

**Minutes for
The Florida Board of Professional Engineers
August 17, 2016 beginning at 1:00 p.m. or soon thereafter and
August 18, 2016 beginning at 8:30 a.m., or soon thereafter
Crowne Plaza Orlando Universal
Orlando, Florida**

Part I – Wednesday, August 17, 2016

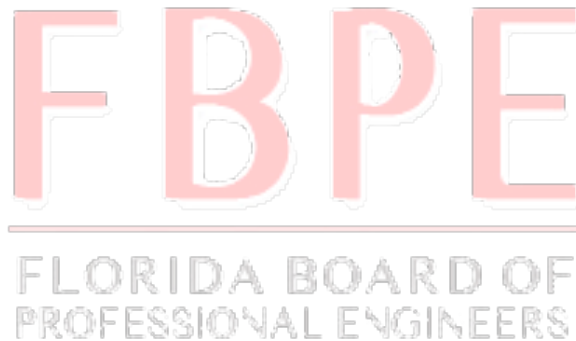
- A. Call to Order, Invocation, and Pledge of Allegiance to the Flag

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

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

Board Members Present:

William Bracken, P.E., S.I., Chair
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 Ferguson, Public Member



Board Members Absent:

Anthony Fiorillo, P.E., S.I., Vice Chair

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

Upon motion by Mr. Todd, seconded Mr. Hahn, to excuse the absence of Mr. Fiorillo, the motion passed.

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

Charlie Geer, FES, FICE
Art Nortlinger, P.E., IEEE
Drew Hains, P.E.
Roger Jeffery, P.E.
John Dixon, P.E.
Andrew Lovestein, P.E., FSEA

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. Todd, to approve the agenda, the motion passed.

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

Upon motion by Mr. Todd, seconded by Mr. Hahn, to approve the consent agenda, the motion passed.

#1. Minutes from the June 8-9, 2016 FBPE Board Meeting*

Approved under consent agenda.

#2. Minutes from July 29, 2016 FBPE Ratification Conference Call*

Approved under consent agenda.

G. Committee Reports

#1. Probable Cause Panel **(Next Meeting: September 13, 2016 at 8:30 am)**

(Kevin Fleming, P.E., Chair; William Bracken, P.E., S.I.; Bob Matthews, P.E.)
(Alternate Current Board Member: Kenneth Todd, P.E.; Alternate Past Board Member: Richard Wohlfarth, P.E.)

(a) PCP Memo from July 19, 2016 Meeting*

Approved under consent agenda.

#2. Applications Review – Experience Committee **(Next Meeting: September 13, 2016 at 1pm via conference call)**

(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.

#3. Applications Review – Education Committee **(Next Meeting: September 13, 2016 at 3pm via conference call)**

(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.

#4. Rules Committee **(Next Meeting: August 17, 2016 at 9am and November 9, 2016 at 8:30am)**

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

(a) Committee Chair's Report.

Mr. Bracken stated that the committee met before the board meeting and dealt with several issues. Some issues will be before the board and other are being tabled until the committee can obtain further input.

(b) Rule Workshop on Draft Amendments to Rule 61G15-18.011 - Definitions

Mr. Harris went over the proposed language for Rule 61G15-18.011:

61G15-18.011 Definitions.

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

(1) "Responsible Charge" shall mean that degree of control an engineer is required to maintain over engineering decisions made personally or by others over which the engineer exercises supervisory direction and control authority. The engineer in responsible charge is the Engineer of Record as defined in subsection 61G15-30.002(1), F.A.C.

