(1) (k) Violating any order of the board or department previously entered in a disciplinary hearing.

Probable Cause was found in May 2011 and an Administrative Complaint authorized. The AC was served on June 11, 2011. No response was filed within the 21 days required by the notice and election of rights. As a result, a Motion to Determine that Respondent

has Forfeited his Right to an Administrative Hearing Under Sections 120.569 And 120.57(1), Florida Statutes, and to Convene Proceedings Under Sections 120.569 and 120.57(2), Florida Statutes was filed.

The Probable Cause Panel Recommendation is Revocation of licensure and costs of \$58.00 to be paid within 30 days of Final Order date.

Mr. Rimes has filed a motion that he has forfeited his right to an administrative hearing and for the Board to deem the facts set forth in the administrative complaint as undisputed and to rendered such conclusions and disposition as the Board deems appropriate. Mr. Hampton has not responded to the motion or the administrative complaint.

Motion by Mr. Charland, seconded by Ms. Garcia, Mr. Hampton has waived his right to a hearing.

Upon a motion by Mr. Charland; seconded by Mr. Batterson, the probable cause panel recommendation of revocation of licensure and costs of \$58.00 to be paid within 30 days of Final Order date is accepted. The motion passed.

#12. Beatty, Paul
PE 47449
FEMC Case No: 2010050813
Probable Cause Panel: Hahn, Rebane & Burke

Mr. Rimes outlined the facts of the case. The charges relate to a violation of §471.033(1) (k) Violating any order of the board or department previously entered in a disciplinary hearing.

Probable Cause was found in March 2011 and an Administrative Complaint authorized.

On March 25, 2011, The Florida Engineers Management Corporation (FEMC) had mailed the Administrative Complaint to Respondent. On March 31, 2011, Respondent received the Administrative Complaint. On April 20, 2011 an answer to the Administrative Complaint was filed requesting a hearing. However, Election of Rights (EOR) was signed by an individual, Martha McMahon, who purported to be acting on behalf of Respondent. Ms. McMahon is not an attorney and thus could only act on behalf of Respondent if she was acting as Respondent's Qualified Representative as provided in Rule 28-106.104-Rule 28-106.106. Insofar as Ms. McMahon had not applied to the Board to act as Respondent's Qualified Representative as required by the Rule, on April 25, 2011, by Notice of Dismissal, FEMC dismissed the request for hearing without prejudice provided that Ms. McMahon filed the appropriate designation of herself as Respondent's Qualified Representative.

On May 19, 2011, Ms. McMahon, after including the information required by Rule 28-

106.104, re-filed the EOR and again checked the box for a "Formal Hearing." However, Ms. McMahon did not file any accompanying statement as required by Rule 28-106-205(5)(c), which states that if a party seeks a Formal Hearing in a licensure disciplinary action that the request for hearing must include a statement requesting an administrative hearing identifying those material facts that are in dispute. Other than checking the box on the EOR form, Ms. McMahon submitted no additional material identifying any facts in dispute.

Therefore, the EOR filed by Ms. McMahon falls within the constraints of Section 120.569, Florida Statutes which requires that such a deficient request for hearing shall be dismissed by the Board with leave to file a statement that conforms with the requirements of Rule 28-106-205(5)(c). Failure to submit the statement will result in the forfeiture of the right to a formal hearing.

Subsequently, Respondent was sent a Notice of Dismissal by FEMC dated May 22, 2011. The Notice stated that a Statement (or Petition) in compliance with Rule 28-106.2015(5)(c), Fla. Admin. Code, must be filed with the Board/FEMC within twenty (20) days of the entry of the Notice. The Notice was sent to Ms. McMahon, by certified mail and was received on May 27, 2011. The Notice of Dismissal made it clear that failure to timely file an amended Statement (or Petition) would result in the denial of Respondent's right to request a hearing under Section 120.569 and 120.57(1), Florida Statutes (a formal hearing). The Notice also informed Respondent that the Board would then proceed to dispose of the Administrative Complaint under the provisions of Sections 120.569 and 120.57(2), Florida Statutes, or such other provisions of Chapter 120 and the Uniform Rules of Administrative Procedure as were appropriate.

The date that the Statement (or Petition) was due was June 16, 2011. On June 23, 2011 an untimely response was received. However the response, even if it was considered timely, failed to articulate any material facts alleged in the Administrative Complaint in this case, which were disputed by Respondent.

On June 24, 2011 FEMC filed its Motion to Determine that Respondent has forfeited his right to an Administrative Hearing under Sections 120.569 and 120.57(1) Florida Statutes and to convert proceedings under Sections 120.569 and 120.57(2), Florida Statutes.

The Probable Cause Panel Recommendation is Costs of \$112.00 paid within 30 days of Final Order date & Revocation of licensure.

Upon a motion by Ms. Garcia, seconded by Mr. Batterson, the case is continued until October 2, 2011 and Mr. Beatty will be requested to appear. The motion passed.

S. Old Business

Ms. Raybon asked if the Board would authorize staff to move forward with the honor system for CE credits.

Mr. Burke asked staff to look at audit language for the honor system and bring back to the board in October.

T. New Business

U. Public Forum

Ms. Garcia updated the Board on her activities with the local groups.

V. Community Involvement

W. Adjourn

Upon motion by Mr. Hahn, seconded by Mr. Charland, the meeting was adjourned.

**Next Board Meeting: October 12-13, 2011
Tampa Hyatt**



FLORIDA BOARD OF PROFESSIONAL ENGINEERS

Minutes Meeting of the Florida Board of Professional Engineers Wednesday, October 6th And Thursday, October 7th, 1999 Omni Hotel Jacksonville, Florida

1208 HAYS STREET
TALLAHASSEE, FL 32301
850-521-0500
FAX 850-521-0521
EMAIL: board@fbpe.org

A. Meeting Administration

- #1. Call to Order; Invocation, and Pledge of Allegiance to the Flag.
Chair Anderson called the meeting at 1:00 p.m., gave the Invocation and led the Pledge of Allegiance to the Flag.

- a. The following members of the Board were present:

Melvin W. Anderson, Ph.D., P.E.
CHAIR
(EDUCATOR)
1/9/96 - 10/31/01

David A. Whitston, P.E.
VICE CHAIR
(MECHANICAL)
5/1/96 - 10/31/99

Alvin G. Coby
(PUBLIC)
2/10/92 - 10/31/99

Pedro O. Martinez, P.E.
(ELECTRICAL)
5/12/87 - 10/31/98

R. Gerry Miller, Ph.D., P.E.
(MECHANICAL)
11/1/97 - 10/31/01

Leila Nodarse, P.E.
(CIVIL-GEOTECHNICAL)
7/3/95 - 10/31/98

Jaykumar N. Patel, P.E.
(CIVIL)
1/1/91 - 10/31/99

Chester J. Rhodes
(PUBLIC)
7/3/95 - 10/31/98

John W. Springstead, P.E., P.L.S.
(CIVIL)
3/27/97 - 10/31/01

■
Edwin A. Bayo, Esquire
ASSISTANT ATTORNEY
GENERAL

■
Debra Barton
EXECUTIVE DIRECTOR

Melvin W. Anderson, Ph.D., P.E.
David A. Whitston, P.E.
Alvin G. Coby, Public Member
Pedro O. Martinez, P.E.
R. Gerry Miller, Ph.D., P.E.
Jaykumar N. Patel, P.E.
John W. Springstead, P.E., P.L.S.
Chester J. Rhodes, Public Member, joined the meeting in progress

The following member was absent:

Leila Nodarse, P.E.

Others present were:
Carrie Flynn, Assistant Executive Director
Natalie Lowe, Esquire, Prosecuting Attorney
Edwin Bayo, Esquire, Board Counsel
Lynne Quimby-Pennock, Esquire, Contract Administrator, DBPR
D. Matthew Stuart
Fred A. Martin
Buddy Dewar
Henn Rebane, P.E.
Brett Wadsworth, Esquire
William Bracken, P.E.
Kathleen Collins
Ben Stasiukiewicz
James Wornick
Taleb Shams

Alan J. Davis, P.E.
William H. Krick
Shro Rao
Ken Derrick
Ed Motter
Farhan Alnajar

- #2. Introduction of guests and announcements as to presentations at a time certain
- a. Chair Anderson announced that there would be a presentation by Buddy Dewar regarding item D #5 (Fire Sprinkler Rule amendments) at 3:00 p.m. on Wednesday, October 6, 1999.
 - b. Chair Anderson announced that there would be a presentation by Mr. J.C. Rusello, P.E. regarding concerns on low quality of engineering at 3:30 p.m. on Wednesday, October 6, 1999.
- #3. Approval of the Agenda
- One disciplinary case was added to the Agenda as item O#1(e). O#1(e) is a Settlement Stipulation for George McDonald, P.E.
- #4. Review and Approval of previous Board meeting minutes:
- a. August 25-26, 1999 Meeting

Ms. Flynn noted that the minutes to the previous meeting should have read that Mr. Guerra requested and was granted a continuance and that the Final Order that was filed was filed in error. Mr. Bayó will draft an order rescinding that Final Order.

Upon a motion by David Whitston and a second by Pedro O. Martinez, the Board voted to approve the minutes as amended.
 - b. September 23, 1999 Conference Call Meeting

Upon a motion by David Whitston and a second by Pedro O. Martinez, the Board voted to approve the minutes.

B. Committee Reports

- #1. Applications Committee (David Whitston, P.E., Chair; Leila Nodarse, P.E.; John W. Springstead, P.E., P.L.S.; Jaykumar N. Patel, P.E.)

There was no report.

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

There was no report.

- #3. Board Operations Committee (Melvin Anderson, Ph.D., P.E., Chair; David Whitston, P.E., Leila Nodarse, P.E.; R. Gerry Miller, Ph.D., P.E.)

There was no report.

- #4. Probable Cause Committee (Pedro O. Martinez, P.E., Chair; Alvin G. Coby; John Springstead, P.E., P.L.S.)

- a. Report of the committee meeting on October 6, 1999

Pedro O. Martinez reported that the Panel had reviewed 13 cases. Four were dismissed, four were dismissed with a Letter of Guidance, and one was tabled for further investigation. The Panel found probable cause in four cases and directed the prosecuting attorney to file Administrative Complaints.

Martinez also reported on the committee meeting of August 24, 1999. At that meeting the Panel reviewed 36 cases. The Panel found probable cause in 14 cases and directed the prosecutor to file Administrative Complaints. The Panel dismissed 12 cases, dismissed 9 cases with a letter of guidance, and tabled 1 case for further investigation.

- #5. Legislative and Rules Committee (Pedro O. Martinez, P.E., Chair; Chester J. Rhodes)

There was no report.

- #6. Responsibility Committee (David Whitston, P.E., Chair; Pedro O. Martinez, P.E.)

There was no report.

- #7. Joint Engineer / Architect Committee (Pedro O. Martinez, P.E., Chair; David Whitston, P.E.)

- a. Pedro O. Martinez explained that the Joint Engineer/Architect Committee meeting of October 11, 1999 had been cancelled due to the subject matter of the meeting. The Committee had been requested to review a set of plans sealed by an engineer, which contained architecture as well as engineering in order to determine whether or not the architecture was appropriately placed. Martinez explained that the FBPE previously had an ad-hoc committee to review plans such as those at issue; however, that committee was no longer in existence and did not have the statutory authority to review plans connected with disciplinary cases. The Joint Engineer/Architect Committee is authorized to meet and discuss issues pertinent to both licensure boards.

Martinez also requested the Board to review the 1971 agreement between the FBPE and the Board of Architecture and requested this item be placed on the December 1999 agenda for further discussion.

- #8. Joint Engineer / Land Surveyor and Mapper Committee (Chester Rhodes, Chair; John W. Springstead, P.E., P.L.S.)

There was no report.

- #9. Joint Engineer / Landscape Architect Committee (Jaykumar Patel, P.E., Chair; Leila Nodarse, P.E.)

There was no report.

- #10. FBPE / FEMC Liaison (John Springstead, P.E., P.L.S., Chair)

- a. Certification of FEMC as service provider

As required by Chapter 471.038 F.S., Lynne Quimby-Pennock, Esquire presented a Certification signed by DBPR Secretary Henderson indicating that FEMC is performing in a manner that is consistent with the goals and purposes of the Board and the best interest of the state. Upon a motion by John Springstead and a second by David Whitston, the Board voted to approve the

Certification of FEMC. Chair Anderson then signed the agreement on behalf of the Board.

b. Status of Sunset Review of FEMC

- (1) Interim Project report by Senate Regulated Industries Committee

Pedro O. Martinez complimented Dennis Barton on his response to the Interim Project report.

- (2) Interim Project report by House Business Regulation and Consumer Affairs Committee

Al Coby reported his attendance at a meeting of the House Business Regulation and Consumer Affairs Committee on October 6, 1999. The Committee discussed four issues: whether FEMC should be reenacted until 2004; whether a private entity can adequately meet the needs of the public; whether FEMC Board of Directors meetings should be held subject to the Sunshine Law; and whether there should be a process in place should either FEMC or the DBPR refuse to certify FEMC's compliance with the contract. The Committee voted to recommend the filing of a committee bill which would reenact FEMC with a sunset review in 2004, require FEMC meeting be open to the public, and create a process for the property and records to revert to the DBPR should FEMC be de-certified.

- (3) Status of discussion with DBPR regarding differences in proposed amendments to Chapter 471 F.S.

It was suggested that this topic be reviewed at a later date as no significant progress was made in the discussions between FEMC and the DBPR regarding proposed amendments to Chapter 471, F.S. Lynne Quimby Pennock reported that she is reviewing language from other states' practice acts and is in the process of drafting proposed language regarding mandatory continuing education.

- #11. Mandatory Continuing Education Study Committee (David Whitston, P.E., Chair; R. Gerry Miller, Ph.D., P.E.)

David Whitston reported the Committee will provide information at the December 1999 Board meeting.

- #12. Finance Committee (Alvin Coby, Chair)

Lynne Quimby-Pennock, Esquire reported that FEMC's request for quarterly payment has been delivered to the appropriate parties at DBPR and is in the process of being completed.

- #13. Test Administration Committee (Al Coby, Chair; Melvin W. Anderson, Ph.D., P.E.)

There was no report.

C. NCEES Report

- #1. It was reported that NCEES has adjusted its policy concerning calculators in the examinations and will no longer allow the use of "QWERTY" keyboards for the Principles and Practice or the Fundamentals Examination.

- #2. Southern Zone Mobility Recommendations

The Board reviewed the point system suggested by the Southern Zone. Chair Anderson pointed out that, as stated, this system would not be in compliance with Florida's engineer registration law. John Springstead pointed out that this is a working draft and that further work on the language was needed. Board Counsel was asked to review the point system to determine if it comports with Chapter 471.

- #3. Nominations for NCEES National Awards

The Board will present any nominations at its December 1999 meeting.

D. Advisory Attorney's Report

- #1. 61G15-21.002 F.A.C. " Areas of Competency and Grading Procedures" As a result of changes by NCEES the Board, at the March 31-April 1, 1999 meeting approved proposed changes to update Rule 61G15-21.002, F.A.C. relative to grading procedures and areas of competency. The rule was advertised for rule development in the April 23, 1999 F.A.W., and the

rule text on July 30, 1999. Following comments from the Joint Administrative Procedures Committee negative to listing the NCEES Web Site as the reference for ascertaining percentages of each test topic in each discipline the rule was withdrawn and is currently being drafted to set forth each percentage for each test topic in each discipline. The rule has been completely rewritten and the Notice of Rule Development has been issued and the Notice of Rule Making will be issued soon.

#2. 61G15-18.011 F.A.C. "Definitions"

The proposed rule amendment adds a new paragraph (5) and defines " a registered engineer whose principal practice is civil or structural engineering" to mean an engineer licensed in Florida who either has a degree in civil or structural engineering or who successfully completed the principles and practice examination in either discipline. The rule was noticed for development in the August 6, 1999 F.A.W.

Board Counsel Ed Bayó reported that the first Notice of Rule Development has been issued and the Notice of Rule development will be issued soon.

#3. 61G15-23.003 F.A.C. "Seal, Signature and Date"

The proposed rule would require an extensive certification indicating compliance with the law and the rules of the Board as they relate to currency, competency, and responsible charge. The rule amendment was advertised for rule development in the August 6, 1999, F.A.W.; however, was withdrawn from further consideration by the Board at it August 25-26, 1999, meeting. At that meeting the Board asked that staff study an amendment to the rule that would allow use of a wet seal or CADD generated seal in lieu of the embossed seal.

The Board discussed adding the licensee's printed name and PE number below the impressed seal. John Springstead suggested that engineering businesses be required to print their EB number in the title block as well. Upon a motion by Pedro O. Martinez and a second by John Springstead, the Board voted to notice the rule for development with the addition of Springstead's suggested amendment.

#4. 61G15-19.005 through 19.007 F.A.C., "Citations, Mediations and Non-Compliance"

The proposed rule amendment revises what offenses under Board rule may be handled by citations, mediation, or the issuance of a notice of non-compliance. The Board reviewed the draft rule amendment on August 25, 1999 and Board Counsel was directed to enter it into rule making. Board Counsel Ed Bayó reported that the rulemaking process is under way.

- #5. 61G15-32 F.A.C. "Responsibility Rules of Professional Engineers Concerning the Design of Fire Protection Systems"
The proposed rule amendment was developed through a series of workshops with the Fire Sprinkler Contractors and the Association of Fire Protection Engineers in an effort to clarify responsibilities between the design engineer and the fire sprinkler contractor. The rule amendment was recommended to the Board by the Legislative and Rules Committee and Board Counsel was directed to file the amendments for rule development at the August 25, 1999 meeting of the Board.

Board Counsel Ed Bayó reported that the rulemaking process is underway.

The Board heard a presentation by Mr. Buddy Dewar regarding the Board's proposed rule on Fire Protection Systems. Mr. Dewar expressed concerns of Fire Sprinkler Contractors regarding the addition of the term "design calculations" to Rule 61G15-32.002(5), F.A.C., as the term requires as-built drawings be completed by a licensed engineer. He proposed a change of wording to "preliminary design calculations" and requested the engineers to leave fire protection layout decisions to the fire protection contractors and to limit engineers to engineering decisions.

- #6. 61G15-35 F.A.C. "Responsibility Rules of Professional Engineers Offering Threshold Building Inspection Services".
The proposed new rule was suggested by staff as a result of an in depth study and survey conducted by the Florida Building Codes and Standards (now the Florida Building Code Commission) on problems associated with the Threshold Building Law. At the August 25, 1999, meeting the Board directed the rule draft be sent to interested parties and to the Legislative and Rules Committee for review.

Board Counsel Ed Bayó reported that no rulemaking has been directed as of this time. Pedro O. Martinez noted one typo in the proposed rule. John Springstead suggested the language be amended so as not to limit the threshold inspector's duties to inspecting "key concrete pours". He will work with Board Counsel Bayó to draft amended language and the rule will be noticed for rule development.

E. Executive Director's Report

- #1. 1999 Meeting Schedule

There are no changes to the meeting schedule for 1999.

#2. 2000 Meeting Schedule

The Board discussed setting the October meeting in Pensacola and changing the date to early October or late September. It was suggested that the February meeting be moved from Gainesville to Tampa.

F. Chair's Report

There was no report.

G. Correspondence to the Board

#1. Presentation to the Board by Mr. J.C. Rusello, P.E.

Mr. Russello was not able to be present due to medical condition. William Bracken, P.E. addressed the Board and relayed his and Mr. Russello's concerns regarding unlicensed activity and plan stamping. The Board expressed regret that they did not have the authority to prosecute unlicensed activity and referred him to Lynne Quimby-Pennock. Ms Quimby-Pennock stated that she reviews complaints related to the unlicensed practice of engineering. The Board also notified Mr. Bracken that Dennis Barton, Executive Director, would be making a presentation in Tampa regarding unlicensed activity and the Board's disciplinary process.

H. Old Business

#1. Ship design exam impact on existing designers.

The Board reviewed NCEES's position regarding the impact of requiring ship designers to take and pass an NCEES exam. NCEES does not know of an exemption or "grandfather clause" that would permit individuals who had practiced this profession for several years to become licensed without having to take the examination. John Springstead suggested the Board review the possibility of obtaining statutory language to register "ship design engineers" who have practiced in the profession prior to the institution of the examination. Counsel Bayó stated he would research the matter.

#2. Proposed Rule Amendment to allow registrant active in another state to change from inactive to active in Florida by providing licensure information and passing study guide.

Upon a motion by David Whitston and a second by Chester Rhodes, the Board voted to initiate the rulemaking process.

#3 Revisions to registrant information update project.

The Board reviewed the proposed registrant computer screen. It as noted that additional work was needed in order to clarify the issue of exam waiver and specific degrees obtained by the licensee. It was also suggested that a notice be placed on the screen, advising engineers to keep information current with the Board.

I. New Business

Attorney Bayó requested Board assistance in regard to Section 471.013(1)(a)3, F.S. which states a person shall be qualified to sit for the PE exam if they have 10 years or more of active engineering work and that they notify the department before July 1, 1984 that he or she was engaged in such work on July 1, 1981. Bayó reported that Florida has interpreted licensure by another state as "notification" to the Board and wanted to discuss an applicant whose application to sit for the PE examination has been denied twice. This applicant, who was in attendance and briefly addressed the Board, applied to the Tennessee Board in 1977. Bayó pointed out that had he "notified" Florida he would have been eligible. It was noted that he is licensed in 41 other states. Bayó is requesting guidance from the Board to determine if this candidate should be approved. According to Bayó the Board would be within its rights and legal boundaries to approve or disapprove. The candidate has taken and passed the EI, the Structural I, and Structural II exam. Upon a motion by John Springstead and a second by Al Coby, the Board voted to return this application to the Application Committee for further review.

Attorney Bayó also presented a letter from the Department of Community Affairs which requests an answer to the question of whether approved product qualifying entities under 553.842, F.S. are exempt from licensure requirements of Chapter 471. Mr. Bayó reported that, in his opinion, they are exempt because they are employed by an entity that is exempt. Board counsel will draft letter and it will be included in the December agenda.

J. Informal Hearings on Denial to Take Examinations

#1 Engineer Intern Exam

a. William Krick

Mr. Krick submitted an application for reexamination and the record reflected applicant had failed the examination five times since October 1992.

Mr Krick was present. He advised the Board of his understanding for the denial and indicated that he has a slight problem with dyslexia, however, he had never submitted records under the disabilities act. The Board advised him to complete the twelve hours of engineering courses and to apply. At the time of reapplication he could apply for extra time, etc. if proper medical documentation is presented.

With a motion by Pedro O. Martinez and second by David Whitston the vote was unanimous to uphold the denial.

b. Kathleen Collins

Ms. Collins applied for the Engineer Intern Examination and was denied based on her having a degree in Civil Engineering from Florida Atlantic University which is not presently accredited by ABET. Ms. Collins was present to address the Board.

In review of the educational documentation the Board determined that Ms. Collins' Masters of Science in Civil Engineering could be considered as a similar or related degree to the Bachelors of Science degree in Ocean Engineering, a program that is accredited by ABET.

With a motion by Pedro O. Martinez and second by David Whitston the vote was unanimous that Ms. Collins be accepted for the Engineer Intern Examination.

#2 Engineer Intern (Foreign Degree Articulation)

a. Albert Gillings

Mr. Gillings holds a BS degree from the University of the West Indies. The Educational Advisory Committee determined him to be deficient by ten (10) semester credit hours of basic sciences that includes chemistry and physics.

This case was continued from the August meeting and all attempts to get a response from Albert or Heather Gillings were unsuccessful.

With a motion by David Whitston and second by Gerry Miller the Board voted unanimously to uphold the denials for Albert and Heather Gillings.

b. Heather Gillings

Ms. Gillings holds BS from the University of the West Indies and MS from University of Toronto. The Educational Advisory Committee found her to be deficient by 10 semester credit hours in basic sciences such as chemistry and physics. Ms. Gillings did not submit a transcript from Canada.

See item J #2a for action of the Board.

c. Manuel Celma

Mr. Celma applied for registration by examination. He holds BS degree in engineering from the University of Moscow, Russia. The Educational Advisory Committee determined him to be deficient in three (3) semester credit hours in higher mathematics, eight and one half (8.5) semester credit hours in basic sciences and four (4) semester credit hours in humanities and social sciences.

Mr. Celma was not present.

With a motion by David Whitston and a second by Chester Rhodes the Board voted unanimously to uphold the denial.

d. Amir Shafi

Mr. Shafi applied for licensure by examination. He holds a BS degree from a university in Pakistan and is presently enrolled in a masters program at FIU. The Educational Advisory Committee found him to be deficient by 6 semester credit hours in basic sciences and 6 semester credit hours in humanities and social sciences and evidence of computer programming at FORTRAN level or higher.

The Board restated that evidence of the MS degree would satisfy the humanities and social science which leaves deficiencies in basic sciences and computer programming. The Board Counsel suggested that he would reaffirm these findings to Mr. Shafi.

With motion by David Whitston and second by Gerry Miller the Board voted unanimously to uphold the denial.

e. Farhan Alnajar

Mr. Alnajar appeared in an Informal Hearing in December 1998. His request was tabled for ninety days to allow time to secure a

revised evaluation from Silny and Associates. The revised evaluation was reviewed and deficiencies were reduced but not eliminated. A new Notice of Denial was issued and applicant elected another Informal Hearing.

Mr. Alnajar was present and again reiterated the problem with securing educational transcripts from Iraq. He asked that similar documents from previous licensees be used to determine the curriculum that he would have completed.

The Board suggested he contact a new evaluation service and that any new information must be provided when he requests reconsideration in the future.

With a motion by David Whitston and a second by Pedro O. Martinez, the Board voted unanimously to uphold the denial.

f. Ali Tariq Sayyed

Mr. Sayyed holds BS degree in engineering from a university in Pakistan and an MS degree from Georgia Tech. Mr. Sayyed's application was denied and he was advised of deficiency of 5.5 semester credit hours in higher math such as probability and statistics. A revised evaluation was reviewed and Dr. Anderson determined that Mr. Sayyed remains deficient by 4 semester credit hours in higher math and thirteen (13) semester credit hours in basic sciences.

It was noted that the hearing has been continued on two occasions.

With a motion by David Whitston and a second by Jay Patel the Board voted unanimously to uphold the denial.

g. Beat Erwin Ruchti

Mr. Ruchti holds BS degree in engineering from a University in Germany. The Educational Advisory Committee determined him to be deficient by sixteen (16) semester credit hours in higher math, 16 semester credit hours in engineering design and six (6) semester credit hour in humanities and social sciences.

Mr. Ruchti was not present. In discussion it was noted that he does not have an engineering degree and articulation would not apply. Board Counsel indicated he will note that in the Final Order.

With a motion by David Whitston and a second by Al Coby the Board voted unanimously to uphold the denial.

h. Sinan Buyukaksakal

Mr. Buyukaksakal holds a BS and MS degree from Istanbul University and a MS degree in Construction Management from FIT. The Educational Advisory Committee determined him to be deficient by four and one-half (4.5) semester credit hours in basic sciences. Mr. Buyukaksakal was present to address the Board.

Mr. Buyukaksakal submitted an evaluation completed by a second evaluation service. Upon review the hours in basic sciences were deemed satisfied.

With a motion by David Whitston and a second by Jay Patel the Board voted unanimously to approve Mr. Buyukaksakal for the October 1999 examination.

i. Taleb Shams

Mr. Shams holds a BS degree in engineering from Damascus University, Syria. The Educational Advisory Committee determined him to be deficient by three (3) semester credit hours in humanities and social sciences and nine (9) semester credit hours in higher math. Because of the method Silny and Associates used in evaluating hours, Mr. Shams is seeking a revised evaluation from another evaluation service.

Mr. Shams was present to address the Board.

Although Mr. Shams provided additional information on his academic preparation the Board explained that it must be presented by the evaluation service in order for it to revise the evaluation.

With a motion by David Whitston and a second by Chester Rhodes the Board voted unanimously to uphold the denial.

#3 Professional Engineer

a. Ben Stasiukiewicz

Mr. Stasiukiewicz applied for licensure by examination. In researching the file it was determined that he had failed the Principles and Practice examination five times since October of 1992.

The Board reaffirmed the fact that he must complete the required twelve semester credit hours of engineering courses before he can reapply.

With a motion by Al Coby and a second by David Whitston the Board voted unanimously to uphold the denial.

b. Eduardo Bravo

Mr. Bravo applied for licensure by examination. In researching the file it was determined that he had failed the examination five times since October of 1992.

Mr. Bravo was not present for the hearing. He had contacted the Board office to advise staff of his being unable to attend the hearing and indicated that he would check for courses to satisfy the requirement. He asked that statement be read into record.

With a motion by Martinez and second by Miller Board voted unanimously to uphold the denial.

c. James Wornick

Mr. Wornick applied for licensure by examination and was denied based on lack of experience. It was determined that he was 25 months short of the required 48 months experience of date of application.

Mr. Wornick was present and addressed the Board. He requested the Board consider that he completed all engineering courses in December of 1994, at which time he was allowed to graduate. Subsequent to graduation and prior to actual issuance of a transcript Mr. Wornick was notified of certain course deficiencies that were not accepted from community college by the university. He completed the additional courses at the University of Florida and received his transcript in December of 1998.

Following discussion and a motion by Al Coby with a second by David Whitston, the board voted unanimously to approve the applicant for the October 1999 examination.

d. Horace Autry

Mr. Autry applied for licensure by examination. It was determined that he has failed the examination five times since October of

1992. Mr. Autry was originally accepted under the ten-year experience provision.

It was noted that Mr. Autry had notified the board office by telephone that he would not be appearing for his hearing.

With this action the denial was reaffirmed.

(
e. Richard Brown

Mr. Brown applied for licensure by examination and was denied. He holds a degree in Geological Engineering from Auburn University; however, the degree is not an EAC/ABET accredited program.

Applicant notified the Board office by telephone that he would not appear for his hearing.

With this action the denial was reaffirmed.

f. David Rountree

Mr. Rountree applied for licensure by examination and was denied as he did not evidence four years of engineering experience. The experience from May 1, 1996 through February 1, 1998, was not considered engineering experience.

Mr. Rountree was present and presented an additional description of his experience in writing and through verbal presentation. He asked for reconsideration of the time frame that was deemed non-engineering.

David Whitston recalculated the length of experience and determined that applicant would have sufficient experience to qualify for the April 2000 examination.

With a motion by David Whitston and second by Pedro O. Martinez the Board voted unanimously to approve Mr. Rountree for the April 2000, examination provided he update his experience record.

#4 Professional Engineer (Foreign Degree Articulation)

a. Rao Shridhar

Mr. Shridhar holds an MS degree from Auburn University and a BS from a university in India. The Educational Advisory Committee determined that his education is deficient by seven (7) semester credit hours in basic sciences.

Mr. Shridhar was present. Following discussion a motion was made to uphold the denial. Following more discussion the motion was withdrawn.

With a motion by Pedro O. Martinez and a second by Al Coby, the application was re-referred to the Educational Advisory Committee for consideration of the MS degree in order to determine if deficiencies are satisfied.

K. Informal Hearings on Licensure by Endorsement

#1 Endorsement

a. Michael Woolf

Mr. Woolf was not present. He was denied licensure by endorsement for deficiencies of four (4) semester credit hours in basic sciences.

It was confirmed that Mr. Woolf is in the process of enrolling in courses to satisfy this requirement.

With a motion by David Whitston and second by Al Coby voted unanimously to uphold the denial.

b. Marcelle Zakhary

Ms. Zakhary was present and requested the Board to waive the EI (Fundamentals Examination) based on her education and experience.

After discussion and motion made by Pedro O. Martinez and second by Gerry Miller the application for licensure by endorsement was denied and application was approved for licensure by examination.

#2 Endorsement Foreign Degree

a. Ramon Miguel Riba

Mr. Riba was not present but did submit information, which was presented by Ed Bayó.

Mr. Riba's application was denied for licensure by endorsement because of educational deficiencies. A Notice of Denial was issued which identified the areas of deficiency in humanities and social sciences. As the process continued it was determined that the Notice of Denial was incorrect. The area of deficiency was basic sciences. Mr. Riba made arrangements to correct the deficiencies in humanities and social sciences only to find out the deficiency was basic science. Mr. Riba was unable to secure certain documents that would evidence additional hours in basic sciences because of the existing situation in Mexico. He provided an outline of his curriculum. In review of the overall situation, Board Counsel suggested that Mr. Riba be licensed based on the fact that he holds a BS degree from the University of Mexico, an MS degree from University of Miami and the attempts to satisfy educational deficiencies.

With a motion by Al Coby and a second by David Whitston the Board voted unanimously to approve Mr. Riba for licensure by endorsement.

b. Luis G. Cubas

Mr. Cubas requested a continuance which was approved with a motion by David Whitston and second by Jay Patel.

c. Otta Navratil

Mr. Navratil applied for licensure in 1998 and his examinations and experience were accepted. He was denied licensure based on a deficiency of nine semester credit hours in basic sciences. Mr. Navratil subsequently completed additional courses for a total of four semester credit hours in basic sciences and now lacks only five credit hours for the requisite education. He requested credit for courses completed in Russia and courses from University of Colorado as satisfying the basic science requirement.

Documents submitted from Russia did not substantiate courses completed at university level.

With a motion by Al Coby and a second by David Whitston the Board voted unanimously to uphold the denial.

d. Lino Zequeira

Mr. Zequeira requested a continuance.

With a motion by David Whitston and a second by Gerry Miller the Board voted to grant the continuance.

L Applications referred to Board for determination of eligibility for licensure by examination or endorsement

#1 Endorsement

a. Edward T. Motter

Mr. Motter previously held licensure in Florida. His license became Null and Void for failure to renew. Mr. Motter submitted an application for licensure by endorsement with intent of the board recognizing the previously met requirements of an EAC/ABET degree, required examinations and experience. In reviewing the application, there was concern with experience listed in Texas. Experience was not under registered Professional Engineers nor was Mr. Motter licensed.

Mr. Motter was present and he explained that his employer works in the area of marine engineering and is considered exempt from licensure requirements in Texas. With the issue of unlicensed practice satisfied, the Board determined that Mr. Motter should be licensed by endorsement.

With a motion by David Whitston and a second by Pedro O. Martinez the Board voted unanimously to grant licensure by endorsement.

#2 Examination

a. Michael Hubbard

Mr. Hubbard was not present, however, he submitted information concerning his criminal background. It was confirmed that his civil rights were restored in 1980 and he had not encountered any further trouble since that time. With the issue of moral character satisfied and experience clarified, the board determined that Mr. Hubbard should be approved for the Principles and Practice examination.

With a motion by Al Coby and a second by Chester Rhodes the Board voted unanimously to approve Mr. Hubbard's application for examination

O. Disciplinary Proceedings

#1 Settlement Stipulations

- a. John H. Elamad, P.E.
PE 42549
Represented by Harold F.X. Purnell, Esq.
FEMC Case Number 98-21871
Probable Cause Panel: Coby, Martinez, Springstead

Mr. Elamad was not present but was represented by counsel. He was charged with thirteen counts of negligence and one count of misconduct in regard to his role as P.E. of Record and Threshold Inspector in the Jade East project in Destin, Florida. He petitioned the Board to accept relinquishment of his license to practice engineering. Upon a motion by David Whitston and a second by Gerry Miller, the Board voted to accepted the licensee's petition for relinquishment and payment of \$14,000 in administrative costs.

- b. Orlando Martinez-Fortun, P.E.
PE 22249
Represented by Joseph W. Lawrence, II, Esquire
FEMC Case Number 98-A0027, 97-20378
Probable Cause Panel: Coby, Martinez, Springstead

A request for continuance was received from Mr. Martinez-Fortun. Upon a motion by Gerry Miller and a second by Chester Rhodes, the Board voted to continue this case until the December meeting.

- c. Raymond M. Warren, P.E.
PE 20271
FEMC Case Number 99-00061
Probable Cause Panel: Coby, Martinez, Springstead

Mr. Warren was not present. He was charged with being disciplined by the licensing authority of another state. Upon a motion by David Whitston and a second by Chester Rhodes, the Board voted to accept the Stipulation which places a reprimand on the licensee's record.

- d. Walter P. Medley, P.E.
PE 46861
FEMC Case Number 98-A0098
Probable Cause Panel: Coby, Martinez, Springstead

Mr. Medley was not present. This case was continued from the previous Board meeting in which the licensee did not appear as required. Mr. Medley was charged with two counts of violating a previous Board Final Order. He did not appear before the Board as required in the Stipulation. Upon a motion by David Whitston and a second by Gerry Miller, the Board voted to reject the proposed Stipulation and directed the prosecutor not to offer any further settlements to Mr. Medley. Mr. Medley is to be presented only with the option of formal hearing or informal hearing.

- e. George J. McDonald, P.E.
PE 44740
FEMC Case Number 98-A0118
Probable Cause Panel: Coby, Martinez, Springstead

Mr. McDonald was not present. He was charged with one count of negligence for deficiencies in an electrical engineering plan. Upon a motion by David Whitston and a second by Chester Rhodes the Board voted to accept the Stipulation which imposed a Reprimand, a \$1,000 fine, and a one year probationary period during which he will complete the Board's Study Guide within 30 days of the filing date of the Final Order and will complete a course in Professionalism and Ethics within six months. The licensee will also submit a list of projects for peer review.

#2 Informal Hearings

- a. Alan J. Davis, P.E.
PE 11035
FEMC Case Number 99-00032
Probable Cause Panel: Coby, Martinez, Springstead

Mr. Davis was present and addressed the Board. He was charged with one count of negligence for deficiencies in a set of structural plans. Upon a motion by David Whitston and a second by Gerry Miller, the Board voted to adopt the Findings of Fact and Conclusions of Law as set forth in the Administrative Complaint. Upon a motion by David Whitston and a second by Chester Rhodes, the Board voted to impose a \$1,000 fine and a two-year

probation with submission of a list of projects every six months and review of one project per year by a FEMC consultant.

P. Adjourn

The next meeting of the Florida Board of Professional Engineers is by conference call on Wednesday, October 20, 1999, at 2:00 P.M.

The last meeting of the Board for 1999 will be December 8 and 9, 1999 at the Radisson Hotel in Tallahassee, Florida.

Submitted,

A handwritten signature in black ink that reads "Dennis Barton". The signature is written in a cursive, flowing style.

Dennis Barton, Executive Director

These minutes were approved by the Board on December 8, 1999.



FLORIDA BOARD OF PROFESSIONAL ENGINEERS

Minutes Meeting of the Florida Board of Professional Engineers Wednesday, June 9th and Thursday, June 10th, 1999 Marco Island Marriott Hotel Marco Island, Florida

1208 HAYS STREET
TALLAHASSEE, FL 32301
850-521-0500
FAX 850-521-0521
EMAIL: board@fbpe.org

Melvin W. Anderson,
Ph.D., P.E.
CHAIR
(EDUCATOR)
1/9/96 - 10/31/01

David A. Whitston, P.E.
VICE CHAIR
(MECHANICAL)
5/1/96 - 10/31/99

Alvin G. Coby
(PUBLIC)
2/10/92 - 10/31/99

Pedro O. Martinez, P.E.
(ELECTRICAL)
5/12/81 - 10/31/98

R. Gerry Miller, Ph.D., P.E.
(MECHANICAL)
11/1/97 - 10/31/01

Leila Nodarse, P.E.
(CIVIL-GEOTECHNICAL)
7/3/95 - 10/31/98

Jaykumar N. Patel, P.E.
(CIVIL)
1/1/91 - 10/31/99

Chester J. Rhodes
(PUBLIC)
7/3/95 - 10/31/98

John W. Springstead,
P.E., P.L.S.
(CIVIL)
3/27/97 - 10/31/01

Edwin A. Bayo, Esquire
ASSISTANT ATTORNEY
GENERAL

Dennis W. Barton
EXECUTIVE DIRECTOR

A. Meeting Administration

#1. Call to Order; Invocation, and Pledge of Allegiance to the Flag
Chair Anderson called the meeting to order at 8:30 a.m. and Chester Rhodes gave the invocation and led the Pledge of Allegiance to the Flag.

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

- a. The following members of the Board were present:
Melvin W. Anderson, Ph.D., P.E., Chair
David Whitston, P.E., Vice Chair
R. Gerry Miller, Ph.D., P.E.
Chester Rhodes, Public Member
John Springstead, P.E., P.L.S.

The following members joined the meeting in progress:
Leila Nodarse, P.E.
Pedro O. Martinez, P.E.
Jaykumar Patel, P.E.

The following member was absent:
Alvin Coby, Public Member

Others present were:
Charles Crist, Deputy Secretary, DBPR
Lynne Quimby-Pennock, Esquire, Contract Administrator
Ann Cocheu, Esquire, Board Counsel
Natalie Lowe, Esquire, Prosecuting Attorney
Phyllis Burkhart
Carrie Flynn, Assistant Executive Director
Dennis Barton, Executive Director

S. Gulati, P.E.
Roger Jeffrey, P.E.
Tom Lawrence AFSA
Chris Butts, AFSA
Jack McRay, Esquire
James Power, P.E.
Robert Murgan
Matthew Stuart
Arnold Ramos, P.E.
Wayne Malaney, Esquire
Frank Sapienza, P.E.
Carl Carlander, P.E.
Don Rowlinson, P.E.
Bill Palm, P.E.
Robert Dlouhy, P.E.
Charles Langbein, P.E.
Gene Bechamps, P.E.

- b. Chair Anderson announced that the FBPE would meet jointly with the FEMC Board of Directors to discuss long range plans as the first order of business and that the FBPE would hear a briefing by Board Structural Consultant James Power, P.E., relative to agenda item E #4 "Wind Loads" at 1:30 p.m. on Wednesday, June 9th.
- c. Bill Palm, P.E., Chair of the Florida Engineers Management Corporation, Gene Bechamps, P.E., Vice Chair, and Chuck Langbein, P.E. joined the Board for the purpose of discussing the issues addressed by a joint meeting of the FBPE's Board Operations Committee and the FEMC 's Long Range Planning Committee on May 25, 1999.

John Springstead noted that the FEMC Board was experiencing difficulties achieving a quorum as FEMC Board members Ben Watts, citing business travel conflicts, had resigned and Charles Proctor left the Board because of inability to attend the meetings. It was his suggestion that Watts and Proctor be replaced by the two alternates named in the initial seating of the FEMC Board. Upon a motion by John Springstead and a second by David Whitston, the naming of Henn Rebane, P.E., and Robert Dlouhy, P.E. to the FEMC

Board carried. Chair Anderson also suggested to the DBPR representatives that a replacement for Lamar Winegeart, the public member who left the Board due to attendance problems, be named as soon as possible. At this point Mr. Dlouhy joined the FEMC Board discussion.

The members of the FBPE and the FEMC Boards discussed the following issues:

1.) Dennis Barton briefed the Boards on the upcoming sunset review process and the status of the reviews being conducted by the Office of Program Policy and Governmental Accountability (OPPAGA), the Senate Regulated Industries Committee, and the House Business and Professional Regulations Committee as well as a proposal from the Kerr and Downs Research firm to provide a "customer satisfaction" survey on FEMC services.

2.) Bill Palm briefed the Board on the recommended amendments to Chapter 471 as offered by the FEMC Long Range Planning Committee and the FBPE Board Operations Committee. It was anticipated that not all the recommended changes were without controversy, however, it was the consensus of the Board to place all the issues on the table for discussion.

3.) Dennis Barton briefed the Boards on the recommended project to significantly upgrade the nature and amount of information available to the public on engineer registrants. There was some concern expressed about providing information relative to the discipline of practice of an engineer, however, most Board members supported the idea of putting a registrant's major and minor area of practice, as well as the area in which the registrant was educated and tested on the internet. Upon a motion by David Whitston and a second by Chester Rhodes, the FBPE voted to proceed with the project, after which the members of the FEMC Board retired to the audience.

#3. Approval of the Agenda

Following the addition of agenda items G #6 and N #1d, the Board approved the agenda as distributed on May 29, 1999.

#4. Review and Approval of previous Board meeting minutes:

- a. Upon a motion by John Springstead and a second by Gerry Miller, the Board voted to accept, as corrected, the minutes of the March 31 and April 1, 1999 meeting.
- b. Upon a motion by John Springstead and a second by David Whitston the Board voted to approve the minutes of the April 28, 1999 Conference Call.

B. Committee Reports

#1. Applications Committee (David Whitston, P.E., Chair; Leila Nodarse, P.E.; John W. Springstead, P.E., P.L.S.; Jaykumar N. Patel, P.E.)

- a. Upon a motion by David Whitston and a second by John Springstead the Board voted to adopt the recommendations of the Applications Committee meeting of May 24, 1999.

#2. Educational Advisory Committee (Melvin Anderson, Ph.D., P.E., Chair; R. Gerry Miller, Ph.D., P.E.)

- a. The Committee met on May 24, 1999 and their recommendations were included in the report of the Applications Committee.

#3. Board Operations Committee (Melvin Anderson, Ph.D., P.E., Chair; David Whitston, P.E., Leila Nodarse, P.E.; R. Gerry Miller, Ph.D., P.E.)

- a. Upon a motion by David Whitston and a second by Gerry Miller, the Board voted to accept the report of the Committee meeting of May 25, 1999.

#4. Probable Cause Committee (Pedro O. Martinez, P.E., Chair; Alvin G. Coby; John Springstead, P.E., P.L.S.)

- a. The Board accepted the report of the committee conference call meeting on May 7, 1999, indicating a finding of probable cause in a case against John Elamad.
- b. The Board accepted a report of the committee meeting of May 25 1999, indicating a finding of probable cause in four cases, dismissal of charges in 10 cases and the tabling of 16 cases due to lack of time.

#5. Legislative and Rules Committee (Pedro O. Martinez, P.E., Chair; Chester J. Rhodes)

- a. Report on 1999 Legislative session

The Board received a wrap-up report on the 1999 legislative session.

- b. Report on the committee meeting of May 24, 1999

On motions by David Whitston, John Springstead and David Whitston, with seconds by John Springstead, David Whitston and Gerry Miller the Board voted to direct legal counsel to initiate rule making on a responsibility rule for threshold building inspectors, a revision to the seal rule to include a certification by the registrant, and the creation of a new definition of "principal practice".

In regards to the design of fire sprinklers issue, Dennis Barton reported that a number of comments had been received and that they would be put in composite form and made available to the committee when they met on July 19, 1999.

#6. Responsibility Committee (David Whitston, P.E., Chair; Pedro O. Martinez, P.E.)

There was no report.

#7. Joint Engineer / Architect Committee (Pedro O. Martinez, P.E., Chair; David Whitston, P.E.)

- a. The Board accepted a report on a meeting of the Joint FBPE, FBA/ID and Building Officials held Tuesday, May 18, 1999, indicating that there was no definitive action on the 1971 E /A Joint Letter; however, there was support by the architects and building officials on FBPE proposed amendments to the seal rule to require a certification and a new definition for a "registered engineer whose principal practice is civil or structural engineering".

#8. Joint Engineer / Land Surveyor and Mapper Committee
(Chester Rhodes, Chair; John W. Springstead, P.E., P.L.S.)

There was no report.

#9. Joint Engineer / Landscape Architect Committee (Jaykumar Patel, P.E., Chair; Leila Nodarse, P.E.,)

There was no report.

#10. FBPE / FEMC Liaison (John Springstead, P.E., P.L.S., Chair)

- a. The Board received a verbal report from John Springstead on the June 8, 1999 meeting of the FEMC Board.
- b. Dennis Barton reported on status of Proposed Agreement Between FEMC and the DBPR for 1999-2000 indicating that the Agreement had been approved by the FBPE and FEMC and was being reviewed by the DBPR. As it is exactly like the 1998-99 Agreement no problems in getting approval by June 30, 1999 are expected.

#11. Mandatory Continuing Education Study Committee (David Whitston, P.E., Chair; R. Gerry Miller, Ph.D., P.E.)

There was no report.

#12. Finance Committee (Alvin Coby, Chair)

- a. A 1999-2000 Budget and Spending Plan was provided for information.

- b. A Budget Report for the period July 1, 1998 through April 30, 1999 as well as a supplement for the same period ending May 31, 1999 was provided for information.

#13. Test Administration Committee (Al Coby, Chair; Melvin W. Anderson, Ph.D., P.E.)

- a. The Board accepted a report indicating that 861 applicants had taken the April Fundamentals Exam and 637 had taken the Principles and Practice Exam.

C. NCEES Report

- #1. The Board accepted a report on the 1999 Southern Zone Conference and congratulated Mel Anderson for being nominated for Southern Zone Vice President.
- #2. The Board reviewed correspondence from NCEES and the Society of Naval Architects and Marine Engineers regarding the Ship Design exam to be given the first time in October 1999.
- #3. The Board reviewed the Registration Form and Meeting Packet for the NCEES Annual Meeting and five members (Anderson, Patel, Springstead, Whitston, and Martinez) indicated they would attend.
- #4. The Board reviewed a proposed Resolution on the Pass Rate of the Principle and Practice Examination offered by NCEES and, following a revision in the resolve clause to require a review of the existing exam format by the NCEES Exams, Policies and Procedures (EEP) Committee, John Springstead moved, David Whitston seconded, and the Board approved a motion to approve the resolution and directed it be sent to all NCEES Member Boards in advance of the summer meeting.

D. Advisory Attorney's Report

- #1. An amendment to Rule 61G15-24.001, "Schedule of Fees", amending the rule to establish a fee for examination review at \$75.00; requiring that actual cost be paid of re-scoring by NCEES for exam challenges; establish a fee of \$25.00 for

verification of licensure; and increase the fee for duplicate certificates from \$5.00 to \$25.00.

At the March 31, 1999, meeting of the Board, Bayó reported the rule amendment was on administrative hold awaiting adoption of a similar rule by the DBPR; however, the Board directed Bayó to file a "Notice of Change" to set exams reviews at \$35.00 and re-scoring fees at \$50.00 per question.

Board Counsel Ann Cocheu reported that the rule would become effective on June 16, 1999.

- #2. An amendment to Rule 61G15-22, removing the requirement for "contact" hours in Professionalism and Ethics.

Board Counsel Ann Cocheu reported that the rule would become effective June 22, 1999.

- #3. An amendment to 61G15-31.003 relating to Delegated Responsibility for Prefabricated Wood Components.

Board Counsel Ann Cocheu reported that the rule would become effective June 16, 1999.

- #4. An amendment to Rule 61G15-20.006 "Grade Review Criteria" regarding Petroleum Engineering.

Board Counsel Ann Cocheu reported that this rule amendment was not in the system and, following a motion by David Whitston and a second by Gerry Miller, the Board voted to file the rule.

- #5. An amendment to 61G15-21.006 "Grade Review Procedures"

Board Counsel Ann Cocheu reported that the rule will become effective June 10, 1999.

- #6. Report on a second letter to Paul Ledford regarding "Responsible Charge" as directed to be written at the March 31, 1999, meeting.

The Board reviewed the letter sent by Ed Bayó and agreed that it clarified that the Board did not endorse the procedures initiated in the FDOT's QC 2000 program.

- #7. Status report on rule development to accommodate new computer testing for TOEFL as directed to be filed at the March 31, 1999, meeting.

Board Counsel Ann Cocheu reported that the proposed rule amendment was noticed for rule development on June 4, 1999.

- #8. Report on legal analysis of letter from Transportation Professional Certification Board as requested at the March 31, 1999, meeting.

Board Counsel Ann Cocheu reported there was no file on the issue and would discuss it with Ed Bayó when he returned from vacation.

E. Executive Director's Report

- #1. 1999 Meeting Schedule

Dennis Barton circulated a revised 1999 meeting schedule to which a Legislative and Rules Committee meeting was added on July 19, 1999.

- #2. Florida Building Code Commission

The Board reviewed a summary of the April meeting of the Florida Building Code Commission, a Declaratory Statement on "Wind Design Version #1 Software", the recommended Building Code Core Training Program and a draft of the "Consumer's Guide to Residential Construction". The Board directed Dennis Barton to convey comments on the Consumers Guide to the FBC.

- #3. Report on the status of publishing a directory

Dennis Barton reported that the 1999 Directory will be mailed to the limited distribution recommended by the Board on June 15, 1999.

- #4. Report on Wind Load issue

At 1:30 p.m. on Wednesday, the Board received an extensive report from Mr. Jim Power, P.E., the Board's structural

engineering consultant, on the issue of proper design of gable walls in single family homes. Following the briefing and upon a motion by John Springstead and a second by David Whitston the Board voted to send a special bulletin to all registrants as well as all Building Code Administrators alerting them to the problem and cautioning them to take due care in the design of these structures.

F. Chair's Report

The Chair deferred his report.

G. Correspondence to the Board

- #1. Correspondence from applicant Siobhan Barnes regarding "bound" materials in the test room.

The Board reviewed the correspondence and the Chair named a committee of Leila Nodarse and Gerry Miller to review the literature regarding what is allowed to be taken into the test room and report any recommendations that may clarify the issue.

- #2. Correspondence from James F. Shivler, P.E., regarding "retired" engineer status

The Board reviewed the material sent by Mr. Shivler and noted that Board Counsel Ed Bayó was researching the necessity for legislation to allow applicants to opt for a "retired" status.

- #3. Correspondence from Richard Poling, P.E. regarding concerns about use of the term "Certified Systems Engineer"

The Board reviewed the correspondence and referred the issue to Board Counsel Ed Bayó for research and recommendation to the August Board as to any action the Board might take in cases such as those mentioned by Mr. Poling.

- #4. Correspondence from Robert Nosun, P.E., regarding design of fire sprinkler systems

The Board reviewed the correspondence and referred the matter to Pedro O. Martinez to respond.

- #5. Correspondence from William Beckman, P.E. regarding mandatory continuing education

The Board reviewed the correspondence and Chair Anderson agreed to write a response to Mr. Beckman.

- #6. Correspondence from Tom P. Johns, P.E. regarding styrene emissions in the manufacturing of boats.

Mr. Johns expressed concern that the EPA model was not accurate and that engineers could be forced into errors by its use. The Board observed that he could use the model but provide caveats for deviations he may want to make. Chair Anderson agreed to respond to Mr. Johns indicating the consensus of the Board.

H. Old Business

There was no old business.

I. New Business

There was no new business.

J. Informal Hearings on Denial to Take Examinations

#1 Engineer Intern Exam

#2 Engineer Intern (Foreign Degree Articulation)

a. Muhammad A. Izar

Mr. Izar submitted supplemental information, which was considered in the May 24, 1999 Educational Advisory Committee Meeting. The supplemental information satisfied the deficiency in math and his application was approved.

b. Neha J. Pandya

Confirmation of the Notice of Hearing was not received and Ms. Pandya was not present. The Board granted a continuance to the August meeting.

c. Rodolfo Nonog

Mr. Nonog notified staff that he was in the process of completing a math course to satisfy the deficiency outlined in his education and his request for Informal Hearing was withdrawn.

- d. Amir Shafi
Mr. Shafi requested a continuance to allow additional time for submission of information addressing his educational deficiencies.
- e. Thanwat Hannadawod
Mr. Hannadawod received his Notice of Hearing and contacted the office to request a continuance to the August meeting. A continuance was granted.

#3 Professional Engineer Examination

- a. Ben Stasiukiewicz – 5 time failure application
Mr. Stasiukiewicz received his Notice of Hearing. He requested a continuance to the August meeting and the continuance was granted.
- b. Robert Morgen
Mr. Morgen was present and addressed the Board. Mr. Morgen's application was denied for failure to evidence the required 48 months of experience. He was requesting additional time for experience prior to degree. The Board explained that, in reviewing his file, the maximum amount of time prior to receiving his degree was granted. At this time he remains four months short of the 48 months of experience.

Upon a motion by John Springstead and a second by David Whitston the Board voted to uphold the denial.

- c. Angela M. Berry
Confirmation of the Notice of Hearing was not received and Ms. Berry was not present. The Board granted a continuance to the August meeting.

#4 Professional Engineer (Foreign Degree Articulation)

K. Informal Hearings on Licensure by Endorsement

#1 Endorsement

a. Jerry McCullough

Mr. McCullough received his Notice of Hearing. He was not present. Mr. McCullough holds an engineering technology degree and failed to evidence enrollment or graduation prior to July 1, 1979.

Upon a motion by David Whitston and a second by Gerry Miller the Board voted to uphold the denial.

b. Dennis Matthew Stuart

Mr. Stuart addressed the Board on the denial of his application. Mr. Stuart does not hold an EAC/ABET accredited engineering degree. He was first denied in 1997, reapplied and was subsequently denied. He was asking the board to consider evaluations from other states that his degree was equivalent to an EAC/ABET degree. The Board explained that equivalency does not meet requirements of Chapter 471, F.S. He has produced no evidence that would change the basis for denial.

Upon a motion by John Springstead and a second by Pedro O. Martinez, the Board voted to uphold the denial.

c. Michael Neijna

Mr. Neijna was present with counsel, Mr. Jack McRay. Mr. Neijna's application was denied based on the determination of license being Null and Void and the indication that he had practiced engineering during this time of Null and Void status. Mr. Neijna admitted to having failed to notify the Board of a change in address resulting in failure to receive Notice of Renewal. He outlined his practice during this period of time. He asked that he be granted licensure with conditions that were suggested by Board Counsel, Mr. Edwin Bayo. Those conditions were: \$1,000 fine; completion of a course in Professionalism and Ethics; and, completion of Board's Study Guide on Laws and Rules. Mr. Neijna confirmed that immediately after notification of the status of his license he ceased signing and sealing.

On a motion by David Whitston and a second by Pedro O. Martinez, the Board voted to grant licensure with conditions that Mr. Neijna pay a \$1,000 fine, complete a course on Professionalism and Ethics and complete the Board Study Guide on Laws and Rules.

#2 Endorsement – Foreign Degree

a. Joel N. Dungca

Confirmation of the Notice of Hearing was not received and Mr. Dungca was not present. The Board granted a continuance to the August agenda.

L. Petitions for Variance and Waiver

There were no petitions.

M. Consideration of Request for Formal Hearing

N. Examination Challenges

#1 Recommended Orders

a. Jamal Jamilzadeh

Upon a Motion by Mr. Whitston and a second by Mr. Springstead, the Board voted to uphold the Findings of Fact and Conclusions of Law in the Recommended Order. Upon a second Motion by Mr. Whitston and a second by Mr. Springstead, the Board voted to adopt the Judge's recommendation to award the candidate points sufficient for a passing score on the October 1997 PE examination.

b. Ashok Raichoudhury

Upon a Motion by Mr. Whitston and a second by Dr. Miller, the Board voted to uphold the Findings of Fact and Conclusions of Law in the Recommended Order. Upon a second Motion by Ms. Nodarse and a second by Mr. Whitston, the Board voted to adopt the Judge's recommendation to deny the candidate's petition and dismiss his challenge.

c. Brian Trujillo

Upon a Motion by Mr. Whitston and a second by Dr. Miller, the Board voted to uphold the Findings of Fact and Conclusions of Law in the Recommended Order. Upon a second Motion by Ms. Nodarse and a second by Dr. Miller, the Board voted to adopt the Judge's recommendation to deny the candidate's petition and dismiss his challenge.

d. Mark Nelson

Upon a Motion by Mr. Martinez and a second by Ms. Nodarse, the Board voted to uphold the Findings of Fact and the Conclusions of Law in the Recommended Order. Upon a second Motion by Mr. Whitston and a second by Ms. Nodarse, the Board voted to adopt the Judge's recommendation to award the candidate points sufficient for a passing score on the April 1998 PE examination.

O. Disciplinary Proceedings

#1 Settlement Stipulations

- a. Robert W. Giles, P.E.
PE 30268
FEMC Case Number 99-00022
Probable Cause Panel: Coby, Martinez, Springstead

Respondent was not present. Upon a Motion by Mr. Whitston and a second by Ms. Nodarse, the Board voted to adopt the Stipulation as drafted.

- b. Sunil Gulati, P.E.
PE 40136
FEMC Case Number 98-A0083
Probable Cause Panel: Coby, Martinez, Springstead

Respondent was present and addressed the Board. Upon a Motion by Mr. Whitston and a second by Mr. Patel, the Board voted to approve the Stipulation as drafted.

- c. Fakher (Frank) Hardan, P.E.
PE 34832
FEMC Case Number 98-A0089
Probable Cause Panel: Coby, Martinez, Springstead

Respondent was not present. Upon a Motion by Ms. Nodarse and a second by Dr. Miller, the Board voted to approve the Stipulation as drafted.

- d. Richard Klein, P.E.
PE 35781
FEMC Case Number 97-16791
Represented by E. Renee Alsobrook, Esquire
Probable Cause Panel: Burnett, Coby, Martinez

Prior to the hearing, Respondent's Counsel filed a Motion to Waive the Respondent's Appearance with the Board. Upon a Motion by Mr. Rhodes and a second by Mr. Whitston, the Board voted to grant Respondent's Motion and to proceed with final action without the Respondent being present. Upon a Motion by Mr. Springstead and a second by Mr. Whitston, the Board voted to approve the Relinquishment offered by Respondent to resolve this matter. The Board requested FEMC to maintain a permanent copy of this disciplinary case in Respondent's licensure file.

- e. Bobby Laseter, P.E.
PE 9033
FEMC Case Number 98-02893
Probable Cause Panel: Burnett, Coby, Martinez

Respondent was not present. Upon a Motion by Mr. Whitston and a second by Ms. Nodarse, the Board

voted to approve the Stipulation as drafted.

- f. Richard A. Ramos, P.E.
PE 8031
Represented by Wayne R. Malaney, Esquire
FEMC Case Number 97-17452
Probable Cause Panel: Burnett, Coby, Martinez

Respondent was present and chose to address the Board without counsel. Upon a Motion by Mr. Patel and a second by Mr. Whitston, the Board voted to approve the Stipulation as drafted.

- g. Frank J. Sapienza, P.E.
PE 48566
FEMC Case Number 98-10588
Probable Cause Panel: Coby, Martinez, Springstead

Respondent was present and addressed the Board. Upon a Motion by Ms. Nodarse and a second by Mr. Whitston, the Board voted to approve the Stipulation as drafted.

#2 Informal Hearings

- a. Carl G. Carlander, P.E.
PE 22021
Represented by Susan A. England, Esquire
FEMC Case Number 98-A0121
Probable Cause Panel: Coby, Martinez, Springstead

Respondent was present and chose to address the Board without counsel. Upon a Motion by Ms. Nodarse and a second by Mr. Whitston, the Board voted to adopt the Findings of Fact and Conclusions of Law as set forth in the Administrative Complaint. Upon a Motion by Mr. Whitston and a second by Mr. Springstead, the Board voted to impose a \$500.00 administrative fine and ordered Mr. Carlander to complete the Professionalism and Ethics course within 90 days.

- b. Fitz Harris, P.E.
PE 32596
FEMC Case Number 98-A0018
Probable Cause Panel: Burnett, Coby, Martinez

Respondent was present and addressed the Board. Upon a Motion by Ms. Nodarse and a second by Mr. Springstead, the Board voted to adopt the Findings of Fact and Conclusions of Law as set forth in the Administrative Complaint. Upon a Motion by Mr. Whitston and a second by Mr. Springstead, the Board voted to impose a \$500.00 administrative fine and ordered Mr. Harris to complete the Professionalism and Ethics course within 90 days.

- c. Charles Mitchell, P.E.
PE 11127
FEMC Case Number 98-A0031
Probable Cause Panel: Burnett, Coby, Martinez

Respondent was present and addressed the Board. Upon a Motion by Ms. Nodarse and a second by Mr. Whitston, the Board voted to adopt the Findings of Fact and Conclusions of Law as set forth in the Administrative Complaint. Upon a Motion by Mr. Springstead and a second by Ms. Nodarse, the Board voted to impose a Reprimand.

- d. Donald Rowlinson, P.E.
PE 37598
FEMC Case Number 98-A0051
Probable Cause Panel: Coby, Martinez, Springstead

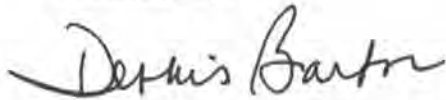
Respondent was present and addressed the Board. Upon a Motion by Ms. Nodarse and a second by Mr. Whitston, the Board voted to adopt the Findings of Fact and Conclusions of Law as set forth in the Administrative Complaint. Upon a Motion by Ms. Nodarse and a second by Mr. Rhodes, the Board voted to impose a Reprimand.

#3. Motion for Default

P. Adjourn

The next meeting of the Florida Board of Professional Engineers is Tuesday, Wednesday, and Thursday, August 24, 25, and 26, 1999, at the Board Office (Tuesday) and the Radisson Hotel (Wednesday and Thursday) in downtown Tallahassee, Florida.

Submitted by,

A handwritten signature in cursive script that reads "Dennis Barton".

Dennis Barton, Executive Director

Approved by the Board on August 25, 1999

Candidates for Licensure by Exam for the October, 1999 P.E. Exam
May 24, 1999 Review
List #1

| Name | Date received | 30 day notice | Complete notice | Approved | Denied | App. Pending | Comments |
|-----------------------|---------------|---------------|-----------------|----------|--------|--------------|--|
| 1. Adams, Thomas | 4/13/99 | 4/21/99 | 5/4/99 | JS | | | |
| 2. Al-Nahdy, Khalid | 4/23/99 | 4/28/99 | 5/10/99 | | JS | | No design |
| 3. Alvarez, Gaisha | 5/14/99 | | 5/20/99 | | JS | | Short 3 mos. |
| 4. Baldridge, Janeen | 4/2/99 | 4/2/99 | 5/20/99 | JS | | | |
| 5. Ball, Katherine | 5/10/99 | 5/10/99 | 5/19/99 | JS | | | |
| 6. Bernal, Rosa | 2/24/99 | 3/16/99 | 4/30/99 | JS | | | |
| 7. Boggs, Steven | 1/9/99 | 2/15/99 | 4/28/99 | JS | | | |
| 8. Botek, Stephen | 3/11/99 | 3/24/99 | 5/10/99 | JS | | | |
| 9. Calvo, Manuel | 4/5/99 | | 4/21/99 | JS | | | |
| 10. Collins, Lisa | 2/24/99 | 3/16/99 | 4/13/99 | JS | | | |
| 11. Cortada, Angel | 5/5/99 | | 5/10/99 | JS | | | |
| 12. Cutter, Jean | 11/17/98 | 12/18/99 | 4/13/99 | JS | | | |
| 13. Derato, Kristi | 11/19/98 | 12/2/98 | 5/11/99 | JS | | | |
| 14. Espinoza, Richard | 2/24/99 | 3/16/99 | 4/13/99 | JS | | | |
| 15. Fleeman, David | 3/2/99 | 3/29/99 | 4/21/99 | | JS | | Short 2 mos. |
| 16. Fleitas, Jorge | 3/25/99 | 4/6/99 | 4/23/99 | PM | | | |
| 17. Fox, William | 5/13/99 | | 5/20/99 | PM | | | |
| 18. Gilmer, Scott | 3/8/99 | 3/16/99 | 3/24/99 | PM | | | |
| 19. Ghia, Ivonne | 3/10/99 | | 3/24/99 | PM | | | |
| 20. Godbee, Stephen | 4/29/99 | | 5/3/99 | PM | | | |
| 21. Gonzalez, Jorge | 1/22/99 | 2/15/99 | 4/23/99 | | PM | | Insuf. Exp. Needs to verify exp. In Cuba |
| 22. Gorrie, Jason | 3/25/99 | 4/6/99 | 4/28/99 | PM | | | |

| Name | Date received | 30 day notice | Complete notice | Approved | Denied | App. Pending | Comments |
|-------------------------|---------------|---------------|-----------------|----------|--------|--------------|--|
| 23. Hassoun, Ismat | 5/13/99 | | 5/21/99 | PM | | | |
| 24. Haykin, Thomas | 3/12/99 | 3/24/99 | 5/1/99 | DW | | | |
| 25. Haywood, Jordan | 4/5/99 | 4/22/99 | 5/6/99 | DW | | | |
| 26. Heinrich, Philip | 4/12/99 | | 4/22/99 | DW | | | |
| 27. Heirholzer, Robert | 11/16/98 | 12/14/98 | 4/3/99 | DW | | | |
| 28. Hodgkinson, Jeffrey | 2/12/99 | 3/15/99 | 4/13/99 | DW | | | |
| 29. Kabouris, Ioannis | 3/15/99 | 3/24/99 | 4/13/99 | DW | | | |
| 30. Kennard, Kevin Sr. | 3/25/99 | 4/6/99 | 4/23/99 | DW | | | |
| 31. Kennedy, R.J. | 1/22/99 | 2/15/99 | 4/30/99 | | DW | | Short 9.5 mos. |
| 32. Manarchuck, Jerome | 5/7/99 | 5/10/99 | 5/19/99 | DW | | | |
| 33. Martinez, Gustavo | 3/8/99 | 3/16/99 | 4/5/99 | DW | | | |
| 34. McGraw, Roger | 3/19/99 | 3/29/99 | 4/21/99 | DW | | | |
| 35. Miller, Allen | 3/8/99 | 4/2/99 | 5/6/99 | DW | | | |
| 36. Motola, Leon | 4/16/99 | | 4/22/99 | JS | (PM) | | Short exp. Must verify time in Cuba See attached E-mail |
| 37. P.Grady, Ruth | 3/22/99 | 3/29/99 | 5/4/99 | DW | | | <i>Jesus Grady</i> |
| 38. Perez, Jose | 4/22/99 | | 4/28/99 | | JS | | Needs verify time in Cuba |
| 39. Phinney, Tod | 4/7/99 | 4/22/99 | 5/4/99 | | JS | | Short exp. |
| 40. Post, Penny | 5/5/99 | 5/11/99 | 5/19/99 | JS | | | |
| 41. Pregeant, Charles | 4/14/99 | 4/22/99 | 5/10/99 | JS | | | |
| 42. Prymas, Angela | 2/8/99 | 2/17/99 | 4/13/99 | JS | | | |
| 43. Ray, Diana | 4/29/99 | 5/7/99 | 5/19/99 | JS | | | |
| 44. Rodriguez, Cesar | 4/14/99 | 4/22/99 | 4/23/99 | JS | | | |
| 45. Rodriguez, Jesus | 4/23/99 | | 4/28/99 | JS | | | |
| 46. Romano, David | 5/10/99 | | 5/12/99 | | DW | | Design exp. |

| Name | Date received | 30 day notice | Complete notice | Approved | Denied | App. Pending | Comments |
|-------------------------|---------------|---------------|-----------------|----------|--------|--------------|---|
| 47. Schlicht, Donald | 8/26/97 | 10/15/97 | 5/10/99 | JS | | | |
| 48. Schror, Carl | 3/1/99 | 4/2/99 | 5/11/99 | | JS | | Short exp. |
| 49. Singletary, Ritchie | 2/24/99 | 3/4/99 | | PM | | | |
| 50. Skaggs, Jill | 11/17/98 | 12/11/98 | 5/4/99 | DW | | | |
| 51. Spieler, Tara | 2/24/99 | 3/16/99 | 4/13/99 | PM | | | |
| 52. Stratton, Katherine | 2/26/99 | 3/16/99 | 5/12/99 | PM | | | |
| 53. Taboada, Ofelia | 3/22/99 | 3/29/99 | 4/13/99 | JS. | PM | | Need to verify time in Cuba see attached E-mail <i>Depluis</i> |
| 54. Tackney, Rhonda | 4/19/99 | 5/4/99 | 5/19/99 | PM | | | <i>Bastre</i> |
| 55. Thomas, LuAnne | 3/18/99 | 3/29/99 | 4/13/99 | DW | | | |
| 56. Tibble, Michael | 4/22/99 | 4/28/99 | 5/7/99 | DW | | | |
| 57. Van Whervin, Donald | 3/11/99 | 3/23/99 | 3/24/99 | | DW | | Design |
| 58. Walker, Dale | 11/18/97 | 1/23/98 | 5/5/99 | DW | | | |
| 59. Wallace, James | 5/7/99 | | 5/19/99 | DW | | | |
| 60. Watts, Nga | 5/7/99 | 5/10/99 | 5/19/99 | DW | | | |
| 61. White, William | 3/8/99 | 3/16/99 | 4/13/99 | DW | | | |
| 62. Workman, Steffanie | 4/26/99 | 4/30/99 | 5/6/99 | DW | | | |

**Candidates for Licensure by Exam for the October, 1999 P.E. Exam under 10-year rule
List #2**

| Name | Date Received | 30-day notice | Complete notice | Approved | Denied | App. Pending | Comments |
|------|---------------|---------------|-----------------|----------|--------|--------------|----------|
| | | | | | | | |

**Candidates for Licensure by Exam under 5 Time failure rule
List #3**

| Name | Approve | Denied | App. Pending | Comments |
|------|---------|--------|--------------|----------|
| | | | | |

**Candidates for Licensure by Exam Requesting Waiver of E.I. by Ph.D. Rule
List #4**

| Name | Date received | 30 day notice | Complete notice | Approve | Denied | App. Pending | Comments |
|----------------------|---------------|---------------|-----------------|---------|--------|--------------|----------|
| 63. Akpoji, Ashie | 5/3/99 | 5/5/99 | 5/7/99 | | | | |
| 64. Lee, Jinsan | 11/12/98 | 12/11/99 | 5/6/99 | | | | |
| 65. Mahmoud, Haytham | 3/12/99 | 3/24/99 | 5/6/99 | | | | |

Above applicants did not get education approved only experience

Candidates for licensure by exam requesting reconsideration and submitting supplemental information

List #5

| Name | Approve | Denied | App. Pending | Comments |
|------------------------|---------|--------|--------------|--|
| 66. Alvan, Luis | JS | | | |
| 67. Bowles, Aaron | DW | | | |
| 68. Brink, Timothy | DW | | | |
| 69. Couch, Robert | DW | | | |
| 70. Decker, Stephen | DW | | | |
| 71. Forlini, Lorenzo | DW | | | |
| 72. Gentry, Dawn | DW | | | |
| 73. Metz, Paul | | JS | | Exp. |
| 74. Nance, Neil | DW | | | |
| 75. Shah, Anurag | | MA | | Needs 3 hours chemistry |
| 76. Tedder, George | DW | | | |
| 77. Zambrano, Humberto | | DW | | Needs 12 hours of courses in order to sit for exam again |

**APPLICANTS FOR LICENSURE BY ENDORSEMENT
MAY 24, 1999 REVIEW
LIST #6**

| Name 5/24/99 | Date received | 30 day notice | Complete notice | Approved | Denied | App. Pending | Comments |
|-----------------------------------|----------------------|----------------------|------------------------|-----------------|---------------|---------------------|--|
| 1. ADAMS, Patrick | 4/12/99 | 5/4/99 | 5/20/99 | DW | | | |
| 2. ANTONELLI, Ralph A. | 2/25/99 | 3/19/99 | 5/10/99 | LN | | | |
| 3. ARIOLA, James Francis | 2/24/99 | 3/22/99 | 5/4/99 | LN | | | |
| 4. BAJAJ, Krishan S. | 4/12/99 | 5/4/99 | 5/19/99 | DW | | | |
| 5. BARTLETT, Thomas | 4/26/99 | N/A | 5/17/99 | DW | | | |
| 6. BARTON, Bruce C. | 4/23/99 | 5/12/99 | 5/21/99 | DW | | | |
| 7. BARTON, George H. | 3/22/99 | 3/24/99 | 5/4/99 | LN | | | |
| 8. BASTAJA, James L. | 4/1/99 | 4/30/99 | 5/21/99 | DW | | | |
| 9. BEIDAS, Samer S. | 4/19/99 | N/A | 5/1/99 | LN | | | |
| 10. BEREZOVTCH, William N. | 4/2/99 | 4/30/99 | 5/14/99 | DW | | | |
| 11. BLUE, William H. | 4/29/99 | 5/12/99 | 5/17/99 | DW | | | |
| 12. BOREK, Jr., Theodore Thaddeus | 4/8/99 | 5/6/99 | 5/19/99 | DW | | | |
| 13. BRETHAUER, Melanie Jane | 2/24/99 | 3/22/99 | 5/17/99 | DW | | | |
| 14. BROWN, E. Lee | 4/7/99 | N/A | 5/7/99 | LN | | | |
| 15. BUCKLAND, Michael D. | 4/26/99 | 5/3/99 | 5/19/99 | | DW | | Recommend denial based on Technology Degree. |

| Name | 24/99 | Date received | 30 day notice | Complete notice | Approved | Denied | App. Pending | Comments |
|-----------------------------|-------|---------------|---------------|-----------------|----------|--------|--------------|----------|
| 16. BUSEY, Steven N. | | 2/17/99 | 3/15/99 | 5/5/99 | LN | | | |
| 17. BYAS, Jr., Harry Edward | | 2/8/99 | 3/1/99 | 4/29/99 | LN | | | |
| 18. CALLAHAN, Patrick Kevin | | 4/29/99 | N/A | 5/17/99 | DW | | | |
| 19. CHEEK, Michael Lewis | | 3/3/99 | 4/15/99 | 5/5/99 | LN | | | |
| 20. COBB, Joseph L. | | 4/5/99 | 5/5/99 | 5/19/99 | DW | | | |
| 21. CONLON, Matthew Patrick | | 3/8/99 | 4/6/99 | 5/19/99 | JS | | | |
| 22. CORNWELL, Joseph M. | | 1/19/99 | 2/16/99 | 5/17/99 | JS | | | |
| 23. COWLES, Gary D.E. | | 4/19/99 | 5/11/99 | 5/21/99 | JS | | | |
| 24. D'AMBROSIO, Anthony | | 3/30/99 | 4/30/99 | 5/20/99 | JS | | | |
| 25. DONOVAN, Richard L. | | 4/23/99 | 5/12/99 | 5/20/99 | JS | | | |
| 26. FISHER, David L. | | 4/14/99 | N/A | 5/7/99 | LN | | | |
| 27. FLOYD, Drew | | 2/25/99 | 3/23/99 | 5/5/99 | LN | | | |
| 28. FRECHETTE, Roger E. | | 4/22/99 | N/A | 5/12/99 | JS | | | |
| 29. GOLDROSEN, Phillip M. | | 3/25/99 | 4/21/99 | 4/26/99 | LN | | | |
| 30. GONZALEZ, David F. | | 2/4/99 | 2/23/99 | 5/5/99 | LN | | | |
| 31. GREGORY, Hugh Marcus | | 12/28/98 | 1/20/99 | 5/10/99 | LN | | | |

| Name | 24/99 | Date received | 30 day notice | Complete notice | Approved | Denied | App. Pending | Comments |
|---------------------------------|-------|---------------|---------------|-----------------|----------|--------|--------------|---|
| 32. GREGORY, Timothy Matthew | | N/A | N/A | N/A | JS | | | |
| SUPPLEMENTAL INFO. | | | | | | | | |
| 33. GUICE, Walter Lee | | 1/12/99 | 2/3/99 | 5/20/99 | JS | | | |
| 34. HACKETT, Bruce E. | | 3/15/99 | 4/12/99 | 5/5/99 | | LN | | Recommend denial based on Technology Degree. |
| 35. HARP, Robert S. | | 3/25/99 | N/A | 4/26/99 | LN | | | |
| 36. HARTMAN, II, Albert L. | | 4/19/99 | N/A | 5/4/99 | | LN | | Recommend denial based on program not ABET approved until 1985 Mr. Hartman graduated in 1981. |
| 37. HICKS, Jeffrey Brent | | 2/26/99 | 3/25/99 | 5/5/99 | LN | | | |
| 38. HOFF, Luke Ora | | 3/15/99 | 4/12/99 | 5/5/99 | LN | | | |
| 39. HOWARD, Robert W. | | 3/8/99 | 4/8/99 | 5/17/99 | JS | | | |
| 40. HUDSON, Cynthia Ann | | 2/2/99 | 2/23/99 | 5/10/99 | LN | | | |
| 41. HUMMEL, Jr., William C. | | 4/12/99 | N/A | 5/10/99 | LN | | | |
| 42. HUNTER, Derek Wayne | | 4/23/99 | N/A | 5/13/99 | JS | | | |
| 43. ISLEY, Dale Scott | | 3/29/99 | 4/29/99 | 5/10/99 | LN | | | |
| 44. JHAVERI, Yogesh P. | | 4/23/99 | N/A | 5/13/99 | JS | | | |
| 45. JOHNSON, Dennis Lee | | 2/17/99 | 3/15/99 | 5/5/99 | JS | | | |
| 46. JOHNSON, Neil Henry | | 4/2/99 | N/A | 5/3/99 | DW | | | |
| 47. JOHNSTON, Eric W. | | 3/5/99 | 4/5/99 | 5/5/99 | DW | | | |

| Name | 24/99 | Date received | 30 day notice | Complete notice | Approved | Denied | App. Pending | Comments |
|---|-------|---------------|---------------|-----------------|----------|--------|--------------|--|
| 48. KUEHN, Gary L. | | 4/23/99 | N/A | 5/13/99 | DW | | | |
| 49. LARSON, Lauran B. | | 7/8/97 | 7/16/97 | 4/28/99 | DW | | | |
| 50. LAUBENTHAL, Jr., Paul Francis | | 4/19/99 | N/A | 5/11/99 | DW | | | |
| 51. LEE, Robert D. | | 4/22/99 | 5/6/99 | 5/13/99 | DW | | | |
| 52. LEE, Yu Leon | | 3/16/99 | 4/13/99 | 5/5/99 | DW | | | |
| 53. LEON, Mark Andrew | | 5/10/99 | 5/12/99 | 5/21/99 | | DW | | Recommend denial based on non ABE T Degree. |
| 54. LEONARD, Stephen W. SUPPLEMENTAL INFO. | | N/A | N/A | N/A | | DW | | Upheld original denial. |
| 55. LEWIS, Dennis Anthony | | 3/2/99 | 3/12/99 | 5/5/99 | DW | | | |
| 56. LONG, Brian D. | | 3/12/99 | 3/19/99 | 5/17/99 | DW | | | |
| 57. MAHINSKE, Mary A. | | 4/12/99 | N/A | 5/10/99 | | DW | | Recommend denial based on non ABET Degree. |
| 58. MAINIERO, Robert Joseph | | 3/24/99 | 4/21/99 | 5/21/99 | DW | | | |
| 59. MALLINGER, Thomas L. | | 4/22/99 | 5/13/99 | 5/18/99 | DW | | | |
| 60. MARKEY, Monique A. | | 4/9/99 | 4/21/99 | 5/5/99 | DW | | | |
| 61. MASSEY, John W. | | 4/7/99 | N/A | 5/7/99 | | DW | | Recommend denial based on applicant not having taken and passed the EI examination. Applicant is approved to sit for the EI in Florida. |
| 62. MAYBERRY, Billy Ray | | 4/1/99 | N/A | 5/3/99 | DW | | | |
| 63. MOADDEL, Farhad | | 3/11/99 | 3/26/99 | 5/3/99 | DW | | | |

| Name | 24/99 | Date received | 30 day notice | Complete notice | Approved | Denied | App. Pending | Comments |
|-----------------------------------|-------|---------------|---------------|-----------------|----------|--------|--------------|--|
| 64. MORRISON, III, Dempsie Barney | | 4/19/99 | N/A | 5/11/99 | JS | | | |
| 65. MOSER, Robert W. | | 4/23/99 | N/A | 5/13/99 | JS | | | |
| 66. MOSIMANN, August Frank | | 3/30/99 | 4/30/99 | 5/20/99 | JS | | | |
| 67. MULLINIX, Michael P. | | 3/30/99 | 4/19/99 | 5/5/99 | JS | | | |
| 68. MUSE, Terry Michael | | 3/25/99 | N/A | 4/26/99 | JS | | | |
| 69. NEWTON, Patrick W. | | 4/9/99 | 5/6/99 | 5/7/99 | | | | Recommend personal appearance before the Board. (JS) |
| 70. O'BRIEN, Gary W. | | 5/3/99 | N/A | 5/17/99 | JS | | | |
| 71. O'HIGGINS, Brian | | 4/1/99 | N/A | 3/30/99 | JS | | | |
| 72. OJALVO, Irving U. | | 4/29/99 | 5/21/99 | 5/24/99 | JS | | | |
| 73. OLIVER, Billy D. | | 4/1/99 | N/A | 3/30/99 | JS | | | |
| 74. PAGE, Henry A. | | 5/3/99 | 5/10/99 | 5/21/99 | JS | | | |
| 75. PAUL, William Patrick | | 4/22/99 | N/A | 5/13/99 | JS | | | |
| 76. PIRRELLO, Mark Anthony | | 3/8/99 | 4/7/99 | 5/5/99 | JS | | | |
| 77. POTHEN, Siby | | 6/3/97 | 6/16/97 | 5/17/99 | DW | | | |
| 78. PULYER, William N. | | 4/1/99 | N/A | 4/30/99 | DW | | | |
| 79. RENESKI, Charles J. | | 5/5/99 | N/A | 5/24/99 | DW | | | |
| 80. RISNER, Phillip S. | | 4/14/99 | 5/10/99 | 5/18/99 | DW | | | |

| Name | 24/99 | Date received | 30 day notice | Complete notice | Approved | Denied | App. Pending | Comments |
|------------------------------|-------|---------------|---------------|-----------------|----------|--------|--------------|-----------------------------|
| 81. ROSAMOND, Robert Preston | | 4/23/99 | N/A | 5/13/99 | DW | | | |
| 82. RUSSELL, Robert R. | | 3/2/99 | 4/2/99 | 5/5/99 | DW | | | |
| 83. SANFORD, John R. | | 4/15/99 | 5/7/99 | 5/21/99 | DW | | | |
| 84. SHERWIN, Frederick S. | | 2/24/99 | 3/24/99 | 5/19/99 | DW | | | |
| 85. SMITH, Daniel C. | | 3/4/99 | 4/4/99 | 5/21/99 | DW | | | |
| 86. STEFFEN, Victor Gene | | 2/26/99 | 3/25/99 | 5/17/99 | DW | | | |
| 87. STINCHCOMB, Ingrid S. | | 2/25/99 | 3/25/99 | 5/5/99 | DW | | | |
| 88. STONE, Dudley Dunwody | | 4/21/99 | 5/13/99 | 5/20/99 | JS | | | |
| 89. STONEMAN, Thomas L. | | 3/30/99 | N/A | 4/30/99 | JS | | | |
| 90. THALHAMER, Michael G. | | 2/24/99 | 3/24/99 | 5/5/99 | JS | | | |
| 91. THOMAS, Arthur Todd | | 4/22/99 | 5/5/99 | 5/25/99 | DW | | | |
| 92. TURNER, Don P. | | 4/5/99 | N/A | 5/5/99 | JS | | | |
| 93. VAN BROEKHOVEN, Jacob | | 4/5/99 | 5/5/99 | 5/21/99 | JS | | | |
| 94. VanLEHN, Dale A. | | 12/28/98 | 1/14/99 | 5/4/99 | JS | | | |
| 95. VOILAND, George T. | | 3/29/99 | 4/15/99 | 5/7/99 | JS | | | |
| 96. WANG, Richard Dean | | 4/27/99 | N/A | 5/18/99 | | JS | | Needs four (4) engineering. |
| 97. WARTER, Stephen W. | | 2/10/99 | 3/10/99 | 5/17/99 | JS | | | |

| Name | Date received | 30 day notice | Complete notice | Approved | Denied | App. Pending | Comments |
|-----------------------------------|---------------|---------------|-----------------|----------|--------|--------------|----------|
| 98. WAYLAND, Gregory Stephen | 3/19/99 | 4/14/99 | 5/4/99 | JS | | | |
| 99. WEBSTER, Scott H. | 4/26/99 | 5/18/99 | 5/21/99 | JS | | | |
| 100. WILLIAMS, Jr., H. Hampton | 4/26/99 | N/A | 5/17/99 | JS | | | |
| 101. WOLFF, Lawrence Sanford | 3/8/99 | 4/8/99 | 5/5/99 | JS | | | |

