



# 2ND QUARTER



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## TABLE OF CONTENTS

### FLORIDA ENGINEERS MANAGEMENT CORPORATION Quarterly Report in Compliance with Sections IV Deliverables

#### Second Quarter 2013-2014

#### Section VIII Deliverables, B. Quarterly Reports – Requirements of Contract for Quarterly Report

- B1. The status of the performance standards adopted by Rule 61G15-37.001, Florida Administrative Code.
- B2. Compliance with priority referrals from the Contract Monitor, per Section IV, Contract Monitor, of the Agreement.
- B3. Information related to disciplinary actions.
  - a. A list and status of all complaints made during this agreement (open and closed, licensed and unlicensed). Status information should include:
    - The name of the complainant;
    - The name and license number of subject;
    - The date of the complaint;
    - The alleged violation;
    - The last action taken; and
    - The next appropriate action recommended.
  - b. A list of all cases FEMC closed as legally insufficient since the last report;
  - c. A list showing the status of compliance with all final orders with pending provisions;
  - d. A list of cases where the alleged violation is for unlicensed activity and the subject also holds a license with another profession within the department.
- B4. Information regarding the failure of FEMC to comply with any provisions of the contract.
- B5. A list of all legal cases where FEMC has not been the prevailing party. The list must include copies of final orders and specify cases where attorney fees have been awarded.
- B6. Corrective Plan as required by Section IV of the contract.
- B7. A detailed report of expenditures and cash balance.
- B8. Long Range Estimates of Revenue.

B9. Detailed information for the last quarter as required by contract:

- The number of license renewals;
- The number of license applications received;
- The number of licenses approved;
- The number of licenses denied;
- The number of licenses issued;
- The average time required to issue a license;
- The number of examinations administered;
- The number of applicants who passed the examination;
- The number of applicants who failed the examination;
- The number of complaints received;
- The number of complaints determined to be legally sufficient;
- The number of complaints dismissed;
- The number of complaints determined to have probable cause;
- The number of administrative complaints issued along with the status of the complaint; and
- The number and nature of disciplinary actions taken by the FBPE.

## **Section VIII. Deliverables**

### *B1. Performance Standards*

### **Quarterly Report in Compliance with Rule 61G15-37.001, F.A.C.**

In order to facilitate efficient and cost effective regulation by the Florida Engineers Management Corporation ("FEMC"), the following performance standards and measurable outcomes are adopted:

- (1) FEMC shall make a determination of legal sufficiency within 30 days of receipt of a complaint.

*22 total new complaints received (unlicensed & licensed), 17 licensed complaints deemed legally sufficient, 1 licensed complaint deemed legally insufficient, 4 unlicensed complaints deemed legally sufficient, 0 unlicensed complaints legally insufficient. There is 1 complaint that has not been deemed legally sufficient. Complaint #2013042227 was opened and given a number simply for tracking purposes.*

- (2) Within fifteen days of receiving a complaint that is determined to be legally sufficient, FEMC shall furnish to the subject or the subject's attorney a copy of the complaint or document that resulted in the initiation of the investigation.

*Of the 21 cases deemed legally sufficient, the subject (or subject's attorney) was notified and furnished a copy of the complaint, or, in the case of some unlicensed cases, furnished with a Cease and Desist Order resulting in 100% compliance with the Rule.*

- (3) FEMC shall provide status reports to the Board regarding all outstanding disciplinary cases at every other regularly scheduled meeting of the Board. The status report shall include all legally sufficient disciplinary cases until entry of a final order by the Board. Upon entry of a final order, FEMC shall notify the licensee's employer of the action taken by the Board.

*Status reports were submitted to the Board at the October and December, 2013 FBPE and FEMC meetings. As far as FEMC can reasonably ascertain the existence of an employer for Respondent, FEMC now has 100% compliance with that requirement.*

- (4) FEMC shall refer to the Board any investigation or disciplinary proceeding not before the Division of Administrative Hearings pursuant to chapter 120 or otherwise completed by FEMC within one year after the filing of a complaint.

*As referenced in the previous quarterly report, at the end of the first quarter of the fiscal year 2013 – 2014, there were 14 cases more than a year old. Of those 14 cases, 4 have been resolved. As a result of aging, there are 4 additional cases that reached year old status during the first quarter thus making a total of 14 cases which are more than one year old at the end of the second quarter.*

- (5) FEMC shall notify the person who filed the complaint of the status of the investigation every six months, including whether probable cause has been found, when the case is on the agenda for consideration by the Board, and the status of any administrative proceeding or appeal.

*FEMC is in 100% compliance with this section.*

- (6) At least 90 days before the end of a licensure cycle, FEMC shall forward a licensure renewal notification to active or inactive licensees at the licensee's last known address of record with FEMC.

(7) At least 90 days before the end of a licensure cycle, FEMC shall forward a notice of pending cancellation of licensure to a delinquent status licensee at the licensee's last known address of record with FEMC.