(a) The degree of control necessary for the Engineer of Record shall be such that the engineer:

1. Personally makes engineering decisions or reviews and approves proposed decisions prior to their implementation, including the consideration of alternatives, whenever engineering decisions which could affect the health, safety and welfare of the public are made. In making said engineering decisions, the engineer shall be physically present or, if not physically present, be available in a reasonable period of time, through the use of electronic communication devices, such as electronic mail, videoconferencing, teleconferencing, computer networking, or via facsimile transmission.
 2. Judges the validity and applicability of recommendations prior to their incorporation into the work, including the qualifications of those making the recommendations.
 3. Approves the inclusion of standard engineering design details into the engineering work. Standard engineering design details include details mandated or directed to be contained in engineering documents by governmental agencies (such as the Florida Department of Transportation); and details contained in engineering design manuals and catalogues that are generally accepted as authoritative in the engineering profession. In order to approve the inclusion of such details the Engineer of Record must conduct such reasonable analysis of the content of the standard detail(s) as is necessary in the sound professional judgment of the Engineer of Record to be assured that the inclusion of such detail(s) into the engineering work is acceptable engineering practice.
- (b) Engineering decisions which must be made by and are the responsibility of the Engineer of Record are those decisions concerning permanent or temporary work which could create a danger to the health, safety, and welfare of the public, such as, but not limited to, the following:
1. The selection of engineering alternatives to be investigated and the comparison of alternatives for engineering works.
 2. The selection or development of design standards or methods, and materials to be used.
 3. The selection or development of techniques or methods of testing to be used in evaluating materials or completed works, either new or existing.
 4. The development and control of operating and maintenance procedures.
- (c) As a test to evaluate whether an engineer is the Engineer of Record, the following shall be considered:
1. The engineer shall be capable of answering questions relevant to the engineering decisions made during the engineer's work on the project, in sufficient detail as to leave little doubt as to the engineer's proficiency for the work performed and involvement in said work. It is not necessary to defend decisions as in an adversary situation, but only to demonstrate that the engineer in responsible charge made them and possessed sufficient knowledge of the project to make them. Examples of questions to be answered by the engineer could relate to criteria for design, applicable codes and standards, methods of analysis, selection of materials and systems, economics of alternate solutions, and environmental considerations. The individuals should be able to clearly define the span and degree of control and how it was exercised and to demonstrate that the engineer was answerable within said span and degree of control necessary for the engineering work done.
 2. The engineer shall be completely in charge of, and satisfied with, the engineering aspects of the project.

3. The engineer shall have the ability to review design work at any time during the development of the project and shall be available to exercise judgment in reviewing these documents.
 4. The engineer shall have personal knowledge of the technical abilities of the technical personnel doing the work and be satisfied that these capabilities are sufficient for the performance of the work.
- (d) The term “responsible charge” relates to engineering decisions within the purview of the Professional Engineers Act and does not refer to management control in a hierarchy of professional engineers except as each of the individuals in the hierarchy exercises independent engineering judgement and thus responsible charge. It does not refer to administrative and personnel management functions. While an engineer may also have such duties in this position, it should not enhance or decrease one’s status of being in responsible charge of the work. The phrase does not refer to the concept of financial liability.
- (2) “Engineering Design” shall mean that the process of devising a system, component, or process to meet desired needs. It is a decision-making process (often iterative), in which the basic sciences, mathematics, and engineering sciences are applied to convert resources optimally to meet a stated objective. Among the fundamental elements of the design process are the establishment of objectives and criteria, synthesis, analysis, construction, testing and evaluation. Central to the process are the essential and complementary roles of synthesis and analysis. This definition is intended to be interpreted in its broadest sense. In particular, the words “system, component, or process” and “convert resources optimally” operate to indicate that sociological, economic, aesthetic, legal, ethical, etc., considerations can be included.
- (3) The term “evaluation of engineering works and systems” as used in the definition in the practice of engineering set forth in Section 471.005(7), F.S., includes but is not limited to services provided by testing laboratories involving the following:
- (a) The planning and implementation of any investigation or testing program for the purpose of developing design criteria either by an engineering testing laboratory or other professional engineers.
 - (b) The planning or implementation of any investigation, inspection or testing program for the purpose of determining the causes of failures.
 - (c) The preparation of any report documenting soils or other construction materials test data.
 - (d) The preparation of any report offering any engineering evaluation, advice or test results, whenever such reports go beyond the tabulation of test data. Reports which document soils or other construction materials test data will be considered as engineering reports.
 - (e) Services performed by any entity or provided by a testing laboratory for any entity subject to regulation by a state or federal regulatory agency which enforces standards as to testing shall be exempt from this rule except where the services otherwise would require the participation of a professional engineer.
- (4) “Certification” shall mean a statement signed and sealed by a professional engineer representing that the engineering services addressed therein, as defined in Section 471.005(6), F.S., have been performed by the professional engineer, and based upon the professional engineer’s knowledge, information and belief, and in accordance

