

**Minutes for
The Florida Board of Professional Engineers
October 7, 2015 beginning at 1:00 p.m. or soon thereafter and
October 8, 2015 beginning at 8:30 a.m., or soon thereafter
The Shores Resort
Daytona Beach Shores, Florida**

**Part I – Wednesday, October 7, 2015
(October 2015 FBPE Business Book)**

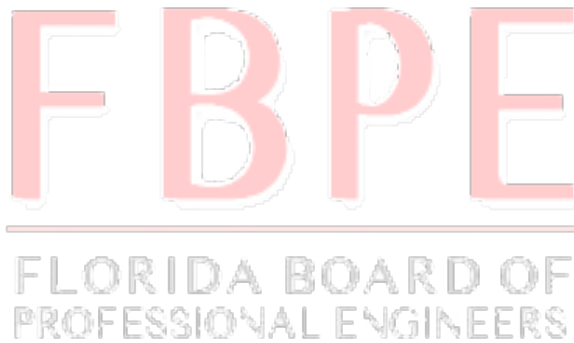
- A. Call to Order, Invocation, and Pledge of Allegiance to the Flag

Mr. Fiorillo called the meeting to order. Ms. Raybon called roll.

- B. Roll Call, Determination of Quorum, and Address Absences.

Board Members Present:

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:

Lawrence Harris, Assistant Attorney General, Counsel to the Board

Staff Members Present:

Zana Raybon, Executive Director
John J. Rimes, III, Chief Prosecuting Attorney
Rebecca Sammons, Assistant Executive Director

Board Members Absent:

William Bracken, P.E., S.I., Chair

Upon motion by Mr. Todd, seconded by Ms. Ferguson, the absence of Mr. Bracken was excused. The motion passed.

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

Patrick Cunningham, DBPR Deputy General Counsel, FEMC Contract Monitor
John Stewart, FEMC Board Member
Bill Palm, Engineering Educators
Art Holding, IEEE
Allen Douglas, FES
Buddy Dewar, FFSA
Richard Gathwright
Greg Burke, AIA

D. FBPE Mission and Scope

#1. FBPE's Mission: To protect the health and safety of the public by properly regulating the practice of engineering within the State of Florida.

#2. 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.

E. Approval of the Agenda

Upon motion by Mr. Hahn, seconded by Mr. Pepper, the agenda was approved. The motion passed.

F. Approval of Consent Agenda

(Items denoted with an asterisk are included in the Consent Agenda*)

Upon motion by Mr. Hahn, seconded by Mr. Pepper, the consent agenda was approved. The motion passed.

#1. Minutes from the August 12-13, 2015 FBPE Board Meeting*

Approved under consent agenda.

#2. Minutes from the August 12, 2015 FBPE Rule Workshop*

Approved under consent agenda.

#3. Minutes from September 25, 2015 FBPE Ratification Conference Call*

Approved under consent agenda.

G. Committee Reports

#1. Probable Cause Panel **(Next Meeting: November 17, 2015 at 8:30am)**

(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 August 4, 2015 Meeting*

Approved under consent agenda.

(b) PCP Memo from September 15, 2015 Meeting*

Approved under consent agenda.

#2. Applications Review – Experience Committee **(Next Meeting: November 17, 2015 at 1pm)**

(Warren Hahn, P.E., Chair; William Bracken, P.E.; Roland Dove, P.E.; Anthony Fiorillo, P.E.; Kevin Fleming, P.E.; John Pepper, P.E.; Kenneth Todd, P.E.; Babu Varghese, P.E.)

(a) Committee Chair's Report.

No report.

#3. Applications Review – Education Committee **(Next Meeting: November 17, 2015 at 1pm)**

(Michelle Roddenberry, Ph.D., P.E., Chair; Anthony Fiorillo, P.E.; Kenneth Todd, P.E.) (Alternate Members: Vivian Boza, Public Member; Elizabeth Ferguson, Public Member)

(a) Committee Chair's Report.

No report.

#4. Rules Committee **(Next Meeting: November 18, 2015, at 8:30am)**

(William Bracken, P.E., S.I., Chair; Roland Dove, P.E.; Warren Hahn, P.E.; Elizabeth Ferguson, Public Member)

(a) Committee Chair's Report.

(b) Minutes from September 16, 2015 meeting*

Approved under consent agenda.

(c) Public Hearing on Amendments to Rule 61G15-20.0010 – Proposed New PE Application

Mr. Harris discussed the proposed amendments to Rule 61G15-20.0010.

Dr. Roddenberry stated that she has some minor technical and grammatical changes to the instructions.

Upon motion by Dr. Roddenberry, seconded by Mr. Todd, to accept the proposed application as amended and to publish a notice of change for this rule, the motion passed.

Mr. Harris asked if the proposed rule amendments will have an adverse impact on small business or would be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one (1) year after the implementation of the rule.

Upon motion by Dr. Roddenberry, seconded by Mr. Pepper, that the proposed rule amendments will have no adverse impact on small business and will not increase regulatory costs, the motion passed.

(d) Public Hearing on Amendments to Rule 61G15-22 – Continuing Education

Mr. Harris discussed the proposed changes to Rule 61G15-22:

61G15-22.0001 Renewal of Active Licenses.

To renew an active license, the licensee must remit to FEMC the biennial renewal licensure fee for active licenses, and a statement certifying that the licensee has completed the eighteen (18) hours of approved continuing education which were required during the last biennium.

Rulemaking Authority 471.017(2) FS. Law Implemented 471.017(2) FS. History—New 8-1-02, Amended _____.

61G15-22.001 Continuing Education Requirements.

(1) Each licensee shall complete eighteen (18) continuing education hours during each license renewal biennium as a condition of license renewal. Four (4) hours shall relate to the licensee's area(s) of practice; one (1) hour must be related to professional ethics; and one (1) hour shall relate to Chapter 471, F.S., and the rules of the Board. The remaining hours may relate to any topic pertinent to the practice of engineering as defined in Rule 61G15-22.002, F.A.C.

(2) through (4) No change.

Rulemaking Authority 455.2177, 471.008, 471.017(3), 471.019, 471.0195 FS. Law Implemented 455.2177, 471.017(3), 471.019, 471.0195 FS. History—New 8-19-80, Formerly 21H-22.01, Amended 5-14-86, Formerly 21H-22.001, Amended 6-22-99, 6-13-00, 2-22-01, 9-16-01, 3-7-13, 9-29-14,_____.

61G15-22.002 Definitions.

(1) Area of Practice: An engineering discipline for which a Principles and Practice of Engineering examination is offered by the National Council for Examiners of Engineering and Surveying (NCEES).

(2) Continuing Education Hour (CEH): A time measurement requiring a minimum of 50 minutes instruction or presentation per hour. The continuing education hour is the common denominator for other units of credit. A continuing education hour is equivalent to a professional development hour (PDH).

(3) Contact Hour. A contact hour shall consist of fifty (50) clock minutes of instruction.

(4)(3) No change.

(5)(4) No change.

(6)(5) No change.

(7)(6) Vendor: An individual or business organization who sells products or services related to an engineering area of practice.

(8)(7) Topic pertinent to the practice of engineering: For purposes of meeting the continuing education requirements, a topic pertinent to the practice of engineering is any topic that falls within the definition of the practice of "engineering" as defined in Section 471.005(7), Florida Statutes. Topics on marketing, foreign language skills, and basic math skills below the requirements set forth in Rule 61G15-20.007(1)(a), F.A.C. are not acceptable and are excluded.