(8) Upon receipt of an application for a license, FEMC shall examine the application and, within 30 days after such receipt, notify the applicant of any apparent errors or omissions and request any additional information FEMC is permitted by law to require.

Type of Application	Applications Received	Applications in compliance	Applications not in compliance with 30 day notice
Engineer Intern	324	324	
Continuing Education Providers	2	2	
Continuing Education Courses	0	0	
Professional Engineer	238	238	
Endorsement	294	294	
Certificate of Authorizations	147	147	

(9) Every application for a license shall be approved or denied within 90 days after receipt of a completed application.

FEMC is in 100% compliance with the rule.

Applications Received and in 90 – Day Compliance	
<b>October 2013</b>	
Principles & Practice	171
Engineer Intern/Fundamentals	105
Continuing Education	0
Endorsements	65
Special Inspectors	3
<b>Total</b>	<b>344</b>
<b>November 2013</b>	
Principles & Practice	29
Engineer Intern/Fundamentals	95
Continuing Education	2
Endorsements	120
Special Inspectors	0
<b>Total</b>	<b>246</b>
<b>December 2013</b>	
Principles & Practice	17
Engineer Intern/Fundamentals	132
Continuing Education	1



Endorsements	131
Special Inspectors	3
<b>Total</b>	<b>284</b>
<b>Grand Total for quarter</b>	<b>874</b>

(10) If an applicant seeks a license for an activity that is exempt from licensure, FEMC shall notify the applicant and return any tendered application fee within 30 days after receipt of the original application.

*FEMC is in 100% compliance with this section due to the fact that it has not received any application for an exempt activity.*

(11) FEMC shall maintain the Board's web page and update the web page within 14 days of the date the updates go into effect. Administrative complaints shall be posed no later than 30 days after the recommendation by the probable cause panel. All active disciplinary cases shall be posted on the web page, including the final action taken by the Board until the terms of the final order are completed or until the licensee becomes inactive, retires, relinquishes the license or permits the license to become null and void.

*FEMC is in 100% compliance with this section.*

## **Section VIII. Deliverables**

### *B2. Priority Referrals Compliance*



## **B2. Priority Referrals**

During the second quarter of 2013-2014, there were no priority referrals from the Department of Business & Professional Regulation.

## **Section VIII. Deliverables**

### *B3a. Complaint Status List*

## OPEN COMPLAINTS STATUS REPORT

No.	Case Number	Complainant Name	Name of Subject And License No. of Subject	Date of Complaint	Alleged Violation	Last Action Taken	Next Action Recommended
1.	2013042227	“REDACTED”	“REDACTED”	10/11/2013	Possible violation of FS 471.033(1)(g), engaging in fraud or deceit, incompetence, or misconduct in the practice of engineering.	Under Investigation	Continue Review
2.	2013042242	FEMC	Banks, Julio Cesar P.E. – 46544	10/14/2013	Possible violation of FS 471.033(1)(g), engaging in fraud or deceit, incompetence, or misconduct in the practice of engineering.	Administrative Complaint Filed	Waiting for return of Election of Rights or Settlement Stipulation
3.	2013043025	FEMC	Montero, Jamie P.E. – none	10/17/2013	Possible violation of FS 471.033(1)(g), engaging in fraud or deceit, incompetence, or misconduct in the practice of engineering.	Notice to Cease & Desist Issued	Continue Investigation
4.	2013043376	Hill, Joe Pat	Hill, Joe Pat P.E. – 19535	10/18/2013	Possible violation of FS 471.033(1)(c), Having a license to practice engineering revoked, suspended, or otherwise acted against.	Closed with a Letter of Guidance	None
5.	2013043534	FEMC	Precision Structural Engineering, Inc. P.E. – 29950	10/23/2013	Possible violation of FS 471.023, offering engineering services without a Certificate of Authorization.	Citation Filed Closed	None
6.	2013043536	FEMC	Taha, Nabil M. P.E. – 66012	10/23/2013	Possible violation of FS 471.023, offering engineering services without a Certificate of Authorization.	Closed with a Letter of Guidance	None
7.	2013043701	“REDACTED”	“REDACTED”	10/17/2013	Possible violation of FS 471.033(1)(c), Having a license to practice engineering revoked, suspended, or otherwise acted against.	Initial Investigation	Under Investigation