- with commonly accepted procedures consistent with applicable standards of practice, and is not a guaranty or warranty, either expressed or implied.
- (5) The term “principal officer(s) of the business organization” as used in Section 471.023(1), F.S., means the (a) President, Vice President, Secretary or Treasurer of the Corporation, or Limited Liability Company (LLC); or (b) any other officer who has management responsibilities in the corporation or LLC, as documented by the corporate charter or bylaws so long as such documentation provides that such officer is empowered to bind the corporation or LLC in all of its activities which fall within the definition of the practice of engineering as that term is defined in Section 471.005(7), F.S.
- (6) The term “Florida Building Code” shall mean the Florida Building Code, 5th Edition, (2014), and which is incorporated herein by reference. The material incorporated is copyrighted material that is available for public inspection and examination, but may not be copied, at the Department of State, Administrative Code and Register Section, Room 701, The Capitol, Tallahassee, Florida 32399-0250, and at the Board office, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303.
- (7) The term “Florida Fire Prevention Code” shall mean the Florida Fire Prevention Code, 5th Edition, (2015), and which is incorporated herein by reference. The material incorporated is copyrighted material that is available for public inspection and examination, but may not be copied, at the Department of State, Administrative Code and Register Section, Room 701, The Capitol, Tallahassee, Florida 32399-0250, and at the Board office, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303.

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

Upon motion by Mr. Hahn, seconded by Dr. Roddenberry, that the amendment to Rule 61G15-18.001 be approved, the motion passed.

Mr. Harris stated that the Rules Committee considered the SERC checklist questions and found that the rule amendment would have no adverse impact on small business and will not increase regulatory costs, and therefore no SERC was required.

Upon motion by Mr. Hahn, seconded by Mr. Dove, to accept the committee’s recommendation on the need to prepare a SERC, the motion passed.

- (c) Public Hearing on Rule 61G15-20.0010 – Application for Licensure by Examination

Mr. Bracken discussed the issues that Ms. Holladay has with the proposed application, including release of liability, date of birth and personal references.

Discussion followed on these issues.

Mr. Harris discussed changing the release of liability to allow an employer to state whether the applicant is eligible for rehire and provide an explanation, if desired. Also, the personal reference could be changed to “professional reference.” However, the applications will continue to include the date of birth requirement.

Discussion followed on this.

This will be on the agenda for the ratification conference call.

Mr. Harris mentioned that we cannot require a notarized document in the application packet so we will need to remove that requirement for the application.

Upon motion by Mr. Hahn, seconded by Mr. Dove, to accept these proposed changes to the applications, the motion passed. Mr. Pepper opposed the motion.

- (d) Public Hearing on Rule 61G15-20.0015 – Application for Licensure by Endorsement

Addressed under previous item.

- (e) Rule Workshop on Rules 61G15-23.001 and Rule 61G15-23.005 – Signature, Date and Seal shall be Affixed & Procedures for Digitally Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents

Mr. Harris discussed the proposed amendment to Rule 61G15-23.005, Procedures for Electronically Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents.

