



Latest Engineer Discipline

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

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

David Bowen, III
Unlicensed
Case No. 2015034920

Respondent was charged with violating **Sections 455.228(1), 471.031(1)(a), and 471.038(5), Florida Statutes**; utilizing the protected title of Professional Engineer and signing and sealing engineering documents. Respondent signed and sealed, utilizing the seal of a retired licensed Professional Engineer which were submitted to an Agency. Respondent is not and has never been licensed as a Professional Engineer in the State of Florida.

Ruling: The case was presented to the full Board for Informal Hearing. The Board imposed an Administrative Fine of \$1,000 and Costs of \$168.75. A Final Order was issued on March 1, 2016.

Violation: Sections 455.228(1), 471.031(1)(a), and 471.038(5), Florida Statutes

Alberto Cardona, PE
PE 17138
Case Nos. 2013009998 & 2014023033

In case number 2013009998 the Licensee was charged with violating **Section 471.033(1)(g), Florida Statutes** and **Rule 61G15-19.001(4), Florida Administrative Code**; negligence and misconduct in the practice of engineering. Licensee was retained to investigate water intrusion and reported wind damage to the windows and sliding

glass doors. A Final Report was issued. The Final Report was materially deficient. The deficiencies include, but are not limited to the calculations contained in the report are based upon ASCE 7 for an enclosed building, category II, exposure C and an importance factor 1.0. This is the incorrect reference to be used for these calculations. The calculations assume that a 1/4" shim is part of the single shear connection; however, the shim is not present in all locations. The calculations ignore the allowable stress increase permitted by the load duration factor C_D , etc. Additionally, during a deposition, Licensee states that he was present at all times during the removal of windows and that he photo-documented the activities in the testing report; however, in that deposition Licensee admitted that in fact, he had not witnessed the removal of certain windows.

In case number 2014023033 the Licensee was charged with violating **Section 471.033(1)(g), Florida Statutes** and **Rule 61G15-19.001(4), Florida Administrative Code**; negligence in the practice of engineering. Licensee was retained to perform a 40-year recertification and was provided copies of a preliminary report regarding needed repairs. Licensee performed both the structural and electrical inspections. Licensee signed, sealed and dated a 40-year recertification report. After the recertification was issued, material deficiencies at the location were discovered. The deficiencies,

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which Licensee failed to set out in the recertification report include, but are not limited to failure to illuminate parking lots, alleys and access thereto; failure to maintain building or structure or devices in safe condition, electrical installations on the roof that need replacement for corroded and broken conduits and disconnects, air condition compressors that are not secured and unit supports that are corroded, walls and roof that are leaning, etc.

Ruling: The case was presented to the full Board based upon a Settlement Stipulation. The Board imposed an Administrative Fine of \$6,000, Costs of \$7,346.58, a 90-day SUSPENSION which commences that date of the Final Order, Appearance before the Board, a Reprimand, RESTRICTION to the practice of Electrical Engineering only, Probation with conditions. The conditions include a Board-approved course in Advanced Engineering Professionalism and Ethics, Project Review at nine and twenty-one months, and the Board's Study Guide. A Final Order was issued on February 15, 2016.

Violation: Section 471.033(1)(g), Florida Statutes and Rule 61G15-19.001(4), Florida Administrative Code

Mark A. De Stefano, PE
PE 61657
Case No. 2014031178

Licensee was charged with violating **Section 471.033(1)(g), Florida Statutes and Rule 61G15-19.001(4), Florida Administrative Code**; negligence in the practice of engineering. Licensee signed, sealed and dated a Florida Building Code Commercial Mitigation Verification Affidavit. Licensee indicated that the roof deck construction type was hip shape, level A wood deck attachment. However, the roof deck construction type was flat shape reinforced concrete attachment.

Ruling: The case was presented to the full Board based upon a Settlement Stipulation. The Board imposed an Administrative Fine of \$1,000, Costs of \$891.80, Appearance before the Board, a Reprimand, Board-approved course in Basic Engineering Professionalism and Ethics, and the Board's Study Guide. A Final Order was issued on February 15, 2016.

Violation: Section 471.033(1)(g), Florida Statutes and Rule 61G15-19.001(4), Florida Administrative Code

Ram Goel, PE
PE 47431
Case Nos. 2013029125 & 2014045758

In case number 2013029125, the Licensee was charged with violating **Section 471.033(1)(g), Florida Statutes and Rule 61G15-19.001(4), Florida Administrative Code**; negligence in the practice of engineering. The Licensee signed, sealed and dated inspection/completion reports for several properties. The purpose of the inspection/completion reports was to confirm that sinkhole remediation work had been performed in conformity

with remediation plans. The remediation work was materially deficient and Licensee failed to utilize due care in performing in an engineering capacity and failed to have due regard for acceptable standards of engineering principles.