**APPLICANTS FOR LICENSURE BY ENDORSEMENT SEEKING RECONSIDERATION
AND PROVIDING SUPPLEMENTS INFORMATION/FOREIGN DEGREE
MAY 24, 1999 REVIEW**

LIST #7

| Name | 5/24/99 | Approved | Denied | App. Pending | Comments |
|----------------------------------|----------------|-----------------|---------------|---------------------|--|
| 1. BANDYOPADHYAY, Subrata | | MA | | | |
| 2. GODBOLE, Bhushan A. | | MA | | | |
| 3. PATEL, Manhar B. | | | MA | | Needs 3 hours higher Mathematics & 10 hours Humanities and Social Sciences. |
| 4. SYBICO, Jr., Jesus A. | | MA | | | |
| 5. VIJAYAKUMAR, Sangaranathan | | MA | | | |

**APPLICANTS FOR LICENSURE BY ENDORSEMENT/PREVIOUS LICENSEE
MAY 24, 1999 REVIEW
LIST #8**

| Name 5/24/99 | Approved | Denied | App. Pending | Comments |
|---|----------|--------|--------------|----------|
| 1. CASTELLANOS, Roberto NULL & VOID PE 37409 | DW | | | |
| 2. CHANG, Kou-Roung NULL & VOID PE 28438 | DW | | | |
| 3. DEREUIL, Louis J. NULL & VOID PE 46924 | DW | | | |
| 4. MOHINDROO, Krishan K. NULL & VOID PE 24030 | DW | | | |
| 5. SHANNON, John Wesley NULL & VOID PE 45104 | DW | | | |
| 6. STUDSTILL, Sr., William Talmage NULL & VOID PE 20218 | DW | | | |
| 7. THUNE, Arne NULL & VOID PE 45624 | JS | | | |
| 8. WINKLER, Thomas Frederick NULL & VOID PE 39902 | DW | | | |

Candidates for licensure Exam with Foreign Degrees

List #9

| Name | Date received | 30 day notice | Complete notice | Approved | Denied | App. Pending | Comments |
|-------------|----------------------|----------------------|------------------------|-----------------|---------------|---------------------|-----------------|
|-------------|----------------------|----------------------|------------------------|-----------------|---------------|---------------------|-----------------|

Candidates for licensure by Exam with degrees other than Engineering/Articulation

List #10

| Name | Date received | 30 day notice | Complete notice | Approved | Denied | App. Pending | Comments |
|-------------|----------------------|----------------------|------------------------|-----------------|---------------|---------------------|-----------------|
|-------------|----------------------|----------------------|------------------------|-----------------|---------------|---------------------|-----------------|

**APPLICANTS FOR LICENSURE BY ENDORSEMENT/FOREIGN DEGREE
MAY 24, 1999 REVIEW
LIST #11**

| Name | 5/24/99 | Date received | 30 day notice | Complete notice | Approved Educ. Comm. | Approved App. Comm. | Denied Educ. Comm. | Denied App. Comm. | App. Pending -Cond. | Comments |
|----------------------|----------------|----------------------|----------------------|------------------------|-----------------------------|----------------------------|---------------------------|--------------------------|----------------------------|--|
| 1. ALI, Hesham A. | | 3/8/99 | 4/6/99 | 5/17/99 | GM | | | | | |
| 2. GHATAK, Paritosh | | 10/27/98 | 11/25/98 | 5/19/99 | GM | | | | | |
| 3. NOVAC, Niculae M. | | 3/4/99 | 4/2/99 | 4/15/99 | | | | | GM | Needs proof of computer skills, competency in English |
| 4. SHINKRE, Ram S. | | 3/30/99 | 4/20/99 | 5/7/99 | MA | | | | | |
| 5. SKVIRSKY, Leon | | 4/2/99 | 4/30/99 | 5/19/99 | | | GM | | | Needs 11 hours math, 5 hours of Humanities & proof of English. |
| 6. SU, Wen-Shyong | | 1/8/99 | 2/5/99 | 5/19/99 | MA | | | | | |
| 7. TORRES, Roberto | | 12/14/98 | 1/14/99 | 5/19/99 | GM | | | | | |
| 8. WEI, Shangmin | | 3/22/99 | 4/19/99 | 5/17/99 | MA | | | | | |

Applicants for EI exam with Foreign Degrees
May 24, 1999 Review
List #12

| Name | Date received | 30 day notice | Complete notice | Approved | Denied | App. Pending | Comments |
|------------------------------|---------------|---------------|-------------------|----------|--------|--------------|--|
| 1. Alcantara, Katerine Delsa | 04/08/99 | 04/21/99 | 04/21/99 | X RGM | | | |
| 2. Altun, Melike | 04/09/99 | 04/21/99 | 05/10/99 | X RGM | | | |
| 3. Bejarano, Luis J. | 05/29/97 | 06/10/97 | 04/12/99 | X RGM | | | |
| 4. Bholaram, Meeno Singh | 03/19/99 | 04/06/99 | *see memo in file | | X MWA | | Needs transcript |
| 5. Blanco, Guillermo | 05/10/99 | 05/12/99 | 05/12/99 | | X RGM | | Needs 3.5 credit hours of higher mathematics |
| 6. Carmona, Jose L. | 03/22/99 | 04/06/99 | 05/04/99 | X MWA | | | |
| 7. Carrera, Carlos Julio | 03/12/99 | 03/23/99 | 03/23/99 | | X MWA | | Needs 7 credit hours of basic sciences |
| 8. Cheng, Jenny | 11/30/98 | 12/28/98 | 03/29/99 | X MWA | | | |
| 9. China, Reynaldo R. | 05/14/99 | 05/21/99 | 05/21/99 | X MWA | | | |
| 10. Chiong, Manuel | 05/03/99 | 05/06/99 | 05/06/99 | X MWA | | | |
| 11. Chiwara, Andrew M. | 05/03/99 | 05/06/99 | 05/06/99 | | X MWA | | Needs 3 credit hours of higher mathematics, 16 credit hours of H&SS |
| 12. Diaz, Jorge Luis | 04/22/99 | 05/03/99 | 05/12/99 | X MWA | | | |
| 13. Dominguez, Antonio | 05/14/99 | 05/21/99 | 05/21/99 | | X MWA | | Needs 2 credit hours of higher mathematics, 14 credit hours of engineering sciences, 16 credit hours of engineering design |
| 14. Dominguez, Yamile | 04/12/99 | 04/21/99 | 04/21/99 | X MWA | | | |
| 15. Echarri, Guillermo | 05/14/99 | 05/21/99 | 05/21/99 | X MWA | | | |
| 16. Echarri, Roberto | 05/14/99 | 05/21/99 | 05/21/99 | X RGM | | | |
| 17. Ferguson, James | 02/04/99 | 02/26/99 | 02/26/99 | X RGM | | | |
| 18. Garcia, Isabel | 04/22/99 | 05/03/99 | 05/03/99 | | X RGM | | Needs 6 credit hours of basic sciences, 5 credit hours of H&SS, proof of competency in English and completion of study guide |
| 19. Gonzalez, Jairo | 04/23/99 | 05/04/99 | 05/04/99 | | X RGM | | Needs 3 credit hours H&SS and at least a 213 computerized TOEFL score |
| 20. Guerra, Miguel F. | 04/26/99 | 05/05/99 | 05/05/99 | | X RGM | | Needs 4 credit hours of Basic Sciences, 9 credit hours of Engineering Design, 6 credit hours of H&SS, proof of competency in English |
| 21. Hotic, Eldin | 05/10/99 | 05/12/99 | 05/12/99 | | X RGM | | Needs 2 credit hours of mathematics, 4 credit hours of basic sciences, 11 credit hours H&SS, competency in English |
| 22. Hsu, Jiun,-Jia | 11/17/98 | 12/15/98 | 05/20/99 | | X RGM | | Needs 4 credit hours of higher mathematics |
| 23. Infante, Pedro | 05/12/99 | 05/19/99 | 05/19/99 | | X MWA | | Needs 10 credit hours H&SS, completion of study guide |
| 24. Jamieson, Kenneth S. | 05/14/99 | 05/21/99 | 05/21/99 | X MWA | | | |
| 25. Jimenez, Marthin | 12/11/98 | 01/14/99 | 04/30/99 | X MWA | | | |
| 26. Kantchev, Teodor | 04/29/99 | 05/04/99 | 05/04/99 | | X MWA | | Needs 7 credit hours basic sciences, completion of study guide |

| Name | Date received | 30 day notice | Complete notice | Approved | Denied | App. Pending | Comments |
|------------------------------|---------------|---------------|-----------------|----------|--------|--------------|---|
| 27. Llanes, Penelope | 04/23/99 | 05/04/99 | 05/04/99 | | X MWA | | Needs 4 credit hours of basic sciences such as chemistry |
| 28. Martinez-Fortun, Ortelio | 02/24/99 | 03/09/99 | 03/26/99 | X MWA | | | |
| 29. Medina, Jose Luis | 05/14/99 | 05/21/99 | 05/21/99 | | X MWA | | Needs 7 credit hours H&SS, completion of study guide |
| 30. Mendieta, Leonel | 05/03/99 | 05/06/99 | 05/06/99 | | X MWA | | Needs 4 credit hours of mathematics such as probability and statistics |
| 31. Napoles, Marlem | 05/03/99 | 05/06/99 | 05/06/99 | X RGM | | | |
| 32. Nieto, Mauricio G. | 03/25/99 | 04/07/99 | 05/10/99 | X RGM | | | |
| 33. Otoo, Eric Abradu | 02/01/99 | 02/15/99 | 05/10/99 | | X RGM | | Needs 16 credit hours H&SS (or complete MS from UF), proof of competency in English, completion of study guide |
| 34. Perez, Jose L. | 05/07/99 | 05/12/99 | 05/12/99 | | X RGM | | Needs 7 credit hours H&SS and proof of competency in English |
| 35. Qu, Tan | 11/19/97 | 11/25/97 | 04/13/99 | | X RGM | | Needs 3 credit hours of basic sciences such as chemistry |
| 36. Rivas, Alejandro | 03/08/99 | 03/23/99 | 03/23/99 | | X MWA | | Needs 4 credit hours mathematics, 4 credit hours basic sciences |
| 37. Ruchti, Beat E. | 04/19/99 | 05/03/99 | 05/03/99 | | X MWA | | Needs 16 credit hours of mathematics, 16 credit hours of engineering design, 6 credit hours H&SS, verification of computer skills |
| 38. Sanchez, Mirna | 03/22/99 | 04/06/99 | 04/06/99 | X RGM | | | |

Applicants for EI exam asking for reconsideration and submitting supplemental information

List # 13

| Name | Approved | Denied | App. Pending | Comments |
|--------------------------|----------|--------|--------------|----------|
| 39. Izhar, Muhammad Atif | X MWA | | | |



FLORIDA BOARD OF PROFESSIONAL ENGINEERS

JEB BUSH, GOVERNOR

KIM BINKLEY-SEYER, SECRETARY
DEPARTMENT OF BUSINESS
AND PROFESSIONAL REGULATION

John W. Springstead, P.E., P.L.S.
CHAIR
(CIVIL)
3/27/97 - 10/31/01

R. Gerry Miller, Ph.D., P.E.
VICE CHAIR
(MECHANICAL)
11/1/97 - 10/31/01

Melvin W. Anderson, Ph.D., P.E.
(EDUCATOR)
1/9/96 - 10/31/01

Murthy V. Bondada, Ph.D., P.E.
(CIVIL)
11/29/99 - 10/31/03

Alvin G. Coby
(PUBLIC)
2/10/92 - 10/31/99

Silvia Vilato Lacasa, P.E.
(ELECTRICAL)
11/29/99 - 10/31/02

Robert Matthews, P.E.
(CIVIL)
11/29/99 - 10/31/03

Henn Rebane, P.E.
(ELECTRICAL)
11/29/99 - 10/31/03

Gloria M. Velazquez, Esquire
(PUBLIC)
11/29/99 - 10/31/02

Allison Deison, Esquire
EXECUTIVE DIRECTOR

Edwin A. Bayó, Esquire
ASSISTANT ATTORNEY
GENERAL

Natalie Lowe
ADMINISTRATOR

Minutes

Florida Board of Professional Engineers
Tuesday, October 17, 2000
Beginning at 8:30 a.m.
and Wednesday, October 18, 2000
Beginning at 8:30 a.m.
The Clarion Suites Resort
Pensacola, Florida

Part I General Business Agenda

A. Meeting Administration

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

The following Board members were present:

John W. Springstead, P.E., P.L.S., Chair
R. Gerry Miller, Ph.D., P.E., Vice Chair
Henn Rebane, P.E.
Murthy Bondada, Ph.D., P.E.
Alvin Coby, Public Member
Melvin W. Anderson, Ph.D., P.E.
Silvia Lacasa, P.E.

The following Board members were absent:

Robert Matthews, P.E.
Gloria Velazquez, Esquire, Public Member

The following staff was present:

Carrie Flynn, Asst. Administrator
Natalie Lowe, Administrator
Douglas Sunshine, Prosecuting Attorney

The following guests were present:

Kim Binkley-Seyer, Secretary, DBPR
Barbara Auger, Esquire, Deputy Secretary, DMS
Mr. Michael Monahan
Richard Gassett, P.E., FES Liaison
Dave Whitston, P.E., FEMC Board Member
Matthew Hermanson
Stephen Weaver, P.E.
Khosrow Gandlei
Wes Strickland, Esquire
Randy Lasure, P.E.
John Benson, P.E.
Charles C. Stokes, P.E.
Randall L. Reynolds, P.E.
William G. Christopher, Esquire
Robert W. Case, P.E.
Kishore Tolia, P.E.

- #2. Introduction of guests and announcements as to presentations at a time certain.
 - a. Recognition of Kim Binkley-Seyer, Secretary, DBPR and Barbara Auger, Esquire, Deputy Secretary, DMS
- #3. Approval of the Agenda

Upon a motion by Dr. Anderson and a second by Mr. Rebane, the Board voted to approve the Agenda.
- #4. Review and Approval of previous Board meeting minutes:
 - a. August 24-25, 2000 Board Meeting

Upon a motion by Mr. Coby and a second by Dr. Anderson, the Board voted to approve the minutes as drafted.
 - b. September 19, 2000 Conference Call Meeting

Upon a motion by Mr. Rebane and a second by Dr. Miller, the Board voted to approve the minutes.

#5. Consent Agenda

- a. The following items are submitted for consideration on the Consent Agenda:

B#1.a September 28-29, 2000 Committee of One Educational Advisory and Application Review Committees

List #5

List #6, with the exception of Applicants #35 and #49.

List #8

List #11

E#1. 2001 Meeting Schedule

Mr. Springstead explained the process of the Consent Agenda. Board members were requested to remove any items which they would like to discuss.

Mr. Rebane requested that Items P#1, #2, and #3 be added.

Upon a motion by Mr. Rebane and a second by Dr. Miller, the Board voted to approve the agenda.

Mr. Springstead abstained from voting due to having a personal relationship with one of the Special Inspector applicants.

B. Committee Reports

- #1. Applications Committee
(R. Gerry Miller, Ph.D., PE, Chair; Murthy V. Bondada, Ph.D., PE; Silvia Vilato Lacasa, PE; Robert Matthews, PE; Henn Rebane, PE)

- a. Report from Robert Matthews, P.E. on meeting of September 28, 2000 of a Committee of One.

This report was approved on the Consent Agenda.

- b. Report from Henn Rebane, P.E. on meeting of September 29, 2000 of a Committee of One.

This report was approved on the Consent Agenda.

#2. Educational Advisory Committee
(Melvin Anderson, Ph.D., P.E., Chair; Murthy V. Bondada, Ph.D., PE, Duane Ellifritt, Ph.D., PE, Consultant)

- a. Discussion on ABET as a sole-source provider.

This item was tabled until the December meeting. Dr. Robert Kersten will be invited to address the Board.

- b. EAC/ABET Interim Visit to Florida A&M/FSU College of Engineering.

Dr. Bondada reported on the recent ABET visit to FSU/FAMU College of Engineering. The ABET team consisted of Ms. Susan O. Schall of the Engineering Accreditation Commission, Dr. Jai Kim, and Dr. Bondada. The team reviewed the program, which is a joint program serving both FSU and FAMU. In the 1997-1998 academic year, the ABET team visited the college program. There are five programs in the College of Engineering and all five programs were accredited. However, there was a deficiency in the civil engineering program. The team met with the two provosts of the universities as well as the Dean and other representatives of the Engineering Department. The College currently offers specific and very comprehensive engineering design courses to undergraduate programs. After the two-day meeting, the team found that the deficiency had been corrected. The school was directed to conform to that program and to maintain the current quality of the program. Dr. Bondada expressed concern that instructors were not licensed professional engineers.

Dr. Bondada reported that he would be attending the ABET Annual Meeting in Atlanta in October. In addition, he will be reviewing 30 multiple-choice questions for the NCEES exam committee.

- c. Mr. Rebane reported on his visit to the University of Florida. This team was one of the largest ABET teams. All programs were being reviewed including graduate programs that did not have an accompanying accredited undergraduate program. The team was impressed by the university's response to notes made during the teams'

previous visits. They were also impressed with the data provided in response to the EC 2000 program. The school offered a combined program where the student could obtain either an engineering degree or a science degree. This would prevent applicants from accidentally taking a curriculum that would be later rejected by the Board during the application process.

There is not a lot of importance placed on licensure by the ABET team. Mr. Rebane noted that promotion of licensure should start with the ABET organization. Mr. Rebane's team was asked to count the engineer versus non-engineer staff but he noted that this criteria was not used by the ABET team to evaluate the program.

- d. Mr. Coby reported on his team's visit to the University of West Florida. Dr. Jack Rutherford headed the team. The ABET team met on a Thursday for an organizational meeting. They then made a preliminary visit to UWF that afternoon. Their investigation of the program began on Friday and ran through Saturday afternoon. They reviewed the electrical and computer engineering programs which are offered in conjunction with the University of Florida because UWF is not currently authorized to provide these programs. Even though the students attend the University of West Florida, their degree would be issued by the University of Florida. There were no deficiencies noted. The program overview resulted in two deficiencies which will require internal reports. The deficiencies did not relate to the quality of the programs but related to the EC 2000 process, and the ability to demonstrate that the school is working within the loop of continuous improvement. There were concerns with the level of staffing in the schools. It was felt that the programs had the bare minimum of staffing necessary to run these programs and that the absence of even one instructor would press other instructors into double duty. The team was also concerned with the pay scale for the instructors which is currently \$31-58,000. The team felt that the appropriate scale should be in the \$90-110,000 range. The team was very impressed with the program and felt that the program operated very smoothly. Dr. Rashid, Dean of the Program, is a full-time UWF employee who is hired by and reports to the University of Florida. The ABET team felt it would not be

long before the computer and electrical engineering programs had their own accreditation. Civil and mechanical programs are also being requested.

Mr. Coby noted that the EC 2000 program was very complex and that universities currently have the option of utilizing the old program or adopting the EC 2000 program which will eventually become mandatory.

Mr. Springstead directed staff to forward a cover letter and report on the pass/fail rate to each of the universities that have candidates sitting for the Fundamentals Examination. This report provides valuable information to the schools because it confirms the pass rate of their students and may be of assistance to the universities in budget matters. The report was previously provided by the Department of Business and Professional Regulation and has been provided on one occasion by FEMC.

Dr. Anderson confirmed that the report from NCEES is known as Report #5. NCEES provides this report to member Boards and it is available on their website.

Mr. Springstead directed staff to forward a thank you letter to the office of the Accreditation Board for Engineering and Technology. The letter would reaffirm this Board's support of ABET and it would express appreciation for the opportunity to have Board members attend as an observer when the reviews are scheduled.

- #3. Board Operations Committee
(Henn Rebane, PE, Chair; Robert Matthews, PE, Gloria M. Velazquez, Esquire)

There has not been a meeting of the Committee. Staff was directed to include discussion of the Board's website on the Agenda.

- #4. Probable Cause Committee
(Alvin G. Coby, Chair; Henn Rebane, PE; Allen Seckinger, PE)

- a. Report of the meeting of September 29, 2000.

Mr. Coby reported that the Panel reviewed 11 cases. Probable cause was found in two cases. The Panel

dismissed four cases with a finding of no probable cause. The Panel dismissed three cases with a letter of guidance to the subject of the investigation. Two cases were referred back to FEMC's investigator for further investigation.

Mr. Coby also noted that several items relative to the Board's disciplinary guidelines were referred to the Legislative and Rules Committee.

This report will be reflected on the Consent Agenda in future Board meetings.

#5. Legislative and Rules Committee
(Henn Rebane, PE, Chair; Robert Matthews, PE; R. Gerry Miller, Ph.D., PE; Gloria M. Velazquez, Esquire)

a. Report on Meeting of October 10, 2000

Mr. Rebane noted that the Committee had met. Mr. Allen Seckinger, P.E., a member of the Probable Cause Panel, submitted several written corrections to the Board's rules for consideration. The Committee reviewed the Board's disciplinary guidelines and directed Staff to research the Department of Community Affairs' program for disciplining Special Inspectors. The Committee expressed dissatisfaction with the ability to track the progress of rules. The Committee reviewed the seal rule and added a provision that engineers should not sign preliminary drawings. The Committee reviewed the Board's preliminary draft of the fire protection rule but it is not yet ready to go to the Board's attorney for rule development. The Committee recommends that in the interest of progress, slide rules be removed from the list of materials that the applicant can take to the examination.

Mr. Bayó reported that a number of the changes suggested by Mr. Seckinger can be taken care of by filing a notice of technical change.

#6. Joint Engineer / Architect Committee
(Henn Rebane, PE, Chair; Melvin W. Anderson, Ph.D., PE)

There was no report.

- #7. FBPE / FEMC Liaison
(John Springstead, PE, PLS, Chair; R. Gerry Miller, Ph.D., PE)

The Chair noted that he and the Vice Chair had attended the FEMC meeting the day before and that the Board, having heard from the Secretary, had been apprised of the issues of discussion.

- a. CLEAR Conference Speech Delivered by Jill Collins,
Public Member on the FEMC Board of Director.

The Board commented very favorably on the speech delivered by Ms. Collins.

- #8. Test Administration Committee
(John Springstead, PE, PLS, Chair)

The Chair reported that Board members had been assigned to various sites and would report on the test administration at the December meeting.

- #9. Legal Liaison Committee
(Gloria M. Velazquez, Esquire)

There was no report.

- #10. Ad Hoc Committee on Implementation of Mandatory Continuing Education
(Al Coby, Chair; Mel Anderson, Ph.D., P.E., Robert Matthews, P.E., R. Gerry Miller, Ph.D., P.E., and Henn Rebane, P.E.)

- a. Report on the September 29, 2000 Meeting.
b. Report on the October 10, 2000 Meeting.

Mr. Coby reported that the Committee had met twice since the last Board meeting. At the September meeting the Committee reviewed other states' mandatory continuing education programs. Approximately 17 states currently have the requirement in place. As a result of that, staff prepared a listing of various program components and presented this to the Committee at its October 10 meeting. Most states seem to be patterned after the NCEES model. After discussion on the draft, staff was instructed to prepare a draft rule for consideration by the Committee. One

component the Committee is recommending is a Preamble used by the State of Georgia. Mr. Coby has since received some additional direction from the Secretary and this will be brought to the Committee at its next meeting. He gave a brief overview of the program being formulated by the Committee.

Mr. Coby noted that the Committee recommended that the engineer sign and seal an affidavit attesting to compliance with the Board's rules regarding MCE. However, the Department may require additional information. This issue will need to be addressed by the Committee.

Dr. Bondada requested consideration of engineers who are assigned to foreign duty. Mr. Springstead noted that there were five members of the Board serving on this Committee and that suggestions should be forwarded to the members of that Committee or to the Board's Executive Director.

Mr. Coby relayed the Secretary's suggestion to notice this for rule development in order to get the process started. That way, any public hearings requested can be addressed and held.

Mr. Rebane noted that two items had been referred by the Committee to the full board. The first question was whether the course on laws and rules should be pass/fail or should be merely instructional. The Committee's inclination was to recommend a pass/fail format but it is seeking the Board's input. The State of Texas presents a type of instructional course where engineers are presented with a real-life situation and asked to select the applicable Board rule or law.

The second question concerned the online course on laws and rules and the question of whether all eight hours should be able to be completed via the internet. The Chair requested the Board members to collect their thoughts and to e-mail them to the chairperson of the Committee for distribution at the next Committee meeting. The Chair requested the Committee to meet in different areas of the state with one meeting in Tampa or Orlando and one in South Florida. A third meeting could be held in Tallahassee. Mr. Rebane also volunteered to attend any

FES Chapter meetings to speak on the issue. The Chair of the Committee was asked to present a schedule of meetings and a draft rule at the next Board meeting.

#11. Product Approval Committee
(Henn Rebane, P.E., Chair; Al Coby, R. Gerry Miller, Ph.D., P.E.)

This Committee was formed as a result of the August meeting when several engineers from South Florida, who are involved in the product approval process, addressed the Board. Mr. Rebane attended the Florida Building Code's meeting. The Florida Building Code is in place and is scheduled to take effect July 1, 2001. However, the product approval issue has not been resolved. South Florida requires a licensed Professional Engineer to sign and seal product approvals to certify the application of the product meets the requirements of the SFBC. The process applies predominantly to structural engineering items. The product approval process for these items is different because the testing of the products is done by testing laboratories. The approval of the product is an approval of the assembly made up of pieces that have been tested. The engineer who gives the product approval conducts no field tests. He will take data from laboratories, look at the different components, and will then interpolate with engineering judgment to state the product's conditions. The Standard Building Code addresses product approval differently. Two or three product approval agencies take care of the process. They are pre-approved agencies and they issue a very voluminous report. Mr. Rebane reported that the Committee, with the Board's blessing, would review the Board's rules but would also come to a conclusion regarding what this Board should recommend to the Florida Building Code Commission for inclusion in their product approval section.

The Committee is chaired by Henn Rebane, P.E., and consists of Mr. Al Coby, Gerry Miller, Ph.D., P.E., Nasir Alam, P.E., Allen Seckinger, P.E., Humayun Farooq, P.E., V. John Knezevich, P.E., Mr. Jeff Robinson, a shutter manufacturer, Mr. Bob Clark, a window manufacturer, Mr. Peter Osterman of the Lennar Corporation, Mr. Dan Lavrich, a representative of the Broward County Board of Rules and Appeals, Mr. Tom Johnston of Town and Country Inc., Mr. George Atkinson of G&L Homes, James Mehltredder, P.E., representative of the Florida Building Code Commission, Mr. Alan Plante, Mr. Raul Rodriguez, Chief, Product

Control Division. The Committee will be meeting in approximately 30-45 days.

The Board's current rule of professional responsibility places these engineers out of compliance with the Board's rules. The Committee will either recommend a change in the ways of practice or a change in the Board's rule.

C. NCEES Report

There was no report but two meetings are shown on the Board's calendar. The Chair invited and encouraged Board members' attendance at the Southern Zone Meeting and the NCEES Annual Meeting.

Dr. Anderson noted that NCEES had mailed out surveys to Board members and he urged the members to fill them out.

D. Advisory Attorney's Report

- #1. 61G15-20, Florida Administrative Code, "Application for Licensure, Educational Requirements, and Experience"
- #2. 61G15-21, Florida Administrative Code, "Examinations"
- #3. 61G15-22, Florida Administrative Code, Continuing Education Requirements for Reactivation of Inactive License"
- #4. 61G15-23, Florida Administrative Code, "Seal, Signature and Date Shall be Affixed"
- #5. 61G15-35, Florida Administrative Code, "Responsibility Rules of Professional Engineers Offering Threshold Building Inspection Services"

Mr. Bayó reported that a Notice of Rule Development has been published on all items except #1. Before rule notice is submitted the attorney will confirm with staff that he has the latest draft. His paralegal has drafted a rules report that Mr. Bayó will utilize in the future. He will provide this report to the Board office for inclusion in Board materials for the December meeting.

In regard to Item M#1c, Mr. Bayó noted that Mr. Hooshang Shoaei, who requested a formal hearing in response to allegations he was found with a

page of engineering notes during the last examination, has an engineering technology degree. He has previously requested a formal hearing but Mr. Bayó worked out a settlement agreement with Mr. Shoaei wherein he would not seek to take the engineer intern exam unless and until he receives an engineering degree from an accredited program in the State of Florida.

Upon a motion by Mr. Rebane and a second by Ms. Lacasa, the Board voted to accept the Stipulation. Mr. Bayó was directed to craft a Stipulation requiring Mr. Shoaei to obtain an ABET accredited engineering degree before applying again to sit for the EI or PE examination.

Mr. Rebane requested Mr. Bayó to e-mail Board members the text of a rule when the rule was noticed for adoption in the Florida Administrative Weekly. This will assist Board members in educating the public. Mr. Bayó agreed and also volunteered to submit the notices to FEMC for placement on the Board's website.

Mr. Bayó also noted there was a formal hearing held in the matter of Mr. Netupsky. A Recommended Order was issued by the Administrative Law Judge finding that Mr. Netupsky's Canadian licensure examination was not substantially equivalent to Florida's. According to Mr. Bayó, this case will provide good guidance to the Board members when evaluating future applicants from Canada.

E. Board Administrator's Report

#1. 2001 Meeting Schedule

This was approved on the consent agenda.

#2. Update on Building Code Core Course

Ms. Lowe provided an update to the Board regarding the new requirement in Section 471.0195, F.S., that effective January 1, 2000, all licensees actively participating in the design of engineering works or systems in connection with buildings, structures, or facilities and systems covered by the Florida Building Code shall take continuing education courses and submit proof to the Board. Two Board members (at least) have taken the Building Code CORE Course and have submitted proof of completion to the Board office. This was a beta version of the test and is no longer available. A "Train the Trainer" course is

currently being offered and provides training for people who would like to become instructors of the CORE Course. Those who complete the course will receive four hours of CORE credit.

Ms. Lowe reported that the CORE course is scheduled to be released by the Department of Community Affairs some time in November. However, prior to that time information on the course will be mailed to all licensees. The date of availability determines the date the course must be completed. At one point Department staff indicated this date was two years from the date of availability. Recently a one-year period of time was contemplated.

Ms. Lowe noted that FEMC is working with the Department to establish a means of transmitting information between the two computer systems so that FEMC's database can be kept up to date with course completion. This system should be in place some time in October and will permit building department personnel to determine whether engineers have completed the course when they submit plans for permitting.

#3. Update on Online Licensure Renewal

Ms. Lowe reported that FEMC is on track to offer online licensure renewal. FEMC has contracted with Bank of America to provide the financial services involved in the transactions. The system is currently being installed and tested and should be ready when notices are mailed in November.

#4. FEMC Financial Report for Fiscal Year Ending June 2000

A report was provided for informational purposes.

#5. Nominations for NCEES National Awards

The Chair requested Board members to remove applications from their Board books and to prepare to submit them at the December Board meeting. The Chair urged consideration of William Palm, P.E. and Eugene Bechamps, P.E. Staff was directed to communicate with NCEES to find out what committees these past Board members have served.

F. Chair's Report

- #1. Reappointment of FEMC Board Members Gary Kuhl, P.E. and Kamal Al-Imam, P.E.

This item was addressed in the August Board meeting.

- #2. Selection of Alternates to the FEMC Board

The Chair noted that there might not be a vacancy for some time. Dr. Anderson raised the question of whether selection as an alternate to the FEMC Board would preclude their selection to the PE Board.

Upon a motion by Mr. Rebane and a second by Dr. Anderson, the Board voted to appoint Dr. Michael Phang as the first alternate and Mr. Richard Gassett as the second alternate. Ms. Lowe was requested to correspond with the new alternates regarding their appointments.

- #3. Discussion on Board Title for FEMC President

Several alternative titles were suggested and were put to the floor for a Board vote. Mr. Bayó suggested the additional title Chief Administrator. Upon a motion by Mr. Rebane and a second by Mr. Coby the Board voted to assign the title "Administrator" to the FEMC President.

G. Executive Director's Report

- #1. Report on unlicensed activity (clarification of publication).

Ms. Deison distributed a written report on the Department's unlicensed activity cases. Dr. Miller noted that FEMC had forwarded 26 unlicensed activity cases to the Department in 2000 and 40 cases in 1999. He requested a report from Ms. Deison regarding the 1999 unlicensed activity cases. She explained when a complaint comes from FEMC she reviews the case and forwards it to the appropriate investigative region. The supervisor in that region assigns it to a specific investigator. Once the investigation is complete it is forwarded to Ms. Deison in Tallahassee. If she finds no probable cause she will close the case. If she needs further investigation she will send it back to the investigator. If she finds probable cause she files a Notice to Cease and Desist.

Dr. Miller also requested dates when a case has been closed so that the Board could determine how quickly the cases are moving through the system.

According to Ms. Deison, the balance in the unlicensed activity fund is \$425,521.00. This report will be included in the unlicensed activity report in the future. The Chair asked how much money had been spent on unlicensed activity. According to the report, \$2,676 had been expended in the twelve months ending June 30, 2000. Ms. Deison stated that at the next meeting she will provide a quarterly report and will go through the financial report line by line and explain how the fee applies to the Board's expenditures.

Ms. Deison also requested clarification regarding publicizing unlicensed activity cases in the newsletter. She questioned how much information the Board needed for the next newsletter and where they wanted the information published. It was agreed that the names of the cases should be listed on the website and should be included in the newsletter.

#2. Report on Rule Regarding Performance Standards and Measurable Outcomes.

No further work has been done on this rule other than a few minor changes by Ms. Deison. She requested that the rule be forwarded to the Legislative and Rules Committee. Ms. Deison stated that as long as the Board was working diligently toward a rule then it would be in compliance with the statute. Ms. Deison will work with Board counsel on promulgating a rule.

#3. Cash Summary Report for Fiscal Year 1999-2000

Ms. Deison provided a copy of the Department of Business and Professional Regulation's Cash Summary Statement for the Fiscal Year 1999-2000. The actual cash balance in the professional regulation trust fund is \$5,667,958. Dr. Miller asked Ms. Deison to confirm that the trust fund had been reduced by \$800,000 in the past year.

The Chair asked Ms. Deison what other Boards she worked with. According to Ms. Deison, she prosecutes for the Employee Leasing Board and the Community Association Manager Council. The Chair requested clarification of Prorated Percent. Ms. Deison explained that the General Counsel is treated as a separate office

and the percentage represented is that percentage of the amount of time billed specifically to this Board. Mr. Rebane asked if the Department costs could be retrieved through the prosecution process as the prosecutor has been instructed to recapture prosecution costs in settlements. He also requested fair warning from the Department if the Board's budget is running short. He also recommended improving the Department's format for presenting the Budget to make it more user-friendly.

#4. Annual Certification of FEMC by the Department and the Board

Ms. Deison distributed a document outlining the Department's Certification of FEMC. This certification is relative to the preceding year. The document specifies "minor issues" and "major issues". According to the Department, minor issues can apparently be resolved through different procedures whereas major issues put the FEMC contract with the Department in jeopardy.

The issues were presented as follows:

The Department states that FEMC has not provided adequate security for the transportation of examinations and overnight storage of examinations pursuant to Section 2.1.1.4 of the Contract between FEMC, the Board, and the Department.

The Department states FEMC did not inform the ED of the title given on behalf of the PE Board to the FEMC President as the FBPE Board Administrator.

The Department states that FEMC has not allowed/provided the ED to be included in the policy/official decisions of the PE Board.

Mr. Bayó commented that he agrees that exam security should be accounted for. The second issue he felt was a grammatical issue. In regard to the third issue, Mr. Bayó accepted partial responsibility. He stated he had discussed this issue with the Executive Director and had stated he will copy her on all documents that he drafts on behalf of this Board.

Mr. Bayó also stated that there are a number of rules being developed that are currently in different stages of the process. He requested the opportunity to meet with the Board's Executive Director to bring all rules up to date.

Mr. Springstead addressed the Major Issues.

The FEMC Board has expressed a desire to comply with this request of the Department. The FEMC President has been instructed to contract with Loomis-Fargo for the sum of approximately \$10,000 for the transport of the tests to the examination sites for the October examination. FEMC is also exploring several options for future examinations.

In regard to the title issue, the Board Chair stated he gave the title Board Administrator to the FEMC President. He felt that this title would illustrate her duties to the Board of Professional Engineers. The title originates from NCEES as that is the designation given to all their Member Board Administrators. Because of its tie to the PE Board, Mr. Springstead requested Ms. Lowe to place this title on the Board stationery. This would enable the general public to understand who to speak with when they call the Board office with questions.

The Chair entertained a motion from the Board to approve or change the title given to the FEMC President.

Secretary Binkley-Seyer addressed the Board. She acknowledged that the title was well-thought. However, the Secretary stated that this title was misleading to the public in that it confuses the relationship between the vendor (FEMC), the Department, and the Board. Had the stationery been submitted to the Executive Director in advance, this confusion would have been avoided. She stated that this Board was not similar to other state Boards due to the relationship of the Florida Engineers Management Corporation with the Department. She views this as a contractual matter. FEMC, as a vendor of the Department, is responsible to answer the Department in regard to the contract. The Department is responsible to answer any concerns of the Board. She stated that the communication should be from the Board to the Department and from the Department to FEMC. She recognizes the Board's concern of the past history where the Department did not meet the Board's concerns.

Mr. Springstead asked for a suggestion from the Department relative to a Board title for the FEMC President. There are 27,000 engineers who might want to call the Board office with a question. They need to understand who they should call.

Mr. Springstead recognized Mr. David Whitston. Mr. Whitston noted that prior to the institution of FEMC the Board had a Member Board Administrator and an Executive Director. The functions of those offices have not changed so he questions why the titles should change.

According to the Secretary, the word Board of the title Board Administrator is the problem. Mr. Bayó recommended that the title reflect the function of the position.

Mr. Coby requested to be recognized. He stated that the FEMC President has always been a confusing title to him in that there is both a FEMC Chair and a FEMC President and he considers them nearly synonymous. He also noted that many of the daily activities of the Board are brought about through FEMC and he does not see how the Board's concerns can be met by funneling all those through the Executive Director.

The Secretary stated that all issues need to be taken directly to the Executive Director who will convey this to the Board. She states she is trying to ensure that FEMC is complying with the contract. She also noted that if the Board is not satisfied with the Executive Director's performance it can request that a different person be instituted.

Mr. Coby requested clarification on the Department's expectation of the Board. The Secretary stated that it would be better for the Executive Director to have an office in the FEMC headquarters. Mr. Springstead noted that the March 2000 agreement that was drafted with the Department and the Board clearly states that the Executive Director would operate out of the Department and would not be housed in the FEMC headquarters. This avoids confusion among FEMC staff regarding supervisory issues.

Mr. Springstead also relayed that he had asked the FEMC General Counsel to research whether there were any legal constraints on assigning a Board title to the FEMC President. Other than the title Executive Director, he has been notified that the Board has the authority to assign any title to the FEMC President.

Mr. Bayó requested clarification between Board policy versus day to day operating procedures. According to Mr. Bayó, the Board should not engage in rulemaking and should not take any new direction without input of the Executive Director. He suggested

that the best method of achieving that would be to keep communications open. He questioned how channeling all questions to the Executive Director could achieve efficiency and he requested clarification on which communications could go directly to FEMC and which issues should go instead to the Executive Director.

Mr. Rebane addressed the Board and expressed understanding of the police powers issue. He did question why the Board should not be able to assign a Board title to the FEMC President. He stated he felt there should be a direct pipeline to FEMC in regard to the voluminous load of paperwork that is associated with administering this Board. He commended the Chair's selection of title for the FEMC President.

The Secretary questioned this Board's position on examination security and stated that this Board's direction put FEMC in jeopardy of violating their contract. Mr. Springstead clarified the Board's position and stated that the Board had reviewed the new statute and had taken immediate steps to promulgate the necessary rule but that the Board had not promulgated an emergency rule because of the previous successful transportation and administration of the examination. He felt that FEMC should take its direction from the Board. Mr. Bayó emphasized the significance of the exam security issue and stated this is not an area in which cost savings should be the major consideration.

The Chair noted that FEMC was complying with NCEES guidelines for administering the examinations and added that this examination is administered simultaneously nationally.

He stated that Item 1 has been acknowledged and resolved. He also instructed Mr. Bayó to immediately resume working on a rule relative to examination security.

In regard to Item 2, the Chair requested input from the Board. Mr. Coby asked for clarification as to how this process would work. The Secretary suggested the title "Service Administrator." She emphasized that it was the Board that needed to initiate communication with the Executive Director. The Secretary also suggested "Chief Operating Officer." Mr. Rebane expressed his opinion that it would not be in violation of the contract to give the title with the word "Board" included.

The Secretary noted that the Board's stationery was misleading in that it appeared that Ms. Deison was the ED of the Department.

Mr. Gassett addressed the Board and echoed his support of the comments provided by Mr. Bayó.

Dr. Anderson recommended against signing number three in that the Executive Director has been present at all Board meetings and if she has not participated then that has been by her choice. Ms. Deison noted that a Press Release in regard to Product Approval was distributed without her input. The letterhead was a second issue as well as the FBPE title for the FEMC President. Dr. Anderson remarked that he was offended that this Certification would make a false representation to the Governor's office that the Board was taking official action without the Executive Director. Dr. Anderson suggested that some alternative wording be placed in the Certification. The wording "policy/official decisions" will be changed to "executive decisions".

Ms. Lacasa stated she felt it was important to make it clear that there is a person who represents the Board who the general public and licensees could call. She stated that most of her fellow licensees did not know that FEMC even existed.

In regard to Item 2, Mr. Bayó recommended that based on the Board's action earlier today to change the FEMC President's title to Administrator and because this was not a full Board action but rather direction from the Chair without input from FEMC, this clause be removed. He suggested that if the Board did not agree with the Certification that Mr. Springstead sign it and put a disclaimer by his signature. The Chair expressed dissatisfaction with the short period of time given the Board to review this Certification. He noted that the FEMC Board lost two devoted Board members due to the Department's failure to provide a draft contract until the last minute so that the Board was unable to adequately address them. If this document is intended to be a certification between the Board and the Department, it must be distinguished from an Audit being performed by the Department. If it is a joint certification, then both parties must agree on its content.

Ms. Lowe spoke to the Minor Issues concerning the Probable Cause Agenda and the Legally Insufficient closure. She expressed her disappointment that two issues she thought were resolved were brought before the Board in the form of a Certification. These two instances had been brought to the Executive Director's attention when they occurred with the assurance that it would not happen again.

The Chair accepted responsibility for the third minor issue regarding approval of the FBPE letterhead.

The Chair spoke in regard to the fourth issue which states that because FEMC returned \$606,888.98 to the Department at the close of fiscal year 1999-2000, it should reduce its budget for the fiscal year 2001-2002. The Chair noted that Florida is a large state with large numbers of engineers moving to Florida. Additional exam security will be a significant cost. FEMC is in need of additional office space. The Board is in the process of implementing a mandatory continuing education program. This will require significant start-up costs and a significant increase in costs in the coming year. He also noted that the Board is in a renewal year. Mr. Bayó noted that a certification such as this one discourages agencies from being fiscally responsible in that they are punished for returning money. He also noted that this Board had reduced renewal fees to its licensees which will further reduce revenue. In addition, there is a Special Inspector program to be instituted.

Mr. Rebane moved to authorize the Chair to sign the Certification upon deletion of the Major and Minor Issues for the reasons discussed. This document should be signed, with major and minor issues deleted, with a copy of the minutes attached. Dr. Miller seconded. Mr. Coby spoke in support of giving the Chair the authority to sign on behalf of the Board once the document has been revised to his satisfaction. He asked Board counsel to re-write the Certification. Mr. Rebane withdrew his motion in light of the previous discussion. The second was withdrawn as well. Mr. Coby moved that the Board authorize the Chairman to execute a revised Certification between the Department and the Board based on a Certification that the Chair feels accurately represents the feeling of the Board and the state of the contract. Mr. Bayó also noted that the revision could re-classify the title of the FEMC president and the letterhead issue as minor issues. Mr. Rebane seconded the motion.

The Chair stated he is displeased that the Certification has a negative connotation, that it should be clear that these issues are the Department's issues, and that FEMC has been operating in the manner requested by the Board during the past twelve months.

Mr. Gassett echoed the Chair's statement that this document is a negative representation of something that has worked well.

The Chair and Board counsel will work with the Department to develop language acceptable to this Board.

The Board voted unanimously in favor of the motion.

#5. Report on the Department's 2001 Legislative Package

Ms. Deison presented the Department's legislative package relative to Chapter 471, Florida Statutes. The first change is to 471.015, eliminating the words "or foreign national" from 471.015(3)(a), F.S. The second change amends the language of Section 471.025(1), F.S., to permit the Board to adopt rules regarding approved seals. This language has been forwarded to the Governor's office and she will keep the Board informed of the progress.

#6. Public Service Announcement Presentation

Ms. Deison collected information from various Boards. Some will be purchasing airtime on radio and television. All ads must be let for bids for the television spots and public service announcements. She has spoken with a representative from Tallahassee who recommended the Board adopt two to three radio spots costing somewhere between \$50-75,000. This would not include network television time. Television time would add approximately another \$50,000. In addition, some Boards have developed brochures speaking to unlicensed activity. Five thousand brochures would cost between \$1-2,000. The Accountancy Board has used billboards and spends approximately \$150,000 per year. A professional association has developed the media spots and then donated them to the engineering board. The Board is then responsible for purchasing time on the media. The Chair noted that the Board has approximately \$500,000 in its unlicensed activity account and charged the members to think about this issue and have suggestions ready for the December meeting.

H. Correspondence to the Board

#1. Correspondence from Michael Monahan regarding Naval Architecture / Marine Engineering.

Mr. Monahan appeared and addressed the Board. He reported that naval architecture includes design specification on all types of ships, offshore structures, and pleasure vessels. Florida has cruise vessels that operate out of ports in Miami and Ft. Lauderdale. These ships represent tens of billions worth of assets. The difficulty with naval architecture is that the ships are regulated by the Federal government and the states have left the people who design ships out of their plans because they lack jurisdiction. Other countries have a chartered engineer system that does include marine engineers and naval architects. Only a few states have licensed naval architects or marine engineers. The term was previously ship design engineers. That term has been changed to naval architect/marine engineer. Offshore engineering would include drilling, platforms and other ocean structures that the state may have jurisdiction over. Their profession has typically done the design specification over that type of structure. Tankers come into port in Jacksonville and Tampa. This is under Federal jurisdiction but much of the designing is completed in Florida. All of the non-combat naval vessels fall within their practice. South Florida boasts yachts. Some are registered in the U.S. some are foreign. Florida Atlantic University and Florida Institute of Technology offer ocean engineering programs. Approximately 300-500 engineers work in this state. Mr. Bayó noted that he has previously responded to Mr. Monahan's questions. Mr. Monahan questioned how his colleagues would be brought into the fold of the engineering Board. Some of the questions posed would require a statute change and are unable to be addressed by the Board. Mr. Monahan's first question "can an unregistered NA/ME use either or both of these terms on correspondence, business cards, etc. in the State of Florida? Yes, the term engineer is not a protected term in the state of Florida. NCEES has changed the name of the exam from ship design to naval architecture/marine engineering. Ms. Lowe was directed to research this title change and to forward the information to Mr. Bayó for housekeeping rule change. His second question was whether there will be a grace period for seeking registration? Mr. Bayó said no. His third question was whether long-term practitioners could be grandfathered into the profession? According to Mr. Bayó they can not. The State of

Washington has been licensing ship design engineers since 1940 so this Board could recognize the 25/30 rule. This rule provides for the licensing of engineers who have been licensed in another state for 25 years or more and can show 30 years continuous active engineering experience. Mr. Monahan notes that the test given by NCEES is so broad that it would be difficult for an engineer who is so specialized to pass.

Mr. Rebane urged Mr. Monahan to increase the numbers in his profession and to strive to make the designation Marine Engineer / Naval Architect a protected term. Mr. Monahan stated his colleagues were trying to ensure that they were not breaching the Board's rules. Dr. Anderson asked who monitors the progress or reviews the plans of a marine engineer's work. According to Mr. Monahan, his organization, the American Bureau of Shipping, will certify to the validity of the plans and the person contracting with the engineer can contact this organization to ensure that the plans are good. The Coast Guard will accept structural plans sealed by a registered P.E. or stamped by the American Bureau of Shipping. This would apply to any U.S. vessel over 100 gross tons in commercial service, not a fishing or pleasure vessel. If the person does not want to go through his organization they can get a registered P.E. to seal the plans instead. The fourth question was whether the Board has any enforcement plans with respect to this discipline. According to Mr. Bayó, this area falls under the industrial exemption and will not be pursued by this Board. Mr. Bayó noted that the Department handles unlicensed activity cases but that the Department recognizes that this term is not a protected term. Mr. Monahan asked Ms. Deison what her response would be if someone filed a complaint against a marine engineer for use of that term. The Chair thanked Mr. Monahan for appearing before the Board.

#2. Correspondence from David Romano, P.E. regarding Testing Lab Supervision

Mr. Romano wrote to Dr. Bondada with the question of whether he, as a private consultant, can certify test results that were completed in the laboratory or does he have to be employed by that company? Mr. Bayó explained that if he is in responsible charge then he can certify the test. He does not have to be employed but can be a consultant. If he signs and seals without being in responsible charge then he would be subject to the Board's disciplinary procedures. Mr. Bayó volunteered to discuss the issue

with him personally. Mr. Bayó also noted that if the certification is on the company's letterhead, then the company is offering engineering services and should be registered with the Board. The certification should be issued on the engineer's letterhead. Otherwise, if he signs a certification on the company's letterhead, then he is practicing through the company and the company needs a Certificate of Authorization.

I. Old Business

- #1. Development of an Agenda for the first Product Approval Committee Meeting.

Mr. Rebane reported that the proposed Agenda will be to review the rulemaking process and the structural responsibility rules, then hear statements from each committee member regarding their interest, to develop a list of points to be covered by rule, and to develop a recommendation to Florida building codes and standards. This rule recommendation will be forwarded to Board counsel and to the full Board for review and approval.

- #2. Letter Regarding the Board's Fire Protection Rules and Laws.

Mr. Bayó will draft this letter.

- #3. Development of a Rule regarding the Measurement of Performance Standards and Measurable Outcomes.

A proposed rule will be presented to the Legislative and Rules Committee. Mr. Coby stressed the importance of careful consideration of appropriate standards.

- #4. Correspondence to Mr. Jeffrey Buckholz regarding use of the term "Project Engineer."

Mr. Bayó will confirm that he has corresponded with Mr. Buckholz.

- #5. Correspondence to Mr. Don Johnson regarding the Board's Special Inspector Rule.

Staff will forward Mr. Johnson's correspondence to Mr. Bayó for completion.

- #6. Correspondence to Rob Elliott, P.E. Regarding the Board's Position Relative to the Department of Transportation's QC 2000 Program.

This has been completed.

- #7. Correspondence to Mr. Daniel Starbuck regarding Battery Calculations for Fire Alarm Systems

Mr. Bayó will utilize the memo from Mr. Rebane to correspond with Mr. Starbuck.

- #8. Presentation of Proposals for an Online Laws and Rules Course to the Mandatory Continuing Education Committee.

This item has been completed.

- #9. Examination of all FBPE applications to ensure they accommodate candidates with Special Needs.

These forms will be revised for candidates for the April examination. Staff was directed to review the Board of Land Surveyors and Mappers application.

- #10. Correspondence to Mr. James Polk, P.E. regarding his White Paper.

That letter was sent to Mr. Polk by the Chair.

- #11. Update of Board's Website with information regarding new FEMC Board Members.

This item has been completed.

- #12. Development of Procedures to expedite Model Law Engineer Applications for Endorsement.

This process has been implemented. Staff will review the applications. The FEMC President and the Board's Executive Director will review and approve the applications. If they meet Florida's criteria, they will be issued a license and a list will be placed on the Board's next Consent Agenda.

- #13. Development of a proposed program to combat unlicensed activity.

This was completed and a subsequent presentation will be made at the December meeting.

- #14. Distribution of NCEES Posters Promoting Licensure and Registration.

Posters were distributed to schools by NCEES thereby accomplishing this task. Dr. Miller suggests that the posters be added to the Board's display.

J. New Business

Ms. Deison relayed that the Secretary of the Department had ordered FEMC to turn over all of its existing letterhead. After some discussion, it was also agreed that in the alternative, FEMC will remove the word "Board" from Ms. Lowe's Board Administrator title. FEMC will also move Ms. Deison's name to the left-hand side of the stationery.

Mr. Rebane suggested Board members contribute their two \$50.00 honorariums for this Board meeting to use in planning a Christmas party for staff and Board members.

Mr. Springstead appointed Dr. Anderson to Chair the Nominating Committee along with Mr. Coby and Ms. Lacasa, the purpose of which is to formulate a recommended slate of Board officers for the year 2001.

K. Public Forum

Part II Informal Hearing Agenda

L. Informal Hearings on Denial to Take Examinations

#1. Engineer Intern Examination

a. Heather Renee Schmidt

Ms. Schmidt graduated from an institution that was not accredited upon her graduation. Penn State has, since May 2000, received its accreditation. Upon a motion by Dr. Miller and a second by Dr. Anderson, the Board voted to grant her application.

#2. Engineer Intern Foreign Degree

a. Alexander Iodanov

This applicant requested a continuance and his request was granted.

b. Varooj Hamarchian

The applicant was not present and has been granted three continuances. He is deficient seven hours of higher math, seven hours basic sciences, 12 hours basic design, and 12 hours engineering design. He has not demonstrated competency in English or computer skills. Upon a motion by Dr. Miller, and a second by Dr. Anderson, the Board voted to uphold the denial.

#3. Conditional Approval

a. Sonia Maza

The applicant was not present. She withdrew her request for a hearing and has indicated her acceptance of the conditions imposed by the Application Review Committee. She was deficient four hours humanities and social sciences. She will be required to take these hours prior to taking the Principles and Practice Examination. Mr. Bayó

read the request for withdrawal and noted that a Final Order would not be needed.

b. Manouchehr Raafati

The applicant was not present. He was deficient eight hours in higher math, eight hours in engineering design, and two hours in humanities and social sciences. All deficiencies with the exception of the higher math were cleared with a re-evaluation. He has since been administered an examination in math and has been accepted into the doctoral program at FIU. Steve Hudson, Ph.D. wrote the Board on Mr. Raafati's behalf, stating he demonstrates math skills in both linear algebra and differential equations. It was the consensus of the Board that the candidate still needed to complete the eight hours of higher math. Upon a motion by Dr. Anderson and a second by Dr. Miller, the Board voted to uphold the denial.

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

#1. Principles and Practice Examination

a. Khosrow Gandjei

The applicant was present and addressed the Board. He has a Bachelor of Science degree in engineering technology. He was admitted to the Engineer Intern examination in error but passed the examination. He requests consideration by the Board of his degree in that he was enrolled in a community college taking prerequisites for the engineering technology program prior to July 1, 1979. Section 471.013, F.S., states in part that a person is entitled to take an examination if the person is of good moral character and is a graduate of an approved engineering technology curriculum and was enrolled or graduated prior to July 1, 1979. Upon a motion by Mr. Rebane and a second by Dr. Anderson, the Board voted to uphold the denial. The Board advised the applicant to seek a bachelors or masters degree in engineering from an ABET accredited institution.

b. Matthew Hermanson

The applicant was present and addressed the Board. He has been found to be deficient by six months of experience. Mr. Hermanson is requesting consideration of experience prior to graduation. This experience was predominantly of a surveying nature. He worked with the State of Michigan DOT for approximately 18 months where he took topographical surveys of Michigan highways. Dr. Anderson moved to grant credit for six months of the co-op experience credit prior to graduation. Mr. Rebane seconded. The motion passed.

c. Winston Lucky

The applicant was not present. He has failed the examination five times and does not evidence completion of 12 college-credit hours. Mr. Lucky is requesting consideration of the circumstances surrounding his fifth failure. Upon a motion by Dr. Anderson and a second by Dr. Miller, the Board voted to uphold the denial. Dr. Anderson volunteered to review proposed credit hours for Mr. Lucky before he enrolls if Mr. Lucky would like assistance. The motion passed.

N. Informal Hearings on Licensure by Endorsement

#1. Denial of Application

a. Randall Lamar Reynolds

The applicant was present and addressed the Board. He was licensed in Georgia in 1985 after taking the Principles and Practice examination. His application was denied because he evidences an engineering technology degree but can not demonstrate enrollment prior to July 1, 1979. However, in accordance with Section 471.013(1)(a)(3), F.S., the Board can also recognize ten years of experience as a means of qualifying for the examination. Upon a motion by Mr. Rebane and a second by Mr. Coby, the Board voted to uphold the denial.

b. Gary A. Yocum

The applicant was not present. He has an engineering degree from Louisville, that did not have an accredited undergraduate program. However, their masters program is accredited. There is a deficiency in engineering design courses in the applicant's senior year. Dr. Anderson moved to uphold the denial. Ms. Lacasa seconded. The motion passed.

#2. Conditional Approval of Application

a. Randy D. Lasure

Mr. Lasure's license went null and void when he failed to keep his address updated. He applied for licensure by endorsement and was granted conditional approval subject to payment of a fine and completion of a course in engineering professionalism and ethics. This has been the condition with other applicants who have practiced engineering during the time their license was null and void. However, Mr. Lasure was working in industry during the time his license was in null and void status and is requesting the Board to waive the fine and course in consideration of his position that he did not practice engineering inappropriately. According to Mr. Bayó, he was practicing in an exempt setting and was not required to be licensed. Mr. Bayó recommended the Board grant Mr. Lasure's request for licensure without the previously imposed conditions as he has never had occasion to seal documents and does not own a seal. Upon a motion by Ms. Lacasa and a second by Mr. Rebane, the Board voted to grant Mr. Lasure licensure without conditions.

Part III
Exam Challenges and
Disciplinary Hearings

O. Disciplinary Proceedings

#1. Settlement Stipulation

- a. Robert W. Case, P.E.
PE 51884
Represented by William G. Christopher, Esquire
FEMC Case Number 00-0026
Probable Cause Panel: Coby, Rebane, Seckinger

Mr. Case was present and was represented by Mr. Christopher. Mr. Case was charged with signing and sealing plans not prepared by him or under his responsible supervision, negligence for deficiencies in engineering drawings and calculations, and offering engineering services through a corporation that had not been issued a Certificate of Authorization. He entered into a Stipulation with FEMC for a Reprimand, a \$2,000 administrative fine, a 1-year probation with completion of a course in Professionalism and Ethics, and an appearance before the Board. Mr. Case presented an Affidavit with mitigating evidence. He has since obtained a Certificate of Authorization. Upon a motion by Ms. Lacasa and a second by Dr. Anderson, the Board voted to approve the Settlement.

- b. John B. Benson, III, P.E.
PE 20638
FEMC Case Number 99-00131
Probable Cause Panel: Coby, Rebane, Seckinger

Mr. Benson was present and was not represented by counsel. Mr. Benson was charged with one count of negligence and one count of misconduct. He has entered into a Stipulation with FEMC for a Reprimand, a \$1,500 administrative fine, permanent prohibition from practicing electrical engineering, a one-year probation with completion of a course in engineering professionalism and ethics, completion of the Board's Study Guide, and an

appearance before the Board. Upon a motion by Dr. Bondada and a second by Dr. Miller, the Board voted to accept the Stipulation.

- c. Robert J. Hudek, P.E.
PE 14207
Represented by Steven J. Cohen, Esquire
FEMC Case Number 99-00165
Probable Cause Panel: Coby, Rebane, Seckinger

Mr. Hudek was not present. He was charged with negligence in the performance of an electrical inspection. He has petitioned the Board to accept relinquishment of his license. Upon a motion by Dr. Miller and a second by Ms. Lacasa, the Board voted to grant the petition. The Board requested staff to retain a copy of this document in his permanent licensure file.

- d. Walter P. Medley, P.E.
PE 46861
FEMC Case Number 00-0028
Probable Cause Panel: Coby, Rebane, Seckinger

Mr. Medley was present and addressed the Board. Mr. Medley was charged with violating a Final Order previously entered by the Board. This case arose out of a previous complaint that was filed as a result of a Final Order violation. This is the third time he has been charged with violating a Final Order. He has entered into a Stipulation with FEMC for suspension of his license until all terms of the previous Final Orders have been satisfied. The Board was concerned with a lack of a deterrent in the Stipulation as presented. Ms. Lacasa moved to reject the Stipulation. Dr. Miller seconded. The motion passed. Upon a motion by Dr. Anderson and a second by Dr. Miller, the Board voted to extend a counter offer to Mr. Medley. The counter-offer included a suspension until such time as he fulfills the terms of the prior Final Order and appears before the Board to request reinstatement at which time the Board can impose conditions it deems appropriate. In addition, an additional \$500 administrative cost would be imposed. Mr. Medley accepted the terms of the counterstipulation.

- e. Kishore Tolia, P.E.
PE 18092
N. Wesley Strickland, Esquire
FEMC Case Number 99-00145
Probable Cause Panel: Coby, Rebane, Seckinger

Mr. Tolia was present and was represented by N. Wes Strickland, Esquire. Mr. Tolia was charged with one count of negligence due to deficiencies in structural engineering plans. He has entered into a Stipulation with FEMC for a Reprimand, a \$1,000 administrative fine, a two-year probation requiring annual submission of a list of projects, completion of a Board-approved course in Professionalism and Ethics, completion of the Board's Study Guide and an appearance before the Board. Upon a motion by Dr. Anderson and a second by Dr. Miller, the Board voted to accept the Stipulation.

- f. Stephen R. Weaver, P.E.
PE 37389
Represented by G. Stephen Manning, Esquire
FEMC Case Number 00-0034
Probable Cause Panel: Coby, Rebane, Seckinger

Mr. Weaver was present but was not represented by counsel. He was charged with becoming involved in a conflict of interest with his employer. He has entered into a Stipulation with FEMC for a Reprimand, a \$1,000 administrative fine, a two-year probation with completion of a course in engineering professionalism and ethics, and an appearance before the Board. Upon a motion by Ms. Lacasa and a second by Dr. Bondada, the Board voted to adopt the Stipulation as presented.

#2. Recommended Orders

- a. Charles C. Stokes, P.E.
PE 29985
FEMC Case Number 98-A0130
Probable Cause Panel: Coby, Martinez, Springstead

Mr. Stokes was present and was not represented by counsel. Mr. Stokes was previously charged with two counts of misconduct and four counts of negligence in the practice of engineering. He requested a formal hearing which was conducted March 23-24, 2000. The Administrative Law Judge found the Respondent guilty of two counts of misconduct as charged and one count of negligence in regard to deficiencies in the column and beam system on the second floor. The Judge's penalty recommendation was revocation of the Respondent's license to practice engineering. Mr. Stokes filed Exceptions to the Recommended Order that were discussed with the Board. Each exception to the Judge's Findings of Fact was responded to by the Board's Prosecuting Attorney. Upon a motion by Mr. Rebane and a second by Dr. Anderson, the Board voted unanimously to reject the Exceptions filed by the Respondent. Upon a motion by Dr. Miller and a second by Mr. Rebane, the Board voted unanimously to adopt the Judge's Findings of Fact and Conclusions of Law. Mr. Rebane moved to accept the Judge's recommendation. The motion died for lack of a second. Dr. Anderson moved to reject the Judge's recommendation and instead impose a fine of \$6,000, one-year suspension with payment of the fine and demonstration to the Board of his ability to practice as a condition of the lifting of the suspension, followed by 2 year probation, P&E course, review of plans each year of probation to be performed at Mr. Stokes' expense. The motion was seconded by Dr. Miller and passed unanimously.

#3. Update on Counterstipulation Offered to Ralph Hansen, P.E.

Mr. Sunshine notified the Board that Mr. Hansen had accepted the counteroffer made by the Board at the August 2000 meeting.

P. Review of Special Inspector Applications Submitted to the Board with Recommendations of Approval

#1. Manuel Ortega, P.E.

Approved by Consent Agenda.

#2. Michael W. Springstead, P.E.

Approved by Consent Agenda.

#3. Mark Alan Thompson, P.E.

Approved by Consent Agenda.

The Application Review Committee will be meeting on November 15th and the morning of November 16th at 10:00 a.m. The Mandatory Continuing Education Committee will meet again on November 15th from 3:00 p.m. to 5:00 p.m. The Probable Cause Panel will meet on the 16th in Tallahassee. The next meeting of the full Board will be by Conference Call on November 22, 2000 at 2:00 p.m. The Nominating Committee will meet from 2:00 to 3:00 p.m. on November 15th.

The Application Review Committee will meet again at the Board office in Tallahassee on Monday, December 4th beginning at 10:30 a.m. The Florida Board of Professional Engineers will meet on Tuesday, December 5th beginning at 8:30 a.m. and Wednesday, December 6th, beginning at 8:30 a.m. at the Radisson Hotel.

Upon a motion by Dr. Miller and a second by Mr. Coby, the Board voted to adjourn.



FLORIDA BOARD OF PROFESSIONAL ENGINEERS

JEB BUSH, GOVERNOR

KIM BINKLEY-SEYER, SECRETARY
DEPARTMENT OF BUSINESS
AND PROFESSIONAL REGULATION

R. Gerry Miller, Ph.D., P.E.
CHAIR
(MECHANICAL)
11/1/97-10/31/05

Robert Matthews, P.E.
VICE CHAIR
(CIVIL)
11/29/99-10/31/03

Murthy V. Bondada, Ph.D., P.E.
(CIVIL)
11/29/99-10/31/03

Jorge R. Duyos, P.E.
(EDUCATOR)
2/11/02-10/31/05

Silvia Vilato Lacasa, P.E.
(ELECTRICAL)
11/29/99-10/31/03

Henn Rebane, P.E.
(ELECTRICAL)
11/29/99-10/31/03

Paul Tomasino, P.E.
(CIVIL)
2/11/02-10/31/05

Gloria Velazquez, Esquire
(PUBLIC)
11/29/99-10/31/02

John Johnson
EXECUTIVE DIRECTOR

Natalie Lowe
ADMINISTRATOR

Minutes

**Florida Board of Professional Engineers
Wednesday, June 19th, 2002
and Thursday, June 20th, 2002
Beginning at 8:30 a.m.
Ft. Lauderdale, Florida**

Part I General Business Agenda

A. Meeting Administration

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

Board members present:

R. Gerry Miller, Ph.D., P.E., Chair
Robert Matthews, P.E., Vice Chair
Murthy V. Bondada, Ph.D., P.E.
Jorge R. Duyos, P.E.
Silvia Lacasa, P.E.
Henn Rebane, P.E.
Paul Tomasino, P.E.
Gloria Velazquez, Esq., Public Member

Also present:

David Minacci, Esq., Executive Director
Natalie Lowe, Administrator
Carrie Flynn, Asst. Administrator
Douglas Sunshine, Prosecuting Attorney
Jeannie Carlton, CE Coordinator
Paul Martin, Esq., Board Counsel

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

Stephan Nix, Ph.D., Chair, Civil Engineering Department, FAU
Frank Rudd, Executive Director, FES
Josef Silny, JSA
Eugene Bechamps, P.E., FEMC Board Member
Mr. Elmer Emrich

Mr. Bechamps introduced Mr. Elmer Emerich to the Board and explained that Mr. Emerich had been the FBPE's first investigator. Mr. Emerich greeted the Board members and told them he had begun working for the FBPE in the 1960s. He served the Board as an investigator for five years until it merged with the Department of Professional Regulation. He had then worked for the Board of Bar Examiners as an investigator until eight or nine years ago, when he took a position with the Department of Community Affairs as an investigator. He reported that he and an investigator from the Texas state board had written the first NCEES manual on investigations. He stated he is 93 years old and has worked for the DCA until three weeks ago when he decided to retire. Mr. Emerich stated he was proud of having served the profession and gratified to see that the enforcement program had remained strong. Dr. Miller thanked Mr. Emerich very much for attending the meeting and introducing himself.

#3. Approval of the Agenda

Ms. Lacasa moved to approve the Agenda. Mr. Rebane seconded the motion.

Dr. Miller requested that Item F#2 be added as a discussion on the renewal fee for the next biennium.

The Board voted to approve the Agenda as amended.

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

Mr. Rebane moved to approve the Consent Agenda. Mr. Matthews seconded the motion. Dr. Miller asked that Item B#2a be removed. The Board voted to approve the Consent Agenda as modified.

#5. Review and Approval of previous Board meeting minutes

- a. April 23-24, 2002 Meeting*
- b. May 13, 2002 Meeting by Conference Call*
- c. May 29, 2002 Meeting by Conference Call*

These three items were approved on the Consent Agenda.

B. Committee Reports

#1. Applications Committee
(R. Gerry Miller, Ph.D., P.E., Chair; Murthy V. Bondada, Ph.D., P.E.; Jorge Duyos, P.E.; Silvia Vilato Lacasa, P.E.; Henn Rebane, P.E.; Paul Tomasino, P.E.; Gloria Velazquez, Esq.)

- a. Report on the Meeting of May 22, 2002*
(Minutes from Meeting were Approved in May 29, 2002 Conf. Call)

This item was approved on the Consent Agenda.

#2. Educational Advisory Committee
(Jorge Duyos, P.E., Chair; Murthy V. Bondada, Ph.D., P.E., R. Gerry Miller, Ph.D., P.E.; Melvin Anderson, Ph.D., P.E. (Consultant))

- a. Report on the Meeting of May 22, 2002
(Lists of applicants were approved in May 29, 2002 Conf. Call)

The minutes from the meeting had been distributed prior to the meeting. Upon a motion by Ms. Lacasa and a second by Mr. Rebane, the Board voted to approve the minutes as drafted.

- b. Scheduled Appearance by Stephan Nix, Ph.D. regarding ABET Accreditation and the Fundamentals Examination

Dr. Nix appeared introduced himself to the Board members and explained that he was there to educate the Board about FAU's civil engineering program and to ask the Board for assistance. He explained that the program is not yet ABET-accredited and appealed to the Board on behalf of the first group of students to graduate from the new program. Because the program is not yet ABET-accredited, those students would not be permitted to sit for the Fundamentals of Engineering Examination.

Dr. Nix provided documentation illustrating the makeup and curriculum of the civil engineering program. There is a Bachelors program that was begun July 1, 2001 and a Masters program that was begun twelve years ago.

Dr. Nix noted that Embry Riddle students had been in the same situation some years ago and stated that those students had been permitted to sit for the examination but had their exam results held until the program received its accreditation. When the program became accredited, the Board certified their examination results. He asked the Board to consider taking the same action here and stated he believes his program would receive its

accreditation in July 2004.

Dr. Miller noted that if the school received its accreditation in 2004, the Board would approve students who had graduated a year prior to that accreditation date. Mr. Rebane also noted that it was ABET's accreditation policy that students who graduated in the year prior to accreditation could be deemed to have graduated from an accredited program.

Mr. Martin recommended that the Board allow the program to progress towards accreditation. Should the program achieve accreditation, then the Board could research whether ABET would apply the accreditation retroactively to students who had graduated in 2002 and 2003.

Mr. Rebane moved to table any Board action on this item until the next Board meeting and requested that the issue be assigned to the Educational Advisory Committee for research with ABET into how the Board's actions could affect the candidates. It was agreed that this item would be agendaed for the August meeting. There was no second required and the matter was tabled.

c. Transcript Evaluations and History of Rule Change.

Dr. Miller asked Mr. Martin to summarize the issue before the Board. Mr. Martin noted that Ms. Lowe had prepared a timeline for the Board members and stated that the effective date of the rule amendment, adding Josef Silny and Associates to the list of those approved services, would be June 30 or July 1. Mr. Silny had requested approval from the Board to complete evaluations after the date of adoption. Mr. Martin stated that the Board had the flexibility to treat evaluations dated after June 10th as acceptable.

Dr. Bondada stated he felt like candidates who had obtained evaluations prior to January 6th but who had filed applications after that date were being penalized. He asked if the Board had some method of reversing that decision so that those evaluations could be accepted.

Mr. Matthews stated that he had noticed a double standard applied to licensure in the State of Florida. The level of evaluation of engineering programs by ABET is very extensive. On the other hand, applicants who received foreign degrees were permitted to have their transcripts evaluated without that same level of scrutiny as was applied to ABET-accredited programs. He stated that the Board's actions with regard to evaluation services had been aimed at narrowing the gap between foreign degree evaluations and applicants who were educated in the United States.

Mr. Duyos urged Board members to focus on the primary issue before the Board of whether evaluations conducted prior to January 6th by companies other than ECEI would be accepted. He stated that applicants who went to evaluation services prior to January 6th would have had no way of knowing that the rule was going to change. He also noted that there is no rule prohibiting evaluations that are as much as several years old.

Ms. Velazquez assured Board members it was not her intention to lessen the standards applied in evaluating licensure applications. Rather her question had been focusing on the notice provided to applicants of the impending rule change. She expressed concern that applicants who had called the Board office were not being told that ECEI would soon be the only acceptable service.

Ms. Lowe gave specific examples of the conversations that had taken place during the February 2002 Board meeting in order to illustrate how the confusion had occurred. Staff had interpreted the Board members' discussion to mean that any transcript evaluation dated prior to January 6, 2002 would be acceptable. It was Mr. Martin's position, however, that any application filed after January 6th would have to contain an evaluation from an approved service.

Ms. Velazquez moved to approve those applications that were denied based on having an evaluation performed by a service other than ECEI as long as the evaluation was performed prior to January 6, 2002. Mr. Duyos seconded the motion.

Mr. Duyos asked to be permitted to make a friendly amendment to accept all applications with an evaluation performed prior to January 6th even if the application was approved after January 6th. Ms. Velazquez accepted the friendly amendment. Mr. Matthews confirmed that the motion to accept evaluations would include applications that had already been denied as well as pending applications.

Dr. Bondada asked to amend the motion to remove an effective date and to open up the evaluation approval to all services. Ms. Velazquez would not accept the amendment.

Mr. Rebane spoke in opposition of the motion because it was his position that applications filed after January 6th must meet the Board's rule by including an evaluation from an approved service.

Mr. Duyos clarified that the acceptance would apply to all transcript evaluations performed prior to January 6th.

Mr. Luis Guerrero addressed the Board and asked the Board to consider accepting evaluations that were requested from Mr. Silny prior to January 6th even if they were filed after that date. He stated that any applicant who went to Mr. Silny prior to January 6th would have their paperwork processed but that the evaluation probably would not have been completed until after January 6th. He also asked the Board to consider that there are a lot of Cuban applicants who are having difficulty having their transcripts translated. It is very costly and too time consuming and would preclude applicants from taking the October 2002 examination.

Mr. Martin expanded on what Mr. Guerrero had stated and told the Board members that to request additional information from the Cuban universities in order to complete the new evaluations would be very costly and time consuming. Transcripts were required to come directly from the universities and applicants were also having to obtain course descriptions.

Mr. Rebane expressed concern that there may have been a disservice to clients because the Board had been in the process of revoking its approval of other services for at least a year.

Mr. Silny stated that his company reviews foreign engineering courses and degrees and establishes their equivalency to courses and degrees obtained in the United States. In their revised evaluations they would also be indicating the content of each course and would indicate whether the student had met the criteria.

The Board voted on the motion. It failed 2-5.

Mr. Duyos noted for the record that though Mr. Silny used University of Miami engineering faculty to assist him with evaluations, Mr. Duyos does not participate.

Dr. Bondada moved to approve all evaluations irrespective of dates. The motion died for lack of a second.

Mr. Martin noted that because the motion had failed, the action taken by the Board at the April meeting would stand, and any application filed after January 6th would have to include an evaluation from an approved evaluation service.

Mr. Silny asked for clarification as to when his evaluations would be accepted. He asked the Board to consider accepting his evaluations as of June 10th.

Ms. Lacasa moved to accept Mr. Silny's evaluations after June 10th, the date the rule is adopted. Mr. Matthews seconded the motion. The motion passed.

To give the Board members an idea of how costly the process of transcript evaluation can be, Mr. Silny noted that one student had brought them a packet of 50 very technical documents that were written in Spanish. He stated that translating these documents could cost the applicant up to \$4,000. If clients do not have translations already performed, Mr. Silny's company will translate the documents based on the client's assertion of what is crucial to the evaluation. For this he would charge the client approximately \$600. Mr. Silny stated his company also offered a final option of a \$200 translation fee. These evaluations would be assigned to Spanish-speaking evaluators who would take any Spanish they were not comfortable with to their translators. The translator would either give them an oral translation or a handwritten translation of those parts.

Mr. Duyos asked what those applicants affected by this action would have to do in order to get back in the system. He asked whether they would be able to sit for the October examination.

Mr. Duyos moved to waive the application fee for those who were denied based solely on their choice of transcript evaluation service. Ms. Velazquez seconded the motion. The only applicants that would be affected were those who had been denied based solely on their choice of transcript evaluation service. The motion passed.

Re-evaluations would have to be submitted with new applications prior to July 15th in order to be considered. If the application does not arrive in the Board office by July 15th, they will not be accepted.

d. Report on Committee's actions of June 18, 2002.

Minutes from the Committee meeting on the previous day were distributed for review. Upon a motion by Mr. Rebane and a second by Mr. Tomasino, the Board voted to approve the Committee's actions.

Mr. Martin reminded Board members and staff that when engineers permit their licenses to go null and void they need to apply and meet the criteria for licensure in place on the date of re-application. The applicant must demonstrate that they meet the requisite education, examination, and experience requirements in Florida, or that they have a license in another state, so long as the criteria for licensure in place at the time they were licensed in another state was the same as it was in Florida at the time the license was issued.

Mr. Duyos recommended that the four engineers who were approved for licensure by endorsement be removed from the approved list. Mr. Matthews asked that the matter be referred to the Rules Committee for discussion. Mr. Rebane spoke in opposition to revoking approval of the four previously voted on and urged the Board to amend its procedures from this point forward.

Mr. Finer, who represented the four engineers being discussed, addressed the Board and stated that the four engineers would meet the current criteria for licensure.

Mr. Duyos moved to revoke approval of the four engineers who were conditionally approved and asked what criteria staff used to present the file to the Board.

Ms. Carlton stated that the applicant was requested to submit a new application with a fee and were requested to update their application from the date of licensure to the present. The file would then be submitted to the Board at an Application Committee meeting. The Committee would attempt to determine whether the engineer had worked in the State of Florida while their license was in null and void status. If so, the conditions noted would be imposed.

Ms. Flynn addressed the Board and reported that when this situation first arose, the Board was trying to find a niche for these particular engineers. It had always been understood that the engineers would have to meet the current criteria and the Board had intended to create a rule specific to this situation but never did. Staff had proceeded based on the recommendations of the Board. Mr. Duyos withdrew his motion.

#3. Board Operations Committee
(Henn Rebane, P.E., Chair; Murthy V. Bondada, Ph.D., P.E.; Robert Matthews, P.E., Gloria M. Velazquez, Esq.)

a. No report.*

Mr. Rebane noted that the Committee had not met for some time. For the benefit of the other Board members he outlined the duties of the Committee.

Mr. Rebane asked whether Board members who are not members of the Committee could attend the next meeting of the Committee as a means of training. Ms. Lacasa suggested that the meeting take place during the September application review.

- #4. Probable Cause Committee
(Henn Rebane, P.E., Chair; Robert Matthews, P.E.; Allen Seckinger, P.E., Consultant)
- a. Report on the meeting of May 30, 2002*
- #5. Legislative and Rules Committee
(Henn Rebane, P.E., Chair; Silvia Vilato Lacasa, P.E.; R. Gerry Miller, Ph.D., P.E.; Gloria M. Velazquez, Esq.)
- a. Report on Florida Building Commission Meeting of May 13, 2002
- Mr. Rebane reported that this is a work in process and that he had no news to report.
- #6. Joint Engineer / Architect Committee
(Henn Rebane, P.E., Chair; Murthy Bondada, Ph.D., P.E.)
- a. No report.*
- #7. FBPE / FEMC Liaison
(R. Gerry Miller, Ph.D., P.E., Chair)
- a. Report on the FEMC Meeting of June 18, 2002.
- Mr. Bechamps reported that the FEMC Board had met on the previous day and had reviewed a proposed contract. He also reported that the Legislative Committee had met and had drafted a bill. He reported that he had contacted FES President and President-Elect and informed them of the Board's intentions. He noted that the FBPE had not yet acted on the bill but that the two Boards would be meeting jointly in August and would present it to the FES Board of Directors that same day. Dr. Miller noted that the FBPE Legislative and Rules Committee had been split into two Committees. Mr. Frank Rudd, Executive Director of FES, addressed the Board and recommended that the bill be presented to the FES Committees first. After it was reviewed by the Committees it would go to the full Board with a recommendation. Mr. Bechamps stated that he had anticipated that the proposed bill would be referred to committee.
- #8. Test Administration Committee
(R. Gerry Miller, Ph.D., P.E., Chair)
- a. No report.*

- #9. Ad Hoc Committee on Implementation of Mandatory Continuing Education
(Robert Matthews, P.E., Chair; Silvia Vilato Lacasa, P.E.; R. Gerry Miller, Ph.D.,
P.E.; Henn Rebane, P.E.; Paul Tomasino, P.E.)

a. No report.*

C. NCEES Report

- #1. 2002 Annual Meeting Reminder

It was noted that Mr. Rebane, Dr. Bondada, Ms. Lowe, Mr. Martin and Mr. Sunshine would be attending the Annual Meeting.

- #2. Memo from NCEES Regarding Strategic Planning Process

Ms. Lowe noted that this was provided for informational purposes only. Mr. Rebane was requested to review the information with Board members. Mr. Rebane reported that the issue before the Council is the current licensure model. The question being studied is whether the current model needs to be modified and if so, how so. Mr. Rebane requested input from the Board members, asked them to review the NCEES webpage, and asked their stance on the future of licensure. Mr. Rebane asked Ms. Velazquez for input because of her opinions on this issue and her value as a layperson on the Board.

- #3. Correspondence from David A. Chin, Ph.D., P.E.

Dr. Chin wrote to the Board and asked whether the FBPE would offer the Architectural Engineering examination that will be available as of April 2003. Upon a motion by Mr. Rebane and a second by Ms. Lacasa, the Board voted to approve the offering of the A/E exam in April 2003.

D. Advisory Attorney's Report

- #1. Rules Update

Mr. Martin outlined his Rules Report and notified the Board of the different statuses of the rules.

The following rule changes have been adopted and are in effect:

- 19.001: Grounds for disciplinary proceedings.
- 19.004: Disciplinary guidelines.
- 19.008: Confidentiality of investigations.
- 20.002: Experience.
- 20.007: Foreign Degrees.

The following rule is being amended and is scheduled to be adopted the end of June:

20.007: Foreign Degrees.

The following rules are scheduled to be adopted mid-June:

22.0001: Renewal of Active Licenses.

22.0002: Renewal of Inactive Licenses.

22.002: Definitions.

22.010: Continuing Education Courses in Laws and Rules.

22.011: Board Approval of Continuing Education Providers.