- (1) Engineering plans, specifications, reports or other documents which must be signed, dated and sealed in accordance with the provisions of Section 471.025, F.S., and Rule 61G15-23.001, F.A.C. may be signed electronically as provided herein by the professional engineer in responsible charge. As used herein, the term “electronic signature” shall have the meanings ascribed to them in Sections 668.003(2), (3) and (4), F.S.
- (2) A professional engineer utilizing an electronic signature to electronically sign and seal engineering plans, specifications, reports or other documents using the Florida Department of Transportation (FDOT) Professionals' Electronic Data Delivery System (PEDDS) software shall:

- (a) Create a "signature" file that contains the licensee's given name, the licensee's license number, a brief overall description of the engineering documents to be signed and sealed, a list of the electronic files to be signed and sealed, and the SHA-1 authentication code or Secure Hash Standard for each electronic file to be signed and sealed. The SHA-1 authentication code is described in Federal Information Processing Standard Publication 180-4 "Secure Hash Standard," August 2015, which is hereby adopted and incorporated by reference by the Board and can be obtained from the Internet Website: <http://www.flrules.org/Gateway/reference.asp?No=Ref-05976>.
- (b) Create a "signature" report that contains the licensee's given name, the licensee's license number, a brief overall description of the engineering documents to be signed and sealed and the SHA-1 authentication code of the signature file;
- (c) Print and manually sign, date and seal the signature report in compliance with Rule 61G15-23.003, F.A.C.;
- (d) Transmit the signed, dated and sealed signature report to the receiving party along with the signed, dated and sealed signature file either by hardcopy or electronic scan, if scanned and sent electronically. The hardcopy signed and sealed report shall be retained by the licensee in accordance with Rule 61G15-30.009, F.A.C.; and
- (e) The signature file is considered to be signed and sealed if the signature file's authentication code matches the authentication code on the manually signed, dated and sealed signature report. Each electronic file listed within the signed and sealed signature file is considered to be signed and sealed if the listed SHA-1 authentication code in the signature file matches the electronic file's SHA-1 authentication code.
- (3) A professional engineer utilizing an electronic signature to **electronically** sign and seal engineering plans, specification, reports or other documents **other than through the FDOT PEDDS system** shall:
- (a) Create a static electronic version, such as PDF, of the engineering document(s) that is to be signed and sealed;
- (b) Compute an SHA-1 authentication code for each electronic engineering document;
- (c) Create a printable "signature report" that contains the licensee's given name, the licensee's license number, and a list of the electronic files to be signed and sealed that includes a brief description of each engineering document and the SHA-1 authentication code of each engineering document;
- (d) Print and manually sign, date and seal the "signature report" in compliance with Rule 61G15-23.003, F.A.C.; and
- (e) Transmit the signed, dated and sealed "signature report" to the receiving party along with each electronically signed, dated and sealed engineering document either by hardcopy or electronic scan, if scanned and sent electronically. The hardcopy signed and sealed report shall be retained by the licensee in accordance with Rule 61G15-30.009, F.A.C.
- Each engineering document is considered to be electronically signed and sealed if the document's SHA-1 authentication code matches the SHA-1 authentication code on the physically signed, dated and sealed "signature report".
- (4) The affixing of an electronic signature to engineering plans, specifications, reports or other documents as provided herein shall constitute the signing and sealing of such items.
- (a) A digitally created seal as set forth in Rule 61G15-23.002, F.A.C. may be placed where it would appear if the item were being physically signed, dated and sealed.

- (b) The date that the electronic signature is to be placed into the document must appear on the document in accordance with subsection 61G15-23.001(5), F.A.C. and where it would appear if the item were being physically signed, dated and sealed.
- (c) A scanned, facsimile, digitally created or copied image of the licensee's signature shall not be used on electronically signed and sealed engineering plans, specifications, reports or other documents.
- (d) The engineering plans, specifications, reports or other documents being electronically signed and sealed shall include text to indicate the following and place it where an original signature would appear if the item were being physically signed, dated and sealed:
1. The same information required by subsection 61G15-23.002(2), F.A.C. if a digitally created seal is not used,
 2. The item has been electronically signed and sealed using a SHA-1 authentication codes; and,
 3. Printed copies of the document are not considered signed and sealed and all SHA-1 authentication code must be verified on any electronic copies.
- (e) Formatting of seals and text similar to that depicted below may be used.
1. When a digitally created seal is used:



This item has been electronically signed and sealed by C. S. Hammatt, PE. On [DATE] using a *SHA-1* authentication code.

Printed copies of this document are not considered signed and sealed and the *SHA-1* authentication code must be verified on any electronic copies.