## OPEN COMPLAINTS STATUS REPORT

No.	Case Number	Complainant Name	Name of Subject And License No. of Subject	Date of Complaint	Alleged Violation	Last Action Taken	Next Action Recommended
8.	2013044829	"REDACTED"	"REDACTED"	10/31/2013	Possible violation of FS 471.033(1)(j), Affixing or permitting to be affixed his or her seal, name, or digital signature to any final drawings, specifications, plans, reports, or documents that were not prepared by him or her or under his or her responsible supervision, direction, or control.	Initial Investigation	Under Investigation
9.	2013046167	"REDACTED"	"REDACTED"	11/7/2013	Possible violation of FS 471.033(1)(g), engaging in fraud or deceit, incompetence, or misconduct in the practice of engineering.	Sent to Consultant / Expert	Opinion from Consultant / Expert
10.	2013047211	"REDACTED"	"REDACTED"	11/15/2013	Possible violation of FS 468 and 471.045, failure to adequately, competently, and professionally administer state or local building codes.	Sent to Consultant / Expert	Opinion from Consultant / Expert
11.	2013047223	Jones, John Arthur	Phillips, Michael A. P.E. – 68312	11/18/2013	Possible violation of FS 471.033(1)(g), engaging in fraud or deceit, incompetence, or misconduct in the practice of engineering.	Closed – Legally Insufficient	None
12.	2013047236	Mallett, James J.	Raines, Danny P. P.E. – none	11/18/2013	Possible violation of FS 471.031(1)(a) engaging in unlicensed activity.	Notice to Cease & Desist Issued	Continue Investigation
13.	2013047337	"REDACTED"	"REDACTED"	11/20/2013	Possible violation of FS 471.033(1)(g), engaging in fraud or deceit, incompetence, or misconduct in the practice of engineering.	Initial Investigation	Under Investigation

## OPEN COMPLAINTS STATUS REPORT

No.	Case Number	Complainant Name	Name of Subject And License No. of Subject	Date of Complaint	Alleged Violation	Last Action Taken	Next Action Recommended
14.	2013047699	Unserfer, Brian J.	Carignan, Michael D.  P.E. – none Certified Electrical Contractor License – 13004047	11/19/2013	Possible violation of FS 471.031(1)(a) engaging in unlicensed activity.	Notice to Cease & Desist Issued	Continue Investigation
15.	2013047728	Jones, John Arthur	Wang, Yan  P.E. – 62209	11/21/2013	Possible violation of FS 471.033(1)(g), engaging in fraud or deceit, incompetence, or misconduct in the practice of engineering.	Close with a letter of guidance	None
16.	2013048128	“REDACTED”	“REDACTED”	11/25/2013	Possible violation of FS 471.033(1)(g), engaging in fraud or deceit, incompetence, or misconduct in the practice of engineering.  Possible violation of FS 471.023, offering engineering services without a Certificate of Authorization.	Initial Investigation	Under Investigation
17.	2013048222	“REDACTED”	“REDACTED”	11/26/2013	Possible violation of FS 471.033(1)(g), engaging in fraud or deceit, incompetence, or misconduct in the practice of engineering.	Initial Investigation	Under Investigation
18.	2013049321	FBPE	Thomas, Steven  P.E. – none	12/4/2013	Possible violation of FS 471.031(1)(a) engaging in unlicensed activity.	Notice to Cease and Desist Issued	Continue Investigation
19.	2013049674	“REDACTED”	“REDACTED”	12/10/2013	Possible violation of FS 471.023, offering engineering services without a Certificate of Authorization.  Possible violation of FS 471.031(1)(a) engaging in unlicensed activity.	Under Investigation	Continue Investigation

## OPEN COMPLAINTS STATUS REPORT

No.	Case Number	Complainant Name	Name of Subject And License No. of Subject	Date of Complaint	Alleged Violation	Last Action Taken	Next Action Recommended
20.	2013049941	"REDACTED"	"REDACTED"	12/02/2013	Possible violation of FS 471.033(1)(g), engaging in fraud or deceit, incompetence, or misconduct in the practice of engineering.  Possible violation of FS 471.033(1)(d), being convicted or found guilty of, or entering a plea of nolo contendere to a crime in any jurisdiction.	Under Investigation	Continue Investigation
21.	2013050786	"REDACTED"	"REDACTED"	12/18/2013	Possible violation of FS 471.031(1)(a) engaging in unlicensed activity.	Sent to Consultant / Expert	Opinion from Consultant / Expert
22.	2013051230	"FBPE"	Gezelman, Allen  P.E. – 59180	12/23/2013	Possible violation of FS 455.227(1)(r) and 471.003(1)(a), improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding.	Leave to Amend Administrative Complaint	Amend Administrative Complaint

## **Section VIII. Deliverables**

### *B3b. Current FEMC Legally Insufficient Case List*



B3b. List of all cases FEMC closed as legally insufficient since last report:

2013047223

## **Section VIII. Deliverables**

### *B3c. Final Order Compliance Report*

## Final Order Compliance / Non-Compliance Report Summary

This report is a summary of current cases with Final Orders imposing probations, restrictions, and additional penalties along with pending due dates and current statuses and activity.

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Anderson, Thomas – Case No. 2009064129 (Final Order issued 5/13/2011)

- Currently Restricted from Practicing Structural Engineering Until Passing NCCES Civil Engineering Exam with Structural Option.
  - Once he passes and appears before the Board to Lift Restriction, additional terms will be imposed.
- Probation for 2 years – 05/13/2013.
- Project reviews at 6 & 18 months.
- Intermediate Professionalism & Ethics Course.
  - Enrolled 10-12-12, received verification of enrollment, but has not completed same.
- Costs: \$1,071.25 – PAID: 08/01/2011
- Fine: \$1,000.00 – PAID: 06/20/2011
- Due to non-compliance, this case is being investigated.
  - Investigator has made contact with the Subject and is working with him to assist him in complying with his obligations related to the Final Order.