Rulemaking Authority 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008 FS. History—New 9-16-01, Amended 8-1-02, 7-30-03,_____.

61G15-22.003 Qualifying Activities for Area of Practice Requirement.

(1) No change.

(2) Successful completion of short courses, tutorials, webinars, and distance education courses offered through delivery methods such as live, correspondence, recorded, or Internet-based, or attending seminars (including in-house engineering seminars), workshops, or professional and technical presentations at meetings, conventions or conferences presented/sponsored by a provider or vendor with specific knowledge related to the licensee's area of practice approved under Rule 61G15-22.011, F.A.C.

(3) No change.

(4) Authoring published technical engineering papers, articles, or books; or accepted licensee examination items for NCEES. Continuing education credits are earned on the date of publication.

(5) No change.

(6) Active participation in professional or technical societies. Civic or trade organizations do not qualify under this provision. Credit for this activity requires that the licensee serve as an officer of the organization or actively participate on a committee in the organization. Continuing Education hour credits are not earned until the end of each year of completed service.

Rulemaking Authority 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History—New 9-16-01, Amended 5-14-06,_____.

61G15-22.004 Conversion of Education Units to Continuing Education Hours.

(1) One (1) college semester hour credit is equal to 45 continuing education hours.

(2) One (1) college quarter hour credit is equal to 30 continuing education hours.

(3) One (1) contact hour of professional development in course work, seminars (including in-house seminars at an engineering firm), or professional or technical presentations made at meetings, conventions, or conferences is equal to 1 continuing education hour.

(4) For teaching of (1) through (3) above, apply a multiple of 2, if the requirements of 61G15-22.003(3) are met.

(5) Each published peer-reviewed paper or book in the licensee's area of professional practice is equal to 10 continuing education hours.

(6) Each published paper or article (other than in paragraph (5) above) in the licensee's area of professional practice is equal to 5 continuing education hours.

(7) Authoring accepted licensee examination items for NCEES is equal to 2 continuing education hours.

(8) Each patent developed using engineering principles is equal to 10 continuing education hours.

(9) Active participation in professional and technical societies as described in subsection 61G15-22.003(6), F.A.C. Each hour of participation is equal to 1 continuing education hour, with a maximum credit of 4 continuing education hours per renewal period.

Rulemaking Authority 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History—New 9-16-01, Amended_____

61G15-22.005 Non-Qualifying Activities.

Activities that do not qualify as Continuing Education Hours include but are not limited to the following:

(1) through (9) No change.

Rulemaking Authority ~~455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.019~~ FS. Law Implemented ~~455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019~~ FS. History—New 9-16-01, Amended 6-3-07, _____.

61G15-22.008 Record Keeping.

It is the licensee's responsibility to maintain sufficient records to demonstrate completion of continuing education requirements for at least two licensure cycles (four years).

Rulemaking Authority ~~455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.019~~ FS. Law Implemented ~~455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019~~ FS. History—New 9-16-01, Amended _____.

61G15-22.010 Qualifying Activities for Laws and Rules Requirements.

(1) No change.

(2) Successful completion of a course of continuing education for laws and rules of the Board which must consist of a minimum of one (1) continuing education hour in laws and rules of the Board.

(3) Members of the Board of Professional Engineers shall receive credit for the laws and rules and ethics requirements set forth in Section 471.017(3)(a), F.S. for their service as board members.

(4) All consultant engineers used by the Board in the resolution of Board business, including rulemaking and prosecution of discipline cases and complaints, shall receive credit for the laws and rules of the Board and area of practice requirement by specific approval of the Board of a written list of such consultants during each biennium.

(5) Service as a member of the legislature or as an elected state or local official shall meet the laws and rules and ethics requirements set forth in Section 471.017(3)(a), F.S.

Rulemaking Authority ~~455.2178, 455.2179, 471.008, 471.017(3), 471.019~~ FS. Law Implemented ~~455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019~~ FS. History—New 9-16-01, Amended 9-4-02, 1-16-03, 8-10-09, _____.

61G15-22.011 Board Approval of Continuing Education Providers.

(1) Applicants for continuing education provider status must either be registered as a continuing education provider with the Registered Continuing Education Program (RCEP) of the American Council ~~Counsel~~ of Engineering Companies (ACEC)~~(ACAC)~~ as of March 1, 2015, or meet the requirements of subsection (2) of this rule to demonstrate the education and/or the

experience necessary to instruct professional engineers in the conduct of their practice.

(2) To demonstrate the education and/or the experience necessary to instruct professional engineers in the conduct of their practice for continuing education credit, an applicant for continuing education provider status must be a regionally accredited educational institution, a commercial educator, a governmental agency, a state or national professional association whose primary purpose is to promote the profession of engineering, an engineer with a Florida license to practice engineering who is not under disciplinary restrictions pursuant to any order of the Board, a vendor with specific knowledge related to the licensee's area of practice, or an engineering firm that possesses an active certificate of authorization issued by the Board pursuant to Section 471.023, F.S.

(3) To allow the Board to evaluate an application for continuing education provider status, the applicant must submit the following:

(a) A completed Application for New Continuing Education Provider Status, Form FBPE/007 (Rev. 10/15), incorporated by reference herein, which may be obtained from www.fbpe.org/licensure/application-process or at <https://www.flrules.org/gateway/reference.asp?NO=Ref-04511>.

~~(b)(a)~~ The name, address and telephone number of the prospective provider; and

~~(c)(b)~~ Proof of registration as continuing education provider with ACECAGAC, or if the applicant is not registered as a continuing education provider with ACECAGAC, the applicant must submit the following:

~~(3)(c)~~ 1. through (9)(c) No change.

Rulemaking Authority 455.213(6), ~~455.2178, 455.2179, 471.008, 471.017(3), 471.019~~ FS. Law Implemented 455.213(6), ~~455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019~~ FS. History—New 9-16-01, Amended 9-4-02, 12-21-03, 8-8-05, 6-11-06, 1-29-07, 6-3-07, 8-10-09, 7-8-10, _____.

61G15-22.012 Obligations of Continuing Education Providers.

To maintain status as a continuing education provider, the provider must:

(1) through (2) No change.

(3) Furnish each participant with an individual certificate of attendance. An attendance record shall be maintained by the provider for four years and shall be available for inspection by the Board and the Florida Engineers Management Corporation.

(4) No change.

(5) Allow only one continuing education hour for each hour of classroom, audio or video instruction, an "hour of classroom, audio or video instruction" being a minimum of 50 minutes instruction or presentation.

(6) Allow only one continuing education hour for each "hour of correspondence study." The "hour of correspondence study" must be based

on the average completion time of each course as established by the provider.

(7) through (9) No change.

Rulemaking Authority ~~455.213(6), 455.2178, 455.2179~~, 471.008, 471.017(3), ~~471.019~~ FS. Law Implemented ~~455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019~~ FS. History—New 9-16-01, Amended_____.

Upon motion by Mr. Todd, seconded by Mr. Hahn, the proposed rule amendment was approved. The motion passed.

Mr. Harris asked if the proposed rule amendments will have an adverse impact on small business or would be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one (1) year after the implementation of the rule.

Upon motion by Mr. Fleming, seconded by Mr. Todd, that the proposed rule amendments will have no adverse impact on small business and will not increase regulatory costs, the motion passed.

(e) Public Hearing on Amendments to Rule 61G15-22.0105

Mr. Harris discussed the proposed rule amendments to Rule 61G15-22.0105.

Discussion followed on the incorporated application forms.