35.003: Qualification Program for Special Inspectors of Threshold Buildings.

The Board noted that Mr. Martin was supposed to amend the continuing education rule to enable Board members to obtain laws and rules credit for attendance at a Board meeting.

The following rules are in the process of being amended and proposed text was provided to the Board for review and approval:

21.004: Passing grade. Upon a motion by Mr. Matthews and a second by Mr. Rebane, the Board approved the proposed text.

21.007: Re-examination. The proposed changes provide more guidance to candidates who have failed the examination five times and need 12 college credit hours prior to being permitted to sit for the examination again. Upon a motion by Mr. Rebane and a second by Ms. Lacasa, the Board voted to approve the text.

Proposed language for the following rule was presented to the Board for review and approval:

24.001: Schedule of Fees. Because this rule was discussed in the previous day, the proposed language would have to be changed to impose a \$125.00 renewal fee for the biennium commencing March 1, 2002. Upon a motion by Ms. Lacasa and a second by Mr. Matthews, the Board voted to approve the proposed change subject to amendments to parallel the previous day's discussion.

Mr. Martin noted that a notice of rule development had been filed in Rule 61G15-31.003, F.A.C., and that it was anticipated that proposed changes would be presented to the Board in August.

#2. Board Counsel Opinion Letters*

a. No report.*

E. Administrator's Report

#1. List of Applicants Requesting Retired Status*

This item was approved on the Consent Agenda.

#2. Probation Report*

Mr. Rebane noted that in the previous month there were 83 cases under investigation and that in the previous month there had been nine less cases. He was concerned that a backlog of cases is developing. Ms. Lowe reminded the Board that funding for an additional investigator had recently been approved and stated that the problem would probably resolve itself in the next six months.

Mr. Duyos asked why there were no notes on the Probation Report concerning the Board's actions at the April Board meeting. Ms. Flynn stated that cases were not added to the Probation Report until the Final Orders were forwarded to the licensees. The Final Orders had not yet been prepared by the Board's counsel when the Probation Report was copied for the Board and were therefore not included. They would appear on the next report.

#3. Board Member Outreach Report

a. Report on Meeting of the Florida West Coast Section of ASME*

#4. Request for Clarification Regarding Complaints Involving Public Safety

Ms. Lowe requested that the Board determine the correct procedure for staff when a complaint develops that concerns public health and safety. She explained that recently an Administrative Complaint had been filed that charged an engineer with allegations that impacted the safety of a structure in Florida. When a reporter had obtained a copy of the Complaint and asked what the Board would be doing to notify the parties at issue, staff had had to proceed without Board input. A copy of the Complaint had been forwarded to the Building Official in the area as well as the owner of the structure. However, Ms. Lowe requested input from the Board members as to the correct course of action in the future.

Mr. Rebane noted that he had been contacted by the same reporter because he was a member of the Probable Cause Panel that had reviewed the case. He had not been aware that she was contacting everyone. Mr. Matthews requested that the Board appoint an official spokesperson. Mr. Martin noted that in the April meeting there was some discussion and Board direction to staff to provide Final Orders to Authorities Having Jurisdiction in cases involving the potential for public safety concerns. That direction had been very clear. He noted that this recent event brings the question of whether some notice should be provided earlier in the process. The question was also raised how this Board would react

should a structure fail during the prosecution process. Mr. Martin advised that Administrative Complaints be forwarded to building officials only. If the building official determines that there is a compromise in safety, then they can take the appropriate action. Mr. Rebane suggested that a prosecuting attorney and his staff be aware of the public safety issue when complaints are initially reviewed. In situations when a safety issue is raised, they should notify those people concerned. The problem with notifying at the level of the complaint is that complaints are confidential until ten days after probable cause is found unless it involves a threshold building. In cases where the public safety of a threshold building is raised, confidentiality does not apply. Ms. Lowe noted that the Department still has the authority to issue Emergency Restriction and Suspension Orders and that if a safety question was involved, the complaint could be forwarded to the Department for further action.

Mr. Rebane recommended Mr. Sunshine as the contact point. Mr. Sunshine stated that because he would be litigating these cases there might be someone else more appropriate. Mr. Martin recommended that Ms. Lowe be the contact point for reporters.

Ms. Lowe summarized staff's responsibilities for the Board to ensure that she understood the Board's direction. Staff analyzing incoming complaints would be on alert for allegations that could impact the health and safety of the public. If such a complaint was submitted, it would be evaluated first by the Board's consultant in Tallahassee. If the consultant agrees that there is a health or safety issue the complaint will be forwarded immediately to the Department for determination of whether an Emergency Restriction or Suspension Order should be issued. If the complaint proceeds to the Probable Cause Panel and allegations are filed concerning negligent engineering on a structure, a copy of the Administrative Complaint will be forwarded to the local building official who will take action they feel is appropriate.

Dr. Miller referred the issue to the Board Operations Committee meeting for further discussion.

#5. Legislative Update

Mr. Martin noted that HB 1307 had been approved by the Governor. This new law provides for fast tracking of permit applications as of October 1st.

F. Chair's Report

#1. Review of SB 990

Mr. Rebane cautioned the Board not to proceed too quickly with implementing this new statutory change because of the number of building departments that could possibly be affected by the protected titles. He recommended instead that

the Board, over a period of years, watch how companies react and operate and determine how this law will need to be enforced. Mr. Rebane asked Mr. Rudd if there was any reaction from FES. Mr. Rudd stated that there had not been much activity yet. Mr. Minacci reported that the Department had already seen a lot of outcry over the new law. The Department's response has been that to hold yourself out as an engineer when you are not licensed is misleading to the public and implies that you are licensed. Mr. Minacci stated that there are other terms still used that imply licensure but they were not specifically listed in the statute.

#2. Renewal Fee

Ms. Lowe noted that currently there are 28,957 licensed engineers and 3,672 engineering firms. At a renewal fee of \$125, the Board would generate \$4,078,625. With a renewal fee of \$62.50, the Board would generate \$2,039,312.50. At \$50, the Board would generate \$1,631,450. Mr. Minacci also noted that the 2002-2003 General Appropriations Act, Section 55, provides for transfers from various state trust funds to the Working Capital Fund. He understood that \$7.5 million would be withdrawn from the Professional Regulation Trust Fund. Mr. Minacci stated he did not know how this number would be divided among the different Boards.

Upon a motion by Mr. Rebane and a second by Mr. Duyos, the Board voted to reinstate the \$125 renewal fee. The motion passed.

G. Executive Director's Report

#1. Proposed Contract FY 2002-2003

Mr. Minacci was requested to discuss the proposed budget for 2002-2003. He stated that the original proposed budget had been submitted to the Secretary. She had taken issue with three items: the 5% increase for staff salaries, the computer programming upgrade, and NCEES travel. The Secretary felt that FEMC employees should receive the same salary increase provided to state workers. She also had a problem with the funding requested for a computer upgrade because according to the contract, FEMC will be utilizing the Department's computer system at some point in the future. Therefore, she felt there was no need to upgrade the current system. The proposed budget had allocated \$35,000 for this item. The third problem she had was with NCEES travel because she noted that the Governor had restricted out of state travel. She had also requested \$300,000 to remain in a reserve account. As long as the Board could place \$300,000 in a reserve account, she had approved the remainder of the budget items. Unfortunately, if you had a \$300,000 reserve, it would be impossible to implement the other changes. Ms. Collins had responded to the Secretary's concerns and had offered a \$100,000 reserve fund, a reduction of salary increases to 3%, and a reduction of the computer upgrade. The Secretary stood firm on the 2.5% salary increase but did agree to the other terms. Therefore, the budget before the Board members for approval included these changes.

In regard to the contract, FEMC had asked to delete references to examination challenges and reviews. The Secretary approved this change. It was proposed that language "at the direction of the ED" be removed. The Secretary did not agree with that change. FEMC had proposed that it no longer be required to submit bylaws and Articles of Incorporation each year unless they've changed and this change had been approved. The requirement that the ED review all incomplete files was removed. The date for re-engineering, integration with the Department's computer system and web-based requirements was extended to July 1, 2003. The Secretary did not approve striking language requiring Department approval of appellate filings. The contract now states that board materials and probable cause materials could be presented to the ED at the time they are sent to the Board members. In addition, FEMC would now have subpoena power.

Mr. Matthews noted that the 2.5% increase is not an across the board increase but is a pool of money available for raises based on performance. Mr. Matthews asked Mr. Minacci to communicate this to the Secretary. Mr. Rebane asked Mr. Minacci to explain why the Secretary wants FEMC to integrate their computer system with the Department's. Mr. Minacci stated that it was the Secretary's position that licensees and the public should be able to access licensure information from one source.

Upon a motion by Mr. Rebane and a second by Mr. Matthews, the Board voted to approve the contract and budget as revised.

#2. Report on Unlicensed Activity with copies of Final Orders

Mr. Minacci reported that there are currently two cases with complaint analysts, two cases under investigation, seven cases in legal, one case ready to go to probable cause, and one case that has been prosecuted and is waiting on a Recommended Order. Mr. Minacci also reported that the Department had entered a Final Order against one person imposing a fine of \$5,000 and administrative costs of \$437.75 for affixing the seal of a licensed engineer to his own plans.

Mr. Minacci also reported that the Governor had signed SB 990 which established several protected titles. Mr. Minacci gave some examples of titles that now require a license.

#3. Public Service Announcement Status Report

This issue was tabled until the Board's August meeting.

#4. Report on Performance Standards and Measurable Outcomes

Section 471.038(3)(m), F.S., states that FEMC and the Department shall develop performance standards and measurable outcomes which the Board must establish

by rule. Using Section 455, F.S. and Chapter 120, F.S., as guides, Mr. Minacci had drafted the guidelines before the Board.

The Chair referred the matter to the Rules Committee. Dr. Bondada asked that numbers be captured on the number of applications processed each year. This will be added to the Rules Committee meeting agenda for July 18, 2002.

#5. Update Regarding Professional Regulation Trust Fund

Mr. Minacci announced that he was in the process of resigning from the Department so this would be his last meeting. Dr. Miller stated he would be missed. Mr. Minacci stated that he had really enjoyed working with the Board.

H. Correspondence to the Board

#1. Correspondence from Robert J. Amoruso, P.E.

Mr. Amoruso forwarded a letter to the Board office posing several hypothetical questions to the Board and asking for advice in each situation. He stated that as an employee of Florida Extruders Int'l, he performs comparative and rational analysis of the company's aluminum windows and sliding glass door products.

Mr. Amoruso first asked whether he could offer engineering services as an employee of Florida Extruders as it relates to their product requiring product approval. Mr. Rebane stated that he Mr. Amoruso would be allowed by the industrial exemption to perform the comparative and rational analysis for the products before they leave the plant. If he extended that service to a contractor or a distributor, then he would be acting as a consulting engineer. Mr. Martin asked how the Board addressed the problem that the Florida Building Commission does not permit you to do rational analysis on products manufactured by his company. Mr. Rebane stated that that problem is not within the purview of the Board but instead is within the Florida Building Commission's jurisdiction. So whereas the FBPE's rules would not prohibit this, the Florida Building Commission's rules apparently would.

Mr. Amoruso then asked if he could offer engineering services as an employee of Florida Extruders as it relates to their product under the FBC? It is outside the Board's jurisdiction to answer questions concerning the Florida Building Code or building code interpretation issues.

Mr. Matthews stated that it was not the Board's responsibility to determine whether a conflict of interest exists in a given situation. That is up to the engineer involved. The answer to the second question would be no. He can not offer engineer services.

Mr. Amoruso then asked if he would be exempt from signing and sealing the

engineering he performs. The answer would be yes, he is exempt from signing and sealing because as an employee he is entitled to the industrial exemption.

Mr. Amoruso then asked whether engineering produced for the purpose of submittal to a product evaluation or certification entity needs to be third-party or whether the engineering he produced, signed and sealed would meet the intent and purpose of Chapter 61G15, F.A.C. and Section 9B-72, F.B.C. Again the Board could not address the question because it includes a reference to the Florida Building Code which is not within the Board's jurisdiction.

Mr. Amoruso then asked how the Board's rule regarding delegated engineers would be applicable to his situation. According to the Board, the delegated engineer can not act unless he is getting direction from the person doing the delegating and that person must be a licensed engineer.

Mr. Amoruso asked how he would seal a drawing on a single sheet of paper when the drawing is on the front and the back of the paper. According to the Board, one seal, date, and signature per sheet of paper would suffice.

Finally, Mr. Amoruso asked whether a rubber ink seal, a stamp pad used to highlight an embossed seal, or charcoal could be used to highlight an embossed seal could be used legally? The Board stated that engineers can seal either electronically or with a metal impression-type seal. If an engineer wants to use ink or soft pencil to highlight the embossed seal, that would be fine.

#2. Correspondence from Julian Garcia, P.E., A.I.A.

Mr. Garcia wrote to the Board with several questions regarding the line between architecture and engineering. According to Mr. Rebane, Mr. Garcia is attempting to draw a distinct line between engineering and architecture and this just can not simply be done. He stated he continues to support the Board's position that if an engineer performs engineering on the building, then they can do as much or as little architecture as they need.

It was agreed that the FAQ #11 on the FBPE website should be modified to state that this is not the board's rule about plan stamping. This rule only speaks to a test for responsible charge and does not prohibit plan stamping.

Mr. Garcia raises the question of whether an engineer can be considered to be in responsible charge of a drawing when the actual drawing was performed by an independent draftsman or a contractor. According to the Board, an engineer can still be in responsible charge even if the actual drawing was performed by an independent draftsman or contractor.

Mr. Garcia asks whether it would be plan stamping when an individual who is not an engineer prepares plans, and then submits them to an engineer to be signed and sealed. According to the Board, what Mr. Garcia describes is work not performed under the responsible supervision of the engineer.

Mr. Rebane's recommendation against dictating exactly how responsible charge is to be exercised. Mr. Martin offered to draft a letter of response to Mr. Garcia and to send it to the Chair and to Mr. Rebane for review before it is sent out.

#3. Correspondence from Gerald Morrone, P.E.

Mr. Morrone asked the Board whether he could sign documents using a nickname rather than his legal name. It was the consensus of the Board that he should not use his nickname but should sign under either Gerald Frank Morrone or Gerald F. Morrone. Ms. Flynn stated she would respond to Mr. Morrone's question by e-mail.

#4. Correspondence from Peter Scott, P.E.

Mr. Scott raised questions regarding electrical systems. He was referred to the specific language contained in the law. Mr. Rebane noted that this question has always been problematic for electrical engineers and though it could be better worded there is no need at this time to revise the rule.

Mr. Scott asked whether Mr. Barton's interpretation of Section 471.003(2)(h)(c), F.S. was correct in that a 15 ton per system capacity was defined as any air conditioning work on a structure having a total installed capacity of 15 tons refrigeration. According to Mr. Rebane, Mr. Barton's interpretation is consistent with the Board's previous interpretations of this section.

#5. Correspondence from Ralph Fehr, III, P.E.

Mr. Fehr requested the Board to consider changing the statute to relax the education eligibility requirements pertaining to applicants for the Fundamentals examination because he believes that the examination itself will determine the applicant's academic qualifications more effectively than any curriculum accreditation. According to Mr. Rebane, qualifications for licensure are under debate by NCEES so he would refer Mr. Fehr to the NCEES website so that he can transmit his comments to NCEES. He also stated that the Board is very pleased with recent legislative changes and did not submit any regarding licensure qualifications.

I. Old Business

J. New Business

Ms. Velazquez stated she had received an e-mail with a question about whether certain actions constitute "good engineering practice". Ms. Lowe was asked to place the e-mail on the Board's August agenda.

Mr. Matthews asked why the schedule indicated that the meeting on August 1st had to end at 1:00 p.m. Ms. Lowe stated that the large room had already been booked for 1:00 that day. To accommodate the short second day of the meeting, Ms. Flynn was asked to schedule some of the licensure informal hearings for the first day of the Board meeting.

Mr. Tomasino stated for the record that he was uncomfortable with Mr. Silny's practice of permitting applicants to highlight certain parts of their transcripts for Silny and Associates to translate. Dr. Miller noted that ECEI does not include translation services in its fee so applicants are required to go to a separate translation service.

Mr. Tomasino also distributed an article in the paper that discussed the decline in the number of engineering students.

K. Public Forum

Part II
Informal Hearing Agenda

L. Informal Hearings on Denial of Application for Fundamentals Examination

#1. Thomas Smelker

Mr. Smelker was not present. His application had been denied for failure to evidence a degree in engineering. No additional information had been provided. Upon a motion by Ms. Lacasa and a second by Mr. Matthews, the Board voted to uphold the denial.

#2. Huntley Higgins

Mr. Higgins was present and addressed the Board. His application had been denied for deficiencies of 11 hours in humanities and social sciences. At the time his application was filed, Mr. Higgins was in a Masters program in civil engineering. When he appeared before the Board he presented documentation demonstrating graduation from the Masters program with a degree in Civil Engineering. The Board members reviewed his diploma and noted that because the Toronto program is recognized by the Washington Accord, it is deemed equivalent to an ABET degree. Mr. Rebane moved to approve Mr. Higgins' application. Mr. Matthews seconded the motion. The motion passed.

#3. Fatih Gordu

Mr. Gordu was not present. His application had been denied for a deficiency of five and one-half hours in basic sciences. He had elected a formal hearing but his request had been denied for failure to demonstrate a material fact in dispute.

Mr. Gordu asked the Board to consider his Masters Degree in Engineering from the University of Florida and to waive the requirement. Mr. Martin pointed out that there is no legal method of waiving this statutory requirement. Upon a motion by Dr. Bondada and a second by Mr. Matthews the Board voted to uphold the denial.

#4. Hongshend Gao

Mr. Gao was not present. His application had been denied for a deficiency of two and one-quarter hours in basic sciences. Mr. Gao had requested a formal hearing but had failed to specify a material fact in dispute. Upon a motion by Mr. Rebane and a second by Dr. Bondada, the Board voted to deny Mr. Gao's request for a formal hearing. Upon a motion by Mr. Rebane and a second by Ms. Lacasa, the Board voted to uphold the denial.

#5. Gholam R. Omidipour

Mr. Omidipour was not present. His application had been denied for a deficiency of 16 hours in basic sciences. Mr. Omidipour had elected a formal hearing but Mr. Martin urged the Board to deny the request based on a lack of material facts in dispute. Upon a motion by Mr. Rebane and a second by Dr. Bondada, the Board voted to deny the request for a formal hearing. Upon a motion by Mr. Rebane and a second by Ms. Lacasa, the Board voted to uphold the denial.

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

#1. Amrish Patel

Mr. Patel was not present. His application had been denied for a deficiency of 16 hours in basic sciences. He had submitted a letter for the Board's consideration and this was reviewed by Board members prior to the meeting. Upon a motion by Ms. Lacasa and a second by Mr. Matthews, the Board voted to uphold the denial.

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

#1. David Evangelista

Mr. Evangelista was not present. His application had been denied for failure to evidence a degree from an ABET-accredited institution. The program he graduated from was not accredited until two years after he had graduated. The

Board is able to grant credit for degrees obtained up to one year prior to accreditation. Upon a motion by Mr. Rebane and a second by Mr. Matthews, the Board voted to uphold the denial. Mr. Tomasino voted against the denial. The Board also requested Mr. Minacci to inform Mr. Evangelisa to refrain from using the title "electrical engineer" on his business cards and resume.

- O. Informal Hearings on Denial of Application for Continuing Education Provider Status
- #1. None

Part III Disciplinary Hearings

- P. Recommended Orders

- #1. Philip J. Matonte, P.E.
PE 33584
Represented by J. Robert Griffin, Esquire
FEMC Case Number 00-0084
Probable Cause Panel: Coby, Rebane, Seckinger

On the first day of the Board meeting, Mr. Sunshine notified the Board members that Mr. Matonte's attorney had telephoned him on Monday and had requested a continuance because he had a trial. Mr. Sunshine had told him that he would relay the request to the Board.

Mr. Matonte did not appear for the hearing. He had been charged with four counts of negligence in engineering. He had elected a formal hearing which was held. The ALJ issued a Recommended Order finding Mr. Matonte guilty of negligence and recommending that the Board enter a Final Order reprimanding Mr. Matonte and placing him on probation for two years. Mr. Matonte's counsel had filed exceptions to the order and Mr. Sunshine had filed a response. Mr. Sunshine also reported that the Board had expended \$4,534.00 in administrative costs.

Mr. Sunshine again noted that Mr. Griffin had requested a continuance on Monday because of a trial. Mr. Sunshine urged the Board to deny the request based on the late date of notification. Mr. Tomasino moved to grant the continuance. Dr. Bondada seconded the motion. The motion to grant the continuance failed 2-3.

The Board first addressed the exceptions. Ms. Lacasa moved to reject all the exceptions except for the first one filed by Respondent's counsel. Mr. Matthews seconded the motion. The motion passed.

Upon a motion by Mr. Matthews and a second by Ms. Lacasa, the Board voted to adopt the Administrative Law Judge's Findings of Fact with the exception of number three.

Upon a motion by Mr. Matthews and a second by Ms. Lacasa, the Board voted to impose a Reprimand, a \$4,000 administrative fine, \$4,534.00 in administrative costs, two-years probation with a course in Engineering Professionalism and Ethics and completion of the Board's Study Guide.

Q. Settlement Stipulations

- #1. James Tippens, P.E.
PE 12217
Represented by David P. Rankin, Esquire
FEMC Case Number 00-0073 & 01-0113
Probable Cause Panel: Coby, Rebane, Seckinger
Probable Cause Panel: Rebane, Matthews, Seckinger

Mr. Tippens appeared with his counsel, Mr. Rankin. Mr. Rankin stated he had discussed the lack of a quorum with his client and his client had agreed to waive this requirement. Mr. Tippens had been charged with one count of negligence and one count of plan stamping in one case. In a second case, Mr. Tippens had been charged with one count of negligence and one count of misconduct for threatening a building official by letter and stating that if the building official did not retract his complaint to the board, he would file charges against the building official and two plans examiners.

Mr. Tippens entered into a stipulation with FEMC for a Reprimand, a \$3,000 administrative fine, costs of \$6,300, a two-year period of probation with plans review and site review, successful completion of a course in Engineering Professionalism and Ethics, and completion of the Board's Study Guide. As a further requirement of the Stipulation, Count II of the complaint in Case No. 00-0073, involving plan stamping, would be dismissed.

Mr. Tomasino moved to approve the Stipulation. Ms. Lacasa seconded the motion. The motion passed.

- #2. Oliver J. Turzak, P.E.
PE 18230
Represented by Shelly May Johnson, Esq.
FEMC Case Number 01-0079
Probable Cause Panel: Rebane, Matthews, Seckinger

Mr. Turzak was present and addressed the Board. He notified the Board that he was no longer represented by counsel. He was informed of the Board's lack of a quorum and chose to waive the requirement.

Mr. Turzak was charged with four counts of negligence. He entered into a Stipulation for a fine of \$7,000, costs of \$316.67, an appearance before the Board, a reprimand, a one-year suspension, after which he would be placed on probation for a period of two years to include a plans review, completion of a course in Engineering Professionalism and Ethics, and completion of the Board's Study Guide. Count 4 of the Administrative Complaint would be dismissed.

Upon a motion by Mr. Tomasino and a second by Ms. Lacasa, the Board voted to adopt the Stipulation.

R. Informals

- #1. Daryle L. Osborn, P.E.
PE 27428
Represented by Lynne A. Quimby-Pennock, Esquire
FEMC Case Number 01-0180
Probable Cause Panel: Rebane, Matthews, Seckinger

Mr. Osborn was present with his counsel, Ms. Quimby Pennock. He had been charged with one count of negligence for failure to take adequate steps to safeguard his seal or to properly supervise an employee who used his seal and signed Mr. Osborn's name on a revised plan. Mr. Osborn did not dispute the facts in the complaint and elected an informal hearing before the Board. Ms. Pennock addressed the Board and stated that Mr. Osborn had agreed to waive the requirement for a quorum and to proceed with the four board members presiding.

Ms. Pennock explained her client's position and urged the Board to dismiss the charges against him based on mitigating circumstances presented. Dr. Miller asked Mr. Osborn what steps he has taken to ensure that when his seal is in his office, it is protected. Mr. Osborn explained his office policies and assured Board members that this would not occur again.

Ms. Lacasa moved to dismiss the charges with a letter of guidance. Mr. Tomasino seconded the motion. The motion passed.

S. Defaults

- #1. Donald P. Block, P.E.
PE 25306
FEMC Case Number 02-0028
Probable Cause Panel: N/A (Final Order violation cases do not go to PCP.)

Mr. Block was not present. He had been charged with two counts of violating a Board Final Order for failure to pay a fine and failure to submit a list of projects for review. Mr. Block had not responded to the Administrative Complaint and the Prosecuting Attorney filed a Motion for Default.

Upon a motion by Ms. Lacasa and a second by Mr. Rebane, the Board voted to grant the Prosecutor's Motion for Default. Upon a motion by Mr. Rebane and a second by Mr. Matthews the Board voted to suspend Mr. Block until such time as he appears before the Board and explains his position and to impose a \$1,000 fine. At that time, the Board would have the option of lifting the suspension and imposing revocation.

The Board members expressed concern that Mr. Block had made no attempt to comply with the Board's final order.

Mr. Tomasino offered a friendly amendment to Mr. Rebane's motion that Mr. Block's license be revoked and to impose the fine of \$1,000. The maker of the motion and the seconder accepted the amendment. The motion passed.

T. Adjourn

- #1. Announcements

It was announced that the next meeting of the Probable Cause Panel would be on July 31, 2002 beginning at 10:00 a.m. The next Application Review/Educational Advisory Committees would be meeting on July 31, 2002 beginning at 1:00 p.m. The next meeting of the full Board would be on August 1st and 2nd, 2002 and this would be a joint meeting with the FEMC Board.

Mr. Martin introduced Mr. Ralph Palacio, the Chair of the Construction Industry Licensing Board, who was attending the meeting.



FLORIDA BOARD OF PROFESSIONAL ENGINEERS

JEB BUSH, GOVERNOR

DIANE CARR, SECRETARY
DEPARTMENT OF BUSINESS
AND PROFESSIONAL REGULATION

Robert L. Matthews, P.E.

CHAIR
(CIVIL)
11/29/99 - 10/31/06

Henn Rebane, P.E.

VICE CHAIR
(ELECTRICAL)
11/29/99 - 10/31/07

John C. Burke, P.E.

(ELECTRICAL)
1/9/04 - 10/31/06

Jorge R. Duyos, P.E.

(EDUCATOR)
2/11/02 - 10/31/05

R. Gerry Miller, Ph.D., P.E.

(MECHANICAL)
11/1/97 - 10/31/05

Daniel J. Rivera

(PUBLIC)
1/9/04 - 10/31/07

Albert C. Rose, P.E.

(CIVIL)
1/9/04 - 10/31/07

Paul Tomasino, P.E.

(CIVIL)
2/11/02 - 10/31/05

Gloria M. Velazquez, Esquire

(PUBLIC)
11/29/99 - 10/31/06

Natalie Lowe

EXECUTIVE DIRECTOR

Minutes

**Florida Board of Professional Engineers
December 3-4, 2003
Beginning at 8:30 a.m. or soon thereafter.
Tallahassee, Florida**

Part I

General Business Agenda

A. Meeting Administration

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

The Chair called the meeting to order.

Board members present:

R. Gerry Miller, Ph.D., P.E., Chair
Robert Matthews, P.E., Vice Chair
Murthy V. Bondada, Ph.D., P.E.
Jorge R. Duyos, P.E.
Silvia Vilato Lacasa, P.E.
Henn Rebane, P.E.
Paul Tomasino, P.E.

Board members not present:

Gloria Velazquez, Esq., Public Member (maternity leave)

Others present:

Natalie Lowe, Executive Director (2nd day only)
Carrie Flynn, Asst. Executive Director
Paul Martin, Esq., Board Counsel
Douglas Sunshine, Esq., Prosecuting Attorney
Bruce Campbell, Esq., Prosecuting Attorney
Marvin Vickers, FEMC Comptroller
Do Y. Kim, P.E.
Fred Oppenheimer, A.A.F., West Coast Chapter

Jack W. Johnson, Fla. Alliance for Construction Edu. (FACE)
Julie Baker, DBPR
Frank Rudd, FES
Allen W. Seckinger, P.E., FBPE Consultant
Dwight S. Wilkes, D.B.O., St. Johns Co. Building Dept.
David W. Miller
Bill Palm, P.E.
Kamal Al-Imam, P.E., FEMC Board Member
John Vogt, P.E., DBPR
Dave Whitston, P.E., FEMC Board Chair
Jose Boscan, Walt Disney World
Bob Minnick, P.E., Disney
Kermit Prime, P.E., FES
Richard Coates, United Space Alliance
Steve Metz, Esq., Disney
Mike Huey, Esq., Representing Lockheed Martin Corp.
Armando Cabre
Luis Velazquez
William Senkevich
Chris Holland, United Space Alliance
Thom Rumberger, United Space Alliance
Jennifer Johnson, United Space Alliance

- #2. Introduction of guests and announcements as to presentations at a time certain.
- a. Discussion of Master File Systems to begin at 9:00 a.m.
 - b. Presentation by the Florida Engineering Society regarding the FBPE Unlicensed Activity Campaign to begin at 1:00 p.m.
- #3. Approval of the Agenda

Dr. Miller noted that a presentation by Bill Palm would be added to the agenda. Mr. Palm would address the Board regarding the NCEES's ongoing attempts to develop a licensure model.

Mr. Rebane moved item B#9 to a time certain of 9:30 a.m.

It was also announced that the Legislative Committee report would be taken out of order to accommodate the Disney and aerospace industry representatives.

Mr. Steve Metz thanked the Board members for taking the time to work on this issue. He stated he felt that the last meeting was very good. They had met with the Board's Legislative Committee to arrive at language which appears to be satisfactory to all concerned parties. With this limited language their company engineers, if holding a degree in engineering, will be allowed to call themselves engineers.

Mr. Metz also stated that the meeting they had had with the Aerospace industry on the previous day had been successful. He had met with Mr. Chris Holland of the United Space Alliance. Mr. Holland was present and he confirmed that the aerospace industry did not want to complicate the Disney agreement but they did not want any changes to the language that had been previously agreed upon.

Mr. Kermit Prime of the Florida Engineering Society distributed language that was developed on November 18, 2003. The draft language would add the previously agreed upon aerospace language and would also reflect changes to section 471.003(2)(c) and (e) to address Disney's concerns. He stated that the language is not perfect but is something that can be lived with and takes care of the concerns of both parties regarding exemption language.

Dr. Bondada expressed concerns with the proposed language. Mr. Rebane responded by stating he understood Dr. Bondada's concerns but that he felt that stressing engineering licensure and establishing pathways to licensure is better addressed by NCEES as referenced in the licensure model project underway by NCEES.

Upon a motion by Mr. Rebane and a second by Mr. Duyos, the Board voted unanimously to accept the legislative changes as presented by Mr. Prime.

It was noted that the engineering title could be used on business cards and letterhead. Mr. Rebane asked Mr. Martin whether state agencies such as the FDOT would enjoy the same benefit. Mr. Martin confirmed that they would not meet the criteria specified in the statute and so they would not be able to use those titles.

A discussion of FEMC's Annual Report was added to Item B#6.

Upon a motion by Mr. Rebane and a second by Mr. Duyos, the Board voted to approve the Agenda.

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

Mr. Rebane requested that Item B#8 be pulled.

It was noted that the Educational Advisory Committee report would be given on the following day.

Upon a motion by Mr. Matthews and a second by Mr. Rebane, the Board voted to approve the consent agenda.

#5. Review and Approval of previous Board meeting minutes

- a. Minutes from September 24-25, 2003 Meeting*
- b. Minutes from August 7, 2003 Joint Meeting of FEMC and the FBPE*

These items were approved on the Consent Agenda.

B. Committee Reports

#1. Applications Committee
(R. Gerry Miller, Ph.D., P.E., Chair; Murthy V. Bondada, Ph.D., P.E.; Jorge Duyos, P.E.; Silvia Vilato Lacasa, P.E.; Robert Matthews, P.E.; Henn Rebane, P.E.; Paul Tomasino, P.E.; Gloria Velazquez, Esq.)

- a. Report on the Meeting of December 2, 2003

Upon a motion by Mr. Matthews and a second by Mr. Rebane, the Board voted to approve the minutes.

#2. Educational Advisory Committee
(Jorge Duyos, P.E., Chair; Murthy V. Bondada, Ph.D., P.E., R. Gerry Miller, Ph.D., P.E.; Melvin Anderson, Ph.D., P.E. (Consultant))

- a. Report on the Meeting of December 2, 2003

Upon a motion by Mr. Matthews and a second by Mr. Rebane, the Board voted to approve the minutes.

b. Correspondence from Foreign Credentials Service of America

Mr. Duyos summarized the request from Foreign Credentials Service of America to be approved as an evaluator of foreign credentials. He stated he was originally concerned that no clients were served but upon a second review he found that they perform reviews for the Texas Board of Professional Engineers. Foreign Credentials Service does evaluate to EAC/ABET standards but they would have to conform to what we require by rule as to course content. Mr. Rebane did not believe that they evidenced a good understanding of ABET content. Mr. Martin disagreed and reviewed a letter explaining their approach to different evaluations.

Mr. Duyos wanted to extend an invitation to other services that were previously used. Mr. Martin did not agree that this was necessary. Mr. Rebane moved to turn down the request. The motion died for lack of second.

Mr. Martin stated that the service is reasonable in costs and that Dr. Paver has an excellent educational background.

Mr. Tomasino moved to request Mr. Martin to correspond with the evaluator to explain the Florida Board's requirements and to ask them to make a personal appearance before the Board to discuss a possible approval. Mr. Duyos seconded the motion and added an amendment to have staff obtain a recommendation from the Texas Board. The motion, as amended, passed.

#3. Probable Cause Committee
(Robert Matthews, P.E.; Paul Tomasino, P.E.; Allen Seckinger, P.E., Consultant)

a. Report on the Meeting of October 2, 2003*

This item was approved on the Consent Agenda.

b. Report on the Meeting of December 2, 2003

Mr. Matthews reported that the Committee had met on the previous day and had reviewed a total of 17 cases. Of those, probable cause was found in seven of them, one case was closed with a letter of guidance, one case was

dismissed without a finding of probable cause, four cases were tabled for further investigation. In four unlicensed activity cases in which a Notice to Cease and Desist had previously been filed, the Panel requested that an Administrative Complaint be filed.

#4. FBPE Rules Committee
(Henn Rebane, P.E., Chair; Silvia Vilato Lacasa, P.E.; Paul Tomasino, P.E.; Gloria M. Velazquez, Esq.)

a. Report on the Meeting of November 13, 2003

Mr. Rebane reviewed the minutes of the November 13, 2003 meeting and noted those items that were being presented to the Board as recommendations for change.

Upon a motion by Mr. Rebane and a second by Mr. Matthews, the Board voted to accept the Committee's proposed changes to 61G15-35.003, F.A.C., calling for deletion of paragraph (1)(e) and (2) and renumbering of paragraphs (3) and (5) to (2) and (4).

Upon a motion by Mr. Rebane and a second by Mr. Matthews, the Board voted to accept proposed changes to 61G15- 35.004 calling for insertion of "as Special Inspectors" at the end of the title and to delete "Threshold Building: and insert "Special" in paragraphs (2) (3), and (4).

The Model Law Engineer File

After discussion on the need to print the entire file provided by NCEES for individuals applying by endorsement the committee assigned the issue to Board Operations as a matter that requires internal decision-making by FEMC.

Item 5 related to procedures for investigating revoked engineers. After discussion it was determined that procedures used for investigation of suspended engineers would apply to revoked engineers.

Item 6 related to Procedures for responding to letters to the Board.

Moved by Mr. Rebane and seconded by Mr. Duyos to have staff develop an index of opinion letters to appear on web site. A vote was called and the motion passed. Mr. Martin usually generates these types of letters and he would work with the Executive Director.

Item 7 related to the consideration of entering into a contract with ELSESES.

Upon a motion by Mr. Rebane and a second by Mr. Tomasino, the Board voted to request FEMC to contract with ELSESES if possible by the October 2004 examination.

Item 9 related to JAPC letters.

Mr. Martin advised the committee that JAPC has ruled that this Board does not have authority to set records retention rule. He stated he would conduct further research on this matter.

On the issue of additional discipline examinations, JAPC stated that this Board does not have statutory authority to charge an additional discipline fee. In discussion it was determined that the application for additional discipline would be considered an initial application.

b. Discussion of Master File Systems

Joseph Berryman, P.E. was present to address the issue of Master File Systems. He read his report and upon conclusion it was determined that the rule on product approval is sufficient to address the matter of Master Files.

Moved by Mr. Rebane to accept Mr. Berryman's report and agreed that the Board has authority to prosecute designers that do not design to standard those master file documents filed with building departments. There was a second by Mr. Matthews and the motion passed.

The Board asked that Mr. Berryman draft an article for the next newsletter

#5. Joint Engineer / Architect Committee
(Henn Rebane, P.E., Chair; Murthy Bondada, Ph.D., P.E.)

a. No report.*

#6. FBPE / FEMC Liaison
(R. Gerry Miller, Ph.D., P.E., Chair)

- a. Report on the FEMC Board Operations Committee meeting of November 14, 2003

Dr. Miller reported that the FEMC Board Ops Committee had met and discussed unlicensed activity and the need to monitor workloads to determine if more investigative positions are needed. The Committee also discussed examples of different types of unlicensed activity cases.

Mr. Martin noted that FEMC should develop in-house procedures for responding to public records requests. In one instance confidential information was inadvertently released by staff when Ms. Lowe was out of the office. The information could not be tied to individual candidates and when Ms. Lowe refused to provide that information, the individual requested a DOAH hearing on failure to provide public records. That hearing is now pending before the Division of Administrative Hearings.

- b. Correspondence from the Department Regarding Budgetary Request

The letter from the Department confirmed that there would be no additional funds for unlicensed activity. Mr. Vickers explained how the budget for unlicensed activity was being tracked. It was the consensus of the Board that FEMC needed to develop time sheets breaking down the investigators' time in order to capture the time being spent on prosecuting both licensed and unlicensed disciplinary cases.

Mr. Martin stated that eventually the Legislature should be approached regarding changing the law to allow for direct source funding of unlicensed activity enforcement.

Financial reports will show actual expenses that come out of the operating fund but Mr. Vickers stated he would also keep a separate log showing the portion of funding devoted to unlicensed activity

#7. Test Administration Committee
(R. Gerry Miller, Ph.D., P.E., Chair)

a. Reports from Board Members on October Examinations

Mr. Matthews reported that there were no problems at the Tallahassee site. Dr. Bondada reported no problems with the Orlando site. Mr. Tomasino reported no problems from Tampa other than the need to provide more signs outside of the site to assist candidates in locating the proper room.

#8. Continuing Education Committee
(Robert Matthews, P.E., Chair; Silvia Vilato Lacasa, P.E.; R. Gerry Miller, Ph.D., P.E.; Henn Rebane, P.E.; Paul Tomasino, P.E.)

a. No report.*

Mr. Rebane stated that initially it was thought that the Building Commission would develop advanced level building code courses. This is not the case. This Board will have to begin to approve courses so that engineers can remain in compliance. New licensees can still take the CORE courses but those who are already licensed will have to take an advanced course. This board will need to develop rules regarding the approval of those courses.

He suggested sending a request to approved continuing education providers to determine whether they have an interest in developing new courses or if they are already offering some type of advanced level building code courses.

After discussion this issue was assigned to the Continuing Education Committee for additional study.

It was also determined that Ms. Lowe should check on exactly what is required of this Board and to schedule a workshop open to public. Board staff should advise providers to begin to offer more advanced courses.

Mr. Martin stated that the Board's present rule requires four hours on laws and four hours in the engineer's area of practice. Thus, only four hours would apply to building code.

Staff was advised to proceed with a workshop at the February meeting.

#9. FBPE Legislative Committee
(Henn Rebane, P.E., Chair; Jorge Duyos, P.E.; Paul Tomasino, P.E.)

a. Report on the Meeting of November 13, 2003

Mr. Rebane moved to accept the Committee's recommendations to amend Chapter 471 to require college credit hours after three failures rather than five and to delete the language "area of deficiency as determined by the Board".

Mr. Duyos seconded the motion for discussion. He asked for consideration of review courses offered by national technical societies as an alternative to college courses.

Mr. Martin noted that additional college courses were a more serious approach to continuing to prepare for entry into the examination process.

Mr. Duyos was of the opinion that review course would be more effective.

Mr. Matthews noted some courses do not require a pass or fail but only require the student to complete the course. The objective with this statutory section is better training as an engineer, not just preparation to pass the examination.

Mr. Rebane stated that in his opinion, 12 credit hours in the applicant's area of weakness is necessary. It is not a penalty but rather based on pass/fail rate. In his opinion, refresher courses are very general in nature and do not concentrate on weaknesses.

Mr. Lynch presented Board members with a copy of the breakdown that is provided to fail candidates. It was confirmed that sufficient information is provided to candidates. The question was called by Mr. Matthews and the motion passed by majority.

Revision to Section 471.013, F.S. Examinations, prerequisites, Ph.D. waiver statute.

It was moved by Mr. Rebane and seconded by Mr. Matthews to modify Section 47.015(5)(a)3, F.S. to require three years of teaching at an undergraduate engineering program accredited by ABET. Discussion followed and a vote was called. The motion passed

Comparison of the NCEES Model Law.

Mr. Rebane recommended Section 471.023, F.S., be modified to parallel the NCEES Model Law, which states that an engineer who renders occasional, part-time or consulting engineering services for a firm may not, for the purposes of this section be designated as being in responsible charge of the professional activities of the firm.

This item was deferred for discussion on the second day of the meeting or it will be held for next session.

The next issue was raised by the Electrical Contractors Board, which was asking the Board to modify the present exemptions for electrical design work found in Section 471.003, F.S. Upon a motion by Mr. Rebane and a second by Mr. Matthews, the Board voted not to accept the proposed change to exemptions to Electrical Contractors. Mr. Martin agreed to prepare a letter to the Electrical Contractors Board.

Mr. Campbell next outlined a proposed change to Chapter 455, Florida Statutes, which would prohibit Administrative Law Judges from rendering Conclusions of Law in cases of negligence. This proposed change would instead delegate that decision strictly to the Board. In discussion it was noted that proposed language is not available. The Board was not ready to address this and the subject was tabled. Mr. Prime suggested that the Department be consulted and that this item be considered in the future. The item was tabled.

Correspondence from JAPC regarding 61G15-20.002, F.A.C.

Mr. Martin is drafting language for response and it will be discussed in the second day of this meeting.

At the conclusion of the Legislative Committee report, Mr. Rudd stated that the Governor's office is working on

appointments and that they hope to be completed very soon.

- #10. Unlicensed Activity Committee
(Robert Matthews, P.E., Chair; Murthy Bondada, Ph.D., P.E.,
Jorge Duyos, P.E., R. Gerry Miller, Ph.D., P.E.)

- a. Report on the Meeting of October 22, 2003

C. NCEES Business

- #1. Correspondence from NCEES Regarding Communication with Member Boards

Mr. Matthews noted that the Council had not referenced how they would solve the Member Boards' concerns about participation in Executive Committee sessions.

- #2. Nominations for National Awards

The Board recommended that Dr. Mel Anderson be nominated for the Distinguished Service Award.

Ms. Flynn clarified the reason for not submitting her name. National awards require points for participating in the NCEES committees whereas Southern Zone focuses on contributions to the Board. It had been determined that her name would be presented for consideration of an award at the next Southern Zone meeting.

D. Advisory Attorney's Report

- #1. Rules Update

Mr. Martin reviewed his rules report for the Board members.

Rule notices have been published for the following rules:

- 21.001 and 21.004: Written Examination Designated
- 21.003 and 21.005: Grading Criteria for the Essay Portion of the Examination
- 23.001 and 23.002: Seals Acceptable to the Board
- 24.001: Schedule of Fees Adopted by Board
- 30.009: Retention of Engineering Documents

The following rules took effect on November 19, 2003:

- 20.001: Definitions
- 20.0010: Application for Licensure by Examination
- 20.005: Rules Governing Candidates Qualifying Under
471.0139(1)(a)3., F.S.

The following rule took effect on October 2, 2003:

- 20.007: Foreign Degree

The following rules will be prepared for final adoption:

- 22.006: Demonstrating Compliance
- 22.011: Board Approval of CE Providers

#2. Board Counsel Opinion Letters

- a. Letter to L. John Samedi, P.E.

No changes were offered by the Board.

- b. Letter to Thomas E. Kuck, P.E.

No changes were offered by the Board.

- c. Email response to John Scates, P.E.

Mr. Scates proposed an electronic sealing method that is different from that described in the Board's rules and questioned the method's legality with this Board. After much discussion, it was agreed that the Board should resume its research on electronic sealing. Staff was requested to invite a computer software security expert to address the Board in February. Staff was also requested to contact Mr. Scates to see if he would be willing to attend the February Board meeting and update the Board on the procedures used in Texas.

- d. Email response to Blake Thorson, A.I.A.

The original correspondence was submitted when a Miami Beach building official stopped construction on a project when the engineer refused to sign and seal structural shop drawings. Mr. Martin had informed the building official that although the rule requires all documents filed for

public record to be signed and sealed, the Board's structural steel rule specifically exempts shop drawings from the signing and sealing requirement. No further comments were offered.

E. Executive Director's Report

#1. List of Applicants Requesting Retired Status*

This item was approved on the Consent Agenda.

#2. Probation Report

This item was discussed under New Business.

#3. Board Member Outreach Report

There was no report.

#4. Unlicensed Activity Campaign report by Florida Engineering Society.

Ms. Priscilla Trescott appeared on behalf of the Florida Engineering Society and presented a power point demonstration on Phase I of the Unlicensed Activity Campaign.

In Phase II, Mr. Rebane suggested FES go back to universities in 68% category Question 4 regarding the need for the one-hour session.

Discussion followed on the possibility of requesting ABET to include the one hour session. It was agreed that although this would be ideal it probably would not be practical.

Ms. Trescott was requested to return in February meeting with outline of the one-hour session on need for licensure.

#5. Certification of FEMC by the Department

Ms. Lowe stated that this was provided for informational purposes only. The Department had issued a very positive Certification of FEMC for the previous year's performance under the contract.

#6. Calendar of FBPE Meetings for 2004

There were a few minor changes made to the following year's meeting calendar.

F. Chair's Report

#1. Nominations for Chair and Vice Chair for the year 2004.

Ms. Lacasa reported that the Committee was nominating Mr. Matthews for Chair and Mr. Rebane for Vice Chair. There were no further nominations. The Board voted to adopt the Committee's recommendations.

G. Correspondence to the Board

#1. Correspondence from Tracey Piccone, P.E. and Rich Virgil, P.E.

There was no response required. The licensees were merely expressing their opinion regarding engineering titles.

#2. Correspondence from Ms. Monica Manolas

Ms. Manolas requested the Board's opinion on whether she could use the letters E.I.T. after her name on a business card after she had passed the Fundamentals examination in another state. Mr. Martin stated they were not eligible to be an E.I. in Florida unless their education was approved by the Board. Therefore, he did not think that this person should be permitted to call themselves an E.I. until they apply for it. The only way the Board could sanction this practice would be for someone who has applied for and passed the FE in Florida. Mr. Martin was requested to correspond with Ms. Manolas.

#3. Correspondence from Casey Carrigan, P.E.

Mr. Rebane noted that with his reading, he felt like the behavior described was not in compliance with the Board's rules. He does not feel that the Engineer of Record is in responsible charge as described. He suggested that Board staff contact either Mr. Seckinger or Mr. Berryman and request them to render an opinion for the Board's review.

#4. Correspondence from Albert C. Nelson, P.E.

Mr. Nelson asks how it could be legal for an engineer to certify that "documents meet all the requirements pertaining to building construction in the City of West Palm Beach." The Board's consensus was that it would not tread on the Building Officials' territory. If this language was acceptable to the building official, the Board will not interfere. The Board took no action. Ms. Lowe was requested to form a response.

#5. Correspondence from Tomas Armstrong, P.E.

Mr. Armstrong is requesting the Board to make a ruling. He states that the Authority Having Jurisdiction is requiring the engineer to perform an illumination night survey after installation of illumination in parking areas and to submit a signed and sealed certification letter attesting that the illumination is in compliance before the building department will issue a final Certificate of Occupancy. This is apparently not the practice with the illumination being performed around the bank's ATM machines. The Board's position was that it is the engineer's responsibility to ensure that his design meets code when they seal a document.

#6. Correspondence from Jeffrey DeBoer, C.B.O.*

This item was approved on the Consent Agenda.

H. Old Business

#1. Review of Action Item List from September Board Meeting.

Ms. Lowe still needs to email Mr. Struh at DEP to inform him that the Board has taken over unlicensed activity. Mr. Campbell reported that he had looked at the Department's case history from 1999 through 2002 to see if there any interesting changes in the number of cases being filed and there was not any real difference. The Board requested him to check with the Contractors' board to see if they had had an increase in caseloads following their media report. Mr. Tomasino suggested that the Board develop a press release and send it to all the engineering associations in Florida, building officials, etc. Mention that now that unlicensed activity is part of Chapter 471, F.S., engineers have a legal obligation to turn in suspected unlicensed activity to the Board for investigation. Mr. Martin still needs to correspond with Mr. Hall and Mr. Healy.

I. New Business

Mr. Rebane asked Ms. Flynn why Mr. Grant, who is on the Probation Report, is being referred to the Probable Cause Panel for failure to comply with his Final Order, when part of his Final Order was to permit him to go into Retired Status. Once he is retired, the Board can not take any action. Mr. Sunshine had explained to Mr. Grant that his retired status could be changed to revoked status. This case had been referred in May. Mr. Rebane advised staff to be tougher with the licensees when they do not comply with Final Orders.

Dr. Miller reported that the FEMC Board had elected a new Chair and Vice Chair. The Chair for 2004 will be David Whitston, P.E. The Vice Chair will be Ms. Collins.

Mr. Duyos asked the Board to consider removing the requirement for Humanities and Social Sciences and computer skills for foreign graduates. ABET has a category called "other" that could include humanities. He thinks the requirement is not necessary when it comes to qualifications to take the examinations. In regard to computer skills, he feels that anyone who does NOT know how to use a computer will soon use one as soon as they get into the workforce. Mr. Tomasino spoke in support of requiring foreign graduates to take humanities courses in the United States to familiarize them with this country. Dr. Miller asked the Educational Advisory Committee to consider this issue at its next meeting and then bring a recommendation to the full Board in February.

Mr. Duyos asked the Board to consider printing a directory. He feels it would be a great resource to building officials. Ms. Lowe suggested that the Board look at their budget in June and if there is funding available, to consider it at that time. Mr. Rebane recommended giving the list to Kinko's or providing a file to Kinko's and refer everyone to Kinko's so they pay for their books separately. Ms. Lowe was requested to do some research and find some alternatives, to explore costs.

#1. Board Member training.

Mr. Sunshine outlined the various types of cases that the Board would hear on the following day and ensured that Board members understood the legal process that would take place.

J. Public Forum

Part II Informal Hearing Agenda

K. Informal Hearings on Denial of Application for Fundamentals Examination

#1. Tan Qu (Continued from September 2003 Meeting)

Mr. Qu had confirmed in writing that he would not attend the December meeting. He had applied for the Fundamentals examination in 1998 and was denied for three hours in Basic Sciences. In 2003 he again applied and was denied because he had not submitted an evaluation from Josef Silny in the currently approved format. He supplemented his application with a new evaluation and it was determined that he was deficient two semester credit hours in basic sciences.

Mr. Qu's hearing in September was continued to December to allow reconsideration under changes to Rule 61G15-20.007, F.A.C., which allows basic sciences and mathematics to be combined in total hours.

Upon a motion by Mr. Duyos and a second by Mr. Rebane, the Board voted to approve his application. Staff was requested to confirm his address before the Final Order is mailed.

#2. Charles Miney

Mr. Miney was present and addressed the Board. He had applied for the Fundamentals examination and was granted Conditional Approval under the authority of 61G15-20.007 (6), FAC. Mr. Miney appealed his conditional approval and submitted for consideration his MS degree from the University College of Dublin. At that time an Informal Hearing should have been scheduled. Through oversight the licensing technician failed to forward the file for scheduling of a hearing. Mr. Miney passed the examination in April of 2003. He then contacted the office to discuss the fact that he never received his hearing on the conditional approval of his application. His file was re-reviewed in September of 2003 and he was notified that conditions were not removed based on the fact that his MS degree was not completed in an EAC/ABET accredited program in the United States.

Following his comments the following action was taken. Mr. Miney noted that his Baccalaureate degree was recognized by the Washington Accord. His file was reviewed and it was confirmed that the Washington Accord was not in existence at the time he obtained his degree.

Mr. Rebane emphasized that Humanities and Social Sciences are a part of the requirements for engineering licensure in Florida and moved to uphold the denial. Mr. Duyos seconded the motion. The motion passed.

#3. Giselle Albisu

Ms. Albisu was not present. She had applied for the Fundamentals examination and was denied for educational deficiencies. Ms. Albisu's education was completed in Cuba and according to the evaluation from Josef Silny and Associates there was a deficiency of seven hours in Basic Sciences.

Ms. Albisu filed an Election of Rights for Formal Hearing. As directed by counsel, this petition would be considered in the December meeting and if denied an Informal Hearing would follow.

Upon a motion by Mr. Rebane and a second by Ms. Lacasa, the Board voted to deny her Petition for Formal Hearing

The matter proceeded as an Informal Hearing. Dr. Miller noted that she is also missing a statistics course and a chemistry course. Upon a motion by Mr. Duyos and a second by Mr. Rebane, the Board voted to uphold the denial.

#4. Justin Youney

Mr. Youney had confirmed by e-mail that he would not be in attendance for the hearing.

Mr. Youney applied for the Fundamentals examination. The basis for denying his application is education. Mr. Youney holds a Bachelors Degree in Industrial Technology from Rochester Institute of Technology issued in 1999. This does not meet criteria of Section 471.013(1) (a) 2., F.S. Mr. Youney did not file any supplemental information.

Upon a motion by Ms. Lacasa and a second by Mr. Duyos, the Board voted to uphold the denial.

#5. Sudhakar N. Chodavarapu

Mr. Chodavarapu was not present. His application was denied for educational deficiencies of mathematics as well as humanities and social sciences. He is obtaining a Masters Degree from an ABET program and is due to graduate in August 2004. He has been advised that his humanities and social sciences deficiency was resolved but the mathematics deficiency of 5.5 hours still remained. Upon a motion by Mr. Tomasino and a second by Mr. Duyos, the Board voted to uphold the denial.

L. Informal Hearings on Denial of Application for Principles and Practice

#1. Tanase S. Bude

Mr. Bude was present and addressed the Board. He had applied for the Principles and Practice Examination. His NCEES Fundamentals examination was accepted and his experience was accepted. The basis for denial is education. Mr. Bude holds a BS degree from the University of Agronomic Sciences and Veterinary Medicine Bucharest, Romania. The evaluation of this program by ECEI indicated deficiencies of 9 hours in math, 6.50 hours in basic sciences and 3.50 hours in humanities and social sciences.

Mr. Bude submitted an Election of Rights to supplement and to have an Informal Hearing. Supplemental information was a letter requesting that consideration be given to the total number of hours in his curriculum to satisfy the deficiencies in math, basic sciences and humanities and social sciences.

He obtained a new evaluation that demonstrated more deficiencies than the 2003. Upon a motion by Mr. Rebane and a second by Mr. Duyos, the Board voted to uphold the denial.

#2. Michael John Wylie

Mr. Wylie applied for the Principles and Practice examination. In review of his experience record it was determined that he needed an additional 18 months of experience. The decision on experience is based on date of graduation October of 2000 and total amount of credit for work prior to receipt of degree and certain experience that was not considered engineering. Mr. Wylie submitted an Election of Rights to supplement and to have an

Informal Hearing should the denial be upheld. The supplemental information was reviewed and deficiency in experience was revised to 12 months. Although the deficiency was revised the application remained denied and the matter is before the Board for an informal hearing.

Mr. Wylie indicated in his testimony that he had obtained a Masters Degree in civil engineering in May 2003. The transcripts indicating graduating with the degree were not submitted to the Board.

Mr. Rebane noted that with experience as relayed, Mr. Wylie would have a total of 52 months of experience. The Board requires 48 in order to permit the applicant to sit for the examination.

Mr. Rebane moved to approve the application. Mr. Duyos seconded the motion. The motion passed.

#3. Frank Hill

Mr. Hill was present and addressed the Board. He also distributed some additional information for the Board members. He had applied for the Principles and Practice examination. The application was denied based on Mr. Hill's education. Mr. Hill holds a BSME degree from Florida Atlantic University issued in 1974. The program was not accredited by ABET until 1977. Mr. Hill filed an Election of Rights to supplement and to have an Informal Hearing if the denial was not reversed. The supplemental information did not reverse the denial and the matter is before the Board for an Informal Hearing. It was noted that Mr. Hill had applied for and passed the Fundamentals examination in October of 1981. His degree was accepted by the Board at that time.

Ms. Flynn indicated that she had spoken with former Board member, Mr. Eugene Bechamps, P.E. Mr. Bechamps had indicated that in 1973, when FAU, FIT, and FSU created their engineering programs, the Board had retained a consultant and had visited the three programs along with himself and another Board member. In approximately 1973-1974, the Board issued a two-year accreditation to FAU and it was conditional upon the program making an effort to achieve accreditation. FAU did eventually achieve accreditation in 1977. Based on Mr. Bechamps' testimonial and historical information in Mr. Hill's file, it is logical to assume that the Board had approved his educational program when he took the Fundamentals examination. Mr. Duyos noted

that Mr. Bechamps had offered to execute an affidavit relaying this historical information for the benefit of the Board and for future applicants who might be similarly situated.

Mr. Duyos moved to continue the case to permit the Board time to obtain the affidavit from Mr. Bechamps.

Mr. Matthews spoke in support of approving Mr. Hill's application at this time based on information in the file that indicates the Board had already reviewed his education previously. Mr. Rebane echoed Mr. Matthews' position and spoke in support of approving Mr. Hill's application. Mr. Rebane requested staff to have Mr. Villanueva's letter notarized, to obtain the affidavit from Mr. Bechamps, and to obtain similar letters from FSU and FIT. He also recommended that staff place some information on the Board's website relative to these applicants being approved.

Mr. Duyos withdrew his motion to continue. Mr. Matthews seconded Mr. Rebane's motion. The motion passed.

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

#1. Ruben Ramirez-Colon

Mr. Ramirez-Colon appeared before the Board with his attorney, Sherrie Barnes, Esq. Mr. Ramirez-Colon had filed an Emergency Petition for Variance and Waiver. Mr. Rebane moved to continue Mr. Ramirez-Colon's hearing until the next Board meeting. Mr. Matthews seconded the motion. The motion passed. Ms. Barnes requested the Board to consider Mr. Ramirez-Colon's application earlier than February if possible.

#2. William. L. Nally

Mr. Nally was present and addressed the Board. He indicated that while he had been represented by an attorney in the past, he was going forward with the informal hearing without counsel. He had applied for licensure by endorsement. He was licensed in Alabama in December of 2002. He has passed the NCEES Fundamentals and Principles and Practice examination and his experience meets requirements of Chapter 471, F.S. The basis for denial is education. Mr. Nally holds a BS degree in Electrical Engineering Technology issued in 1988 from the University of Alabama. This does not meet statutory requirements outlined in Section 471.013 (1)(a) 2., F.S.

Mr. Nally had petitioned for a Formal Hearing. Board Counsel directed the petition for consideration in the September Board Meeting. If the petition was denied, the matter would proceed as Informal Hearing.

The matter was addressed in the September meeting, however, following the meeting it was discovered that staff had failed to provide notice of the hearing. For this reason Board Counsel withheld issuance of the Final Order denying the application and directed that it be rescheduled for the December Board meeting.

Upon a motion by Mr. Rebane and a second by Mr. Duyos, the Board voted to deny Mr. Nally's request for a formal hearing.

Mr. Nally noted that he had attempted to have his degree evaluated by the Board's approved evaluation services but had been refused because his degree is domestic rather than from a non-ABET institution. Upon a motion by Mr. Duyos and a second by Mr. Rebane, the Board voted to uphold the denial.

#3. Srinivasa S. N. Buttula

Mr. Battula was present and addressed the Board. He had applied for licensure by endorsement based on licensure in North Carolina. He has passed the NCEES Fundamentals and Principles and Practice examination and his experience meets requirements of Chapter 471, F.S. The basis for denial was education. Mr. Battula completed a BS degree from Andhra University and an MS Degree from the University of North Carolina. Initially the application was denied because Mr. Battula submitted an evaluation from WES which is not an approved evaluator. He elected to supplement and to have a hearing. The supplement was an evaluation from ECEI. Review of the evaluation from ECEI indicated deficiencies in his education of 2.25 semester credit hours in math and 2.25 semester credit hours in basic sciences

The Informal Hearing, as requested by the applicant, was held for December to allow him the opportunity to secure a revised evaluation. He also indicates enrollment in a course from the University of North Florida. Mr. Battula has submitted additional information as a part of his appearance in December. The additional information was a letter from Dr. Richard Conte, PE, Academic Advisor/Instructor College University of North Florida and copies of letters from Andhra University outlining the course content. Mr. Battula indicated he had completed an additional course in Biology that should reduce the basic science deficiency

to .5 credit hours. Mr. Battula requested a continuance so that he could have the college forward the transcript of the course he completed the day before the Board meeting. Mr. Duyos pointed out that the Board's rules required a two-semester sequence of either physics or chemistry and that the biology course would not satisfy that requirement. Mr. Battula was advised to contact ECEI and see if they would re-evaluate his degree to determine whether or not he had completed two semesters of either physics or chemistry. Mr. Buttula indicated that in his college, each physics and chemistry class was for a full year, not just for a semester. Mr. Martin advised him to take up this point with ECEI to see if they would revise their evaluation.

Upon a motion by Mr. Duyos and a second by Mr. Rebane, the Board voted to grant the continuance.

N. Consideration of Modification of Terms of Final Order

#1. Scott Cramer

Mr. Cramer was placed on probation for Case 00-0018. He has completed all terms of the Final Order that included a fine, study guide and a course in ethics. He has not completed the project review requirement because he no longer signs and seals engineering documents. Mr. Cramer indicated that he did not want to appear before the Board when this matter was considered.

Mr. Cramer was not present. He was represented by Edwin Bayo, Esquire, who appeared before the Board. Mr. Bayo submitted that his client had complied with the Board's requirements by filing a report listing any projects that he had completed so that the Board could perform a project review. Mr. Bayo had filed a motion to terminate probation based on his client's compliance with the order. Mr. Martin noted that once the time period for appeal has expired, the Board no longer has jurisdiction over this case and it is incumbent on the prosecuting attorney to determine whether an additional case should be submitted back to the Probable Cause Panel. Mr. Sunshine noted that the Stipulation requires him to remain on probation for at least eighteen months and implies that it might take longer for him to complete the two projects to provide for plan review.

Mr. Martin stated that the Board should not take any action at this time. Mr. Bayo stated that the Stipulation does not state that his probation would be extended until the two projects are reviewed. It states that he will be placed on probation and is required to submit lists of projects.

Mr. Rebane spoke in support of tabling the ruling on the motion. The Board members had not received a copy of the motion until the Board meeting. The motion hearing was delayed until the February Board meeting.

O. Informal Hearings on Denial of Continuing Education Provider Application

#1. Gorman & Israel

Gorman and Israel applied for renewal of their continuing education provider status for 2003-2005. The Board determined that they do not meet criteria outlined in 61G15-22.011, Florida Administrative Code, as a provider of continuing education and the application was denied.

Ms. Flynn indicated that the law firm had withdrawn its application for provider status.

**Part III
Disciplinary Hearings**

Mr. Matthews made a brief presentation to the audience outlining the complaint process for licensed and unlicensed cases.

P. Recommended Orders

- #1. Anthony Pedonesi, P.E.
PE 34653
DOAH Case Number 03-0890PL
FEMC Case Number 01-0104
Represented by David P. Rankin, Esquire
Probable Cause Panel: Rebane, Matthews, Seckinger

Mr. Sunshine advised the Board of a request for continuance to the February Board meeting filed by Mr. Pedonesi so that the location is closer to his home.

#2. Nicholas W. Nicholson, P.E.
PE 37862
DOAH 03-0731PL
FEMC Case Number 01-0037
Represented by David P. Rankin, Esquire
Probable Cause Panel: Rebane, Matthews, Seckinger

Mr. Nicholson was present with his attorney. He had been charged by Administrative Complaint with two counts of negligence in the practice of engineering relating to plans for his Wing/Alexander Residence and Rutman projects.

Mr. Nicholson disputed the facts upon which the Administrative Complaint was based and elected a formal hearing, which was conducted on June 5, 2003. By Recommended Order dated October 28, 2003, the Administrative Law Judge concluded Mr. Nicholson was guilty of negligence in the practice of engineering, in violation of Section 471.033(1)(g), Florida Statutes, and recommended the Board enter a Final Order imposing a reprimand, and placing him on probation for a period of two years.

On November 11, 2003, Counsel for Mr. Nicholson filed Exceptions to the Recommended Order. The Board's Prosecuting Attorney filed a response to Mr. Nicholson's exceptions to the Recommended Order.

Mr. Rankin addressed the Board on behalf of Mr. Nicholson. He argued that there was not competent substantial evidence presented by Mr. Berryman in his testimony at hearing.

Mr. Martin pointed out that witness credibility is within the hands of the judge. If the judge issued a finding of fact based on this, then it is difficult for the Board to overturn that finding unless they find that there was no competent substantial evidence. Mr. Martin also reviewed a hard copy of a powerpoint presentation Mr. Rankin was prepared to show and opined that the presentation was more of an attempt to reargue the case that went to hearing and would therefore not be appropriate. Mr. Rankin's argument was that Mr. Berryman did not establish at hearing what the appropriate standard of practice would be in the State of Florida. Mr. Rankin also argued that the Board's rule defining negligence states that it is the failure of the engineer to practice within the acceptable standard of practice. Because Mr. Berryman did not articulate this standard, Mr. Rankin did not feel like the Board had sufficient information to determine whether Mr. Nicholson violated that standard.

Mr. Rankin asked whether Board members had reviewed the plans associated with the hearing. Mr. Sunshine stated that the plans were available for Board members to review if necessary.

Ms. Lacasa moved to reject the Exceptions to the Judge's Findings of Fact and to adopt the Judge's Findings of Fact. Dr. Bondada seconded the motion. The motion passed.

Mr. Duyos moved to reject the Exception to the Administrative Law Judge's Conclusion of Law. Ms. Lacasa seconded the motion. The motion passed.

Ms. Lacasa moved to adopt the Findings of Fact in the Judge's Recommended Order. Mr. Duyos seconded the motion. The motion passed.

Mr. Duyos moved to adopt the Judge's Recommended Conclusion of Law. Ms. Lacasa seconded the motion. The motion passed.

The Board would next consider a disciplinary penalty. Mr. Sunshine distributed information detailing the administrative costs associated with the case in the amount of \$7,140.65. Mr. Rankin presented mitigating evidence to the Board. Mr. Sunshine noted the minimum disciplinary guideline for this type of offense.

The Board imposed a reprimand, a two-year period of probation with project review at six and 18 months, an administrative fine of \$1,000 plus costs of \$7,140.65.

Q. Settlement Stipulations

- #1. Leslie E. Colby, P.E.
PE 36686
FEMC Case Number 02-0026
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Colby was present and addressed the Board. He was charged with one count of plan stamping relating to two sheets of mechanical plans that were prepared by Steve Henry Design, Inc. The mechanical plans were not prepared under the direction or supervision of Mr. Colby. He simply signed and sealed the mechanical plans.

Mr. Colby had entered into a stipulation with FEMC for a \$1,000.00 administrative fine, costs of \$150.43, a reprimand, probation for one year with the requirement that he successfully complete a Board approved course in Engineering Professionalism and Ethics and complete the Study Guide, and a requirement that he explain his understanding of the plan stamping rule when he appeared before the Board. Mr. Colby explained his position in regard to the charge of plan stamping and stated that he would not sign another mechanical plan again. Mr. Rebane noted that there would be no problem with him sealing mechanical plans as long as he is in responsible charge of the project.

Upon a motion by Ms. Lacasa and a second by Dr. Bondada, the Board voted to approve the Stipulation.

- #2. Steven E. Harris, P.E.
PE 36805
FEMC Case Number 03-0004
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Harris was not present. He had been charged by Administrative Complaint with two counts of negligence in the practice of engineering relating to two sheets of deficient fire protection plans and hydraulic calculations for a lumber processing plant.

Mr. Harris had entered into a stipulation with FEMC for a \$2,000 fine, costs of \$1,049.70, an appearance before the Board, a reprimand, probation for two years with a CE course in fire protection, submission of a detailed list of projects with two projects to be selected for review, a course in Engineering Professionalism and Ethics, and completion of the Board's study guide.

Staff was recommending adoption of the Settlement Stipulation as the Board's Final Order. The terms are identical to the terms recommended by the Probable Cause Panel. However, Mr. Harris did not appear before the Board when the Stipulation was presented.

Mr. Rebane moved to accept the Stipulation. The motion died for lack of a second.

Ms. Lacasa moved to continue the case until the February Board meeting with the expectation that Mr. Harris will appear. Mr. Duyos seconded the motion. The motion passed.

- #3. Natural Resource Recovery Group, Inc.,
Anthony P. Mazpule, P.E.
EB 6879
FEMC Case Number 01-0095
Represented by Stanley E. Goodman, Esquire
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Mazpule was charged with one count each of negligence and misconduct relating to a groundwater contamination assessment and remediation activities for a dry-cleaning site.

Mr. Mazpule entered into a Stipulation with FEMC for a \$1,000 fine, costs of \$1,773.08, a reprimand, probation for two years with completion of a course in Engineering Professionalism and Ethics and completion of the Board's Study Guide.

Mr. Martin confirmed that this matter was previously presented to a Probable Cause Panel on which Mr. Rebane served; however, the Panel took no action on the case at that time. Therefore, Mr. Rebane remained eligible to participate in final action.

Mr. Rebane spoke out against lowering the administrative fine based on potential costs of litigation. Mr. Duyos spoke out against shortening the probation time from the minimum two years to one year because of the seriousness of the offense. Mr. Rebane pointed out several allegations in the original complaint that the Respondent never addressed and moved to reject the Settlement Stipulation. Mr. Duyos seconded the motion. The motion passed.

The Board requested Mr. Sunshine to make a counter-offer to Mr. Mazpule for a settlement including a \$2,000 administrative fine, a two-year probation, plus a course in Engineering Professionalism and Ethics and the Board's Study Guide.

- #4. Faustino Prado, P.E.
PE 20948
FEMC Case Number 02-0173
Represented by Edwin A. Bayo, Esquire
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Prado was present and represented by Mr. Bayo. Mr. Prado had been charged by Administrative Complaint with one count of aiding or assisting an unlicensed entity to practice professional engineering, one count of negligence in the practice of engineering, and one count of using an unacceptable seal.

Mr. Prado entered into a stipulation with FEMC for a \$1,500.00 administrative fine and costs of \$969.22; he shall successfully complete a Board approved course in Engineering and Professionalism and Ethics; and the successful completion of the Board's Study Guide. Count One of the Administrative Complaint would be dismissed.

Mr. Bayo presented mitigating circumstances including Mr. Prado's previous clean record and the fact that he is an engineering professor at the University of South Florida.

Upon a motion by Mr. Rebane and a second by Ms. Lacasa, the Board voted to accept the Stipulation.

R. Informals

- #1. Valdez A. Chavis, P.E.
PE 38576
FEMC Case Number 02-0039
Represented by Robert C. Rivers, Esquire
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Chavis was present with his attorney, Mr. Rivers. He was charged with two counts of negligence or misconduct in the practice of engineering relating to a letter to the City of Jacksonville Building Department certifying that a single-family residential addition was built to in accordance with the South Florida Building Code.

Mr. Chavis did not dispute the allegations and elected an informal hearing before the Board. His attorney presented some background information and expressed regret that this issue was not resolved in the field. He presented mitigating circumstances such as a lack of harm to the public for the Board's consideration.

Through testimony, it was found that Mr. Chavis practices through a company called VAC, an acronym for his initials, but a fictitious name nonetheless. He was advised that he needs to obtain a Certificate of Authorization. Mr. Sunshine indicated that the costs in the case were \$515.33.

Mr. Rebane moved to impose the penalty recommended by the Probable Cause Panel of a \$2,000 administrative fine, costs of \$515.33, a two-year probation with completion of the Board's Study Guide, and completion of a course in Engineering

Professionalism and Ethics. Dr. Bondada seconded the motion.
The motion passed.

- #2. Raymond Reichard (Unlicensed)
FEMC Case Number 01-0117
Probable Cause Panel: DBPR

Mr. Reichard was charged with two counts of unlicensed practice of engineering. Mr. Campbell requested the Board to consider a motion to adopt the findings of fact and conclusions of law in the Administrative Complaint. This person had obtained a Florida seal using his Colorado license number and had practiced engineering in Florida for several years. He had previously been issued a Cease and Desist by the Department in 1999 for the same allegations. Dr. Miller requested Mr. Campbell to take measures to require Mr. Reichard to submit his seal to the Board office.

Ms. Lowe was requested to post this gentleman's name on the Board Administrator listserv in addition to CouncilNet.

Upon a motion by Mr. Rebane and a second by Mr. Matthews, the Board voted to adopt the Findings of Fact as alleged in the Administrative Complaint.

Mr. Rebane moved to impose a fine of \$15,000 based on the fact that Mr. Reichard had five allegations of unlicensed activity with a \$3,000 fine per incident. Mr. Duyos seconded the motion. Ms. Lacasa spoke out against the motion and requested the Board to consider imposing a stiffer penalty based on this gentleman's failure to recognize that he should not practice without a license. Mr. Rebane withdrew his motion.

Ms. Lacasa moved to impose a \$25,000 penalty based on a \$5,000 fine per incident. Mr. Matthews seconded the motion. Mr. Tomasino offered a friendly amendment to require Mr. Reichard to turn in all of his seals immediately. Ms. Lacasa and Mr. Matthews seconded the motion.

In response to a question from a Board member, Mr. Campbell noted that if the fine is not submitted, the next step would be to go to Circuit Court to enforce the order. The motion passed.

S. Motion for Default

- #1. Edward D. Collins, P.E.
PE 53338
FEMC Case Number 02-0149
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Collins has been charged with one count of violating Chapter 471 and 455, Florida Statutes, for discipline taken by the Nevada Board of Professional Engineers and Land Surveyors against his Nevada PE license. The Nevada Board took action against Mr. Collins PE license for practicing a discipline of professional engineering in which the Nevada Board has not qualified him. He was also charged with stamping plans over which he did not have responsible charge; and failing to sign and date his stamp on the plans.

On July 8, 2003, an Administrative Complaint was filed and sent to Mr. Collins by certified mailed, along with an Election of Rights form and an Explanation of Rights form. Mr. Collins received and signed for the aforementioned documents on July 18, 2003.

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

Mr. Rebane moved to find him in default. Mr. Duyos seconded. The motion passed.

Mr. Rebane moved the probable cause panel recommendation of a reprimand, a \$1,000 fine, and completion of the Board's Study Guide. Ms. Lacasa seconded the motion. Mr. Duyos noted that Mr. Collins' license is currently in delinquent status. The motion passed.

- #2. Joel H. Rosenblatt, P.E.
PE 29173
FEMC Case Number 02-0063
Represented by Theodore W. Herzog, Esquire
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Rosenblatt was charged with one count of negligence in the practice of engineering and one count of violating Chapter 471 and Chapter 455, Florida Statutes, the delegated engineer rule, relating to a Belew Residence project.

On July 8, 2003, an Administrative Complaint was filed and sent to Mr. Rosenblatt by certified mailed, along with an Election of Rights form and an Explanation of Rights form. Mr. Rosenblatt received and signed for the aforementioned documents on July 21, 2003.

The Explanation of Rights form advised Mr. Rosenblatt that if he failed to make an election in this matter within twenty-one days from receipt of the Administrative Complaint, his failure to do so may be considered a waiver and the Board may proceed to hear his case. Mr. Rosenblatt failed to timely request a hearing. Staff was requesting the Board grant the motion for default and consider an appropriate penalty.

Mr. Sunshine indicated that the costs in the case were \$1,010.50.

Following discussion the following action was taken.

Moved by Mr. Rebane and second by Mr. Duyos to grant the Motion for Default. Upon a motion by Mr. Rebane and a second by Mr. Duyos, the Board voted to adopt the Findings of Fact and Conclusions of Law in the Administrative Complaint.

Moved by Mr. Duyos and second by Ms. Lacasa that a Final Order be issued calling for a reprimand; \$2,000.00 administrative fine; costs of \$1,010.50; completion of a course in Engineering Professionalism and Ethics; completion of the Board's study guide; plus two years of probation with a plans review at six and 18 months.

- #3. David Koval (Unlicensed)
FEMC Case Number 02-0021
Probable Cause Panel: DBPR

Mr. Koval had entered into a contract for engineering services and had already received in excess of \$35,000 when the Complainant discovered he was not licensed. FEMC staff had not been able to locate Mr. Koval and notification of this proceeding was accomplished by publication. Mr. Campbell filed a Motion for Default which was in front of the Board for action.

Upon a motion by Mr. Rebane and a second by Mr. Duyos the Board voted to find Mr. Koval in default.

Upon a motion by Mr. Rebane and a second by Mr. Matthews, the Board voted to adopt the Findings of Fact and Conclusions of Law as alleged in the Administrative Complaint.

Mr. Duyos asked how he had practiced engineering if no services were provided. Mr. Campbell stated that he had represented himself as an engineer and that he had prepared a set of preliminary permitting documents which were rejected by the building department for incompetence.

Mr. Rebane moved to impose a \$5,000 penalty. Ms. Lacasa seconded the motion. The motion passed.

T. Appeals

- #1. John F. Sheils, P.E.
PE 36170
FEMC Case Number 02-0005
Represented by Robert A. Sweetapple, Esquire
Probable Cause Panel: Rebane, Matthews, Seckinger

Mr. Sheils was not present. On October 28, 2003, a Final Order was filed against Mr. Sheils in case number 02-0005. In this Order, the Board reprimanded Mr. Sheils, issued a \$1,000.00 fine and costs of \$5,068.15, imposed probation for two years with terms and conditions that he shall complete the Board's Study Guide and take an approved course in Engineering Professionalism and Ethics.

On November 10, 2003, Mr. Sheils filed a Notice of Appeal in regard to the Final Order and filed a Motion for Stay of Imposition of Penalty. Staff recommended the Board grant the Motion. Upon

a motion by Ms. Lacasa and a second by Mr. Tomasino, the Board granted the Respondent's Motion.

U. Prosecuting Attorney Report

V. Adjourn

Upon a motion by Mr. Rebane and a second by Mr. Matthews, the Board voted to consider this an unexcused absence for Ms. Velazquez.

#1. Announcements

MINUTES
Florida Board of Professional Engineers
April 21-22, 2004
Beginning at 8:30 a.m. or soon thereafter.
Naples, Florida

Part I
General Business Agenda

A. Meeting Administration

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

The meeting was called to order at 8:32 a.m.

Board members present:

Robert Matthews, P.E., Chair
Henn Rebane, P.E.
John Burke, P.E.
Jorge Duyos, P.E.
Daniel Rivera, Public Member
Albert Rose, P.E.
Paul Tomasino, P.E.
Gloria Velazquez, Esq., Public Member

Board member not present:

R. Gerry Miller, Ph.D., P.E.

Board Staff and guest:

Natalie Lowe, Executive Director
Carrie Flynn, Asst. Executive Director
Marvin Vickers, FEMC Comptroller
Douglas Sunshine, Esq., Prosecuting Attorney
Bruce Campbell, Esq., Prosecuting Attorney
Jeannie Carlton, FBPE CE Coordinator
Paul Siddall, FBPE Investigative Consultant
Paul Martin, Esq., Board Counsel
Kermit Prime, P.E., FES
Charlie Geer, P.E., FES
George Peterson, Ph.D., ABET
Muriel Zhou, ABET
Priscilla Trescott, FES

Mark Reid, University of Miami

2. Introduction of guests and announcements as to presentations at a time certain.
 - a. Presentation by Dr. George Peterson, Executive Director, ABET and Muriel Zhou, Director, ECEI-- 9:00 a.m.
 - b. Appearance by UM Evaluation Services – 10:00 a.m.
 - c. Presentation by FES on FBPE Unlicensed Activity Campaign – 11:00 a.m.

Mr. Matthews welcomed Mr. Allen Seckinger past Board member and a current member of the Probable Cause Panel.

3. Approval of the Agenda

Upon a motion by Mr. Duyos and a second by Mr. Rebane, the Board voted to approve the Agenda.

4. Approval of the Consent Agenda

Upon a motion by Mr. Rebane and a second by Mr. Rivera, the Board voted to approve the Consent Agenda.

5. Review and Approval of previous Board meeting minutes
 - a. Minutes from February 18-19, 2004 Meeting*

This item was approved on the Consent Agenda.
 - b. Minutes from March 25, 2004 Conference Call

B. Committee Reports

1. Applications Committee

(R. Gerry Miller, Ph.D., P.E., Chair; John Burke, P.E., Jorge Duyos, P.E.; Henn Rebane, P.E.; Daniel Rivera; Albert Rose, P.E., Paul Tomasino, P.E.; Gloria M. Velazquez, Esq.)

a. Minutes from the Meeting of April 20, 2004

The Board members reviewed lists that were distributed during the first day of the meeting. Mr. Duyos asked to pull #80 from the Endorsement list, Aykut Cetin. Upon a motion by Mr. Rebane and a second by Mr. Duyos, the Board voted to approve the lists as drafted.

In regard to Mr. Cetin, Mr. Duyos noted he has a Bachelors degree from a university in Turkey as well as a Masters degree and a Ph.D. from ABET universities. He is licensed in seven other states. He doesn't meet all the credit hour requirements because he doesn't have the sequences in physics or chemistry.

Mr. Martin pointed out that this would require a waiver of the Board's rules and that this would only invite further appeals and hearings from applicants who have made this same or similar appeal in the past few years. Upon a motion by Mr. Duyos and a second by Mr. Rebane, the Board voted to deny the applicant.

This issue will be added to the next Educational Advisory Committee agenda.

2. Educational Advisory Committee

(Jorge Duyos, P.E., Chair; R. Gerry Miller, Ph.D., P.E.; Melvin Anderson, Ph.D., P.E. (Consultant))

a. Minutes from the Meeting of April 20, 2004

Mr. Duyos indicated that the Educational Advisory Committee did not review files on the previous day. The review was limited to Endorsement and Continuing Education provider files.

Mr. Duyos asked how many members would be available to attend the May 5th meeting. Six board members indicated they would be in attendance. Mr. Duyos stated he would be preparing an Agenda for this meeting.

b. Presentation by ABET / ECEI

Mr. Duyos gave a brief outline on the process foreign graduates must follow in the application process. They must submit as a part of the application process an evaluation of their foreign degree. Presently the Board has three services that are approved. He stated he has seen several issues with the different evaluation services. Some issues dealt with ECEI and evaluations they had submitted during the past year. Approximately one year ago, the Board was asked to complete a survey and sent to ECEI. Some of the problems were with complaints received from applicants in the area of customer services. As he has not heard any complaints from applicants lately, he is assuming that ECEI has resolved that issue.

The second concern expressed was that ECEI is adding language to its evaluations that says even though they haven't reached the required number of hours, they have reached substantial equivalency. This creates several problems for the Board and for the applicant. The law in Florida requires the applicant to complete a specific number of hours. But the applicants, seeing this language on their evaluations, are appealing the Board's decisions and pointing to ECEI's statement that they meet the substantial equivalency test. He asked ECEI to be responsive to the Board's comments and constructive criticism. Ms. Zhou noted that this equivalency declaration is based on several other factors that are taken into consideration when they review the applicant's educational criteria as a whole.

Mr. Duyos also asked that ECEI not award humanities credits for foreign language classes when the language is the applicant's native language.

Mr. Matthews noted that applicants are asked to specify which state they are applying with and that determines their fees for the actual evaluation.

Dr. George Peterson, Director of ABET, introduced himself and Muriel Zhou, the Director of ECEI. Dr. Peterson stated they were before the Board to hear exactly the kind of comments provided by Mr. Duyos. ABET has been evaluating degrees in accordance with the requirements in place at the time the applicant graduated. But he also noted that this process can be changed. ECEI is a not-for-profit company and is a part of ABET. They realize that Florida's rules may be different than other states' and they are before the Board to introduce the Board to ECEI's services and to determine how they can improve these services to the Board.

They made a presentation on ABET's history and mission.

ECEI will perform an evaluation of an engineering program from a foreign institution if it is requested. If the program meets specific criteria, they will deem the degrees substantially equivalent to the U.S. degree.

The Washington Accord is an agreement among eight nations in which we have agreed to recognize graduates from the accreditation systems in these nations. They have visited each of the accreditation systems and ABET will attest to the equivalence of the accreditation system to those in the United States. They then urge U.S. Boards to recognize graduates from those programs as substantially equivalent. Each country is visited every six years. At the last meeting, three other countries were added as provisional.