Banks, Julio – Case No. 2009015308 (Final Order issued 10/19/2011)

- Costs due = 10/19/2012 – quarterly payments to be made within 1 year of final order date (Note: sent reminder letter that 2<sup>nd</sup> quarter payment was due 4/19/12).

1 <sup>st</sup> quarterly payment	\$827.00	01/19/2012	Paid on 01/18/2012
2 <sup>nd</sup> quarterly payment	\$827.00	04/19/2012	Unpaid
3 <sup>rd</sup> quarterly payment	\$827.00	07/19/2012	Unpaid
4 <sup>th</sup> quarterly payment	\$827.00	10/19/2012	Unpaid

- Order on Extension of Time for one year 09/18/2012.
  - 6 Month Project Review due date extended until 03/19/2013.
    - ✓ Subject has made no effort to submit a list of projects for review in spite of claims that he is working.
    - ✓ Subject continues to complain that he has no funds to pay the consultant.
  - Intermediate Professionalism & Ethics Course extended until 09/19/2013.
    - ✓ Subject has made no indication of interest in completing this course.
    - ✓ Subject continues to complain that he has no funds to pay for the course.
- Due to non-compliance, a new complaint is set for 11/12/2013 PCP.
- Administrative Complaint filed and service attempted via Certified, Return-Receipt Mail.
  - Subject refused to claim the Certified Mail and he was successfully served by process server on 01/16/2014.
- Subject has until 02/06/2014 to respond to Service with an Election of Rights form

## Final Order Compliance / Non-Compliance Report Summary

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Barnett, Winthrop – Case No: 2011055854 (Final Order Issued 4/23/2013)

- Costs; \$1,913.25; Fine; \$3,000.00 due 4/23/2014.
- Advanced P&E due 4/23/2014.
- Study Guide due 5/23/2013. COMPLETED: 06/15/2013.
- 2 years' probation terminates 4/23/2015
- Restricted from Structural until passes 16 hr. NCEES Structural Exam
- 6 month project review due 10/23/2013.
  - Submitted Project List on 09/16/2013;
  - 10/25/2013 – Received check payment of \$1,500 and plans from Subject for 2 Projects chosen by Consultant, and sent same to Consultant on 10/28/2014.
  - 12/17/2013 – Consultant requested calculations supporting plans.
  - 12/31/2013 – received calculations for the Shores at Coco Concrete spalling repair project from Subject and provided to Consultant
- 18 month project review due 4/23/2014.
- SUBJECT IS IN COMPLIANCE

Certified Drainage – Case No.: 2012031490

- Final Order issued pursuant to August 8, 2013 Board Meeting.
- Final Order filed with DBPR on September 13, 2013.
  - Respondent is to pay a fine of \$5,000.00 by October 14, 2013.
  - Respondent is no longer an active business.
  - Respondent is no longer practicing in any manner.
  - It is not anticipated that Respondent will pay the \$5,000.00 fine, as there is no entity to pay the fine.
  - All attempted correspondence with Respondent, via mail, has been returned
- This case has been put in line for collections with DBPR.

Choncholas, James – Case No. 2009000306 (Final Order Issued on 1/6/2011)

- Subject's probation is set to end on 01/06/2013.
- Costs: \$534.00. PAID: 02/11/2011.
- Study Guide: COMPLETED: 02/15/2011.
- Professionalism & Ethics Course: COMPLETED: 01/15/2012.
- Project Review obligations are overdue – even after granting extensions pursuant to Subject's financial and familiar hardships.
  - 10/28/2013 – Subject submitted requested plans and \$1,500.00 retainer payable to Consultant; and those sent to Consultant on 11/06/2013.
  - 11/13/2013 – Favorable report from Consultant and provided to Subject
- SUBJECT IS IN COMPLIANCE

Culpepper, Charles – Case No: 2012019685 (Final Order Issued on 3/20/2013)

- Fine: \$1,000. PAID: 04/09/2013.
- Costs: \$195.10. PAID: 04/09/2013.
- P&E Course due 3/20/2014.
- Study Guide. COMPLETED: 05/20/2013.
- SUBJECT IS IN COMPLIANCE

Daugherty, Kristina – Case No. 2010059945 (Final Order Issued 8/17/2011)

## Final Order Compliance / Non-Compliance Report Summary

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- Subject is currently restricted from practicing Structural engineering until completion of Wind Load Design Criteria II, and A General Overview of ASCE-17 Changes to Windload Provisions. An appearance will be required to lift restriction. COMPLETED: 3/20/2013.
- Probation is set to terminate: 08/17/2013.
- Professionalism & Ethics Course. COMPLETED: 08/06/2012
- 6 month project review scheduled for 02/17/2012
  - Received email stating Subject has had no work. Subject has a 6 month extension per the Final Order.
- 18 month project review scheduled for 02/17/2013
  - Received e-mail on 08/09/2012 requesting to voluntarily place her license on inactive status due to lack of work.
- SUBJECT IS IN COMPLIANCE