Upon motion by Mr. Todd, seconded by Mr. Hahn, to approve the new CE applications and to publish a notice of change for this rule, the motion passed.

Mr. Harris asked if the proposed rule amendments will have an adverse impact on small business or would be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one (1) year after the implementation of the rule.

Upon motion by Mr. Pepper, seconded by Mr. Fleming, that the proposed rule amendments will have no adverse impact on small business and will not increase regulatory costs, the motion passed.

(f) Public Hearing on Amendments to Rule 61G15-32.004(2)(k) – Design of Water Based Fire Protection Systems

Mr. Harris discussed the proposed amendment to Rule 61G15-32.0045(2)(k):

61G15-32.004 Design of Water Based Fire Protection Systems.

(1) Water Based Fire Protection Systems include, but are not limited to, automatic sprinkler systems of wet, dry, fine water spray (mist), manual, and deluge valve controlled types, pumping systems, standpipes, fire water mains and dedicated fire protection water sources.

(2) To ensure minimum design quality in Fire Protection System Engineering Documents, said documents shall include as a minimum the following information when applicable:

(a) The Point of Service for the fire protection water supply as defined by Section 633.021(18), F.S.

(b) Applicable NFPA standard to be applied, or in the case where no such standard exists, the engineering study, judgments, and/or performance based analysis and conclusions.

(c) Classification of hazard occupancy for each room or area.

(d) Design approach, which includes system type, densities, device temperature rating, and spacing for each separate hazard occupancy.

(e) Characteristics of water supply to be used, such as main size and location, whether it is dead-end or circulating; and if dead-end, the distance to the nearest circulating main, as well as its minimum duration and reliability for the most hydraulically demanding design area.

(f) When private or public water supplies are used, the flow test data, including date and time of test, who conducted test or supplied information, test elevation, static gauge pressure at no flow, flow rate with residual gauge pressure, hydrant butt coefficient, and location of test in relation to the hydraulic point of service.

(g) Valving and alarm requirements to minimize potential for impairments and unrecognized flow of water.

(h) Microbial Induced Corrosion (MIC). The Engineer of Record shall make reasonable efforts to identify water supplies that could lead to Microbial Induced Corrosion (MIC). Such efforts may consist of discussions with the local water purveyor and/or fire official, familiarity with conditions in the local area, or laboratory testing of water supplies. When conditions are found that may result in MIC contamination of the fire protection piping, the engineer shall design corrective measures.

(i) Backflow prevention and metering specifications and details to meet local water purveyor requirements including maximum allowable pressure drop.

(j) Quality and performance specifications of all yard and interior fire protection components.

(k) for high hazard occupancy classifications, storage occupancies, factory occupancies, and high-rise buildings, as defined in the Florida Building Code, a determination of whether a fire pump is required and if so, the specific volumetric flow and pressure rating of the pump.

(l) A verification of whether a firewater storage tank is required on site and if so, a determination of the size and capacity required.

(m) Owner's Certificate. In storage occupancies, the Owner's Information Certificate is required from the property owner as it clearly defines the storage configuration of

the space for the current and future use of the property, as required by the codes and standards set forth in subsection 61G15-32.002(7), F.A.C.

(3) Contractor submittals which deviate from the above minimum design parameters shall be considered material deviations and require supplemental engineering approval and documentation.

(4) In the event the Engineer of Record provides more information and direction than is established above, he or she shall be held responsible for the technical accuracy of the work in accordance with applicable codes, standards, and sound engineering principles.

Rulemaking Authority 471.008, 471.033(2) FS. Law Implemented 471.033(2) FS. History—New 5-19-93, Formerly 21H-32.004, Amended 4-2-00, 6-26-01, 6-15-15.

Mr. Dewar addressed the Board on this issue.

Upon motion by Mr. Dove, seconded by Mr. Hahn, to reopen the rule for development and approved the proposed rule amendment, the motion passed.

Mr. Harris asked if the proposed rule amendments will have an adverse impact on small business or would be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one (1) year after the implementation of the rule.

Upon motion by Dr. Roddenberry, seconded by Mr. Hahn, that the proposed rule amendments will have no adverse impact on small business and will not increase regulatory costs, the motion passed.

(g) Public Hearing on Amendments to Rule 61G15-35.003 (Special Inspector Application)

Mr. Harris discussed the proposed rule amendments.

Upon motion by Dr. Roddenberry, seconded by Mr. Dove, to approve the proposed amendments and to publish a notice of change for Rule 61G15-35.003, the motion passed.

Mr. Harris asked if the proposed rule amendments will have an adverse impact on small business or would be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one (1) year after the implementation of the rule.

Upon motion by Mr. Dove, seconded by Mr. Hahn, that the proposed rule amendments will have no adverse impact on small business and will not increase regulatory costs, the motion passed.

(h) Public Hearing on Amendments to Rule 61G15-20.007 – Educational Requirements for Applicants without EAC/ABET Accredited Engineering Degrees

Mr. Harris discussed the concerns from JAPC about this rule.

Discussion by the Board followed on this.

The Board authorized Mr. Harris to draft a response letter to Ms. Holladay in reference to her concerns.

Ms. Raybon also discussed the issue of using experience for FE Applicants. Upon motion by Dr. Roddenberry, seconded by Ms. Boza, to approve the following rule amendment for Rule 61G15-20.007(1)(b): “Other means towards satisfying the general education requirement are as follows: Obtaining U.S. citizenship by naturalization is equivalent to 10 credit hours; earning a doctoral degree is equivalent to 10 credit hours if the degree is from a college or university in the U.S. that has an EAC/ABET-accredited engineering program in a related discipline at the baccalaureate level; for P.E. licensure applicants, each year of progressive U.S. engineering experience as approved by the Board is equivalent to 2 credit hours, for a maximum of 8 credit hours,” to publish a notice of change and to authorize Mr. Harris to address any concerns JAPC may have about this new proposed language, the motion passed.

Mr. Harris asked if the proposed rule amendments will have an adverse impact on small business or would be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one (1) year after the implementation of the rule.

Upon motion by Mr. Todd, seconded by Mr. Hahn, that the proposed rule amendments will have no adverse impact on small business and will not increase regulatory costs, the motion passed.

- (i) Comments on Proposed Amendments to Rule 61G15-35.004 – Common Requirement to All Engineers Providing Threshold Building Inspections
- a. Email from Mr. Mr. Richard Gathright, PE – Re: Rule 61G15-35.004
 - b. Email & Letter from Mr. Greg Burke, - Re: Rule 61G15-35.004

Mr. Harris discussed the concerns from JAPC and how the Board should handle the written comments from the public.

Mr. Gathright and Mr. Burke both spoke about the proposed rule amendment.

Discussion followed.

Mr. Harris reported the concerns made by Mr. Berube.

Upon motion by Mr. Hahn, seconded by Mr. Fleming, to approve Rule 61G15-35.004(2), which was amended as follows: 35.004(2) Special Inspectors utilizing Authorized Representatives shall ensure the Authorized Representative is qualified by education ~~or~~ licensure or training to perform the duties assigned by the Special Inspector, Effective July 1, 2016, those qualifications shall include:

61G15-35.004(2)(c) shall read as: (c) Possession of a professional Architecture degree. ~~Graduation from a four year architectural education program;~~ and to publish a notice of change, the motion passed.

Mr. Harris asked if the proposed rule amendments will have an adverse impact on small business or would be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one (1) year after the implementation of the rule.