Ms. Zhou noted that ECEI encourages evaluation even if from Washington Accord because Washington Accord does not distinguish between technology and engineering degrees. If Florida does not have a problem with technology degrees it would not be a problem, however, if technology degrees are not recognized evaluation serves to define the actual degree content it would be problem.

Subjects are represented on the applicant's evaluation, such as Higher Math I and Higher Math II, and the Board does not have the information it needs to understand whether they should approve these courses. Unless there is a specific description of what is covered in these courses, the Board is forced to deny this applicant.

Mr. Duyos invited Ms. Zhou to the May 5th application review meeting in order to go over the Board's requirements in more detail.

c. Presentation by UM Evaluation Services

Mr. Mark Reid appeared on behalf of the University of Miami's Evaluation Services. He had provided letters of reference for UM's services. The University is requesting approval as a transcript evaluation service. He stated that the University, for years, had received requests from non-university students seeking evaluation of their academic credentials. Last year, the University determined that it had the expertise to perform these evaluations rather than refer them to other entities. In September 2003, they

launched the University of Miami Academic Credentials Evaluators. There are two individuals performing evaluations, himself (been with UM since 1984) and one other individual. The other person is Nancy Ortiz, senior associate director, who has been with UM for 30 years. She is from Cuba and is considered one of the U.S. leading experts on Cuban educational credentials. They find a great number of fraudulent documents submitted and the problem is worsening. He was before the Board to hear concerns of the Board, to introduce himself to the Board, and to learn what the Board would need from the University.

Mr. Reid offered to take a sample degree and to perform an evaluation to the Board's criteria for the Board's review. He stated that UM does not have its own translation service at this time so they use a service in Miami. He stated that if the Board has a preference for a particular translation service, they would be happy to specify that company. He assured the Board that UM could tailor their evaluations to the Florida Board's requirements.

Ms. Velazquez confirmed with Ms. Austin, from Foreign Credentials Associates, that her attendance at an application review meeting was helpful, and then invited Mr. Reid to attend a similar meeting.

Ms. Velazquez asked FEMC staff to provide the Board with the number of foreign degree applicants they have for examination and for endorsement.

She asked ECEI's staff to provide a breakdown of the different countries represented in the evaluations.

Mr. Duyos indicated he would recuse himself when the vote was taken whether or not to approve the University of Miami as an evaluator.

d. Correspondence from Professional License Consulting Group

Professional License Consulting Group representative wrote the Board to notify them of a new agreement called the ALCA. The Florida licensing process is being discussed in Colombia. Mr. Martin was requested to prepare a response to Mr. Pienda indicating that the Board does not endorse private businesses.

3. Probable Cause Committee
(Robert Matthews, P.E.; Paul Tomasino, P.E.; Allen Seckinger, P.E., Consultant)

- a. Report on the Meeting of March 25, 2004*

Mr. Matthews commented that he approved of how Mr. Campbell was assisting with licensed activity discipline cases when the unlicensed activity load was light.

4. FBPE Rules Committee
(Henn Rebane, P.E., Chair; John Burke, P.E.; Albert Rose, P.E.; Paul Tomasino, P.E.; Gloria M. Velazquez, Esq.)

- a. Report on the meeting of April 19, 2004

Mr. Rebane reported that the Rules Committee had met on Monday by teleconference. This meeting was limited to discussion on one item, revision of the definitions 18.011, specifically the definition of responsible charge. The question before the Committee was whether or not the Board should require some sort of physical presence of the engineer in responsible charge. Mr. Martin distributed a draft of proposed language for the Board members to review. The Committee recommends to the board to replace the words "engineer in responsible charge" with "engineer of record", as this term is defined elsewhere in the rule. A few other items were clarified. The engineer of record must be familiar with applicable codes and standards and there are other requirements set forth in the proposed draft.

The Committee spent the most time reviewing (1)(c)4. of the proposal, which stated "the engineer shall have the freedom to exercise his judgment when deciding to what extent physical presence is required, if any..."

Mr. Martin advised against inserting this new language and instead proposed the following:

He would recommend amending (1)(a)1. to say "in making said engineering decisions, the engineer shall be physically present or, if not physically present, be available in a reasonable period of time, through the use of electronic communication devices, such as electronic mail, videoconferencing, teleconferencing, and via facsimile transmission,"

He reiterated that the discussion had centered on whether the engineer of record needed to be physically present for all projects or whether there were projects for which the engineer of record really did not need to be physically present.

His suggested language was offered as a means of relaying the Committee's preference that some alternative means of being available be permitted by Board rule.

Mr. Martin noted that these modifications would permit companies to have offices in remote locations such as India, but with the specific requirements or mandates for the engineer of record specified in (1)(c)1.-4. would help eliminate situations where unlicensed personnel merely transmitted work to licensed engineers who would then engage in plan stamping.

Mr. Matthews stated that ASCE is weighing in on the issue and he distributed a handout from them.

Mr. Duyos asked who defines a "reasonable period of time"? Mr. Martin stated that there should be some maximum period of time specified in the rule in order to assist the prosecutor in their responsibilities.

Mr. Matthews noted that one of the areas that is very challenging for the PCP is addressing the question of whether or not an engineer is engaging in plan stamping. Mr. Matthews was concerned that the electronic communications do not provide any documentation to track the progress of a project. There is a lack of physical evidence that can be problematic when trying to discern the engineer of record's role in the project.

Mr. Rebane suggested that Mr. Sunshine utilize paragraph 18.011(1) (c)1. in prosecuting cases that involve charges of plan stamping.

Mr. Tomasino stated that the engineer will have to have personal knowledge of the technical expertise of their staff and he asked what would happen when one engineer takes over a project. He asked about situations where the work was performed six months ago and a new engineer is hired to take over the project and is required to seal the project. This new engineer might not have known who worked on the project in the past. It was the consensus of the Board that the engineer coming on board to the project should familiarize themselves with those providing technical services on the project and if they are not satisfied with a person's qualifications, then they would need to remove them from the project.

Mr. Matthews asked about (1) (a) 1., in regard to non-physical communications. He stated he knew of other methods of communicating that were not listed here. Mr. Martin stated that this was not intended to be an all-inclusive list of methods of communication but was really intended as an example of different methods used. One example Mr. Matthews offered in situations where the CAD operator saved the files to a company network and other employees simply reviewed those files on the network. It was the consensus of the Board that "computer network" should be added to the list of examples before the word "facsimile".

Mr. Tomasino asked to go back to Mr. Duyos' question on what would constitute a reasonable amount of time. Mr. Matthews suggested that something like 40 hours be added to the rule and then the Board can review the rule at some point in the future to see if it is working well for the industry. Mr. Rebane noted that 24 hours would be the standard for a project manager because projects can not be held up.

Mr. Prime stated that physical presence is a function of many variables. Some projects can take as long as three years and this will require one level of physical presence. On the other hand you have other projects that are completed in a much shorter span of time and this would require a different level of physical presence. The Board's rules are supposed to address all these different types of projects and it will be difficult to craft a rule that can work with the different situations that occur. It was the consensus of the Board not to specify a time period at this time.

Mr. Rebane noted that the Rules Committee recommends adoption of this language with the two changes noted: one in (1)(a) 1. to add "computer networks" and (c) 2. to change "technical" to "engineering". Upon a motion by Mr. Rebane and a second by Mr. Duyos, the Board voted to go forward with rule adoption.

Ms. Velazquez noted that she had forwarded the rule draft to several engineers in the field after Monday's conference call. The responses she received indicated that in the field, the person in "responsible charge" is not always the person who seals the plans. She asked how our rules addressed those engineers who direct large projects but who do not necessarily sign and seal plans. She expressed concern that this person is being freed of liability by the changes being made to the rule. Mr. Martin offered that the engineer of record, who seals the plans, are accepting full responsibility for their role in the project. The responsible charge

rule sets forth the legal requirements for those engineers signing and sealing plans or engineering documents.

Mr. Prime indicated that FES would support the motion that was on the floor but would reserve the right to submit comments during the actual rulemaking process.

The motion passed.

5. Joint Engineer / Architect Committee
(Henn Rebane, P.E., Chair; Daniel Rivera)
 - a. No report.*

6. FBPE / FEMC Liaison
(Robert Matthews, P.E., Chair)
 - a. No report.*
7. Test Administration Committee
(R. Gerry Miller, Ph.D., P.E., Chair)
 - a. No report.*
8. Continuing Education Committee
(R. Gerry Miller, Ph.D., P.E., Chair; John Burke, P.E.; Henn
Rebane, P.E.; Paul Tomasino, P.E.)
 - a. Minutes from the meeting of March 18, 2004

Mr. Burke introduced the topics of discussion from this committee meeting. The Committee would be recommending changes to the MCE program by recommending that the Board approve both courses and providers for laws and rules and building code courses.

Mr. Rebane explained that the Florida Building Commission will not be approving courses on the building code. They are leaving approval to the various professional boards. There is also problem with this Board's entry of information as the Department's computer system does not take CE courses without a numbering system. In addition, it is the opinion of the committee that the material presented to the licensees should be current and content should not be outdated.

Mr. Rebane also added some input from the meeting. The committee was recommending approval of courses on the new Florida building code and for laws and rules courses. The Committee would not recommend approving exempt provider courses.

In discussion it was noted that a definite track record of problems with licensease is in order for this Board to monitor problems and solutions to the problems.

It was noted that a licensee's special inspector number should appear on the system and presently the system is not designed to show the number. This is a statutory requirement.

Upon conclusion of discussion it was moved by Mr. Rebane with a second by Mr. Duyos to approve building code courses and courses on laws and rules.

In discussion it was noted the committee minutes should be clarified to indicate recommendation to approve laws and rules and building code courses not area of practice.

Exempt providers will be assigned a course number assigned by staff. In addition, the other methods of obtaining continuing education will be assigned a course number.

Mr. Tomasino expressed concern that the laws and rules providers be required to update their courses. Mr. Matthews stated that this rule change would prompt this.

Upon conclusion of discussion a vote was called and the motion passed.

Mr. Burke noted that the Committee also voted to make a recommendation to the full Board to submit Mr. Dunn's name to the Department for revocation of his provider status for failure to update his laws and rules course.

Ms. Carlton indicated that his current provider status is good through May 31, 2005. He has submitted an application to become a laws and rules provider. Mr. Matthews noted that if he has applied for provider status, the Board could deny his application for failure to update his courses.

Mr. Duyos asked what kind of assurance the Board had that Mr. Dunn would update his courses. Mr. Matthews relayed that in the meeting at which his application for provider status was reviewed, Mr. Dunn told the Board members that he would update his courses annually. In addition, the Board members reviewed his original application at the last application review. Mr. Dunn indicated in his application that he would update his course annually. The last time he taped a Board meeting was December 2002.

Board staff would forward a copy of his application with a cover letter to the Department and request the Department staff to initiate an investigation.

Mr. Duyos asked that staff notify Mr. Dunn that his application was being forwarded to the Department so that he does not incur unnecessary expense of taping any board meetings when there is a chance his provider status would be revoked.

Mr. Rebane moved to request the Department to revoke Mr. William Dunn as a CE provider for failure to update his course. Mr. Burke seconded the motion. Mr. Martin will draft the memo and Ms. Flynn will

submit the memo with a copy of his application to the Department. The s passed.

9. FBPE Legislative Committee
(Daniel Rivera, Chair; Henn Rebane, P.E.; Jorge Duyos, P.E.; Paul Tomasino, P.E.)

- a. Minutes from the meeting of January 29, 2004

Ms. Lowe reported that the Governor would soon be signing HB 419 and that this bill includes the Board's changes to Chapter 471, F.S.

Mr. Martin had spoken to the Governor's office the day prior to this meeting for purposes of clarifying how the new exemption language would be applied. This explanation apparently satisfied their concerns.

Mr. Martin suggested each Board member be considering candidates for the new positions.

10. Unlicensed Activity Committee
(Albert Rose, P.E., Chair; Jorge Duyos, P.E.; R. Gerry Miller, Ph.D., P.E.)

- a. Presentation by Ms. Priscilla Trescott

Ms. Trescott presented a PowerPoint demonstration. The items noted were one-hour lecture on licensure, the mentoring program and a list of Program Partners: Publications and Events Report and a list of Florida Colleges and Universities: Publications and Events Report. Her recommendation is that the Board use NCEES's presentation, included with their Speaker's Kit, and add to the presentation, rather than developing a new course by itself. She presented the NCEES Speaker's Kit noting that it includes videotape, a CD for PowerPoint presentations and a script. The program is approximately one-half hour in length. The speaker can also personalize the program to include experience from their background. She recommended inserting slides within the presentation to explain about the Florida Board, about the Florida Engineers Management Corporation.

Mr. Duyos asked if there were any salary surveys available, to show the difference in salaries for licensed engineers versus unlicensed, and certified Engineer Interns versus uncertified. Ms. Trescott stated that FICE is conducting a salary survey right now. This information could be provided to the speakers.

Mr. Matthews also noted that the presentation does not address the experience requirement between the two examinations. He also urged the Board to address the college population and their concerns rather than attempt to appeal to an older

age group. He stated that the Board members would be surprised at the questions that the engineering students ask.

Ms. Trescott stated it would be good for speakers to compare notes on the types of questions they get from the audience.

In regard to the mentoring program, Ms. Trescott stated that this is a very dynamic entity and she asked the Board to consider carefully how to structure this program. She stated that she has worked in mentoring programs before and what has made those programs successful was training for those who participate in the program as mentors. She recommended working through professional associations. Mr. Matthews noted that FES has 20 chapters with a pretty active membership that could provide support to the Board's program.

Ms. Trescott distributed a proposed mentoring program with budget, timetable, and questions for the Board to consider.

Mr. Matthews noted that FES had completed Phase I and asked Ms. Trescott if she would be submitting a proposal for Phase II of the campaign. Mr. Duyos stated that the Board would need to have everything to the Universities by August in order to get this kind of course on their curriculum. This means that FES needs to submit the scope and proposal to the Unlicensed Activity Committee and a meeting would need to be held jointly with FES in May. A recommendation would then be formulated for the Board at its June meeting. Staff should invite all the Deans.

Mr. Tomasino asked if the Board could meet with Deans of the engineering schools between now and the June meeting. Mr. Geer stated he would be happy to try to arrange a forum the afternoon before the June Board meeting. Ms. Flynn was requested to invite the NCEES to send a representative to the meeting.

Mr. Duyos asked ABET if they would consider requiring taking the FE exam for accreditation. Dr. Peterson stated that the question had been raised before and was not met very favorably.

Mr. Duyos asked for the floor to ask Ms. Trescott about some issues he had with the Florida Engineering Journal. He noted that the Journal is posting advertisements for engineering positions that violate the Board's rules and laws. In addition, they welcome new members who are holding engineering titles that violate the Board's law for protected titles. He recommended that FES refuse to place these advertisements. He recommended that staff contact each of the firms discussed today and advise them that they are violating the Board's rules and laws. Mr. Martin noted that there is a bill before the Legislature this session that would exempt certain individuals from the protected title language including some of those listed here. The exemption to the title language would not address municipal or governmental employees.

Mr. Matthews asked Ms. Trescott about the August board meeting. She invited the Board to the opening reception on Thursday evening and to the FICE reception prior to the banquet on Friday evening.

C. NCEES Business

1. Update on Southern Zone Meeting Attendance

Ms. Lowe noted that all registration forms have been submitted to North Carolina in preparation for the Southern Zone meeting.

D. Advisory Attorney's Report

1. Rules Update

Mr. Martin stated he was pleased to inform the Board that several rules had moved successfully through the rulemaking process and noted that everything in the adopted category has an effective date. Mr. Martin also noted that Mr. Christopher Lovett is appealing his case and challenging the Board's actions under the rule regarding five-time failures. He also noted that the rule under which he is basing his appeal has since been changed.

Ms. Flynn was requested to revise the PE application form to reflect the new experience requirements that recently went into effect.

The following rules were filed for final adoption and will take effect in March and April 2004:

- | | |
|--------|---|
| 20.002 | Experience |
| 20.007 | Foreign Degree Rule now includes the last company approved for completing evaluations of Foreign Degrees. |
| 21.001 | Written Examination Designated; General Requirements, and |
| 21.004 | Passing Grade |
| 21.003 | Repealed |
| 21.005 | Repealed |
| 35.003 | Qualification Program for Special Inspectors of Threshold Buildings |
| 35.004 | Common Requirements to All Engineers Providing Threshold Building Inspection Services as Special Inspectors |

In discussion of the new rules it was noted that staff should update the application for the Principles and Practice examination to reflect the more stringent rules in applying to acceptable experience.

The following rules will be filed for final adoption on April 12, 2004:

22.006 Demonstrating Compliance
24.001 Schedule of Fees Adopted by Board
30.009 Retention of Engineering Documents

2. Board Counsel Opinion Letters
 - a. Correspondence to Mr. Fetrow
 - b. Correspondence to Mr. Jammal
 - c. Correspondence to Mr. Hutto

The Board members reviewed the letters but took no action.

Mr. Tomasino asked about the letter he had submitted for a response. Ms. Lowe stated she would find the letter and make sure Mr. Martin received a copy.

E. Executive Director's Report

1. List of Applicants Requesting Retired Status*
2. Board Member Outreach Report
 - a. No report. *
3. Legislative Update

Covered under legislative committee report

4. Update on LicenseEase transition

Chuck Birmingham has assumed almost full time the task of collecting, forwarding to the Department and monitoring for follow up the magic tickets that are submitted on a daily basis.

By June we should be able to have a handle on where we are regarding outstanding issues regarding programming. The process on some occasions requires the Department to contact Accenture regarding certain programming changes.

The examination for October had been carried out without difficulties in regards to programming. The only issue regarding examinations was one late delivery.

Ms. Lowe noted that Betsy Browne, Executive Director of NCEES had visited the Miami and Orlando sites.

5. Budget / Contract Report FY 2004-2005

Mr. Vickers, the FEMC Comptroller, was present and addressed the Board regarding the proposed budget for 2004-2005. He noted that the FEMC Board had approved the budget and it was now before the FBPE for approval.

Two new positions are being requested. One would be an administrative assistant at a salary of \$28,000 plus benefits. In addition, FEMC is requesting funding for one additional investigator. The salary for this position would be split between the operating expense budget and the unlicensed activity budget. Prosecution and Enforcement was increased from \$125,000 to \$145,000. Computer Consultant / Services has been reduced from \$48,000 to \$30,000 with \$24,000 being allocated for IT support and \$6,000 being allocated for software upgrades. The line item for Proctors / Testing has been zeroed out because the Board is going to utilize ELSESES for exam administration. Rent was increased to accommodate the next year's lease. Board / Committee meetings travel was increased from \$70,000 to \$80,000 in order to accommodate the addition of two new board members. This would be contingent on passage of HB 419. The NCEES travel was increased from \$10,000 to \$16,000 in order to allow full participation in Council activities by the Board. Exam Purchase and Scoring, which was funded at \$215,000, was zeroed out because of ELSESES.

For the unlicensed activity budget, \$27,100 was added for the new investigator position, Prosecution and Enforcement was reduced from \$40,000 to \$25,000. The Unlicensed Activity Campaign line item was zeroed out because Phase II has not yet begun and it was felt that it would be premature to request funding for Phase III.

Mr. Duyos and Mr. Tomasino asked to see figures on revenue coming into FEMC. They wanted to ensure that FEMC is raising enough revenue to offset the budget.

There was a lot of discussion on how the Board's trust fund balance got as high as it did. Board members were concerned that their fee intake balance out their expenses. They requested staff to provide revenue figures at the June Board meeting. They also noted that it would take a statutory change to increase the renewal fee from the current level of \$125.00. The renewal fee has not changed for several years. Consider changing initial licensure fee as well as renewal fee.

It was moved by Mr. Tomasino and seconded by Mr. Rebane to have staff present in the June meeting a breakdown in the budget to show revenues, both existing and projected, from all different sources for each budget report so that the FBPE

can track the revenue intake. This breakdown should also track prior to and after the continuing education program was put into place.

Mr. Matthews spoke in support of the motion and noted that if the Board's trust fund will be short, then the Board will need to have something in place by next Fall in order to make a statutory change to increase the renewal fee.

Upon conclusion a vote was called and the motion passed.

The Board also asked FEMC to look at an allocation of a portion of the overhead to the unlicensed activity program. Both budgets should look identical.

Ms. Flynn noted that this Board is one of the only boards that includes the \$5.00 for the unlicensed activity fund in the \$125.00 renewal fee and application fee. Other boards charge the \$5.00 on top of the applicable fee.

Mr. Rebane noted that the LicenseEase contract the Department has with Accenture expires in 2008.

Mr. Rebane asked FEMC to prepare a report called the LicenseEase Impact on the FEMC Budget. The Board was uncomfortable with the fee charged in order to use LicenseEase. Now FEMC is asking for an additional administrative position in order to accommodate the computer program. He worries that the good service provided by FEMC is being jeopardized because of the increased amount of time that has to be spent working with the LicenseEase program.

Upon a motion by Mr. Tomasino and a second by Mr. Matthews, the Board voted to approve the budget.

F. Chair's Report

1. Correspondence from Julie Baker, Deputy Secretary

Mr. Matthews called for comments from the Board. This letter indicates that the Department swept \$5,912,262.00 from the Board of Professional Engineers' operating account and \$692,714.00 from the Board of Professional Engineers unlicensed activity account.

G. Correspondence to the Board

1. Correspondence from Luis Rojas-Abreu, Ph.D.

Mr. Rojas-Abreu presented several scenarios to the Board and asked whether or not a license would be required in each one. It was the consensus of the Board that the answer to each question was "no."

Upon a motion by Mr. Tomasino and a second by Ms. Velazquez the Board voted to direct Mr. Rojas-Abreu to the appropriate section of the laws and rules so that he can determine for himself whether or not this action requires a license.

1.a. Correspondence from Scott Passmore

Mr. Passmore asks if he needs to change his seal now that the word "license" has replaced the word "certificate."

It was the consensus of the Board that they did not want to require all licensees to go out and purchase a new seal. Ms. Lowe indicated that the Board office had already received a few calls asking how to address the situation.

Mr. Tomasino asked to table this issue until it could be determined what other changes the Board had requested. He'd like to review the minutes to see what changes were supposed to have been made because he does not think they were all made.

Mr. Rebane asked how the Board could notify the licensee population that they did not intend for them to rush out and change their seal. Mr. Tomasino stated he did not feel it would be fair to the licensees to make them spend money on a new seal when the board was merely making cosmetic changes. Mr. Duyos moved to make a ruling that anyone sealing documents needs to be in compliance with the current rule. Ms. Velazquez seconded the motion. The motion passed 6-2.

2. Engineering Times Article and Editorial Regarding Outsourcing*

Informational purposes only.

3. Engineering Times Article Regarding Forensic Engineering*

Informational purposes only.

4. Correspondence from David L. Hustad, P.E.

Mr. Martin noted that this question is raised often. Chapter 471, F.S., says you can perform inspections but that you are subject to the provisions in Chapter 468, F.S. If an engineer performs substandard inspections, they would be subject to discipline under Chapter 471, F.S. Under Chapter 468, F.S. inspection of work that the engineer designed is prohibited. Special inspectors of threshold buildings, on the other hand, are permitted by law to inspect their own work. In the situation where an owner hires a private provider to perform the inspections, that engineer cannot inspect their own work.

For the first bullet, 468, Florida Statutes clearly prohibits the engineer that contracts with the local government, school boards, etc. to perform building code

inspectors from inspecting anything their company designed or permitted. If there is a conflict the license that you use to do inspection, in this case the certification under Chapter 468, F.S. applies and the engineer would not be able to perform the inspections..

For the second bullet, the form they submitted appears to be designated for use with special inspection of threshold buildings. Any professional engineer with the expertise can perform non-threshold building inspections as long as it is not a building you designed.

In regard to the third bullet, can 468 be used to trump 553.79(5), the special inspector statute? Section 553.79(5), F.S., clearly permits the engineer to inspect their own work as long as their licensing board has certified them as a special inspector. Section 468 addresses building code compliance inspections.

There was discussion of increasing the Board's presence with the Building Official Association of Florida. For instance, the Board could send a speaker to the BOAF Annual Meeting, it could provide press releases to BOAF. Mr. Martin also agreed to condense his response down to an article for the next newsletter.

5. Correspondence from David C. Weaver, P.E.*

H. Old Business

1. Information Regarding Naval Architects and Marine Engineers

Mr. Campbell recounted that the Board had received some correspondence in the last Board meeting that led to the assignment that he review the yellow pages in major areas of the state to discover the presence of naval architects and marine engineers.

Mr. Campbell stated he had issued a Notice to C&D to Mr. Rahn based on a plan sheet submitted by Mr. Murray. This sheet listed Mr. Rahn at his former address as a naval architect / marine engineer. There was no listing for Mr. Rahn. In issuing the C&D, no further investigation was performed to determine whether Mr. Rahn had performed work in Florida or for a Florida customer. Mr. Rahn's attorney indicated that Mr. Rahn does a lot of work out of the state.

The results of Mr. Campbell's research are captured in a memorandum dated March 4, 2004. He also corresponded with Mr. Murray to advise him that the board would discuss this issue in their April meeting.

Mr. Doran Zilbershtein appeared before the Board. He is the President of the SW Florida Chapter of the Society of Naval Architects and Marine Engineers. As background, he stated that the Coast Guard was becoming overwhelmed with the

projects it received so they started asking for a P.E. seal on the plans. For those plans that come in with a P.E. seal, the Coast Guard will expedite the review process. SNAME came on board to fill in the void and provide information to those engineers and naval architects operating in this field. Their intention is to try to work with the Board on a solution of how to deal with the issue of the professional engineer exam. Because they deal with the Coast Guard their plans are not subject to State of Florida laws and rules. Their organization does not feel that the Florida P.E. exam is appropriate for the naval architects. SNAME helps prepare exam questions for NCEES. SNAME does not want those with less than a four-year degree to be designing ships. They do not feel that the Florida P.E. exam is the best solution because of the different international codes that they use. The difference in naval architecture (which is design of boats, the environment, stability, structural design of the ship and calculations go to coast guard) Marine engineers (work on the cruise ships in the offices there)

Marine engineers they do not have a problem with. They want to make sure people can still work as naval architects without having to take the Florida P.E. Mr. Duyos questioned whether they would not be exempt under the manufacturing exemption if they work for a firm and design a manufactured product for that firm.

Mr. Martin noted that the structural design work that naval architects are performing sounds remarkably like structural engineering. Mr. Zilbershtein agreed but noted that there are not disciplines within the category of naval architecture but that different people specialize in different areas. It takes professionals from all these different areas in order to build the ship.

Mr. Tomasino noted that this board's obligation is to protect the public health, safety, and welfare and they cannot ignore it when someone is out sealing engineering plans.

Mr. Tomasino asked if the Board could research what other state engineering boards have done to address this situation. (check Washington, Maine, Michigan) Check to see if this question has been asked before.

Mr. Rebane noted that the Board seemed to be heading towards exempting these types of engineers from licensure requirements.

2. Action Item List

Mr. Matthews had completed his items.

Ms. Lowe went through her items. The computer software expert will be invited to the June meeting. Please explore whether Gail Oliver would be appropriate to address the Board. The index of attorney general opinion letters is completed and ready to launch. In regard to the directory printing, Ms. Lowe presented a rough

figure for consideration. Mr. Tomasino asked if a list of engineers could be downloaded from the Department's web portal. Ms. Lowe stated she did not think the list of engineers was available yet. Staff was requested to determine whether LicenseEase would permit the download of the list. Mr. Rebane asked staff to correspond with the school in Melbourne to let them know that ELSEES is taking over the examination and that the possibility of scheduling an examination at their school will be discussed with the Council. DEP's Secretary needs to be notified that the Board has taken over the prosecution of unlicensed activity cases.

Mr. Sunshine had been requested to develop a system for capturing investigator time on unlicensed and licensed discipline cases.

Mr. Martin had cleared all of his action item lists.

Mr. Duyos reminded Mr. Campbell to respond to those companies who were advertising in the Florida Engineering Journal.

Mr. Matthews received a letter from the Alabama Board with a survey requesting feedback from the engineering licensee population on the continuing education providers out in the field. He was going to hand off the letter to Dr. Miller for consideration by the Unlicensed Activity Committee.

Email from Todd Ganser, Structural Plans Examiner

Mr. Ganser submitted several examples of plans that have been submitted with master file systems. The contractors use the master file systems and pull sheets out of the books and submit them in a permitting package. This puts the burden on the plans examiner to ensure that the spans are appropriate. The building official is complaining that they are being held responsible for making calculations to determine whether the design is appropriate. They question whether this is proper engineering and ask whether the engineer should not be the one submitting this type of information.

Mr. Martin asked the Board members to consider the issue as a whole. Mr. Rebane stated he felt like the Board had adequately explored this issue and that the Board had hired a consultant, Mr. Berryman, who stated the Board had enough rules in place to prevent abuse of these types of manuals. Mr. Rebane reviewed Sheet 1 of 1 of Mr. Ganser's submittal and noted that there were no limitations placed on the Sheet, such as window size. He stated that the Board should start referring these incidences to the Probable Cause Panel and to start prosecuting them, using a Board consultant to point out the deficiencies.

Mr. Tomasino asked if the Board could just ban the master plan systems. Mr. Rebane stated that the Board had been pretty heavy handed in the past and the reason they haven't banned them outright is that there is a small group of plans

that are appropriately captured in master plans. It would not be practical to require each of these (porches, etc.) to be site specific.

The Board has previously decided that the aluminum books, and the dock books, all fall into the product evaluation category. 61G15-36.001 speaks directly to product evaluations, defines the engineer's responsibilities when they perform this type of work. This rule, with the structural engineer responsibility rules, should cover these types of situations.

Mr. Campbell asked whether this wasn't another issue for the board to discuss with BOAF. Mr. Rebane confirmed that it was. Any situation, where the plans examiner has to make the calculations to confirm that a structure meets code, is inappropriate. Mr. Rebane stated he is relying on the Aluminum Association, and Mr. Allen Seckinger, and the Board's consultant, Joseph Berryman, to demonstrate that the Board has enough ammunition on the books to prosecute this type of work. The word should be spread that if building officials receive a cookbook that is signed and sealed by an engineer, and the work is poor, it should be turned into the board office. Building officials should also be urged not to accept these types of books.

Mr. Martin was requested to write to Mr. Ganser and try to persuade him to file a complaint with the Board. In further discussion Mr. Rebane indicated that there was no need for requesting a complaint be filed because the plans are provided and they could be forwarded to legal to open a complaint.

There was discussion among the Board members whether or not to require site specific plans when an engineer's seal is required.

Mr. Rebane suggested circulating Mr. Berryman's report to the other Board members, tabling this issue, and then requesting assistance from the Aluminum Association of Florida to draft a responsibility rule for master file systems. Mr. Berryman's report and other history will be circulated and the issue will be placed back on the Board agenda no later than August. Hopefully the complaint that is filed will have gone through the process might provide input on additional rulemaking that might be needed.

Mr. Tomasino asked that the Board revisit the protected title issue at some point in the near future before the subject gets more complicated than it already is.

He also renewed his request to level the playing field for those applicants who obtain non-ABET, domestic degrees. This will be added to the next Educational Advisory agenda.

I. New Business

1. Board Member training.

J. Public Forum

Part II
Informal Hearing Agenda

K. Informal Hearings on Denial of Application for Fundamentals Examination

1. Giselle Albisu

Ms. Albisu was present.

Ms. Albisu's application was denied for deficiencies of seven hours in basic sciences. She disputed the denial letter and requested a formal hearing. Mr. Martin had notified Ms. Albisu that there were no disputed facts and the matter would be considered at the next applicable Board meeting. As a result of problems with communicating with Ms. Albisu had not received her notice of hearing. As a result of communication by Ms. Valezquez in the last meeting, the case was continued to allow a chance to reestablish communication.

Ms. Albisu reported her new address and confirmed to staff that she was going to secure necessary documents to allow Josef Silny to perform a revised evaluation.

Mr. Martin asked the Board to deny her request for a formal hearing due to there being no disputed material facts and that the matter proceed as an Informal Hearing. Upon a motion by Mr. Duyos and a second by Ms. Velazquez, the Board voted to deny her request for a formal hearing.

Ms. Albisu presented a revised evaluation from Josef Silny. Mr. Duyos reviewed the revised evaluation and noted that her deficiency was cleared. Upon a motion by Mr. Rivera and a second by Mr. Burke, the Board voted to approve Ms. Albisu's application for the Fundamentals examination.

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

1. Thein Swe

Mr. Swe was not present. His file had been referred to the full Board for review of his correspondence in which he indicated he was unable to obtain original transcripts from the university he attended in Myanmar. Mr. Swe was also unable to produce course descriptions for Josef Silny other than ones he personally

drafted. The question before the Board is whether they will accept course descriptions provided by Mr. Swe. Mr. Duyos stated he was uncomfortable with this request and he would like to see further effort by the applicant to obtain the information Josef Silny needs in order to perform the evaluation. Upon a motion by Mr. Duyos and a second by Mr. Rose, the Board voted to deny the application and that the applicant be notified that he should make an effort to secure the information needed. If he is unable he could appear before the Board to request consideration of hardship in securing documents.

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

1. Vikas Arora

Mr. Arora was not present. His application was denied for failure to articulate a bachelors degree in engineering. He was found to be deficient in mathematics, basic sciences, and humanities and social sciences. He had obtained a Masters degree which reduced his deficiency to 5.5 hours in mathematics and basic sciences.

Mr. Arora elected an informal hearing and did not submit any supplemental materials. He submitted a written response in lieu of a personal appearance.

Upon a motion by Mr. Duyos and a second by Mr. Burke, the Board voted to uphold the denial.

2. Kumar Buvanendaran

Mr. Buvanendaran was not present. His application was denied because he did not obtain an evaluation of his degrees, which were from Nigeria and England. He could not produce the documentation necessary in order to obtain the evaluation. To bring closure to the file, an informal hearing was scheduled.

Upon a motion by Mr. Rebane and a second by Mr. Duyos, the Board voted to uphold the denial.

#3. Douglas Bayles

Mr. Bayles was present and addressed the Board. Though licensed in Indiana in 1995, he obtained a Bachelors degree in engineering from the University of Evansville which was not EAC/ABET accredited until 1997. Mr. Bayles noted that other states that had reviewed UE's civil engineering program had found it to be substantially equivalent and he asked the Board to consider this in their deliberations. Mr. Duyos explained that the Board would be unable to approve the application and urged Mr. Bayles to consider obtaining a Masters degree and articulate.

Upon a motion by Mr. Duyos and a second by Mr. Burke, the Board voted to uphold the denial.

#4. Ruben A. Ramirez-Colon

Neither Mr. Ramirez-Colon nor his attorney was present. His application was denied for failure to obtain a passing score on the Principles and Practice examination. He obtained his license in Puerto Rico with a score of less than 70 on the examination. The Board has been unable to obtain information from Puerto Rico to explain how he obtained his license with that score. Mr. Ramirez-Colon attended the previous Board meeting and at that time, it was noted that he might be eligible for licensure under the 25-30 year rule.

Without Mr. Ramirez-Colon's explanation of his experience, the Board was unable to determine whether or not he was eligible for licensure. Ms. Flynn indicated that Mr. Ramirez-Colon's attorney had telephoned her and asked whether Ms. Flynn had received any information from Puerto Rico. Ms. Flynn told her that she had not yet received anything.

Upon a motion by Ms. Velazquez and a second by Mr. Rivera, the Board voted to uphold the denial.

Later in the meeting the matter of Mr. Ramirez-Colon was brought back to the floor. Staff had called Ms. Barnes who was representing Mr. Ramirez-Colon. She indicated that she had not received official notice of this hearing. She also confirmed, however, that additional information from Puerto Rico had not arrived and she requested that the applicant not be penalized in this process.

Ms. Flynn explained that a specific letter had not been issued. Correspondence was by e-mail. The applicant's Final Order denying the Variance and Waiver had required pulling the file out of order to process. Through this oversight a letter was not issued confirming this hearing.

With this understanding the Board continued this matter to the June Board meeting.

Ms. Flynn confirmed that Ms. Barnes was advised to make sure the verification from Puerto Rico was submitted and that Mr. Ramirez-Colon provide a specific work history to allow determination of 25 years of licensure and 30 years of experience.

Part III
Disciplinary Hearings

N. Settlement Stipulations

- #1. Walter R. Karpinia, P.E.
PE 46635
FEMC Case Numbers 01-0015, 01-0044, 01-0045, 01-0172, & 02-0158: Represented by Barry W. Taylor, Esquire
Probable Cause Panel: Coby, Rebane, Seckinger (01-0015, 01-0044, & 01-0045) Rebane, Matthews, Seckinger (01-0172)
Matthews, Tomasino, Seckinger (02-0158) **Case Numbers 01-0015, 01-0044, and 01-0045; Case Number 01-0172; Case Number 02-0158**

Mr. Karpinia was present with his counsel, Barry W. Taylor, Esquire.

Mr. Karpinia has been charged by Administrative Complaint with five counts of negligence for deficiencies in the design of three commercial and two residential projects; three counts of misconduct for practicing outside his area of expertise and five counts of affixing his seal and signature to engineering documents not prepared by him or under his responsible supervision, direction, or control in cases 01-0015, 01-0044 and 01.0045.

Mr. Karpinia has been charged by Administrative Complaint with four counts of negligence for deficiencies in the design of a residential project in case 01-0172 and in a third case 02-0158 Mr. Karpinia has been charged by Administrative Complaint with one count of negligence for deficiencies in the design of a residential project. The applicable sections of the law are Sections 471.033 (1)(g), 471.025 (3) and 471.033 (1) (j)

Mr. Karpinia entered into a stipulation with FEMC for a \$12,000.00 administrative fine and costs of \$4,000.00 payable in installments to the Board; a sixty day suspension followed by a probation for two years with terms he successfully complete a Board approved course in Engineering Professionalism and Ethics, submit a list of projects completed by him at twelve months after the date of the filing of the Final Order, and successfully complete the study guide; he must permanently refrain from the practice of electrical engineering and design of foam roof and foam floor systems; respondent must reimburse the cost of project review and he must permanently refrain from the practice of structural engineering until he takes and passes the NCEES Structural I Examination. In the event he takes and passes the NCEES Structural Examination, Mr. Karpinia's license shall be placed on probation for two years with terms he submit a list of all structural projects completed by him at six and twelve months after the date of passage of the NCEES Structural I Examination.

Mr. Taylor indicated that his client had taken the April 2004 examination and paid the \$16,000 fine and costs as stipulated. Mr. Duyos asked what Mr. Karpinia would be doing for work between now and the time he passes the Structural I examination. Mr. Karpinia reassured the Board members that he would not practice in any area from which he was restricted. Mr. Burke asked him whether he would continue to act as a sole practitioner. Mr. Karpinia stated that his plans for future employment were not yet set.

Upon a motion by Mr. Duyos and a second by Ms. Velazquez, the Board voted to adopt the Settlement Stipulation.

#2. Rafael E. Droz-Seda, P.E.
PE 39228
FEMC Case Number 03-0015
Represented by Kenneth J. Metzger, Esquire and Kevin Crews,
Esquire Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Droz-Seda has been charged by Administrative Complaint with engaging in negligence or misconduct in the practice of engineering, as a result of having executed 14 affidavits certifying that he had personally conducted inspections of a residential property to confirm compliance with approval plans when he knew the inspections were actually performed by others.

Mr. Droz-Seda has entered into a Settlement Stipulation with FEMC for a \$1,000.00 fine and costs of \$665.46; he agrees to a reprimand; appearance before the Board; he shall successfully complete a Board approved course in Engineering Professionalism and Ethics; and the study guide.

Mr. Droz-Seda was not present the morning of the hearing but his attorney, Mr. Lee Carney, was present. Mr. Carney requested a continuance on behalf of his client and stated that Mr. Droz-Seda had been under the impression that his attorney's appearance in lieu of his own would suffice. Mr. Rebane indicated he had questions for Mr. Droz-Seda that needed to be answered before he would consider approving the Stipulation.

Upon a motion by Ms. Velazquez and a second by Mr. Rivera, the Board voted to table the case until the end of the day.

Mr. Droz-Seda appeared later in the morning.

Mr. Duyos pointed out that in all fourteen affidavits, Mr. Droz-Seda indicated he had personally inspected the properties when in fact Mr. Droz-Seda had utilized another person to actually do the inspections. Mr. Duyos asked how many municipalities did he perform inspections for. Mr. Droz-Seda indicated he worked in Miami – Dade and Broward counties.

Mr. Rebane posed several questions to Mr. Droz-Seda relative to his engineering inspection practices. Mr. Duyos expressed concern that the building departments are relying on the engineer's professionalism and their seal when they close out permits based on the engineer's inspection.

Mr. Rebane confirmed that Mr. Droz-Seda performed inspections as a sole practitioner and not through his companies.

Mr. Duyos moved to reject the Stipulation. Mr. Rebane seconded the motion. The motion passed.

Mr. Duyos moved to offer a Counter Stipulation imposing a reprimand, a fine of \$1,000, costs of \$665.46, a two-year probation with project review at 6, 12, and 18 months. (get clarification on penalty), course in ethics, study guide.

Mr. Burke seconded the motion

Mr. Duyos asked how he would perform these inspections in the future. Mr. Droz-Seda stated he would prepare a new inspection form that identifies anyone who assisted him with the inspection. The motion passed.

Mr. Droz-Seda accepted the terms of the Counter Stipulation.

#3. Laurie Burcaw, P.E.
PE 46064
FEMC Case Number 02-0136
Represented by Donna J. Feldman, Esquire
Probable Cause Panel: Matthews, Tomasino, Seckinger

Ms. Burcaw was present with her counsel to address the Board.

Ms. Burcaw is charged in the administrative complaint with violating Section 471.033(1)(a), 471.033(1)(j), F.S. and 471.033(1)(g), F.S.

Ms. Burcaw has entered into a Settlement Stipulation with FEMC for a \$5,000.00 administrative fine and costs of \$1,048.65; a reprimand; an appearance before the Board to discuss how she will prevent similar violations from occurring; the successful completion of a Board approved course in Engineering Professionalism and Ethics; and the successful completion of the study guide.

Ms. Burcaw stated this was the first time she had ever taken over a project and she was unfamiliar with the rules. She has established a procedure so that this does not happen in the future.

Mr. Sunshine indicated that the probation was removed due to there being no project review and she would satisfy all the other terms. Her attorney explained that she had requested the probation be waived based on the fact there was no intentional violation of the rules, that this project was convoluted and complicated, and that this was Ms. Burcaw's first offense.

The panel's recommended penalty is the same as outlined in the stipulation.

Upon a motion by Ms. Velazquez and a second by Mr. Burke, the Board voted to approve the Settlement Stipulation.

#4. James M. Grant, P.E.
PE 38208
FEMC Case Number 03-0194
Probable Cause Panel: N/A

Mr. Grant has been charged in an Administrative Complaint with violating an order previously entered in a previous case. Mr. Grant failed to take an approved course in Engineering Professionalism and Ethics.

Mr. Grant has entered into a stipulation with FEMC in which he agrees to a revocation of his license.

Upon a motion by Mr. Burke and a second by Mr. Rose, the Board voted to approve the Settlement Stipulation.

#5. Richard D. Harris, P.E.
PE 36093
FEMC Case Number 03-0067
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Harris was present to address the Board. Mr. Harris was charged by administrative complaint with misconduct in the practice of engineering as a result of submitting an Engineer's Certification of Completion on Construction for a phase project in which he certified that construction was built in substantial accordance with the construction plans when portions of the project were not complete.

Mr. Harris has entered into a Settlement Stipulation with FEMC for a \$1,000 fine and costs of \$758.15 along with a reprimand, appearance before the Board, suspension for three months, probation for two years with the terms that require a Board approved course in ethics, and completion of the Study Guide.

Mr. Rebane expressed concern over the charges levied in the Administrative Complaint. He stated he had not heard any mitigating circumstances to justify lowering the fine below the minimum, which was suggested. In addition, the suspension period needs to be at least six months if not a year in order to make it more effective.

Mr. Rebane moved to reject the Stipulation. Mr. Burke seconded the motion.

Mr. Burke asked Mr. Harris who paid the engineering fee. Mr. Harris indicated that payment for his services was from the company owned by the contractor he was working. Despite his instructions, the contractor repeatedly changed the work as it was constructed. Mr. Burke stated that it appears that he did not use his leverage as the engineer of record and attempted to use the building department to do his work for him to control the contractor. Mr. Harris stated he altered the

building department's certification form to note that the construction was substantially in conformance with the plans. He also stated that he attempted to indicate on the form that the project was not 100% complete.

Mr. Rose asked Mr. Harris the rationale behind signing the certification. Mr. Harris indicated there were a number of items the contractor had not completed. They were looking for some means of urging the contractor to finish the job, and they thought that an official punch list on Sarasota County letterhead would persuade him to finish the details and have his performance bond released. Sarasota County would not issue the punch list until the certification was completed.

Ms. Velazquez spoke against the motion to reject and stated she felt comfortable that the Respondent had accepted responsibility for his actions and that the Stipulation was an appropriate disposition in this case.

The motion passed 7-1 with Ms. Velazquez voting against.

Mr. Rebane proposed a counter stipulation with \$2,000 fine, costs, 6 months suspension followed by 2 years probation, ethics course, study guide, and an appearance.

Mr. Rivera seconded the motion. The motion passed.

Mr. Harris accepted the terms of the counter stipulation.

#6. Donald E. Pflueger, P.E.
PE 13831
FEMC Case Number 03-0131
Probable Cause Panel: Matthews, Tomasino, Seckinger
Case Number: 03-0131 Donald E. Pflueger, P.E. Matthews,
Tomasino, Seckinger

Mr. Pflueger has been charged in an Administrative Complaint with negligence in the practice of engineering and for failing to sign and seal drawings for public record. Mr. Pflueger entered into a stipulation with FEMC for a \$2,000.00 fine; a reprimand; and an appearance before the Board to discuss quality control of projects. This matter was before the Board at its February Board meeting and the case was tabled to permit Mr. Pflueger to submit documentation of his completion of a Building Code Core Course. Mr. Pflueger submitted a Certificate evidencing his completion of the Structural Core Course.

Mr. Pflueger was unable to answer some of the questions posed by the Board regarding quality control when he appeared in February. His case was continued in order to allow him time to answer the questions and to research whether he had

taken the building code CORE course. Mr. Sunshine indicated that Mr. Pflueger had submitted proof that he had taken the building code CORE course.

Mr. Burke stated that in his opinion, it was critical that Mr. Pflueger appear before the Board before they take action on this case. There are several issues pending that he would like further clarification on. Mr. Rebane echoed Mr. Burke's comment that the Board did not have sufficient information to enable the members to make an appropriate counteroffer.

Mr. Rebane moved to reject the Stipulation. Mr. Rose seconded the motion. The motion passed.

#7. Herman R. Weinberg, P.E.
PE 30128
FEMC Case Number 03-0013
Represented by William G. Christopher
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Weinberg was present with his attorney, William G. Christopher, Esquire.

Mr. Weinberg has been charged by Administrative Complaint with failing to notify SWFWMD of a permit violation and of revisions made to construction plans for a commercial project; failing to include the Certificate of Authorization number of the firm he was providing services through; and he failed to date the plans.

Mr. Weinberg has entered into a stipulation with FEMC for a \$2,000.00 fine and costs of \$1,428.55; he agrees to a reprimand; probation for two years with the terms he successfully complete a Board approved course in Engineering Professionalism and Ethics and he successfully complete the Study Guide.

Mr. Weinberg's attorney gave the Board a brief explanation of why the complaint was filed.

He stated he had a prior disciplinary action approximately twenty years ago as a dispute between his partner.

Upon a motion by Mr. Duyos and a second by Ms. Velazquez, the Board voted to approve the Settlement Stipulation.

O. Informal

#1. Anston-Greenlees, Inc.
CA 6093
FEMC Case Number 03-0118
Represented by Andrew F. Knopf, Esquire

Probable Cause Panel: Matthews, Tomasino, Seckinger

Anston-Greenlees, Inc. has been charged by Administrative Complaint for signing and sealing drawings without notifying the original professional engineer of his intent to use the original professional engineer's drawings.

Anston-Greenless, Inc. did not dispute the allegations and has elected an informal hearing before the Board.

Mr. Greenlees and Mr. Anton were present with counsel. Mr. Knopf argued that the company did not believe that Anston-Greenless was a successor engineer. They would argue in fact that they were the original engineers of record. Mr. Martin reminded Mr. Knopf that when they elected an informal hearing they were admitting all of the allegations in the Administrative Complaint. Mr. Greenlees addressed the Board and presented mitigating evidence. They noted they had never before had a complaint, either personally or against the business. He stated there was no intent to deceive; at worst, there was a misunderstanding of the Code.

Upon a motion by Mr. Rivera and a second by Mr. Burke, the Board voted to adopt the probable cause panel's recommendation of a reprimand, a \$1,000 fine, costs of \$476.55, and an appearance before the Board.

#2. Steven E. Harris, P.E.
PE 36805
FEMC Case Number 03-0004
Probable Cause Panel: Matthews, Tomasino, Seckinger

This case was before the Board previously as a Settlement Stipulation, however, he did not attend the meeting that was requirement of the Settlement Stipulation. Based on this fact the Board had rejected the Settlement Stipulation.

The case was continued to this meeting and Mr. Harris was present to address the Board through an Informal Hearing.

Mr. Harris has been charged in an Administrative Complaint with negligence and misconduct in the practice of engineering. The application section of the statute is 471.033 (1) (g), Florida Statutes.

Mr. Harris stated he had not intended to ignore the Board. He had not attended the previous board meeting because he did not realize that the notice to appear meant that he should attend in person. He had assumed it was merely a courtesy notice and that the Board would review the Stipulation and he would be notified of any problems. He apologized to the Board for his absence and thanked them for permitting him to appear.

Mr. Harris indicated he has been licensed for almost 20 years and worked in several engineering offices.

Mr. Burke stated that he hoped that the end result of this hearing would be a change in mindset when engineers come up against professional work assignments for which they are not qualified.

Mr. Rebane moved to find Mr. Harris guilty of the charges and to impose a reprimand, \$3,000, costs of \$1,049.70, two years probation, plans review at 6, 12, and 24 months with a detailed project list indicating which discipline is indicated in each project, ethics, passage of the fire protection examination before resuming design of fire protection systems, and study guide. Mr. Duyos seconded the motion. The motion passed.

P. Default

- #1. Carlos J. Cardoso, P.E., President of C.A.L.
PE 55780
FEMC Case Number 03-0047
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Cardoso was not present. He is charged in this complaint with 13 counts of negligence, thirteen counts of practicing on a suspended license and one count of practicing through a corporation that does not possess a Certificate of Authorization.

Upon a motion by Mr. Rebane and a second by Mr. Duyos, the Board voted to find Mr. Cardoso in default.

Upon a motion by Mr. Rose and a second by Mr. Duyos, the Board voted to impose the staff's recommendation and revoke his license and that a fine of \$78,000 be imposed along with costs of \$2,354.31.

- #2. Mr. Ernest A. Posey
Unlicensed
FEMC Case Number 02-0134
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Campbell briefed the Board on this case. An Administrative Complaint was issued in this case. The respondent Mr. Posey failed to respond to the Administrative Complaint and the case is now before the Board with Motion for Default.

It was confirmed for the record that Mr. Posey was not present in this meeting.

Upon a motion by Mr. Rebane and a second by Mr. Burke, the Board voted to find Mr. Posey in default.

Mr. Rebane moved to impose a fine of \$10,000 plus costs of \$380 associated with prosecution. Mr. Duyos seconded the motion and it passed unanimously

- #3. Mr. Arthur Patterson
Unlicensed
FEMC Case Number 03-0111
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Campbell briefed the Board on this case. An Administrative Complaint was issued in this case. The respondent Mr. Patterson failed to respond to the Administrative Complaint and the case is now before the Board with Motion for Default.

It was confirmed for the record that Mr. Patterson was not present in this meeting.

Upon a motion by Mr. Rebane and a second by Mr. Burke, the Board voted to find Mr. Patterson in default.

Upon a motion by Mr. Rebane and a second by Mr. Duyos, the Board voted to impose a fine of \$5,000 plus costs of \$420 associated with the investigation.

Q. Approval of Agreement FEMC and State Attorney

- #1. Mikel Issac & Isaac Associates, Inc.
Unlicensed
FEMC 03-0117
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Isaac was not present.

Mr. Campbell explained that FEMC has been working with Miami Dade County in prosecution of an unlicensed activity complaint against Mikel Issac. In order to cooperate with Miami Dade County the recommended penalty was included as a part of a plea agreement between Mikel Isaac and Miami Dade County. Mr. Campbell recommended the Board enter a Final Order calling for a fine of \$500 to be paid within thirty days of the entry date of the Final Order.

Upon a motion by Mr. Duyos and a second by Mr. Rivera, the Board voted to adopt the Plea Agreement into its Final Order.

R. Motion to Dismiss Petition for Formal Hearing

- #1. Emilio Pinero, P.E.
PE 48352
FEMC Case Number 03-0043
Represented by Arnaldo Velez, Esquire
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Pinero was not present but was represented by Mr. Velez. Mr. Velez contended that he had filed both an Answer to the Administrative Complaint plus a Petition for Formal Hearing. He requested permission to proceed with the formal hearing and alleged that it would be an error to deny their request for a formal hearing.

Mr. Sunshine contended that Mr. Pinero continued to practice engineering while he was suspended and while he was appealing his case. Mr. Sunshine contends that Mr. Pinero was obligated to file a Motion to Stay the Board's Final Order and that no such motion was filed. Therefore, Mr. Pinero's license continued to remain in suspended status while he went through his appeal.

Mr. Velez alleged that the Judge in this case found that the appeal process is merely an extension of the legal process and therefore any sanctions that are appealed do not take effect until the appeal process is exhausted.

Upon a motion by Mr. Duyos and a second by Mr. Rebane, the Board voted to grant the Prosecuting Attorney's Motion to Dismiss the Petition for Formal Hearing. The motion passed.

Mr. Rebane moved to continue the case until the next meeting where it will be scheduled for an informal hearing and to notify Mr. Pinero that his attendance at the next meeting is mandatory. Mr. Duyos seconded the motion. The motion passed.

Mr. Martin asked whether Mr. Pinero was still practicing engineering. Mr. Velez indicated he did not think that he was and that he had advised Mr. Pinero not to practice. Mr. Velez also pointed out that the period of suspension has run and that his client is legally able to practice engineering again.

S. Motion to Vacate/Set Aside Final Order

- #1. Joel H. Rosenblatt, P.E.
PE 29173
FEMC Case Number 02-0063
Represented by Theodore W. Herzog, Esquire
Probable Cause Panel: Matthews, Tomasino, Seckinger
(June 10, 2003)

Mr. Rosenblatt was not present. His attorney, Mr. Herzog, had another legal engagement and was not able to attend the meeting. Mr. Martin noted that once a Final Order has been filed, and the time to appeal the case has expired, then the Board no longer has jurisdiction over the case. Mr. Martin noted that the legal opinions in the field indicate that the Board has the authority to develop a rule permitting motions of this sort, in which case the Board would retain jurisdiction

over the case. At this time, the Board does not have such a rule in place. The case was not appealed.

Mr. Rebane moved to deny the motion to vacate the Final Order and Mr. Burke seconded. A vote was called and the motion passed. With this action the respondent is held the terms imposed in the Final Order.

T. Adjourn

With completion of all business the meeting was adjourned.

Florida Board of Professional Engineers
December 7 & 8, 2004
Meeting begins at 8:30 a.m.
Dec. 7 – Board Office
Dec. 8 - FSU – Center for Professional Development
Tallahassee, Florida

A. Meeting Administration

Members Present

Robert Matthews, PE, Chair
Henn Rebane, PE, Vice Chair
John Burke, PE
Jorge Duyos, PE
Gerry Miller, PE, Ph.D.
Daniel Rivera, Public Member
Albert Rose, PE
Paul Tomasino, PE

Members Not Present

Gloria Velazquez, Public Member-Requested excused absence due to emergency

Staff Present

Paul Martin, Esquire, Executive Director
Carrie Flynn, Assistant Executive Director
Doug Sunshine, Esquire, Prosecuting Attorney
Marvin Vickers, Comptroller
Bruce Campbell, Esquire, Prosecuting Attorney
Lee Ann Gustafson, Esquire, Senior Assistant Attorney General
Leigh Ann Dollar, Executive Assistant

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

The Chair gave the invocation and led the Pledge of Allegiance.

#2. Introduction of guests and announcements for presentations at scheduled time.

Charlie Geer, PE, FES Liaison
Frank Rudd, Executive Director FES
Kamal Al- Imam, PE, FEMC
Al Seckinger, PE, Board Consultant

#3. Approval of the Agenda

Item 9 was pulled from the consent agenda
Rules Report from Ms. Gustafson

Mr. Burke moved to approve the agenda as amended. Dr. Miller seconded, a vote was called and the motion passed.

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

Mr. Matthews wanted to add discussion under agenda item C 3.

Dr. Miller moved to approve the consent agenda. Mr. Burke seconded, a vote was called and the motion passed.

#5. Review and Approval of previous Board meeting minutes

a. Minutes from the September 22 & 23, 2004 Board Meeting.

Several corrections were noted in the minutes. One that required follow up was presentation of the counter stipulation for Mr. Mendez so that the Board could officially vote acceptance of the counter stipulation and a Final Order could be issued.

Mr. Rebane asked the item B9 be pulled from the agenda.

In regards to recommendations for replacement members on the FEMC Board, Mr. Rebane asked that this item be held until middle of January. By that time he would like to have recommendations from Board members and FES.

Mr. Duyos asked for an update on unlicensed activity campaign. Mr. Martin noted that this topic was referenced in the telephone conference call minutes of September 9, 2004. After conclusion this was noted as an item to be brought before old business and Ms. Trescott would be present to address questions.

Mr. Rebane moved for approval of the minutes with noted corrections. Dr. Miller seconded, a vote was called and the motion passed.

It was noted that staff should assume preparation of the action item list from each meeting.

B. Committee Reports

- #1. Applications Committee
(R. Gerry Miller, Ph.D., P.E., Chair; John Burke, P.E.; Jorge Duyos, P.E.; Henn Rebane, P.E.; Albert Rose, P.E.; Paul Tomasino, P.E.; Gloria Velazquez, Esq.)
- #2. Educational Advisory Committee
(Jorge Duyos, P.E., Chair; R. Gerry Miller, Ph.D., P.E.; Melvin Anderson, Ph.D., P.E. (Consultant))

Items B#1 and 2 were addressed in the same discussion.

The list of actions from the review of November 17, 2004 Application Committee Review was held for December 8, 2004.

Mr. Duyos reported on items discussed in the last meeting of the Educational Advisory Committee meeting. There are continuing concerns with the deficiencies in the coursework completed by students that graduate from programs that are listed under the Washington Accord Agreement. After discussion the following action was taken:

Mr. Rebane moved to repeal acceptance of the Washington Accord Agreement as of June 2005. Mr. Duyos seconded the motion, a vote was called and the motion passed.

Staff was directed to delete any reference from instructions and applications regarding acceptance of the Washington Accord.

The Committee was prepared to suggest repeal of the requirement of proof of computer skills because college graduates have to accomplish this proficiency in order to complete their college degree.

Mr. Duyos moved to delete this requirement. Mr. Rebane seconded, a vote was called and the motion passed.

Ms. Gustafson was directed to proceed with rule development.

Mr. Duyos noted discussion on accepting CLEP scores for course deficiencies. Following his comments the following action was taken.

Mr. Duyos moved to accept CLEP examination results as a means of clearing educational deficiencies. Dr. Miller seconded, a vote was called and the motion passed.

Mr. Duyos noted discussion on removing the waiver of Humanities and Social Sciences if holding a MS degree. Following his comments the following action was taken.

Mr. Rebane moved to repeal the provision for waiving H&SS based on MS degree with an effective date of June 1, 2005. Mr. Duyos seconded the motion, a vote was called and the motion passed unanimously.

Mr. Matthews advised the Board of a comment from Dr. Anderson regarding pass/fail statistics from various in state schools. He asked if the Board would be concerned if a school has a continued low pass rate. Mr. Matthews had responded that he and the board would share concern if a low pass rate continues for any university.

#3. Probable Cause Committee
(Robert Matthews, P.E. Chair; Paul Tomasino, P.E.; Allen Seckinger, P.E., Consultant)

*a. Report on Meeting held November 18, 2004

#5. FBPE Rules Committee
(Henn Rebane, P.E., Chair; John Burke, P.E.; Albert Rose, P.E.; Paul Tomasino, P.E.)

a. Minutes from Rules Committee Meeting October 20, 2004

Mr. Rebane discussed items that were discussed in the Rules Committee minutes. One item that was deferred relates to the Aluminum Master Files. There is an ongoing investigation on a case relating to this issue, therefore, action on this item was deferred. This would also allow time to assess damages from the recent hurricanes and it relates to aluminum enclosures. The Committee discussed an e-mail regarding Georgia law compelling the use of PE or Architect Construction. This was placed on the agenda for the rules committee and specifically the need to have a rule defining As-Built Certifications. The reason for the discussion was problems with agency requirements for engineers to sign and seal as built drawings. The original EOR may not be involved through the construction phase and a problem arises when at conclusion of the project the permitting agency requires signed and sealed as-builts.

In general discussion it was the opinion of the Board that this requirement would be difficult to implement.

The rules committee is waiting for Mr. Sunshine to draft a rule addressing fast track projects. Mr. Sunshine indicated the he would research this matter a provide a follow up report.

Review of disciplinary guidelines; Ms. Gustafson had provided first draft of rewritten guidelines.

The committee discussed but did not arrive at a conclusion regarding the printing of a directory. The Board discussed the matter and directed staff to get bids for printing a directory using the same format as was used in previous directories. It was noted that funds are returned to the department each year and this money might cover the cost of printing a directory.

Moved by Mr. Tomasino and seconded by Mr. Duyos to seek proposals for printing five thousand copies. A vote was called and it passed unanimously.

Mr. Rebane called attention to problems with product approval rule. The committee is researching this issue for possible rulemaking.

Mr. Matthews asked Mr. Rebane to discuss updates to Rule 61G15-37.001, Florida Administrative Code, performance standards and measurable outcome for FEMC. Mr. Rebane had drafted a rule setting out the requirement for an ongoing disciplinary report on all cases under investigation. He believed this to be important piece of information and that if the requirement is not in a rule, staff will not comply. The proposed draft was to be prepared by staff for review.

Mr. Martin explained that some disciplinary information is required by statute to be published. The latest contract also included additional measurements that FEMC must comply with in their statistics report to the Department.

Following discussion the test administration committee would be changed to FBPE/FEMC Liaison.

#6. Joint Engineer / Architect Committee
(Henn Rebane, P.E., Chair; Daniel Rivera)

a. No report.*

#7. FBPE / FEMC Liaison
(Robert Matthews., P.E., Chair)

a. No report.*

Change this to FBPE/FEMC Board Operations Committee

#8. Test Administration Committee
(R. Gerry Miller, Ph.D., P.E., Chair)

a. No report*

This committee agenda item would be removed from future agendas.

- #9. Continuing Education Committee
(R. Gerry Miller, Ph.D., P.E., Chair; Henn Rebane, P.E.; Paul Tomasino, P.E.)
 - a. No report.*
- #10. FBPE Legislative Committee
(Daniel Rivera, Chair, Henn Rebane, P.E., Jorge Duyos, P.E.)
Paul Tomasino, P.E.)
 - a. No report.*
- #11. Unlicensed Activity Committee
(Albert Rose, P.E., Chair; Jorge Duyos, P.E., R. Gerry Miller,
Ph.D., P.E.)

Ms. Trescott explained that her understanding from the last meeting was to place the project on hold until Mr. Duyos had met with the Deans of the various engineering programs. After this meeting, information was to be gathered and FES would be advised as to the next step in the process.

For clarification it was noted that confirmation was given in the last meeting that the cost of completing the video course is \$1 per hit. The Board would own the video but they would not have software necessary to use the video. Future costs to the Board would rest with the purchase of software to use the video not in development of the content of the video.

C. NCEES Report

#1 Nominations for NCEES National Awards

Mr. Rebane moved to nominate Mr. Al Seckinger for the next level of service award. Mr. Matthews seconded the motion and it passed unanimously.

Mr. Rebane moved to nominate Ms. Flynn for the next level of award. Mr. Burke seconded, a vote was called and the motion passed.

#2 Notice of future changes to NCEES Examinations

Consent Agenda

#3 Letter from Jon D. Nelson, NCEES President

Consent agenda

#4 NCEES Midyear meeting of Executive Director's & Board Chair's update

Mr. Matthews and Mr. Martin will attend. The Chair asked for comments on items that are of concern to this Board. Dr. Miller referenced the process for release of grades.

Ms. Flynn confirmed that release of grades depends on the individual states and The number of candidates they submit for examination. Mr. Rose commented on concerns expressed by candidates as it relates to having a multiple choice examination. Many candidates did not believe this type of examination accurately reflects the practice of engineering on a daily basis. In response it was noted that NCEES considered many factors in determining to move to a multiple choice format for examinations.

D. Advisory Attorney's Report

- #1. Rules Update
(This item will be presented on the second day.)

The Board reviewed a copy of the current revisions being considered to the disciplinary guidelines.

- #2. Board Counsel Opinion Letters
a. No report.*

E. Executive Director's Report

- #1. List of Applicants Requesting Retired Status*
#2. Joseph E. Gaudet v. FBPE opinion filed on October 13, 2004

Mr. Martin explained that this opinion ruled that although ABET may be used as reference it does not relieve the Board of the requirement to implement rules speaking to review and approval of engineering programs. The opinion did not say that Mr. Gaudet should be approved for licensure; it does say that the Board should reconsider his application once the board has a rule in place.

The Board directed the Rules committee with the task of researching this matter.

Ms. Gustafson commented on the Board of Medicine's rules addressing approval of programs. It may assist this committee in rule development.

Mr. Duyos moved to refer this matter to Rules Committee. Mr. Rivera seconded, a vote was called and the motion passed.

#3. Update on number of candidates that registered and completed October examination candidates with ELSSES

Mr. Martin advised the Board of two candidates that had their examination voided as a result of failing to follow rules at the examination sites. One continued to use a cell phone and one failed to stop writing when advised that time was up. In discussion it was determined that this would count as one seating of the five times allowed.

Mr. Rebane moved that violation of the testing rules would be count as a failed grade for the applicant. Mr. Duyos seconded, a vote was called and the motion passed.

Moved by Mr. Duyos and seconded by Rebane to have Ms. Gustafson proceed with Notice of Change to the examination rule.

#4 Updated application lists and procedures

Ms. Flynn reviewed and Mr. Martin commented on the memorandum that confirms cut off dates for hearings and mailing of agenda books. This was in response to concern of adequate notice for hearings and adequate time for Board members to review agendas.

Mr. Martin noted that FEMC has set their annual meeting with this Board for June 21, 2004. They will also establish meeting dates for Board Operations Committee for the spring and fall. The meeting sites for this year with exception of August and spring meetings have been set.

Mr. Martin was planning on discussing an established arrangement with the Wingate Hotel for in town stays. He noted problems with airline tickets and hotel bills. If tickets exceed the standard fare or negotiated room rate the Board member may be subject to paying the difference in charges.

#5 Update on development of application for recognition of EI status from another state

Draft application is being developed and will be available by the next meeting.

#6 Quarterly Report July 2004 – September 30, 2004 to DBPR

Mr. Martin reviewed the quarterly report for July 2004 through September 30, 2004. He noted that this report had been returned from the Department by the

contract administrator. It was returned because one of the new measures included in this year's contract is to provide a measure of average time to process the application. When calculated the turn around time was 28 days. The basis for calculation was time submitted through the date of the Board review.

#7 Email from Mike LaCoursiere regarding Rule 61G15-30.009 – Retention of Engineering Documents

Mr. LaCoursiere had submitted an e-mail questioning what is considered a signed and sealed document and if various changes exchanged during the process are considered part of the final record drawings.

Mr. Martin responded that the rule is succinct as it provides for the mandatory retention of all signed and sealed engineering documents with related to the project.

Update on Renewal

Mr. Martin outlined the procedures in place for the upcoming renewal. There is a method of payment on line, however, the licensee must submit directly to the Board office proof of the continuing education.

As required by the new procurement policy, a set of specifications was presented to several printing companies. Three companies responded and the lowest bidder was selected. The renewal notices would be mailed in the next month.

Increase in postage was noted as a result of having to include a pin number of the renewal form. With this number appearing the postage was increased from \$7,000 to \$14,000.

Mr. Martin confirmed that OPS personnel will be hired to assist in the renewal process. Mr. Martin stated that in discussing the present continuing education program with the Department he was advised that the Board of Accountancy's continuing education program is similar to the program in place.

Due to the structure of the continuing education program, staff will review each renewal individually to confirm compliance with continuing education requirements. Mr. Martin stated that he would review the Board of Accountancy's rule prior to the next renewal to determine if their model provides ideas for this Board's renewal process.

F. Chair's Report

#1 FEMC Board Operations Committee Minutes from October 21, 2004

Mr. Matthews noted that in Board Operations it was determined that instead of pictures a copy of the driver's license or passport will be required.

A number of changes were made to applications for clarity in addressing ELSESES for examination applications and model law for endorsements. Performance standards will appear on February Board agenda.

G. Correspondence to the Board

#1 Notes from Al Seckinger on the Education TAC & Structural TAC

Mr. Seckinger reported on his attendance at the Educational TAC committee meeting as the Board's liaison. Mr. Seckinger believed the committee mostly follows what the present Chair sets forth as assignments. When originally established the committee was to allow education on the building code now they are removing themselves from code education. Apparently it is Building a Safer Florida, Inc.

Mr. Seckinger was extremely concerned with the lack of concern regarding preparation of advanced building code courses. Professional Engineers have been required to complete the core course requirement. At this time there are no advanced courses. He referenced one course on structural engineering being offered by the University of Florida.

In further discussion Mr. Rebane raised issue with being able to meet the building core code course requirement.

With DCA not approving any further advanced courses, the Board has to consider how and when to begin reviewing and approving advanced courses on building code.

Mr. Martin called attention to the requirement remaining in Chapter 553, F.S. for the Building Commission to develop advanced courses with assistance from the various professional boards.

Mr. Rudd explained that FES is a member of the Building a Safer Florida group. As a member of the group they receive funding for courses that are developed on the building code.

Mr. Rebane asked if the Board could issue a statement to licensees that there are no advanced courses and licensees, in lieu of repeating the core code course, could take courses related to their area of practice. In further discussion it was confirmed that a licensee only has to complete the core code course one time.

Mr. Rebane moved that a notice be placed on web site to advise licensees that the requirement of advanced course could be satisfied by completion of a course related to area of practice. If the licensee has taken the core code course a second time it would count toward renewal. Further, the Continuing Education Committee should be charged with responsibility of researching this matter for appropriate action.

Mr. Burke seconded and the motion passed unanimously.

H. Old Business

Mr. Duyos moved to have Mr. Matthews continue to serve as Chair and Mr. Rebane as Vice Chair for the year of 2005. Mr. Rivera seconded, a vote was called and the motion passed.

I. New Business

Mr. Campbell called attention to a case that involves product approval. In researching the case he determined that the Department of Community Affairs has one person in charge of the on-line product approval process. Once the product has been listed on the state-wide web site as approved, the only substantive review by an engineer would be to certify that the product is suitable for a specific project.

Application for DCA's statewide product approval can be submitted online with evaluation by an approved entity, the manufacturer or by a Professional Engineer or Architect. If a Professional Engineer performs the evaluation, DCA does not do further analysis to determine whether the engineer complied with accepted engineering standards. DCA and the members of the Florida Building Commission look to the Board of Engineers for resolution of any complaint or discipline for negligence in this system. The Commission has no process in place to remove a deficient product until after the Board determines an engineer performed an improper evaluation.

Mr. Rebane noted that he and Paul Martin attended meetings when the system was first put into place. The Board responded by adopting rules (Chapter 61G15-36) to address Product Evaluation. The Rules committee should look at how the system is now operating and determine if the rules should be amended.

Mr. Campbell confirmed that the Recommended Order in the present case should be on the February agenda. In discussion it was decided that an invitation would be extended to the representatives of the Florida Building Commission to attend the next Rules Committee. The rules committee was set for January 18, 2004 in Tallahassee.

Staff should maintain an action item list from the rules committee meetings to ensure that outstanding items are completed.

#1 Update on Marine Engineering Issues

Mr. Martin recalled the three hours spent in the September meeting with representatives of the Marine Engineering Community. The Board had charged the representative to work within the marine engineering community to arrive at an approach to licensure requirements for certain areas of practice.

Mr. Murphy, who had been prosecuted for unlicensed practice, had requested involvement in the committee. At the meeting the Board had asked that Mr. Murphy be involved in the committee's study to determine how to best approach this matter.

Mr. Miorelli had requested a subsequent appearance in December. Mr. Martin had contacted Mr. Miorelli to advise that further appearance is not needed until such time as they have a commitment from the entire community of marine engineering. The document presented for consideration appears to pose a means of avoiding licensure.

Mr. Martin suggested the Board move away from the Ad Hoc Committee approach. He suggested they consider assigning this matter to the Unlicensed Activity Committee to deal with the issue.

The Chair did not believe the matter should be referred to any existing committee, rather an Ad Hoc committee would be formed. In addition, the Ad Hoc committee could research the possibility of selection of an expert to perform a study.

Mr. Rebane suggested review of the examination specifications for this discipline of examination.

Mr. Duyos did not believe this necessary. In the meeting it was determined that it was engineering and they were charged in coming back to the Board with a recommendation on how to approach the defining lines for licensure.

Mr. Geer, FES Liaison believed an expert's report and further defined study should be prepared to support any activity that might wind up in the legislature.

The Board will discuss this matter further in February.

J. Public Forum

Part II
Informal Hearing Agenda

Mr. Matthews called the meeting to order and announced that all cell phones must be turned off. He explained that attendance for continuing education is not declared until business is concluded. He referenced an incident this past year that resulted in cancellation of credit because individuals that not follow instructions.

All Board members and staff introduced themselves for the audience. The Chair called for a vote on regarding excused or unexcused absence for Ms. Velazquez.

Moved by Mr. Rebane to consider the absence unexcused. Mr. Burke seconded, a vote was called and the motion passed by majority.

The Chair noted that Ms. Velazquez could provide further information at the next meeting for further consideration.

Mr. Matthews returned to business from the first day of the meeting and asked for ratification of list of applicants reviewed in the November meeting.

Dr. Miller moved to ratify the actions of the November 17, 2004 Application/Educational Advisory meeting. Mr. Burke seconded, a vote was called and the motion passed.

Ms. Gustafson outlined the procedures followed in rule development and noted the current rules that are in the process of rule development.

Presently 61G15-21.001 – Written Examination Designated; General Requirements.

61G15-21.007 – Reexamination

61G15-24.001 – Schedule of Fees

61G15- 24.002 – Unlicensed Activity Fee.

These rules have been noticed and will be effect in mid January.

K. Informal Hearings on Denial of Application for Fundamentals Examination

#1. Yanling Wang

Ms. Wang was represented by her husband, Mr. Wang.

Ms. Gustafson advised that Ms. Wang's hearing was continued from the September meeting to allow her time to secure a new evaluation. Her application was denied for deficiencies 2.75 hours in higher math.

Ms. Wang had secured a new evaluation from Foreign Credentials Services of America and a sealed envelope containing a copy of the transcripts from the university were presented for review. Upon conclusion of review the following action was taken.

Mr. Duyos noted that one course not previously credited in Math and Basic Science would bring the total to 23 and with credit of eight hours completed in the MS program the total is 31. The Board can waive one hour and with this determination the following action was taken.

Mr. Duyos moved to approve the application. Mr. Rivera seconded, a vote was called and the motion passed.

It was confirmed that the applicant would be scheduled for the April examination.

#2 Andre Sanderson

Mr. Sanderson was not present for his hearing.

Mr. Sanderson's application for the fundamentals of engineering examination was denied. His application was denied based on a determination of educational deficiencies. He holds a degree from the UK Trinidad, Tobago and an MS in Engineering Management from FIT. He needs 6.5 semester credit hours in math and basic sciences with a required course in Chemistry. He also needs 16 semester credit hours in humanities and social sciences.

Mr. Sanderson submitted an Election of Rights to supplement and to have an Informal Hearing. The ninety day time frame for supplementing his application has expired and to bring closure to the file the Informal Hearing was scheduled.

Mr. Duyos moved to deny the application. Mr. Burke seconded, a vote was called and the motion passed.

#3 Mohammad Nozari

Mr. Nozari re-applied for the Fundamentals examination. His application was denied because he had failed the examination three times and he did not hold an EAC/ABET engineering degree.

In discussion of the rules in place at the time he initially applied, Mr. Duyos noted

that his degree was accepted. With further regard to this application, the applicant had started the examination process under the five time law and based on action taken in the September Board meeting he would have two more opportunities to sit for the examination.

Mr. Duyos moved to approve the application. Mr. Burke seconded, a vote was called and the motion passed.

Mr. Nozari addressed the Board with his concern over the confusion on the number of times a person may sit for the examination. With regards to his specific situation it was confirmed that he would have two additional sittings for the examination before additional education would be required.

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

#1 Gabriel Arceo

Mr. Arceo applied for the Principles and Practice examination. Mr. Arceo holds a BS degree from Holy Angel University. After reviewing the file it was confirmed that he had previously applied for and failed the fundamentals examination five times in Florida. He applied in Alabama and successfully passed the examination on what would be the sixth sitting of the examination. Based on this fact the application was denied until the applicant verifies completion of twelve hours of engineering courses.

Dr. Miller stated that two courses that were listed on the transcript might be counted toward the twelve hours. It was determined that even with recognition of one or two courses there was still a deficiency.

Mr. Tomasino moved to uphold the denial. Mr. Duyos seconded, a vote was called and the motion passed.

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

#1 Boris Moiseyev

Mr. Moiseyev was present for his hearing.

Mr. Moiseyev applied for licensure by endorsement. He has passed the NCEES Fundamentals and Principles and Practice examination and his experience meets requirements of Chapter 471, F.S. The basis for denial of the application was education. Mr. Moiseyev has an undergraduate engineering degree from Latvia. Mr. Moiseyev provided an evaluation from ECEI. The problem with the evaluation was the content. The evaluation did not specify the courses completed in the area of mathematics and the Board was unable to determine if the required

math course were completed. He elected to supplement his application and to have an informal hearing. Mr. Moiseyev was to supplement with an evaluation of his undergraduate degree. In attempting to secure the evaluation he encountered difficulties in securing original documents for the evaluation service.

Mr. Moiseyev submitted supplemental information for the Board to review.

Mr. Duyos noted that at the time the applicant secured his initial licensure, the Board's rule would not have specifically required a course in Probability and Statistics. Further at the time he first applied with our Board he had submitted an evaluation from ECEI that was accepted by the previous states of licensure and he has made the efforts to secure documents from foreign countries.

Mr. Duyos moved to approve the application. Mr. Burke seconded, a vote was called and the motion passed.

#2 Bala Sockalingam

Mr. Sockalingam was present for his hearing

Mr. Sockalingam applied for licensure by endorsement. Mr. Sockalingam has passed the NCEES Fundamentals and Principals and Practice examination and his experience meets requirement of Chapter 471, Florida Statutes. The basis for denial is education. Mr. Sockalingam has an undergraduate degree from India and an MS and Ph.D. degree from Clemson University. In reviewing for articulation it was determined that Mr. Sockalingam should secure an evaluation of his undergraduate degree from an approved evaluator. ECEI was chosen. The Board reviewed the supplement and determined that he was deficient 6.5 semester credit hours in math and basic sciences and 16 semester credit hours in Humanities and Social Sciences.

Mr. Duyos noted that his Masters degree would clear the Humanities and Social Sciences. Further review of his MS and Ph.D. transcripts also proved the hours in math and basic sciences.

Dr. Miller moved to approve the application. Mr. Duyos seconded, a vote was called and the motion passed.

#3 Syam Sundar Mannava

Mr. Mannava had confirmed by e-mail that he would out of the country and would be unable to attend the meeting.

Mr. Mannava applied for licensure by endorsement. He holds an undergraduate engineering degree from India and an MS from the University of Oklahoma. His application was considered under Rule 61G15-20.001(2) (b), F.A.C. to allow the

applicant to demonstrate substantial equivalency to an EAC/ABET accredited program. After reviewing the transcript evaluation, deficiencies were noted. Mr. Mannava submitted an Election of Rights to supplement and to have an informal hearing. The supplemental information cleared the Humanities and Social Sciences and the only remaining deficiency was a course in Probability and Statistics.

Mr. Duyos believed the applicant should be approved based on Mr. Mannava' MS degree, the fact that the Board rules at the time he was licensed in Okalahoma did not require a Probability and Statistics course and the applicant's efforts to seek additional original transcripts from Cuba as a part of attempting to receive an updated evaluation form. Further the applicant has satisfied the requirement of having made all efforts to secure original documents from Cuba in attempting to have an evaluation in the present content set by rule.

Mr. Duyos moved approval of the application Mr. Rebane seconded, a vote was called and the motion passed.

#4 Randall Brown

Mr. Brown was not present for his hearing. This file has been pending the hearing for several months due to his military status.

In an effort to bring closure to this matter, the hearing was scheduled for December and Mr. Brown had submitted a statement in lieu of attendance. He had notified the Board staff of his inability to be present for his hearing.

It was noted, for the record, that Mr. Brown contracts with the military; he was not actually in the military. His licensure in Texas in 1991 was based on education and experience. He was not required to pass the NCEES Fundamentals or Principles and Practice examination. It was determined that Mr. Brown met requirements of Section 471.015(5)(a)2. , F.S. for waiving the fundamentals examination. Mr. Brown did not meet requirements of Section 471.015(5)(b) for waving the Principles and Practice examination.

Mr. Rebane moved to uphold denial. Mr. Burke seconded, a vote was called and the motion passed.

#5 Sohrah Kourosh

Dr. Kourosh was present for his hearing.

Dr. Kourosh applied for licensure by endorsement. The application was denied based on the fact that Dr. Kourosh was licensed in Texas by waiving the NCEES Fundamentals and Principles and Practice examination based on education and experience. In review of the application it was noted that Dr. Kourosh satisfies

provisions for waiving the Fundamentals examination based on Section 471.015 F.S. that cites fifteen year of registration and twenty years of experience. Dr. Kourosh does not satisfy 25 years of registration and thirty years of experience for waving the Principles and Practice examination. Dr. Kourosh made a short presentation and upon conclusion the following action was taken:

Mr. Rebane moved to uphold the denial the application based on failure to evidence twenty five years of registration and thirty years of experience. Mr. Duyos seconded the motion, a vote was called and the motion passed by majority.

N. Special Inspector Applications – Consideration of Petition for Formal Hearing

None

O. Informal Hearings on Denial of Application for Continuing Education

#1 Metalaire

Mr. Matthews noted that Metalaire appears to be a manufacturer and as such does not meet the requirement of the continuing education rule for approval as a provider of continuing education.

Mr. Tomasino moved to uphold the denial. Mr. Burke seconded, a vote was called and the motion passed.

P. Special Appearance before the Board

None

Part III Disciplinary Hearings

Q. Settlement Stipulations

#1 Clayton E. Anderson, P.E.
PE 26735
FEMC Case Number 03-0087
Represented by Thomas G. Tomasello, Esquire
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Anderson was present with his Counsel Mr. Thomas Tomasello.

Mr. Anderson has been charged by Administrative Complaint with three counts of negligence and one count of plan stamping relating to three residential projects. Mr. Anderson failed to indicate the engineer of record firm's name in the title

block; two of these projects contain deficiencies; and he signed and sealed plans that were not prepared under his responsible supervision, direction, or control.

Mr. Anderson has entered into a stipulation with FEMC for \$2,000.00 administrative fine and costs of \$1,758.75; he agreed to appear before the Board to explain his understanding of the term "responsible charge" in relation to his practice of signing plans prepared by others; he shall be placed probation for one year with terms he successfully complete a Board approved course in Engineering and Professionalism and Ethics; submit list of projects completed by Mr. Anderson at 6 months; and successfully complete the Study Guide. The Petitioner and the Subject agreed to dismiss Count I of the Administrative Complaint, as the Board rule in effect at the time did not require a title block.

The terms of the stipulation did not concur with the Probable Cause Panel recommendation that called for a reprimand; a \$4,000 administrative fine and costs; appearance before the Board to explain his understanding of the term "responsible charge" in a relation to his practice of signing and sealing plans prepared by others; probation for two years with project review at 6 & 18 month and successful completion of a Board approved course in Professionalism and Ethics and completion of the Board's Study Guide on Laws and Rules.

Mr. Anderson addressed the Board regarding his understanding of Responsible Charge. Mr. Anderson responded to several questions and upon conclusion the following action was taken.

Mr. Rebane expressed concerns with the recommended penalty. He believes two project reviews should have been included in the Settlement Stipulation.

Mr. Rebane moved to reject the Settlement Stipulation and Mr. Duyos seconded for discussion. A vote was called on rejection of the settlement stipulation and the motion passed.

Mr. Rebane moved counter stipulation to include the terms of the Settlement Stipulation with probation and project review. Mr. Duyos seconded for discussion.