2. When a digitally created seal is not used:

C. S. Hammatt, State of Florida, Professional Engineer, License No. X

This item has been electronically signed and sealed by C. S. Hammatt, PE. On [DATE] using a *SHA-1* authentication code.

Printed copies of this document are not considered signed and sealed and the *SHA-1* authentication code must be verified on any electronic copies.

Rulemaking Authority 471.025(1), 471.033(2), 471.008 FS. Law Implemented 471.025, 668.006 FS. History—New 11-3-15, Amended 2-3-16,

Upon motion by Mr. Hahn, seconded by Dr. Roddenberry, to accept the rule amendments as presented, the motion passed.

Mr. Harris stated that the Rules Committee considered the SERC checklist questions and found that the rule amendment would have no adverse impact on small business and will not increase regulatory costs; therefore, no SERC was required.

Upon motion by Mr. Hahn, seconded by Mr. Dove, to accept the committee's recommendation on the need to prepare a SERC, the motion passed.

(f) Rule Workshop on Rule 61G15-30.003 – Engineering Document Classification

Mr. Harris discussed the proposed amendment to Rule 61G15-30.003:

61G15-30.003 Minimum Requirements for Engineering Documents.

- (1) Engineering Documents are prepared in the course of performing engineering services. When prepared for inclusion with an application for a general building permit, the Documents shall meet all Engineer's Responsibility Rules, set forth in Chapters 61G15- 31, 61G15-32, 61G15-33, and 61G15-34, F.A.C., and be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the proposed work it will conform to all the provisions of the Florida Building Code, adopted in Section 553.73, F.S., and applicable standards, codes, laws, ordinances, rules and regulations in effect at the time the Documents are sealed, signed and dated-prepared, as determined by the AHJ. The Documents shall include:
- (a) Information that provides material specifications required for the safe operation of the system that is a result of engineering calculations, knowledge and experience.
 - (b) If the Engineering Documents are intended to comply with requirements of any edition of List-Federal, State, Municipal, or and County standards, codes, ordinances, laws, or and rules, other than those currently in effect, with their effective dates, that the Engineering Documents must clearly state the edition and effective dates the Documents are intended to conform to.
 - (c) Information, as determined by the Engineer of Record, needed for the safe and efficient operation of the system.
 - (d) List engineering design criteria; reference project specific studies, reports, and delegated Engineering Documents.
 - (e) Identify clearly elements of the design that vary from the governing standards and depict/identify the alternate method used to ensure compliance with the stated purpose of these Responsibility Rules.
- (2) Engineers shall legibly indicate their name and business address, on Engineering Documents. Engineering Documents which are issued for preliminary or conceptual use, shall clearly note the intended purpose of such Documents.
- (3) When elements of the project are shown on an Engineering Document only for information or clarification and the Engineer does not intend to accept responsibility for the elements, the engineer shall clearly note on the Documents the extent of his responsibility.
- (4) Engineering Documents drawings shall be legible and clearly define and delineate the work in the project. They must also comply with the requirements of Chapter 61G15-23, F.A.C., Seals.
- (5) Engineers shall clearly note on any preliminary Engineering Documents that such Documents are not in final form, but are being transmitted to the AHJ public agency to receive agency reviews, comments and interpretations. The Documents may subsequently be revised by the engineer to reflect resolution of issues with the AHJ public agency prior to final action by the AHJ agency. Changes, revisions and modifications to a project may prompt additional document submittal for AHJ agency approval action on the same project.

Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g), 471.025(3) FS. History—New 1-26-93, Formerly 21H-30.003, Amended 11-13-08.

Upon motion by Mr. Hahn, seconded by Dr. Roddenberry, to accept the rule amendments as presented, the motion passed.

Mr. Harris stated that the Rules Committee considered the SERC checklist questions and found that the rule amendment would have no adverse impact on small business and will not increase regulatory costs; therefore, no SERC was required.

Upon motion by Mr. Hahn, seconded by Mr. Todd, to accept the committee's recommendation on the need to prepare a SERC, the motion passed.