Dominguez, Jose – Case No: 201202508 (Final Order Issued 6/25/2013)

- Costs: \$1,000.00 due 7/25/2013 – PAID: 07/25/2013.
- Fines: \$4,665.00 due 7/25/2013 – PAID: 07/25/2013.
- P&E Course due 6/25/2014.
- Study Guide due 7/25/2013 – COMPLETED: 08/11/2013.
- Probation (2) years – ends 06/25/2015
- Project Review 6/18 months due 12/25/13 / 6/2/2014.
  - Project List received 01/07/2014.
  - Provided Project List to consultant 01/07/2014.
- SUBJECT IS IN COMPLIANCE

Finn, Kevin – Case No.: 2012002703 (Final Order Issued 10/14/2013)

- Professionalism and Ethics (P&E) Course – due 11/14/2014.
- Study Guide due – 11/14/2013 – completed Study Guide on 11/07/2013.
- SUBJECT IS IN COMPLIANCE

Frazier, Timothy - Case No. 2009041717 (Final Order Issued 10/19/2011)

- Subject's license is suspended until 10/19/2014. After which time he will need to appear before the Board to request for reinstatement.
- Subject had to relinquish his Threshold Special Inspector license – permanently.
- Fines: \$6,437.00 & Cost: \$5,000.00. PAID: on 09/26/2012.
- Professionalism & Ethics Course. COMPLETED: 03/04/2013.
- Study Guide. COMPLETED: 1/19/2011.
- SUBJECT IS IN COMPLIANCE

Gainer, Gregory – Case No: 2012027714 (Final Order Issued 4/23/2013)

- Costs; \$2,617.00. PAID: 06/20/2013.
- Advanced P&E due 4/23/2014.
- Study Guide. COMPLETED: 05/15/2013.
- SUBJECT IS IN COMPLIANCE

Gildart, David – Case No.: 2012011280 (Final Order Issued 10/14/2013)

- Costs: \$3,255.75 – due 04/14/2014.

## Final Order Compliance / Non-Compliance Report Summary

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- Professionalism and Ethics Course – deadline 10/14/2014.
- SUBJECT IS IN COMPLIANCE

Gomez-Pina, Fernando – Case No. 201200326 (Final Order Issued 4/23/2013)

- Costs: \$2,972.25. PAID: 04/0/2013.
- Fine: \$2,000.00. PAID: 04/30/2013.
- Study Guide. COMPLETED 07/29/2013
- Advanced P&E due 4/23/2014.
- Restricted until passes 16 hour NCEES Structural Exam. Deadline: 04/23/2014.
- SUBJECT IS IN COMPLIANCE

Gonzembach, Rodolfo – Case No: 2011034995 (Final Order Issued 9/18/2012)

- Probation set to end 9/18/2013.
- Fine: \$1,000.00. PAID: 10/18/2012.
- Costs: \$3,712.00. PAID: 05/01/2013.
- Study Guide. COMPLETED: 10/26/2012.
- P&E Course: Extension of time until 12/2014.
- ACI Inspector Certification Program: Concrete Construction Special Inspector. Extension of time until 12/2014.
- Subject to appear before the Board prior 12/2004 (extension of time until then).
- SUBJECT IS IN COMPLIANCE

Hibbard, Thomas – Case No. 2012016508 (Final Order Issued 09/18/2012)

(Related Case No: 2009054465 – 10/20/2011)

- Administrative Complaint in case #: 2009054465 was filed and provided to Subject. Election of Rights was due 06/19/2012, but was never received back.
- Case No.: 2012016508 – Final Order Issued 09/18/2012.
  - Costs under this Order: \$107.25 – due: 10/18/2012
  - Must pay fines and costs from case #: 2009054465.
    - ✓ Costs: \$4,930.97. Due immediately.
    - ✓ Fine: \$1,000.00. Due immediately.
  - Project Reviews (6 & 18 months) to be completed ASAP.
- Subject's license is until he complies with the Final Order #: 2009054465

### *APPEAL IS FINISHED – THE DCA AFFIRMED THE FINAL ORDER*

- The Second DCA Affirmed the FBPE's Final Order suspending Mr. Hibbard's license and the assessment of a fine and costs to Mr. Hibbard. On August 27, 2013, Mr. Rimes sent a letter attaching a Settlement Stipulation for Mr. Hibbard to sign to relinquish his license permanently and not be required to pay the fine and costs.
- If we do not hear from Mr. Hibbard soon, this case will be listed as Non-Compliant and SUBMITTED TO WENDY ANDERSON, INVESTIGATOR TO RESEARCH.