Mr. Anderson agreed to accept the Counter Stipulation that includes project review and probation along with the other terms of the stipulation.

With this statement a vote was called and the motion passed by majority.

#2. Lawrence B. Stoff, P.E.
PE 46998
FEMC Case Number 03-0080
Represented by Paul Sexton, Esquire
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Duyos recused himself from participation in this case.

Mr. Stoff was charged with three counts relating to a technical energy audit report for the Broward County School Board. Mr. Stoff failed to notify the original professional engineer, by certified letter, of his intent to use or reuse the original professional engineer's work prior to sealing and signing the original professional engineer's work; for practicing engineering through an entity that does not possess a certificate of authorization; and for presenting a report containing information that reasonably could lead to an erroneous conclusion on the part of the general public.

Mr. Stoff has entered into a stipulation with FEMC for a \$3,000.00 fine and costs of \$1,421.55; appearance before the Board to discuss his understanding of the Board's adoption rule, 61G15-27, F.A.C.; probation for one year during which time he will complete a Board approved course in Engineering Professionalism and Ethics and completion of the Board's Study Guide.

Mr. Stoff addressed the Board on his understanding of requirements outlined in the adoption rule and assured the Board he would follow requirements of the rule in the future.

Mr. Rebane moved acceptance of Settlement Stipulation. Mr. Burke seconded the motion, a vote was called and the motion passed.

#3. Hartman and Associates, Inc.
CA 5814
FEMC Case Number 02-0015
Represented by Robert A. Crabill, Esquire
Probable Cause Panel: Matthews, Tomasino, Seckinger

Hartman and Associates, Inc., has been charged by Administrative Complaint with negligence in the practice of engineering relating to an evaluation and excavation of contaminated soil located in Pinellas Park, Florida. Hartman and Associates failed to perform adequate field soil screening and therefore failed to adequately identify the horizontal extent of the soil contamination, especially in the area underneath the building slab, which lead to the erroneous conclusion that the soil under the slab did not need to be removed.

Hartman and Associates, Inc. had entered into a stipulation with FEMC for a reprimand, \$1,000.00 fine along with costs of \$3,031.38.

Mr. Rebane moved adoption of the Settlement Stipulation. Mr. Duyos seconded a vote was called and the motion passed.

#4 James W. Wells, P.E.

Mr. Wells has been charged by Administrative Complaint for failing to accept responsibility for failing to notify the original professional engineer of his intent to use or reuse his work; and for not recreating the calculations for the work relating to a Pebble Pointe project. Mr. Wells waived the requirement of a finding of probable cause and he did not dispute the allegations of the Administrative Complaint.

Mr. Wells has entered into a stipulation with FEMC for a reprimand, \$2,000.00 fine, and costs of \$1,143.50.

Mr. Wells explained that he had notified the previous engineer of record it was not, however, an official letter as required by rule.

After discussion the following action was taken.

Mr. Rebane moved to accept the Settlement Stipulation. Dr. Miller seconded the motion and it passed.

#5 **Craig Cote (Unlicensed)**
FEMC Case Number 2004023104
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Cote has been charged by Administrative Complaint for engaging in the unlicensed practice of engineering. The Respondent agreed to contract to provide services consisting of engineering drawings for a construction addition to a residential dwelling. The Respondent submitted the plans to the Citrus County Building Department they were rejected due to not being prepared by a licensed professional engineer.

The Respondent engaged in the practice of engineering by entering into a contract to provide engineering drawings and by delivering plans signed and sealed by an engineer to the property owner.

Respondent has elected to entered into a stipulation with FEMC for a \$1,500 fine; administrative costs of \$194.27 an appearance before the Board to explain his understanding of unlicensed engineering and his cooperation in any future disciplinary proceedings.

Mr. Rebane moved to adopt the Settlement Stipulation. Dr. Miller seconded the motion, a vote was called and the motion.

#6 Ricardo Mendez, P.E.
PE 22254

FEMC Case Number 03-0066
Represented by Jose M. Quinon, Esquire
Probable Cause Panel: Matthews, Tomasino, Seckinger

This case was continued from the September meeting to Mr. Mendez an opportunity to accept the terms of the counter stipulation offered by the Board.

Mr. Mendez had accepted the terms of the Counter Settlement Stipulation that included a six year suspension, written request to the Board for reinstatement of an active license conditional upon his personal appearance before the Board at a regular meeting, payment of an administrative fine of \$5,000, a course in Professionalism and Ethics.

Mr. Rebane moved to adopt the Settlement Stipulation as the Board's Final Order Mr. Burke seconded, a vote was called and the motion passed.

R. Informal Hearings

#1 Gordon F. Buck, P.E.
PE 37549
FEMC Case Number 03-0182
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Buck has been charged by Administrative Complaint with two counts of negligence and one count for affixing his seal and name to plans that were not prepared by him or under his supervision, direction or control relating to a residential project.

Mr. Buck did not dispute the allegations and had elected an Informal Hearing before the Board.

Mr. Buck addressed the Board on the circumstances leading to the filing of the complaint. He introduced Mr. Robert Shorr the owner of the residence for which the plans were drawn. Mr. Shorr addressed the Board on Mr. Buck's behalf.

Mr. Rebane moved to impose the recommended penalty of the Probable Cause Panel that imposes a \$3,000 fine, costs of \$1,034.40; two years of probation with plan review at 6 and 18 months and that probation continue until such time as all project reviews are completed.

Mr. Burke seconded, a vote was called and the motion passed.

#2 Saade Chibani, P.E.
PE 39110
FEMC Case 03-0178
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Chibani has been charged by Administrative Complaint with two counts of practicing engineering on a delinquent license. He had signed and sealed two sets of plans and he had practiced engineering through the firm Carter and Verplanck, Inc. a company that does not have a Certificate of Authorization.

Mr. Chibani had submitted his Election of Rights to have an Informal Hearing before the Board. Mr. Chibani was present and he addressed the Board on the importance of maintaining his license in active status and securing the certificate for his company

The Probable Cause Panel had recommended a fine of \$4,000; administrative costs of \$232.48, a reprimand and two years probation during which time he will complete a course on P&E, make an appearance before the Board to explain importance of keeping his license current and licensing his company.

Mr. Chibani addressed the Board on importance of keeping his license current.

Mr. Rebane moved to accept the Probable Cause Panel recommended penalty as the Board's Final Order Mr. Duyos seconded, a vote was called and the motion passed.

#3 Robert S. Thomas (**Unlicensed**)
FEMC 04-0048
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Thomas addressed the Board regarding this case.

Mr. Thomas has been charged by Administrative Complaint for engaging in the unlicensed practice of engineering. The respondent entered into a contract to provide services consisting of engineering drawings for a construction of a residential dwelling. The contract was entered into on stationery with the printed title of "Robert Samuel Thomas Design Development", Architecture; Engineering; Interior Design; Construction Management. The Respondent submitted the finished plans to the owner bearing the signature and seal of an engineer. When the owner submitted the finished plans to the Orange County Building Department they were rejected due to not being prepared by a licensed professional engineer.

Mr. Thomas engaged in the practice of engineering by entering into a contract to provide engineering drawings; using stationary that indicated engineering and by delivering plans signed and sealed by an engineer to the property owner.

Mr. Thomas originally elected to have a Formal Administrative Hearing. However, Respondent failed to comply with Rule 28-106.201 F.A.C. for failure to produce a statement that disputed a material fact.

Dr. Miller moved to impose the penalty recommended by the Probable Cause Panel that sets a fine of \$5,000. Mr. Duyos seconded, a vote was called and the motion passed.

#4 James P. Staton, P.E.
PE 14958
FEMC Case Number 02-0162
Probable Cause Panel: Matthews, Tomasino, Seckinger

Mr. Staton was not present for his hearing.

The Respondent signed and sealed two sets of drawings on May 24, 2002 entitled Engineering Notes and Details for the Slater Design Collection Home, which were drawn by Craig R. Cote, an unlicensed individual not employed or supervised by the Respondent.

Respondent apparently did little engineering but certified on the plans that they were in compliance with the 2001 Building Code with regard to having a wind resistance of 110 mph. The drawings are general in nature citing criteria rather than design decisions. The drawings specifically fail to address the conditions at the proposed building site. The Respondent further failed to properly sign and seal each page of the plans, as he only included his signature and date. The plans did not contain the proper title block, or seal of the Respondent.

The Administrative Complaint alleges that the signed and sealed plans were not prepared Respondent or under his direct supervision. The plans were drawn by Craig R. Cote, an unlicensed individual. At the time the Respondent signed the plans, the client paid for them by writing a check to Craig R. Cote. The transaction took place at Engineering – Surveying Unlimited, Inc., Mr. Cote's place of employment. Therefore it is concluded that Respondent aided and assisted Mr. Cote's unlicensed practice of engineering.

Engineering – Surveying Unlimited, Inc. possessed a Certificate of Authorization No. 5069, which appeared on the pages Respondent signed. At the time of the transaction the qualifying engineers and corporate directors of Engineering – Surveying Unlimited, Inc. were deceased.

The Respondent requested a formal hearing before an Administrative Law Judge. He did not follow the procedure required by statute and rule, but FEMC notified him to do so and extended the period to do so by an extra 20 days. Because his later response did not comply with the requirements and admits many of the allegations, a Motion to Deny Petition for Formal Hearing was submitted to the Board, with the request that the matter proceed as an informal hearing. The Board adopted Staff's Motion to Deny Petition for Formal Hearing at the September 23, 2004 Board Meeting. Therefore this matter is presented as an Informal Hearing on December 8, 2004.

The Probable Cause Panel recommended a \$20,000.00 fine; costs of \$747.85; one (1) year suspension followed by two (2) years of probation with plans review at six (6) and eighteen (18) months; Study Guide; Course on Professionalism and Ethics; and appearance before the Board to explain his understanding of unlicensed activity.

Mr. Rebane moved to accept the recommended penalty with exception of the one year suspension being changed to revocation.

Mr. Duyos did not believe revocation was appropriate, he did, however, believe the suspension should be increased.

Mr. Duyos moved to accept the Probable Cause Panel's recommendation provided the one year of suspension be changed to two years followed by two years probation and appearance in February to explain his understanding of the importance of unlicensed activity. Mr. Burke seconded, a vote was called and the motion passed.

S. Defaults

#1 Carl E. Gilmore, P.E.
PE 23155
FEMC Case 2004047686
Probable Cause Panel: N/A

This case was withdrawn from the agenda in order that it may be combined with another case that is process.

T. Adjourn

**Minutes for
The Florida Board of Professional Engineers
August 6-7, 2008
Beginning at 8:30 a.m., or soon thereafter
Naples, Florida
Part I**

A. Meeting Administration

- #1. Call to Order, Invocation, and Pledge of Allegiance to the Flag
- #2. Roll Call, Determination of Quorum, and Address Absences.

Upon motion by Mr. Charland, seconded by Ms. Garcia, the motion to not excuse the absence of Mr. Henn Rebane, P.E. passes.

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

Guests:

Charlie Geer, FES

Mr. Geer welcomed the Board members and staff to the FES/FICE Annual Conference.

Robert E. Mackey, ASCE
Ronald Milmed, P.E., Florida Structural Engineering Association
Tim McConaghy, P.E., Florida Structural Engineering Association
Students from Gulf Coast University – Petitions for Variance & Waiver
Robert J. O’Neill, Professor at Gulf Coast University – Petitions for Variance & Waiver

Mr. Mackey, Mr. McConaghy and Mr. Milmed were present to hear discussion on B+30.

Presentations at time certain:

10:00 a.m. Consideration of Petitions for Variance and Waiver
11:00 a.m. Discussion on videotaping disciplinary actions

- #4. Approval of the Agenda

Mr. Burke amended the agenda to include:

10:00 a.m. Dr. O’Neill will address the Board on the Petitions for Variances & Wavier filed by students of FGCC.

11:00 a.m. Mr. Bill Dunn will address the Board on future application for videotaping disciplinary actions for continuing education.

Under Committee Reports, Item #9 was added as Mr. Charland's update on the "Structural Rules Committee.

Under NCEES, Item #1 c. was added to address Appointment of Emeritus Status with NCEES.

Under Executive Director's Report, Item #8 E was added to address a "Proposal for exemption of Continuing Education Credit for new Endorsement Licensees."

Under H. #1, an item was added to address an email from Dennis Barton to Paul Tomasino regarding publication of disciplinary information.

Upon motion by Dr. Bauer, seconded by Mr. Charland, the agenda was adopted as amended.

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

Mr. Burke removed the PCP Memo (B#3a.) from the consent Agenda.

Upon motion by Mr. Charland, seconded by Dr. Earle, the amended consent agenda was approved.

- #6. Review and Approval of previous Board meeting minutes
 - a. Minutes from the June 18-19, 2008 Board Meeting*
(Exhibit A#6a)
 - b. Minutes from the July 25, 2008 Conference Call*
(Exhibit A#6b)

B. Committee Reports

- #1. Applications Committee (**Next meeting 9-17-08**)
(John Burke, P.E., Chair; David Charland, P.E.; Henn Rebane, P.E.; Zafar Hyder, Ph.D., P.E.) (Alternates: Christian Bauer, Ph.D., P.E.; Paul Tomasino, P.E.)

- a. Committee Chair's Report.

Mr. Burke confirmed the need for an application review upon conclusion of Board business.

Mr. Charland confirmed that he would be unable to attend the September application review.

- #2. Educational Advisory Committee (**Next meeting 9-17-08**)
(Christian Bauer, Ph.D., P.E., Chair; Dr. Jonathan Earle, Ph.D., P.E.; Melvin Anderson, Ph.D., P.E. (Consultant), R. Gerry Miller, Ph.D., P.E. (Consultant))

- a. Committee Chair's Report.

- #3. Probable Cause Panel (**Next meeting 9-16-08**)
(Henn Rebane, P.E., Chair; Allen Seckinger, P.E., Consultant) (Alternate: John Burke, P.E.)

- a. PCP Memo from July 15, 2008 Meeting

Mr. Burke called attention to a note on the PCP Memo. The note indicates assignment of an item to the Rules Committee. The item is not defined and staff should research and determine what action is appropriate.

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

- a. Committee Chair's Report.

Mr. Charland confirmed his attendance at the rules committee meeting scheduled for September 16, 2008 by telephone.

- #5. FBPE Legislative Committee
(Paul Tomasino, P.E., Chair; Christian Bauer, Ph.D., P.E.; Zafar Hyder, Ph.D., P.E.)

- a. Committee Chair's Report.

Mr. Burke called attention to an email that is being circulated between FES and the Board of Landscape Architects regarding scope of practice. The Board may or may not be involved at this time.

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

- a. Committee Chair's Report.

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

a. Committee Chair's Report.

Mr. Burke directed staff to remove this committee from future agendas. With action on the proposed responsible charge rule, this matter should be resolved.

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

Mr. Burke appointed Ms. Garcia to take his place on this Committee.

- #9. Structural Rules Committee - (Report by David Charland, P.E., S.I.)

Mr. Charland briefed the Board on his work with the FES committee in rewriting the Structural Responsibility Rules. Work on light gauge framing, aluminum structures and temporary structures is slow due to the nature of the subject. The committee is very close to completing the rules relating to post-tension concrete, steel joists and joist girders. The next conference call is in August. Mr. Charland will give an update in the October Board meeting.

Mr. Burke stressed the need to take all the time necessary in this process and he advised Mr. Charland and Mr. Temple to work with Mr. Flury and Mr. Rimes to ensure formatting matches the format of other responsibility rules.

Mr. Burke inquired whether this committee was addressing the issue of threshold inspections on existing buildings. Mr. Charland indicated that the committee was not addressing the issue at this time.

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

Mr. Burke confirmed his plans to attend the NCEES Annual meeting in Minneapolis. Ms. Flynn, Mr. Charland and Mr. Rebane will also be in attendance. One of the most important issues addressed in the upcoming conference is the B+3-0 Initiative. This will be discussed later in the agenda.

- #1. Emeritus Status of past Board Members

Mr. Burke called attention to recent contact by Dale Zimmerman, P.E. a former Board member regarding emeritus status. Mr. Zimmerman would like to be reinstated as an NCEES emeritus member. The purpose for this reinstatement is

related to Mr. Zimmerman's efforts on the B+30. Mr. Burke asks Ms. Flynn to explain how emeritus status is gained and why status is removed.

Mr. Flynn outlined the process of granting emeritus status. In the past this status was granted as a result of holding former Board member status. For future appointments to the Board, there will be encouragement to participate in the NCEES meetings or committees in order to be granted this status. The list of emeritus status members was purged over the past ten years based on lack of participation in NCEES. The Board may nominate any former Board Member and the nomination will be submitted to NCEES Board of Directors for approval.

Upon motion by Mr. Tomasino, seconded by Dr. Bauer, Mr. Zimmerman will be nominated for reinstatement as an NCEES emeritus member.

D. Advisory Attorney's Report

- #1. Letter to Marjorie Holladay dated July 23, 2008 regarding Rule 61G15-19.004 – Disciplinary Guidelines

Since the language for this rule was published after July 1, 2008, an impact of small businesses statement will not be required.

Mr. Flury indicated that a motion would need to be made on whether the proposed rule will have an impact on small businesses.

Upon motion by Dr. Bauer, seconded by Mr. Charland, there would be no impact on small businesses as a result of the passing of this proposed rule.

Mr. Tomasino noted that everything this Board does affects engineers. He was concerned as to the absence of specifics on which to base the motion.

Mr. Flury, in his opinion, did not believe this rule would impact small businesses. A vote was called and the motion passed.

- #2. Update on procedures for rulemaking

Mr. Flury discussed a statutory change July 1, 2008 relating to the rulemaking process. All agencies will be required to prepare economic impact statements as it relates to small businesses. Mr. Flury is uncertain at this time how to prepare these statements. DBPR is now working on how they will prepare these statements. Mr. Flury read the rule to the Board as well as the definition of small business:

“...an agency shall prepare a statement of estimated regulatory costs of the proposed rule, as provided by s. 120.541, if the proposed rule will have an impact on small business.”

The definition of small business means "...independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$5 million or any firm based in this state which has a Small Business Administration 8(a) certification."

For all proposed rules noticed after July 1, 2008, the Board will have to determine economic impact on small businesses.

Upon motion by Dr. Bauer, seconded by Mr. Tomasino, the following statement will be used as the language when preparing economic impact statements "The Board has a good faith belief that the proposed rule will not have an impact small business."

#3. Proposed Responsible Charge Rule

Mr. Geer confirmed his reading of the proposed rule and his circulating to FES members for comment. He reviewed the comments. All comments noted a word change, but he has not forwarded those comments because they were conflicting and did not seem substantive. FES committee is generally comfortable with the proposed rule. Mr. Geer will forward the comments to staff for their review.

Mr. Burke explained what responsible charge means and why it is important.

Upon motion by Mr. Tomasino, seconded by Dr. Bauer, the motion to open rule development passed.

#4. Petitions for Variance & Waiver
TO BE HEARD AT 10:00 A.M.

The Board approved the Variance and Waiver Petitions filed by the following students of Florida Gulf Coast College.

- a. David S. Andrade
- b. Adrienne N. Argento
- c. Kyle D. Armstrong
- d. Gregg J. Lally
- e. Tricha Louis
- f. James S. Maddox
- g. Jenna E. Martin
- h. Stephanie J. Mooney
- i. Kelly A. O’Nan
- j. Ashley E. Roth
- k. Windeliz Santana Gohl
- l. Daniel W. Schroeder

- m. Jessica A. Sharpe
- n. Derek C. Sullivan
- o. Thomas M. Sweeney, III
- p. Jennifer D. Thomas
- q. Richard W. Van Fleet
- r. Kyle W. Vealey
- s. Grable T. Walls
- t. John M. Williams
- u. Robert E. Zandstra, Jr.
- v. Anthony W. Zimmerman

Mr. Flury confirmed these individuals as final year students in the engineering program Florida Gulf Coast University. The program is scheduled for the EAC/ABET accreditation visit. As these programs are not currently EAC/ABET accredited, it does not meet the Board's definition of a Board approved program. These students are petitioning for a waiver or variance of Rule 61G15-20.001, F.A.C., that defines a "Board approved program" so they may be approved to sit for the Fundamentals Examination. Mr. Flury reminded the Board of Mr. O'Neill's previous appearance and direction from the Board to file the Petition for Variance and Waiver by each student. All of the Petitioners have fulfilled all other requirements to sit for the exam.

Dr. Bauer asked what would occur if the program is not accredited. Mr. Flury indicated the Board would have to decide to pursue their original plan to grant the Petitions, the students would sit for the examination and certification as an EI would be held until accreditation occurs.

Upon motion by Dr. Bauer, seconded by Mr. Charland, the Petitions for Variance and Waiver were approved, the students named will be approved to sit for the Fundamentals Exam and Certification will be withheld until accreditation is finalized. Experience during this time would be recognized toward qualification for the Principles and Practice Examination.

E. Executive Director's Report

- #1. List of Applicants Requesting Retired Status*

#2. Board Member Observers for October Exam

Ms. Flynn called attention to the appointment of Board observers for the October Exam. For the last exam, the FEMC Board Members assisted. In discussion, the following decision was made. Mr. Burke will cover the Friday exam in Orlando. Ms. Garcia will attend Friday and Saturday for the Miami examination. Mr. Tomasino will attend the Tampa/USF examination site on Saturday. Staff will cover the Tallahassee Friday and Saturday examinations.

#3. Review of Continuing Education Application Forms

Mr. Benjamin explained the changes to the applications. These forms will need to go to Rules Committee in order to develop a rule on renewal of continuing education providers.

Upon motion by Mr. Tomasino, seconded by Mr. Charland, the contents of the renewal applications were approved.

In discussion as to how to expedite the process of approval the Board discussed delegation of authority to the Executive Director to review and approve the renewal application.

Upon motion by Dr. Bauer, seconded by Ms. Garcia, the Executive Director may sign off on continuing education renewal applications, which contain the exact information appearing on the first application resulting in approval as a continuing education provider. Applications with substantial change should go to the Continuing Education Committee.

- a. Application for Continuing Education Provider Renewal Application
- b. Application for Continuing Education Provider New Provider Application
- c. Application for Laws & Rules Continuing Education Course New Course Application
- d. Application for Laws & Rules Continuing Education Course Renewal Application

#4. Email from Jeffery R. Keaton, PhD, PE, PG, of MACTEC Engineering & Consulting, Inc., regarding ABET Program Accreditation Visit to Florida Atlantic University

Ms. Flynn briefed the Board on an invitation to appear at the ABET Review at Florida Atlantic University. No Board members were available for a visit to Florida Atlantic University.

Mr. Burke asked about an ABET Review at Emory Riddle. Ms. Flynn will check on the dates and coordinate with Dr. Bauer as to his attending.

#5. 2008-2009 Contract with DBPR

Ms. Flynn briefly discussed key changes in the contract with the Board. The budget was reduced by \$100,000, DBPR will conduct a study of FEMC to determine a time to phase FEMC into Onbase (electronic scanning program), and the incorporation of performance standards resulting in removal of "attachment 6" from the Browning Study.

Mr. Tomasino asked if expiration of the contract with Accenture affects use of LicenseEase. Ms. Flynn explained the expiration of the contract with Accenture does not result in additional funds or change in use of LicenseEase.

#6. Quarterly Report April 1, 2008 through June 30, 2008

Mr. Burke asked about the number of applications who did not receive the 30 day time period. Ms. Ingram explained the procedure for notifying the applicant of receipt of their application and although a 30 day letter may not have been provided with specific deficiencies communication does occur. Additionally, the work load was such that the 30 day period expired on a weekend and due to the volume of applicants, the licensure analyst was simply not able to meet the deadline for all applications.

Ms. Ingram noted with ELSESES providing email notification of examination results, a great burden is placed on the licensure analyst to respond to questions generated from the emails concerning certification, licensure and/or reexamination opportunities.

#7. Newsletter – Summer 2008

Ms. Flynn announced the publication of the summer newsletter and noted the absence of the rule cite within the disciplinary actions. This will be corrected for the next newsletter.

#8. Exemption of Continuing Education for Engineers licensed by endorsement

Ms. Flynn presented a proposal to exempt continuing education requirement for engineers licensed by endorsement within the biennium.

When continuing education was first required by statute, the Board provided for an exemption to first time licensees by examination. Ms. Flynn asked for this same consideration of endorsement applicants based on completion of the Study Guide on Laws and rules and completion of the Building Code Core Course if applying for permit in the State.

Dr. Hyder asks if the applicant could use continuing education from other states as part of their application for licensure by endorsement. Mr. Flury explained that courses would not be acceptable as they may not be completed from approved Florida providers.

After discussion the following action was taken.

Upon motion by Dr. Bauer, seconded by Dr. Earle, the item was tabled for a later date after review by the Rules Committee.

F. Chief Prosecutor's Report

#1. Non-Compliance Report

Mr. Creehan briefly discussed the mandate to comply with terms of the Final Order. When a licensee fails to comply, an administrative complaint is filed.

The Board discussed procedures in place and what improvements might apply to obtain compliance with final orders. Mr. Flury confirmed with entry into a non-compliance status the licensee must still be given due process in accordance with Chapter 120, F.S.

The Board encouraged Mr. Creehan to be more proactive in collecting fines and costs in disciplinary cases.

#2. July Open Case Report

See #3 below.

#3. Profile of legal cases by year
a. Cases open for 1 years plus
b. Total open cases by year

Mr. Creehan reviewed the numbers of old cases and indicated by December all old cases should be cleared.

Dr. Bauer questioned Mr. Creehan regarding the number of investigators currently working for FBPE. Mr. Creehan confirmed current caseload does not present a problem for the investigators.

#4. Investigator's Travel Synopsis

Mr. Creehan briefed the Board on investigators activity in the field, conducting interviews, working cases, meeting with permitting agencies, building officials, etc. Mr. Creehan asked the Board to advise him of other specific contact needed. Mr. Burke believes sufficient planning is needed so the investigators use their time efficiently and effectively. Having the investigators show up at a location to find the individual they wish to speak with is away from the office is a waste of time and money.

Mr. Creehan assured Mr. Burke that he would speak with the investigators to make sure that they are making appointments and using their travel time wisely.

Dr. Earle believed the expedient processing of cases is very important. Mr. Creehan explained one useful option of the respondent waving probable cause. This allows immediate filing of the Administrative Complaint to obtain a settlement stipulation. Mr. Creehan advised the Board that turn-around time has lowered significantly and he will continue working to keep cases moving.

Mr. Burke encouraged Mr. Creehan to go to the Board Members if they experience difficulty in obtaining consultants for reviewing files.

Mr. Burke believed the slow processing of cases is affected by the consultants. The appropriate expert is critical to processing the case efficiently and effectively and there is also the issue of some experts not performing well at the Division of Administrative Hearings.

Payment of expert witness fees was discussed. Mr. Burke indicated that it would be placed on the next Board Operations Committee Meeting Agenda.

G. Chair's Report

#1. Emails and letter from Robert Higgins, Chair, Professional Concerns Committee, FES, regarding Landscape Architects

Mr. Burke discussed the 1980's a territorial dispute between engineers and landscape architects regarding landscape architects being allowed to perform drainage design. Through efforts of a special committee and directions from the legislature, representatives of both professions were directed to work out the issues. The agreement defined the scope of practice for a landscape architect and when a professional engineer would have to be involved.

Mr. Geer explained the wishes of some to expand the scope of typical landscape architecture to perform design of drainage systems. Somehow, through the Landscape Architecture Board, they had their Board Counsel write an Attorney General opinion that bolsters their opinion on parameters for practice of drainage as landscape architects. The Attorney General's opinion is official. This issue needs to be addressed between the professions with the intent of avoiding legislative changes. Many FES members see this as a threat to the public's health, safety and welfare. There is pressure to have these things defined.

Mr. Burke asked what steps the Florida Engineering Society will take. Mr. Geer indicated FES has not decided whether to pursue legislative change. Mr. Burke did not believe this Board should be involved at this point. Once FES determines their action, they can advise the Board.

#2. Discussion of B+30

Mr. Burke discussed his thoughts on B+30 and his need to be prepared to vote the Board's position on B+30 during the annual meeting. He is aware of several resolutions being brought forth during the meeting. The purpose of this discussion is to establish the Board's position.

Mr. Burke cited some concerns with the present plan. No definition as to content of the 30 hours, date of 2015 to implement, NCEES moving forward and ABET's refusal to address change to their curriculum requirements. ABET is concerned about increased cost for additional college credits and efforts to keep student loans down.

Mr. Burke noted the original efforts of NCEES to establish ABET and since its inception there has been a substantial change in curriculum requirements. Present curriculums do not address the concerns of additional hours. If adopted into Model Law, each state will have to seek their only legislative change to implement the requirement into statute. The idea must be approached with an open mind. Implementation is the problem. Mr. Burke was concerned with the role NCEES would have to play in establishing their headquarters as the clearinghouse for approval of additional courses.

Dr. Bauer indicated that everyone has heard the complaint from fellow engineers that engineers don't get the respect that lawyers and doctors do. Our colleagues in law and medicine go through a baccalaureate program. Lawyers have 3 years of post-graduate training and doctors have 4 years and then residency. He understands the respect issue; however, the undergraduate curriculums do not have room for the additional hours. Dr. Bauer believes that if engineers want to get serious about the respect issue, and the preparation, they are going to need more concentrated and focused

education. He was particularly concerned with the BS+30 and believed a requirement of an MS would be much more effective.

Dr. Earle believed the focus should be details of what the 30 hours would cover. The engineering profession is faced with some greater challenges. The industry has accommodated the needs by establishing their own training programs. He has seen nothing from ABET on this issue. If ABET does not support this, who would accredit the hours? The Board must look at the entire picture regarding education in place at this time, cost factors and challenges with adding 30 hours of education. Dr. Earle does not support the B+30 Initiative at this time.

Dr. Hyder believed the issues will be resolved very quickly. He believed the schools will determine what the 30 hours will be. Dr. Hyder does not foresee problems with implementation.

Mr. Geer indicated that FES & FICE oppose B+30. They are concerned with issues relating to reduction in the number of young people who would consider entry into the engineering profession. FES & FICE believe an increase in the educational requirement without defining what that requirement will be will affect potential engineering students.

In summary, it is the position of this Board that if the B+30 concept is promulgated that the 30 additional hours of instruction be based on a nationally agreed upon curricular outline. This could be done in the form of a Masters Degree or a set of body of knowledge principles developed by the various technical professional societies.

Upon motion by Dr. Bauer, seconded by Mr. Charland, the Board supports the B+30 proposal with stated concerns to be addressed.

H. Correspondence to the Board

#1. Email from Dennis Barton to Mr. Tomasino

Mr. Burke discussed an email which was generated out of a discussion at the June Board Meeting regarding cutting expenditures. After a brief discussion it was determined the publication of disciplinary results will occur in the Board's newsletter and web site.

I. Old Business

Ms. Flynn presented the wall certificates and wallet cards which will be provided to renewal licensees during the 2009 renewal.

J. New Business

K. Public Forum

Time certain presentation at 11:00 a.m.

Mr. Dunn, President of Suncam outlined the process for development of a laws and rules course by video. Mr. Dunn indicated Suncam's primary goal to deliver laws and rules continuing education courses by video. The video is 3 hours and 20 minutes in length. Mr. Dunn believed their course is better than coming to a Board Meeting because they are easier to watch and a test is given at the conclusion of the video. Mr. Dunn's company video-taped several meetings, and while they did not edit the disciplinary cases at all, they selected certain items from specific board meetings for inclusion into the course. He wanted to receive a sense of the Board's position on approval of any future application for laws and rules credit by video-tape.

Mr. Burke advised Mr. Dunn that he would vote against approval of an application by Suncam to offer the laws and rules course by video. Part of the reasoning is that the prosecution of cases has changed since first approving attendance at a Board meeting for laws and rules credit. There isn't as much information shared with the engineers attending. With the Board's vote to discontinue allowing laws and rules credit on the second day of the Board meeting, it would not make sense to allow a Board Meeting to be taped and used for that kind of credit.

Mr. Burke noted this decision would not put Suncam out of business it just changes their method of offering laws and rules. The majority of the Board supported Mr. Burke's statement.

With conclusion of the Board business, the Application Review was convened.

THURSDAY, August 7, 2008

Call to Order

Mr. Burke briefly discussed the B+30 initiatives and how it might affect the future of engineering profession.

Renewal 2009 Workshop Presentation – Sean Benjamin

Mr. Benjamin outlined the on-line renewal process through presentation of a video.

Dr. Bauer discussed the various types of files reviewed during application review the previous day. Mr. Burke called for a vote on the ratification action taken in the application review.

Upon motion by Dr. Bauer, seconded by Dr. Earle, the actions of the application committee were ratified.

Upon motion by Dr. Bauer, seconded by Ms. Garcia, the motion passed to approve the applications of the students from Florida Gulf Coast University to sit for the Fundamentals Examination with the restrictions placed through passing of a motion on August 6, 2008 (see D.4.)

#1. Endorsement/Continuing Education Committee
(Vacant, Chair)

a. Committee Chair's Report.

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

| Rule | Title | Develop. | Notice | Adptd. | Effect. |
|------|-------|-----------|-----------|--------|---------|
| No. | | Published | Published | | |

The following rules are **ON HOLD** or **PENDING**:

The following rules are **IN PROCESS**:

| | | | | | |
|--------------|--------------------------------------|---------|---------|---------|--------|
| 61G15-18.011 | Definitions | 12-7-07 | 4-11-08 | 5-16-08 | 6-5-08 |
| 61G15-19.001 | Grounds for Disciplinary Proceedings | 3-7-08 | | | |
| -19.004 | Disciplinary Guidelines, etc. | | | | |
| 61G15-20.001 | Definitions, Appl. For | 8-1-08 | | | |
| .0015 | Lic. By Endorsement, | | | | |
| .007 | Dem. of Subs. Equiv. | | | | |
| 61G15-21.009 | Endorsement | 8-1-08 | | | |

| | | | | | |
|--------------|---|----------|---------|-----------------------------|--|
| 61G15-22.001 | Renew. Of Act. Lic. | 8-1-08 | | | |
| .011 | Bd. Appr. Of CE Prov. | | | | |
| 61G15-22.015 | Compliance with | 12-7-07 | | | |
| | Mandatory Florida Bldg. | | | | |
| | Code Training; C.E. | | | | |
| 61G15-23.002 | Elect. Seals, Signatures | 8-1-08 | | | |
| .003 | And Procedures | | | | |
| 61G15-30.001 | Purpose | 12-7-07 | 3-14-08 | (On JAPC hold as of 4/9/08) | |
| .002 | Definitions Common to All Engineer's Responsibility Rules | | | | |
| .003 | Engineering Document Classification | | | | |
| .005 | Request for and Review of Delegated Engineering Documents | | | | |
| .006 | Delegated Engineer's Responsibility | | | | |
| .007 | Prime Professional's Responsibility | | | | |
| .009 | Retention of Engineering Documents | | | | |
| .010 | Energy Conservation Compliance | | | | |
| 61G15-32.001 | General Responsibility | 11-21-07 | 3-14-08 | (On JAPC hold as of 4/9/08) | |
| .002 | Definitions | | | | |
| .003 | Comm. Req. to all Fire Protection. Eng. Docs. | | | | |
| .008 | Design of Fire Alarms, Signal and Control Systems | | | | |
| 61G15-33.001 | General Responsibility | 12-7-07 | 3-14-08 | (On JAPC hold as of 4/9/08) | |
| .002 | Definitions | | | | |
| .003 | Design of Power Systems | | | | |
| .004 | Design of Lighting Systems | | | | |
| .005 | Design of Communications Systems | | | | |
| .006 | Design of Alarm Systems | | | | |
| .007 | Design of Lightning Protection Systems | | | | |
| .008 | Design of Grounding Systems | | | | |
| .010 | Certification of Electrical Systems of Public Interest | | | | |
| 61G15-34.001 | General Responsibility | 11-21-07 | 3-14-08 | (On JAPC hold as of 4/9/08) | |
| .002 | Definitions | | | | |
| .003 | Design of HVAC Systems | | | | |
| .007 | Design of Plumbing Systems | | | | |
| 61G15-37.001 | Perform. Stds. And | 8-1-08 | | | |
| | Meas. Outcomes | | | | |

The following rules are **ADOPTED**:

| | | | | | |
|---------------|------------------------|---------|---------|---------|---------|
| 61G15-20.006 | Educationl Requiremnts | 9-23-05 | 7-28-06 | 3-21-08 | 4-10-08 |
| 61G15-21.007 | Re-examination | 7-21-06 | 8-11-06 | 3-21-08 | 4-10-08 |
| 61G15-22.0105 | Approval of C.E. | 2-8-08 | 2-29-08 | 4-8-08 | 4-28-08 |
| | Courses in Laws and | | | | |
| | Rules | | | | |

Part II
Informal Hearing Agenda

Begin hearings after Report on Educational Requirements by Chair of Educational Advisory Committee (Christian Bauer, Ph.D., P.E., Chair)

- L. Consideration of Petition for Formal Hearing
- M. Informal Hearings on Denial of Application for Fundamentals Examination

#1. Alexey Polo

Mr. Polo holds a Bachelor's Degree from University of Oriente in Santiago de Cuba, Cuba. Mr. Polo applied to sit for the Fundamentals Examination and was denied based on educational deficiencies. Review of the evaluation of undergraduate studies by Josef Silny & Associates to determine substantial equivalency to Rule 61G15-20.007, F.A.C. proved deficiencies of 2.75 hours in Mathematics and Basic Sciences including a course in Probabilities and Statistics.

Mr. Polo submitted an Election of Rights form to have an Informal Hearing. Mr. Polo is requesting the Board reconsider his Silny evaluation and if the denial is upheld, he is requesting the file be held open until he completes a course in statistics.

Dr. Bauer indicated that the course Mr. Polo submitted for the Board's review is acceptable to satisfy the statistics requirement.

Upon motion by Dr. Bauer, seconded by Mr. Charland, Mr. Polo's file will be held open until the February 2009 Board meeting. Motion passed.

- N. Informal Hearings on Denial of Application for Principles and Practice Examination
- O. Informal Hearings on Denial of Application for Licensure by Endorsement

#1. Sachin M. Butala

Mr. Butala holds a Professional Engineer license in Texas based on acceptance of his BS degree in Civil Engineering from India and a Masters Degree in Civil Engineering from Lamar University, passing of the Fundamentals and Principles & Practice Examination in Texas and evidence of four years of engineering experience.

Mr. Butala applied for licensure by endorsement and was denied for educational deficiencies. The transcript evaluation was reviewed by the

Education Advisory Committee to determine equivalency to requirements of Rule 61G15-20.007, F.A.C. It was determined that Mr. Butala was deficient 14.25 semester credit hours in Math and Basic Sciences and 16 semester hours in Humanities and Social Sciences. A review of the Masters Degree in Civil Engineering from Lamar University did not reduce the deficiencies. In August of 2007, Mr. Butala was scheduled for an Informal Hearing. During the hearing, the hours of deficiencies were revised and the Informal Hearing was continued to August of 2008.

The order cited a specific date for continuance of the hearing to the August 2008 Board meeting. Mr. Butala has submitted updated transcripts since his hearing in 2007. The Board should review the transcripts and determine if revised deficiencies of 11.25 hours math and basic sciences and 10 hours in Humanities and Social Sciences is satisfied. It is noted that Mr. Butala will evidence two years of licensure in another state in February 2009. If the present review determines the only remaining deficiencies to be Humanities and Social Sciences, they may be waived pursuant to Rule 61G15-20.0015(3), F.A.C. as of February 2009.

The Board discussed the options presented in Mr. Butala's case.

Upon motion by Dr. Bauer, seconded by Mr. Charland, with the math and basic sciences satisfied leaving only the deficiency of Humanities and Social Sciences; the case will be continued to the February 2009 Board meeting at which time under authority of Rule 61G15-20.0015(3), F.A.C. the deficiencies in Humanities and Social Sciences will be waived and Mr. Butala may be licensed.

#2. Carl Karakos

Mr. Karakos licensed in New Jersey in 1997 based on a BS in Engineering Technology from the New Jersey Institute of Technology, evidence of four years of engineering experience, waiver of the Fundamentals Examination based on fifteen years of experience and passing the Principles and Practice Examination.

Mr. Karakos' application was denied for educational deficiencies. Mr. Karakos does not hold a Board approved engineering degree. He holds a Bachelor of Science in Engineering Technology. Mr. Karakos' elected an Informal Hearing and he engaged counsel, James Toombs, Esquire. On behalf of Mr. Karakos, Mr. Toombs has submitted a memorandum of support of approving the application.

It is further noted that Mr. Karakos submitted an evaluation from Silny and Associates. Although the evaluation was not necessary, it does point out certain deficiencies that would need to be resolved if he pursues a post graduate degree in engineering for future application. The deficiencies are

21 hours in math and basic sciences, including a course in Probability and Statistics and General Chemistry, and one additional calculus based physics or chemistry course and four semester credit hours in Humanities and Social Sciences and 20 semester credit hours in engineering sciences and design.

Mr. Karakos was present at the hearing and sworn prior to addressing the Board. Mr. Karakos counsel, James E. Toombs, and supervisor, William T. Stone, were also in attendance. Mr. Toombs was sworn prior to addressing the Board.

Mr. Karakos and Mr. Toombs both testified. Mr. Karakos testified regarding his education and Mr. Toombs testified regarding the hiring process and why and how Mr. Karakos was hired. Mr. Stone argued that licensure should be granted to Mr. Karakos because it is in the best interest of the State.

Upon motion by Dr. Bauer, seconded by Mr. Charland, the motion to deny the application based on the Engineering Technology Degree received outside the Florida University System passed.

#3. James Gilpin

Mr. Gilpin was licensed in North Carolina in 1993 based on acceptance of his BS from the University of Michigan, MS from Southern Methodist University of Texas, passing of the Fundamentals and Principles and Practice Examination and evidence of four years of engineering experience

Mr. Gilpin applied for licensure by endorsement. The Committee reviewed the application and determined that disciplinary action was taken in the State of North Carolina. The Application Committee voted to defer the application to the full Board at which time Mr. Gilpin should appear to answer questions concerning the disciplinary action. His appearance was initially scheduled for the April Board meeting; however, Mr. Gilpin was unable to attend due to a surgical procedure. Mr. Gilpin was unable to attend the August meeting because he is still under orders not to travel.

In discussion with Board Counsel based on previous Board action in similar situations the matter is before the Board for consideration of licensure. Mr. Flury recommended the Board approve this application as the cited violation would have been addressed as a minor violation if occurring in Florida.

Upon motion by Mr. Charland, seconded by Mr. Tomasino, the licensure of Mr. Gilpin was approved. Motion passed.

Part III
Disciplinary Hearings

Description of Disciplinary Process - Henn Rebane Chairman of the Probable Cause Panel.

In Mr. Rebane's absence, Mr. Burke outlined the complaint process and role of the Probable Cause Panel.

P. Settlement Stipulations

- #1. Lester Maples, P.E.
PE 10214
FEMC Case Number 2006051138
Represented by: Alvin Peters, Esquire
Probable Cause Panel: Rebane, Seckinger

This case was pulled due to Mr. Maples family health issues. Mr. Creehan advised the Board that if this case is not heard at the October Board Meeting in West Palm Beach, it will be heard at the December Board Meeting in Tallahassee.

- #2. Judy A. Perkins, P.E.
PE 62332
FEMC Case Number 200701519
Probable Cause Panel: Rebane, Seckinger

Ms. Perkins was not present at the Board Meeting.

This investigation is predicated on the receipt of a complaint alleging Ms. Perkins signed and sealed plans for the Amelia Estates project which failed to meet acceptable engineering standards. The FEMC Consultant opined that the specifications and calculations used by Respondent failed to reach a level of acceptable engineering principles. Specifically the Consultant opined that it was his belief that the Respondent "*began and performed an engineering assignment without knowledge of the minimum standards.*" Further, he felt the Respondent did not have the requisite experience or training in hydraulic calculations, yet proceeded on that aspect of the project nevertheless.

In lieu of further administrative proceedings, Respondent agreed to waive probable cause in this matter and in the face of an Administrative Complaint charging her with one count of negligence, accept the terms of the proposed settlement stipulation. In this stipulation, Respondent agrees to a fine of \$1000.00, costs of \$2,300.00, a reprimand and probation to run concurrent with the probation imposed in FEMC Case No. 2006033572.

Upon motion by Dr. Bauer, seconded by Ms. Garcia, the motion to approve the Settlement Stipulation passes.

- #3. Walter Fitzgerald, P.E.
PE 24636
FEMC Case Number 2207005175
Represented by: Edwin Bayo', Esquire
Probable Cause Panel: Rebane, Seckinger

This case was pulled due to the fact Mr. Fitzgerald's family medical emergency.

- #4. Thomas Carey, P.E.
PE 5574
FEMC Case Number 2005014483
Represented by: Michelle B. Kane, Esquire
Probable Cause Panel: Rebane, Seckinger

Mr. Carey was not present at this Board Meeting.

This investigation is predicated on the receipt of a complaint from Okeechobee County alleging that Thomas Carey, P. E., designed a set of drawings and specifications for the New Testament Baptist Church for the design of a Church & Office building (Permit # 0412-0036) and a Church & Classroom building (Permit # 0412-0037), which were filed with the Okeechobee County Building Department. It was claimed that the drawings were materially deficient in that they did not contain numerous required elements and other information including "the most basic items of the Florida Building Code."

Probable Cause was found and an Administrative Complaint was issued and served. A Stipulation to resolve the matter was entered into and was presented to the Board at the April meeting. At that meeting, the Board rejected the stipulation & offered a Counter Stipulation which encompassed all terms of the proposed Stipulation but also included a restriction on Mr. Carey's structural engineering practice until he passed the P& P exam in that specialty as well.

After discussion with Mr. Carey & his counsel, a new Stipulation was entered into. In that Stipulation, Mr. Carey agreed to permanently RELINQUISH his PE license, pay the COSTS of \$1,874.92, and pay a FINE of \$1000.00.

Upon motion by Mr. Tomasino, seconded by Dr. Earle, the motion to accept the Settlement Stipulation passes.

- #5. Nicholas W. Nicholson, P.E. & Nicholson Engineering Associates, Inc.

PE 37862
CA 7544
FEMC Case Numbers 2004012569, 2007031230
Represented by: Dominic MacKenzie, Esquire
Probable Cause Panel: Rebane, Seckinger

Mr. Nicholson was present and sworn in prior to addressing the Board.
Mr. MacKenzie, counsel for Mr. Nicholson was also present.

Case # 2004012659

The investigation was initiated on the complaint filed by a homeowner, alleging the plans submitted with subject's signature and seal for his residence resulted in construction of a house that is shaky and unstable in a mild wind. The house is built with a floor at 9'8", with a floor truss system resting on concrete block piers. Additionally, a concrete slab was constructed at grade beneath the house. The complaint also alleged the slab had excessive cracking.

On May 28, the parties entered into a Combined Stipulation that resolved this Case and Case # 2007031230. PCP Recommendation: Respondent will be placed on 18 month(s) probation with plan review at 6 and 12 months.

The Stipulation calls for dismissal of Nicholson & Associates as Party; Respondent's license to practice engineering shall be REPRIMANDED. Respondent shall be placed on PROBATION for one (1) year subject to the following terms: a. Respondent shall pay COSTS of \$2000.00 to the Board within thirty (30) days of the date that the Final Order adopting this Stipulation is filed with the Agency Clerk. Respondent shall successfully complete TEXAS TECH UNIVERSITY'S PDH-40 INTERMEDIATE STUDIES IN ENGINEERING ETHICS COURSE within one (1) year of the date the Final Order adopting this Stipulation is filed. Prior to that date, Respondent shall submit to the Board a Certificate of Completion. It is the Respondent's responsibility to notify the Board that he has completed the course in a timely manner. Respondent shall APPEAR before the Board when the stipulation is presented. Respondent should be prepared to discuss the status of his practice since the successful termination in 2006 of the probation imposed upon him in FEMC Case Numbers 2004005914 and 2004005946.

Case # 2007031230

This investigation began when complainant, Gregory Escamilla, stated that Respondent, acting on behalf of All Coast Engineering, produced an engineering report which prescribed demolition and reconstruction of the Complainant's home as the appropriate method to remedy cracking in the

walls and slab of the house. Subsequent review determined that the cracking did not require demolition and Complainant asserted that the report recommending such a remedy was not based on sound engineering analysis.

The PCP found no basis upon which to charge respondent with negligence but authorized an Administrative Complaint charging Respondent with the delinquent Certificate of Authorization violation.

On May 28, the parties entered into a Combined Stipulation that resolved this Case and Case # 2004012659.

The terms of the Stipulation in case #2004012659 – Reprimand; Probation for one (1) year; Costs of \$2,000.00 within 30 days of the date the Final Order was filed; Successful completion of Texas Tech University's PHD-40 Intermediate Studies in Engineering Ethics within one (1) year of the date the Final Order was filed; Appearance before the Board to discuss the status of his practice since successful termination in 2006 of the probation imposed for prior cases. Respondent, Nicholson Engineering Associates, Inc., is dismissed as a party.

The terms of the Stipulation in case #2007031230 – Appearance before the Board to discuss his understanding of the requirement that any engineering firm for which he provides engineering services must have a current active Certificate of Authorization; Issuance of a Letter of Guidance.

PCP Recommendation: \$1,000.00 administrative fine (\$1,000.00 per count for (1) count); costs of \$255.00; Suspension of licensure, stayed if fine/costs paid within 30 days of Final Order date. The Stipulation calls for Respondent to APPEAR before the Board when the stipulation is presented. Respondent should be prepared to discuss: his understanding of the requirement that any engineering firm for which he provides engineering services must have a current active Certificate of Authorization. Respondent shall be issued a Letter of Guidance reflecting that he should not issue any engineering reports or documents on behalf of any engineering firm unless that firm possesses a current active Certificate of Authorization. Respondent agrees that he fully accepts the intent of the Letter of Guidance and that he will adhere to its admonitions in his future engineering practice.

Mr. Nicholson addressed the Board regarding his engineering practice since successfully completing probation in 2006 as a result of previous cases. He confirmed his understanding of the requirement that any engineering firm for which he provides engineering services must have a current active Certificate of Authorization. Mr. Nicholson indicated that the status of his practice has changed. He hired a structural engineer three

years ago and with this hiring implemented a procedure for review of each other's plans. They do this to ensure quality control. He also noted he had passed two plan reviews from prior discipline. As far as ensuring proper licensure, he checks on-line before working with a fellow engineer or engineering firm to make sure that they have an active current license. He understands the importance of licensure status.

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

- #6. Costa S. Vatikiotis, P.E.
PE 45631
FEMC Case Number 2007046035
Probable Cause Panel: Rebane & Seckinger

This complaint is predicated on a complaint made by J.C. Russello that plans were signed and sealed by the Respondent dated October 31, 2003 for a single family residence. The plans were insufficient, inadequate in details and did not include sufficient structural design to satisfy the 2004 Florida Building Code.

In FEMC Case. No. 2005055304, the Respondent settled that case of negligence with a stipulation accepted at the FBPE April 2008 meeting. That stipulation requires Respondent to accept a reprimand, pay administrative fines and costs, take a course in Professionalism & Ethics, and serve two years probation with reviews at 6 and 18 months. The events of this case **pre-date** the events of that case. The Probable Cause Panel was made aware of these facts and their recommended penalty reflects this knowledge.

In lieu of formal administrative proceedings the parties reached a proposed settlement stipulation before the Board for action.

Upon motion by Mr. Charland, seconded by Dr. Earle, the Settlement Stipulation was adopted. Motion passed.

Q. Motion for Final Order

- #1. Winthrop Barnett
PE 25576
FEMC Case Numbers 2005050647, 2007038075
Probable Cause Panel: Burke & Seckinger

Mr. Barnett was not present for the Board Meeting.

2005050647 - This complaint was initiated by FBPE with assistance from Debra Donley, Plans Examiner for Hillsborough County. The complaint

alleged that on August 22, 2005, Respondent signed and sealed a set of plans for a screen enclosure for a project to be completed in Tampa, Florida. The plans were submitted to the Hillsborough County Building Department on September 20, 2005. The plans as submitted for the screen enclosure were mere copies of plans that were part of "Lowe's Do-it-Yourself Screen Enclosure" instructions and stated as much on the plans that were submitted by Respondent. In addition, the plans are clearly marked "for instructional purposes only."

2007038075 - The complaint was initiated by Robert Campbell, Director of Transportation and Land Development for Hillsborough County. The complaint alleged that the Respondent's name appeared on a Subdivision and Site Development Application as the Engineer for a Jazzy's BBQ Project. The Subdivision and Site Development Application is dated June 7, 2007. The drawings for the Jazzy's BBQ project was signed and sealed by the Respondent on June 7, 2007. Thus, it appears clear that Respondent was practicing engineering on a delinquent license.

An Administrative Complaint was filed combining both cases on November 21, 2007. The Administrative Complaint charged the Respondent with negligence in the FEMC Case No. 2005050647 and practicing on a delinquent license in FEMC Case No. 2007038075.

Respondent appeared at the April Board meeting and disputed the material facts alleged in both cases and the cases were tabled.

In Nicolitz v. Bd. of Opticianry, 609 So. 2d 92, 93-94 (Fla. 1st DCA 1992) it was determined that in the face of disputed facts, the regulatory agency involved has the discretion to deny the Respondent's right to a formal hearing and to go forward with an informal hearing. The facts in FEMC Case No. 2005050647 are subject to interpretation and therefore, the Respondent is entitled to a formal hearing on those matters. In Case No. 2007038075, however, the facts are indisputable. On March 1, 2007, the Respondent's license was placed on delinquent status for failure to provide the required continuing education obtained during that particular renewal period. The delinquent status remained until June 27, 2007 when he reported his continuing education to FBPE to have that status lifted. Thus, when the plans in question were signed and sealed on June 7, 2007, it is unequivocally clear that the Respondent practiced engineering on a delinquent license.

Therefore, it is this prosecutor's belief that the facts involving FEMC Case No. 2007038075 are undisputed and the case should proceed as an informal hearing and in an effort to expedite these proceedings, the companion FEMC Case No. 2005050647 is to be dismissed. The recommended penalties are adjusted in accordance with this Motion, the administrative fines, costs and suspension period are reduced

proportionally. NOTE: Respondent has a disciplinary history under FEMC Case No(s). 2004004769 and 2004006356.

NOTE: While under probation, the terms of probation to include that if the Subject has no projects to submit based on inactivity for either the 6 or 18 month review process, the probation is to be extended for 6 months, then if inactivity continues beyond that, then Subject is to have his license put on inactive status at that time and to stay in that status unless and until Respondent notifies the Board that he wishes to recommence practicing engineering and obtains Board authorization to reactivate his license under such terms of probation that the Board deems appropriate at that time.

Upon motion by Mr. Tomasino, seconded by Mr. Charland, case 200505647 was dismissed. Motion passed.

Upon motion by Mr. Tomasino, seconded by Mr. Charland, the motion to adopt the findings of fact in the administrative complaint in case number 2007038075 as the Board's findings of fact passed.

Upon motion by Mr. Charland, seconded by Dr. Bauer, the Motion to adopt the conclusions of law in the administrative complaint in case number 2007038075 as the Board's conclusions of law passed.

Upon motion by Mr. Tomasino, seconded by Mr. Charland a penalty was imposed calling for an administrative fine in the amount of \$5,000.00, costs in the amount of \$117 and suspension of his license for two years and thereafter until he appears before the Board to demonstrate his ability practice with the proper skill and safety, and that reinstatement is not guaranteed passed.

Prior to adjournment of the Board Meeting, Mr. Burke asked Ms. Flynn to share with the Board an email she received regarding the B+30 proposal.

Ms. Flynn advised the Board that a resolution will be introduced at the NCEES Annual Conference by the Western Zone. The resolution calls for immediate suspension of further development of the B+30 proposal until the following year. The email goes on to explain the reasoning for this resolution.

Upon motion by Dr. Bauer, seconded by Dr. Earle, the motion to support the notion evidenced in the memo read by Ms. Flynn from the Western Zone and directs Mr. Burke to vote accordingly. Dr. Hyder opposed the motion.

R. Adjourn

**Minutes of
The Florida Board of Professional Engineers
October 15-16, 2008
Beginning at 8:30 a.m., or soon thereafter
West Palm Beach, Florida
Part I**

A. Meeting Administration

- #1. Call to Order, Invocation, and Pledge of Allegiance to the Flag
- #2. Roll Call, Determination of Quorum, and Address Absences

Board Members Present:

John C. Burke, P.E., Chair
David O. Charland, P.E., Vice-Chair
Zafar Hyder, Ph.D., P.E.
Jonathan F. K. Earle, Ph.D., P.E.

FEMC Board Member Roger Jeffery, Chair, was present at the Board meeting.

Mr. Burke advised the Board members and guests of an emergency situation resulting in a lack of attendance of sufficient number of Board members to compose a quorum. He called on Mr. Flury to provide further details on this matter.

Mr. Flury explained that because the Board had no quorum, the Board could not make motions, vote or take any agency action. The Board could conduct informal discussion of items on the agenda.

Board Members Absent:

Christian S. Bauer, Ph.D., P.E., C.M.S.P.
Paul Tomasino, P.E.
Nola Garcia

Mr. Burke confirmed the appointments of new Board members October 14, 2008 and with these appointments the absence of Henn Rebane, P.E. would not be applicable.

Mr. Burke asked Mr. Jeffery to summarize the FEMC Board Operations Committee meeting which occurred October 14, 2008.

Mr. Jeffery discussed the budget cut of \$100,000 for this fiscal year. He discussed the Annual Audit and noted that due to improvements, there

were very few comments by the auditors this year. These improvements include approximately 95% of the items noted in the Management Study that occurred two years ago. Some successes for the year were hiring an Assistant Executive Director and Comptroller.

Mr. Burke announced the Governor's appointment of four new Board Members. Before they are allowed to vote, they must have filed the oath of office with the Secretary of State. Hopefully all members would file their paperwork and the December meeting would occur with all Board positions filled..

FBPE Staff Present:

Carrie A. Flynn, Executive Director
Zana Raybon, Assistant Executive Director
Patrick Creehan, Prosecuting Attorney
Wendy Gregory, Executive Assistant

Attorney General's Office:

Michael Flury, Esquire

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

Charlie Geer, FES/FICE
Tim McConaghy, P.E., FSEA
Ronald Mackey, P.E.
Bill Palm, P.E.
Brian Lance, Verizon
Bill Dunn, P.E., SunCam

#4. Approval of the Agenda

The Agenda could not be approved due to quorum issues.

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

The Consent Agenda items could not be approved due to quorum issues.

#6. Review and Approval of previous Board meeting minutes

a. Minutes from the August 6-7, 2008 Board Meeting*

b. Minutes from the October 10, 2008 Conference Call*

(To be distributed prior to start of meeting)

B. Committee Reports

#1. Applications Committee (**Next meeting 11-12-08**)
(John Burke, P.E., Chair; David Charland, P.E.; Henn Rebane, P.E.; Zafar Hyder, Ph.D., P.E., Nola Garcia) (Alternates: Christian Bauer, Ph.D., P.E.; Paul Tomasino, P.E.)

a. Committee Chair's Report.

#2. Educational Advisory Committee (**Next meeting 11-12-08**)
(Christian Bauer, Ph.D., P.E., Chair; Dr. Jonathan Earle, Ph.D., P.E.; Melvin Anderson, Ph.D., P.E. (Consultant), R. Gerry Miller, Ph.D., P.E. (Consultant) (Alternate: Zafar Hyder, Ph.D., P.E.)

a. Committee Chair's Report.

#3. Probable Cause Panel (**Next meeting 11-18-08**)
(David O. Charland, P.E., Chair, Henn Rebane, P.E.,) (Alternate: John Burke, P.E.)

a. PCP Memo from September 16, 2008 Meeting*

b. Letter from Allen H. Seckinger dated 8/26/08

Mr. Burke briefed the Board on his letter of appreciation to Al Seckinger for his years of service on the Probable Cause Panel. The replacement of Mr. Seckinger was due to the need to restructure the panel based on new Board appointments and the need to have Mr. Rebane continue to serve on the panel. As the statute only allows one past Board member to serve on the panel, Mr. Rebane was determined to fill this position. In response Mr. Seckinger thanked the Board for the opportunity to serve on the Probable Cause Panel.

Mr. Charland inquired as to whether Mr. Seckinger could continue to serve as an alternative. After a brief discussion with Mr. Flury, it was determined that in the event Mr. Rebane was unable to attend a PCP meeting for any reason, that Mr. Seckinger could stand in his place. Staff should notify Mr. Seckinger.

c. Summary of Informal Discussion following PCP of September 16, 2008

Mr. Creehan discussed the consultants/experts being used to review cases. He has advised consultants of the need to be strong

in their opinions and concise in their findings. They should not attempt to lead the panel regarding gravity of the violation or recommended penalties.

Mr. Creehan advised the Board on anew protocol calling for all informal communications continuing between the investigators and consultants. Final conclusions will be directed to the attorneys and the investigators will be copied.

Future investigations will call for investigators to be more proactive in advising the consultants as to what FEMC has in the complaint file to support the complaints. This should assist the consultants in preparing stronger reports.

Mr. Creehan advised of development of a consultant database. This was developed in order to allow both the investigators and the attorneys to review how many cases each consultant is reviewing at any given time. This will assist in determining case overload and timely response with reports. A tickler system has been set up so that reminders will be sent to consultants if nothing is received within the 60 of the 90 days.

Mr. Burke confirmed this discussion so cases could move through the complaint process more efficiently.

#4. **FBPE Rules Committee (Next meeting To be Determined)**
(John Burke, P.E., Chair; Henn Rebane, P.E.; David Charland, P.E., Paul Tomasino, P.E.)

a. Committee Chair's Report.

Mr. Burke and Ms. Flynn will set the next rules committee meeting and provide notice to members.

Mr. Flury discussed the Statement of Regulatory Costs and indicated that this will be discussed during the November conference call.

#5. **FBPE Legislative Committee**
(Paul Tomasino, P.E., Chair; Christian Bauer, Ph.D., P.E.; Zafar Hyder, Ph.D., P.E.)

a. Committee Chair's Report.

Mr. Geer noted that there is an FES Committee that is considering the possibility of asking for legislation relating to the landscape architecture issue. He is unaware whether it will be ready for session. FES may need the Board to have a legislative committee meeting in

December to discuss this. Mr. Burke noted that Mr. Tomasino should be advised of this proposal and he should discuss with Mr. Geer.

Mr. Geer indicated that the statutes are not quite precise enough and need to be addressed due to concerns that non professional engineers are performing what is believed to be engineering work and not architecture work.

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

a. Committee Chair's Report.

No report.

#7. Nominations Committee – **(Next Nominations occur December 2008)**
(Nola Garcia, Chair; David Charland, P.E.)

Mr. Burke indicated that Ms. Garcia and Mr. Charland will report to the Board their slate of nominees for Chair and Vice Chair for 2009.

#8. Structural Rules Committee
(David O. Charland, P.E., Chair)

Mr. Charland indicated the Structural Rules are still being worked on and he has not yet seen a draft of the rules.

Mr. Jeffery indicated that the committee met last week and although two-thirds of the rule is written it is not in final format.

Mr. Charland noted that sorting out threshold inspections on existing buildings is pretty straight-forward.

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

#1. Nominations for NCEES National Awards

In discussion it was determined to withhold any nominations for this year.

Mr. Burke advised that he, Mr. Charland, Ms. Flynn attended the NCEES Annual Meeting. Mr. Rebane was installed as President of NCEES for 2009. The installation was impressive and was attended by many of Mr. Rebane's family.

Discussions at the NCEES Meeting consisted of discussions of B+30 and computer testing. Discussion on computer based testing is continuing

with no final decisions at this time. There was a move by the Southern Zone to require an additional examination on ethics, accounting, and business issues, etc. This issue was not successful as the general belief is professional societies believing they take care of those types of issues with the membership.

Mr. Burke briefed the Board on what occurred at the Annual Meeting with regard to the B+30 initiative. He reminded the Board of the Western Zone Resolution received by Ms. Flynn during the last Board Meeting. Mr. Burke also reminded the Board that he was going to vote to support the Western Zone Resolution due to too many undefined issues. Some of the issues were implementation, how it was going to be done, who is going to prove the education, cost, comity issues between states, discouraging engineers from even entering into the profession, etc. That Resolution was gaining support, but did not go forward. The Resolution was modified to state that the initiative would continue forward, but that next year the issues of implementation, cost, etc., needed to be addressed. They have pushed the time out from implementation in 2015 to implementation by 2020. Down the road, things will change with regard to education.

Mr. McConaghy noted that the position of FSEA is that more education will be helpful but that time needs to be given; there needs to be a format that is easily implemented. It is his opinion that increased education has to happen.

D. Advisory Attorney's Report

- #1. Petition for Variance & Waiver filed by Florida Masonry Apprentice & Educational Foundation, Inc.
(Exhibit D#1)

Quorum issues – cannot be heard.

- #2. Letter from Mike Flury to Governor Crist regarding Petitions for Variance & Waiver

For informational purpose.

- #3. Petition for Rulemaking, etc., from Emil Veksenfeld

Mr. Flury explains to the Board that Mr. Veksenfeld is asking the Board to issue a statement or initiate rulemaking requiring a special inspector for threshold buildings, regardless of whether it is new construction or existing construction.

Mr. Charland details what a threshold building means. He noted that a building official can ask for a special inspector on anything he wants to ask for. For a threshold building, a professional engineer can provide the services but if he wants to send a representative then he needs to be a threshold inspector and his representative needs to comply with the threshold inspection rules or statute.

Mr. Burke stated Mr. Veksenfeld's issue is not under the authority of Chapter 471, F.S. it is an issue with the Florida Building Code, Chapter 553, F.S.

Mr. Flury agreed with Mr. Burke's statement and he will advise Mr. Veksenfeld.

#4. Discuss regarding Rule 61G15-21.007, F.A.C. regarding re-examination

Mr. Flury briefed the Board on this issue raised by Dr. Bauer regarding the remedial education required if failing the examination three times. Traditionally we have not accepted repeat of courses completed to receive the baccalaureate degree. Unfortunately the rule does not specifically state classes may not be repeated. Mr. Flury thinks that if you are doing remedial work in an area where there were problems, it wouldn't be acceptable to repeat coursework for remediation.

Mr. Burke advised Mr. Flury that this matter should be referred to the educational advisory committee for further review and determination.

#5. Discussion regarding question #19 in the Study Guide on Laws and Rules relating to temporary certificates

Mr. Flury explained that this matter was brought to his attention by Ms. Flynn. One of the answers in our Study Guide may be incorrect. The statute says that temporary licenses will be granted for one year.

Ms. Flynn noted a policy established some time ago to set a temporary license for three months. With requirements to be met there are few temporary licenses issued.

Mr. Burke advised to leave the question as in the Study Guide. In the meantime, the Rules Committee will review this matter and determine further action.

E. Executive Director's Report

#1. List of Applicants Requesting Retired Status*

Quorum issue – cannot be heard.

#2. Review of Annual Report

The Board expressed appreciation for the annual report cover and its very professional appearance. Ms. Flynn outlined the sections of the annual report and noted that the only items for discussion might be the figures for the number of applications received and cases prosecuted.

Ms. Flynn advised the Board as requested by the FEMC Board, a spreadsheet reflecting numbers for the past five annual reports will be presented during the December Board Meeting.

#3. Email from Bruce Tumin regarding creation of "Delegated Engineer"

The Board discussed the rewrite of the responsibility rules for mechanical and environmental engineering. There was input from Fire Marshalls, building officials, etc., on these rewrites. It is believed that Mr. Tumin's concern is standardizing the language on delegated engineer for all responsibility rules. Procedures for delegation were discussed. There was also input for instances where a company may have to delegate to a sub-contractor for specific areas of engineering. Mr. Tumin believes the engineer is delegating to a contractor and this interpretation is incorrect.

F. Chief Prosecutor's Report

#1. Non-Compliance Report

Mr. Creehan discussed the only case not in compliance with the terms of the final order. The Respondent indicated to Mr. Creehan that he plans to complete the ethics course within the week. If he does not do this we will fast track a complaint against him.

#2. September Open Case Report

- #3. Profile of legal cases by year
- a. Cases open for 1 year plus (Exhibit F#3a)
 - b. Total open cases by year

Mr. Creehan advised the Board that he was going to discuss F#2, F#3a. & b. together.

These reports and graphs give an overview the current case load. It was hoped that these numbers would be lower than 175 and 42, respectively; however, with the older cases, those cases are either settled or over at DOAH and they will be heading for resolution very soon.

Mr. Geer expressed concerns with what appeared to be a focus on reducing open cases. He indicated that a major concern of FES is active prosecution of cases.

Mr. Burke explained that the need was to close very old cases that for one reason or another were never brought to conclusion. Many of those cases do not have sufficient information on which to prosecute. Mr. Burke also assured Mr. Geer that the Board does not encourage less than full attention to all cases.

#4. Investigator's Travel Synopsis

Mr. Creehan advised that Board that as discussed in the most recent Board meeting, procedures have been implemented for investigators to schedule specific times for meetings with building officials during investigative field work. Additionally, last month, the Investigators attended a CLEAR Conference which allows for certification as investigators. Both investigators will appear before the Board in December to allow for an exchange of ideas.

G. Chair's Report

Mr. Burke discussed the personal appearances that had been mandated at this Board meeting for cases to be heard. It was discussed and decided that those cases would be carried forward to the December Board meeting.

Mr. Burke discussed the Board Operations Committee meeting that occurred the previous day. He indicated that there was discussion regarding funding of the Christmas party. It was the conclusion of that Committee to excuse the new Board member from contribution this year and assess the present Board members an amount needed to host the party. Ms. Flynn was asked to advise the Board Chairs of FEMC and FBPE regarding cost and they would notify each Board member.

Mr. Burke advised the Board that staff had completed a detailed Board Training Manual. This manual will be used to conduct Board member training after the first of the year.

Mr. Burke asked each Board member to review the proposed calendar for 2009 and also advised that the final 2009 calendar would be presented at the December Board meeting in Tallahassee.

H. Correspondence to the Board

- #1. Letter from Robert C. Wiley, P.E., CFM, with Collier County Community Development and Environmental Services regarding whether a certification requires a Professional Engineer dated 9/11/08

Mr. Wiley was reporting Collier County's consideration of an ordinance to require the periodic inspection and certification of storm water management and drainage facilities to ensure that they are properly constructed, maintained, and able to function as intended by the approved constructions plans. In developing the ordinance, Mr. Wiley was requesting the Board's opinion regarding the ability of a contractor or citizen to provide certification of the constructed facilities as substantially complying with the plans and their proper function regarding storm water quality and quantity.

The Board discussed and confirmed the need to write the ordinance in such a manner as to require an engineer to certify substantial compliance with the design plan. This is definitely an engineering function and should be performed by a professional engineer. Staff was to work with Mr. Flury on notification to Mr. Wiley.

- #2. Letter from Leslie C. Roberts, P.E., regarding exempt employees and "umbrella of exemption" relating to Professional Engineers dated 8/24/08

Mr. Roberts is employed by the Jacksonville Electric Authority. His question to the Board pertains to Section 471.003(2)(c), F.S. Mr. Roberts is requesting the Board's opinion on hiring of outside contractors to assist on projects and applicability of Section 471.003(2)(c), F.S.

The Board's opinion was that the exemptions addressed in Section 471.003(2)(c), F.S. apply only to the full time employees of the Jacksonville Electric Authority. This exemption cannot be applied to any temporary or OPS contracted employees.

- #3. Email from Brian Bennett with DOT regarding Utility Permits dated 9/24/08

Mr. Bennett, a professional engineer with the Florida Department of Transportation, posed a question of subcontracting to outside vendors the preparation or drafting parts of utility permit documents for utility companies. The utility company has an exemption for their employees but is not clear what the limits of work done by other for the utility company might be.

Mr. Burke opined the work as engineering and that it should be done by an engineer. The use of subcontractors would not be covered by the exemption of licensure that applies to the utility.

Mr. Geer believes that the issue goes beyond the utility company. He believes that it deals with subcontracts to communications companies (as

an example). The utility is covered by exemption of licensure. That exemption does not extend to any subcontracted vendor.

Mr. Lance addressed the Board regarding this matter. He was concerned that FDOT asked this question due to the fact that the services in question have been performed by years and licensure has not been an issue. He indicated that one key element is the distinction between normal field work done by designated personnel and work that may fall within the definition of engineering as contained in Chapter 471, F.S.

Mr. Geer believed that some types of services being performed are engineering. If it is engineering, licensure of the individuals and the company applies.

In conclusion, Board Counsel explained the Board's ability to respond informally. If a formal opinion such as a Declaratory Statement is requested, certain procedures must be followed.

#4. Email from Scott Arnold dated 10/8/08 regarding As-Built Conditions

Mr. Arnold is employed by the Florida Department of Transportation and had written the Board regarding further clarification of "as-builts." Mr. Rimes previously responded and advised Mr. Arnold to review the Chair's article on the FBPE website addressing "as-builts." After reading the article, Mr. Arnold confirmed that he understood; however, he still wanted a written response.

Ms. Flynn noted concern with any request for a written confirmation of procedures without having a full Board review and cautioned the need to be aware of the question and the response.

It was the consensus of the Board that if modifications occur during the design and are noted on the documents as modifications by the engineer of record, that they become part of the contract documents. If modifications are proposed by the specialty engineer, that engineer must return the documents to the engineer of record to determine if the deviation conforms to the original design. The specialty engineer must be responsible for determining if deviation from the design is substantive and requires approval and incorporation by the engineer of record

Mr. Burke noted that he would work with Mr. Flury and Mr. Rimes on drafting a response to Mr. Arnold.

#5. Request from FES to grant the FES Structural Revision Sub-Committee continuing education credits in the Laws and Rules category for services to the Board

Due to quorum issues, this item is continued to the November conference call.

I. Old Business

J. New Business

Mr. Dunn discussed how the Board's rules change frequently. He asked whether he needed approval each time his course changed since he is changing the courses as the rules change. Mr. Burke indicated that there is not a need for re-approval with each rule change that occurs.

K. Public Forum

Mr. Flury explained that this portion of the meeting will be a meeting of the application review committee. Mr. Flury noted that Mr. John Elamad has an application before the Board and that Mr. Bayo' appeared to discuss this matter. Mr. Flury passed Mr. Elamad's file around the table for each Board member to review.

Mr. Bayo' discussed Mr. Elamad's previous discipline and explained the facts surrounding the decision of Mr. Elamad to voluntarily relinquish his PE license. Mr. Bayo' discussed Mr. Elamad's outstanding moral character and described various services to the community.

Mr. Burke advised Mr. Bayo' that while he understood that Mr. Elamad had continued to be a part of the engineering community, and had provided community service, he wanted Mr. Elamad to personally appear before the Board. Mr. Bayo' advised that he would ensure Mr. Elamad's appearance at whatever date the Board wished. Mr. Burke advised Mr. Bayo' that staff or Mr. Flury would advise him what date Mr. Elamad should appear before the Board.

THURSDAY, October 16, 2008

L. Roll Call, Determination of Quorum

Mr. Burke called the meeting to Order and made opening statements.

Mr. Burke explained that due to quorum issues, no official actions could be made at the Board meeting. He went on to explain that although no hearings could be held, the Board would be providing a course on Laws & Rules so that credit could still be received for this Board meeting.

Mr. Burke advised that prior to the renewal presentation and Mr. Flury's rules report, Mr. Bruce Tumin requested to speak. Mr. Tumin appeared on the Board's agenda the previous day and Mr. Tumin was unable to attend that meeting.

Mr. Tumin read a short statement on the term "delegated engineer" and his position that the Board re-evaluate the definition of "delegated engineer."

Mr. Burke advised Mr. Tumin that this issue would be revisited with the Rules Committee and if that committee decided there was a need to change the rule, then the rule would be changed.

M. Renewal 2009 Workshop Presentation – Sean Benjamin & Frances Ingram

Mr. Benjamin presented a workshop on the 2009 renewal process. Following that presentation, Mr. Benjamin and Ms. Ingram held a question and answer session with members of the engineering public.

N. Rules Report - Michael Flury, Esquire, Board Counsel

Mr. Flury explained the authority of the Board regarding Rulemaking.

Mr. Flury discussed the following rule changes:

| Rule | Title | Develop. | Notice | Adptd. | Effect. |
|------|-------|-----------|-----------|--------|---------|
| No. | | Published | Published | | |

The following rules are **PENDING**:

NOTICE OF CHANGE PUBLISHED ON RESPONSIBILITY RULES:

| | Published | 21 Day Period |
|------------------|-----------|---------------|
| Chapter 30 Rules | 9-26-08 | 10-17-08 |
| Chapter 32 Rules | 9-26-08 | 10-17-08 |
| Chapter 33 Rules | 9-26-08 | 10-17-08 |

RESPONSIBILITY RULES:

- 61G15-30.001 Purpose 12-7-07 3-14-08
.002 Definitions Common to All Engineer's Responsibility Rules
.003 Engineering Document Classification
.005 Request for and Review of Delegated Engineering Documents
.006 Delegated Engineer's Responsibility
.007 Prime Professional's Responsibility
.009 Retention of Engineering Documents
.010 Energy Conservation Compliance

- 61G15-32.001 General Responsibility 11-21-07 3-14-08
.002 Definitions
.003 Comm. Req. to all Fire Protectn.Eng.Docs.
.008 Design of Fire Alarms, Signal and Control Systems

- 61G15-33.001 General Responsibility 12-7-07 3-14-08
.002 Definitions
.003 Design of Power Systems
.004 Design of Lighting Systems
.005 Design of Communications Systems
.006 Design of Alarm Systems
.007 Design of Lightning Protection Systems
.008 Design of Grounding Systems
.010 Certification of Electrical Systems of Public Interest

- 61G15-34.001 General Responsibility 11-21-07 3-14-08
.002 Definitions
.003 Design of HVAC Systems
.007 Design of Plumbing Systems

The following rules are **IN PROCESS**:

- 61G15-19.004 Disciplinary Guidelines.. 3-7-08 8-8-08

- 61G15-20.001 Definitions, Appl. For 8-1-08
.0015 Lic. By Endorsement,
.007 Dem. Of Subs. Equiv.

- 61G15-21.009 Endorsement 8-1-08

- 61G15-22.001 C.E. Requirements 8-8-08

- 61G15-22.011 Bd. Appr. Of CE Prov. 8-1-08

61G15-23.002 Elect. Seals, Signatures 8-1-08
.003 And Procedures

61G15-37.001 Perform. Stds. And 8-1-08
Meas. Outcomes

The following rules are **ADOPTED**:

| | | | | |
|--|---------|---------|---------|---------|
| 61G15-18.011 Definitions | 12-7-07 | 4-11-08 | 5-16-08 | 6-5-08 |
| 61G15-20.006 Educationl Reqmts | 9-23-05 | 7-28-06 | 3-21-08 | 4-10-08 |
| 61G15-21.007 Re-examination | 7-21-06 | 8-11-06 | 3-21-08 | 4-10-08 |
| 61G15-22.0105 Approval of C.E. Courses in Laws and Rules | 2-8-08 | 2-29-08 | 4-8-08 | 4-28-08 |

Petitions:

Grable Walls, et all (Pet for Var) 7-25-08

FMAEF (Petition for Variance) 9-5-08

O. Endorsement/Continuing Education Committee
(Christian Bauer, P.E., Chair)

a. Report on Educational Requirements by Chair of Educational
Advisory Committee (Christian Bauer, Ph.D., P.E., Chair)

No report.

**Part II
Informal Hearing Agenda**

Mr. Burke reaffirmed not hearing for this meeting due to lack of quorum of Board members.

Mr. Burke announced the presentation of a laws and rules seminar by Mr. Edwin Bayo, Esquire. Mr. Bayo conducted his presentation and all in attendance received credit for four hours on laws and rules.

P. Consideration of Petition for Formal Hearing

Q. Informal Hearings on Denial of Application for Fundamentals Examination

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

#1. Agim Demiraj

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

#1. Luay Subhi Esho

T. Consideration of DOAH Recommended Orders

#1. Thomas Norris

**Part III
Disciplinary Hearings**

U. Settlement Stipulations

#1. Peet, Stiles T.
PE 49200
FEMC Case Number 2007043799
Probable Cause Panel:Rebane, Seckinger

#2. Wells, John W.
PE 49347
FEMC Case Number 2006000884
Probable Cause Panel:Rebane, Seckinger

#3. Contreras, Remberto
PE 21522
FEMC Case Number 2008015766
Probable Cause Panel:Rebane, Seckinger

#4. Shumate, David
PE 47088
FEMC Case Number 067561
Probable Cause Panel:Rebane, Seckinger

#5. Fitzgerald,Carey
PE 24636
FEMC Case Number 2007005175
Probable Cause Panel: Rebane, Seckinger

#6 Bellace, Thomas A.
PE 52262
FEMC Case Number 2007067243

Probable Cause: Waived Probable Cause

#7 Panaro, Glenn
PE 57074
FEMC Case Number 2006019846
Probable Cause Panel: Waived Probable Cause

V. Motion to Dismiss

#8 Ribas, Alberto
PE 14452
FEMC Case Number 2008032978
Probable Cause Panel:Fast Track AC

W. Adjourn

**Minutes of the
The Florida Board of Professional Engineers
December 3-4, 2008
Beginning at 8:30 a.m., or soon thereafter
Tallahassee, Florida
Part I**

A. Meeting Administration

- #1. Call to Order, Invocation, and Pledge of Allegiance to the Flag
- #2. Roll Call, Determination of Quorum, and Address Absences.

Board Members Present

John C. Burke, P.E., Chair
David O. Charland, P.E., Vice-Chair
Christian S. Bauer, Ph.D., P.E., C.M.S.P.
Paul Tomasino, P.E.
Zafar Hyder, Ph.D., P.E.
H. Dann Wallis, P.E.
Jonathan F. K. Earle, Ph.D., P.E.
Paul J. Halyard, P.E.
Bijay K. Panigrahi, Ph.D., P.E.
Mary M. Young, Public Member
Nola Garcia, Public Member

FBPE Staff Present

Carrie A. Flynn, Executive Director
Zana Raybon, Assistant Executive Director
Deborah A. Head, Comptroller
Patrick Creehan, Prosecuting Attorney
Wendy Gregory, Executive Assistant
Jerry Ongley, Investigator

Attorney General's Office

Michael T. Flury, Esquire
Board Counsel

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

Dennis Barton, Engineer Educators
Charlie Geer, FES/FICE
William Palm, P.E., Past Board Member, FBPE & FEMC

#4. Approval of the Agenda

Upon motion by Dr. Bauer seconded by Dr. Earle the agenda was approved as presented. The motion passed.

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

Upon motion by Dr. Bauer seconded by Ms. Garcia the Consent Agenda was approved as submitted. The motion passed.

#6. Review and Approval of previous Board meeting minutes

- a. Minutes from the August 6-7, 2008 Board Meeting*
- b. Minutes from the September 16, 2008 Rules Committee Meeting*
- c. Minutes from the October 15-16, 2008 Board Meeting*
- d. Minutes from the November 21, 2008 Conference Call*

B. Committee Reports

#1. Applications Committee (**Next Meeting to be Determined**)
(John Burke, P.E., Chair; David Charland, P.E.; Zafar Hyder, Ph.D., P.E., Nola Garcia) (Alternates: Christian Bauer, Ph.D., P.E.; Paul Tomasino, P.E.)

- a. Committee Chair's Report.

No report.

#2. Educational Advisory Committee (**Next Meeting to be Determined**)
(Christian Bauer, Ph.D., P.E., Chair; Dr. Jonathan Earle, Ph.D., P.E.; Melvin Anderson, Ph.D., P.E. (Consultant), R. Gerry Miller, Ph.D., P.E. (Consultant) (Alternate: Zafar Hyder, Ph.D., P.E.)

- a. Committee Chair's Report.

No report.

- #3. Probable Cause Panel (**Next Meeting to be Determined**)
(David O. Charland, P.E, Chair, Henn Rebane, P.E.,) (Alternate: John Burke, P.E.)
- a. PCP Memo from September 16, 2008 Meeting*
(Exhibit B#3a)
 - b. PCP Memo from November 18, 2008 Meeting*
(Exhibit B#3b)
- #4. FBPE Rules Committee (**Next Meeting to be Determined**)
(John Burke, P.E., Chair; Henn Rebane, P.E.; David Charland, P.E., Paul Tomasino, P.E.)
- a. Committee Chair's Report.
- No report.
- #5. FBPE Legislative Committee
(Paul Tomasino, P.E., Chair; Christian Bauer, Ph.D., P.E.; Zafar Hyder, Ph.D., P.E.)
- a. Committee Chair's Report.
- Mr. Tomasino had no agenda for the legislative committee at this time. He is waiting for a response from FES regarding the possible dispute with the landscape architects. This report would have to be presented to the Board for a determination of any proposed statutory change.
- #6. Joint Engineer/Architect Committee
(John Burke, P.E., Chair; Zafar Hyder, Ph.D., P.E.)
- a. Committee Chair's Report.
- No report.
- #7. Nominations Committee
(Nola Garcia, Chair, David Charland, P.E.)
- a. Report of 2009 Committee Nominations
- Ms. Garcia reported on the Nominations Committee held by telephone conference call on December 1, 2008. The Committee recommendations for 2009 are John C. Burke, P.E. Chair and Christian S. Bauer, Ph.D., P.E. for Vice- Chair.