- (g) Public Hearing on Rule 61G15-32 – Responsibility Rules of Professional Engineers Concerning the Design of Fire Protection Systems

This item was tabled to get industry input.

#5. Joint Engineer/Architect Task Force Committee

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

- (a) Committee Chair's Report.

No report.

#6. Test Equivalency Review Special Committee

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

- (a) Committee Chair's Report.

No report.

#7. Structural Rules Committee

(Kevin Fleming, P.E., Chair; Anthony Fiorillo, P.E., S.I.; John Pepper, P.E., S.I.; Babu Varghese, P.E., S.I.)

(Public Advisors to the committee: Doug Barkley, P.E., FES Representative; Ron Milmed, FSEA Representative)

- (a) Committee Chair's Report.

Mr. Fleming reported that the committee had a conference call on August 8th and has requested that Mr. Schock talk with the FBC about the Board's concerns with the threshold inspector issue. Mr. Fleming stated the committee was waiting to hear back from FBC.

#8. Electrical Rules Committee (**Next Meeting: August 31, 2016 at 10am**)

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

(Public Advisors to the committee: Larry Smith, FES, Representative; Art Nordlinger, P.E., IEEE Representative; Alfonso Fernandez-Fraga, P.E.; Ralph Painter, P.E. Ph.D.)

(a) Committee Chair's Report.

No report.

#9. CE Provider Rules Committee

(Kenneth Todd, P.E., Chair)

(a) Committee Chair's Report.

Mr. Todd discussed the issue and stated that he feels the Board needs to address continuing education provider rules.

Mr. Bracken and Mr. Varghese volunteered to be on the committee.

H. NCEES

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

#1. 2016 NCEES Annual Meeting Information

- a. Motions at 2016 Annual Meeting (Exhibit H#1a)
- b. Letter from NSPE about Motion 12 (Exhibit H#1b)
- c. Schedule for Events at Annual Meeting (Exhibit H#1c)
- d. Southern Zone Interim Meeting Minutes (Exhibit H#1d)
- e. 2015 NCEES Annual Meeting Minutes (Exhibit H#1e)

Mr. Bracken discussed the issue of a separate SE Licensure. Discussion followed. Mr. Bracken did a straw poll of the Board members and all Board members voted no, with the exception of Mr. Pepper, who abstained.

I. Advisory Attorney's Report

#1. Rules Report

Mr. Harris presented the Rules Report for the Board's review and consideration.

J. Executive Director's Report

#1. Application for Retired Status*

Approved under consent agenda.

#2. Application for Reappointment to FEMC Board – Donald Goddeau, P.E.

Ms. Raybon stated that Mr. Goddeau's term on the FEMC Board will expire in December 2016 and he is applying for reappointment.

Upon motion by Mr. Todd, seconded by Mr. Pepper, that the application of Mr. Goddeau for reappointment to the FEMC Board be approved, the motion passed.

#3. Certification for Contract with DBPR

Ms. Raybon stated that we are required by contract to submit a certification every year.

Upon motion by Mr. Todd, seconded by Mr. Hahn, to approve the certification as provided, the motion passed.

#4. Fee Waiver pursuant to 455.213(12) F.S. for SI Applications

Ms. Raybon discussed the military fee waiver pursuant to Florida Statute and whether we should waive the fee for military personnel on the Special Inspector Application. Discussion followed.

Upon motion by Mr. Dove, seconded by Mr. Todd, to waive the fee based on 455.213(12) F.S. on the SI Application, the motion passed.

#5. Proposed 2017 FBPE/FEMC Meeting Calendar

Provided for informational purposes.

#6. 2016 FBPE/FEMC Meeting Calendar

Provided for informational purposes.

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

Mr. Pepper will attend the FBC meeting in October.