Holtz, Stuart – Case No: 2011001628 (Final Order Issued 2/29/2012)

- Professionalism & Ethics Course. COMPLETED: 01/17/2013.
- Probation ends on 2/29/2014.

## Final Order Compliance / Non-Compliance Report Summary

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- Costs: \$3,712.00. PAID: 02/21/2012.
- Fine: \$5,000.00. PAID: 02/21/20102.
- Study Guide. COMPLETED: 03/26/2012.
- ACI Inspector Certification Program DUE: 2/29/2013.
  - Paralegal to follow up with Subject regarding completion of this course.
- SUBJECT IS IN COMPLIANCE

James, Jacqueline – Case No: 2011048483 (Final Order Issued 6/25/2013)

- Fine: \$1,000.00. PAID: 10/06/2013.
- Costs: \$2,390.00. PAID: 10/06/2013.
- P&E Course due 6/25/2014.
- Study Guide. COMPLETED: 12/05/2013
- Project review 6 & 18 Months due 12/25/2013:6/25/2015.
  - Subject's 6 month project review submission was due on 12/26/2013. We are expecting that submission before the end of January 2014.
- SUBJECT IS IN COMPLIANCE

Livingston, Ron – Case No.: 2012017087 – Unlicensed

- Subject failed to timely respond with a completed Election of Rights which participated the following:
  - 04/05/2013 – FBPE filed Motion to Determine that Respondent has Forfeited right to 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.
  - Served upon Subject via Certified, Return-Receipt U.S. Mail.
- Amended Final Order entered
  - Costs: of \$1,299.75 due 08/12/2013 – unpaid.
  - Fine of \$5,000.00 due 08/12/2013 – unpaid
- There has been no correspondence from Subject since the Amended Final Order was served
- This case has been slated for collection procedures with DBPR.



## Final Order Compliance / Non-Compliance Report Summary

This report is a summary of current cases with Final Orders imposing probations, restrictions, and additional penalties along with pending due dates and current statuses and activity.

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Mosby, Randall – Case No: 2011042037 and Case No: 2011028047 are, effectively, incorporated into Case No.: 2011042037, as the Order on Reinstatement does that.

- Completed his one year Suspension.
- 10/08/2012 – Appeared at Board Meeting.
- Order on Reinstatement issued pursuant to the 10/08/2013 Board Meeting.
- Order on Reinstatement filed with the Florida Department of Business and Professional Association (DBPA) on 09/13/2013.
  - License on Probation for two (2) years;
  - Shall present three (3) Project Reviews: At 3 months, 6 months, and 18 months, with the ability for early termination if both the 3 month and 6 month project reviews are favorable;
  - W. Keith McCulley, P.E. will submit quarterly reports to the Board on Respondent's well-being and his ability to practice and conduct his engineering business;
  - Subject shall participate in the Freedom Journey Program with Faith Farm Ministries, which shall submit quarterly reports to the FBPE on Subject's rehabilitative progress and, further, shall immediately inform the FBPE of any issues that may arise with Subject's treatment;
- SUBJECT IS IN COMPLIANCE

Muller, Carlos – Case No: 201201188 (Final Order Issued 12/18/2012)

- Probation until 12/18/2013.
- Project Review 6 months to be completed by 6/18/2012.
  - 08/15/2013 received list of projects and payment.
  - 08/16/2013 – list and payment sent to Consultant.
  - 08/22/2013 – projects documents requested by Consultant sent to Subject.
  - 11/01/2013 – project plans received and sent to Consultant on 11/08/2013.
- SUBJECT IS IN COMPLIANCE

Nwadike, Emmanuel – Case No: 2012004836 (Final Order Issued 6/27/2013)

- Costs: \$5,000.00 due 7/27/2013 – nothing paid.
- Fines: \$234.00 due 7/27/2013 – nothing paid.
- P&E Course due 6/27/2014 – not taken.
- Study Guide due 7/27/2013 – not taken.
- Suspended until 6/27/2016.
- Subject has failed to comply with the obligations pursuant to the Final Order and there is no anticipation that he will ever respond to the FBPE or FEMC.
- This case has been slated for collection procedure with DBPR.

Page, Lee Charles – Case No: 2013008870 – Final Order Filed 10/14/2013

- Costs of \$185.25. PAID: 08/01/2013
- Professionalism and Ethics Course (P&E) due – 11/14/2014
- Study Guide. COMPLETED: 01/20/20104
- SUBJECT IS IN COMPLIANCE

Paredes, Angel – Case No: 2012010083 (Final Order Issued 4/23/2013)

## Final Order Compliance / Non-Compliance Report Summary

This report is a summary of current cases with Final Orders imposing probations, restrictions, and additional penalties along with pending due dates and current statuses and activity.