Upon Motion by Dr. Earle seconded by Mr. Tomasino, the recommendations of the Nominations Committee were adopted. Motion passed.

Mr. Burke advised the Board the Florida Engineers Management Corporation Board of Directors meeting held on December 2, 2008. During the meeting Robert Lombardo, P.E., was elected Chair and Gary Kuhl, P.E., was elected Vice-Chair of the Florida Engineers Management Corporation for the year of 2009.

Upon Motion by Dr. Bauer and seconded by Mr. Charland the FBPE accepted the slate of officers for FEMC Board of Directors. Motion passed.

#8. Structural Rules Committee
(David O. Charland, P.E., Chair)

Mr. Charland advised the Board the revisions to the structural rules were close to conclusion. Mr. Charland indicated the revisions could possibly be ready for presentation in the February 2009 Board meeting.

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

Prior to a discussion of the items listed under NCEES, Mr. Burke explained the importance of NCEES and their function. He encouraged Board Members to become involved in NCEES.

#1. Memo from Tim Miller, P.E., Director of Examination Services regarding future changes to NCEES Examinations and Supporting Materials

Provided for informational purposes

#2. Email from Jerry Carter regarding foreign degree evaluation exceptions for candidates from Iraq and Afghanistan due to instability in those regions.

Dr. Bauer believed the appropriate response to confirm this Board's requirement to address hardships with education documents on a case by case basis.

Upon motion by Dr. Bayer and seconded by Dr. Earle, staff should respond to Mr. Carter's email, advising him of the Board's current policy of addressing on a case by case basis and no support of a blanket approval of evaluation without documentation required for the evaluation. Motion passed.

- #3. Letter from Jerry T. Carter regarding Appointment of Associate and Emeritus Members

After discussion it was determined staff should submit Henn Rebane, P.E., and Robert Matthews, P.E. for NCEES Emeritus status.

D. Advisory Attorney's Report

- #1. Response to Petition for Rulemaking, etc., from Emil Veksenfeld (Exhibit D#1)

Provided for informational purposes.

- #2. Letters from JAPC regarding Rule 61G15-19.004 and 61G15-32.001, .002, .003, .008, F.A.C.

Mr. Flury explained the first letter referencing proposed changes to the disciplinary guidelines. The Joint Administrative Procedures Committee has opined that the Board should determine and categorize types of negligence.

After discussion it was the consensus of the Board to go on record stating there is no way to categorize negligence and acts of negligence are defined in other portions of the rules.

Mr. Flury explained the second letter was in reference to a big project and was good news. There are two issues that JAPC had with the Fire Protection Rules. In order to cure the issues posed by JAPC, Mr. Flury proposed changes to the following subsections:

(b) Locate initiation and notification devices and connections to related systems on the floor plans and sections when needed for clarity. Related systems include sprinkler systems, elevator controls, smoke control systems, dampers, and doors.

(m) The system design must indicate if the system is to provide a general evacuation signal or a zoned evacuation signal or a zoned evacuation for all high-rise buildings or multi-tenanted properties as defined in the Florida Building Code.

Upon motion by Dr. Bauer and seconded by Ms. Garcia, the motion passed to approve the changes as proposed

E. Executive Director's Report

- #1. List of Applicants Requesting Retired Status*

#2. FBPE Fall 2008 Newsletter

Mr. Tomasino complimented staff on the appearance and content of the newsletter.

#3. Proposed 2009 Calendar of Meetings

Ms. Flynn discussed the 2009 calendar of meetings. In discussion of the calendar several comments were made regarding the time required for Board meetings and application reviews. In an effort to explore all options as to time required of Board members it was determined to change the order of business for the Board meetings scheduled for 2009. The agenda will be set to hear disciplinary and licensure cases on the first day of the Board meeting. General Board Business will occur on the second day.

The April Board meeting will be limited to a one day meeting. This will be a test Board meeting to determine if all Board business can be addressed in one day. After the April Board meeting this issue will be revisited for the 2010 calendar.

These changes will be noted and a revised calendar will be issued.

Renewal 2009

Ms. Flynn updated the Board on the 2009 renewal plan.

Staff spent a significant amount of hours in preparing for the 2009-2011 licensure renewal period. Licensure staff presented workshops in various locations, prepared Power Point presentations, and engineers were offered pre-renewal assistance in completing on-line renewal. These efforts were successful and comments are positive from the engineering community.

Ms. Flynn confirmed renewal actually opened earlier than expected and as of December 3, 2008, approximately 1,000 PE licenses had been renewed on-line. Paper renewal forms had just begun to filter into the Board offices. As of December 1, there had been approximately 600 paper renewal forms received.

Ms. Flynn advised the Board 3 part-time persons were hired to act as a call center for renewal questions, 2 part-time persons were hired for data entry and 2 part-time persons were hired to assist in accounting. This team of part-time employees has allowed full-time staff to continue with their day-to-day work.

Mr. Barton advised the information he was receiving from engineers this renewal was off to a great start and gave high compliments to staff.

Ms. Young inquired as to whether an analysis had been done which would reflect cost savings, efficiency improvements, etc. If not, once renewal has closed, she proposed preparing an analysis in order to create metrics for the 2011-2013 renewal.

Comptroller's Report – Deborah Head

After hearing Ms. Head's presentation in the FEMC meeting, Mr. Burke decided it appropriate to review with this Board.

Ms. Head discussed the audited financial statements and noted that FEMC received an unqualified opinion which is a good thing. Ms. Head noted the auditor's findings for 2008 and steps taken by management to correct the problems. Reconciliation of printed licenses and lack of back-up documentation for the quarterly report were two of the findings noted in the audit. Both of these findings have been addressed by management, and new procedures are in place to prevent the repetition of these deficiencies.

Revenue includes the first quarter draw and 50% for the second quarter draw less the 1% hold-back. Expenses are at 31% for the four month period.

Salaries and Benefits have a positive variance as accrued leave liability and retirement line items are both timing issues.

Consultant Expense has an unfavorable variance due to Accounting/Audit services. The budgeted audit amount listed is on annualized basis for three months, and the audit is conducted in the first quarter of the year. Other line items in the consultant category have favorable variances.

Employment Training includes the two investigators attending the National Certified Investigator Training provided by the Council on Licensure, Enforcement and Regulation. This training is the only certified training available to regulatory investigators in administrative law. Four employees have attended a Public Record Request workshop, and three employees have attended a First Time Managers Seminar.

Copying/Printing has a favorable variance on October 31 due to the newsletter line item. The cost of the newsletter printed in November is \$7,575, so this line item will more nearly match the budgeted figure as the year progresses.

Office Space has unfavorable balance as additions to the offices were not budgeted. Materials were purchased to construct the cubicles for renewal, and electrical services provided to re-locate switches for renewal cubicles and check for overloaded circuits.

Travel has an unfavorable variance due to increased cost for airline fees and gasoline. It is very likely this variance will remain over-budget due to FEMC having a full Board.

The current year includes a \$100,000 budget cut which reduced the annual budget from \$2,090,000 to \$1,990,000. In the prior year at October 31, there was no 1% hold-back amount.

Salaries and Benefits in prior year were less than the current year because the Assistant Executive Director's position was not filled until June 2008

Consultant Expense has a favorable variance due to the decreased cost of the current year audit as compared to the prior year audit.

Employment/training for the current year is higher than the prior year as FEMC has provided improved training for employees: Public Records training, First Time Manager, and a certified investigator training.

Copying and printing has an unfavorable variance due to a single large expenditure (\$2,115) for posting items in the Administrative Weekly concerning requirements for licensure by endorsement, revising standards for approval of C.E. courses, and providers, updating procedures for electronic signing and sealing engineering documents, updating standards and measurable outcomes for FEMC, and amending the guidelines for violations. The Newsletter line items in the current year include the summer newsletter for 2008 which was printed in July. The prior year included in the summer newsletter in June, not July.

Equipment and repair for the current year include two updated Copier/Scanner/Printers and fax machine.

Postage has an unfavorable variance due to the summer newsletter being printed and mailed in July rather than June.

Office space in the current year include additions to the office such as cubicles for renewal and electrical services provided to re-locate switches for renewal cubicles and to heck for overloaded circuits. The prior year had a one-time cost for additional security required by the Management Survey. Considering the \$12,805 cost of the security system in 2007, this line item has an unfavorable variance.

The Telephone line item has an unfavorable variance due to the increased cost of the multiple lines acquired with the prior year one-time cost for an

upgraded phone system. The phone upgrade cost was \$9,832, so this line item has an unfavorable variance for recurring charges.

Travel for the current year has increase due to rising gasoline costs. Investigators are travelling more to better serve the engineering community.

Renewal comparisons are not included as it is based on an every other year cycle.

F. Chief Prosecutor's Report

#1. Non-Compliance Report

Mr. Creehan explained this report reflects engineers who had been fully prosecuted but who had not fully complied with the terms of their Final Orders. Once it is determined that an engineer is out of compliance, letters are mailed advising these engineers that failure to comply by the deadline will result in an Administrative Complaint being filed.

#2. September Open Case Report

Mr. Creehan discussed the number of cases that are open as of September 30, 2008.

- #3. Profile of legal cases by year
- a. Cases open for 1 year plus
 - b. Total open cases by year

Mr. Creehan reviewed the charts and gave a detailed explanation of the status of older cases.

#4. Presentation by Investigators

Mr. Ongley, Senior Investigator with the Florida Board of Professional Engineers gave a presentation on field work both he and Jack Beamish had been participating in this year. He discussed several seminars they had attended and discussed how they are both making better use of their time when they do travel for investigations.

Dr. Hyder asked Mr. Ongley about how cases are divided and why. Mr. Ongley noted that although it appears that he would have more cases than Mr. Beamish, the State is split up because the majority of cases come from the South Florida area.

Ms. Young asked why more cases come from the South Florida area. Mr. Ongley advised that this is due to population.

G. Chair's Report

#1. Report by the Chair

Mr. Burke asked the members who observed the exam locations for the October exams to report on their observations.

Ms. Garcia was impressed with the proctors and the attention to adherence to rules.

Dr. Bauer recalled an issue he noticed when observing an exam location last fall. At that site, he observed some students who made an appearance at the exam location obviously did not take the examination. His concern was inclusion of these blank score cards in the overall performance of the university. Dr. Bauer asked that Ms. Flynn contact ELSESES to determine ELSESES procedures on determine the universities performance.

Mr. Burke briefly discussed what is expected from Board Members as to attendance at Board meetings and committee meetings. It is sometimes difficult to meet all schedules. However, the business of the board is important. He believed all Board Members would have a better understanding after attending the Board training in January 15, 2009.

Mr. Burke advised the Board that at the February Board meeting there would be a discussion regarding the unlicensed activity trust fund. Mr. Burke asked the Board members to think about the best use of the money in the fund and be prepared to discuss at the next meeting.

H. Correspondence to the Board

#1. Response to letter from Leslie C. Roberts, P.E., regarding exempt employees and "umbrella of exemption" relating to Professional Engineers dated 8/24/08

Mr. Burke explained this letter was brought forward from the October Board meeting. At that meeting, discussion occurred and the consensus of the Board was that public utilities are exempt from licensure. Mr. Flury drafted a letter to respond to Mr. Roberts' inquiry, and advised the Board that he would revise the letter slightly and then wanted to mail the response.

Upon Motion to approve the letter as amended by Mr. Charland and seconded by Ms. Garcia, the motion passed.

- #2. Email from Brian Bennett with DOT regarding Utility Permits dated 9/24/08

Mr. Burke explained this letter was brought forward from the October Board Meeting. Mr. Bennett was not present. This is essentially the same issue as H#1.

Mr. Flury advised the Board he had a telephone conference with the General Counsel from Verizon. This gentleman wished to address the Board regarding this issue and may appear at the February Board meeting. Mr. Flury is concerned about any opinion coming from the Board on this issue.

Mr. Burke indicated that this matter did not have to be resolved at this meeting. It is his opinion that the Board should simply look to the Laws and Rules relating to engineering. There is a definition of engineering and what responsible charge means.

After further discussion the Board advised Mr. Flury to respond to the letter and advise that is an individual wishes to take responsible charge that is fine, until there is a problem.

- #3. Letter from Dan Engebretson, P.E., regarding resignation as Engineer of Record

Two separate scenarios were discussed by Dr. Hyder. In the first scenario, if an engineer wishes to walk away that is fine; however, he is still the engineer of record until and unless a successor engineers comes along and takes over a project.

In the second scenario, an engineer may walk away from an incomplete project. If this occurs, that engineer would not be considered the engineer of record and another engineer could walk in and complete the project. However, if an engineer does come in and finish a project, and uses the previous engineer's plans, then the original engineer is still in responsible charge.

- #4. Email from Darren Monzingo, P.E., regarding licensure for Naval Architecture/Marine Engineering

Mr. Flury advised the Board he had a conversation with Mr. Monzingo and he thinks there is an easy way to respond. The Board has previously discussed issues regarding marine engineering and naval architecture. In those discussions, it was determined the Board does not regulate this industry. It is Mr. Flury's opinion that we cannot stop a local authority from requiring or not requiring something specific during the permitting process. It was determined Mr. Flury respond to Mr. Monzingo and

advise him of this industry already being heavily regulated and this Board does not have authority to regulate marine engineering or naval architecture.

- #5. Letter from Bruce H. Woloshin, P.E., regarding preparation and certification of SPCC plans by persons other than Professional Engineers

Mr. Burke explained this issue is clear. Mr. Flury noted the Federal Regulations indicate that certification of SPCFC plans did not require signing by a Professional Engineer if it was that engineer's own facility. Generally, Federal Regulations preempt state and local requirements, but this specific regulation had a provision that said it did not preempt any state or local requirements.

Mr. Woloshin pointed out in his letter a provision in our exemptions which allows for an exemption. Mr. Flury indicated that our exemption stated that any person practicing engineering for the improvement of or otherwise affecting property legally owned by him or her is exempted unless such practice involves a public utility or the public health safety or welfare of employees.

Mr. Flury will respond to Mr. Woloshin's correspondence.

- #6. Email from Jeffrey Miller regarding Chapter 471.013, F.S

Mr. Flury explained this is a statutory issue. Mr. Miller is requesting we go to the Legislature and have the statute changed so that Engineering Technology degrees are accepted for purposes of licensure.

After further discussion it was determined Mr. Flury will respond to Mr. Miller the Board does not, at this time, wish to have the statute changed. Mr. Bauer suggested that a paragraph be added to the letter advising Mr. Miller could pursue a Master's degree and validate the previous engineering technology degree.

- #7. Email from Clifford H. Laubstein, P.E., regarding content of provider's Laws & Rules relating to Board Final Orders

Mr. Burke explained this issue arose from a Laws & Rules course which referenced a Final Order. There was a case in which a consultant opined certain counts of violations and the case was settled by stipulation.

The problem appears to be that the Board cited an individual for something that was incorrect. After discussion, it was determined the case was settled prior to the conclusion of the investigation. Mr. Creehan was told to pull the file and make sense of what happened and report back to

the Board. Once it is determine what occurred, Mr. Flury will offer an opinion on how best to respond to this question.

#8. Email from Samuel D. Lee regarding Laws & Rules credits for instructors

This question has been posed by instructors in the past. Current rules allow for credit only one time as an instructor. Mr. Burke directed this matter be taken to the Rules Committee to determine whether there is a need to change the rule.

#9. Email from Anthony J. Michuda, P.E., regarding a Professional Engineer's authority by law to certify elevation information

Mr. Burke explained this letter was requesting an opinion from the Board as to whether an engineer had "authority by law" to certify elevation information.

After discussion the Board determined Mr. Burke should contact the Board of Surveyor's and discuss this matter.

I. Old Business

J. New Business

Ms. Flynn advised the Board NCEES had requested the name of the "funded delegate" from FBPE. After discussion it was determined Mr. Burke would be the "funded delegate".

K. Public Forum

Application review followed the meeting.

THURSDAY, December 4, 2008

- L. Call meeting to order and address general comments to the audience. Preliminary Matters before beginning hearings. Introductions.
- M. Renewal 2009 Workshop Presentation – Sean Benjamin & Frances Ingram
- N. Rules Report - Michael Flury, Esquire, Board Counsel
(Exhibit #N)

Mr. Flury made the following rules report:

| Rule No. | Title | Develop. Published | Notice Published | Adptd. | Effect. |
|----------|-------|--------------------|------------------|--------|---------|
|----------|-------|--------------------|------------------|--------|---------|

The following rules are **ON HOLD** or **PENDING**:

- 61G15-19.004 Disciplinary Guidelines.. 3-7-08 8-8-08 (Waiting for Board to resolve JAPC issues)
- 61G15-32.001 General Responsibility 11-21-07 3-14-08 (On JAPC hold)
- .002 Definitions
- .003 Comm. Req. to all Fire Protectn.Eng.Docs.
- .008 Design of Fire Alarms, Signal and Control Systems

The following rules are **IN PROCESS**:

- 61G15-20.001 Definitions, Appl. For 8-1-08 (Waiting for approved text)
- .0015 Lic. By Endorsement,
- .007 Dem. Of Subs. Equiv.
- 61G15-21.009 Endorsement 8-1-08 (Waiting for approved text)
- 61G15-22.001 C.E. Requirements 8-8-08 (Waiting for approved text)
- 61G15-22.011 Bd. Appr. Of CE Prov. 8-1-08 (Waiting for approved text)
- 61G15-23.002 Elect. Seals, Signatures 8-1-08 (Waiting for approved text)
- .003 And Procedures
- 61G15-37.001 Perform. Stds. And 8-1-08 (Waiting for approved text)
- Meas. Outcomes

The following rules are **ADOPTED**:

- 61G15-18.011 Definitions 12-7-07 4-11-08 5-16-08 6-5-08
- 61G15-30.001 Purpose 12-7-07 3-14-08 10-24-08 11-13-08
- .002 Definitions Common to All Engineer's Responsibility Rules
- .003 Engineering Document Classification
- .005 Request for and Review of Delegated Engineering Documents

- .006 Delegated Engineer's Responsibility
- .007 Prime Professional's Responsibility
- .009 Retention of Engineering Documents
- .010 Energy Conservation Compliance

61G15-33.001 General Responsibility 12-7-07 3-14-08 10-24-08 11-13-08

- .002 Definitions
- .003 Design of Power Systems
- .004 Design of Lighting Systems
- .005 Design of Communications Systems
- .006 Design of Alarm Systems
- .007 Design of Lightning Protection Systems
- .008 Design of Grounding Systems
- .010 Certification of Electrical Systems of Public Interest

61G15-34.001 General Responsibility 11-21-07 3-14-08 10-24-08 11-13-08

- .002 Definitions
- .003 Design of HVAC Systems
- .007 Design of Plumbing Systems

Petitions:

Grable Walls, et all (Petition for Variance) 7-25-08

FMAEF (Petition for Variance) 9-5-08

Upendra Poudel 10-17-08

Simon Coleman 11-14-08

Rule amendment text submitted to the FAW (for rules Pending and In Process):

61G15-32.001 General Responsibility.

Fire protection engineering documents shall be prepared in accordance with applicable technology and the requirements of the authority having jurisdiction. The documents shall identify the Engineer of Record for the project. Both the Engineer of Record for the fire protection system and the delegated engineer, if utilized, shall comply with the requirements of the general responsibility rules, Chapter 61G15-30, F.A.C., and with the requirements of the more specific rules contained herein. The Engineer of Record for the Fire Protection System(s) shall provide design requirements in writing to the delegated engineer if one is used and shall review the design documents of the delegated engineer for conformance with his written instructions in accordance with Rule 61G15-30.005, F.A.C. Any Fire Protection Delegated Engineering Documents must be included in the final set of documents filed for permit.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History—New 5-19-93, Formerly 21H-32.001,_____.

61G15-32.002 Definitions.

(1) to (3) No change

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

(5) to (6) No change

(7) Codes and Standards: Those nationally recognized codes and standards adopted directly or by reference in Chapter 633, Florida Statutes, Florida Building Code and Florida Fire Prevention Code set forth in Chapter 69A-60, Florida Administrative Code. Applicable codes and standards also include those promulgated by ~~the State Fire Marshal as well as by~~ State and local authorities having jurisdiction. In the event the codes and standards fail to cover or address a specific protection requirement, alternative research, test results, and engineering data may be utilized, relying on the Engineer of Record for Fire Protection to make an informed engineering decision. This definition is not intended to preclude the use of new technologies when said technology has been demonstrated to provide equivalent or improved protection above that of published National Fire Protection standards.

(8) to (9) No change

(10) Fire Protection Delegated Engineering Documents. Fire Protection System Engineering Documents prepared by a delegated engineer to whom the Engineer of Record for the Fire Protection System has delegated responsibility for the design of a fire protection component or system and which are signed sealed and dated by the delegated engineer. These documents shall be included in the final set of documents submitted to the owner to be filed for a building permit and Fire Marshall approval.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.005(7), 471.033(2) FS. History—New 5-19-93, Formerly 21H-32.002, Amended 4-2-00, 6-26-01,_____.

61G15-32.003 Common Requirements to All Fire Protection Engineering Documents.

(1) to (8) No change

(9) Fire Protection Electrical Engineering Documents shall additionally meet the requirements of 61G15-30.003, Engineering Documents.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.005(7), 471.033(2) FS. History—New 5-19-93, Formerly 21H-32.003, Amended 4-2-00, 6-26-01,_____.

(A substantial rewriting of Rule 61G15-32.008. See Florida Administrative Code for present text)
61G15-32.008 Design of Fire Alarms and Detection Sytems. ~~Signaling Systems and Control System.~~

(1) Fire alarms and detection systems include fire protection supervision, emergency alarm circuits, activation of life safety system controls and remote signaling of emergency conditions.

(2) The design specifications shall be based on the Florida Building Code, the Florida Fire Prevention Code, or as required by the local authority having jurisdiction.

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

(4) To ensure minimum design quality of Fire Alarm and Detection Systems Engineering Documents, said documents shall include as a minimum the following information when applicable:

(a) The plans shall be clear, with a symbols legend, system riser diagram showing all initiation and notification components, and cabling requirements. Indicate locations where fire ratings are required as determined by the system's survivability requirements. Identify the general occupancy of the protected property, and for each room and area unless it is clear from features shown.

(b) Locate initiation and notification devices and connections to related systems on the floor plans and sections when needed for clarity.

(c) Strobe intensity and speaker output ratings for all notification devices.

(d) Identify the Class and Style of circuits as listed in the NFPA 72.

(e) Identify the functions required by the alarm and control systems including the transmission of emergency signals being monitored or annunciated.

(f) Indicate whether the fire alarm is conventional or addressable, and indicate all zoning.

(g) Locate surge protective devices and required protective features.

(h) Locate system devices that are subject to environmental factors, and indicate requirements for the protection of equipment from temperature, humidity or corrosive atmospheres, including coastal salt air.

(i) The plans shall include a site plan of the immediate area around the protected building, structure or equipment when alarm devices are required outside the structure.

(j) In buildings where smoke detection will be obstructed by walls, beams or ceiling features, the Engineer of Record shall provide applicable design and details to direct the installer to mitigate the obstructions. In buildings with smoke detection under a pitched roof, the plans shall indicate the roof pitch and a building section shall be provided as part of the Engineering Design Documents.

(k) Fire detection systems utilizing smoke detection in situations where smoke stratification is anticipated, the design shall provide the necessary criteria to mitigate the detection problems.

(l) Systems designed using Performance Based criteria shall be identified and referenced to design guides or standards approved by the local authority having jurisdiction consistent with standards adopted by the Florida Fire Prevention Code and the Florida Building Code.

(m) The system design must indicate if the system is to provide a general evacuation signal or a zoned evacuation for all high-rise buildings or multi-tenanted properties.

(n) Wiring requirements for underground, wet locations, campus style wiring, protection against damage and burial depth shall be specified or indicated on the engineering design documents.

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

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

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

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

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

O. Endorsement/Continuing Education Committee
(Christian Bauer, P.E., Chair)

a. Report on Educational Requirements by Chair of Educational
Advisory Committee (Christian Bauer, Ph.D., P.E., Chair)

Part II
Informal Hearing Agenda

- P. Consideration of Petition for Formal Hearing
- Q. Informal Hearings on Denial of Application for Fundamentals Examination
 - #1. Cesar Segovia
(Exhibit Q#1)

Mr. Segovia's application for the Fundamentals examination was approved pursuant to Rule 61G15-20.007 (b), F.A.C. for Conditional Approval. Mr. Segovia's evaluation from Silny and Associates confirmed 14.67 hours of deficiency in Humanities and Social Sciences and a course in Probability and Statistics. Review of the MS transcript confirmed a course satisfying the Probability and Statistics and Conditional Approval was granted. Mr. Segovia submitted an Election of Rights form to supplement and to have an Informal Hearing. The supplemental information did not resolve the Humanities and Social Sciences and the application remains in the status of Conditional Approval. The Informal Hearing is scheduled for December.

Mr. Segovia was present and sworn in prior to addressing the Board.
After discussion of

LISTEN TO CD

- #2. Tomas F. Ramis
(Exhibit Q#2)

Mr. Ramis' application for the Fundamentals examination is denied for educational deficiencies. The Board reviewed the evaluation of his transcripts by Josef Silny & Associates to determine substantial equivalency to Rule 61G15-20.007, F.A.C. The review determined Mr. Ramis to be deficient 6.25 semester credit hours in Humanities and Social Sciences and course in Statistics or Probability.

Mr. Ramis submitted an Election of Rights form to supplement and to have an Informal Hearing. The Informal Hearing was scheduled for the October meeting. Mr. Ramis requested it be held for December to allow review of supplemental information by Silny and Associates.

The latest evaluation confirmed a course in statistics and it reduced deficiencies of 6.5 hours to 4 hours in Humanities and Social Sciences. Although the deficiencies were reduced the applicant remains deficient in Humanities and Social Sciences.

Mr. Ramis was not present at the Board meeting.

Upon Motion by Dr. Bauer to conditionally approval to application and seconded by Dr. Panigrahi, the motion passed. Mr. Flury was directed to meet with Dr. Bauer and respond to Mr. Ramis email to explain how to satisfy the deficiencies and have the conditions removed.

- #3. Charles R. Metz, Jr.
(Exhibit Q#3)

Mr. Metz's application for the Fundamentals examination was first denied for failing to submit an evaluation to articulate his non EAC/ABET accredited BS in engineering degree. Once denied Mr. Metz elected to supplement his application and to have an Informal Hearing. Supplemental information consisted of an evaluation from Silny and Associates dated May 6, 2008. This evaluation was reviewed to determine substantial equivalency to Rule 61G15-20.007, F.A.C. The evaluation confirmed deficiencies of 24 semester credit hours in Engineering Sciences/Design and a course in Differential Equations. A revised evaluation from Josef Silny & Associates dated May 12, 2008 was submitted. It is uncertain as to the second evaluation having been reviewed by the Educational Advisory Committee. This evaluation should be reviewed as it would reduce the 24 hours to 15 hours of Engineering Sciences and Design and a course in Differential Equations. Mr. Metz requested an Informal Hearing scheduled for December 2008.

Mr. Metz was not present at the Board meeting.

Upon Motion to uphold the denial by Dr. Bauer and seconded by Mr. Charland, the motion passed.

- #4. Joseph Vincent
(Exhibit Q#4)

Mr. Vincent's application for the Fundamentals examination was denied for educational deficiencies. The Board reviewed the evaluation from Silny and Associates dated May 6, 2008 to determine substantial equivalency to Rule 61G15-20.007, F.A.C. It was determined Mr. Vincent was deficient 9.25 hours in Mathematics and Basic Sciences to include a sequence course of study in chemistry or physics and 13.75 hours in Humanities and Social Sciences. In September of 2008, the file was reconsidered and it was determined the Valencia Community College transcript dated May 2008 reduced the Humanities and Social Sciences to

1.75 hours and based on transfer credit reflected on transcript reduced the Mathematics and Basic Sciences to a sequence course in chemistry or physics. The application remains denied for 1.75 hours in Humanities and Social Sciences The Informal Hearing is scheduled for the December 2008 Board meeting.

Mr. Flury explained to the Board that Mr. Vincent had requested a continuance.

Upon Motion to continue this matter by Dr. Bauer and seconded by Dr. Earle, the motion passed.

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

#1. Agim Demiraj
(Exhibit R#1)

Mr. Demiraj's application to sit for the Principles and Practice examination was denied for educational deficiencies. Review of the evaluation by Josef Silny & Associates to determine substantial equivalency to Rule 61G15-20.007, F.A.C. proved deficiencies of 6.5 semester credit hours in Math and Basic Sciences including a course in Probability and Statistics and Chemistry. Mr. Demiraj submitted transcripts in December of 2007 and the Committee determined the chemistry course requirement satisfied. This left a deficiency of 3.5 hours in mathematics and basic sciences to include Probability and Statistics and the application remained denied.

Mr. Demiraj submitted an Election of Rights form to supplement and to have an Informal Hearing. The supplemental information did not satisfy the deficiencies. The Informal Hearing was scheduled for the April 2008 meeting. Mr. Demiraj requested the Board to review and accept courses from his graduate program. The Board advised Mr. Demiaj to seek a revised evaluation from Josef Silny and Associates and the hearing would be continued until such time as the revised evaluation was submitted. The revised evaluation was submitted and the hearing scheduled for the October 2008 Board meeting. The revised evaluation confirms a deficiency of 3.50 semester credit hours in Mathematics and Basic Science including a course in General Chemistry. The Board previously considers the Chemistry satisfied; therefore, the deficiency is for 3.50 semester credit hours in Mathematics and Basic Sciences.

Mr. Demiraj was present and sworn in at the Board Meeting.

Mr. Flury explained that Mr. Demiraj had satisfied his deficiencies. He also noted that prior to the December Board Meeting, Dr. Bauer reviewed Mr. Demiraj's file and advised Mr. Burke that Mr. Demiraj should be approved.

Upon Motion to approve the application by Dr. Bauer and seconded by Dr. Earle, the motion passed.

#2. Bikash Saha
(Exhibit R#2)

Mr. Saha's application for the Principles and Practice examination was denied for educational deficiencies. The Board reviewed the evaluation of his undergraduate studies by Silny and Associates to determine substantial equivalency to Rule 61G15-20.007, F.A.C. Mr. Saha was determined to be deficient 8.68 hours in Math and Basic Sciences and 12.25 hours in Humanities and Social Sciences. Review of the MS transcript did not change the noted deficiencies. The Informal Hearing is scheduled for December 4, 2008.

The applicant is requesting the Board to consider content of his education in India. Board has determined all information must be presented to the evaluation service to determine if a revised evaluation is appropriate.

Mr. Saha was present and sworn in prior to addressing the Board.

After discussion the Board advised Mr. Saha to have his Master's degree evaluated by Josef Silny & Associates and to make sure that Silny was provided with ALL transcripts.

Upon Motion by Dr. Bauer to continue this matter pending a new evaluation by Silny and seconded by Mr. Charland, the motion passed.

#3. Upendra Poudel
(Exhibit R#3)

Mr. Poudel applied for the Principles and Practice examination and is denied for educational deficiencies. The Board reviewed the evaluation of his undergraduate studies by CPEES to determine substantial equivalency to Rule 61G15-20.007, F.A.C. Mr. Poudel was determined to be deficient 16 hours in Humanities and Social Sciences and 7 hours in Math and Basic Sciences. The worksheet completed by committee did not cite the math and basic science deficiency and staff did not catch the oversight. The denial letter was issued reflecting Humanities and Social Sciences.

Mr. Poudel filed a Petition for Variance and Waiver. The Petition for Variance and Waiver provides the opportunity for the Board to review the case and determine if the case presented by the applicant justifies waiving the requirement of rule.

Mr. Poudel was present and sworn in prior to addressing the Board.

Mr. Flury advised that the first thing that needed to be done was that staff needed to amend the denial letter to include the deficiencies in math and basic sciences and allow him an opportunity to respond to those deficiencies.

Upon Motion to amend the denial letter to include the deficiencies in math and basic sciences by Dr. Bauer and seconded by Dr. Earle, the motion passed.

Upon Motion to continue the informal hearing based upon the need for an amended denial letter by Dr. Bauer and seconded by Ms. Garcia, the motion passed.

Mr. Flury then advised that the Board needed to act on the Petition for Variance & Waiver.

Upon motion to deny the Petition for Variance & Waiver by Dr. Bauer and seconded by Mr. Charland, the motion passes.

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

#1. Luay Subhi Esho
(Exhibit S#1)

Mr. Esho applied for licensure by endorsement and is denied for educational deficiencies. The Board reviewed the evaluation of his undergraduate studies by ECEI to determine substantial equivalency to Rule 61G15-20.007, F.A.C. Mr. Esho was determined to be deficient **14** hours in Math and Basic Sciences; he lacked a **course in physics or chemistry** as well as **11.5** hours in Engineering Sciences and Design. Mr. Esho elected to supplement and to have an Informal Hearing. The supplement was missing pages from his ECEI evaluation and upon review the **11.5** hours in Engineering Sciences were resolved. Although his hearing for October had to be rescheduled Mr. Esho hand delivered a transcript from Macomb Community College. It confirms a course in General Chemistry for total of 4 hours. It appears the only deficiency at this time is **14** hours in Math and Basic Sciences.

Mr. Esho was present and sworn in prior to addressing the Board.

Upon Motion to continue this matter by Mr. Charland and seconded by Dr. Bauer, the motion passed.

#2. Simon Coleman
(Exhibit S#2)

Mr. Coleman applied for licensure by endorsement and is denied for educational deficiencies. The Board reviewed the evaluation of his undergraduate studies by Silny and Associates to determine substantial equivalency to Rule 61G15-20.007, F.A.C. Mr. Coleman was determined to be deficient 16 hours in Humanities and Social Sciences .05 hour in Math and Basic Sciences. The Board waived the .05 hours Math and Basic Sciences.

Mr. Coleman engaged counsel and subsequently filed a Petition for Variance and Waiver and Hearing Not Involving Disputed Issues of Material Fact.

The Petition for Variance and Waiver provides the opportunity for the Board to review the case and determine if the case presented by the applicant justifies waiving the requirement of rule.

The Hearing requested provides the opportunity for the applicant to attend with counsel for purposes of discussing the Petition for Variance and Waiver.

Board Counsel will explain in detail all legal avenues in considering this case.

Mr. Coleman was present and sworn in prior to addressing the Board. Mr. Coleman's counsel, Ed Bayo' was also present at the hearing.

Mr. Flury advised the Board that they should grant the Petition for Variance & Waiver and also grant a conditional approval in order for Mr. Coleman to complete his coursework.

Upon Motion to grant the Petition for Variance & Waiver and to grant a conditional approval with a two year waiver in which to pursue the humanities and social sciences by Dr. Bauer and seconded by Mr. Wallis, the motion passed.

#3. Raghu Veturi
(Exhibit S#3)

Mr. Venturi applied for licensure by endorsement and is denied for educational deficiencies. The Board reviewed the evaluation of his undergraduate studies by CPEES to determine substantial equivalency to

Rule 61G15-20.007, F.A.C. Mr. Venturi was determined to be deficient 4 hours in Math and Basic Sciences and 13 hours in Engineering Sciences and Design. Mr. Venturi elected to supplement and to have an Informal Hearing. The Informal Hearing was scheduled for June 2008 and to allow further consideration of educational documents, the hearing was continued. Board Counsel has been corresponding with Mr. Veturi since that time. The file was reconsidered on September 17, 2008 to review CLEP examination and courses from Hillsborough Community College. The additional information reduced the Humanities and Social Sciences from 13 to 12 hours. The Board waived the one hour deficiency. The Board did not accept the CLEP examination to clear the mathematics and Basic Sciences.

Mr. Veturi was present and sworn in prior to addressing the Board.

Upon Motion to accept the application and grant licensure by Dr. Bauer and seconded by Mr. Chaland, the motion passed.

T. Consideration of DOAH Recommended Orders

#1. Thomas Norris – Application for Licensure by Endorsement
(Exhibit T#1)

Mr. Norris applied for licensure by endorsement and is denied for education. Mr. Norris holds an engineering technology degree. His education does not satisfy requirements of Section 471.013 (1) (a) 2., F.S. Mr. Norris submitted and Election of Rights to supplement and to have a Formal Hearing. The file was copied to Board counsel and the Formal Hearing was schedule. The Hearing Officer issued a Recommended Order upholding the denial of the application. Mr. Norris filed exceptions to the Recommended Order. Board Counsel filed a Response to the Exceptions recommending the Petitioner's Exceptions be denied.

Mr. Norris was present and sworn in prior to addressing the Board.

Because Mr. Flury defended this case at the Division of Administrative Hearings, John Rimes acted as Board Counsel for this case.

Upon Motion to accept the filing of the Exception and deny the relief sought in the Exception by Dr. Earle and seconded by Dr. Bauer, the motion passed.

Upon Motion to deny the Motion to Strike and not recognize anything attached to that Motion by Dr. Bauer and seconded by Dr. Earle, the motion passed.

Upon Motion to accept the Recommended Order by Dr. Earle and seconded by Dr. Bauer, the motion passed.

Part III Disciplinary Hearings

Description of Disciplinary Process by John C. Burke, P.E.

U. Settlement Stipulations

- #1. Peet, Stiles T.
PE 49200
FEMC Case Number 2007043799
Probable Cause Panel:Rebane, Seckinger
(See Red Book 1)

Mr. Peet was retained by W. Kost Roof and Truss, Inc., to design the roof truss system for a commercial building located at 6801 Lake Worth Rd. Green Acres, FL (the Project). Mr. Peet's practice regularly involves providing roof truss system design services to W. Kost Roof and Truss, Inc. W. Kost Roof and Truss had been retained by the contractor for the Project, Pat Whyte Construction, to provide the roof trusses for the Project. The roof trusses and the engineering design documents upon which they were to be based were intended to become a material part of the structural design system for the Project which was being designed by the Engineer of Record for the Project, Mark Duckett, P. E. Because Mr. Peet was responsible for the design of a component portion of the structural design for the Project he was the "Delegated Engineer" for the design of the roof truss design.

In the Administrative Complaint it was charged that Engineer of Record Duckett communicated his design intent for the Project including the roof trusses to Mr. Peet in April 2007 and was therefore ready to receive the completed delegated roof truss design from Mr. Peet within a reasonable period of time. Moreover, it was asserted that, despite the fact that Engineer of Record Duckett's design intent (including comments and revisions thereto) was adequately communicated to Mr. Peet it took six (6) roof truss design submissions (dated April 5, 2007, May 4, 2007, July 3, 2007, July 4, 2007, July 16, 2007, and July 24, 2007) before the roof truss design complied with the directions given to Mr. Peet by Duckett and were finally accepted on August 3, 2007. At the time that Probable Cause was found it was believed that the six preliminary submissions failed to adequately address revisions required by the Engineer of Record which had been made clear to Mr. Peet in the initial submission provided by Mr. Peet to Duckett and that as a result of Mr. Peet's failure to perform his

duties as Delegated Engineer, it took four months for the roof truss design approval process to be completed whereas a reasonable period of time for approval for a structure such as the Project would be no more than one month (30 days).

However, subsequent to the filing of the case discovery resulted in additional documentation being submitted by Mr. Peet relating to the interface between Mr. Duckett and Mr. Peet. This documentation was reviewed by FEMC Consultant Eddy and by FEMC Consultant Berryman. On August 22, 2008, Mr. Eddy revised his opinion as follows: "... further review of the file materials and design/submittal process indicated that the licensee was not solely responsible for the delays encountered and should not be charged with FS 471.033(1) (g) (negligence and misconduct) and FAC 61G15-30.006 by causing delay to the project." Mr. Berryman concurred in his August 22, 2008 opinion.

During the provision of the roof truss design documents for the Project, Mr. Peet on numerous occasions permitted his engineering seal to be placed upon such documents by employees or other members of W. Kost Roof and Truss, Inc. at times when Mr. Peet was not present and did not observe the placing of the seal upon the documents. Moreover, Mr. Peet did not place his autograph signature upon any of the roof truss design documents prepared and sealed for the Project but instead utilized a rubber stamp which contained his initials to substitute for the placing of his signature upon all of the roof truss design documents submitted to the Engineer of Record.

The evidence does not show, however, that Mr. Peet's rubber stamp of his initials was ever out of his control or that anyone other than Mr. Peet applied the stamp to the sealed documents. In addition, the embossed seal has been retrieved from the truss manufacturer and is now in Mr. Peet's possession. There is also no evidence that the documents were ever sealed after Mr. Peet applied his stamp but rather that the sealed documents were sent to Mr. Peet for him to apply the signature stamp. The evidence does bear out the assertion by Mr. Peet that he did have a serious impediment to his hand which severely hampered his ability to hand sign his engineering documents.

On January 17, 2008 Probable Cause was found and an Administrative Complaint issued. Mr. Peet requested formal hearing at DOAH which was ultimately set for September 2008. On – 2008, the parties entered into a signed stipulation to resolve this case.

PCP Recommendation: Reprimand; \$2,000.00 administrative fine (\$1,000.00 per count for (2) counts); costs of \$2,181.53; Suspension of licensure, stayed if fine/costs paid within 30 days of Final Order date; Subject will be placed on 2 year(s) probation with plan review (5 truss

projects for each review period) at 6 and 18 months; Board approved course in Engineering Professionalism and Ethics; study guide; on-site visit by Board Investigator; and appearance before the Board to explain: what steps he's taken to maintain control of his seal, and his understanding of the responsibility rule.

Stipulation: DISMISSAL of COUNT I of the AC (the count relating to the delay in finalizing the design documents). Respondent agrees to pay COSTS in the amount of \$306.53. APPEARANCE for Mr. Peet to discuss: (1) the procedure(s) that he has put in place through which he can assure the Board that he will maintain control over the manner by which his P. E. seal will be applied to truss design documents; (2) the procedure(s) that he has put in place by which he can assure the Board that he will personally physically sign each page of all sealed final engineering design documents; (3) the procedure(s) that he intends to use to electronically seal, sign & date engineering design documents in accordance with Rule 61G15-23.003. Board approved course in Engineering Professionalism and Ethics; study guide; on-site visit by Board Investigator at Mr. Peet's expense. Issuance of a LETTER OF GUIDANCE to Mr Peet reflecting that (1) he is aware that his previous use of a signature stamp was in violation of the Board's rules and (2) that the affixing of his seal to engineering documents by others at a location(s) that was not under his direct control and supervision was a violation of the Board's Rules. Mr. Peet agrees that he fully accepts the intent of the LETTER OF GUIDANCE and that he will adhere to its admonitions in his future engineering practice.

The deviations from the PCP recommendation are explained by two separate analyses. Due to the fact that the charge of violating the Responsibility Rules cannot be sustained in the opinions of 2 FEMC Consultants the portions of the PCP's proposed stipulation relating thereto were not included. Thus, only the COSTS attributed to that portion of the case were removed and only those relating to the signing and sealing issues remain. Additionally, the review of plans-which was also tied to that issue-has been removed as well as the FINE (\$1000.00) relating thereto. As to the deletion of the PROBATION and FINE relating to the sealing and signing issues, I have to note that the Board's rules relating to these issues are not as clear as they could be and that Mr. Peet might be able to raise a legitimate defense to his practices especially in light of the fact that FEMC has developed no evidence that Mr. Peet actually permitted a set of plans to be sent out without Mr. Peet placing the final check (the rubber stamp) on the documents himself. While there is some suspicion that this might have occurred there is no smoking gun to prove it and, since Mr. Peet plainly has a long term working relationship with the truss company, it is practically impossible to prove that plan stamping actually occurred, since the plans were ultimately accepted by the EOR and there is no evidence that Mr. Peet was not

directly involved in the design process—a burden which FEMC would have to shoulder. Secondly, the Letter of Guidance will be a Final Order of the Board and it and the other terms will be enforceable so that any failure to comply with the Order or subsequent violations when coupled with the admissions of wrongdoing contained in the stipulation would justify severe penalties in the future in light of Mr. Peet's plain acceptance of his erroneous conduct and his commitment to comply in the future.

Neither Mr. Peet nor his attorney were present at the Board meeting.

Mr. Rimes explained to the Board that counsel for Mr. Peet filed a Motion to continue this case until a later Board meeting due to a conflict with the date.

Upon Motion to continue by Dr. Bauer and seconded by Ms. Garcia, the motion passed.

- #2. Wells, John W.
PE 49347
FEMC Case Number 2006000884
Probable Cause Panel:Rebane, Seckinger
(See Red Book 1)

This investigation was predicated on the receipt of a complaint from Brian Foster, P.E., who alleges that the fire sprinkler plans brought to him for review contained deficiencies that rose to a level of negligence in the practice of engineering.

In reviewing the plans FEMC Consultant Homer Ooten, P.E. opined that the plans as signed and sealed by the Respondent failed to reach a level of acceptable engineering principles. Specifically, that the plans in question lacked detail and specifications as required by the National Fire Protection Association (NFPA) and by Rule 61G15-32.004, F.A.C. for the design of water based fire protection systems.

In lieu of formal administrative proceedings the parties reached this settlement agreement.

Adoption of the Proposed Stipulation which includes; an \$1,000.00 administrative fine, costs of \$156.00, a reprimand, probation to last two years with plans review at 6 and 18 months, study guide, and course in Professionalism and Ethics and an appearance before the Board at the time the stipulation is to be presented to discuss the experience and education he has to perform engineering in the area of fire protection and sprinkler design, and why he specified on his plans that, "All fire protection work shall be in strict accordance with the Florida Fire Prevention Code 2001,

NFPA Volume 13, 14 and 20 underwriters laboratory, Factory Mutual, and all state and local codes.”

Mr. Wells was present and sworn in prior to addressing the Board.

Mr. Wells began by going over his education and experience, this experience included fire protection systems. Mr. Burke asked Mr. Wells whether the responsibility rules were clear. Mr. Wells indicated that they were clear.

Upon Motion by Dr. Bauer to accept the stipulation and seconded by Mr. Wallis, the motion passed.

- #3. Contreras, Remberto
PE 21522
FEMC Case Number 2008015766
Probable Cause Panel:Rebane, Seckinger
(See Red Book 1)

Mr. Contreras was Structural Engineer of Record for the design of an aluminum stairway to be constructed on a building located at 90 Edgewater Drive, Coral Gables, Florida (Stairway Project). As such, Mr. Contreras sealed, signed and dated a set of structural engineering design documents and calculations which were filed as part of the application for a building permit with the City of Coral Gables Building Department (the City). The last iteration of Mr. Contreras’s engineering design drawings for the Stairway Project filed with the City were sealed, signed and dated on December 20, 2007 and February 11, 2008. The calculations were sealed, signed & dated by Mr. Contreras on December 12, 2007.

Mr. Contreras’s drawings and calculations for the Salamanca Avenue Project contain deficiencies including; but not limited to, those set forth in Paragraph 4. Mr. Contreras has therefore violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by sealing, signing and dating engineering documents that were issued and filed for public record when such documents were materially deficient in respect to and not in compliance with applicable code requirements or acceptable engineering principles.

Based on the foregoing, Probable Cause was found and Mr. Contreras was charged in an Administrative Complaint with violating Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by being negligent in the practice of engineering.

PCP Recommendation: Reprimand; Costs of \$500.00; Suspension of licensure, stayed if fine/costs paid within 30 days of Final Order date; Restriction of practicing Structural engineering until he takes and passes

and submits proof of passing the NCEES Structural 1 or equivalent. Board approved course in Engineering Professionalism and Ethics; Study Guide, and Appearance before the Board to explain: what areas of engineering he feels he is competent to practice, and his experience and courses (documentation to be brought before the Board) he has taken to support this.

Stipulation: SAME AS PCP PANEL RECOMMENDED

Mr. Contreras was not present at the Board Meeting.

Upon Motion to continue this matter until the February Board meeting by Dr. Bauer and seconded by Dr. Earle, the motion passed.

- #4. Shumate, David
PE 47088
FEMC Case Number 067561
Probable Cause Panel:Rebane, Seckinger
(See Red Book 2)

This investigation is predicated on the receipt of a complaint generated by FBPE, alleging a possible violation of F.S. 471 in the collapse of the Turner Agri-Civic Center in Arcadia, Florida with over 1000 people inside.

A response was received from Edward McCarthy, (the employer of Subject through McCarthy & Associates) on 10/13/06, in which he responded that he was not the engineer of record for the Turner Civic Center project and provided a copy of one sheet of drawings with the name of David Shumate, P.E. as the engineer of record. "The structural drawings and specifications were prepared in our Fort Myers, FL office under the direct supervision of Mr. David Shumate, PE, (FL PE 47088). Mr. Shumate was a Vice President of the firm at that time and was in charge of the branch office. We have since closed that office and Mr. Shumate is no longer employed by our firm. In addition to preparing the construction documents, Mr. Shumate handled the construction administration for the project including shop drawings reviews and response to questions from the contractor."

A complete copy of the file and all documentation then available was forwarded to Mehdi Ashraf, P.E., for review. Mr. Ashraf's report was received 11/6/07 in which he opined that the structural drawings by the structural engineer of record (who was the Subject acting on behalf of McCarthy & Associates) were negligently prepared.

The plans were also sent to FEMC Consultant Joseph Berryman, P. E., who also opined that the documents produced by Subject were materially deficient and failed to comply with acceptable standards of due care and

did not meet acceptable standards of due regard for engineering principles. Mr. Berryman also reviewed Subject's response to the complaint in the formulation of his opinion.

PCP Recommendation: Reprimand; costs of \$3,847.30; Suspension of licensure for 2 years; Following suspension, Subject will be placed on 5 year(s) probation with plan review at 6, 18, 30, and 42 months; Board approved course in Engineering Professionalism and Ethics; study guide; and appearance before the Board to explain: what steps he will take to improve quality control in his practice, and his understanding of the Delegated Engineer's Responsibility Rule.

Stipulation: Reprimand; costs of \$3,847.30; 2 years Probation with plan review at 6 & 18 months; Board approved course in Engineering Professionalism and Ethics; study guide; and appearance before the Board to explain: what steps he will take to improve quality control in his practice, and his understanding of the Delegated Engineer's Responsibility Rule.

Mr. Shumate was present and sworn in prior to addressing the Board. Mr. Shumate's counsel, Ed Bayo' was also present.

Mr. Burke reminded Mr. Shumate that he was to discuss the quality control issue as stated in the Settlement Stipulation. Mr. Bayo' indicated that he talked at length with Mr. Shumate about the responsibility rules. Mr. Shumate discussed his quality control. For instance, he attends seminars, updates his software, and if he has any questions, he asks others to review his work. Mr. Shumate no longer works for the company he worked for at the time of the incident.

Upon Motion to accept the Stipulation by Mr. Charland and seconded by Ms. Garcia, the motion passed.

- #5. Fitzgerald, Walter
PE 24636
FEMC Case Number 2007005175
Probable Cause Panel: Rebane, Seckinger
(See Red Book 2)

On July 27, 2004, Subject sealed, signed & dated an Electrical Photometric Site Plan (Site Plan) for the Melrose Apartments in West Palm Beach, Fl. The Site Plan showed the illumination levels from outside security lights which had been erected pursuant to a lighting design created by Power Design, Inc., a Florida Licensed Electrical Contractor (ECLB License No. 0000841). Power Design, Inc. does not and never has possessed a Certificate of Authorization issued by the Board to offer or provide engineering services in Florida.

Prior to placing his seal and signature on the Site Plan, Subject's supervision over the production of the Site Plan was limited to a review of data that had been submitted to him by personnel at Power Design, Inc. Subject performed none of the testing to determine whether the lighting information contained on the Site Plan was correct but relied on representations made to him by Power Design, Inc. personnel. Moreover, Subject never obtained or reviewed field test data upon which the Power Design information was purportedly based, never made a site visit, he did not have any information as to who purportedly performed the lighting testing nor was he aware of such persons qualifications to perform that task. (Deposition of Subject taken October 17, 2007)

On October 19, 2004, Subject signed, but did not seal, a "certification letter" which was sent to the Palm Beach County Planning, Zoning and Building Department as part of a permit application (Permit # E04011016). This letter, written on Power Design, Inc. stationary stated in material part that "Power design, Inc., performed a light test and certifies that light levels at Melrose Apartments...meets (sic) the lighting requirements per Palm Beach County Security Code Ordinance 87-26." That County Ordinance requires that a design professional, such as a Professional Engineer, must certify that the lighting levels meet the requirements of the Ordinance and that the design professional must perform the testing underlying the certification. The letter was intended by Subject to comply with the design professional certification requirements of Palm Beach County Security Code Ordinance 87-26.

Prior to signing the October 19, 2004, letter, Subject performed none of the testing which would have been required to determine whether the assertions to which he certified were correct but relied on representations made by Power Design, Inc. personnel. However, Subject never obtained or reviewed field test data upon which the Power Design information was purportedly based nor did he have any information as to who purportedly performed the testing or their qualifications to perform such a task or even if the testing was ever actually done.

Lastly, while the October 19, 2004, letter was signed by Subject on Power Design stationary and represented the enclosed engineering certification as that of Power Design, Power Design does not now and never has possessed a Certificate of Authorization from the Board. Thus, Subject's certification was on behalf of an unlicensed entity.

On January 17, 2008, Probable Cause was found and an Administrative Complaint was issued. After service, the parties entered into a Stipulation to resolve this matter which is being presented to the Board.

PCP Recommended Penalty: Reprimand; \$7,000.00 administrative fine (\$5,500.00 per count for (1) count, and \$1,000.00 per count for (2)

counts); costs of \$195.00; Suspension of licensure, stayed if fine/costs paid within 30 days of Final Order date; Subject will be placed on 18 month(s) probation with plan review at 12 months; Board approved course in Engineering Professionalism and Ethics; study guide; and appearance before the Board to explain: his understanding of the definition of responsible charge, and the responsibilities the engineer of record must perform.

Stipulation: Reprimand; \$5,000.00 administrative fine; costs of \$195.00; Suspension of licensure, stayed if fine/costs paid within 30 days of Final Order date; Subject will be placed on 18 month(s) probation with plan review at 12 months; Board approved course in Engineering Professionalism and Ethics; study guide; and appearance before the Board to explain: his understanding of the definition of responsible charge, and the responsibilities the engineer of record must perform.

Mr. Fitzgerald was present and sworn in prior to addressing the Board. Mr. Fitzgerald counsel, Ed Bayo' was present.

Mr. Bayo' pointed out that Mr. Fitzgerald has been an engineer for 42 years and has never been disciplined before. Mr. Fitzgerald had a long-standing working relationship with the contractor he was working with on this project; however and unfortunately, his assumptions were incorrect and that is why he is here. Mr. Bayo' discussed the responsibility rules on several occasions and believes Mr. Fitzgerald has a clear understanding of those rules.

Mr. Fitzgerald indicated that his responsibility as an engineer is to make sure that everything is done and when submitting documents that it is completely understood by him and in compliance with all rules.

Upon Motion to approve the Stipulation by Dr. Bauer and seconded by Mr. Wallis, the motion passed.

#6 Bellace, Thomas A.
PE 52262
FEMC Case Number 2007067243
Probable Cause: Waived Probable Cause
(See Red Book 2)

This investigation is predicated on an anonymous complaint alleging that deficiencies in the plans for a condominium project called the Paramount to be located at Lake Eola in Orlando, Florida.

FEMC Consultant James Power, P.E., opined that the specifications and calculations used by Respondent failed to reach a level of acceptable engineering principles. Power found that the plans had numerous

violations of ACI (American Concrete Institute) 318-02, and thus failed to comply with the 2004 FBC, some of what he found, but not limited to were; failure to specify the development of positive moment reinforcement, that the 12" shear walls were designed with a single layer of reinforcement for the field steel, which ACI standards demand be two layers, that the full amount of the positive moment tension reinforcement in the deep beams has not been specified to be continuous or be spliced with that of adjacent spans as required by ACI, and that the type B stirrups as specified for deep beams TB-7 and TB-8 were insufficient to provide the minimum area of vertical shear reinforcement as required by ACI.

In lieu of further administrative proceedings, Respondent agreed to waive probable cause in this matter and in the face of an Administrative Complaint charging him with one count of negligence, accept the terms of the proposed settlement stipulation.

Recommendation: Adoption of Settlement Stipulation: Voluntary relinquishment of licensure, with agreement to never reapply again, and administrative costs of \$1,600.

Mr. Bellace was not present at the Board Meeting; however his counsel, Robert Crabill was present.

Upon Motion to accept the Stipulation by Mr. Wallis and seconded by Ms. Garcia, the motion passed.

#7 Panaro, Glenn
PE 57074
FEMC Case Number 2006019846
Probable Cause Panel: Waived Probable Cause
(See Red Book 3)

This investigation is predicated on the receipt of an anonymous complaint alleging errors and omissions in the drawings for a commercial project called the Paramount at Lake Eola, Orlando, Florida.

The plans were submitted By Respondent's own admission when he relocated to Arizona in November of 2004, he left his seal at Tajmir-Davis's Florida offices as "a matter of convenience". The plan was for Respondent to review the plans as supplied by Tajmir-Davis and sign them and for said plans to be sealed by someone in the Florida offices where his seal remained. Issues arose when the Flagler County Building Department consistently found deficiencies by Tajmir-Davis projects "signed and sealed" by Respondent.

FEMC Consultant Michael Driscoll, P.E. was provided with six (6) separate sets of plans bearing Respondent's signature and seal. Driscoll

opined that the specifications and calculations involved failed to reach a level of acceptable engineering principles. Respondent meanwhile reviewed his personal records and in regards to four (4) of these projects, Respondent claims no responsibility as he doesn't recall some of these plans and others he only made some preliminary review of. Three of these were residential projects and one commercial.

As to the four projects that bears the Respondent's signature and seal and in which Respondent claims no responsibility for, he is being charged with *permitting* his seal to be affixed to plans that were not under his supervision or control. By admittance of the "arrangement" that Respondent had with Tajmir-Davis it permitted an environment where something like this could and did happen.

In lieu of further administrative proceedings, Respondent agreed to waive probable cause in this matter and in the face of an Administrative Complaint charging him with four counts of permitting his seal to be placed on engineering plans that were not prepared under his supervision, direction or control. Respondent has been extremely cooperative with this prosecutor in this matter. Respondent still resides in Arizona and has not practiced engineering in the state of Florida since resigning from Tajmir-Davis.

Recommendation: Adoption of the Settlement Stipulation: Voluntary relinquishment of licensure, with agreement to never reapply again, and administrative costs of \$1,387.00.

Mr. Panaro was not present at the Board Meeting.

Upon Motion to accept the Stipulation by Ms. Garcia and seconded by Dr. Panigrahi, the motion passed.

#8 Maples, Lester
PE 10214
FEMC Case Number 2006051138
Probable Cause Panel: Rebane, Seckinger
(See Red Book 4)

This investigation is predicated on the receipt of a complaint from Engineer Brian Foster, alleging that Lester Maples adopted another engineer's plans without permission and made changes that were in violation of NFPA. Mr. Foster lists 19 areas of concern after reviewing the plans as a 3rd part Fire Sprinkler Plan Reviewer for the project known as Walgreens #09914 at Hwy 331 & Bob Sikes Road in Defuniak Springs, Florida.

A response was received from Subject's Attorney on 3/23/07 and 4.10/97, in which he responded Mr. Maples did not copy the aforementioned plans for the Walgreen project. Further, Mr. Maples did not rely on any portion of the "other" set of drawings, and that Mr. Maples' drawings do indeed meet all requirements of the NFPA.

A complete copy of the file and all documentation was forwarded to Larry Simmons, P.E., for review. Mr. Simmons' report was received 11/20/07 in which he opines, "the plans do not meet the minimum standard of the engineering profession. This is a violation of S.S. 471.033(1)(g), prohibiting...negligence, incompetence or misconduct in the practice of engineering. The Engineer of Record, Mr. Lester M. Maples, P.E., has not utilized proper due care in conducting his engineering duties and in the opinion of this reviewer, has signed/sealed the drawings of a fire sprinkler system that fails to fully comply with the Responsibility Rules of the Florida Administrative Code." Mr. Simmons did not find that Mr. Maples was in violation of the rule concerning successor engineer as asserted by the Complainant. "It is apparent that Panhandle Fire Protection provided its own design for the project."

The file was also reviewed by FEMC Consultant Homer Ooten, P.E. by request of Prosecuting Attorney. Mr. Ooten's report was received 12/26/07, in which he "affirms the opinions of Consultant Simmons regarding the four aspects of the original Mr. Foster's complaint. In addition to the design deficiencies in Mr. Simmons's evaluation summary, the entry canopy, side canopies and drive-through show upright pendant heads only. Such heads are designed to protect the interior of the structures (i.e., inside the overhead canopies and the drive-through). However, such areas also need protection below these structures since Walgreen management cannot prohibit storage underneath these structures. Thus, the design should have included 17 pendant heads to protect the areas beneath the canopies and drive-through. The omission of these heads constitutes a violation of NFPA 13."

Mr. Maples was present and sworn in prior to addressing the Board.

Upon Motion to accept the Stipulation by Dr. Bauer and seconded by Ms. Garcia, the motion passed.

#9 Bishop, Gary
PE 25357
FEMC Case Number 2006036172
Probable Cause Panel: Rebane, Seckinger
(See Red Book 4)

This complaint is predicated on a complaint made by Donnie and Cynthia Macks. The Macks allege that the Respondent made false statements in

his engineering roof truss inspection dated December 23, 2005 (Truss Affidavit). Respondent's inspection report stated that he had inspected the roof truss system and that it was installed correctly and there were no visual discrepancies. The Macks sought a second opinion from Vincent Margiotti, Jr, P.E. who found numerous discrepancies in the installation of the roof truss system. On April 17, 2006, in response to Margiotti's report, Respondent wrote to the Complainants stating that there were several deficiencies and deviations from the original plans he had provided for the residence and that he did not inspect the trusses.

Respondent was notified of the complaint by Certified Letter dated August 22, 2006 and again on August 27, 2007. On 9/17/07 Respondent replied to FEMC Investigator Jack Beamish and explained that his December 23, 2005 certification to the county was limited only to whether the front porch columns would interfere with the trusses. Respondent again admitted in this letter that he did not physically inspect the trusses.

This case was sent to FEMC Consultant Michael E. Driscoll, P.E. for review. Mr. Driscoll opined that Respondent issued a false statement in his December 23, 2005 Truss Affidavit.

The case was presented to the Probable Cause Panel on May 20, 2008 and a two-count Administrative Complaint was filed with one count of fraud/deceit in the practice of engineering and one count of making a report that the licensee knows to be untruthful.

The Respondent signed this settlement stipulation in lieu of further formal proceedings.

Recommendation: Adoption of the Proposed Stipulation which includes a reprimand; \$4,000.00 administrative fine (\$2,000.00 per count for (2) counts); costs of \$1,648.12; Subject will be placed on (2) year(s) probation with plan review at 6 and 18 months; Board approved course in Intermediate Level Engineering Professionalism and Ethics; and appearance before the Board to explain: the obligations of Certification, and it's importance; and his previous appearance before the Board, and why he is appearing for a similar mistake again.

This matter was pulled to be heard at a later date.

V. Motion to Dismiss

#10 Ribas, Alberto
PE 14452
FEMC Case Number 2008032978
Probable Cause Panel: Fast Track AC
(See Red Book 5)

On January 4, 2008, a Final Order (Final Order) was entered in Florida Engineers Management Corporation v. Alberto L. Ribas, FEMC Case Number 2005014604. This Order was not appealed.

The Final Order imposed the following disciplinary sanctions upon Mr. Ribas including the imposition of a FINE of \$3000.00, and COSTS of \$1274.52 to be paid within thirty (30) days of the entry of the Final Order. The 30-day time period within which Mr. Ribas was required to pay the FINE and COSTS expired on February 4, 2008. Mr. Ribas, despite numerous written and oral communications from FEMC reminding Mr. Ribas of his obligations under the Final Order, has not paid the FINE of \$3000.00, and the COSTS of \$1274.52 imposed by the terms of the Final Order.

By failing to comply with the requirements imposed upon his license under the terms of the Final Order in the manner set forth in Paragraph 5, Mr. Ribas has violated the provisions of Section 471.033(1)(k), Florida Statutes, and Rule 61G15-19.001(6)(o), Florida Administrative Code.

An Administrative Complaint and accompanying forms were hand served upon Mr. Ribas. No response has been forthcoming. As a result, a Motion To Determine That Respondent Has Forfeited His Right To An Administrative Hearing Under Sections 120.569 And 120.57(1), Florida Statutes, And To Convene Proceedings Under Sections 120.569 And 120.57(2), Florida Statutes, was served upon Mr. Ribas. No response has been filed to that Motion.

Since that time, the Florida Engineers Management Corporation has learned by Mr. Ribas passed away and Mr. Rimes made an oral Motion to Dismiss the Complaint to resolve this case.

Upon a motion to dismiss the case by Mr. Wallis and seconded by Ms. Garcia, the motion passed.

* * *

Prior to the meeting being adjourned, the Board Members reviewed the list of applicants whose files were reviewed in an application review on December 3, 2008.

Upon Motion by Dr. Bauer to ratify the list of applicants approved 12/3/08 for the PE Exam with names Brooke Ahrens through Noah Mundt and Ryan C. Newcomb through Lawson J. Young and seconded by Mr. Halyard, the motion passed. **(LIST ATTACHED)**

W. Adjourn

Minutes
The Florida Board of Professional Engineers
February 11-12, 2009
Beginning at 8:30 a.m., or soon thereafter
St. Augustine, Florida

- A. Call to Order, Invocation, and Pledge of Allegiance to the Flag
- B. Roll Call, Determination of Quorum, and Address Absences.

Upon motion to excuse the absence of Dr. Panigrahi by Mr. Wallis, seconded by Ms. Garcia, an excused absence was granted for Dr. Panigrahi.

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

Charlie Geer, FES/FICE
Gary Kuhl, FEMC Board Member
Bob Matthews, Consultant
Dan Arlington, St. Johns County Building Department
Bob Vincent, Department of Health
Bob Foster, Department of Health
Terry Lambert, P.E.
Ronald Milmed, FSEA
Bob Mackey, S2L, Inc.
Jennifer Hatfield, FSPA
Herman Weinberg, HEDJ Engineers
Rob Sanger, Galaxy Pools
John Garner, Pools by John Garner
John Scott, SurfSide Pools

Mr. Burke announced a time certain appearance for 10:00 a.m. Thursday, February 12, 2009 by the Department of Health regarding the Virginia Graeme Baker Pool & Spa Safety Act.

- D. Approval of the Agenda

Upon motion to accept the Agenda by Mr. Wallis, seconded by Dr. Bauer, the agenda was adopted. The motion passed.

Informal Hearing Agenda

- E. Informal Hearings on Denial of Application for Fundamentals Examination

#1. Pedro Barrios

Mr. Barrios was present and sworn in prior to addressing the Board.

Mr. Barrios holds a BS degree from Polytechnic University of America in Electrical Engineering. He applied to take the FE Exam in October, 2007. Mr. Barrios' BS degree was evaluated by Josef Silny & Associates in April 2008. After supplementing his record, the Application & Educational Committees determined in January 2009 that Mr. Barrios was deficient three (3) semester hours in math and basic sciences and one (1) semester hour in humanities and social sciences.

Mr. Barrios provided a transcript to the Board, which, after review, was determined to satisfy the deficiencies in math and basic sciences.

Upon motion to grant approval by Dr. Bauer, seconded by Dr. Earle, the (1) hour in humanities and social sciences was waived and Mr. Barrios' application was approved for examination.

#2. John Woodard

Mr. Woodward was present and sworn in prior to addressing the Board.

Mr. Woodward holds a BS in Electronic Engineering Technology from Florida A & M University. He applied to take the FE Exam in October 2007. The Educational Committee reviewed Mr. Woodward's application March 10, 2008, at which time the Committee determined that his degree was not from a Board approved engineering program. Mr. Woodward requested a formal hearing. Counsel for the Board notified Mr. Woodward in November of 2008 that in order to grant his request for formal hearing, he would need to identify disputed issues of fact which were not identified at the time of the request.

Mr. Flury explained to the Board that he did not believe there were any disputed issues of material fact and that if the Board agreed, they would need to deny Mr. Woodward's request for formal hearing.

Upon motion to deny a formal hearing by Mr. Tomasino, seconded by Dr. Bauer, the Petition for Formal Hearing was denied.

Mr. Flury advised the Board to proceed with the matter as an informal hearing.

Mr. Woodward explained to the Board that FAMU has one of the oldest engineering schools in Florida. He asked if there was a concession for FAMU students after the rule changed relating to technology degrees. He also asked the Board to consider a "grandfather" clause that would allow him to take the FE exam.

Dr. Bauer advised Mr. Woodward that he could take additional coursework to achieve a BS or MS degree in engineering. Dr. Bauer indicated that he was not

aware of any waiver to FAMU after 1979. Mr. Woodard asked whether the Board advised the universities that their students would not be allowed to take the test after 1979. Dr. Bauer indicated that FAMU should have been aware of the change in statute through notification from the Board.

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

#3. Marjan Arsovic

Mr. Arsovic was not present and was not represented by counsel. Prior to the Board meeting, Mr. Arsovic provided a written statement which was presented to each Board member prior to hearing.

Mr. Arsovic holds a BS degree from the University of Belgrade (Serbia Europe) in Mechanical Engineering and an MS degree from the University of Belgrade (Serbia Europe) in Mechanical Engineering. He applied to take the FE exam on April 11, 2008. CPEES evaluated Mr. Arsovic's degrees.

The Educational Committee reviewed Mr. Arsovic's application on 09/17/2008. They determined his deficiencies were 11 semester hours in Math & Basic Sciences including Differential Equations, Physics with Calculus and General Chemistry and four (4) semester hours in Humanities and Social Sciences. Mr. Arsovic chose to supplement his application and requested an informal hearing.

The Educational Committee reviewed his supplement on 01/14/2009. They determined he was deficient seven (7) semester hours of Math & Basic Sciences – three (3) semester hours of which must be Chemistry, and 1.8 semester hours of Humanities and Social Sciences.

Dr. Bauer explained that Mr. Arsovic was requesting credit for a course in ethics, mathematics and science and that those courses do not satisfy his deficiencies.

Upon motion to deny the application by Dr. Bauer, seconded by Dr. Earle, denial of the application was upheld.

#4. Ashraf Eskander

Mr. Eskander was present and sworn in prior to addressing the Board.

Mr. Eskander holds a BS degree from Assiut University in Architectural Engineering. He applied to sit for the FE exam on April 17, 2008. CPEES evaluated Mr. Eskander's degree. The Educational Committee reviewed Mr. Eskander's application on 07/16/2008 and determined his deficiencies were 17 semester hours in Math & Basic Sciences to include Differential Equations, Probabilities & Statistics and Chemistry and 2.5 semester hours in Humanities

and Social Sciences. Mr. Eskander requested a Formal Hearing August 24, 2008. Mr. Eskander requested an Informal Hearing December 4, 2008.

Mr. Flury explained that CPEES gave him more credit for courses than the committee. CPEES gave him a deficiency of 9 hours in math and basic sciences and the committee found a deficiency of 17 hours.

Dr. Bauer explained that the course was introductory and was not sufficient and went on to explain what would be needed to satisfy the deficiencies.

Mr. Flury advised Mr. Eskander that if he had new information his file could be sent back to the educational committee.

Upon motion to deny the application by Dr. Bauer, seconded by Mr. Charland, denial of the application was upheld.

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

#1. Payal Sanjay Pandya

Ms. Pandya was present and sworn in prior to addressing the Board.

Ms. Pandya applied to sit for the Principles & Practice Examination. Her application was denied by the Board on 11/12/2008 based on education. Mrs. Pandya holds a Bachelor Degree in Civil Engineering from the Gujarat University in India and a Master of Engineering degree from the South Gujarat University in India.

The Board reviewed the evaluation of her BS degree by CPEES/Center for Professional Engineering Evaluation Services to determine substantial equivalency to Rule 61G15-20.007, F.A.C. Mrs. Pandya was determined to be deficient 8.5 hours of Math & Basic Sciences and 12 hours of Humanities and Social Sciences.

Ms. Pandya supplemented her application with transcripts from her MS program and the Board decided that she met the Humanities and Social Sciences deficiency with this information. Mrs. Pandya is now only deficient the 8.5 hours of Math and Basic sciences.

Ms. Pandya explained to the Board that the math required was taken in high school.

Dr. Hyder explained the math had to be a college level course. Dr. Bauer advised Mrs. Pandya to have her MS evaluated.

Upon motion by Dr. Bauer, seconded by Ms. Garcia, the hearing was continued until June. Ms. Pandya will have time to secure additional evaluation of her transcripts and when received will be returned to the application review committee in May. Should the file be denied the hearing would continue in the June meeting.

#2. Adrian Albert Viala

Mr. Viala was present and sworn in prior to addressing the Board.

Mr. Viala applied to sit for the Principles & Practice Examination. His application was denied by the Board on 09/17/2008 based on education. Mr. Viala holds a Bachelor Degree in Civil Engineering from the Kwame Nkrumah University of Science and Technology in Ghana and a Master of Engineering Degree in Civil Engineering from The University of Florida. The Board reviewed the evaluation of both degrees by Joseph Silny & Associates, Inc. to determine substantial equivalency to Rule 61G15-20.007, F.A.C. Mr. Viala was determined to be deficient 16 hours of Humanities and Social Sciences.

Mr. Viala argued that Josef Silny & Associates did not evaluate his entire MS transcript and that he had 18 credits of humanities.

Dr. Bauer stated the humanities courses to be college level courses. Mr. Flury suggested that he contact Silny to ensure that all material submitted was evaluated. If this is pursued, the Board could continue the hearing until staff receives the final commentary from Silny and Associates.

Upon motion by Dr. Bauer, seconded by Dr. Earle, this case was continued. The revised evaluation should be submitted to the Board office for review in the May application meeting. If the file remains denied, the hearing will continue on the June board agenda.

#3. Zuhail Ozturk

Mrs. Ozturk was not present at the hearing.

Mrs. Ozturk applied to sit for the Principles & Practice Examination. Her application was denied by the Board on 07/16/2008 based on education. Mrs. Ozturk holds a Bachelor Degree in Environmental Engineering and a Master of Science Degree in Environmental Engineering from the Istanbul Technical University in Turkey, she also holds a PhD in Civil Engineering from The Florida International University. The Board reviewed the evaluation of her two foreign degrees by Joseph Silny & Associates, Inc. and her additional PhD transcript to determine substantial equivalency of her combined education to Rule 61G15-20.007, F.A.C. Mrs. Ozturk was determined to be deficient 13 hours of Humanities and Social Sciences.

Upon motion to deny the application by Dr. Bauer, seconded by Dr. Earle, the application was denied.

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

#1. Binoy Koodhathinkal

Mr. Koodhathinkal holds a BS from the University of Mumbai, and an MS from the University of Central Florida. He passed the FE exam in Ohio in April of 2004 and passed the PE exam in Maryland in October 2006, as well as evidenced four years of experience.

CPEES evaluated his degree and determined he was deficient 11 hours in math and basic science and 13 hours in humanities and social science. His application was submitted to the Board for review on November 12, 2008 and was denied due to this deficiency. Mr. Koodhathinkal returned his Election of Rights requesting an Informal Hearing. He also included a letter stating that the math and basic science requirements were met with both of his degrees and asked for leniency in regards to his humanities and social science deficiencies.

Mr. Koodhathinkal's application was brought back to Application Review on January 14, 2009 and his 13 hours of humanities and social science were waived based on the fact he has now been licensed for two years. His denial was upheld based on lacking 11 hours in math and basic science.

Upon motion to deny the application by Dr. Earle, seconded by Mr. Wallis, the application was denied.

#2. Donald C. Sherrill

Mr. Flury advised the Board that Mr. Sherrill asked to withdraw his application.

Upon motion to accept the withdrawal by Dr. Bauer, seconded by Mr. Wallis, Mr. Sherrill's request to withdraw his application was granted.

Disciplinary Hearings

H. Settlement Stipulations

#1. Peet, Stiles T., PE 49200
FEMC Case Number 2007043799
Probable Cause Panel:Rebane, Seckinger

Mr. Peet was present and sworn in prior to addressing the Board. He was represented by counsel, Mr. Kenneth Sundheim, Esquire.

Mr. Charland recused himself from this case.

In the Administrative Complaint, it was charged that the Engineer of Record communicated his design intent for the Project including the roof trusses to Mr. Peet in April 2007 and was therefore ready to receive the completed delegated roof truss design from Mr. Peet within a reasonable period of time. At the time Probable Cause was found it was believed the six preliminary submissions failed to adequately address revisions required by the Engineer of Record which had been made clear to Mr. Peet in the initial submission provided by Mr. Peet and as a result of Mr. Peet's failure to perform his duties as Delegated Engineer, it took four months for the roof truss design approval process to be completed whereas a reasonable period of time for approval for a structure such as the Project would be no more than one month (30 days).

However, subsequent to the filing of the case, discovery resulted in additional documentation being submitted by Mr. Peet. This documentation was reviewed by FEMC Consultants. On August 22, 2008, the initial consultant revised his opinion as follows: "...further review of the file materials and design/submittal process indicated that the licensee was not solely responsible for the delays encountered and should not be charged with FS 471.033(1) (g) (negligence and misconduct) and FAC 61G15-30.006 by causing delay to the project." The second consultant concurred in his August 22, 2008 opinion.

On January 17, 2008 Probable Cause was found and an Administrative Complaint issued. Mr. Peet requested formal hearing at DOAH which was ultimately set for September 2008. On August 27, 2008, the parties entered into a signed stipulation to resolve this case.

PCP Recommendation: Reprimand; \$2,000.00 administrative fine (\$1,000.00 per count for (2) counts); costs of \$2,181.53; Suspension of licensure, stayed if fine/costs paid within 30 days of Final Order date; Subject will be placed on 2 year(s) probation with plan review (5 truss projects for each review period) at 6 and 18 months; Board approved course in Engineering Professionalism and Ethics; study guide; on-site visit by Board Investigator; and appearance before the Board to explain: what steps he's taken to maintain control of his seal, and his understanding of the responsibility rule.

Stipulation: Dismissal of Count I of the AC (the count relating to the delay in finalizing the design documents). Respondent agrees to pay Costs in the amount of \$306.53. Appearance for Mr. Peet to discuss: (1) the procedure(s) that he has put in place through which he can assure the Board that he will maintain control over the manner by which his P. E. seal will be applied to truss design documents; (2) the procedure(s) that he has put in place by which he can assure the Board that he will personally and physically sign each page of all sealed final engineering design documents; (3) the procedure(s) that he intends to use to electronically

seal, sign & date engineering design documents in accordance with Rule 61G15-23.003. Board approved course in Engineering Professionalism and Ethics; study guide; on-site visit by Board Investigator at Mr. Peet's expense. Issuance of a Letter of Guidance to Mr. Peet reflecting that (1) he is aware that his previous use of a signature stamp was in violation of the Board's rules and (2) that the affixing of his seal to engineering documents by others at a location(s) that was not under his direct control and supervision was a violation of the Board's Rules. Mr. Peet agrees that he fully accepts the intent of the Letter of Guidance and that he will adhere to its admonitions in his future engineering practice.

Mr. Burke asked Mr. Peet to discuss the procedures that he put into effect. Mr. Peet explained that the procedures are that he has a seal, one is a hand crimper and one is electric, it's a two hand operation, the only time he uses the electric seal is when he has 100's of sheets to seal. Never in twenty years has the seal left his office with exception of this incident. Mr. Peet stated he signs and seals every single drawing himself. His company employs five individuals. He works on every project that comes through his office and he signs and seals everything. At the time he was unable to use his right arm, he had his clerical assistant help him with that. Pursuant to doctor's orders, he got a rubber stamp to use when his right arm is not functional. The amount of business is small and he does all the signing and sealing, only using the rubber stamp when his arm was not functional. For the truss company, there were so many documents and he didn't have staff available to help him with signing and sealing and it came down to a matter of coordinating schedules. A lot of his day is out at projects performing inspections and site reviews. It became easier to stop by the truss company where there is a designated area for crimping so every day or nearly every day he was involved in their office, not physically, but watching the crimping or seeing that it had just been done. The procedures now in effect are that the seal was recalled and he demanded the truss company send someone down who sat at a designated desk and physically went one by one and put the papers in one by one as he watched. The reason he was signing and sealing the previous way was because he was unable physically to do sign and seal without endangering the use of his right arm. He set up the FETS program signature; however, the technology is ahead of the building departments and it is not accepted.

Upon motion to accept the stipulation by Mr. Tomasino, seconded by Ms. Garcia the Settlement Stipulation was adopted.

- #2. Contreras, Remberto, PE 21522
FEMC Case Number 2008015766
Probable Cause Panel:Rebane, Seckinger

Mr. Contreras was present and was sworn in prior to addressing the Board. He was represented by counsel, George Frances.

Mr. Contreras was Structural Engineer of Record for the design of an aluminum stairway to be constructed on a building. As such, Mr. Contreras sealed, signed and dated a set of structural engineering design documents and calculations which were filed as part of the application for a building permit with the City of Coral Gables Building Department (the City). The last iteration of Mr. Contreras's engineering design drawings for the Stairway Project filed with the City were sealed, signed and dated on December 20, 2007 and February 11, 2008. The calculations were sealed, signed & dated by Mr. Contreras on December 12, 2007.

The design drawing documents for the Stairway Project reflect Mr. Contreras's design decisions for the structure of the proposed stairs. As such, the design decisions are only valid if they are reflective of engineering judgment grounded upon, in material part, engineering calculations upon which the design is based. The underlying calculations for the Stairway Project were deficient and failed to comply with acceptable standards of engineering practice in the following particulars: Mr. Contreras's drawings and calculations for the project contain deficiencies including, but not limited to, those set forth in Paragraph 4. Mr. Contreras has therefore violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by sealing, signing and dating engineering documents that were issued and filed for public record when such documents were materially deficient in respect to and not in compliance with applicable code requirements or acceptable engineering principles.

Based on the foregoing, Probable Cause was found and Mr. Contreras was charged in an Administrative Complaint with violating Section 471.033(1) (g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by being negligent in the practice of engineering.

The parties entered into a Stipulation accepting the recommendations of the probable cause panel to resolve this matter.

The PCP recommendation was a reprimand; costs of \$500.00; suspension of licensure, stayed if fine/costs paid within 30 days of Final Order date; Restriction from practicing structural engineering until he takes and passes and submits proof of passing the NCEES Structural 1 or equivalent. Board approved course in Engineering Professionalism and Ethics; Study Guide, and Appearance before the Board to explain: what areas of engineering he feels he is competent to practice, and his experience and courses (documentation to be brought before the Board) he has taken to support competency.

Mr. Burke asked Mr. Contreras to explain what areas of engineering he is competent to practice. Mr. Frances translated Mr. Contreras' responses. He explained that Mr. Contreras had experience in civil and structural engineering. Mr. Contreras works in a factory and is the only engineer employed with the company.

Mr. Burke asked Mr. Contreras what type work he would do if the stipulation was accepted. Mr. Contreras indicated that he would continue working as a civil engineer. Dr. Hyder asked Mr. Contreras to explain what he defined as civil engineering. Mr. Contreras responded that he would do water and sewer work, laying pipe.

During discussion the Board expressed concern that Mr. Contreras will have a difficult time complying with restrictions from structural engineering. They were also concerned with any other type of engineering to be performed. However, failure to accept the stipulation would allow continued practice until the matter is resolved. In view of this determination the following action was taken.

Upon motion to accept the stipulation by Mr. Charland, seconded by Dr. Bauer, the Settlement Stipulation was adopted.

- #3. Bishop, Gary, PE 25357
FEMC Case Number 2006036172
Probable Cause Panel: Rebane, Seckinger

Mr. Bishop was present and sworn in prior to addressing the board.

This complaint is predicated on a complaint that the Respondent made false statements in his engineering roof truss inspection dated December 23, 2005 (Truss Affidavit). Respondent's inspection report stated he inspected the roof truss system and it was installed correctly with no visual discrepancies. A second opinion found numerous discrepancies in the installation of the roof truss system. On April 17, 2006, Respondent wrote to the complainants stating that there were several deficiencies and deviations from the original plans he provided for the residence and that he had not inspected the trusses.

The case was presented to the Probable Cause Panel on May 20, 2008 and a two-count Administrative Complaint was filed, one count of fraud/deceit in the practice of engineering and one count of making a report that the licensee knows to be untruthful.

The Respondent signed this settlement stipulation adopting the probable cause recommendation and requesting a modification allowing him to pay the fines and costs in 90 days as opposed to 30 days, in lieu of further formal proceedings.

The recommendation of the Probable Cause Panel was a reprimand; \$4,000.00 administrative fine (\$2,000.00 per count for (2) counts); costs of \$1,648.12; Subject will be placed on (2) year(s) probation with plan review at 6 and 18 months; Board approved course in Intermediate Level Engineering Professionalism and Ethics; and appearance before the Board to explain: the obligations of Certification, and it's importance; and his previous appearance before the Board, and why he is appearing for a similar mistake again.

Mr. Bishop addressed the Board by stating it was never his intent to commit fraud. He was asked by the contractor to look at something and he did. His error was in stating the truss system was okay without conducting an inspection of the system. He reaffirmed future plans to comply with the rules for certification.

Mr. Halyard asked Mr. Bishop if he ever visited the site. Mr. Bishop responded by stating he had visited the site twice he simply did not conduct an inspection of the full truss system.