M. Chair's Report

N. Action Items from Previous Board Meetings

#1. Letter from Mr. James Belliveau, P.E. – Re: Special Inspector Interpretation Request

#2. Letter from Mr. Heinz Rosen, P.E. – Ethics Course offered by CE Provider

#3. Email from Adrian Gomez – RE: Does he need to take the PE Software Exam to offer his services to large corporations

#4. Email from Steve Zengel – RE: Is Advance Building Code Course required to new PE's (PE's who just passed the exam in April 2016 but have not been issued their number yet)

O. Correspondence to the Board

#1. Letter from Mr. Drew Hains. P.E. – Re: Naval Architecture and Marine Engineering as an Engineering Discipline

Mr. Hains was present and addressed the Board.

Mr. Bracken asked if Mr. Hains would work with Board on this issue and have the Board address this issue during the November Rules meeting.

#2. Email from Mr. Arnaud Thibonnier – Re: Clarification on Rule 61G15-31.004

Mr. Pepper discussed this issue. Discussion followed.

Mr. Pepper will work with Mr. Rimes on a response.

Part II
Informal Hearing Agenda
(Thursday, August 18, 2016)

Review of FBPE Mission and Scope:

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

FBPE's Scope: To meet its statutory obligation and exercise its legislative authority by reviewing and approving engineering applications; managing, updating and enforcing the rules that govern the practice of engineering and to guard against the unlicensed practice of engineering within the State of Florida.

Description of Educational Committee Process by Michelle Roddenberry, Ph.D., P.E.

P. Ratification of Actions from Application Review, August 17, 2016

Upon motion by Mr. Hahn, seconded by Mr. Dove, to ratify the actions of the application review committees, the motion passed.

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

#1. Jonathan Farley

Mr. Harris discussed the basis of the denial of Mr. Farley's application. Mr. Farley holds a BS in Civil Engineering Technology from Bluefield State College and a MS in Civil Engineering Management from the University of Florida. The denial of the application is based on education. Mr. Farley lacks 16 hours in M&BS, 22 hours in ES&D and either a calculus-based physics or biology course. Mr. Farley returned his Election of Rights with a request for an Informal Hearing.

Upon motion by Dr. Roddenberry, seconded by Mr. Hahn, that Mr. Farley was properly served with the notice of intent to deny and he requested a 120.572 hearing not involving disputed issues of material facts, the motion passed.

Upon motion by Mr. Dove, seconded by Dr. Roddenberry, to accept into evidence the complete application file containing the meeting materials as the facts of this case, the motion passed.

Upon motion by Dr. Roddenberry, seconded by Ms. Boza, that the Board adopt the factual allegations in the notice of intent to deny as the Board's findings of fact for the denial, the motion passed.

Upon motion by Dr. Roddenberry, seconded by Ms. Boza, that the Board adopt the conclusions of law from the notice of intent to deny as the Board's conclusions of law, the motion passed.

Upon motion by Mr. Bracken, seconded by Mr. Hahn, that the denial be upheld and the application of Mr. Farley be denied, the motion passed.

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

#1. Jose Noriega

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

Mr. Harris discussed the basis for the denial of Mr. Noriega's application. Mr. Noriega holds a BS in Electrical Engineering Technology from University of Massachusetts Lowell. The basis for the denial is education because Mr. Noriega has an Electrical Engineering Technology Degree.

Upon motion by Mr. Dove, seconded by Dr. Roddenberry, that Mr. Noriega was properly served with the notice of intent to deny and he requested a 120.572 hearing not involving disputed issues of material facts, the motion passed.

Upon motion by Ms. Boza, seconded by Dr. Roddenberry, to accept into evidence the complete application file contained the meeting materials as the facts of this case, the motion passed.

Upon motion by Dr. Roddenberry, seconded by Ms. Boza, that the Board adopt the factual allegations in the notice of intent to deny as the Board's findings of fact for the denial, the motion passed.

Mr. Noriega addressed the Board and engaged in discussion with the Board.

Dr. Roddenberry reviewed his options.

Mr. Noriega withdrew his application.

S. Board Appearance on Application for Principles and Practice Examination

#1. Mariam Armanious

Ms. Armanious was present and sworn in prior to addressing the Board.

Mr. Harris stated that Ms. Armanious was before the Board to address her work experience and a possible issue with her education.