Upon motion by Mr. Dove, seconded by Mr. Pepper, that the proposed rule amendments will have no adverse impact on small business and will not increase regulatory costs, the motion passed.

#5. Education Rules Committee

(Michelle Roddenberry, Ph.D., P.E., Chair; Anthony Fiorillo, P.E.; Kenneth Todd, P.E.; Vivian Boza, Public Member; Elizabeth Ferguson, Public Member)

(a) Committee Chair's Report.

No Report.

#6. Joint Engineer/Architect Committee

(William Bracken, P.E., S.I., Chair; Warren Hahn, P.E.; John Pepper, P.E., S.I.)

(a) Committee Chair's Report.

#7. Practicing Engineer Committee

(Michelle Roddenberry, Ph.D., P.E., Chair; Kevin Fleming, P.E.; John Pepper, P.E., S.I.; Kenneth Todd, P.E.; Babu Varghese, P.E., S.I.)

(a) Committee Chair's Report.

No Report.

#8. Structural Rules Committee **(Next Meeting: October 7, 2015, at 8:30am)**

(Kevin Fleming, P.E., Chair; John Pepper, P.E., S.I.)

(a) Committee Chair's Report.

(b) Minutes from September 16, 2015 meeting*

Approved under consent agenda.

(c) Public Hearing on Amendments to Rule 61G15-31.004-Design of Cast-in-Place Post-Tensioned Concrete Structural Systems

Mr. Harris discussed the proposed amendments to Rule 61G15-31.004.

Discussion followed.

Upon motion by Mr. Fleming, seconded by Mr. Pepper, the following amendment to Rule 61G15-31.004 was approved:

(1) Structural engineering documents shall show the complete structural configuration and loading requirements of the post-tensioned system including: member sizes, nature, the type of the post-tensioning system, location of all the prestressing tendons (in plans and elevation), and the magnitude of all prestressing forces, and all design assumptions. Structural engineering documents shall also show all required non post-tensioned reinforcing steel including size, spacing, and lengths required for the post tensioned system.

(2) If the engineer of record (EOR) elects to delegate the responsibility for preparation of calculations and installation drawings to a delegated engineer for the post-tensioning system(s), the EOR-Engineer of Record shall require the submission of installation drawings for review by the engineer of record. Calculations shall also be submitted by the delegated engineer which show sufficient information to document confirm that the number and size of tendons provided are adequate to carry all loads provide the prestressing forces shown on the structural engineering documents. The member dimensions and tendon directions shall match those on the structural engineering documents, unless otherwise agreed to with the EOR, via modified structural engineering documents. Installation drawings shall

include the following as a minimum: identification of all the structural elements designed by the delegated engineer, identify the structure and provide all details of post-tensioned and non post-tensioned tensioning materials to be used including necessary accessories and instructions for construction. If the delegated engineer utilizes or requires any additional reinforcing to maintain the member sizes shown on the structural engineering documents, the delegated engineer shall inform the EOR. If any moments, shears or axial loads are required for the lateral force resisting system the EOR shall provide them to the delegated engineer for inclusion in the preparation of the delegated engineering documents. All forces imposed on the load supporting members from the post-tensioned system shall be reported to the EOR. The installation drawings and calculations shall bear the ~~impressed~~ seal, date, and signature of the delegated engineer who prepared them and shall be reviewed by the EOR engineer of record for the structure. ~~A cover sheet listing the drawings and calculations may be used.~~

(3) It is the responsibility of the EOR engineer of record for the structure to review the post-tensioning system installation drawings together with the shop drawings of all required reinforcing steel needed for a complete structural design.

(4) The effect of post-tensioning on other parts of the structure is the responsibility of the EOR engineer of record.

Rulemaking Authority 471.033(2), 471.008, FS. Law Implemented 471.005(7), 471.031(1)(a), 471.033(1)(g),(j), FS. History—New 1-26-93, Formerly 21H-31.004, Amended 9-28-10, _____. The motion passed.

Upon motion by Mr. Fleming, seconded by Mr. Pepper, the rule amendment to Rule 61G15-31.004 was approved. The motion passed.

Mr. Harris asked if the proposed rule amendments will have an adverse impact on small business or would be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one (1) year after the implementation of the rule.

Upon motion by Mr. Pepper, seconded by Mr. Hahn, that the proposed rule amendments will have no adverse impact on small business and will not increase regulatory costs, the motion passed.

(d) Public Hearing on Amendments to Rule 61G15-31.006- Design of Structural Systems Utilizing Open Web Steel Joists and Joists Girders

Mr. Harris discussed the proposed changes to Rule 61G15-31.006 as approved at the Structural Rules Committee held earlier in the morning:

61G15-31.006 Design of Structural Systems Utilizing Open Web Steel Joists and Joist Girders.

(1) The Engineer of Record shall indicate on the Structural Engineering Documents the steel joist and joist girder designations as required in Section 2207 of the Florida Building Code, Building, 5th Edition (2014), incorporated by reference in Rule 61G20-1.001, F.A.C. (6-30-15) ~~from the 1997 Steel Joist Institute's Specifications and load tables~~ and shall indicate the appropriate standards for joist and joist girder design, layout, end supports, anchorage, bridging requirements, etc., including connections to walls. These documents shall indicate special requirements for concentrated loads, non-uniform loads, openings, extended ends, and resistance to uplift loads.

(2) The Engineer of Record is responsible for reviewing the steel joist and joist girder manufacturer's shall designs, as required in subsection (1), above, ~~the steel joist and joist girder members in accordance with the 1997 Steel Joist Institute Specifications and load tables to support the loads per the Engineer of Record's specified joist and joist girder designations and/or special loading diagrams, as set forth in Structural Engineering Documents. The Engineer of Record may require the submission of the steel joist and joist girder design calculations as an indication of compliance. When required to submit the steel joist and joist girder calculations, the Engineer of Record shall require ensure the steel joist and joist girder manufacturer to shall~~ submit a cover letter along with the steel joist and joist girder design calculations. The cover letter shall bear the seal and signature of a Florida registered professional engineer responsible for design of the steel joist and joist girders.

Rulemaking Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g), (j) FS. History—New 1-26-93, Formerly 21H-31.006, Amended 10-19-97, _____.

Upon motion by Mr. Pepper, seconded by Mr. Fleming, the amendment to Rule 61G15-31.006 was approved. The motion passed.

Mr. Harris asked if the proposed rule amendments will have an adverse impact on small business or would be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one (1) year after the implementation of the rule.

Upon motion by Mr. Fleming, seconded by Mr. Pepper, that the proposed rule amendments will have no adverse impact on small business and will not increase regulatory costs, the motion passed.

#9. Marine Engineer Committee

(Babu Varghese, P.E., S.I. Chair; Roland Dove, P.E., Elizabeth Ferguson, Public Member)

(a) Committee Chair’s Report.

H. NCEES

(William Bracken, P.E., FBPE Liaison)

#1. NCEES Annual Meeting Report

Provided for informational purposes.

I. Advisory Attorney's Report

#1. 2015 Regulatory Plan

Mr. Harris stated that this was provided for informational purposes.

#2. Update on FTC vs. NC Dental Board

Mr. Harris provided an update on the NC Supreme Court case and the implications of it to the Board.

Discussion followed.

Mr. Harris and Mr. Cunningham will check and see what the implications are for the Board members in regards to any similar cases being filed in Florida.