Mr. Burke asked about his previous disciplinary case. Mr. Bishop responded by confirming a previous action for deficient plans.

Upon motion to accept the stipulation by Mr. Tomasino, seconded by Ms. Garcia, the Settlement Stipulation was adopted with amendment to allow Mr. Bishop 90 days to pay the fines and costs.

- #4. Hodge, Gray, PE 45676
FEMC Case Number 2007065928
Probable Cause Panel: Waived Probable Cause

Mr. Hodge was present and was sworn prior to addressing the Board. He was represented by counsel, Kathryn Kasprzak.

The investigation was predicated on the receipt of a complaint filed alleging the Respondent's design and calculations for a 310-foot microwave tower were deficient. The project is identified as the C-18 Tower located in West Palm Beach, Florida. The Complainant alleged that the Respondent provided calculations for the shear strength of the connector plates, which were correct, but did not address bending moments. SFWMD subsequently rejected the tower design based on deficiencies of the design and directed the complainant to provide a revised tower design in accordance with the contract documents.

The Respondent waived probable cause via this settlement stipulation and in lieu of any formal administrative proceedings, the parties reached the terms included in this settlement agreement. The terms of the settlement are a \$2,500.00 administrative fine and costs of \$2,000.00, a reprimand, probation for two (2) years with project reviews at six (6) and eighteen (18) months, a course in Professionalism and Ethics, study guide and an appearance before the Board at the presentation of the stipulation.

Mr. Burke asked Mr. Hodge to describe the size of his business and how he operates. Mr. Hodge explained that his company is small with two graduate engineers, a drafter, and an office manager. Mr. Hodge is a structural engineer and they work with architects in site specific design for installation of towers.

Mr. Hodge explained from the time this incident occurred he put into place a procedure to review connections and be responsible for the entire tower project. He also stated he would no longer accept a scope of service defined by the client. He will develop the scope of service.

Upon motion to adopt the stipulation by Dr. Bauer, seconded by Mr. Charland, the Settlement Stipulation was adopted by majority vote.

- #5. Abcug, Irving, PE 28376
FEMC Case Number 2007033986
Probable Cause Panel: Rebane, Seckinger

Mr. Abcug was present and was sworn prior to addressing the Board. He was represented by counsel, Diane Parrera.

This investigation is predicated on the receipt of a complaint alleging the residential plans submitted by the subject firm to the Parkland Building Department have been rejected several times. Complainant states she contracted to build a house in Parkland, Florida. The house plans were prepared by an Architect and the Engineer of Record was Irving Abcug.

On May 20, 2008 Probable Cause was found and an Administrative Complaint was issued and served. Mr. Abcug, through counsel, elected a formal hearing at DOAH. After significant discovery, the parties entered into a Stipulation on January 8, 2009. This Stipulation is being presented to the Board. The terms of the Settlement Stipulation are different from the recommended penalty by the Probable Cause Panel.

The PCP recommendation was a reprimand; \$5,000.00 administrative fine (\$5,000.00 per count for (1) count); costs of \$2,924.64; Suspension of licensure, stayed if fine/costs paid within 30 days of Final Order date; Subject will be placed on (2) year(s) probation with plan review at 6 and 18 months; Board approved course in Engineering Professionalism and Ethics; study guide; and appearance before the Board to explain: the quality of his plans, and what steps he plans to take to improve them; and his compliance with the Florida Building Code.

The terms of the Settlement Stipulation was reprimand; costs of \$6,403.64; suspension of licensure, stayed & vacated if fine/costs paid within 1 year of Final Order date; Subject will be placed on (2) year(s) probation with plan review at 6 and 18 months; The second year of probation will be terminated early if, at the sole discretion of the Board Consultant and the Board, it is determined that the initial plan review report was "favorable" (defined in the Stipulation as being free of any material deficiencies); Board approved course in Engineering Professionalism and Ethics; study guide; and appearance before the Board to explain: the quality of his plans, and what steps he plans to take to improve them; and his compliance with the Florida Building Code.

Mr. Rimes advised the Board that Mr. Abcug is requesting a payment plan of one year.

Ms. Parrera explained when Mr. Abcug was hired, he re-worked and re-thought his designs. He did the calculations necessary and marked up the drawings so they would reflect his ideas of how it should be done. Another person made the changes. His comments on 11/6 said that basically there were two items. Since he did his initial design changes on the drawing, it only had gone through one review and was accepted the third time he reviewed the drawings.

Mr. Burke asked if Mr. Abcug worked alone. Mr. Abcug advised that he has another engineer who works for him along with a drafting person and a secretary.

Upon motion to adopt the stipulation by Mr. Charland, seconded by Dr. Bauer, the Settlement Stipulation was adopted.

- #6. Hassoun, Mouaffak, PE 61969
FEMC Case Number 2007047573
Probable Cause Panel: Rebane, Burke

Mr. Rimes advised the Board after the case was noticed, he received a Motion for Continuance, due to a scheduling conflict by Mr. Hassoun's attorney. Mr. Rimes did not object to the continuance.

Upon motion to continue this case by Ms. Garcia, seconded by Ms. Young, the continuance was granted.

- #7. Kosinski, Joseph, PE 52288
FEMC Case Number 2006041434
Probable Cause Panel: Rebane, Seckinger

Mr. Kosinski was present and was sworn prior to addressing the Board. Mr. Kosinski was not represented by counsel.

This investigation is predicated on the receipt of a complaint alleging that drawings signed & sealed by Mr. Kosinski did not meet minimum standards for engineering. Mr. Kosinski designed a one-story conversion of a car wash into a convenience store.

Probable Cause was found and an Administrative Complaint was issued and served. Mr. Kosinski, through counsel, signed a Settlement Stipulation. The terms of Settlement Stipulation did not follow what was recommended by the Probable Cause Panel.

The PCP recommendation was a Reprimand; \$1,000.00 administrative fine (\$1,000.00 per count for (1) count); costs of \$2,073.19; Subject will be placed on

(2) year(s) probation with plan review at 6 and 18 months; Board approved course in Engineering Professionalism and Ethics; study guide; and appearance before the Board to explain: why he did not respond to the complaint against him; and to discuss each item in detail that was noted in the Consultants report regarding the complaint.

The Settlement Stipulation terms are reprimand; costs of \$2,073.19; Board approved course in Engineering Professionalism and Ethics; study guide; and appearance before the Board to explain how, in his present engineering practice, he will assure that sealed and signed engineering documents will either be complete and ready for final permitting or, if intended for some more limited purpose, such as site plan review, will bear adequate disclosure as to the purpose for which the documents have been produced.

Mr. Kosinski advised the Board that the plans were for a limited use only and not intended to represent a full project.

Mr. Burke asked Mr. Kosinski to address the Board as agreed in the Settlement Stipulation.

Mr. Kosinski indicated that he has been practicing engineering for about 27 years, licensed for 24 years and within the past seven years he has owned his own business. This project came up very early in his practice. He and his associates worked on the project to develop contract documents. Early into the design development, the county said they needed a new site development plan. That project was turned over to a firm specializing in site development. That firm was given the signed and sealed contract documents and these documents were used for permitting. His firm now sets up base sheets and all documents state not for construction. Prior to applying for a permit the statement is removed and the documents are sealed as final documents.

Upon motion to adopt the stipulation by Dr. Bauer, seconded by Ms. Garcia, the Settlement Stipulation was adopted.

I. Informal Hearings

- #8. Earhart, Jeffrey Jay, PE 49935
FEMC Case Number 2007063583
Probable Cause Panel: Rebane, Burke

Mr. Earhart was present and sworn in prior to addressing the Board. He was represented by Counsel Ed Bayô'.

This investigation is predicated on the receipt of a complaint alleging that Jeffrey Earhart of TEK Science and Engineering plagiarized the submitted technical proposal from a proposal submitted by another corporation for the same RFP. It was further alleged that Mr. Earhart falsely reported the names of employees not actually employed, to SWFWMD for minimum staffing payroll qualification and

falsely claimed responsibility for projects that had not been done by TEK. All of this purportedly false or deceptive information was alleged to have been included in a response to an RFP filed with SWFWMD by TEK.

Subject was notified of this complaint by Certified Letter dated 11/27/07. TEK has a current Certificate of Authorization.

On September 16, 2008, Probable Cause was found and an Administrative Complaint was issued and served charging a violation of Section 471.033(1) (f), Florida Statutes, Rule 61G15-19.001(2), Florida Administrative Code, 471.033(1)(f), F.S.

Respondent, through counsel, requested an informal hearing under Sections 120.569 and 120.57(2) and Rule 28-106.301 to 28-106.307. Respondent has submitted an additional statement, in mitigation and explanation, dated January 7, 2009 which should be considered by the Board at the hearing.

The PCP recommendation was a reprimand; \$1,000.00 administrative fine (\$1,000.00 per count for (1) count); costs of \$195.00; Suspension of licensure, stayed if fine/costs paid within 30 days of Final Order date; Board approved course in Engineering Professionalism and Ethics; Study guide; and Appearance before the Board to explain: his understanding of the CCNA process, and the standards that must be met.

Mr. Bayô addressed the Board and Mr. Earhart responded to questions.

There was discussion as to the relationship between the two companies and their ties to each other through the qualifier (Mr. Earhart). "The employment relationship, like any other contract, arises through a meeting of the minds. There is absolutely nothing to indicate that the persons listed by TEK did not consider themselves as employees of TEK or that they would not be available immediately to work on this project if TEK was awarded the contract. Our client's proposal was not contrary to any specific provision of the minimum staffing requirement listed in the RFP."

Mr. Rimes explained the facts of the case and the following motion was made.

Upon motion by Mr. Halyard, seconded by Ms. Garcia the Findings of Fact as set forth in the Administrative Complaint as the Board's Findings of Fact. The motion passed.

Mr. Burke reminded Mr. Rimes that Mr. Earhart needs to address the Board to answer questions and concerns.

Mr. Bayô advised the Board of Mr. Earhart's cooperation with the prosecutor during the process and the fact he did not dispute the mistake.

Discussion followed on Mr. Earhart's relationship with both companies referenced in the investigative file. Mr. Earhart confirmed he serves as qualifier for both companies. Mr. Earhart expressed his concern with this situation. He stated he recently started the small firm of TEK. He had given too much control. Quality control rests with him as the qualifier and as a stockholder. He also made the mistake of signing without adequate attention to detail. He prided himself by promoting to engineers the value of their reputation. Mr. Earhart stated the marketing person listed the wrong names and did not ask for clarification. As the engineer he did not properly review the RFP.

Upon conclusion of discussion the following action was taken.

Upon motion by Mr. Halyard, seconded by Ms. Garcia the Findings of Fact in the administrative complaint were adopted.

Upon a motion made by Mr. Wallis seconded by Mr. Tomasino, the Conclusions of Law were adopted by majority vote.

Upon motion by Mr. Halyard, seconded by Tomasino, the PCP recommendation was adopted by majority vote and the present appearance will satisfy the appearance requirement in the Final Order.

- #9. Giles, David, PE 45676
FEMC Case Number 2008008431
Probable Cause Panel: Rebane, Burke

The complainant, the building official for the Hamilton County Building & Zoning Department, alleges that a residential roof had been installed without a permit and that the subject subsequently provided a "Certification of Inspection – Roof Dry-In" and an "Affidavit of Inspection – Final" letter without actually performing the inspections. The building department performed its own inspection and found several clearly visible deficiencies in the roof construction.

On September 16, 2008 Probable Cause was found and an Administrative Complaint was issued. The Probable Cause Panel recommended a reprimand; \$5,000.00 Administrative fine (\$5,000.00 per count for (1) count); costs of \$1,010.00; Suspension of licensure for one (1) year(s); Appearance required by Subject to lift suspension at end of suspension period. Subject will explain to the Board: his understanding of signing, sealing, and dating certifications as an engineer; Board approved course in Engineering Professionalism and Ethics; and Study Guide.

Upon motion by Dr. Bauer seconded by Ms. Garcia, the Board adopted the Findings of Fact and Conclusions of Law set forth in the Administrative Complaint as the Board's Findings of Fact and Conclusions of Law.

Mr. Giles was present and sworn in prior to addressing the Board.

Mr. Giles addressed the Board by stating that he did not visit the job site for final inspection prior to issuance of a Letter of Certification. His procedure called for inspection and writing of a Letter of Certification. The first project encountered problems due to an incorrect address provided by the contractor. They asked for the second letter of final inspection, it took three weeks, he couldn't get by the site, his parents were ill and in fact one passed away. His business was encountering problems and he and his partner were separating the business interests. During this time the issue with the first letter arose. With separation of the business he no longer has any information on record. The partner has the business records. On the strength of the photos he'd seen earlier on the dry end repairs and the fact the building official certified the job in August of 2007 he provided the final certification letter. It turned out the building official filed the complaint. He attempted to make things right but was denied access to the property. Mr. Giles stated that he has a much better understanding of the proper procedures to be followed in issuance of the certifications. He asked for consideration of a payment plan.

With conclusion of discussion, Mr. Flury reminded the Board they must set a penalty.

Upon a motion by Dr. Bauer seconded by Mr. Charland the PCP recommended penalty was adopted. The motion passed.

- #10. Yazji, Kamal
PE 51542
FEMC Case Number 2007038155
Probable Cause Panel: Rebane, Charland

Mr. Creehan advised the Board of a hand-out presented by Mr. Yazji. It cites disputing materials facts. This requires a formal hearing and the case should be pulled from the agenda.

- J. Application Review & Educational Committee Meeting
- K. Approval of the Consent Agenda
(Items denoted with an asterisk are included in the Consent Agenda*)

Upon motion by Mr. Charland to adopt the consent agenda, seconded by Dr. Earle, the motion passed.

- J. Application Review & Educational Committee Meeting

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

Upon motion by Mr. Charland seconded by Dr. Earle, consent agenda was adopted. The motion passed.

- L. Review and Approval of previous Board meeting minutes

- #1. Minutes from the December 3-4, 2008 Board Meeting*

Consent Agenda

- #2. Minutes from the January 23, 2009 Conference Call*

Consent Agenda

- M. Committee Reports

- #1. Applications Committee (**Next Meeting March 18, 2009**)
(John Burke, P.E., Chair; David Charland, P.E.; Zafar Hyder, Ph.D., P.E., Nola Garcia) (Alternates: Christian Bauer, Ph.D., P.E.; Paul Tomasino, P.E.)

- a. Committee Chair's Report.

Mr. Burke confirmed the March 18, 2009 date for the next application/educational advisory committee meeting. He would announce committee appointments under Chair's Report. With a full Board compliment the Chair asked for comments on establishing a rotation schedule for application committee meetings. This will assist Board members in the amount of time involved for meetings and will reduce expenses for travel when workloads do not require full participation of the Board to conduct the review.

Mr. Tomasino noted conflicts with two scheduled review dates. The Board was supportive of the rotation schedule and with rotation it may assist Mr. Tomasino in his planned absences.

- #2. Educational Advisory Committee (**Next Meeting March 18, 2009**)
(Christian Bauer, Ph.D., P.E., Chair; Dr. Jonathan Earle, Ph.D., P.E.; Melvin Anderson, Ph.D., P.E. (Consultant), R. Gerry Miller, Ph.D., P.E. (Consultant) (Alternate: Zafar Hyder, Ph.D., P.E.)

- a. Committee Chair's Report.

Mr. Burke deferred his report for later in the meeting.

- #3. Probable Cause Panel (**Next Meeting March 17, 2009**)
(David O. Charland, P.E, Chair, Henn Rebane, P.E.,) (Alternate: John Burke, P.E.)

- a. PCP Memo from January 13, 2009 Meeting*

Addressed under consent agenda.

- #4. FBPE Rules Committee (**Next Meeting March 17, 2009**)
(John Burke, P.E., Chair; Henn Rebane, P.E.; David Charland, P.E., Paul Tomasino, P.E.)

- a. Committee Chair's Report.

Mr. Burke stressed the importance of assembling all items for the rules committee. Through a coordinated effort the rules committee can move forward in an organized and effective manner.

- #5. FBPE Legislative Committee
(Paul Tomasino, P.E., Chair; Christian Bauer, Ph.D., P.E.; Zafar Hyder, Ph.D., P.E.)

- a. Committee Chair's Report.

Mr. Geer confirmed no legislative issues by FES in this upcoming session.

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

- a. Committee Chair's Report.

No report.

- #7. Structural Rules Committee
(David O. Charland, P.E., Chair)

- a. Committee Chair's Report

Mr. Charland reported on completion of the proposed rules for structural engineering by FES and FSEA. The proposed drafts will be presented to the FES Board of Directors on Tuesday March 17, 2009. If approved the proposed rules will be forwarded to the Board office and should appear on the agenda for the March Rules Committee meeting. Mr. Burke asked Mr. Rimes and Mr. Flury to

review the delegation rules as soon as possible to ensure continuity with other delegated rules.

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

Mr. Burke advised the Board of his plans to attend the President's Counsel in Atlanta along with Ms. Flynn. He reminded everyone of the upcoming Southern Zone meeting in May and asked if any Board members wished to attend. Mr. Wallis, Mr. Charland and Dr. Hyder expressed an interest. Staff will be confirming final plans in the very near future to meet registration deadlines. Mr. Burke stated attendance by all Board members for zone meetings is not necessary. The Annual Meeting is more detailed as national guidelines are established during the meeting. He does encourage the Board to be active in NCEES.

#1. Memo from Doris I. Willner, P.E., Chair, Special Committee on Bylaws regarding Proposed Amendment to NCEES Bylaws

This item is included for information only. This item will be voted on in the annual meeting. Mr. Burke confirmed the right of the Board to designate the Executive Director to vote on agenda item if Board members are unable to attend. Appropriate notice must be given to Council to confirm the delegation of authority. The change in terms of office is clarify that completion of partial term will not count in the ability to serve to full terms.

Mr. Burke confirmed his attendance for the Law Enforcement Committee in Tampa. There are number of changes being considered that are beneficial .

#2. Letter from Robert Whorton, IV, P.E., NCEES Compliance and Security Manager regarding Irregularity during the October 28, 2008 exam and the Findings

Mr. Burke outlined the procedures followed by NCEES in reviewing examinations after administration. Once the computer program analyzes the examination performances should there appear to be irregularities a report is generated and forwarded to the appropriate Board for investigation. Following the investigation, the Board determines if there is any basis for cancelling the results of the examination. The present investigative report was before the Board for review. The Board accepted the investigative report and the following action was taken.

Upon motion by Mr. Tomasino, seconded by Dr. Earle the investigative report was accepted and staff was authorized to release the report to NCEES and allow the results for the two candidates to stand as reported.

O. Advisory Attorney's Report

- #1. Letters from JAPC regarding Rules 61G15-19.004, 61G15-32.002, .003, and .008, F.A.C.

Mr. Flury received several letters requesting updates and status on rule language. One specific item refers to the need to state what version of the Florida Building Code applies when referenced in the rule. Mr. Flury advised that it was a technical change and did not require a vote.

Mr. Flury also presented a draft of Rule 61G15-22.0105, F.A.C. which relates to Continuing Education Laws & Rules Rule.

Mr. Burke reminded the Board this rule stems from action previously taken during a Board conference call.

Mr. Flury then explained further that what this language does is put in the rule the forms which were previously approved. The underlying language plus the form number which will be added once approved and then the effective date which will be the date it was approved. There are two other items that have been added. One is related to when a course is reapproved it gets a new course number. This change would allow the course number to remain the same. The second issue is related to several petitions for variance and waiver. The way the rule used to read, continuing education approval is valid for the biennium for which it was approved. We had people arguing that if they were approved in the middle of a biennium and if the course was given a month before they were approved then it should be approved as well. Mr. Flury does not necessarily agree with that but has provided the updated language for clarification. It has been changed so that the approval is valid from the date it is approved by the Board forward.

Upon motion by Mr. Tomasino, seconded by Mr. Tomasino the language was accepted. The motion passed.

The language approved is as follows:

61G15-22.0105 Approval of Continuing Education Courses in Laws and Rules. Each course provider approved by the Board to conduct courses in Florida Laws and Rules must meet the requirements of Rule 61G15-22.011, F.A.C., and shall submit an application for approval of a continuing education course in Laws and Rules, Form # ---, effective ----, which can be obtained from the Board office at 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303. The application shall be submitted on the course approval application provided by the Board and shall include the following:

(1) – (5) No change.

(6) Continuing education course approval is valid ~~for~~ from the date the course is approved by the Board until the end of the biennium during which it was approved, provided no substantial change is made in the course and the approval status of the

provider has not expired or been suspended or revoked. Substantial changes made in any course will require a new approval of that course. A provider must ~~reapply for course approval~~ submit an application for renewal of the course, Form # ---, effective ----, which can be obtained from the Board office at 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303, ninety (90) days prior to the date of the end of the biennium which would be the expiration of course approval in order to prevent a lapse in course approval.

(7) ~~If a course is approved,~~ When a course is initially approved, the board shall assign the course a number. The course provider shall use the course number in the course syllabus, in all other course materials used in connection with the course and in all written advertising materials used in connection with the course. The course shall keep the same course number upon renewal.

Specific Authority 455.2123, 455.213, 455.2179, 471.017(3), 471.019 FS. Law Implemented 455.2123, 455.213, 455.2179, 471.017(3), 471.019 FS. History—New 4-8-07, Amended 4-28-08.

Mr. Flury presented a chart associated with 61G15-19.004, F.A.C. JAPC decided there needed to be a subcategory associated with negligence. After discussion with Ms. Holliday, we compromised and determined when the subcategory is created, we do not need to use the word “minor”. If you look at the misconduct rules, there are subsets under that, and this would be another subset of negligence where the penalty is different. What has been added is 2(a) negligence and procedural requirements. These rules relate to delegation, and the rules related to the requirements that are procedural.

Upon motion by Mr. Tomasino, seconded by Ms. Garcia the language was accepted. The motion passed.

The language approved is as follows:

| | | |
|---|--|---|
| 2. a. Negligence (subsection 61G15-19.001(4), F.A.C.) | <u>Reprimand, two (2) years probation and \$1,000 fine, to \$5,000 fine, five (5) year suspension and ten (10) years probation</u> | <u>Two (2) years probation and \$1,000 fine, to \$5,000 fine and Revocation</u> |
| <u>b. Negligence in procedural requirements (61G15-30.003(2)(3) and (5), F.A.C.; 61G15-30.005 and 61G15-30.006, F.A.C.)</u> | <u>Reprimand to two (2) years probation and \$1,000 fine,</u> | <u>Two (2) years probation and \$1,000 fine, to \$5,000 fine and Revocation</u> |
| <u>c. As a special inspector</u> | <u>Reprimand, two (2) years probation and \$1,000 fine, to \$5,000 fine,</u> | <u>Two (2) years probation and \$1,000 fine, to \$5,000 fine and Revocation</u> |

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

Mr. Flury stated all of the rules approved in December are in process. There are no letters from JAPC on present rules. The one letter commenting on the Fire Protection Rule is to be resolved with change in wording. The rule will now be adopted.

Mr. Flury asked for discussion on a previous action taken by the Board. The Board voted to apply the required statement of estimated regulatory costs to the rule deleting ability to achieve continuing education credit for attending the second day of the Board meeting. In further review it is indicated there is no small business impact. The confusion in the matter occurred as a result of addressing this rule and any future possibility of approving video tape laws and rules sessions. These are two distinctly different rules. Anyone can video tape Board meetings as they are open to the public. Should a meeting be videotaped and an application submitted for continuing education credit the board will address at that time. With this clarification the following action was taken.

Upon motion by Ms. Garcia seconded by Mr. Wallis this rule change is deemed to not have an effect on small businesses. The motion passed.

**BOARD OF PROFESSIONAL ENGINEERS
RULES REPORT
January 2009**

| Rule No. | Title | Develop. Published | Notice Published | Adptd. | Effect. |
|----------|-------|--------------------|------------------|--------|---------|
|----------|-------|--------------------|------------------|--------|---------|

The following rules are **ON HOLD** or **PENDING**:

| | | | | | |
|--------------|---------------------------|---|---------|--|--|
| 61G15-19.004 | Disciplinary Guidelines.. | 3-7-08 | 8-8-08 | (Waiting for Board to resolve JAPC issues) | |
| 61G15-32.001 | General Responsibility | 11-21-07 27-09) | 3-14-08 | (Notice of Change to be submitted 1- | |
| | .002 | Definitions | | | |
| | .003 | Comm. Req. to all Fire Protectn.Eng.Docs. | | | |
| | .008 | Design of Fire Alarms, Signal and Control Systems | | | |

The following rules are **IN PROCESS**:

| | | | | | |
|--------------|--------------------------|----------------------|---------|--|--|
| 61G15-18.011 | Definitions | 1-30-09 | | | |
| 61G15-20.001 | Definitions, Appl. For | 8-1-08 | | | |
| | .0015 | Lic. By Endorsement, | | | |
| | .007 | Dem. Of Subs. Equiv. | | | |
| 61G15-21.009 | Endorsement | 8-1-08 | | | |
| 61G15-22.001 | C.E. Requirements | 8-8-08 | | | |
| 61G15-22.011 | Bd. Appr. Of CE Prov. | 8-1-08 | | | |
| 61G15-23.002 | Elect. Seals, Signatures | 8-1-08 | 1-16-09 | | |
| | .003 | And Procedures | | | |
| 61G15-35.004 | Common Requirements | 1-16-09 | 2-6-09 | | |
| 61G15-37.001 | Perform. Stds. And | 8-1-08 | | | |
| | Meas. Outcomes | | | | |

The following rules are **ADOPTED**:

| | | | | | |
|--------------|---|----------|---------|----------|----------|
| 61G15-18.011 | Definitions | 12-7-07 | 4-11-08 | 5-16-08 | 6-5-08 |
| 61G15-30.001 | Purpose | 12-7-07 | 3-14-08 | 10-24-08 | 11-13-08 |
| .002 | Definitions Common to All Engineer's Responsibility Rules | | | | |
| .003 | Engineering Document Classification | | | | |
| .005 | Request for and Review of Delegated Engineering Documents | | | | |
| .006 | Delegated Engineer's Responsibility | | | | |
| .007 | Prime Professional's Responsibility | | | | |
| .009 | Retention of Engineering Documents | | | | |
| .010 | Energy Conservation Compliance | | | | |
| 61G15-33.001 | General Responsibility | 12-7-07 | 3-14-08 | 10-24-08 | 11-13-08 |
| .002 | Definitions | | | | |
| .003 | Design of Power Systems | | | | |
| .004 | Design of Lighting Systems | | | | |
| .005 | Design of Communications Systems | | | | |
| .006 | Design of Alarm Systems | | | | |
| .007 | Design of Lightning Protection Systems | | | | |
| .008 | Design of Grounding Systems | | | | |
| .010 | Certification of Electrical Systems of Public Interest | | | | |
| 61G15-34.001 | General Responsibility | 11-21-07 | 3-14-08 | 10-24-08 | 11-13-08 |
| .002 | Definitions | | | | |
| .003 | Design of HVAC Systems | | | | |
| .007 | Design of Plumbing Systems | | | | |

Petitions:

Grable Walls, et all (Petition for Variance) 7-25-08

FMAEF (Petition for Variance) 9-5-08

Upendra Poudel 10-17-08

Simon Coleman 11-14-08

Zhiyuan Cheng (Petition for Variance) 1-16-09

P. Executive Director's Report

#1. List of Applicants Requesting Retired Status*

#2. Attendance at Southern Zone Meeting

This was addressed earlier in the meeting.

Mr. Philip Mount filed an application for retired status. Mr. Mount's license is Null and Void and in actuality has no license to retire.

Upon motion by Ms. Garcia seconded by Mr. Wallis the application for retired status was denied.

Q. Chief Prosecutor's Report

#1. Non-Compliance Report

Two of the individuals reflected on the report have come into compliance. One remaining case was one Mr. Creehan attempted to resolve; with efforts failing an AC for non-compliance was filed.

#2. January Open Case Report

#3. Profile of legal cases by year

a. Cases open for 1 year plus

b. Total open cases by year

Mr. Creehan outlined the stats for cases opened for one year and total cases by year. It was noted for the record that one item addressing ten cases against the same licensee is moving forward. There were several reasons for the delay in processing through to completion.

In discussion the Board raised concerns for cases reflected outstanding for from 200 to 522 days. Mr. Creehan stressed efforts by legal to address these old cases.

#4. Environmental Engineers

Mr. Rimes asked for this item to be placed on the agenda for discussion. FEMC processed an unlicensed proceeding against a company for violation of advertising under Chapter 471, F.S. A Cease and Desist was issued. The Company complied with the Cease and Desist by changing the title from environmental to environment engineers. This is a modification to the title and Mr. Rimes believed it in the best interest of the Board to accept this change in title and the case closed. The company is not practicing engineering and they have a long standing history as a business entity in Jacksonville. Mr. Rimes wanted to close the case and allow them to continue practicing as environment engineers as he had extreme concerns with an ability to win any case that should develop out of the matter.

Mr. Burke called for a short discussion on protected titles for the benefit of the Board and audience. There are a number of situations where the word engineer or engineering may be used in a title. A Professional Engineer files a complaint for unlicensed practice. In many cases the practice is nothing more than cleaning air ducts or another primary

example is use of the title automotive engineer. In Chapter 471, there are specific protected titles named. Following the specific titles it goes into exemptions. Once you go into exemptions it becomes more difficult to protect the title engineer. Further the facts are such that pursuing any action is not beneficial to the Board. Mr. Rimes has explained that in cases where they are not practicing engineering it is extremely difficult to pursue a charge of unlicensed practice. Mr. Burke agrees with Mr. Rimes the title engineer is not protected.

R. Chair's Report

#1. Committee Assignments

The Chair announced the following committee appointments with exception of the Nominations and Unlicensed Activity Committee which would be named at a later date.

Applications Committee (John Burke, P.E., Chair, David Charland, P.E., Nola Garcia, Paul Tomasino, P.E., Paul Halyard, P.E., Mary Young, H. Dann Wallis, P.E.)

Educational Advisory Committee (Christian Bauer, Ph.D., P.E., Chair, Dr. Jonathan Earle, Ph.D., P.E., Zafar Hyder, Ph.D., P.E., Bijay Panigrahi, Ph.D., P.E., Melvin Anderson, Ph.D., P.E. (Consultant), R. Gerry Miller, Ph.D., P.E. (Consultant)

Probable Cause Panel (David O. Charland, P.E., Chair, Paul Halyard, P.E., Henn Rebane, P.E.,) (Alternate: John Burke, P.E.)

FBPE Rules Committee (John Burke, P.E., Chair; David Charland, P.E., Paul Tomasino, P.E., Jonathan F. K. Earle, Ph.D., P.E., H. Dann Wallis, P.E.)

FBPE Legislative Committee (Paul Tomasino, P.E., Chair, Christian Bauer, Ph.D., P.E., Mary Young)

Joint Engineer/Architect Committee (John Burke, P.E., Chair; Zafar Hyder, Ph.D., P.E., Nola Garcia)

Structural Rules Committee (David O. Charland, P.E., Chair)

#2. Unlicensed Activity Fund

Mr. Burke briefed the Board on his continuing efforts to research the possibility of this Board issuing a brochure on unlicensed activity. Ms. Flynn is securing copies of publications used by other states. Ms. Flynn will also check with the department regarding funding from the unlicensed activity account. Staff will come back with a report and sample materials.

#3. Educational Advisory Committee

Mr. Burke talked with Dr. Bauer regarding current makeup of the Educational Advisory Committee and officially adding Dr. Hyder and Dr. Panigrahi to the committee. This may alleviate the need to continue having Dr. Anderson and Dr. Miller attend. Dr. Anderson and Dr. Miller will attend the March review to provide training. Unless specific workloads require their attendance, future meetings will be covered by the Board members serving on this committee. Ms. Flynn will contact Dr. Anderson on this matter.

At the last Board Meeting, the Board discussed how Board members could reduce time away from the office for Board business. As part of an experiment this meetings called for disciplinary cases on the first day. To continue with this mode would require Mr. Geer and others that attend meetings to travel overnight. Based on the amount of time required for this present meeting he had extreme concerns with leaving April as a one day meeting. After discussion it was determined to re-notice the April meeting to begin at 1:00 p.m. Board Business will be addressed on the first day and hearings will be held on the second day.

It was the consensus of the Board to follow Mr. Burke's plan.

S. Correspondence to the Board

#1. Emails from Paul E. Curtis, Curtoom Companies regarding signing and sealing requirements

This email is before the Board because Mr. Curtis wants the Board to place the general response given by email on Board letterhead. The matter involves Broward County Schools and their requirement to have a prime professional issue a certification. The Board reviewed Mr. Rimes' response to Mr. Curtis. In summary, Mr. Rimes advised Mr. Curtis that any certification by an individual licensee or firm, serving as prime professionals on a design project and being required to certify as to professional design responsibility as EOR's over engineering design disciplines where did not actually act as EOR's would violate the Board's Rules requiring a PE to only seal sign and date engineering documents over which they are in responsible charge." When a PE acts as Prime Professional defined in Rule 61G15-30.002(2)), the PE accepts coordination responsibilities over the entire design team on a project. However, while the PE acting as Prime Professional, may act as an EOR on the project or a portion thereof, accepting Prime Professional responsibilities does not mean that such a PE is, simply by being Prime Professional, necessarily acting as EOR for all portions of a project. A PE may only act as EOR for a particular portion of a project if the PE is in "responsible charge" of that portion (see Rule 61G15-30.002(1)). To be in "responsible charge" a PE must meet the standards set out in Rule 61G15-18.001(1) which mandate that the PE actually exercise supervisory direction and control the decision making relating to the portion of the project over which the PE exercises such charge. Obviously, a PE cannot exercise such supervision and control if the PE is being asked to certify to the appropriateness of engineering decisions that are outside the

Professional Engineer's area of expertise. To accept such responsibility (by sealing a certification to that effect) would be a violation of Chapter 471 and the Rules (see Sections 455.227(1) (o), 471.025(3), 471.033(1), F.S.

In discussion it was determined to refrain from placing the response on letterhead. The Board cannot resolve or dispute the requirements put into place by the Broward County School Board as it relates to projects under their jurisdiction.

Mr. Curtis would be advised of the Board's decision.

#2. Email and letter from Brian R. Foster, F.P.E., CFSI, regarding the Delegated Engineer Rule

Mr. Burke reaffirmed completion of the revisions to the responsibility rules. With all of this work there are still some deficiencies in the fire protection sprinkler design rules. The problem is Fire protection sprinkler systems authority by rule design to a minimum and presentation to an installing contractor to do layout drawings. The layout drawings contain much more detail, details that should be addressed by the engineer.

Mr. Burke asked for the Board's consensus on his proposal to contact Brian Foster by phone with participation by Mr. Rimes to review the rules for further revisions. He will bring a report to the Board once completed.

The Board supported Mr. Burke's plan.

#3. Email from Patti Anderson of Department of Health and Emails from Terrance L. Lambert, NSE, PE, CPOI regarding CPSC Virginia Graeme Baker Pool & Spa Safety Act

Mr. Lambert's practice is pool inspections with the Department of Health. He is concerned with the new Federal Requirements for retrofitting existing drains to comply with Federal requirements. He believes the inspection and retrofitting should be performed by an engineer. He was also concerned with the Department of Health distributing forms to pool contractors. This form is deficient.

Mr. Vincent Assistant Bureau Chief for the Department of Health appeared on behalf of Ms. Anderson. Mr. Vincent explained the role of the Department of Health, various building departments within the state and how certification of swimming pools occurs. The issue presently is the change adopted by the federal government addressing. The Department of Health is working toward compliance with the Federal Guidelines. The question they pose to the Board is does a Professional Engineer in Florida working for the Department of Health have the authority to enforce a federal law. There is also the issue of declaring if inspection and retrofitting of pools is work that must be done by a Professional Engineer or work that can be done by the swimming pool contractors.

Mr. Burke believed the Board would be venturing into the unknown at this point especially trying to define what is engineering and what is not engineering as it relates to the placement and certification of the retrofitted drain covers. Further Professional Engineers are not held to policing this area. Mr. Burke believed the issue to be a legal interpretation.

Mr. Burke asked Mr. Rimes for his opinion. Mr. Rimes explained that the statutes do not make engineers policeman. They are not deputized by anyone to enforce anything. They have standards to operate under within the statutes. If a PE does not comply with the statute and rules they may be disciplined. There is nothing in this act that says an engineer should be disciplined for failing to enforce a building code or federal guideline

If there is a specific complaint filed with the Board it is investigated. To answer this type of question in general can be very risky. If there are parties that wish to receive a formal opinion, they have to file a Petition for Declaratory Statement. The opinion rendered is published in the form of a Final Order. Final Orders are subject to appeal which would result in a final order where everyone interested can show up and participate. DOH is in the process of rulemaking right now they could address these issues.

Upon conclusion of discussion, John suggested the Board direct the parties to file a Petition for Declaratory Statement if they are seeking the Board's official response to the questions being discussed.

#4. Email from Kim Ford, P.E., regarding construction plans

1) Must the cover sheet of all PE designed construction plans be signed and sealed by a PE/ EOR?

Since the Board of Professional Engineers' Rules require that professional engineers must sign and seal every page of construction plans, there is no specific requirement to seal and sign the cover page. However, if the cover sheet on construction plans has designs or specifications then yes, they need to be signed and sealed.

2) Must the "EXISTING SURVEY" sheet be signed and sealed by a PE or PLS or no one at all? The answer is as follows:

If the existing survey has already been signed and sealed by the PLS, there is no basis for the engineer to sign and seal the survey.

3) Must the landscape design plans be signed and sealed by a PE or other (landscape architect, or no one)? landscape design, if the engineer is qualified to do it then yes, seal and sign – we don't have incident language about landscape and john said nothing in that section - listen to tape ask the guy for more information

Engineers seal and sign engineering designs ONLY, not landscape architecture or landscape design. If the “landscape design” involves engineering, then a qualified professional can sign and seal the engineering contained therein.

4) Must the cover sheet be signed and sealed by each professional contributing to the construction plans or by the PE/EOR only, or no one?

See the answer to question 1, above.

#5. Final Order – Sheryl Lyn Braxton and Braxton Designers v. DBPR

This item is included for informational purposes. It reflects penalties that may be imposed on a Board when pursuing unlicensed cases.

#6. Email from Robert Bullard, P.E. regarding Rule 61G15-18.011, F.A.C.

Mr. Flury explains that this email is a comment on the responsible charge rule change. Mr. Burke believed the modified rule addresses the concerns.

Staff should advise Mr. Bullard of the modifications to the rule and the final version addressing his concerns.

#7. Email from Jo Moore, Environmental Director of Ranger Construction Industries, Inc., regarding qualification of engineers in erosion and sediment control

Ms. Moore posed the following in her email:

The Florida Dept of Transportation has implemented a “Developmental Specification” in which they are “passing” the responsibility for development of the project’s erosion & sediment control plan onto the contractor. They call for a PE (licensed in FL) who is qualified to develop the plan. Ms. Moore has problems with the requirement and DOT’s inability to provide resource of engineers qualified to write a plan for erosion & sediment control.

This Board advised staff to notify Ms. Moore of the requirement being one set by DOT and they should recommend engineers qualified in this area.

Correspondence from Enrique Uribe.

After a brief discussion, the Board determined staff should advise Mr. Uribe to file a complaint as the concerns outlined in the email might be determined a violation of the responsibility rules relating to design of fire protection systems.

T. Old Business

U. New Business

V. Ratification of Application Review Held Wednesday February 11, 2009

Upon motion by Mr. Wallis seconded by Dr. Earle, the actions of the Application and Educational Committees on 2/11/09 were ratified.

W. Public Forum

#1. Article from "The Miami Herald" regarding science and engineering through robotics

Ms. Flynn included this article as a means of confirming efforts by Board members to address professional societies or educational forums. Ms. Garcia was saluted by the Board for her efforts in working with schools in her area. Future agendas would allow general comments from all Board members regarding their appearance before schools, professional societies or other forums to address engineering.

Ms. Young announced efforts underway by IBM for a nationwide project called "E Week" and is geared toward middle and high school students and environmental engineering.

Robert Mackey with S2L, Inc., announced that the Florida Engineering Society (FES) and Florida Engineers in Education (FEE) are planning to do a joint conference at the FES Annual Conference at the "Breakers" in Palm Beach in August (6th to 9th) 2009. The FEE Conference themes are currently "Engineering Education Funding, Accreditation, Articulation, and PE Registration issues, as they relate to current and future engineering education." The planners of the conference are inviting representatives various national organizations to make presentations at the conference. Representative organizations include the American Society of Civil Engineers (ASCE), National Society of Professional Engineers (NSPE), National Council of Examiners of Engineering and Surveying (NCEES), American Society of Engineering Education (ASEE), the Association of American Colleges and Universities (AAC&U), and other organizations. It is an opportunity to find out more information about the current drive by many organizations to increase the education requirements for future engineers entering into professional practice.

X. Adjourn

Minutes of the
Florida Board of Professional Engineers
Rules Committee
March 17, 2009
1:00 p.m. – Tallahassee

1. Call to Order.

Mr. Burke called the meeting to order at 1:04 p.m.

2. Roll Call.

Board Members Present:

John C. Burke, P.E.
David Charland, P.E.
Paul Tomasino, P.E.
Jonathan Earle, Ph.D., P.E.
Dann Wallis
Paul Halyard

Staff Present:

Carrie Flynn
Zana Raybon
Patrick Creehan
John Rimes
Wendy Gregory

3. Guests Present

Dennis Barton
Buddy Dewar
Brian Foster

4. Discuss proposal to exempt continuing education requirement for engineers licensed by endorsement within the biennium.
(Attachment #4)

Ms. Flynn explained that this was discussed at a recent Board meeting. This language is to add a new exemption for endorsement candidates from CE. There was discussion of removing exemption for any licensee.

After further discussion, revisions were made to the proposed language.

Upon Motion by Mr. Wallis to approve the language as revised, seconded by Dr. Earle, the motion passed.

The revised language is as follows:

61G15-22.009 Exemptions From Required Continuing Education Reporting Requirements.

(1) New licensees who have achieved initial licensure by examination or endorsement in the second year of a biennium, pursuant to Section 471.013, F.S., shall be exempt from meeting continuing education for their first renewal period after initial licensure.

(2) Any licensee whose license is placed in retired status shall be exempt thereafter.

(3) Any licensee whose license is placed in inactive status, for so long as it remains inactive.

Mr. Flury advised the Committee that they needed to determine whether changing this rule would have any impact on small businesses.

Upon Motion by Mr. Charland that the proposed rule revision had no impact on small businesses, seconded by Mr. Wallis, the motion passed.

5. Discuss amendment to Rule 61G15-18.012 to delete the language regarding compensation to Board members "...when grading, proctoring or reviewing examinations given by FEMC."
(Attachment #5)

Mr. Flury explained that this revision was before the Committee because the Board no longer gives examinations.

Upon motion to approve the revision is by Mr. Charland, seconded by Dr. Earle, the motion passed.

The revised language is as follows:

61G15-18.012 Other Board Business for Which Compensation is Allowed.

The following are considered to be other business involving the Board as required by Section 455.207(4), F.S.:

(1) All joint Board or Committee meetings required by statutes, Board rule or Board action.

(2) Meetings of Board members with FEMC staff or contractors of FEMC at FEMC's or the Board's request. Any participation or meeting of members noticed or unnoticed will be on file in the Board office.

(3) Where a Board member has been requested by the Secretary of the Department to participate in a meeting.

(4) Probable Cause Panel Meeting.

(5) Any telephone conference calls.

~~(6) All activity of Board members, if authorized by the Board, when grading, proctoring or reviewing examinations given by FEMC.~~

(6) All participation in Board authorized meetings with professional associates of which the Board is a member or invitee. This would include all meetings of national associations of registration Boards of which the Board is a member as well as Board authorized participation in meetings of national or professional associations or organizations involved in educating, regulating or reviewing the profession over which the Board has statutory authority.

~~(8)~~ (7) Any and all other activities which are Board approved and which are necessary for Board members to attend in order to further protect the public health, safety and welfare, through the regulation of which the Board has statutory authority.

Upon Motion by Mr. Tomasino that the proposed rule revision had no impact on small businesses, seconded by Mr. Wallis, the motion passed.

6. Review Rule 61G15-19.001(6)(c)(1) for possible reference error to section 455.301-.309, Florida Statutes.
(Attachment #6)

Mr. Flury explained that this revision was before the Board for informational purposes. He further explained that the change was technical in nature and required no action by the Committee.

The revised language is as follows:

61G15-19.001 Grounds for Disciplinary Proceedings.

(6) A professional engineer shall not commit misconduct in the practice of engineering. Misconduct in the practice of engineering as set forth in Section 471.033(1)(g), F.S., shall include, but not be limited to:

(a) Expressing an opinion publicly on an engineering subject without being informed as to the facts relating thereto and being competent to form a sound opinion thereupon;

(b) Being untruthful, deceptive, or misleading in any professional report, statement, or testimony whether or not under oath or omitting relevant and pertinent information from such report, statement or testimony when the result of such omission would or reasonably could lead to a fallacious conclusion on the part of the client, employer or the general public;

(c) Performing an engineering assignment when not qualified by training or experience in the practice area involved;

1. All professional engineer asbestos consultants are subject to the provisions of Sections ~~455.301-309~~ 469.001-014, F.S., Chapter 471, F.S., and Rule 61G15-19, F.A.C., and shall be disciplined as provided therein.

7. Discuss engineers with disabilities which may prevent the engineer from meeting the Board's rule regarding signing and sealing engineering documents.

Ms. Gregory explained that this matter was before the Committee because of a disciplinary case at the last Board meeting. After discussion, Mr. Rimes offered to find language and work with Mr. Flury and bringing language that would fit this Board. Mr. Burke advised Mr. Rimes and Mr. Flury to work on this language and bring it back to the Committee.

8. Review and discuss amendments to Rule 61G15-31.001-012 (Structural Responsibility Rules).
(Attachment #8)

Mr. Burke explained that the Rules Committee did not work on the structural responsibility rules. Mr. Charland worked with FES and was part of a large committee that worked on these rules together. The proposed revisions are in your attachments. The executive summary at the beginning is the essence of the changes that took place. A lot of the changes are cleaning up language. The biggest issue is the aluminum section that was added.

Mr. Rimes advised Mr. Burke that he forwarded some of this language to Mr. Dudley and initially there was negative response. He went on to explain that the second sentence regarding aluminum structure needs to be made clearer because as it reads now it could be misconstrued. Frankly, some of the requirements we are listing that engineers have to do will cause a lot of engineers in the State to be subject to discipline. It is a potentially controversial issue.

Mr. Burke asked the committee whether they were ready to begin the rule making process. The committee advised that they were ready.

Upon Motion by Mr. Tomasino to take these revisions to the April Board meeting after Mr. Rimes makes revisions, seconded by Dr. Earle, the motion passed.

Mr. Flury advised that we can open the rule for development in April after the meeting.

9. Discuss Fire Protection System Rules
(Attachment #9)

Mr. Burke briefly explains why this matter is before the committee. At the February Board Meeting, the full Board reviewed correspondence from Brian Foster. Mr. Foster expressed concern regarding how fire protection design was being delegated to engineers. Mr. Foster and Mr. Dewar have been following this for a long while. Fire protection is unique. There are not enough qualified fire protection engineers out there and that is what is causing these problems. In Florida, we revised our responsibility rules and fire protection was one of those rules, and are in fact, just about to finalize the latest revisions. We attempted to provide language which would give uniformity among all of the responsibility rules. Mr. Foster wrote a letter to the Board and then me, Mr. Rimes and Mr. Foster had a conference call and came up with some language. Mr. Dewar has also reviewed this and responded.

Mr. Dewar addressed the Board. He explained that we have the design concepts coming from engineers that are intended to protect owners. If the contractor doesn't have the oversight it would be wrong. There is a need for that oversight and there are not enough engineers to do this. The engineer provides the concepts which provide the base information for the layout technician who works for the contractor to follow that engineer's direction. They don't make decisions, they just follow. They may be referred to NFPA, but that is the work product of the contractor. What is happening is that they are performing design functions when they aren't qualified. When this issue was worked on in the late 1990's there was a lot of discussion. There was one issue which required all documents used for bid purposes to be sealed. That was one solution that is no longer in the law and is one Mr. Dewar would recommend. Because of those concerns, our guys are not turning them in. Mr. Dewar opined that 40% of fire protection designs are inadequate. If Mr. Foster reviewed them he would probably see more problems. We can't let the contractor make those decisions, the engineers need to do that.

Dr. Earle asked why the language regarding sealing of bid documents was removed. Mr. Dewar was unsure. There were some concerns about how that language would affect other disciplines within the profession. If that was the concern, we could enumerate and specify that fire protection system documents shall be signed and sealed.

Mr. Burke asked Mr. Rimes and Mr. Flury if there was anything that would prevent the Board from modifying the rules and requiring that bid documents have to be sealed the same as permit documents? Mr. Rimes said we could do that but it would take away preliminary review and probably would not work.

Mr. Foster addressed the Board and provided his qualifications. All he does is fire protection and is certified as a fire inspector. The insufficient documents being discussed end up on my desk. There is a failure by the engineering community to comply with the rule requirements. Some of the biggest firms do incomplete specifications and put in this request that the shop drawings come back signed and sealed by another engineer. We've created a culture of plan stamping. We know who these people are. Mr. Foster's approach is to see if we can come up with some language that will help reduce the number of engineers from practicing outside their area of expertise; also, to close the loophole allowing plans stampers with a ready source of income.

Mr. Dewar suggested that the rule could require that documents offered for bid must be signed and sealed. In doing that, you are telling them they are retaining any risk they have. If you let them get away with it the behavior will continue. Hold the engineer responsible. Mr. Foster indicated that it is a parallel issue. One engineer requiring another engineer to seal documents for the part of the work the engineer would have established as the engineer of record.

Dr. Earle expressed concern that we had statutes related to this and something must have happened for those statutes to be changed. He inquired whether we addressed the reasons for the change in the statutes. There must have been complaints or concerns.

Mr. Burke asked Mr. Dewar and Mr. Foster to work with Mr. Rimes himself to come up with some language. Whatever we do we want to do, do it right. Mr. Rimes asked whether the focus should be on the limitation of and further implication of what the delegation of or the potentiality of sealing and signing the bid documents. Mr. Burke said to work on both.

10. Review and discuss comments to Rule 61G15-22.010, F.A.C.
(Attachment #10)

Mr. Burke advised the Committee that for 10., and 11., these comments are provided for information purposes. There will be a public hearing on Rule 61G15-22.010, F.A.C., at the April Board meeting.

11. Review and discuss comments to Rule 61G15-18.001, F.A.C.
(Attachment #11)

12. Review and discuss comment to Rule 61G15-30.007, F.A.C.
(Attachment #12)

Mr. Rimes explained the comment on this rule and the confusion regarding prime professional vs. engineer of record.

After further discussion, Mr. Flury was directed to respond to this comment.

13. Review and discuss Rule 61G15-21.007, F.A.C.
(Attachment #13)

Ms. Flynn explained that this rule is before the Committee because of an issue with people failing both examinations for licensure. Before this change, they were not allowed to repeat courses. For the fundamentals, if they failed it then they missed something and should be allowed to go back and repeat a course.

After further discussion, it was determined that no action would be taken on this proposed revision.

14. Review Rule 61G15-37.001 regarding the FEMC webpage and Administrative Complaints
(Attachment #14)

Mr. Flury explained that the only action on this rule was a determination of whether there would be an impact on small businesses

Upon Motion by Mr. Wallis that the proposed change does not have an impact on small business and a SERT is not needed, seconded by Mr. Charland, the motion passed.

15. Review and discuss question 19 in the Study Guide on Laws and Rules
(Attachment #15)

Question 19 was discussed. Although the answer is correct pursuant to the Statute, it was determined that a new question should be prepared. Further, the study guide question should come from information provided in the Winter 2009 newsletter.

16. Review Section 287.055, F.S. for possible rule development requiring engineers to comply with the CCNA
(Attachment #16)

Mr. Burke explained that this came up out of an email from Charlie Geer about what Texas Board was doing in regards to consultants competitive negotiation act. I think there would be a problem with enforcing a rule of this nature. Mr. Flury indicated that under the misconduct rules there are definitions. The ability to prosecute is different. Mr. Rimes indicated that when there is a bid protest and that protest ends up in litigation and that is a forum where it could be proven that someone is in violation of the CCNA where there is a finding by an administrative court that it has happened.

After discussion, it was determined that the Committee would not promulgate a rule.

17. Review and discuss comment to Rule 61G15-23.001
(Attachment #17)

Mr. Burke suggested that we contact FES and ask them to take a survey of all engineers to determine what the population prefers. Mr. Rimes suggested that we could offer both types of seals.

Ms. Flynn suggested touching base with NCEES and in find out what State was the last to go through the process of changing from embossed seals to rubber stamps. Mr. Barton offered to look into that for us and believes there are only about eight (8) states left that do not allow rubber stamps.

It was the consensus of the Committee to research this matter and bring the findings back to the Committee.

18. Old Business.

19. New Business.

a. Date, Time and Location of Next Rules Committee

April 14, 2009 @ 1:00 p.m.

FBPE Offices

Cancel this meeting and set a new date in May or June.

**Minutes of the
Florida Board of Professional Engineers Board Meeting
Held April 8, 2009 beginning at 1:00 p.m. and
April 9, 2009 beginning at 8:30 a.m., or soon thereafter
Orlando, Florida
Part I**

- A. Call to Order, Invocation, and Pledge of Allegiance to the Flag
- B. Roll Call, Determination of Quorum, and Address Absences.

Board Members Present:

John Burke, P.E., Chair
Christian S. Bauer, Ph.D., P.E., Vice Chair
David O. Charland, P.E. – April 8th
Bijay Panigrahi, Ph.D., P.E.
Zafar Hyder, Ph.D., P.E.
Mary Young
Dann Wallis, P.E.
Nola Garcia
Jonathan Earle, Ph.D., P.E.
Paul Halyard, P.E.

Staff Members Present:

Carrie Flynn, Executive Director
Patrick Creehan, Prosecuting Attorney
Zana Raybon, Assistant Executive Director
Frances Ingram, Manager, Applications, Licensure & Office Publications
Wendy Gregory, Executive Assistant
Deborah Head, Comptroller

FMEC Members Present:

Gary Kuhl, P.E., Vice Chair
Roger Jeffery, P.E.
Ernie Cox, III, P.E.

Board Counsel:

Deborah Loucks, Assistant Attorney General

Upon motion by Mr. Charland, seconded by Dr. Bauer, Mr. Tomasino's absence was excused. The motion passed.

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

Charlie Geer, FES/FICE
Bill Palm, Former Board Member
Tim McConaghy, FSEA
Bill Dunn, SunCam, Inc.
Kathy Dunn, SunCam, Inc.
Tom Allen, BOAF

#1. Rules Workshop on Proposed Amendment to Rule 61G15-22.010, F.A.C.
TO BE HEARD AT A TIME CERTAIN OF 2:00 P.M.

Mr. Burke advised the Board the workshop relates to removing the opportunity for continuing education credit on the second day of board meetings.

Ms. Loucks advised if anyone in the audience wanted to address the Board with comments regarding the rule change, they must come to the front and speak into the microphone provided on the guest table.

Mr. Geer with FES/FICE reiterated FES and FICE's position to support the rule change. FES/FICE believes attendance at Board meetings does not provide valuable education required keep licensees up to date on the laws and rules and the cost incurred by FEMC to conduct those sessions is unreasonable.

The Board members restated their support of the rule change based on content of disciplinary hearings and unwarranted cost to provide free continuing education.

No further comments were made and the workshop was closed.

D. Approval of the Agenda

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

Upon motion by Mr. Wallis, seconded by Dr. Earle, the consent agenda was approved. The motion passed.

E. Review and Approval of previous Board meeting minutes

#1. Minutes from the February 11-12, 2009 Board Meeting*

Approved under the consent agenda

#2. Minutes from the March 17, 2009 Rules Committee Meeting*

Approved under the consent agenda

F. Committee Reports

#1. Applications Committee (**Next Meeting May 20, 2009**)
(John Burke, P.E., Chair; David Charland, P.E.; Nola Garcia; Paul Tomasino, P.E.; Paul Halyard, P.E.; Mary Young; H. Dann Wallis, P.E.)

a. Committee Chair's Report.

Mr. Burke noted the next meeting would be on May 20th. He inquired as to whether any members would have a conflict for that meeting. Dr. Panigrahi noted a conflict with his attendance at the May 20th meeting as a result of a speaking engagement he had set several months ago. Ms. Garcia inquired as to whether the committees were going to alternate attendance at the committee meetings. Mr. Burke was not in favor of rotation at this time. Further discussion can be shared in the May 20th meeting.

#2. Educational Advisory Committee (**Next Meeting May 20, 2009**)
(Christian Bauer, Ph.D., P.E., Chair; Dr. Jonathan Earle, Ph.D., P.E.; Zafar Hyder, Ph.D., P.E.; Bijay Panigrahi, Ph.D., P.E., Melvin Anderson, Ph.D., P.E. [Consultant]; R. Gerry Miller, Ph.D., P.E. [Consultant])

a. Committee Chair's Report.

Mr. Burke advised Dr. Bauer of Dr. Anderson's assistance in training and review of applications in the last meeting.

#3. Probable Cause Panel (**Next Meeting May 19, 2009**)
(David O. Charland, P.E., Chair, Henn Rebane, P.E., Paul Halyard, P.E.)
(Alternate: John Burke, P.E.)

a. PCP Memo from March 17, 2009 Meeting*

Approved under the consent agenda

#4. FBPE Rules Committee (**Next Meeting to be Determined**)
(John Burke, P.E., Chair; David Charland, P.E.; Paul Tomasino, P.E.; Jonathan F. K. Earle, Ph.D., P.E., H. Dann Wallis, P.E.)

a. Committee Chair's Report.

Mr. Burke called attention to certain items discussed in the last Rules Committee Meeting. During the meeting the fire protection rules were

discussed. He noted that although progress was being made, it was a complicated issue and would take some time to complete. Early research indicates Florida may be deficient in number of qualified fire protection engineers.

Mr. Geer recalled action several years ago when the fire protection contracting industry approached the legislature to expand the size and limits of plans they could design. It was unsuccessful at that time but it might be a viable option at this time.

Mr. Burke called attention to another rule dealing with signing and sealing with disabilities. Proposed language has been drafted and included in the agenda. Additional changes under consideration will be review of proposed use of rubber stamps.

#5. **FBPE Legislative Committee (Next Meeting July 14, 2009)**
(Paul Tomasino, P.E., Chair; Christian Bauer, Ph.D., P.E.; Mary Young)

a. Committee Chair's Report.

No report.

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

a. Committee Chair's Report.

No report.

#7. **Structural Rules Committee**
(David O. Charland, P.E., Chair)

Mr. Burke confirmed Mr. Charland's presentation of the revised structural responsibility rules to the rules committee. The rules are moving forward. Further review will occur before presentation to the Board.

Mr. McConaghy asked what would be the next step in the rulemaking process. Ms. Loucks advised that once the rules committee determines the exact language the draft will be presented to the board. Once the Board adopts the proposed language they are published are subject to a request for rules workshop.

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

Mr. Burke reminded the Board of the NCEES Southern Zone planning meeting scheduled for May. Mr. Wallis, Mr. Charland, Ms. Flynn, Ms. Raybon and Ms. Ingram will be attending this meeting.

Mr. Burke noted that he and Ms. Flynn recently attended the President's Council meeting in Atlanta. This meeting is held every two years to update member boards on tasks and accomplishments of NCEES.

#1. Memo from Jerry Carter regarding the Washington Accord Programs

Mr. Burke restated this Board's present policy to not recognize Washington Accord Universities as substantially equivalent to EAC/ABET. NCEES recently took a similar stance and will no longer recognize the Washington Accord Universities as substantially equivalent to EAC/ABET. Applicants holding council records will have to complete an evaluation of education when applying for council record as of March 1, 2009. As a result, our Board should not encounter arguments by an applicant on the need to have education evaluated. The evaluation will be part of the NCEES Model Law Record.

#2. Email with attachments from Carolyn W. Falanga regarding Notice of Future Change to the NCEES Structural Examination

Mr. Burke explained this was presented for information purposes. In 2010, the exam will be a two day exam and no other structural engineering exam will be available.

#3. Email with attachments from Henn Rebane, P.E., regarding "Engineer Your Life volunteer opportunities"

Mr. Burke explained efforts on a national level by NCEES to promote volunteers to work within the profession.

Dr. Bauer recalled he had mentioned some time ago awarding continuing education hours for volunteer work. Mr. Burke indicated that he would not support that because our rules require so few hours of technical practice hours.

Dr. Bauer reiterated his support because our laws and rules don't change that much. Maybe one hour of laws and rules credit for an appropriate volunteer work. He believed this would assist in getting young people involved in engineering careers.

Mr. Burke agreed in intent, however, Mr. Geer would have to work with FES to determine if they would support a legislative change. Mr. Geer indicated that FES would not be interested in taking this matter to the legislature.

Ms. Garcia indicated that Mr. John Hall is working on a database to get more engineers out to the schools through FES. She wasn't sure whether crediting an engineer for only one hour would be enough to encourage anyone to volunteer for this. They would have to do it because they love engineering. She would encourage movement because engineers love the profession and just want to do it because they love it.

Dr. Bauer noted two ideas relating to the profession of engineering. One, the baby boomers were mostly technical and scientific in orientation as they planned their future. Two, it appears there exists a lack of interest in technical careers now. He encourages the Board to promote engineering in any way possible.

Mr. Burke advised the Board of Dr. Hyder conducting a civil engineering PE review course in Pensacola. He encouraged every Board Member to volunteer and promote the profession with every available opportunity.

Dr. Earle expressed concern with fundamental problems related to engineering education. There is insufficient teaching of math and science in the K-12 system and less than 4% of high schools graduates have taken a calculus course. This should be addressed along as part of improving education in high school.

- #4. Email from Davy McDowell regarding NCEES Engineering Award and article from NCEES website

Mr. Burke announced that NCEES will be giving the "Grand" award from NCEES to FAMU and FSU. This is the first award of this kind for NCEES and to have a Florida university receive the grant of \$25,000 in truly an honor.

- #5. Email from Keri Anderson regarding "Analysis of the Potential Impact of Requiring Additional Education for Engineering Licensure" (B+30)

Mr. Burke reaffirmed this Board's first stand to vote against B+30 as it was unclear as to what the additional hours would consist of and who would monitor the overall program. At the 2008 annual meeting there were certain compromises proposed. The present material includes these compromises. Mr. Burke encouraged all members to review the materials.

#6. Nominations for NCEES Southern Zone Vice President & Assistant Vice President

- a. Ted Sack, PLS – Assistant Vice President
- b. Govind Nadkarni, P.E., - Vice President
- c. Gary W. Thompson, PLS – Vice President

Mr. Burke advised he and Ms. Flynn have worked with Govind Nadkarni of the Texas Board. Mr. Burke believed this Board should support Mr. Nadkarni for Vice President.

H. Advisory Attorney's Report

#1. Draft of proposed change to Rule 61G15-23.001 Seals Acceptable to the Board

Ms. Loucks advised the Board of language drafted by Mr. Rimes for review by the Board. If ok, it will be taken to the rules committee. It addresses an option for use of a rubber seal. Some other states are already using rubber stamps. Mr. Burke asked Mr. Geer to take this proposal to FES for review and comment.

#2. Comment to proposed Rule 61G15-35.004, F.A.C.

Ms. Loucks confirmed this email as a comment to the proposed rule.

Mr. Burke noted this comment was from FES and it relates to the rule change regarding representatives of special inspectors. The Board made a change to clarify Chapter 468 as the statute for building inspectors who are one of many categories of license that may serve as authorized representatives. Apparently the clarification may have caused confusion.

Mr. Geer indicated there were a couple of members who read this rule change as now requiring that certification for the special inspector's authorized representative. He does not think this rule change changes the requirements, but that it merely clarified that if it was going to be that person they had to comply with holding certification as a building inspector.

Mr. Burke noted this rule identifies certifications and/or licensure of personnel who are qualified to go into the field on behalf of a special inspector. The only change was addition of reference to Chapter 468, F.S. for building inspectors.

Mr. Cox indicated there are two concerns specific to the language and a broader concern. There was concern that this language superimposes

additional criteria on the field agent that wasn't there before. That is not the way the industry is reading that now. The other item is a concern of all professional engineers that it seems the Board has the rules to discipline PE's when they are using folks representing them that are unqualified regardless of whether or not it is a threshold building inspection. The board has seen fit in the past to specifically designate the requirements of a field agent working under the auspices of a professional engineer.

Mr. Burke affirmed the need to draw the line as to who is qualified to act as an authorized representative.

Mr. Charland stated his company has a number of inspectors that work for the company and as a means of qualifying they completed the building inspector's examination. He stated the exam addresses nothing about threshold buildings. If the Board really wants to help the profession, broaden the definition to individuals who hold structural certifications. Mr. Charland advised he would research this matter. He believes it should be the special inspector's choice as to who is designated as an authorized representatives.

Mr. Burke concluded discussion by reassigning this rule to the rules committee.

- #3. Memo from John Garrison certifying adoption of Rules 61G15-32.001, .002, .003 and .008, F.A.C.

For informational purposes

- #4. Letter from JAPC regarding Rules 61G15-23.002 and .003, F.A.C.

Ms. Loucks briefed the Board on a letter from JAPC regarding a requirement to issue a SERC statement for each of the two rules. Ms. Holliday believes SERC statements are required. When the Board approved this language Mr. Flury asked the Board whether they thought the rule change would create the need for a SERC and the Board did not believe a SERC statement was applicable.

Mr. Burke believed the changes being made are clarifying, not adding. The electronic signing and sealing rule was changed based on additional insight from FDOT. Mr. Burke advised Ms. Loucks that the Board does not believe there is a need for a SERC.

- #5. Proposed language related to PE's with disabilities

Mr. Burke reminded the Board of discussion in the last meeting regarding review of the signing and sealing rule to address sealing with disabilities.

Mr. Rimes has prepared a draft of the rule and it will be reviewed in the next rules committee.

#6. Comments to Rule 61G15-22.010, F.A.C.

Covered in rules workshop and provided for informational purposes.

#7. Comments to Rule 61G15-18.011, F.A.C.

Provided for informational purposes

#8. Draft letter to Mark Bateh of Information regarding area of practice credit

Ms. Loucks asked the Board to review Mr. Flury's proposed draft of the letter to Mr. Bateh regarding issues with their continuing education hours.

Mr. Burke explained the reason for this proposed letter resulted from the last application review where the Board was reviewing continuing education provider applications. This provider is giving one credit hour of area of practice for completing the study guide in preparation for the laws and rules course.

Upon motion by Mr. Wallis, seconded by Dr. Bauer, the letter was approved as written. The motion passed.

I. Executive Director's Report

#1. List of Applicants Requesting Retired Status*

Approved under the consent agenda

#2. Letter from Anna Marie Aymonin requesting PE Retired Status for John A. Aymonin

Ms. Flynn explained this request for retired status for an individual who just missed the deadline to renew or retire before becoming null and void.

Upon motion by Dr. Bauer, seconded by Mr. Charland, the request for retired status was approved. The motion passed.

* * *

Ms. Flynn advised the Board IT services will be outsourced. Ongoing issues with equipment, parts, servers, and back-ups continue to be problematic. AEGIS will be taking over IT Services.

She further advised the Board Operations Committee was involved with this decision and worked with her during the process.

Ms. Head gave an overview of the current financial standing of FEMC. A more detailed report will be scheduled for the June Board meeting.

#3. Report on Renewal 2009

Ms. Flynn announced completion of one of the most successful renewal in several years. She called on Ms. Ingram to review the final report on renewal.

Ms. Ingram advised that preparing and pre-planning was the key to a successful renewal cycle. Hiring skilled temporary employees enabled the FEMC staff continue their daily workloads without the interference of the many calls and emails from engineers throughout the renewal period. The temporary employees included three people staffing the phones only with the two data entry employees handling paper renewals and phone calls during the last month of renewal. The data entry temporary personnel renewed each engineer as she worked and processed the renewal forms.

All temporary personnel documented engineer's electronic records when they had any type of correspondence i.e.: phone calls, emails. The new telephone system allowed FEMC to separate the incoming renewal phone calls from the general application, legal and/or administrative calls. This has proven to be the most expedient way to renew engineer's license in-house.

Issues arose during renewal because the FEMC renewal team could not reset PIN numbers for engineers to log onto the www.myfloridalicense.com ONLINE portal.

The extensive "marketing" approach during 2007 and 2008 resulted in a very positive 2009 renewal cycle. Seventy-five (75) original renewal forms were returned by the postal service to the FEMC office for the 2009 renewal vs. 500 in the 2007 cycle. This represents an 85% improvement over the 2007 cycle.

Friday, February 27th, we had 5,600 engineers who had not renewed. On Saturday the 28th that number dropped to 4,777. Monday, March 2 the number was 3,725. On 02/28/2007, we had over 10,000 engineers who had not renewed. These numbers are the lowest for any renewal requiring Continuing Education. A 52% improvement over the 2007 cycle

Plans for the Renewal 2011 are underway. Continuing Education Providers – not the engineer - will report the Area of Practice and the

Laws & Rules Courses. A new Military Status Renewal Form is in place for Military Personnel.

Due to the changes in Continuing Education requirements, fewer temporary personnel will be needed for the 2011 Renewal Cycle.

Mr. Geer noted only one complaint regarding renewal. Although there was an issue the licensee was so pleased with staff having returned the call with 24 hours and resolution of the problem.

Mr. Burke noted the previous renewal encountered many problems. He personally congratulated staff on their planning and proactive approach to a most successful renewal. Efforts to conduct training at Board Meetings and other locations were a great help.

J. Chief Prosecutor's Report

#1. Non-Compliance Report

Mr. Creehan advised that two of the three listed on this report have now come into compliance. The one case of non-compliance has had an AC filed and FEMC will petition for revocation of the license.

#2. March Open Case Report

Provided for information purposes

#3. Profile of legal cases by year

- a. Cases open for 1 year plus
- b. Total open cases by year

Mr. Creehan reported of the oldest 15 cases, 12 are at DOAH, one is under appeal and one was taken back to the probable cause panel for reconsideration. The one remaining case will be discussed under the next agenda topic.

#4. FEMC v. Fred Jones

Mr. Creehan advised the Board of a recent telephone call from counsel for this individual. He requested a continuance of this case. Mr. Creehan filed an objection to the motion. Unfortunately, the Administrative Law Judge granted the motion and this case will not be heard the first week of June 2009.

Mr. Burke asked if legal was falling behind on cases or keeping pace. Mr. Creehan noted that the newer items are being turned around extremely fast due to changing the way cases are worked.

K. Chair's Report

- #1. Possible article for publication in the next newsletter regarding Chapter 471 and the limits of the use of the generic title "engineer"

Mr. Burke noted this article needs to be reviewed closely as disagreement exists. Mr. Burke and Mr. Rimes have discussed incorporating this into the next newsletter. He explained some of the areas are not going to be discussed.

Mr. Geer noted the article was acceptable.

Ms. Flynn noted the FEMC Board request to FBPE to consider postcard notification of newsletter availability. The postcards would be printed in-house and only a limited number of newsletters would be printed for those individuals who want to receive a hard copy by mail. The Board discussed this matter and the following action was taken.

The Board supported the post card notification for the final newsletter in this fiscal year. It would save money and it follows what FES has in place for their newsletters. If successful this notification process will continue to be used for all future newsletters.

L. Correspondence to the Board

- #1. Letter from James D. Marks, P.E., regarding possible practicing engineering without a license

Mr. Marks is requesting the Board to make a determination as to possible unlicensed activity by a person acting as an umpire in an insurance case. The person offers opinions on conflicting engineering reports.

Mr. Halyard confirmed this type of issue frequently regarding the laws of physics, engineering disciplines, etc., and it is helpful to have a licensed Professional Engineer serve in this capacity.

It was the consensus of the Board to have Mr. Rimes provide a response advising this would be considered unlicensed activity.

- #2. Email from Barry Jacobson, Ph.D., P.E., regarding solar related Florida Statutes

This email asks two specific questions regarding solar systems. The first question was: "Who can design PV systems"? The second question is: "What services can a solar contractor perform for commercial systems"?

After discussion by the Board, it was determined Mr. Burke would consult with Mr. Rimes, get an opinion in terms of the existing thresholds, contact someone in the solar industry and provide an update at the next Board meeting.

- #3. House Bill 425 relating to notarization in documents submitted for issuance or renewal of a license

Ms. Loucks outlined certain proposed changes within the Department of Business and Professional Chapter 455, F.S. Some of the changes affect the Board of Professional Engineers, under Chapter 471, F.S. Ms. Flynn explained she and Mr. Rimes discussed the bill. It appears the Board would be affected by the Department's authority to change the format of the application forms.

Mr. Burke will contact Mr. Rudd to discuss the proposed change and possible impact on Chapter 471, F.S.

- #4. Opinion – DBPR, Construction Industry Licensing Board v. Harden; Case #1D07-0164 (**PROVIDED FOR INFORMATIONAL PURPOSES**)

Ms. Loucks reviewed the District Court of Opinion issued on a construction industry licensing application denial. It confirms the need to properly notice applications review and determination of eligibility as a full Board action.

Mr. Burke noted this Board does things differently and the full Board acts as the committee. Ms. Flynn confirmed change in wording in the notice to make sure the Board remains in compliance with Chapter 120, F.S.

- #5. Letter from Kate Gooderham, APR, CPRC requesting exempt provider status

Ms. Flynn explained this letter was a request for exempt provider status under the Board's rules. Mr. Burke inquired as to the requirement to become an exempt provider. After the rule was read and discussed, the Board determined that it was not considered related to the practice of engineering and took the following action.

Upon motion by Dr. Bauer seconded by Mr. Wallis the request for exempt provider status was denied.

- #6. Letter from Alberto J. Sanchez, P.S., regarding clarification of statement regarding "as-built/record drawings"

Mr. Burke recalled the basis for this letter. The Board issued an article in the News Watch regarding "as-built/record drawings". Mr. Sanchez

submitted a question on what he believed to be a conflict with the wording of the article with Rule 61G15-3002(9) 'Record Documents'."

Mr. Burke did not agree with this statement. The article simply stated when an engineer is required to sign and seal record drawings they should make sure to include the appropriate qualifiers.

Mr. Sanchez should be advised of the Board's decision.

#7. Letter from Ricardo A. De La Guardia regarding appeal regarding PE Exam Eligibility

Ms. Garcia requested to be recused from this matter as she knows the applicant.

Ms. Flynn explained this letter was a request by Mr. De La Guardia regarding the educational requirements after failing the PE exam three times. She further explained this was a statutory requirement and saw no way for this requirement to be waived.

Upon motion by Dr. Bauer seconded by Mr. Halyard the Board rejected the appeal for exam eligibility.

Mr. Burke advised staff to respond to Mr. De La Guardia and advise him of the statutory requirements.

#8. Email from Samuel D. Lee regarding Laws & Rules credit for instructors (revisited)

Ms. Burke explained for informational purposes to new Board members that instructors by rule receive a one-time credit for teaching a course. Mr. Lee believes the instructors should receive credit each time they update the course.

Dr. Bauer noted that college professors have to meet the same requirement. They only get credit for the first time they teach a course.

After discussion it was the Board's determination to deny the request based on the present rule and refer the matter to the rules committee for further study.

* * *

Mr. Burke asked the Board whether they had an opportunity to review this email from Mr. Gerard. This email is a result of the letter we provided to Brian Bennett opining as to the level of independent work or drawing under review of a public utility permitted pursuant to the exemption set

forth in the Engineering Practice Act. The Department of Transportation then issued a clarification of the Board's opinion.

There were noted concerns with the clarification, however. In the best interest of all parties, Mr. Burke asked for time to speak to Mr. Rimes and FES and get a better understanding of what the issues were and why the Department chose to make the "clarification".

The results will be reported to the Board and based on findings the Board can issue any follow up response.

* * *

Mr. Burke outlined the second email from Frank Rudd, Executive Director of the Florida Engineering Society. The air conditioning contractors are seeking a legislative amendment to the construction costs of air conditioning units where referenced in threshold of contracting versus engineering. Mr. Burke advised Mr. Rudd he could not speak for the entire Board. His personal opinion is no problem as the amendments do not affect the size of units in the threshold language.

Mr. Geer advised the Board if they have an objection to this legislation, FES would have to work hard and fast to halt the progress. Mr. Geer further noted that he was not inclined to go to the legislature on this matter he agreed with Mr. Burke's position.

Mr. Geer advised the Board of another bill being pushed by building officials to change language in Chapter 489 Florida Statutes relating to responsibility for some engineering elements. With only two weeks left of the legislative session, it does not appear this will move forward.

M. Rules Report - Michael Flury, Esquire, Board Counsel

Ms. Loucks reviewed the rules report reflecting status of the current rules.

Part II Informal Hearing Agenda

Description of Educational Committee Process by Christian Bauer, Ph.D., P.E.

Dr. Bauer outlined the educational evaluation process and how it applies to a number of the hearings on the agenda.

N. Petition for Variance & Waiver

#1. Rashad M. Hanbali, Ph.D., PTOE

Dr. Hanbali was present and sworn prior to addressing the Board.

Ms. Loucks explained that Dr. Hanbali earned a BS from California State University, a MS from Marquette University and a Ph.D from Marquette University. Dr. Hanbali was not required to take the FE exam because he held a Ph.D. Dr. Hanbali is requesting the Board waive the requirement of taking the NCEES Principles and Practice examination required under Rule 61G15-21.001, F.A.C.

Mr. Burke inquired of Dr. Hanbali if he had additional information not provided as part of the application. Dr. Hanbali indicated that he did not. His argument is based on the fact that he has practiced engineering for 15 years.

Dr. Earle asked Dr. Hanbali why he did not take the licensure exam. Dr. Hanbali indicated he was licensed as an engineer in Jordan. After completing his Ph.D. he applied for licensure in Wisconsin. The Board did not require him to take the NCEES exam for licensure.

After further discussion, the Board took the following action:

Upon motion by Dr. Earl seconded by Dr. Bauer, the Petition for Variance & Waiver was denied. The motion passed.

Upon motion by Mr. Wallis seconded by Dr. Bauer the denial licensure was upheld. The motion passed.

O. Informal Hearings on Denial of Application for Fundamentals Examination

#1. Vincent Joseph

Mr. Joseph was present and sworn in prior to addressing the Board.

Ms. Loucks reviewed the background of the applicant. Mr. Joseph earned a BS in Engineering Technology from the University of Calicut. Mr. Joseph's application for the Fundamentals Examination was denied due to educational deficiencies.

Mr. Joseph noted Josef Silny did not review his entire record when they prepared his educational evaluation.

After discussion, the Board took the following action:

Upon motion by Dr. Bauer seconded by Dr. Earle, this case was continued until to the June 2009 Board meeting.

#2. Ludovic Binner

Mr. Binner was not present and in fact had requested a continuance in order to gather the remaining items needed to present his case on educational deficiencies.

Upon motion by Dr. Earle seconded by Ms. Garcia this case was continued to the June Board meeting.

#3. Stefan Gribincea

Mr. Gribincea was present and sworn in prior to addressing the Board.

Ms. Loucks outlined Mr. Gribincea's background. He holds a BS from Romania, he applied for the Fundamentals Examination and was conditionally approved under the rule that allows conditional approval if the only deficiency is Humanities and Social Sciences.

Dr. Earle noted Mr. Gribincea was given a conditional approval and there were 6.5 hours of humanities outstanding.

Mr. Gribincea noted that he completed a portion of the 6.5 hours of humanities outstanding and now only a deficiency of 2.5 credits. He wants his file to remain open to allow completion of one remaining course.

Upon motion by Dr. Earle seconded by Dr. Bauer the additional courses were accepted, the deficiency was reduced from 6.5 hours of humanities and social sciences to 2.5 hours of humanities and social sciences.

Upon motion by Dr. Earle seconded by Dr. Bauer, this case was continued to allow completion of the final courses to remain the conditions on the approval.

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

#1. Sreenivasa Chopakatla

Mr. Chopakatla was present and sworn prior to addressing the Board.

Ms. Loucks outlined Mr. Chopakatla background. He holds a BS from the Indian Institute of Technology in Bombay and an MS from Ohio State.

Mr. Chopakatla's application for licensure by endorsement was denied to a deficiency of 9.25 hours of humanities and social sciences.

Ms. Flynn suggested he reapply after he completes two years as a licensed Professional Engineer in Washington. This would allow waiver of the noted deficiencies in Humanities and Social Sciences.

After discussion, the Board took the following action:

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

#2. Mehdi Zanganeh

Mr. Zanganeh was present and sworn in prior to addressing the Board.

Ms. Loucks outlined Mr. Zanganeh's background. He holds a BA from the University of Tehran/University of Toronto. His application for licensure by endorsement was denied based on educational deficiencies.

Mr. Zanganeh explained that he completed the required courses and then escaped the Country. He obtained his BS from the University of Toronto. He further explained that he has his PE from three different states and two licenses in Canada.

Mr. Zanganeh was requesting the Board to pay attention to his special circumstances and asking them to waive the requirement.

Dr. Bauer suggested one option to send his MS transcript from Toronto to the evaluation service and see if it results in a revised evaluation.

It was noted that if he has been a PE in another state for 2 years the humanities and social sciences could be waived. Dr. Bauer further advised that the Board cannot waive the math and basic science according to the laws and rules.

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

#3. Daniel McKay, III

Mr. McKay was present and sworn in prior to addressing the Board.

Ms. Loucks outlined Mr. McKay's background. He holds a BS from the University of South Alabama. His application for licensure by endorsement was denied due to educational deficiencies.

Dr. Hyder believes Mr. McKay fulfills the requirements

Dr. Bauer explained two types of physics courses, algebra based and calculus based. If it is not calculus based, then it is not allowed.

Dr. Panigrahi asked why it would not be considered calculus.

Mr. Burke suggested that this application be granted.

Upon motion by Dr. Hyder seconded by Dr. Panigrahi, the application was approved. After discussion of the motion Dr. Panigrahi withdrew his second. The motion failed due to no second.

Mr. McKay requested his application be granted based on his years of licensure in another state and experience

After further discussion, Mr. McKay was advised to file a Petition for Variance & Waiver of the rule requirement. Ms. Loucks advised Mr. McKay to contact her and she would explain what he needed to do in order to file that petition.

Upon motion by Mr. Halyard seconded by Dr. Panigrahi, the denial was upheld.

The matter would be revisited should Mr. McKay file his petition.

Q. Special Appearances Requested by the Board

#1. Ronald E. Benson

Mr. Benson was present and sworn in prior to addressing the Board. He was represented by counsel Randolph Strauss. Mr. Benson had two personal witnesses who were sworn. Dr. Ronald Benson, Jr., his father and his current employer, Mr. Henry Hillman, Jr., P.E.

Ms. Loucks outlined Mr. Benson's background and why is before the Board for action on his application for examination. Mr. Benson holds a BS Civil Engineering from Florida Atlantic University and he has passed the Fundamentals examination and has completed the required four years of experience. When reviewing the application in February 11, 2009 application review, Mr. Burke noted Mr. Benson's lengthy arrest record with repeat offenses. After due consideration, Mr. Burke asked to refer this application to the full Board for review and determination of eligibility.

In providing notification of the appearance, Mr. Benson was advised to submit an entire record of his arrest record at the time of his hearing.

Mr. Benson acknowledged having problems, some of which occurred during his employment with Mr. Hillman. He attended engineering school and his goal is to become a Professional Engineer. Mr. Benson asked that the Board allow him to take the Principles and Practice examination.

The Board member questioned Mr. Benson to determine what measures he has taken to correct his problems.

Mr. Benson indicated that he has completed probation for a DUI, he has attended DUI School, he has had counseling and he has been working hard to turn his life around. Mr. Benson further noted that he feels that he is a productive member of society and is an asset to the community.

Dr. Panigrahi asked Mr. Hillman about Mr. Benson's work experience and how much time is spent in the field and office.

Mr. Hillman indicated that as far as traveling and in office work, it is split 50/50 because the company handles projects with problems. When Mr. Benson travels he usually travels with a co-worker.

Mr. Wallis noted that a number of offenses were at a time that he was in Mr. Hillman's employment. He asked Mr. Hillman to describe how effective Mr. Benson was during that period of time. Mr. Hillman indicated that the DUI did not affect Mr. Benson's work.

After discussion, the Board took the following action:

Upon motion by Dr. Hyder seconded by Ms. Garcia, the application was approved. The motion passed with one dissenting vote.

Part III Disciplinary Hearings

Description of Disciplinary Process by John C. Burke, P.E.

Mr. Burke explained the disciplinary process.

R. Settlement Stipulations

- #1. Barnett, Winthrop, P.E.
PE 25576
FEMC Case Number 2007038075
Probable Cause Panel: Burke, Seckinger
Counsel: David Rankin, Esquire

Mr. Barnett was present and sworn in prior to addressing the Board. He was represented by his attorney David Rankin, Esquire.

Mr. Creehan outlined the basis for the complaint. The complaint was initiated by Robert Campbell, Director of Transportation and Land Development for Hillsborough County. The complaint alleged the respondent practiced engineering while his license was delinquent. An Administrative Complaint was filed on November 21, 2007. The Administrative Complaint charged the Respondent with negligence in the FEMC Case No. 2005050647 and practicing on a delinquent license in FEMC Case No. 2007038075.