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- Costs; \$3,465.00. PAID: 09/04/2013.
- P&E Course. COMPLETED: 09/16/2013.
- Study Guide. COMPLETED: 05/11/2013.
- SUBJECT IS IN COMPLIANCE – CASE CLOSED AND LETTER SO INDICATING SENT 12/27/2014

Partovi, Mohammed – Case No: 2011034724 (Final Order Issued on 2/29/2012)

- Advanced Professionalism & Ethics Course. COMPLETED: 11/13/2012.
- Costs: \$504.50. PAID: 03/15/2012.
- Study Guide. COMPLETED: 05/15/2012.
- Subject scheduled to appear before the FBPE in February 2014.  
SUBJECT IS IN COMPLIANCE

Stitgen, Douglas – Case No: 2009050310 (Final Order Issued On 2/29/2012)

- Professionalism & Ethics Course. COMPLETED: 04/03/2013.
  - Costs \$1,073.00. PAID: 03/18/2012.
  - Fine: \$1,000.00. PAID: 03/28/2012.
  - Study Guide. COMPLETED: 03/21/2013.
- 6 month project review set for 7/29/2012.
  - 10/04/2012 – Sent Consultant plans/check.
  - 03/22/20103 – Sent additional information to Consultant.
  - Consultant has been sick so the review is taking very long.
  - Consultant is back at work and the initial 6 month review is moving along smoothly.
  - Subject has done just one complete job since the issuance of the Final Order – that is the one the Consultant is reviewing.
  - Subject is not very active and is mostly doing some design work and other engineers are building the jobs; however no complete projects from design to build since the one the Consultant is reviewing.
  - We are working with Subject to inquire whether some of his design work – without the actual building of the design – will comply with requirements to be submitted for review.
- 18 month project review set for 7/29/2013
- Probation ends 02/29/2014.
- SUBJECT IS IN COMPLIANCE

Suncoast Architecture & Engineering, Inc. – Case No: 2011023396 (Final Order Issued 4/24/12)

- Study Guide. COMPLETED: 09/18/2012.
- Professionalism & Ethics Course. COMPLETED: 04/22/2013.
- Costs: \$214.50. PAID: 04/12/2012
- Fine: \$1,000.00. PAID: 04/12/2012.
- Probation ends 4/24/2014.
- THIS SUBJECT IS IN COMPLIANCE

## Final Order Compliance / Non-Compliance Report Summary

This report is a summary of current cases with Final Orders imposing probations, restrictions, and additional penalties along with pending due dates and current statuses and activity.

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Tannous, Bishar – Case No.: 2013017813 (Final Order Issued 12/20/2013)

- Costs: \$2,012.00. PAID: 12/05/2013
- Fine: \$1,000.00. PAID: 12/05/2013.
- Study Guide. Due: 01/19/2013 – Subject is in the process of completing this.
- Professionalism & Ethics Course. COMPLETED 11/29/2013 (Subject was anxious to comply with the Settlement Stipulation so he did this early.)
- THIS SUBJECT IS IN COMPLIANCE

Valdes-Linares, Manuel– Case Nos. 2010058220 (Final Order Issued 4/27/2013)

- 6 month project review due 8/27/2013
  - 08/27/2012 – Received Project List, and sent to Consultant that same date. Subject sent consultant fees directly to Consultant.
- THIS SUBJECT IS IN COMPLIANCE

Whittum, James – Case No: 2012004881 (Final Ordered Issued 4/23/2013)

- Costs \$601.00. PAID: 05/08/2013
- Fine \$3,000.00. PAID: 05/08/2013.
- Advanced P&E due 5/09/2014.
- Study Guide due 5/09/2014.
- Project Review due: 10/23/2013.
  - 10/21/2013 – Received Subject’s list of Projects and forwarded SAME to Consultant that date.
  - 12/16/2013 – Project documents and payment forwarded to Consultant.
  - 12/17/2013 Consultant requested drawings and calculations.
  - 01/16/2014 – received drawings and calculations from Subject and those forwarded to Consultant on 01/22/2014.
- THIS SUBJECT IS IN COMPLIANCE

Wood, Robert – Case No: 201102295)

Mr. Wood is deceased.

Mrs. Wood has petitioned the Court to continue her husband’s case until completion, and the Court has granted that request.

- This case has been before the 1<sup>st</sup> DCA.
- PCA was received on 11-25-2013
- This case is being taken back to DOAH for costs and fines.

## **Section VIII. Deliverables**

*B3d. Unlicensed Activity Case List for  
Multiple DBPR License Owners*

**B3d. Unlicensed Cases from 10/1/2013 – 12/31/2013 in which subjects hold other DBPR licenses**

During the quarter from 10/1/13 through 12/31/13, FEMC received 4 cases alleging unlicensed activity. Of those 4 cases, 2 held other DBPR licenses.

2013047699 – EC13004047

2013049321 – CCC057945

## **Section VIII. Deliverables**

### *B4. Information Regarding the Failure of FEMC to Comply with Provisions of the Contract*

**B4. Information regarding the failure of FEMC to comply with any provision of the Contract.**

As far as FEMC is able to reasonably able to ascertain, it is in compliance with the current contract.