#3. Rules Report

**BOARD OF PROFESSIONAL ENGINEERS
RULES REPORT – OCTOBER 2015**

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
61G15-18.011	Definitions (“Marine Engineers”)	04/08/15	06/11/15	06/19/15 08/12/15 (RD workshop)	07/08/15 07/20/15 WITHDRAWN		
61G15-18.011	Definitions (“Traffic Engineering”)	02/11/15 08/12/15	09/04/15	09/28/15			

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
61G15-20.001	Definitions	06/17/15	07/01/15	07/14/15	08/07/15 08/20/15 JAPC ltr (20.001, 002) 08/27/15 JAPC response 09/25/15 E.D. req'd separation from 20.007, proceed to adoption 09/28/15 7-day letter to JAPC <i>{10/05/15 earliest date to adopt}</i>		
61G15-20.0010	Application for licensure by Examination		03/04/15	03/10/15	06/19/15 06/26/15 JAPC letter rec'd 07/15/15 Rules Committee mtg. 07/17/15 TOLLED 09/16/15 Rules Committee mtg. <i>{10/7/15 Board to consider}</i>		
61G15-20.0015	Application for licensure by Endorsement		03/04/15	03/10/15	03/27/15	06/17/15	07/07/15
61G15-20.0015	Application for Licensure by Endorsement	06/17/15	07/01/15	07/14/15	08/07/15 08/20/15 JAPC ltr (20.001, 002) 08/27/15 JAPC response 09/25/15 E.D. req'd separation from 20.007, proceed to adoption 09/28/15 7-day letter to JAPC <i>{10/05/15 earliest date to adopt}</i>		
61G15-20.002	Experience	06/17/15	07/01/15	07/14/15	08/07/15 08/20/15 JAPC ltr (20.001, 002) 08/27/15 JAPC response 09/25/15 E.D. req'd separation from 20.007, proceed to adoption 09/28/15 7-day letter to JAPC <i>{10/05/15 earliest date to adopt}</i>		
61G15-20.005	Rules Governing Candidates Qualifying Under the Provisions of Section 471.013(1)(a)3., Florida Statutes.	08/12/15 (ARR repeal)	09/04/15	N/A	09/08/15 09/29/15 7-day ltr <i>{10/06/15 earliest date to adopt}</i>		

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
61G15-20.007	Educational Requirements for Applicants without EAC/ABET Accredited Engineering Degrees	06/17/15	07/01/15 08/28/15 NOC	07/14/15	08/07/15 09/04/15 Notice of Change 09/08/15 JAPC ltr rec'd 09/25/15 E.D. req'd separation from 20.001, 0015, 002 {10/7/15 Board to consider}		
61G15-21.004	Passing Grade	06/17/15	07/01/15	07/14/15	08/07/15 08/20/15 JAPC letter rec'd 08/28/15 JAPC response sent		
61G15-21.007	Re-examination		05/20/15	05/28/15	06/12/15 06/17/15 JAPC letter rec'd. 06/24/15 JAPC response sent 08/20/15 JAPC letter rec'd 09/04/15 Notice of Change 09/28/15 7-day letter to JAPC		
61G15-22.0001	Renewal of Active Licenses	06/17/15	06/22/15 RD 08/26/15 RN	06/30/15	08/27/15 09/04/15 JAPC letter rec'd {10/7/15 Board to consider}		
61G15-22.0002	Renewal of Inactive Licenses	06/17/15	06/22/15 RD 08/26/15 RN	06/30/15	08/27/15 09/04/15 JAPC letter rec'd {10/7/15 Board to consider}		
61G15-22.0003	Exemption from Renewal Requirements for Spouses Of Members o the Armed Forces of the United States	06/17/15	06/22/15 RD 08/26/15 RN	06/30/15	08/27/15 09/04/15 JAPC letter rec'd {10/7/15 Board to consider}		
61G15-22.001	Continuing Education Requirements	06/17/15	06/22/15 RD 08/26/15 RN	06/30/15	08/27/15 09/04/15 JAPC letter rec'd {10/7/15 Board to consider}		
61G15-22.002	Definitions	06/17/15	06/22/15 RD 08/26/15 RN	06/30/15	08/27/15 09/04/15 JAPC letter rec'd {10/7/15 Board to consider}		

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
61G15-22.003	Qualifying Activities for Area Of Practice Requirement	06/17/15	06/22/15 RD 08/26/15 RN	06/30/15	08/27/15 09/04/15 JAPC letter rec'd {10/7/15 Board to consider}		
61G15-22.004	Conversion of Education Units To PDH	06/17/15	06/22/15 RD 08/26/15 RN	06/30/15	08/27/15 09/04/15 JAPC letter rec'd {10/7/15 Board to consider}		
61G15-22.005	Non-Qualifying Activities	06/17/15	06/22/15 RD 08/26/15 RN	06/30/15	08/27/15 09/04/15 JAPC letter rec'd {10/7/15 Board to consider}		
61G15-22.006	Demonstrating Compliance	06/17/15	06/22/15	06/30/15	No language		
61G15-22.008	Record Keeping	06/17/15	06/22/15 RD 08/26/15 RN	06/30/15	08/27/15 09/04/15 JAPC letter rec'd {10/7/15 Board to consider}		
61G15-22.009	Exemptions	06/17/15	06/22/15	06/30/15	No language		
61G15-22.010	Qualifying Activities for Laws And Rules Requirements	06/17/15	06/22/15 RD 08/26/15 RN	06/30/15	08/27/15 09/04/15 JAPC letter rec'd {10/7/15 Board to consider}		
61G15-22.0105	Approval of Continuing Education Courses in Laws and Rules	06/17/15	06/22/15	07/08/15	07/24/15 07/31/15 JAPC letter rec'd 08/10/15 JAPC response sent {10/7/15 Board to consider}		
61G15-22.011	Board Approval of Continuing Education Providers	06/17/15	06/22/15 RD 08/26/15 RN	06/30/15	08/27/15 09/04/15 JAPC letter rec'd {10/7/15 Board to consider}		
61G15-22.012	Obligations of Continuing Education Providers	06/17/15	06/22/15 RD 08/26/15 RN	06/30/15	08/27/15 09/04/15 JAPC letter rec'd {10/7/15 Board to consider}		
61G15-22.013	Evaluation of Providers	06/17/15	06/22/15	06/30/15	No language		
61G15-22.014	Duration of Providers Status	06/17/15	06/22/15	06/30/15	No language		

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
61G15-23.001	Signature, Date and Seal Shall be Affixed Seals Acceptable to the Board	05/20/15 RD 08/13/15 NOC	05/28/15	06/16/15	06/23/15 JAPC letter rec'd. 06/29/15 JAPC response sent 07/15/15 Rules Committee mtg. 07/22/15 JAPC letter (re tolling) 07/22/15 Response/ TOLLED 07/24/15 JAPC response sent 08/28/15 JAPC response update 09/08/15 Notice of Change 09/15/15 JAPC letter (re NOC) 09/22/15 JAPC resp. (re corr'n) 09/28/15 Notice of Correction 09/29/15 7-day letter to JAPC <i>{10/06/15 earliest date to adopt}</i>		
61G15-23.002	Seals Acceptable to the Board Seal, Signature and Date Shall Be Affixed	05/20/15 RD 08/13/15 NOC	05/28/15	06/16/15	06/23/15 JAPC letter rec'd. 06/29/15 JAPC response sent 07/15/15 Rules Committee mtg. 07/22/15 JAPC letter (re tolling) 07/22/15 Response/ TOLLED 07/24/15 JAPC response sent 08/28/15 JAPC response update 09/08/15 Notice of Change 09/15/15 JAPC letter (re NOC) 09/22/15 JAPC resp. (re corr'n) 09/28/15 Notice of Correction 09/29/15 7-day letter to JAPC <i>{10/06/15 earliest date to adopt}</i>		