In case number 2014045758, the Licensee was charged with violating **Section 471.033(1)(g), Florida Statutes and Rule 61G15-19.001(4), Florida Administrative Code**; negligence in the practice of engineering. Licensee signed, sealed and dated engineering documents. The documents contained deficiencies. The electrical engineering deficiencies include, but are not limited to the drawings contain an electrical riser diagram but no short circuit values and no voltage drop calculations for the feeders and customer-owned service conductors; no surge protective devices, the main disconnect and distribution panels are shown on the electrical riser diagram but none are located on the power plan or lighting plan, etc. The mechanical engineering deficiencies include, but are not limited to the two HVAC drawings and accompanying documents contain no energy calculations, no combustion air calculations, and unclear, congested, confusing duct systems, the drawings do not contain adequate information to determine compliance with codes and ordinances, the air condition equipment schedules are shown for air handling units and condensing units, but do not contain cooling coil requirements based on sensible heat, latent heat, and total heat gains, etc. The plumbing engineering deficiencies include, but are not limited to the plumbing drawings do not state specific codes, rules, or ordinances with which the plumbing systems must comply, potable water isometric diagrams are not shown on the drawings, total water fixture units are not shown on the drawings, etc. The structural engineering deficiencies include, but are not limited to the structural drawings do not designate the foundation capacity, do not include data indicating the nature of the foundation material anticipated and do not include site preparation requirements necessary to provide the foundation capacity, etc.

Ruling: The case was presented to the full Board based upon a Settlement Stipulation. The Board imposed Costs of \$7,853.40 and \$9,135 within 60 days of the date of the Final Order, Appearance before the Board, a Reprimand, RESTRICTION from creating, producing, or certifying any engineering documents related to sinkhole investigation or remediation or any other form of geotechnical engineering until such time as Respondent takes and passes the NCEES Civil: Geotechnical Examination, a Board-approved course in Basic Engineering Professionalism and Ethics, the Board's Study Guide, and subsequent to taking and passing the NCEES Civil: Geotechnical Examination, shall have Project Review of all Geotechnical Engineering projects at six and eighteen months from the date on which Licensee takes and passes the examination, and Project Reviews at six and eighteen months for Structural and Electrical/Mechanical Engineering projects. A Final Order was issued on February 15, 2016.

Violation: Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), Florida Administrative Code

Florida Statutes, the basis for vacating or modifying an award cannot be supplemented judicially or contractually in light of the Hall Street holding.

The judiciary has made it clear that parties are limited to the statutory means for challenging, modifying, or vacating an arbitration award. With this in mind, it is important for parties to truly evaluate the potential impact of arbitration provisions before executing their contracts.

Elizabeth B. Ferguson, Esq. is a partner with Boyd & Jenerette P.A., located in Jacksonville, Florida, and is the Department Head for the firm's Construction Law Group. Ms. Ferguson has been Board-Certified in Construction Law since 2009 and serves as an Expedited Commercial Panel Arbitrator for the American Arbitration Association and as a professor of Construction Law at Florida Coastal School of Law. She is currently serving her first term as a Public Member on the FBPE Board.

DISCLAIMER: *FBPE has provided this article for general informational purposes only, not for the purpose of providing legal advice. Whereas the topic discussed does not specifically apply to **Florida Statute, Chapter 471 - Engineering or Florida Administrative Code, 61G15 - Board of Engineers**, the topic itself may be helpful to those licensees that own businesses. You should contact your attorney to obtain advice with respect to any particular issue or problem.*

*If you have any questions regarding **Chapter 471, F.S. or 61G15, F.A.C.**, feel free to contact someone in the Legal Department at the Board office by calling (850) 521-0500 or send an email to board@fbpe.org. To view the most recent version of Florida's laws and rules as it relates to the practice of engineering go to the Statutes and Rules page under the Legal section of our website at www.fbpe.org/legal/statutes-and-rules.*

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Joshua Hakken

PE 63999 (Null & Void)
Case No. 2014049993

Prior Licensee was charged with violating **Section 471.033(1)(a), Florida Statutes** and **Section 455.227(1)(t), Florida Statutes**; failure to report in writing to the board, within 30 days after the licensee is convicted or found guilty of, or entered a plea or nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction. Hakken was adjudicated Guilty of a felony, **Section 787.01(1)(a)2, Florida Statutes**, in 2013 at which time Hakken still held a license as a Professional Engineer. As a result of the adjudication of guilt, Hakken was convicted of committing crimes of moral turpitude and thus has not maintained the good moral character required of a Professional Engineer. No disciplinary action could be taken against the license such as revocation because his Professional Engineer license was and is Null & Void.

Ruling: The case was presented to the full Board for Informal Hearing. The Board imposed an Administrative Fine of \$1,000 and Costs of \$121.87. A Final Order was issued on March 1, 2016.

Violation: Section 471.033(1)(a), Florida Statutes and Section 455.227(1)(t), Florida Statutes

Oliver Turzak, PE

PE 18230
Case No. 2015019772

Licensee was charged with violating **Section 471.033(1)(k), Florida Statutes**; violation of the terms of the Final Order in FEMC Case No. 2011032162. On June 24, 2014, a Final Order was entered in FEMC Case No. 2011032162 which provided for a Reprimand, Fine of \$2,000, a one year SUSPENSION, two years' Probation with terms to include Project Review at six and eighteen months after reinstatement of license and completion of the Board's Study Guide. The Licensee did not pay the fine nor did he complete the Board's Study Guide.

Ruling: The case was presented to the full Board for Informal Hearing. The Board imposed REVOCATION of Licensee's Professional Engineer license. A Final Order was issued on February 18, 2016.

Violation: Section 471.033(1)(k), Florida Statutes

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