## **Section VIII. Deliverables**

### *B5. Non-Prevailing Party Case List*

**B5. A list of all legal cases where FEMC has not been the prevailing party. The list must include copies of final orders and specific cases where attorney fees have been awarded.**

There have been no cases in the second quarter in which FEMC DID NOT PREVAIL and in which an attorney represented the opposing party. As a result, no attorney fees have been awarded.

## **Section VIII. Deliverables**

### *B6. Corrective Action Plan*

**B6. Corrective plans for any deficiencies noted in the Quarterly Report.**

There were no deficiencies in the second quarter.

## **Section VIII. Deliverables**

### *B7. Expenditures and Cash Balance Report*

Florida Engineers Management Corporation  
December 31, 2013

The carrying amount of FEMC's cash deposits was \$253,945.00 and the bank balance was \$265,355.03.







## **Section VIII. Deliverables**

### *B8. Long Range Estimates of Revenue*

## **B8. Long Range Estimates of Revenue**

This was provided in the 2013-2014 1<sup>st</sup> Quarter Report as required by the contract.

## **Section VIII. Deliverables**

*B9. Quarterly Licensure, Examination,  
Complaint & Disciplinary Activity Report*

Total Renewals to date: (from 7/1/13)

28 Professional Engineers  
8 Certificate of Authorizations

**Applications:**

Received:	1747
Approved:	229
Denied:	18

Licenses Issued:	394 PE
	171 CA

Average time (days) to Process Applications:	31.7
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Scheduled Candidates for October 2013 Exam

Principles and Practice:

Scheduled:	527
Passed:	237
Failed:	152
No Show:	138

Fundamentals of Engineering:

Scheduled:	1069
Passed:	462
Failed:	224
No Show:	383

**Disciplinary Process:\***

Number of Complaints Received:	22
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Licensed Activity:	18
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Number of Complaints Deemed Legally Sufficient:	17
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Number of Complaints Deemed Legally Insufficient:	1
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Number Dismissed by Probable Cause:	8
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Number Determined to Have Probable Cause:	5
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Number of Administrative Complaints:	5
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Unlicensed Activity: 4

Number of Unlicensed Activity Complaints: 4

Number of Legally Sufficient Unlicensed Activity Cases: 4

Number of Legally Insufficient Unlicensed Activity Cases: 0

Licensed Disciplinary Actions Taken by FBPE:

Number of Final Orders Filed: 4

Recommended Orders: 1

Informal Hearings: 0

Stipulations: 4

Defaults: 0

Attorney Fees: 0

Reinstatement of PE license: 0

Appeal Cases: 2

Unlicensed Disciplinary Actions Taken by FEMC:

Cease & Desist Orders: 11

Cease & Desist with Administrative Complaints: 0

Certificates of Authorization Citations Issued: 3

Final Orders Issued: 0

Section VIII, Deliverables, Section B:

FEMC shall provide a quarterly report to the Department along with the report required in Section XI, Funding, of this Agreement, which shall include the following:

A list and status of all complaints made during this agreement (open and closed, licensed and unlicensed). Please See Tab "B3."

\*For an explanation regarding legal sufficiency and legal insufficiency, please see (1) of the document entitled Quarterly Report in Compliance with Rule 61G15-37.001, F.A.C.

Disciplinary Process  
Report for periods 10/01/2013 through 12/31/2013

**Licensed & Unlicensed Activity:**

<u>Number of Complaints Received: 22</u>		
2013042227	2013046167	201304822
2013042242	2013047211	2013049321 - UL
2013043025 - UL	2013047223	2013049674
2013043376	2013047236 - UL	2013049941
2013043534	2013047337	2013050786
2013043536	2013047699 - UL	2013051230
2013043701	2013047728	
2013044829	2013048128	

**Licensed Activity**

<u>Number of Licensed Complaints Received: 18</u>	<u>Number of Licensed Complaints Deemed Legally Sufficient: 17</u>	<u>Number of Licensed Complaints Deemed Legally Insufficient: 1</u>
2013042227	2013042227	2013047223
2013042242	2013042242	
2013043376	2013043376	
2013043534	2013043534	
2013043536	2013043536	
2013043701	2013043701	
2013044829	2013044829	
2013046167	2013046167	
2013047211	2013047211	
2013047223	2013047337	
2013047337	2013047728	
2013047728	2013048128	
2013048128	2013048222	
2013048222	2013049674	
2013049674	2013049941	
2013049941	2013050786	
2013050786	2013051230	
2013051230		

**Unlicensed Activity:**

<u>Number of Unlicensed Complaints Received: 4</u>	<u>Number of Unlicensed Complaints Deemed Legally Sufficient: 4</u>	<u>Number of Unlicensed Complaints Deemed Legally Insufficient: 0</u>
2013043025	2013043025	
2013047699	2013047699	
2013047236	2013047236	
2013049321	2013049321	

For an explanation regarding legal sufficiency and legal insufficiency, please see (1) of the document entitled Quarterly Report in Compliance with Rule 61G15-37.001, Florida Administrative Code.