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
61G15-23.003	Procedures for Physically Signing and Sealing Plans, Specifications, Reports or Other Documents Electronically Transmitted Plans, Specifications, Reports or Other Documents	05/20/15	05/28/15	06/16/15	06/23/15 JAPC letter rec'd. 06/29/15 JAPC response sent 07/15/15 Rules Committee mtg. 07/22/15 JAPC letter (re tolling) 07/22/15 Response/ TOLLED 07/24/15 JAPC response sent 08/28/15 JAPC response update 09/08/15 Notice of Change 09/15/15 JAPC letter (re NOC) 09/22/15 JAPC resp. (re corr'n) 09/28/15 Notice of Correction 09/29/15 7-day letter to JAPC <i>{10/06/15 earliest date to adopt}</i>		
61G15-23.004	Procedures for Digitally Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents	05/20/15	05/28/15	06/16/15	06/23/15 JAPC letter rec'd. 06/29/15 JAPC response sent 07/15/15 Rules Committee mtg. 07/22/15 JAPC letter (re tolling) 07/22/15 Response/ TOLLED 07/24/15 JAPC response sent 08/28/15 JAPC response update 09/08/15 Notice of Change 09/15/15 JAPC letter (re NOC) 09/22/15 JAPC resp. (re corr'n) 09/28/15 Notice of Correction 09/29/15 7-day letter to JAPC <i>{10/06/15 earliest date to adopt}</i>		

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
61G15-23.005	Procedures for Electronically Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents	05/20/15 RD 08/13/15 NOC	05/28/15	06/16/15	06/23/15 JAPC letter rec'd. 06/29/15 JAPC response sent 07/15/15 Rules Committee mtg. 07/22/15 JAPC letter (re tolling) 07/22/15 Response/ TOLLED 07/24/15 JAPC response sent 08/28/15 JAPC response update 09/08/15 Notice of Change 09/15/15 JAPC letter (re NOC) 09/22/15 JAPC resp. (re corr'n) 09/28/15 Notice of Correction 09/29/15 7-day letter to JAPC <i>{10/06/15 earliest date to adopt}</i>		
61G15-31.006	Design of Structural Systems Utilizing Joist /Girders		03/04/15	03/10/15	03/27/15 06/03/15 TOLLED 07/15/15 Rules Committee mtg. 09/16/15 Struc'l Rules Cmm. mtg 10/07/15 Struc'l Rules Cmm. mtg		
61G15-35.003	Qualification Program for Special Inspectors of Threshold Buildings	12/03/14	06/11/15	06/19/15	07/08/15 09/16/15 Struc'l Rules Cmm. mtg <i>{10/7/15 Board to consider}</i>		
61G15-35.004	Common Requirement to All Engineers Providing Threshold Building Inspections	08/13/15 NOC	05/05/15	05/14/15	06/01/15 06/05/15 TOLLED 06/05/15 JAPC letter rec'd. 06/11/15 JAPC response sent 07/15/15 Rules Committee mtg. 09/04/15 Notice of Change <i>{10/7/15 Board to consider}</i>		

J. Executive Director's Report

#1. Application for Retired Status*

Approved under consent agenda.

#2. Application from Steve Kowkabany for the FEMC Board Position that will be open as of October 31, 2015

Ms. Raybon stated that the application is for seat that is being vacated by Mr. Cox and will be for a four-year term.

Upon motion by Mr. Dove, seconded by Mr. Todd, the application of Mr. Kowkabany for the FEMC Board was approved. The motion passed. (Ms. Ferguson is recused from the vote.)

#3. 2014-2015 FEMC Annual Report

Provided for Informational purposes.

#4. 2015 FBPE/FEMC Meeting Calendar

Provided for Informational purposes.

#5. Proposed 2016 FBPE/FEMC Meeting Calendar

Ms. Raybon stated that if anyone has any conflicts with any proposed dates to please let staff know as soon as possible.

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.

L. Engineering Association and Society Reports

#1. FSEA

#2. FES



M. Chair's Report

#1. Appoint Nominations Committee

Mr. Fiorillo appointed Mr. Todd and Mr. Dove to the Nominations Committee.

N. Action Items from Previous Board Meetings

#1. Email from Mr. Samuel Baggett, P.E. – Re: Credit for Pro-Bono work on PE Applicants

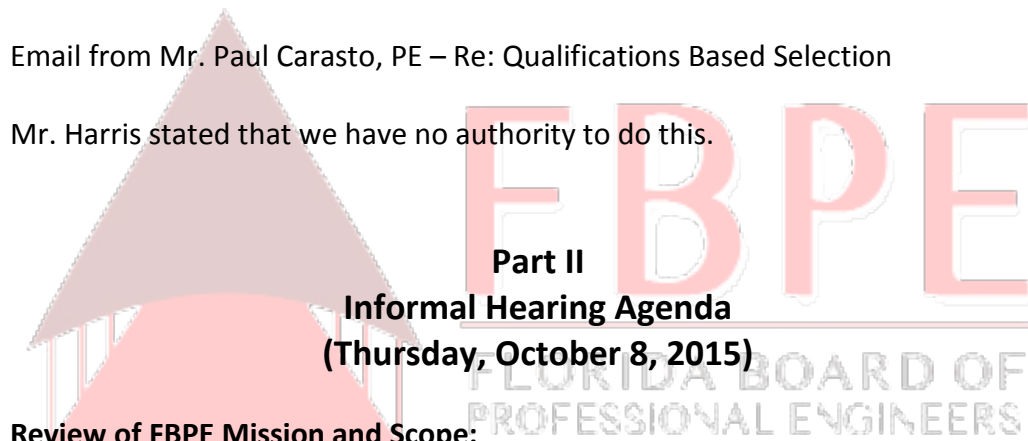
#2. Email from Mr. Edward Kant, P.E. – Re: Conduct Challenges faced by Engineers

#3. Email from Mr. Todd Roth – Re: ARC Flash Analysis/Studies in Florida performed for third parties

O. Correspondence to the Board

#1. Email from Mr. Paul Carasto, PE – Re: Qualifications Based Selection

Mr. Harris stated that we have no authority to do this.



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.

P. Ratification of Actions from Application Review, October 7, 2015

Upon motion by Mr. Hahn, seconded by Mr. Pepper, the ratification list was approved. The motion passed.

Q. Continuation of Informal Hearing on Denial of Application for Principle and Practice Examination

#1. Mario Castaneda-Munoz

Dr. Castaneda-Munoz was present and sworn in prior addressing the Board.

Mr. Harris provided the basis of the denial of Dr. Castaneda-Munoz's application. Dr. Munoz holds a Ph.D. in Civil Engineering from the University of Puerto Rico. The denial of the application is based on his education. Dr. Munoz had requested a formal hearing on his Election of Rights but is now requesting an informal hearing to address the issues with his application. At the Feb.2014 FBPE Board meeting, the Board voted to allow his application to remain open until August 2014 so he could complete the necessary CLEP courses. At the Oct. 2014 FBPE Board meeting, Dr. Munoz stated that he had not completed any coursework and asked for an extension and the Board granted a second extension until the October 2015 Board meeting.

Dr. Roddenberry discussed the new proposed Education Rules and how they apply to Dr. Munoz.

Upon motion by Dr. Roddenberry, seconded by Mr. Hahn, the application of Dr. Castaneda-Munoz was approved based on the new proposed educational rules. The motion passed.