The prosecutor recommended the FEMC Final Order filed on September 23, 2008 for Case No. 20070308075 be vacated (FEMC Case No. 2005 to remain dismissed pursuant to that Order) and in its place the proposed Settlement Stipulation pursuant to FEMC Case No. 2007030875 be adopted. **NOTE:** Respondent has a disciplinary history under FEMC Case No. (s) 2004004769 and 2004006356. Respondent completed all the terms pursuant to the Settlement Stipulation including successful plans reviews at the six (6) and eighteen (18) months periods respectively.

The Probable Cause Panel Recommendation was

1. Vacate the part of FEMC Final Order as it pertains to FEMC Case No. 2007038075.
2. Adoption of the proposed Settlement Stipulation which includes a \$5,000.00 administrative fine; costs of \$1,215.00; and an appearance before the Board to explain what the Respondent has done to improve quality and control measures in his practice.

The original PCP Recommendation was: \$10,000.00 administrative fine; costs of \$1,215.00; suspension of license for two years; following suspension, Subject shall serve two years probation with plans review at 6 and 18 months; and an appearance before the Board to explain what his plans for doing business while under suspension are.

NOTE: The Panel made its above recommendation based on two cases against Respondent at the specific Panel meeting where probable cause was found. Secondly the Respondent's license was effectively suspended nearly two months – the time from which the Final Order was filed until the stay lifting his suspension pursuant to the appeal was granted.

After review of the proposed Settlement Stipulation the following action occurred.

Dr. Hyder moved to reject the stipulation.

Mr. Halyard noted there was a signed stipulation and it appears to be signed in February of this year. Based on this fact the following action was taken.

Upon motion by Mr. Halyard seconded by Mr. Wallis, the stipulation in FEMC Case No. 2007038075 was adopted and the portion of the FEMC Final Order involving FEMC Case No 2007038075 is vacated. The motion passed by majority with one dissenting vote.

- #2. Hassoun, Mouaffak, P.E.
PE 61969
FEMC Case Number 2007047573
Represented by: Randall Gilbert, Esquire
Probable Cause Panel: Rebane, Burke

Mr. Hassoun was sworn in prior to addressing the board.

Mr. Creehan outlined the basis for the complaint initiated by a fellow Professional Engineer. The complaint alleges Mr. Hassoun plagiarized his plans when he used the complainant's design for concrete pads for one of complainant's competitors. Further, complainant alleged that the subject "obviously did not take the time to develop a protocol to provide the calculations or to design the proper attachments.

An Administrative Complaint was filed and Mr. Hassoun, through his attorney Mr. Gilbert, entered into a settlement stipulation.

PCP Recommendation: Reprimand; \$2,000 administrative fine; costs of \$2,020; two years probation with plans review of 6 and 18 month; Board approved course in Engineering Professionalism and Ethics; Study guide; and appearance before the Board to explain his understanding of the rules regarding the successor engineer.

Stipulation: Same as to substantive discipline imposed. Certain changes to the stipulation text were made at the request of Respondent's Counsel relating to the process for completing the probation. It was noted that the changes did not materially affect the probationary terms.

Mr. Hassoun was asked to explain his understanding of the successor engineer.

Mr. Hassoun noted this as an honest mistake and he was unaware they belonged to someone else. He thought the documents were shop drawings. He was then sued, hired a lawyer, they settled, six months later there is a complaint filed. This case has cost him \$30,000. Since then he has taken all of the required continuing education courses, renewed his

license, and he works with a respected company and has never had a problem.

Mr. Hassoun shared his understanding of the engineering successor rule as applied means you cannot sign and seal someone else's drawing without notifying them that you are using their work and obtaining their permission.

After discussion, the Board took the following action:

Upon motion by Mr. Halyard seconded by Dr. Bauer, the stipulation was accepted.

- #3. Bombassaro, Joseph, P.E.
PE 50702
FEMC Case Number 2008054175
Probable Cause Panel: Waived Probable Cause

Mr. Bombassaro was not present at the Board meeting.

Mr. Creehan advised that during his last conversation with Mr. Bombassaro, Mr. Bombassaro indicated that he would be attending this hearing. Mr. Creehan asked that this matter be continued.

Upon motion by Dr. Bauer seconded by Mr. Halyard, the case was continued.

- #4. Hachem, Youssef, P.E., PE 43302
FEMC Case Number 2007056959
Represented by: Edwin Bayo, Esquire
Probable Cause Panel: Rebane, Burke

Dr. Hachem was present and sworn in prior to addressing the Board. He was represented by his attorney, Ed Bayo', Esquire.

Mr. Burke recused himself because he was on the Probable Cause Panel and had previously heard this case. Ms. Young recused herself due to a potential conflict of interest.

Mr. Creehan outlined the basis for this complaint. The complaint was filed by John Abbott, Code Compliance Specialist for the City of Coral Gables. Mr. Abbott alleged the respondent signed and sealed plans for a partial demolition and remodel of single family residence in Coral Gables that were seriously deficient.

The case went to the Probable Cause Panel on September 16, 2008 and a one count Administrative Complaint was filed on September 26, 2008

charging the Respondent with one count of negligence in the practice of engineering. On March 20, 2009, the Respondent requested an informal hearing in response to the Administrative Complaint.

Recommendation: That the Board assess the following discipline;: a reprimand, a \$1,000.00 administrative fine, costs of \$1,325.00; and Respondent to be placed on probation for a period of one year with plan review at 6 months; Board approved course in Engineering Professionalism and Ethics; study guide; and in his appearance here before the Board to explain what quality control changes he has made in his practice following his previous Letter of Guidance; and in light of this Administrative Complaint what further changes does he plan to institute to continue improving his practice.

Note 1: The Panel's recommendation from two year's probation has been reduced to one year based on the Respondent not having a prior disciplinary history and have not been afforded an opportunity to respond or "cure" the concerns the City of Coral Gables had with the project unlike most engineers enjoy in similar situations.

Note 2: A review of the PCP meeting at the time in which the Panel recommended sentencing, it was their mistaken belief that there were *two* counts of negligence instead of *one* and this went uncorrected at that time. The Panel had suggested \$1,000.00 per count, thus the suggested recommendation has been reduced to reflect the action.

Mr. Bayo' addressed the Board. He noted Dr. Hachem's years of experience and education and pointed out he had no previous disciplinary history.

Mr. Bayo' argued this case was predicated on the abuse of government.

After discussion, the Board took the following action:

Upon motion by Dr. Bauer, seconded by Mr. Wallis, the Findings of Fact set forth in the Administrative Complaint were adopted as the Board's Findings of Fact.

Mr. Bayo' noted that Mr. Hachem voluntarily agreed to pay all costs associated with this case. He further noted that the Conclusions of Law in the Administrative Complaint do not support a violation and requests that this matter be dismissed.

After further discussion, the Board took the following action:

Upon motion by Mr. Halyard seconded by Dr. Earle the voluntary payment of costs was accepted and the case was dismissed.

S. Recommended Order

- #5. Vermaas, Gary, P.E.
PE 34761
FEMC Case Number 2007009877
Probable Cause Panel: Rebane, Seckinger

Mr. Vermaas was not present at the Board Meeting.

Ms. Loucks asked and it was confirmed all members had read the entire record.

Upon motion by Mr. Wallis seconded by Dr. Bauer, the Findings of Fact were adopted.

Mr. Burke noted there were two things to be taken from this case. First, the Board might want to review the post-tension concrete responsibility rules as well as to be more cautious when choosing Board consultants. Dr. Panigrahi noted the need to give experts specific instructions.

Upon motion by Mr. Wallis seconded by Ms. Garcia, the Conclusions of Law were adopted.

Upon motion by Mr. Wallis seconded by Dr. Earle, the Recommended Order was adopted and the case was dismissed.

T. Old Business

- #1. Ratification of the actions of the Educational Advisory & Application Review Committees held March 18, 2009 and April 8-9, 2009

It was noted that on page 16 and 17 of the ratification minutes, several blanks where no initials were placed on the list. Staff should enter the information.

Upon motion by Dr. Bauer, seconded by Ms. Garcia, the ratification list was approved, with changes noted. The motion passed.

U. New Business

V. Public Forum

W. Community Involvement

Ms. Garcia mentioned that the Board recently discussed ways to get kids involved in engineering. Mr. Geer, FES and FICE donated money to allow inner city kids

to attend an engineering robotics camp. They are really moving to try and get this problems addressed at an early level.

X. Adjourn

**Florida Board of Professional Engineers
Rules Committee Minutes
March 11, 2015
8:30a.m. – FBPE Board Office
2639 N. Monroe St., Ste. B-112
Tallahassee, FL**

1. Call to Order

Mr. Fiorillo called the meeting to order. Ms. Sammons called roll.

2. Roll Call, Determination of Quorum and Address Absences

Committee Members Present:

Anthony Fiorillo, P.E., Vice Chair
Warren Hahn, P.E.
Roland Dove, P.E.

Others:

Michael Flury, Sr. Assistant Attorney General, Board Counsel

Staff Present:

Zana Raybon, Executive Director
John Rimes, Prosecuting Attorney
Rebecca Sammons, Executive Assistant

Committee Members Absent:

William Bracken, P.E., Chair

Upon motion by Mr. Hahn, seconded by Mr. Dove, the absence of Mr. Bracken was excused.
The motion passed.

3. Introduction of Guests and Announcements

Wendy Anderson, FBPE Investigator

4. Review/Open Rule 61G15-22.0105 – **Continuing Education – (Ethics Course Requirement - HB 713 – Continuing Education Requirements)**

Mr. Flury discussed the proposed change to Rule 61G15-22.0105. **Mr. Flury stated that new changes are for Section 5 a and b only.**

61G15-22.0105 Approval of Continuing Education Courses in Laws and Rules and Courses in Professional Ethics.

Each course provider approved by the Board to conduct courses in Florida Laws and Rules and courses in Professional Ethics must meet the requirements of Rule 61G15-22.011, F.A.C., and shall submit an application for approval of a continuing education course in Laws and Rules or in Professional Ethics. The application shall be submitted on the course approval application provided by the Board and shall include the following:

(1) Course materials, including the course syllabus and a detailed outline of the contents of the course;

(2) The total number of classroom or interactive distance learning continuing education professional development hours; and

(3) For courses in Laws and Rules, course content that shall include:

(a) Changes to Chapters 455 and 471, F.S., and rules adopted, amended or repealed during the immediately preceding biennium;

~~(b) Changes to Chapters 455 and 471, F.S., made by the legislature during the preceding biennium;~~

~~(c) Case law concerning Chapter 471, F.S.;~~

~~(d) A list of resources used to develop the course content;~~

(4) Course content may also include:

~~(a) Application of the provisions of Chapter 471, F.S., to individual disciplinary cases and unlicensed practice cases during the immediately preceding biennium.~~

(b) The laws and rules of the Board pertaining to signing and sealing, responsibility rules, certification and responsible charge.

(5) For courses in Professional Ethics, course content that shall include:

(a) The Code of Ethics as set forth by the National Society of Professional Engineers (NSPE), American Society of Civil Engineers (ASCE), or another national or state professional engineering association or society; and

(b) The application of professional ethics to decision making through hypothetical or illustrative examples.

~~(6)~~(4) Qualifications of the instructor(s), including a curriculum vitae of the instructor(s), which must demonstrate knowledge of the subject matter and one of the following:

(a) Licensure as a professional engineer;

(b) Licensure as an attorney in the State of Florida.

~~(7)~~(5) A provider making application to offer interactive distance learning must also submit documents indicating the following:

(a) The means by which the course will demonstrate the ability to interact between the student and course provider by providing answers to inquiries within two business days. The interaction must promote student involvement, and demonstrate that the course measures learning and addresses comprehension of content at regular intervals;

(b) The means by which the course provider is able to monitor student enrollment, participation and course completion;

(c) The means by which the course provider will be able to satisfactorily demonstrate that stated course hours are consistent with the actual hours spent by each student to complete the course;

(d) The means by which the provider will assure qualified instructor(s) will be available to answer questions and provide students with necessary support during the duration of the course; and

(e) That the student will be required to complete a statement that indicates that he/she personally completed each module/session of instruction.

~~(8)(6)~~ Continuing education course approval is valid for the biennium during which it was approved, provided no substantial change is made in the course and the approval status of the provider has not expired or been suspended or revoked. Substantial changes made in any course will require a new approval of that course. A provider must reapply for course approval ninety (90) days prior to the date of the end of the biennium which would be the expiration of course approval in order to prevent a lapse in course approval.

~~(9)(7)~~ If a course is approved, the board shall assign the course a number. The course provider shall use the course number in the course syllabus, in all other course materials used in connection with the course and in all written advertising materials used in connection with the course.

Upon motion by Mr. Hahn, seconded by Mr. Dove, the proposed rule amendment to 61G15-22.0105 was approved. The motion passed.

Mr. Flury asked if the proposed amendment to Rule 61G15-22.0105 would have an adverse impact on small business or is likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate.

Upon motion by Mr. Dove, seconded by Mr. Hahn, the proposed amendment to Rule 61G15-22.0105 will have no adverse impact on small business. The motion passed.

5. Review/Open Rule 61G15-18.011—Definitions – Define Marine Engineer (sent back to committee from the Feb. 2015 FBPE Board Meeting)

Mr. Flury discussed the proposed rule amendment to Rule 61G15-18.011.

61G15-18.011 Definitions.

As used in Chapter 471, F.S., and in these rules where the context will permit the following terms have the following meanings:

(1) – (5) No change.

(6) The term “traffic engineering” involves the use of engineering principles and methodologies to carry-out operational analyses of land transportation facilities serving pedestrian, bicycle, and vehicular transit. Traffic engineering also includes the completion of detailed roadway, intersection, and parking lot designs, including the selection and implementation of all traffic control devices. In addition, traffic engineering includes the development and application of engineering standards to be used in the

evaluation or design of ground transportation facilities. The following list of traffic engineering tasks shall be completed under the responsible charge of a licensed professional engineer. All resulting reports, construction drawings and plans shall be signed and sealed by the engineer in responsible charge.

(a) Operational Analysis or Design Analysis, which rely on actual, site-specific roadway, intersection or traffic signal data (such as hourly traffic volumes, peak hour factors, truck percentages, g/c ratios and signal phasing) shall be done by or completed under the direction of a professional engineer. This includes all traffic engineering simulation programs and any roadway or intersection analysis other than those conducted at the planning level. The Highway Capacity Manual provides detailed descriptions of Operational Analysis, Design Analysis and Planning Analysis for various transportation facilities. Planning Analysis differs from Operational Analysis and Design Analysis in that it incorporates estimated or default input values into the analysis in order to determine facility operation for a future time horizon.

(b) Detailed design that involves the preparation of scaled construction drawings or maintenance plans including temporary maintenance of traffic.

(c) The development of traffic engineering designs that contain specific numerical requirements that can only be evaluated through an engineering analysis.

(d) Any roadway or intersection operational analysis, including capacity and level of service analyses, other than those conducted at the planning level.

(e) The calculation of queue lengths or the determination of turn lane lengths, other than those determined during the planning stage.

(f) The application or interpretation of engineering standards and documents, including the latest edition of: The FHWA's Manual on Uniform Traffic Control Devices (MUTCD), AASHTO's Geometric Design of Highways and Streets (aka AASHTO Green Book), AASHTO's Roadside Design Guide, AASHTO's Roadway Lighting Design Guide, FDOT's Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (aka Florida Green Book), FDOT's Intersection Design Guide, FDOT's Traffic Engineering Manual, FDOT's Manual on Uniform Traffic Studies, and FDOT's Design Standards.

(g) Any warrant evaluation that includes: traffic signal warrants, all-way stop control warrants, and turn lane warrants.

(h) The use of site-specific traffic signal timings and any task that results in traffic signal timing or phasing recommendations.

(i) Traffic signal design or timing.

(j) Sight distance calculations and analysis.

(k) No passing zone analysis or design.

(l) Roadway signing or pavement marking design for both public and private roadways.

(m) Work zone traffic control design; including the modification of any previously developed work zone traffic control plans and the application of standard FDOT drawings to specific sites.

(n) The preparation of construction drawings, including the dimensions and specifications, for traffic calming modifications to any roadway open to public travel. Also included is any speed study, road closure study, intersection analysis, or other traffic operational analysis used to support a traffic calming recommendation.

(o) Access management tasks involving deviations from established criteria and standards. Variations from the established standards for driveway location, median opening location and type (full vs. directional), or traffic signal spacing shall be based on a detailed traffic operational analysis.

(p) Roadway lighting analysis and design, including light level computations and lighting justification reports.

(q) Review of equipment submittals for all design listed in this rule.

(r) Detailed design of both public and private parking facilities.

(7) The term “marine engineer” as used in Section 471.031(b), F.S. shall mean a person who uses engineering principles and methodologies in the design of piers, docks, retaining walls, and other marine structures. Marine engineering shall not encompass the design of marine vessels.

Discussion followed on the proposed language.

Upon motion by Mr. Hahn, seconded by Mr. Dove; the proposed language was approved as amended:
(7) The term “marine engineer” as used in Section 471.031(b), F.S. shall mean a person who uses engineering principles and methodologies in the design of piers, docks, retaining sea walls, and other marine structures as governed by the Florida Building Code. Marine engineering shall not encompass the design of marine vessels except floating residential units as defined in Section 202 of the Florida Building Code.

Mr. Flury asked if the proposed amendment to Rule 61G15-18.011 would have an adverse impact on small business or is likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate.

Upon motion by Mr. Dove, seconded by Mr. Hahn, the proposed amendment to Rule 61G15-18.011 will have no adverse impact on small business. The motion passed.

6. Old Business

Ms. Raybon reported on an email that the Board received dealing with CE Providers and a class that is offered by a provider that this individual thought should be tougher. Discussion followed. Staff was instructed to place this email on the April FBPE Board Meeting agenda.

7. New Business

Discussion followed on trying to define “software engineer” and “systems engineer.”

8. Adjourn

**Minutes for
The Florida Board of Professional Engineers
April 8, 2015 beginning at 1:00 p.m. or soon thereafter and
April 9, 2015 beginning at 8:30 a.m., or soon thereafter
The Shores Resort
Daytona Beach Shores, Florida**

Part I – Wednesday, April 8, 2015

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

Mr. Bracken called the meeting to order. Ms. Raybon called roll.

- B. Roll Call, Determination of Quorum, and Address Absences.

Board Members Present:

William Bracken, P.E., S.I., Chair
Anthony Fiorillo, P.E., S.I., Vice Chair
Roland Dove, P.E.
Kevin Fleming, P.E.
Warren Hahn, P.E.
John Pepper, P.E., S.I.
Michelle Roddenberry, Ph.D., P.E.
Kenneth Todd, P.E.
Babu Varghese, P.E., S.I.
Vivian Boza, Public Member
Elizabeth Howard, Public Member



Attorney General's Office:

Michael Flury, Sr. Assistant Attorney General, Counsel to the Board

Staff Members Present:

Zana Raybon, Executive Director
John J. Rimes, III, Chief Prosecuting Attorney
Rebecca Sammons, Executive Assistant

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

Charlie Geer, FES
Kimberlee DeBosier, P.E., FEMC Board Member
Zuly Garcia, Bracken Engineering
Randall Manning, Bracken Engineering

Keit Nguyen, Bracken Engineering
Bill Palm, Engineering Educators

D. Approval of the Agenda

Upon motion by Mr. Hahn, seconded by Mr. Todd, the agenda was approved. The motion passed.

E. Approval of Consent Agenda

(Items denoted with an asterisk are included in the Consent Agenda*)

Upon motion by Mr. Dove, seconded by Mr. Hahn, the consent agenda was approved. The motion passed.

#1. Minutes from the February 11-12, 2015 FBPE Board Meeting*

Approved under consent agenda.

#2. Minutes from February 11, 2015 FBPE & BOAID Joint Meeting*

Approved under consent agenda.

#3. Minutes from March 20, 2015 FBPE Ratification Conference Call*

Approved under consent agenda.

F. Committee Reports

#1. Probable Cause Panel (**Next Meeting: May 12, 2015 at 1pm by conference call**)

(Anthony Fiorillo, P.E., S.I., Chair; John Pepper, P.E.; Bob Matthews, P.E.)
(Alternate Current Board Member: Kenneth Todd, P.E.; Alternate Past Board Member: Richard Wohlfarth, P.E.)

(a) PCP Memo from March 10, 2015 Meeting*

Approved under consent agenda.

Mr. Rimes discussed the recommendation of the Probable Cause Panel that a Subject to a complaint be informed in the original notification letter that a complaint has been filed against the Subject, that the Subject has a right to the final Investigative Report (and the subsequent 20 days' time in which to file a response to that final Investigative Report) prior to the Probable Cause Panel Meeting at which the Subject's case will be heard.

Upon motion by Mr. Todd, seconded by Mr. Hahn, the recommendation of the Probable Cause Panel of informing the respondent of his or her rights was accepted. The motion passed.

#2. Applications Experience Committee **(Next Meeting: May 12, 2015 at 10am by conference call)**

(Warren Hahn, P.E., Chair; William Bracken, P.E.; Roland Dove, P.E.; Anthony Fiorillo, P.E.; John Pepper, P.E.; Kenneth Todd, P.E.)

(a) Committee Chair's Report.

No Report.

#3. Education Experience Committee **(Next Meeting: May 12, 2015 at 8:30am by conference call)**

(Michelle Roddenberry, Ph.D., P.E., Chair; Anthony Fiorillo, P.E.; Kenneth Todd, P.E.) (Alternate Member: Vivian Boza, Public Member)

(a) Committee Chair's Report.

No Report.

#4. Education Rules Committee **(Next Meeting: April 9, 2015 following the conclusion of the FBPE Board Meeting)**

(Michelle Roddenberry, Ph.D., P.E., Chair; Anthony Fiorillo, P.E.; Kenneth Todd, P.E.; Vivian Boza, Public Member; Elizabeth Howard, Public Member)

(a) Committee Chair's Report.

Dr. Roddenberry reported on the objectives of the committee.

#5. FBPE Rules Committee **(Next Meeting: July 15, 2015, at 8:30am)**

(William Bracken, P.E., S.I., Chair; Roland Dove, P.E.; Anthony Fiorillo, P.E., S.I.; Warren Hahn, P.E.)

(a) Committee Chair's Report.

(b) Minutes from March 11, 2015 Meeting

Mr. Bracken reported on the Rules Meeting.

Upon motion by Mr. Hahn, seconded by Mr. Todd, the Rules Minutes were approved. The motion passed.

(c) Proposed Rule Amendment to Rule 61G15-18.011-Definitions
(Exhibit F#4c)

Mr. Bracken discussed the reason for the presentation of proposed rule amendment to the Board.

Mr. Flury discussed the proposed rule amendment to Rule 61G15-18.011 – Definitions:

61G15-18.011 Definitions.

As used in Chapter 471, F.S., and in these rules where the context will permit the following terms have the following meanings:

(7) The term “marine engineer” as used in Section 471.031(b), F.S. shall mean a person who uses engineering principles and methodologies in the design of piers, docks, sea walls, and other marine structures governed by the Florida Building Code. Marine engineering shall not encompass the design of marine vessels, except for floating residential units as defined in Section 202 of the Florida Building Code.

Discussion followed on the proposed rule amendment.

Upon motion Mr. Fiorillo, seconded by Mr. Hahn, the proposed rule amendment was approved with the change as follows: (7) The term “marine engineer” as used in Section 471.031(b), F.S. shall mean a person who uses engineering principles and methodologies in the design of piers, docks, sea walls, **or** other marine structures governed by the Florida Building Code. Marine engineering shall not encompass the design of marine vessels, except for floating residential units as defined in Section 202 of the Florida Building Code. The motion passed.

Mr. Flury asked if the proposed amendment to Rule 61G15-18.011 would have an adverse impact on small business or is likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate.

Upon motion by Mr. Bracken, seconded by Dr. Roddenberry, the proposed amendment to Rule 61G15-18.011 will have no adverse impact on small business. The motion passed.

(d) Proposed Rule Amendment to Rule 61G15-22.0105-Approval of Continuing Education Courses in Laws and Rules and Courses in Professional Ethics.

Mr. Bracken stated that this rule change is a result of the 2014 Legislative Session, which changed Florida Statute 471.

Mr. Flury discussed the proposed amendment to Rule 61G15-22.0105: (Mr. Flury stated that the new language is in red)

61G15-22.0105 Approval of Continuing Education Courses in Laws and Rules and Courses in Professional Ethics.

Each course provider approved by the Board to conduct courses in Florida Laws and Rules and courses in Professional Ethics must meet the requirements of Rule 61G15-22.011, F.A.C., and shall submit an application for approval of a continuing education course in Laws and Rules or in Professional Ethics. The application shall be submitted on the course approval application provided by the Board and shall include the following:

(1) Course materials, including the course syllabus and a detailed outline of the contents of the course;

(2) The total number of classroom or interactive distance learning continuing education ~~professional development~~ hours; and

(3) For courses in Laws and Rules, course content that shall include:

(a) Changes to Chapters 455 and 471, F.S., and rules adopted, amended or repealed during the immediately preceding biennium;

(b) Changes to Chapters 455 and 471, F.S., made by the legislature during the preceding biennium;

(c) Case law concerning Chapter 471, F.S.;

~~(b)(d)~~ A list of resources used to develop the course content;

(4) Course content may also include:

~~(a)(e)~~ Application of the provisions of Chapter 471, F.S., to individual disciplinary cases and unlicensed practice cases during the immediately preceding biennium.

(b) The laws and rules of the Board pertaining to signing and sealing, responsibility rules, certification and responsible charge.

(5) For courses in Professional Ethics, course content that shall include:

(a) The Code of Ethics as set forth by the National Society of Professional Engineers (NSPE), American Society of Civil Engineers (ASCE), or another national or state professional engineering association or society; and

(b) The application of professional ethics to decision making through hypothetical or illustrative examples.

~~(6)(4)~~ Qualifications of the instructor(s), including a curriculum vitae of the instructor(s), which must demonstrate knowledge of the subject matter and one of the following:

(a) Licensure as a professional engineer;

(b) Licensure as an attorney in the State of Florida.

~~(7)(5)~~ A provider making application to offer interactive distance learning must also submit documents indicating the following:

(a) The means by which the course will demonstrate the ability to interact between the student and course provider by providing answers to inquiries within two business days. The interaction must promote student involvement, and demonstrate that the course measures learning and addresses comprehension of content at regular intervals;

(b) The means by which the course provider is able to monitor student enrollment, participation and course completion;

(c) The means by which the course provider will be able to satisfactorily demonstrate that stated course hours are consistent with the actual hours spent by each student to complete the course;

(d) The means by which the provider will assure qualified instructor(s) will be available to answer questions and provide students with necessary support during the duration of the course; and

(e) That the student will be required to complete a statement that indicates that he/she personally completed each module/session of instruction.

~~(8)(6)~~ Continuing education course approval is valid for the biennium during which it was approved, provided no substantial change is made in the course and the approval status of the provider has not expired or been suspended or revoked. Substantial changes made in any course will require a new approval of that course. A provider must reapply for course approval ninety (90) days prior to the date of the end of the biennium which would be the expiration of course approval in order to prevent a lapse in course approval.

~~(9)(7)~~ If a course is approved, the board shall assign the course a number. The course provider shall use the course number in the course syllabus, in all other course materials used in connection with the course and in all written advertising materials used in connection with the course.

Discussion followed on the proposed amendment and the feedback that the Board office has received on the proposed amendment.

Dr. Roddenberry proposed the following rule amendment as follows:

(5) For courses in Professional Ethics, course content that shall include:

(a) Codes of ethics or other guidelines for decision making as applied to the practice of engineering;

(b) The importance of ethics as a broad professional concern rather than a personal one;

(c) The engineer's obligations to society, clients, and the profession;

(d) Ethical dilemmas encountered in engineering practice; and/or

(e) The application of professional ethics to decision making through hypothetical or illustrative examples.

Discussion followed on this proposed change.

Dr. Roddenberry presented a proposed change to the rule amendment as follows:

(5) For courses in Professional Ethics, course content that shall include one or more of the following:

- (a) Codes of ethics or other guidelines for ethical decision making as applied to the practice of engineering;
- (b) The importance of ethics as a broad professional concern rather than a personal one;
- (c) The engineer's obligations to society, clients, and the profession;
- (d) Ethical dilemmas encountered in engineering practice; or
- (e) The application of professional ethics to decision making through hypothetical or illustrative examples.

Upon motion by Mr. Hahn, seconded by Ms. Boza, the proposed rule amendment to Rule 61G15-22.0105 was approved as follows:

(5) For courses in Professional Ethics, course content that shall include one or more of the following:

- (a) Codes of ethics or other guidelines for ethical decision making as applied to the practice of engineering;
- (b) The importance of ethics as a broad professional concern rather than a personal one;
- (c) The engineer's obligations to society, clients, and the profession;
- (d) Ethical dilemmas encountered in engineering practice; or
- (e) The application of professional ethics to decision making through hypothetical or illustrative examples.

The motion passed.

Mr. Flury asked if the proposed amendment to Rule 61G15-22.0105 would have an adverse impact on small business or is likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate.

Upon motion by Mr. Fiorillo, seconded by Mr. Hahn, the proposed amendment to Rule 61G15-22.0105 will have no adverse impact on small business. The motion passed.

#6. Joint Engineer/Architect Task Force

(William Bracken, P.E., S.I., Chair; Warren Hahn, P.E.; John Pepper, P.E., S.I.)

- (a) Committee Chair's Report.

(b) Email from Chair of Architect and Interior Design Board – Re: Setting Date for 1st Task Force Meeting

Mr. Bracken stated that he will have staff work with the Chairman of the Architect and Interior Design Board on some possible dates for the first task force meeting.

G. NCEES

(William Bracken, P.E., FBPE Liaison)

#1. Candidates for NCEES President and NCEES Treasurer

Provided for informational purposes.

#2. Candidate for NCEES Southern Zone VP

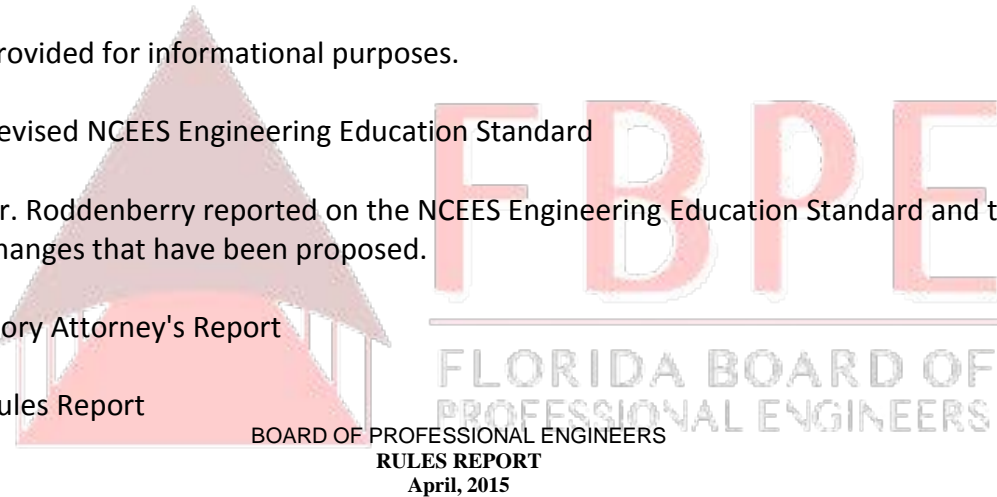
Provided for informational purposes.

#3. Revised NCEES Engineering Education Standard

Dr. Roddenberry reported on the NCEES Engineering Education Standard and the changes that have been proposed.

H. Advisory Attorney's Report

#1. Rules Report



| Rule No. | Title | Sent to OFARR | Development Published | Notice Published | Adptd. | Effective |
|----------|-------|---------------|-----------------------|------------------|--------|-----------|
|----------|-------|---------------|-----------------------|------------------|--------|-----------|

The following rules are **IN PROCESS**:

| | | | | | | |
|---------------|---|----------|----------|----------|--|---|
| 61G15-20.0010 | Application for licensure by Examination | 03/04/15 | 03/10/15 | | | |
| 61G15-20.0015 | Application for licensure by Endorsement | 03/04/15 | 03/10/15 | 03/27/15 | | |
| 61G15-31.006 | Design of Structural Systems Utilizing Joist /Girders | 03/04/15 | 03/10/15 | 03/27/15 | | |
| 61G15-32.004 | Design of Water Based Fire Protection Systems | 03/17/15 | | 03/18/15 | | |
| 61G15-32.004 | Design of Water Based Fire Protection Systems | 03/12/14 | 03/18/14 | 04/02/14 | | (JAPC ltr rcv'd 04/07/14; rule tolled 6/20/14; WITH DRAWN 03/10/15) |

| | | | | |
|--------------|--|---------|----------|---|
| 61g15-35.003 | Qualification Program for Special Inspectors of Threshold Building | 07/30/3 | 08/27/13 | (Rule tolled 11/01/13; NOC published 3/18/14, 07/23/14; WITHDRAWN 03/10/15) |
| 61G15-35.004 | Common Requirement to All Engineers Providing Threshold Building Inspections | | | |

The following rules have been **ADOPTED**:

Mr. Flury and Mr. Rimes briefed the Board on the NC Dental case before the FTC and the ramifications it might have on this Board and the steps that the Board might want to take in the future to make sure they are not in the same position as the board in NC.

I. Executive Director’s Report

#1. Application for Retired Status*

Approved under consent agenda.

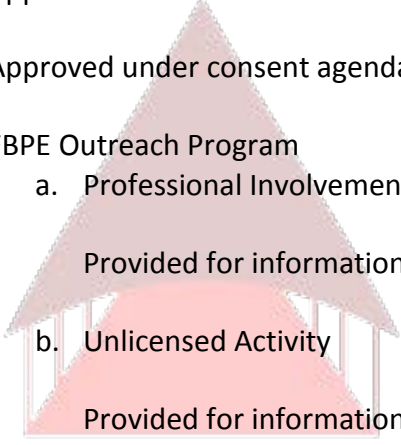
#2. FBPE Outreach Program

a. Professional Involvement

Provided for informational purposes.

b. Unlicensed Activity

Provided for informational purposes.



#3. Request for articles from IEEE Magazine

Ms. Raybon mentioned the request from the magazine for Board members to submit an article. Discussion followed on this and a proposal was made to allow IEEE permission to reprint an article from the FBPE Newsletter. Mr. Bracken suggested an applicant who is in the process of being licensed would be a great person to write the article.

#4. 2015 FBPE/FEMC Meeting Calendar

Provided for Informational Purposes.

J. Chief Prosecutor’s Report

#1. 300 day report

Provided for Informational Purposes.

#2. Profile of legal cases by year

(a) Cases open for 1 year plus

Provided for Informational Purposes.

(b) Total open cases by year

Provided for Informational Purposes.

K. Engineering Association and Society Reports

#1. FES

Mr. Geer reported on the SE Licensure bill before the Legislature and the status of the bill, as well a public records bill that FES is following.

#2. FSEA

No Report.

L. Chair's Report

#1. FBPE Goals & Objectives

Provided for informational purposes.

#2. FBPE Committee Listing

Mr. Bracken appointed Mr. Fleming to the Experience Committee and Ms. Howard to the Education Committee and the Education Rules Committee.

#3. Report on Meeting with Building Code Administrators and Inspectors Board and Board of Architecture and Interior Design

Provided for informational purposes.

M. Action Items from Previous Board Meetings

#1. Email from Dennis Barton – Re: Advertisement for Building Code Course approved by FBPE

#2. Email from Aaron Beidenbach, P.E. – Re: Electronic Signature

#3. Email from Xairo Ray, EI - Re: EI to PE Loop Hole

#4. Email from Joe DeReuil – Re: Authorized Representative Rule 61G15-34.004(2)

N. Correspondence to the Board

#1. Email from Mr. Richard Fiola, P.E. – Re: Continuing Education

Mr. Bracken discussed the email request from Mr. Fiola. The Board instructed staff to respond that the Board approves providers and not courses.

#2. Email from Mr. Dennis Barton – Re: New Ethics Rule

This issue was addressed under the Rules Committee with the proposed rule amendment to Rule 61G15-22.0105.

#3. Email from Mr. Randall Howard, P.E. - Re: Potential violations of legal and ethical guidelines for engineers

Mr. Bracken discussed this issue and requested that Board members to review the email and further discuss it at the June 2015 FBPE Agenda for possible action.

#4. Letter from Mr. Wayne Dunn, P.E. & Mr. David Venters, P.E – Re: Signing, Dating and Sealing of Commissioning Submittals

Mr. Dunn and Mr. Venters addressed the board on the issue of commissioning submittals.

Discussion followed on this.

Mr. Bracken and Mr. Rimes will respond to their letter.

#5. Email from Mr. Jon Draper – Re: Continuing Education

The Board instructed staff to respond that the Board approves providers.

#6. Email from Mr. William Dumbaugh – Re: FBC CCE Workgroup Options

Ms. Raybon stated she received a call from Mr. Dumbaugh and he stated it was his understanding that the Board endorsed this supplement. Ms. Raybon responded to Mr. Dumbaugh that she had not heard of this. Discussion followed. The Board instructed staff to respond that we have no opinion on this.

Ms. Raybon asked the Board about a letter from company from Alabama who would like to use the title “tire engineer” and would that be allowed in Florida.

Discussion followed. The Board instructed staff respond stating that “tire engineer” is not a protected title in Florida.

Part II Informal Hearing Agenda (Thursday, April 9, 2015)

Review of FBPE Mission and Scope:

FBPE’s Mission: To protect the health and safety of the public by properly regulating the practice of engineering within the State of Florida.

FBPE’s Scope: To meet its statutory obligation and exercise its legislative authority by reviewing and approving engineering applications; managing, updating and enforcing the rules that govern the practice of engineering and to guard against the unlicensed practice of engineering within the State of Florida.

Description of Educational Committee Process by Michelle Roddenberry, Ph.D., P.E.

O. Ratification of Actions from Application Review, April 8, 2015

Upon motion by Mr. Todd, seconded by Mr. Hahn, on page 2, the ratification list as amended for applicants Worsham and Riley was approved. The motion passed.

P. I Informal Hearing on Denial of Application for Principle and Practice Examination

#1. Khalil Campbell (Exhibit P#1)

Mr. Campbell was present and sworn in prior to addressing the Board.

Mr. Flury outlined the basis of the denial of Mr. Campbell’s application. Mr. Campbell has a B.S. Degree in Industrial System Engineering from Binghamton University on 05/21/2006. Mr. Campbell applied to sit for the Principles & Practice Examination. Mr. Campbell’s application was denied by the Board on 01/13/2015 because applicant has not demonstrated 4 years of verified engineering experience. Mr. Campbell returned his Election of Rights with a request for Supplement and Informal Hearing on 02/20/2015.

Mr. Campbell's application was reviewed again on 03/10/2015. It was determined that Mr. Campbell will need to appear before Board to explain/verify experience.

Discussion followed on Mr. Campbell's experience.

Mr. Campbell addressed the Board.

Upon motion by Mr. Todd, seconded by Mr. Hahn, the application for Mr. Campbell's application was tabled until June 2015 to allow him time to provide verified employment/experience sheets. The motion passed.

Q. Informal Hearing on Denial of Application for Licensure by Endorsement

#1. Ronnie Neal

Mr. Neal was present and sworn in prior to addressing the Board.

Mr. Flury went over the basis for denial of Mr. Neal's application. Mr. Neal holds a BS in Mechanical Engineering Technology. The denial of the application is based upon education as Mr. Neal does not hold an Engineering Degree.

Mr. Neal addressed the Board.

Discussion followed.

Upon motion by Mr. Todd, seconded by Mr. Fiorillo, the denial of the application of Mr. Neal is upheld. The motion passed.

#2. Usama El Shamy

Mr. El Shamy was present and sworn in prior to addressing the Board.

Mr. Flury outlined the basis for denial of Mr. El Shamy's application. Mr. El Shamy holds a BS and an MS in Civil Engineering from Alexandria University in Egypt. The denial of the application is education.

Mr. El Shamy addressed the Board.

Discussion followed.

Upon motion by Dr. Roddenberry, seconded by Mr. Dove, the application of Mr. El Shamy was continued until August 2015 Board meeting to allow him to take the necessary coursework to clear his deficiency of Probability and Statistics. The motion passed.

#3. Jeffrey Sanders

Mr. Sanders was present and sworn in prior to addressing the Board.

Mr. Flury explained the basis for denial of Mr. Sanders' application. Mr. Sanders holds a BS Engineering Physics from LeHigh University. The denial of the application is education. Mr. Sanders lacks 34hrs. Engineering Sciences & Design and Prob. & Stats. course.

Mr. Sanders addressed the Board.

Discussion followed.

Upon motion by Dr. Roddenberry, seconded by Mr. Fiorillo, the application for Mr. Sanders was continued to allow him to supplement his verification of experience from 1992 to 2004 to evidence 20 years of experience.

R. Board Appearance on Application for Licensure by Endorsement

#1. David Morin (Exhibit R#1)

Mr. Morin was present and sworn in prior to addressing the Board.

Mr. Flury explained that Mr. Morin was asked to appear so that he could explain his experience.

Mr. Pepper stated that he wanted Mr. Morin to explain the gaps in his experience.

Mr. Morin addressed the Board.

Upon motion by Mr. Pepper, seconded by Mr. Hahn, the application for Mr. Morin was approved. The motion passed.

S. Petition for Waiver and Variance

#1. Sivakumar Munuswamy

Dr. Munuswamy was present and sworn in prior to addressing the Board.

Mr. Flury stated that Dr. Munuswamy was before the board on a petition for waiver and variance of Rule 61G15-20.007 and the denial of his application based on his educational deficiencies.

Dr. Munuswamy addressed the Board

Discussion followed.

Upon motion by Mr. Hahn, seconded by Mr. Pepper, to approve the petition based on his experience and his teaching experience and his established position within the profession that would allow him to the FE Exam and he would not need to have his education reviewed again to take his PE Exam.

Discussion followed on Dr. Munuswamy's options for taking the FE Exam.

Dr. Munuswamy stated that he would not accept a conditional approval.

Mr. Pepper withdrew his second.

The motion died.

Upon motion by Mr. Fiorillo, seconded by Mr. Dove, the petition is denied. Mr. Hahn and Mr. Pepper opposed. The motion passed.

T. Reconsideration of Special Inspector Application

#1. James Brunetti

Mr. Flury went over the application for Mr. Brunetti and stated that Mr. Brunetti originally appeared the Board in February 2015 and the Board asked Mr. Brunetti to provide more detailed experience.

Mr. Brunetti was present along with his counsel, Ms. Henderson. Mr. Brunetti was sworn in prior to addressing the Board.

Mr. Brunetti addressed the Board.

Ms. Henderson addressed the Board.

Discussion followed.

Upon motion by Mr. Fiorillo, seconded by Mr. Pepper, the Special Inspector application for Mr. Brunetti was approved. The motion passed. (Dr. Roddenberry was not present for the vote.)

Part III Disciplinary Hearings

(Thursday, April 9, 2015)

U. Settlement Stipulation

#1. GREGORY GAINER, P.E.
P.E. Number: 70885
FEMC Case Number: 2013021400
Probable Cause Panel Date: July 15, 2014
Probable Cause Panel: Roddenberry & Pepper
Represented by: David P. Rankin, Esquire
Law Office of David P. Rankin

Mr. Gainer was present and sworn in prior to addressing the board.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), Florida Administrative Code: Engaging in negligence in the practice of engineering; Rule 61G15-23.002(7), Florida Administrative Code: Sealing and signing preliminary engineering documents without so noting on the documents; Failure to note the preliminary nature of plans.

The Probable Cause Panel Recommendation was Administrative Complaint; Reprimand, Administrative Fine of \$1,000.00; Administrative Costs of \$3,960.75; Probation for 2 years from the date of filing the Final Order with the Department of Business and Professional Regulation ("Agency") Clerk; Project/Plan Reviews at 6 and 18 month intervals from the date of filing of the Final Order with Agency Clerk; Successful Completion of the Advanced Course in Engineering Professionalism and Ethics which has been approved by the Florida Board of Professional Engineers ("Board"); Successful completion of the Board-approved Study Guide; Appearance before the Board to explain how this situation occurred and what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future.

The Administrative Complaint Recommendation is a Reprimand, Administrative Fine of \$500.00 and Administrative Costs of \$2,960.75 to be paid to the Board within six (6) months of the date that the Final Order adopting this Settlement Stipulation is filed with the Agency Clerk; Respondent's license shall be RESTRICTED from creating, producing, or certifying any engineering documents relating to electrical engineering, encompassing all engineering work that is subject to Rule 61G15-33, until such time that he takes and passes and submits proof of passing the NCEES ELECTRICAL ENGINEERING EXAM. The RESTRICTION on electrical engineering. The term "electrical engineering" as used herein encompasses all engineering work that is subject to Rule 61G15-33 "RESPONSIBILITY RULES OF PROFESSIONAL ENGINEERS CONCERNING THE DESIGN OF ELECTRICAL SYSTEMS"; Successful completion of the Board-approved Study Guide; Appearance

before the Board to explain how this situation occurred and what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future.

Upon motion by Mr. Todd, seconded by Mr. Dove, the settlement stipulation was accepted. The motion passed.

#2. JACQUELINE JAMES, P.E.
P.E. Number: 66579
FEMC Case Number: 2014039414
Probable Cause Panel Date: January 13, 2015
Probable Cause Panel: Roddenberry, Matthews & Pepper

Ms. James was not present. Mr. Rimes stated that Ms. James was required to attend the Board meeting.

The case was tabled until the June 2015 FBPE Board meeting.

#3. JOSEPH KOSINSKI, P.E.
P.E. Number: 52288
FEMC Case Number: 2014026742
Probable Cause Panel Date: January 13, 2015
Probable Cause Panel: Roddenberry, Matthews & Pepper
Represented by: Himself Joseph Kosinski, P.E.

Mr. Kosinski was present and sworn in prior to addressing the Board.

Mr. Rimes outlined the facts of the cases. The charges relate to a violation of Section 471.033(1)(g), Florida Statutes, & Rule 61G15-19.001(4), Fla. Admin. Code by engaging in negligence in the practice of engineering.

The Probable Cause Panel Recommendation was an Administrative Complaint; Reprimand, Administrative Fine of \$2,000.00; Administrative Costs of \$4,361.25; Probation for 2 years from the date of filing the Final Order with the Department of Business and Professional Regulation (“Agency”) Clerk; Project/Plan Reviews at 6 and 18 month intervals from the date of filing of the Final Order with Agency Clerk; Successful Completion of the Advanced Course in Engineering Professionalism and Ethics which has been approved by the Florida Board of Professional Engineers (“Board”); Successful completion of the Board-approved Study Guide; Appearance before the Board to explain how this situation occurred and what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future.

The Settlement Stipulation is the same as PCP Recommendation

Mr. Kosinski addressed the Board.

Upon motion by Mr. Dove, seconded by Mr. Todd, the settlement stipulation was accepted. The motion passed.

#4. MATTHEW D. LEWIS, P.E.
P.E. Number: 56189
FEMC Case Number: 2014018435
Probable Cause Panel Date: January 13, 2015
Probable Cause Panel: Roddenberry, Matthews & Pepper
Represented by: Mr. Guy S. Haggard, Esquire
Gray Robinson, Attorneys at Law

Mr. Lewis was present along with counsel, Mr. Haggard. Mr. Lewis was sworn in prior to addressing the Board.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1)(g), Florida Statutes, & Rule 61G15-19.001(4), Fla. Admin. Code, by engaging in negligence in the practice of engineering.

The Probable Cause Panel Recommendation was an Administrative Complaint; Reprimand, Administrative Fine of \$1,000.00; Administrative Costs of \$3,237.60; Probation for 2 years from the date of filing the Final Order with the Department of Business and Professional Regulation ("Agency") Clerk; Project/Plan Reviews limited to fire protection design at 6 and 18 month intervals from the date of filing of the Final Order with Agency Clerk; Successful Completion of an Engineering Professionalism and Ethics course which has been approved by the Florida Board of Professional Engineers ("Board"); Successful completion of the Board-approved Study Guide; Appearance before the Board to explain how this situation occurred and what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future.

The Settlement Stipulation is the same as PCP Recommendation.

Mr. Lewis addressed the Board.

Mr. Haggard addressed the Board.

Upon motion by Mr. Todd, seconded by Mr. Hahn, the settlement stipulation was accepted. The motion passed.

#5. JAMES MICHAEL WINTER, P.E.
P.E. Number: 18313
FEMC Case Number: 2014016725
Probable Cause Panel Date: November 18, 2014
Probable Cause Panel: Roddenberry, Matthews & Pepper
Represented by: Daniel Auberbach, Esq. & Trent Cotney, Esq.
Trent Cotney, P.A.

Mr. Winter was present with counsel, Mr. Auberbach. Mr. Winter was sworn in prior to addressing the Board.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1)(g), Florida Statutes, & Rule 61G15-19.001(4), Florida Administrative Code, by engaging in negligence in the practice of engineering.

The Probable Cause Panel Recommendation was an Administrative Complaint; Reprimand; Administrative Fine of \$1,000.00; Administrative Costs of \$1,669.25; Successful completion of an Engineering Professionalism and Ethics course; Successful completion of the Board-approved Study Guide; Appearance before the Board to explain how this situation occurred, and what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future.

The Settlement Stipulation is Administrative Complaint; Reprimand; Administrative Fine of \$1,000.00; Administrative Costs of \$1,669.25; Successful completion of an Engineering Professionalism and Ethics course approved by the Board; Successful completion of the Board's Study Guide; Appearance before the Board to explain how this situation occurred and what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future.

Mr. Auberbach addressed the Board.

Upon motion by Mr. Fiorillo, seconded by Mr. Dove, the settlement stipulation was accepted. The motion passed.

V. Informal Hearing

#6. CLIFFORD BURTON RUNKEL, P.E.
P.E. Number: 41180
FEMC Case Number: 2014025308
Probable Cause Panel Date: November 18, 2014
Probable Cause Panel: Roddenberry, Matthews & Pepper

Mr. Runkel was present and sworn in prior to addressing the Board.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1)(j), Florida Statutes: (sealing engineering documents that were not prepared under Respondent's supervision and control).

Upon motion by Mr. Todd, seconded by Mr. Fiorillo, the request for admissions and the allegations of facts set forth in the administrative complaint were accepted. The motion passed.

Mr. Runkel addressed the Board on why he denies allegation #10.

Motion was made by Mr. Dove, seconded by Mr. Fiorillo, that respondent did not violate the control but he did violate the law. Discussion followed. The motion and second was withdrawn.

Upon motion by Mr. Bracken, seconded by Mr. Hahn, informal hearing is converted to a settlement stipulation with a letter of guidance with no costs and he does not have to appear before the Board. The motion passed.

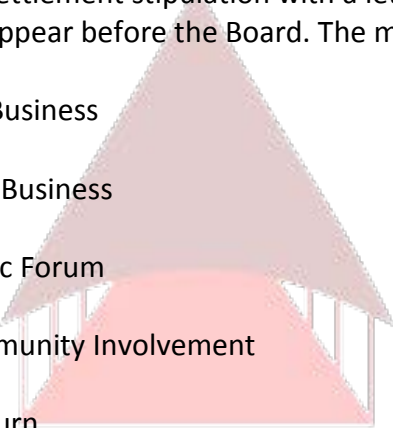
W. Old Business

X. New Business

Y. Public Forum

Z. Community Involvement

AA. Adjourn



Next Board Meeting: June 17-18, 2015

The Shores Resort & Spa

2637 S. Atlantic Ave.

Daytona Beach Shores, FL

**Minutes for
The Florida Board of Professional Engineers
April 8, 2015 beginning at 1:00 p.m. or soon thereafter and
April 9, 2015 beginning at 8:30 a.m., or soon thereafter
The Shores Resort
Daytona Beach Shores, Florida**

Part I – Wednesday, April 8, 2015

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

Mr. Bracken called the meeting to order. Ms. Raybon called roll.

- B. Roll Call, Determination of Quorum, and Address Absences.

Board Members Present:

William Bracken, P.E., S.I., Chair
Anthony Fiorillo, P.E., S.I., Vice Chair
Roland Dove, P.E.
Kevin Fleming, P.E.
Warren Hahn, P.E.
John Pepper, P.E., S.I.
Michelle Roddenberry, Ph.D., P.E.
Kenneth Todd, P.E.
Babu Varghese, P.E., S.I.
Vivian Boza, Public Member
Elizabeth Howard, Public Member



Attorney General's Office:

Michael Flury, Sr. Assistant Attorney General, Counsel to the Board

Staff Members Present:

Zana Raybon, Executive Director
John J. Rimes, III, Chief Prosecuting Attorney
Rebecca Sammons, Executive Assistant

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

Charlie Geer, FES
Kimberlee DeBosier, P.E., FEMC Board Member
Zuly Garcia, Bracken Engineering
Randall Manning, Bracken Engineering

Keit Nguyen, Bracken Engineering
Bill Palm, Engineering Educators

D. Approval of the Agenda

Upon motion by Mr. Hahn, seconded by Mr. Todd, the agenda was approved. The motion passed.

E. Approval of Consent Agenda

(Items denoted with an asterisk are included in the Consent Agenda*)

Upon motion by Mr. Dove, seconded by Mr. Hahn, the consent agenda was approved. The motion passed.

#1. Minutes from the February 11-12, 2015 FBPE Board Meeting*

Approved under consent agenda.

#2. Minutes from February 11, 2015 FBPE & BOAID Joint Meeting*

Approved under consent agenda.

#3. Minutes from March 20, 2015 FBPE Ratification Conference Call*

Approved under consent agenda.

F. Committee Reports

#1. Probable Cause Panel (**Next Meeting: May 12, 2015 at 1pm by conference call**)

(Anthony Fiorillo, P.E., S.I., Chair; John Pepper, P.E.; Bob Matthews, P.E.)
(Alternate Current Board Member: Kenneth Todd, P.E.; Alternate Past Board Member: Richard Wohlfarth, P.E.)

(a) PCP Memo from March 10, 2015 Meeting*

Approved under consent agenda.

Mr. Rimes discussed the recommendation of the Probable Cause Panel that a Subject to a complaint be informed in the original notification letter that a complaint has been filed against the Subject, that the Subject has a right to the final Investigative Report (and the subsequent 20 days' time in which to file a response to that final Investigative Report) prior to the Probable Cause Panel Meeting at which the Subject's case will be heard.

Upon motion by Mr. Todd, seconded by Mr. Hahn, the recommendation of the Probable Cause Panel of informing the respondent of his or her rights was accepted. The motion passed.

#2. Applications Experience Committee **(Next Meeting: May 12, 2015 at 10am by conference call)**

(Warren Hahn, P.E., Chair; William Bracken, P.E.; Roland Dove, P.E.; Anthony Fiorillo, P.E.; John Pepper, P.E.; Kenneth Todd, P.E.)

(a) Committee Chair's Report.

No Report.

#3. Education Experience Committee **(Next Meeting: May 12, 2015 at 8:30am by conference call)**

(Michelle Roddenberry, Ph.D., P.E., Chair; Anthony Fiorillo, P.E.; Kenneth Todd, P.E.) (Alternate Member: Vivian Boza, Public Member)

(a) Committee Chair's Report.

No Report.

#4. Education Rules Committee **(Next Meeting: April 9, 2015 following the conclusion of the FBPE Board Meeting)**

(Michelle Roddenberry, Ph.D., P.E., Chair; Anthony Fiorillo, P.E.; Kenneth Todd, P.E. ; Vivian Boza, Public Member; Elizabeth Howard, Public Member)

(a) Committee Chair's Report.

Dr. Roddenberry reported on the objectives of the committee.

#5. FBPE Rules Committee **(Next Meeting: July 15, 2015, at 8:30am)**

(William Bracken, P.E., S.I., Chair; Roland Dove, P.E.; Anthony Fiorillo, P.E., S.I.; Warren Hahn, P.E.)

(a) Committee Chair's Report.

(b) Minutes from March 11, 2015 Meeting

Mr. Bracken reported on the Rules Meeting.

Upon motion by Mr. Hahn, seconded by Mr. Todd, the Rules Minutes were approved. The motion passed.

(c) Proposed Rule Amendment to Rule 61G15-18.011-Definitions
(Exhibit F#4c)

Mr. Bracken discussed the reason for the presentation of proposed rule amendment to the Board.

Mr. Flury discussed the proposed rule amendment to Rule 61G15-18.011 – Definitions:

61G15-18.011 Definitions.

As used in Chapter 471, F.S., and in these rules where the context will permit the following terms have the following meanings:

(7) The term “marine engineer” as used in Section 471.031(b), F.S. shall mean a person who uses engineering principles and methodologies in the design of piers, docks, sea walls, and other marine structures governed by the Florida Building Code. Marine engineering shall not encompass the design of marine vessels, except for floating residential units as defined in Section 202 of the Florida Building Code.

Discussion followed on the proposed rule amendment.

Upon motion Mr. Fiorillo, seconded by Mr. Hahn, the proposed rule amendment was approved with the change as follows: (7) The term “marine engineer” as used in Section 471.031(b), F.S. shall mean a person who uses engineering principles and methodologies in the design of piers, docks, sea walls, **or** other marine structures governed by the Florida Building Code. Marine engineering shall not encompass the design of marine vessels, except for floating residential units as defined in Section 202 of the Florida Building Code. The motion passed.

Mr. Flury asked if the proposed amendment to Rule 61G15-18.011 would have an adverse impact on small business or is likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate.

Upon motion by Mr. Bracken, seconded by Dr. Roddenberry, the proposed amendment to Rule 61G15-18.011 will have no adverse impact on small business. The motion passed.

(d) Proposed Rule Amendment to Rule 61G15-22.0105-Approval of Continuing Education Courses in Laws and Rules and Courses in Professional Ethics.

Mr. Bracken stated that this rule change is a result of the 2014 Legislative Session, which changed Florida Statute 471.

Mr. Flury discussed the proposed amendment to Rule 61G15-22.0105: (Mr. Flury stated that the new language is in red)

61G15-22.0105 Approval of Continuing Education Courses in Laws and Rules and Courses in Professional Ethics.

Each course provider approved by the Board to conduct courses in Florida Laws and Rules and courses in Professional Ethics must meet the requirements of Rule 61G15-22.011, F.A.C., and shall submit an application for approval of a continuing education course in Laws and Rules or in Professional Ethics. The application shall be submitted on the course approval application provided by the Board and shall include the following:

(1) Course materials, including the course syllabus and a detailed outline of the contents of the course;

(2) The total number of classroom or interactive distance learning continuing education ~~professional development~~ hours; and

(3) For courses in Laws and Rules, course content that shall include:

(a) Changes to Chapters 455 and 471, F.S., and rules adopted, amended or repealed during the immediately preceding biennium;

(b) Changes to Chapters 455 and 471, F.S., made by the legislature during the preceding biennium;

(c) Case law concerning Chapter 471, F.S.;

~~(b)(d)~~ A list of resources used to develop the course content;

(4) Course content may also include:

~~(a)(e)~~ Application of the provisions of Chapter 471, F.S., to individual disciplinary cases and unlicensed practice cases during the immediately preceding biennium.

(b) The laws and rules of the Board pertaining to signing and sealing, responsibility rules, certification and responsible charge.

(5) For courses in Professional Ethics, course content that shall include:

(a) The Code of Ethics as set forth by the National Society of Professional Engineers (NSPE), American Society of Civil Engineers (ASCE), or another national or state professional engineering association or society; and

(b) The application of professional ethics to decision making through hypothetical or illustrative examples.

~~(6)(4)~~ Qualifications of the instructor(s), including a curriculum vitae of the instructor(s), which must demonstrate knowledge of the subject matter and one of the following:

(a) Licensure as a professional engineer;

(b) Licensure as an attorney in the State of Florida.

~~(7)(5)~~ A provider making application to offer interactive distance learning must also submit documents indicating the following:

(a) The means by which the course will demonstrate the ability to interact between the student and course provider by providing answers to inquiries within two business days. The interaction must promote student involvement, and demonstrate that the course measures learning and addresses comprehension of content at regular intervals;

(b) The means by which the course provider is able to monitor student enrollment, participation and course completion;

(c) The means by which the course provider will be able to satisfactorily demonstrate that stated course hours are consistent with the actual hours spent by each student to complete the course;

(d) The means by which the provider will assure qualified instructor(s) will be available to answer questions and provide students with necessary support during the duration of the course; and

(e) That the student will be required to complete a statement that indicates that he/she personally completed each module/session of instruction.

~~(8)(6)~~ Continuing education course approval is valid for the biennium during which it was approved, provided no substantial change is made in the course and the approval status of the provider has not expired or been suspended or revoked. Substantial changes made in any course will require a new approval of that course. A provider must reapply for course approval ninety (90) days prior to the date of the end of the biennium which would be the expiration of course approval in order to prevent a lapse in course approval.

~~(9)(7)~~ If a course is approved, the board shall assign the course a number. The course provider shall use the course number in the course syllabus, in all other course materials used in connection with the course and in all written advertising materials used in connection with the course.

Discussion followed on the proposed amendment and the feedback that the Board office has received on the proposed amendment.

Dr. Roddenberry proposed the following rule amendment as follows:

(5) For courses in Professional Ethics, course content that shall include:

(a) Codes of ethics or other guidelines for decision making as applied to the practice of engineering;

(b) The importance of ethics as a broad professional concern rather than a personal one;

(c) The engineer's obligations to society, clients, and the profession;

(d) Ethical dilemmas encountered in engineering practice; and/or

(e) The application of professional ethics to decision making through hypothetical or illustrative examples.

Discussion followed on this proposed change.

Dr. Roddenberry presented a proposed change to the rule amendment as follows:

(5) For courses in Professional Ethics, course content that shall include one or more of the following:

- (a) Codes of ethics or other guidelines for ethical decision making as applied to the practice of engineering;
- (b) The importance of ethics as a broad professional concern rather than a personal one;
- (c) The engineer's obligations to society, clients, and the profession;
- (d) Ethical dilemmas encountered in engineering practice; or
- (e) The application of professional ethics to decision making through hypothetical or illustrative examples.

Upon motion by Mr. Hahn, seconded by Ms. Boza, the proposed rule amendment to Rule 61G15-22.0105 was approved as follows:

(5) For courses in Professional Ethics, course content that shall include one or more of the following:

- (a) Codes of ethics or other guidelines for ethical decision making as applied to the practice of engineering;
- (b) The importance of ethics as a broad professional concern rather than a personal one;
- (c) The engineer's obligations to society, clients, and the profession;
- (d) Ethical dilemmas encountered in engineering practice; or
- (e) The application of professional ethics to decision making through hypothetical or illustrative examples.

The motion passed.

Mr. Flury asked if the proposed amendment to Rule 61G15-22.0105 would have an adverse impact on small business or is likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate.

Upon motion by Mr. Fiorillo, seconded by Mr. Hahn, the proposed amendment to Rule 61G15-22.0105 will have no adverse impact on small business. The motion passed.

#6. Joint Engineer/Architect Task Force

(William Bracken, P.E., S.I., Chair; Warren Hahn, P.E.; John Pepper, P.E., S.I.)

- (a) Committee Chair's Report.

(b) Email from Chair of Architect and Interior Design Board – Re: Setting Date for 1st Task Force Meeting

Mr. Bracken stated that he will have staff work with the Chairman of the Architect and Interior Design Board on some possible dates for the first task force meeting.

G. NCEES

(William Bracken, P.E., FBPE Liaison)

#1. Candidates for NCEES President and NCEES Treasurer

Provided for informational purposes.

#2. Candidate for NCEES Southern Zone VP

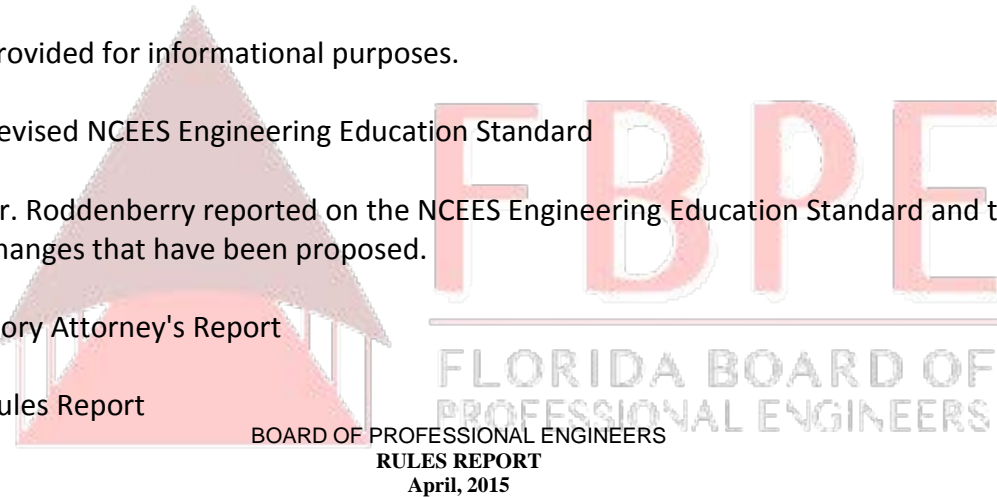
Provided for informational purposes.

#3. Revised NCEES Engineering Education Standard

Dr. Roddenberry reported on the NCEES Engineering Education Standard and the changes that have been proposed.

H. Advisory Attorney's Report

#1. Rules Report



| Rule No. | Title | Sent to OFARR | Development Published | Notice Published | Adptd. | Effective |
|----------|-------|---------------|-----------------------|------------------|--------|-----------|
|----------|-------|---------------|-----------------------|------------------|--------|-----------|

The following rules are **IN PROCESS**:

| | | | | | | |
|---------------|---|----------|----------|----------|--|---|
| 61G15-20.0010 | Application for licensure by Examination | 03/04/15 | 03/10/15 | | | |
| 61G15-20.0015 | Application for licensure by Endorsement | 03/04/15 | 03/10/15 | 03/27/15 | | |
| 61G15-31.006 | Design of Structural Systems Utilizing Joist /Girders | 03/04/15 | 03/10/15 | 03/27/15 | | |
| 61G15-32.004 | Design of Water Based Fire Protection Systems | 03/17/15 | | 03/18/15 | | |
| 61G15-32.004 | Design of Water Based Fire Protection Systems | 03/12/14 | 03/18/14 | 04/02/14 | | (JAPC ltr rcv'd 04/07/14; rule tolled 6/20/14; WITH DRAWN 03/10/15) |

| | | | | |
|--------------|--|---------|----------|---|
| 61g15-35.003 | Qualification Program for Special Inspectors of Threshold Building | 07/30/3 | 08/27/13 | (Rule tolled 11/01/13; NOC published 3/18/14, 07/23/14; WITHDRAWN 03/10/15) |
| 61G15-35.004 | Common Requirement to All Engineers Providing Threshold Building Inspections | | | |

The following rules have been **ADOPTED**:

Mr. Flury and Mr. Rimes briefed the Board on the NC Dental case before the FTC and the ramifications it might have on this Board and the steps that the Board might want to take in the future to make sure they are not in the same position as the board in NC.

I. Executive Director’s Report

#1. Application for Retired Status*

Approved under consent agenda.

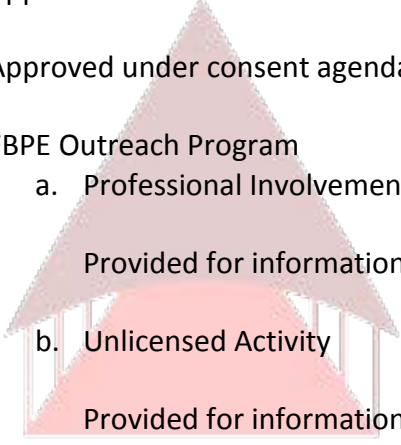
#2. FBPE Outreach Program

a. Professional Involvement

Provided for informational purposes.

b. Unlicensed Activity

Provided for informational purposes.



#3. Request for articles from IEEE Magazine

Ms. Raybon mentioned the request from the magazine for Board members to submit an article. Discussion followed on this and a proposal was made to allow IEEE permission to reprint an article from the FBPE Newsletter. Mr. Bracken suggested an applicant who is in the process of being licensed would be a great person to write the article.

#4. 2015 FBPE/FEMC Meeting Calendar

Provided for Informational Purposes.

J. Chief Prosecutor’s Report

#1. 300 day report

Provided for Informational Purposes.

#2. Profile of legal cases by year

(a) Cases open for 1 year plus

Provided for Informational Purposes.

(b) Total open cases by year

Provided for Informational Purposes.

K. Engineering Association and Society Reports

#1. FES

Mr. Geer reported on the SE Licensure bill before the Legislature and the status of the bill, as well a public records bill that FES is following.

#2. FSEA

No Report.

L. Chair's Report

#1. FBPE Goals & Objectives

Provided for informational purposes.

#2. FBPE Committee Listing

Mr. Bracken appointed Mr. Fleming to the Experience Committee and Ms. Howard to the Education Committee and the Education Rules Committee.

#3. Report on Meeting with Building Code Administrators and Inspectors Board and Board of Architecture and Interior Design

Provided for informational purposes.

M. Action Items from Previous Board Meetings

#1. Email from Dennis Barton – Re: Advertisement for Building Code Course approved by FBPE

#2. Email from Aaron Beidenbach, P.E. – Re: Electronic Signature

#3. Email from Xairo Ray, EI - Re: EI to PE Loop Hole

#4. Email from Joe DeReuil – Re: Authorized Representative Rule 61G15-34.004(2)

N. Correspondence to the Board

#1. Email from Mr. Richard Fiola, P.E. – Re: Continuing Education

Mr. Bracken discussed the email request from Mr. Fiola. The Board instructed staff to respond that the Board approves providers and not courses.

#2. Email from Mr. Dennis Barton – Re: New Ethics Rule

This issue was addressed under the Rules Committee with the proposed rule amendment to Rule 61G15-22.0105.

#3. Email from Mr. Randall Howard, P.E. - Re: Potential violations of legal and ethical guidelines for engineers

Mr. Bracken discussed this issue and requested that Board members to review the email and further discuss it at the June 2015 FBPE Agenda for possible action.

#4. Letter from Mr. Wayne Dunn, P.E. & Mr. David Venters, P.E – Re: Signing, Dating and Sealing of Commissioning Submittals

Mr. Dunn and Mr. Venters addressed the board on the issue of commissioning submittals.

Discussion followed on this.

Mr. Bracken and Mr. Rimes will respond to their letter.

#5. Email from Mr. Jon Draper – Re: Continuing Education

The Board instructed staff to respond that the Board approves providers.

#6. Email from Mr. William Dumbaugh – Re: FBC CCE Workgroup Options

Ms. Raybon stated she received a call from Mr. Dumbaugh and he stated it was his understanding that the Board endorsed this supplement. Ms. Raybon responded to Mr. Dumbaugh that she had not heard of this. Discussion followed. The Board instructed staff to respond that we have no opinion on this.

Ms. Raybon asked the Board about a letter from company from Alabama who would like to use the title “tire engineer” and would that be allowed in Florida.

Discussion followed. The Board instructed staff respond stating that “tire engineer” is not a protected title in Florida.

Part II Informal Hearing Agenda (Thursday, April 9, 2015)

Review of FBPE Mission and Scope:

FBPE’s Mission: To protect the health and safety of the public by properly regulating the practice of engineering within the State of Florida.

FBPE’s Scope: To meet its statutory obligation and exercise its legislative authority by reviewing and approving engineering applications; managing, updating and enforcing the rules that govern the practice of engineering and to guard against the unlicensed practice of engineering within the State of Florida.

Description of Educational Committee Process by Michelle Roddenberry, Ph.D., P.E.

O. Ratification of Actions from Application Review, April 8, 2015

Upon motion by Mr. Todd, seconded by Mr. Hahn, on page 2, the ratification list as amended for applicants Worsham and Riley was approved. The motion passed.

P. I Informal Hearing on Denial of Application for Principle and Practice Examination

#1. Khalil Campbell (Exhibit P#1)

Mr. Campbell was present and sworn in prior to addressing the Board.

Mr. Flury outlined the basis of the denial of Mr. Campbell’s application. Mr. Campbell has a B.S. Degree in Industrial System Engineering from Binghamton University on 05/21/2006. Mr. Campbell applied to sit for the Principles & Practice Examination. Mr. Campbell’s application was denied by the Board on 01/13/2015 because applicant has not demonstrated 4 years of verified engineering experience. Mr. Campbell returned his Election of Rights with a request for Supplement and Informal Hearing on 02/20/2015.

Mr. Campbell's application was reviewed again on 03/10/2015. It was determined that Mr. Campbell will need to appear before Board to explain/verify experience.

Discussion followed on Mr. Campbell's experience.

Mr. Campbell addressed the Board.

Upon motion by Mr. Todd, seconded by Mr. Hahn, the application for Mr. Campbell's application was tabled until June 2015 to allow him time to provide verified employment/experience sheets. The motion passed.

Q. Informal Hearing on Denial of Application for Licensure by Endorsement

#1. Ronnie Neal

Mr. Neal was present and sworn in prior to addressing the Board.

Mr. Flury went over the basis for denial of Mr. Neal's application. Mr. Neal holds a BS in Mechanical Engineering Technology. The denial of the application is based upon education as Mr. Neal does not hold an Engineering Degree.

Mr. Neal addressed the Board.

Discussion followed.

Upon motion by Mr. Todd, seconded by Mr. Fiorillo, the denial of the application of Mr. Neal is upheld. The motion passed.

#2. Usama El Shamy

Mr. El Shamy was present and sworn in prior to addressing the Board.

Mr. Flury outlined the basis for denial of Mr. El Shamy's application. Mr. El Shamy holds a BS and an MS in Civil Engineering from Alexandria University in Egypt. The denial of the application is education.

Mr. El Shamy addressed the Board.

Discussion followed.

Upon motion by Dr. Roddenberry, seconded by Mr. Dove, the application of Mr. El Shamy was continued until August 2015 Board meeting to allow him to take the necessary coursework to clear his deficiency of Probability and Statistics. The motion passed.

#3. Jeffrey Sanders

Mr. Sanders was present and sworn in prior to addressing the Board.

Mr. Flury explained the basis for denial of Mr. Sanders' application. Mr. Sanders holds a BS Engineering Physics from LeHigh University. The denial of the application is education. Mr. Sanders lacks 34hrs. Engineering Sciences & Design and Prob. & Stats. course.

Mr. Sanders addressed the Board.

Discussion followed.

Upon motion by Dr. Roddenberry, seconded by Mr. Fiorillo, the application for Mr. Sanders was continued to allow him to supplement his verification of experience from 1992 to 2004 to evidence 20 years of experience.

R. Board Appearance on Application for Licensure by Endorsement

#1. David Morin (Exhibit R#1)

Mr. Morin was present and sworn in prior to addressing the Board.

Mr. Flury explained that Mr. Morin was asked to appear so that he could explain his experience.

Mr. Pepper stated that he wanted Mr. Morin to explain the gaps in his experience.

Mr. Morin addressed the Board.

Upon motion by Mr. Pepper, seconded by Mr. Hahn, the application for Mr. Morin was approved. The motion passed.

S. Petition for Waiver and Variance

#1. Sivakumar Munuswamy

Dr. Munuswamy was present and sworn in prior to addressing the Board.

Mr. Flury stated that Dr. Munuswamy was before the board on a petition for waiver and variance of Rule 61G15-20.007 and the denial of his application based on his educational deficiencies.

Dr. Munuswamy addressed the Board

Discussion followed.

Upon motion by Mr. Hahn, seconded by Mr. Pepper, to approve the petition based on his experience and his teaching experience and his established position within the profession that would allow him to the FE Exam and he would not need to have his education reviewed again to take his PE Exam.

Discussion followed on Dr. Munuswamy's options for taking the FE Exam.

Dr. Munuswamy stated that he would not accept a conditional approval.

Mr. Pepper withdrew his second.

The motion died.

Upon motion by Mr. Fiorillo, seconded by Mr. Dove, the petition is denied. Mr. Hahn and Mr. Pepper opposed. The motion passed.

T. Reconsideration of Special Inspector Application

#1. James Brunetti

Mr. Flury went over the application for Mr. Brunetti and stated that Mr. Brunetti originally appeared the Board in February 2015 and the Board asked Mr. Brunetti to provide more detailed experience.

Mr. Brunetti was present along with his counsel, Ms. Henderson. Mr. Brunetti was sworn in prior to addressing the Board.

Mr. Brunetti addressed the Board.

Ms. Henderson addressed the Board.

Discussion followed.

Upon motion by Mr. Fiorillo, seconded by Mr. Pepper, the Special Inspector application for Mr. Brunetti was approved. The motion passed. (Dr. Roddenberry was not present for the vote.)

Part III
Disciplinary Hearings

(Thursday, April 9, 2015)

U. Settlement Stipulation

#1. GREGORY GAINER, P.E.
P.E. Number: 70885
FEMC Case Number: 2013021400
Probable Cause Panel Date: July 15, 2014
Probable Cause Panel: Roddenberry & Pepper
Represented by: David P. Rankin, Esquire
Law Office of David P. Rankin

Mr. Gainer was present and sworn in prior to addressing the board.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), Florida Administrative Code: Engaging in negligence in the practice of engineering; Rule 61G15-23.002(7), Florida Administrative Code: Sealing and signing preliminary engineering documents without so noting on the documents; Failure to note the preliminary nature of plans.

The Probable Cause Panel Recommendation was Administrative Complaint; Reprimand, Administrative Fine of \$1,000.00; Administrative Costs of \$3,960.75; Probation for 2 years from the date of filing the Final Order with the Department of Business and Professional Regulation ("Agency") Clerk; Project/Plan Reviews at 6 and 18 month intervals from the date of filing of the Final Order with Agency Clerk; Successful Completion of the Advanced Course in Engineering Professionalism and Ethics which has been approved by the Florida Board of Professional Engineers ("Board"); Successful completion of the Board-approved Study Guide; Appearance before the Board to explain how this situation occurred and what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future.

The Administrative Complaint Recommendation is a Reprimand, Administrative Fine of \$500.00 and Administrative Costs of \$2,960.75 to be paid to the Board within six (6) months of the date that the Final Order adopting this Settlement Stipulation is filed with the Agency Clerk; Respondent's license shall be RESTRICTED from creating, producing, or certifying any engineering documents relating to electrical engineering, encompassing all engineering work that is subject to Rule 61G15-33, until such time that he takes and passes and submits proof of passing the NCEES ELECTRICAL ENGINEERING EXAM. The RESTRICTION on electrical engineering. The term "electrical engineering" as used herein encompasses all engineering work that is subject to Rule 61G15-33 "RESPONSIBILITY RULES OF PROFESSIONAL ENGINEERS CONCERNING THE DESIGN OF ELECTRICAL SYSTEMS"; Successful completion of the Board-approved Study Guide; Appearance

before the Board to explain how this situation occurred and what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future.

Upon motion by Mr. Todd, seconded by Mr. Dove, the settlement stipulation was accepted. The motion passed.

#2. JACQUELINE JAMES, P.E.
P.E. Number: 66579
FEMC Case Number: 2014039414
Probable Cause Panel Date: January 13, 2015
Probable Cause Panel: Roddenberry, Matthews & Pepper

Ms. James was not present. Mr. Rimes stated that Ms. James was required to attend the Board meeting.

The case was tabled until the June 2015 FBPE Board meeting.

#3. JOSEPH KOSINSKI, P.E.
P.E. Number: 52288
FEMC Case Number: 2014026742
Probable Cause Panel Date: January 13, 2015
Probable Cause Panel: Roddenberry, Matthews & Pepper
Represented by: Himself Joseph Kosinski, P.E.

Mr. Kosinski was present and sworn in prior to addressing the Board.

Mr. Rimes outlined the facts of the cases. The charges relate to a violation of Section 471.033(1)(g), Florida Statutes, & Rule 61G15-19.001(4), Fla. Admin. Code by engaging in negligence in the practice of engineering.

The Probable Cause Panel Recommendation was an Administrative Complaint; Reprimand, Administrative Fine of \$2,000.00; Administrative Costs of \$4,361.25; Probation for 2 years from the date of filing the Final Order with the Department of Business and Professional Regulation (“Agency”) Clerk; Project/Plan Reviews at 6 and 18 month intervals from the date of filing of the Final Order with Agency Clerk; Successful Completion of the Advanced Course in Engineering Professionalism and Ethics which has been approved by the Florida Board of Professional Engineers (“Board”); Successful completion of the Board-approved Study Guide; Appearance before the Board to explain how this situation occurred and what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future.

The Settlement Stipulation is the same as PCP Recommendation

Mr. Kosinski addressed the Board.

Upon motion by Mr. Dove, seconded by Mr. Todd, the settlement stipulation was accepted. The motion passed.

#4. MATTHEW D. LEWIS, P.E.
P.E. Number: 56189
FEMC Case Number: 2014018435
Probable Cause Panel Date: January 13, 2015
Probable Cause Panel: Roddenberry, Matthews & Pepper
Represented by: Mr. Guy S. Haggard, Esquire
Gray Robinson, Attorneys at Law

Mr. Lewis was present along with counsel, Mr. Haggard. Mr. Lewis was sworn in prior to addressing the Board.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1)(g), Florida Statutes, & Rule 61G15-19.001(4), Fla. Admin. Code, by engaging in negligence in the practice of engineering.

The Probable Cause Panel Recommendation was an Administrative Complaint; Reprimand, Administrative Fine of \$1,000.00; Administrative Costs of \$3,237.60; Probation for 2 years from the date of filing the Final Order with the Department of Business and Professional Regulation ("Agency") Clerk; Project/Plan Reviews limited to fire protection design at 6 and 18 month intervals from the date of filing of the Final Order with Agency Clerk; Successful Completion of an Engineering Professionalism and Ethics course which has been approved by the Florida Board of Professional Engineers ("Board"); Successful completion of the Board-approved Study Guide; Appearance before the Board to explain how this situation occurred and what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future.

The Settlement Stipulation is the same as PCP Recommendation.

Mr. Lewis addressed the Board.

Mr. Haggard addressed the Board.

Upon motion by Mr. Todd, seconded by Mr. Hahn, the settlement stipulation was accepted. The motion passed.

#5. JAMES MICHAEL WINTER, P.E.
P.E. Number: 18313
FEMC Case Number: 2014016725
Probable Cause Panel Date: November 18, 2014
Probable Cause Panel: Roddenberry, Matthews & Pepper
Represented by: Daniel Auberbach, Esq. & Trent Cotney, Esq.
Trent Cotney, P.A.

Mr. Winter was present with counsel, Mr. Auberbach. Mr. Winter was sworn in prior to addressing the Board.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1)(g), Florida Statutes, & Rule 61G15-19.001(4), Florida Administrative Code, by engaging in negligence in the practice of engineering.

The Probable Cause Panel Recommendation was an Administrative Complaint; Reprimand; Administrative Fine of \$1,000.00; Administrative Costs of \$1,669.25; Successful completion of an Engineering Professionalism and Ethics course; Successful completion of the Board-approved Study Guide; Appearance before the Board to explain how this situation occurred, and what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future.

The Settlement Stipulation is Administrative Complaint; Reprimand; Administrative Fine of \$1,000.00; Administrative Costs of \$1,669.25; Successful completion of an Engineering Professionalism and Ethics course approved by the Board; Successful completion of the Board's Study Guide; Appearance before the Board to explain how this situation occurred and what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future.

Mr. Auberbach addressed the Board.

Upon motion by Mr. Fiorillo, seconded by Mr. Dove, the settlement stipulation was accepted. The motion passed.

V. Informal Hearing

#6. CLIFFORD BURTON RUNKEL, P.E.
P.E. Number: 41180
FEMC Case Number: 2014025308
Probable Cause Panel Date: November 18, 2014
Probable Cause Panel: Roddenberry, Matthews & Pepper

Mr. Runkel was present and sworn in prior to addressing the Board.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1)(j), Florida Statutes: (sealing engineering documents that were not prepared under Respondent's supervision and control).

Upon motion by Mr. Todd, seconded by Mr. Fiorillo, the request for admissions and the allegations of facts set forth in the administrative complaint were accepted. The motion passed.

Mr. Runkel addressed the Board on why he denies allegation #10.

Motion was made by Mr. Dove, seconded by Mr. Fiorillo, that respondent did not violate the control but he did violate the law. Discussion followed. The motion and second was withdrawn.

Upon motion by Mr. Bracken, seconded by Mr. Hahn, informal hearing is converted to a settlement stipulation with a letter of guidance with no costs and he does not have to appear before the Board. The motion passed.

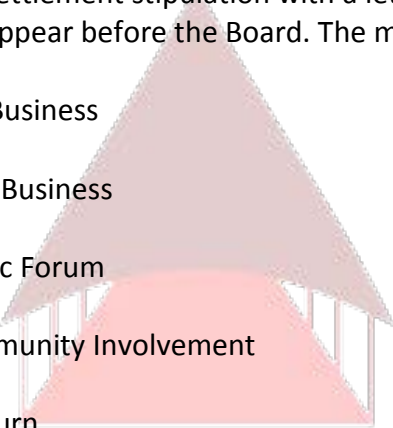
W. Old Business

X. New Business

Y. Public Forum

Z. Community Involvement

AA. Adjourn



Next Board Meeting: June 17-18, 2015

The Shores Resort & Spa

2637 S. Atlantic Ave.

Daytona Beach Shores, FL