R. Informal Hearing on Denial of Application for Licensure by Endorsement

#1. Manivannan Nagaiah

Mr. Harris provided the basis of denial of Mr. Nagaiah's application. Mr. Nagaiah holds a BS Civil Engineering from Maduri-Kamaraj University. The denial of the application is education. Mr. Nagaiah is lacking 2 ours of humanities & social sciences (H&SS) per the new rule or a probability and statistics course per old rule.

Dr. Roddenberry stated that the Board could use his graduate coursework to give him the 2 hours of H&SS that he is lacking.

Upon motion by Dr. Roddenberry, seconded by Mr. Hahn, the application of Mr. Nagaiah was approved. The motion passed.

S. Informal Hearing on Denial of Application for Principle and Practice Examination

#1. Manojkumar Tadhani

Mr. Tadhani was present and sworn in prior to addressing the Board.

Mr. Harris outlined the basis for denial. Mr. Tadhani holds a BS in Mechanical Engineering from Gujarat University. Mr. Tadhani lacks 22.56 hours in math & basic

sciences (M&BS) to include chemistry, physics and sequence course in either, as well as a course in probability and statistics and 16 hours of humanities and social sciences (H&SS).

Dr. Roddenberry discussed the proposed educational rules and what the applicant may be lacking now.

Mr. Tadhani addressed the Board.

Upon motion by Dr. Roddenberry, seconded by Ms. Ferguson, the application of Mr. Tadhani will be held open until October 2016 to allow him to clear his deficiencies of 8 hours of H&SS and two courses in basics sciences. The motion passed.

T. Informal Hearing on Denial of Application for Continuing Education Provider

#1. RGI International

Ms. Sammons informed the board that RGI is requesting to continue their hearing until the December 2015 FBPE Board meeting.

Upon motion by Mr. Todd, seconded by Dr. Roddenberry, the application of RGI International was continued until the December 2015 FBPE Board meeting. The motion passed.

U. Petition for Waiver and Variance and Informal Hearing on Denial of Application for Licensure by Endorsement

#1. Ellen Kucharik

Mr. Harris provided the basis for the petition. Ms. Kucharik has submitted a petition for variance or wavier of Rule 61G15-21.001. Ms. Kucharik lacks the NCEES FE Exam. Ms. Kucharik took a state FE Exam in 1977 and the PE Exam in 1985. Ms. Kucharik earned a BS in Civil Engineering from The Pennsylvania State University.

Discussion followed.

Upon motion by Dr. Roddenberry, seconded by Mr. Pepper, the petition by Ms. Kucharik and therefore the application of Ms. Kucharik was approved. The motion passed.

Part III
Disciplinary Hearings
(Thursday, October 8, 2015)

V. Settlement Stipulation

#1. SANTIAGO BOLIVAR, P.E.
P.E. Number: 53326
FEMC Case Number: 2014030707
Probable Cause Panel Date: May 12, 2015
Probable Cause Panel: Fiorillo & Pepper
Represented by: Himself, Santiago Bolivar, P.E.

Mr. Bolivar 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, & Rule 61G15-19.001(4), Florida Administrative Code, by engaging in negligence in the practice of engineering.

Mr. Bolivar addressed the Board.

Discussion followed.

The Probable Cause Panel Recommendation was Administrative Complaint; Reprimand, Administrative Fine of \$4,000.00 (\$1,000.00 per Count in Administrative Complaint); Administrative Costs of \$4,930.40; 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 (including Electrical, Mechanical HVAC, Mechanical Plumbing, and Structural – not necessarily all in the same project, but all four disciplines must be available for review) 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 the Probable Cause Panel Recommendation.

Upon motion by Mr. Dove, seconded by Mr. Todd, the settlement stipulation was approved. The motion passed.

#2. JOSEPH S. FERDELMAN, P.E.
P.E. Number: 64571
FEMC Case Number: 2014039501
Probable Cause Panel Date: July 14, 2015
Probable Cause Panel: Fiorillo, Matthews & Todd
Represented by: Catherine B. Chapman

Guilday Law

Mr. Ferdelman was present with his counsel, Ms. Chapman. Mr. Ferdelman 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 Administrative Complaint; Reprimand, Administrative Costs of \$1,694.45; Successful Completion of a Basic 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 at the same as Probable Cause Panel Recommendation with the exception that a Letter of Guidance will be issued by the Board rather than a Reprimand.

Mr. Ferdelam addressed the Board.

Ms. Chapman addressed the Board.

Upon motion by Mr. Pepper, seconded by Ms. Boza, the settlement stipulation was accepted. The motion passed.

#3. GILBERTO GAVARRETE, P.E.
P.E. Number: 51371
FEMC Case Number: 2013033149
Probable Cause Panel Date: May 12, 2015
Probable Cause Panel: Fiorillo & Pepper
Represented by: Jeff Peters, Esquire

Mr. Gavarrette was present along with counsel, Mr. Peters. Mr. Gavarrette 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 Administrative Complaint; Reprimand, Administrative Fine of \$2,000.00 (\$1,000.00 for each Count in the Administrative Complaint); Administrative Costs of \$4,477.00; 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, said projects must include both the plumbing and electrical disciplines, but not required to be in the same project; 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 a Administrative Complaint; Reprimand, Administrative Fine of \$1,000.00 (\$500.00 for each Count in the Administrative Complaint); Administrative Costs of \$4,477.00; 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, said projects must include both the plumbing and electrical disciplines, but not required to be in the same project; 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.

Mr. Gavarette addressed the Board.

Upon motion by Mr. Dove, seconded by Mr. Fleming, the settlement stipulation was accepted. The motion passed.

#4. ALDO JACK MESSULAM, P.E.
P.E. Number: 51371
FEMC Case Number: 2014017182
Probable Cause Panel Date: March 10, 2015
Probable Cause Panel: Fiorillo, Matthews & Pepper
Represented by: Ms. Erin A. McGrath, Esquire
Mr. Jeremy C. Daniels, Esquire
DanielsKashtan, Attorneys at Law

Mr. Messulam was present along with counsel, Ms. McGrath. Mr. Messulam was sworn 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 Administrative Complaint; Reprimand; Administrative Fine of \$1,000.00; Administrative Costs of \$1,411.75; 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 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 the Probable Cause Panel recommendation.

Mr. Messulam addressed the Board.

Upon motion by Mr. Todd, seconded by Mr. Dove, the settlement stipulation was accepted. The motion passed.

#5. NORTHSIDE ENGINEERING SERVICES, INC.
 C.A. Number: 5936
 FEMC Case Number: 2015000978
 Probable Cause Panel Date: May 12, 2015
 Probable Cause Panel: Fiorillo & Pepper
 Represented by: Mr. Houshang Ghovae
 President and Registered Agent

Mr. Rimes stated that all parties did not attend as required and the Board could hear the case or hold the case until the next board meeting and staff would stress that all parties involved should attend the meeting.

Upon motion by Mr. Todd, seconded by Mr. Fleming, the case was continued until December 2015. The motion passed.

#6. MICHAEL A. ROBINSON, P.E.
 P.E. Number: 28317
 FEMC Case Number: 2013028827
 Probable Cause Panel Date: January 13, 2015
 Probable Cause Panel: Roddenberry, Matthews & Pepper

FEMC Case Number: 2014004347
Probable Cause Panel Date: July 14, 2015
Probable Cause Panel: Fiorillo, Matthews & Todd
Represented by: Mr. Brett Wadsworth, Esquire

Mr. Robinson was present along with counsel, Mr. Wadsworth. Mr. Robinson was sworn in prior to addressing the Board.

Mr. Rimes outlined the facts of the case. The charges relate to a violation 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 Administrative Complaint; Reprimand, Administrative Fine of \$2,000.00 (\$1,000.00 for each Administrative Complaint); Administrative Costs of \$3,443.25 (\$1,943.25 for Case #: 2013028827 & \$1,500.00 for Case #: 2014004317); Successful Completion of an Intermediate 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; Successfully complete (and provide proof of completion to the Board) of attending the following webinars offered by the American Society of Civil Engineers: "ASCE Quality Management in the Design Organization" and "Quality: What is it and How Do We Achieve it;" 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 and shall provide to the Board a copy of the quality assurance plan Subject prepared after reviewing the materials contained in "CASE Tool 9-2: Quality Assurance Plan" published by the Coalition of American Structural Engineers.

The Settlement Stipulation is the same as the Probable Cause Panel recommendation.

Mr. Robinson addressed the Board.

Mr. Wadsworth addressed the Board.

Upon motion by Mr. Dove, seconded by Mr. Varghese, the settlement stipulation was accepted. The motion passed.

#7. RONALD WILSON, P.E.
P.E. Number: 9710
FEMC Case Number: 2014004705
Probable Cause Panel Date: March 10, 2015
Probable Cause Panel: Fiorillo, Matthews & Pepper
Represented by: Mr. Steven Labret, Esquire

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.025(1), Florida Statutes and Rule 61G15-23.002(2) and (3), Florida Administrative Code: Professional Engineer's printed name, address and license number must be found on all plans and calculations sealed and signed by the Professional Engineer

The Probable Cause Panel Recommendation was Administrative Complaint; Administrative Fine of \$10,000.00; Administrative Costs of \$4,419.12; Revocation of Professional Engineer License; Appearance before the Board at the time this case is brought before the Board.

The Settlement Stipulation is Administrative Complaint; Voluntary Relinquishment of Professional Engineer License on January 1, 2016; Continuance of practice on current specific projects, i.e.: Corinthian Builders, Inc. (1. Warehouse Project Approvals, 2. Residential Housing Project Approvals, 3. Residential Renovation Project Approvals), Shaw Construction and Management, Inc. (1. Residential Housing Project Approvals and 2. Commercial Site Plan Approvals), Home Design Associates, Inc. (1. Residential Housing Projects Approvals), Ben Castaldo AIA – Architect (1. Residential Housing Project Approvals) until January 1, 2016; Immediate Revocation of Professional Engineer License if Respondent enters into any other engagement than the ones specifically listed, above.

Upon motion by Mr. Todd, seconded by Mr. Dove, the settlement stipulation was accepted. The motion passed.

#8. LEONARD GREGORY WOOD, P.E.
P.E. Number: 47377
FEMC Case Number: 2013011567
Probable Cause Panel Date: May 12, 2015
Probable Cause Panel: Fiorillo & Pepper
Represented by: Mr. William Christopher, Esquire
Maglio Christopher & Toale PA

#9. LEONARD GREGORY WOOD, P.E.
P.E. Number: 47377
FEMC Case Number: 2014038609
Probable Cause Panel Date: July 14, 2015
Probable Cause Panel: Fiorillo, Matthews & Todd
Represented by: Mr. William Christopher, Esquire
Maglio Christopher & Toale PA

#10. LEONARD GREGORY WOOD, P.E.
P.E. Number: 47377
FEMC Case Number: 2014038613
Probable Cause Panel Date: August 4, 2015

Probable Cause Panel: Fiorillo, Matthews & Todd
Represented by: William Christopher, Esquire
Maglio Christopher & Toale PA

#11. LEONARD GREGORY WOOD, P.E.
P.E. Number: 47377
FEMC Case Number: 2014038617
Probable Cause Panel Date: August 4, 2015
Probable Cause Panel: Fiorillo, Matthews & Todd
Represented by: William Christopher, Esquire
Maglio Christopher & Toale PA

#12. LEONARD GREGORY WOOD, P.E.
P.E. Number: 47377
FEMC Case Number: 2014046957
Probable Cause Panel Date: August 4, 2015
Probable Cause Panel: Fiorillo, Matthews & Todd
Represented by: Mr. William Christopher, Esquire
Maglio Christopher & Toale PA

#13. LEONARD GREGORY WOOD, P.E.
P.E. Number: 47377
FEMC Case Number: 2015024243
Probable Cause Panel Date: August 4, 2015
Probable Cause Panel: Fiorillo, Matthews & Todd
Represented by: Mr. William Christopher, Esquire
Maglio Christopher & Toale PA

Mr. Rimes outlined the facts of the cases. The charges in all the cases 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

Probable Cause Panel Recommendation on July 14, 2015:
Administrative Complaint; Reprimand, Administrative Fine of \$22,000.00 (\$1,000.00 per Count Administrative Complaint); Administrative Costs of \$5,317.85; Restriction from the practice of Structural Engineering until Respondent successfully completes the NCEES 16 Hour Structural Exam; Project/Plan Reviews in Structural Engineering, only, at 6 and 18 month intervals from the date of the lifting of the Structural Engineering Restriction; Successful Completion of an Advanced 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.

Probable Cause Panel Recommendation resultant of its August 4, 2015 emergency Panel:

An Administrative Complaint to be filed in each of the above-listed case numbers; Administrative Fine of \$60,000.00 (\$5,000.00 for each count: 2014038613 – 3 Counts = \$15,000.00, 2014038617 – 6 Counts = \$30,000.00, 2014046957 – 2 Counts = \$10,000.00, 2015024243 – 1 Count = \$5,000.00); Administrative Costs of \$10,910.90 (2014038613: \$1,700.30, 2014038617: \$5,029.55, 2014046957: \$2,091.05, 2015024243: \$2,090.00); Filing of an Emergency Order of Suspension of Professional Engineer License No: 47377; Revocation of Professional Engineer License No: 47377.

The Settlement Stipulation is Permanent Relinquishment of Respondent's PE license and no imposition of fines or costs.

Upon motion by Mr. Dove, seconded by Mr. Fleming, the settlement stipulation was accepted. The motion passed.

W. Request for Reinstatement of License

#1. Joseph Rickett, P.E.
P.E. Number: 64906
FEMC Case Number: 2007050379, 200706938
Probable Cause Panel Date: July 14, 2009
Probable Cause Panel: Rebane, Charland, Halyard

Mr. Rickett was present along with counsel, Mr. McCabe. Mr. Rickett was sworn in prior to addressing the Board.

Mr. Harris explained that the reason for the appearance of respondent and his counsel since the terms a final order have not been met in regards to a taking the NCEES Structural I exam.

Mr. McCabe addressed the Board.

Discussion followed.

Upon motion by Mr. Todd, seconded by Mr. Hahn, this case was continued until the December 2015 FBPE Board meeting to allow both parties time to discuss their positions and possible solutions to bring before the Board. The motion passed.

X. Old Business

Mr. Pepper discussed the Joint Architect Taskforce meeting and requested agenda for the meeting. If an agenda cannot be provided, then Mr. Pepper proposes that the meeting be canceled. Discussion followed on this.

Y. New Business

Z. Public Forum

Mr. O'Connor with Building Officials of Florida (BOAF) updated the Board on recent changes with BOAF and how they want to continue to build the relationship with FBPE.

AA. Adjourn