Mr. Bracken discussed the reasons why she was appearing before the Board today.

Ms. Armanious addressed the Board.

Discussion followed.

Upon motion by Mr. Fleming, seconded by Mr. Hahn, to approve the application of Ms. Armanious, the motion passed.

The Education Committee Chair stated that her education was acceptable.

#2. Ryan Newell

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

Mr. Harris stated that Mr. Newell was asked to appear before the Board to discuss his experience.

Mr. Bracken explained the process.

Mr. Newell addressed the Board.

Discussion followed.

Upon motion by Mr. Pepper, seconded by Mr. Todd, to approve the application of Mr. Newell, the motion passed.

#3. Silvana Vargas

Ms. Vargas was present and sworn in prior to addressing the Board.

Mr. Harris stated that Ms. Vargas was asked to appear before the Board to discuss her experience.

Ms. Vargas addressed the Board.

Discussion followed.

Upon motion by Mr. Todd, seconded by Mr. Dove, to approve the application of Ms. Vargas, the motion passed.

T. Hearing on Petition for Waiver and Variance of Rule 61G15-20.007(3)

#1. Manoj Tadhani

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

Mr. Harris discussed the reason for Mr. Tadhani appearing before the Board. Mr. Harris stated that the applicant appeared before the Board last October and that he had some educational deficiencies and asked that his application be held open for one year to allow him the opportunity to take courses to clear the deficiencies. Mr. Harris stated that the applicant is now back before the Board with a petition because the applicant misunderstood the Board's instruction on clearing his educational deficiencies.

Mr. Harris stated that the Board can vary from the rules based on certain criteria.

Mr. Tadhani addressed the Board.

Dr. Roddenberry discussed the courses.

Upon motion by Mr. Todd, seconded by Mr. Hahn, that the petition is legally sufficient and to approve the petition based on hardship, the motion passed.

Upon motion by Dr. Roddenberry, seconded by Ms. Ferguson, to approve the application of Mr. Tadhani, the motion passed.

U. Hearing on Petition for Waiver and Variance

#1. Raghavender Joshi

Mr. Harris stated that the applicant is lacking general education hours and he is petitioning to waive this requirement.

Upon motion by Mr. Fleming, seconded by Mr. Hahn, to find the petition legally sufficient as filed, the motion passed.

Upon motion by Dr. Roddenberry, seconded by Mr. Todd, to deny the petition based on failure to demonstrate hardship or principles of fairness, the motion passed.

Upon motion by Mr. Hahn, seconded by Mr. Fleming, to allow the application to be held open for up to one year to allow the applicant to take a CLEP course to clear his deficiency, if he responds within 30 days and makes the request or if he chooses not to make this request or does not do so within 30 days, then the application is denied, the motion passed.

V. Consideration of Petition for Hearing Involving Disputed Issues of Material Fact

#1. Daniel Hofer

Mr. Harris discussed the facts of the case.

Upon motion by Mr. Bracken, seconded by Mr. Todd, to deny the request for a hearing because the applicant did not respond within the legally required 21 days after he received his notice of intent to deny, the motion passed.

Upon motion by Mr. Bracken, seconded by Mr. Todd, to allow Mr. Harris to contact applicant and inform him that he has 15 calendar days from the time Mr. Harris contacts him to withdraw application or a final order denying his application will be entered within 30 days of the time Mr. Harris contacts him, the motion passed.

Part III
Disciplinary Hearings
(Thursday, August 18, 2016)



W. SETTLEMENT STIPULATION

#1. G.R. Claiborne, P.E.
P.E. Number: 58238
FEMC Case Number: 2015018063
Probable Cause Panel Date: March 08, 2016
Probable Cause Panel: Fiorillo, Fleming & Matthews
Represented by: Himself: G. R. "Clay" Claiborne

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

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1)(g), F.S., & Rule 61G15-19.001(4) by engaging in negligence in the practice of engineering; Rule 61G15-23.002, F.A.C. A title block shall be used on each sheet of plans or prints and shall contain the printed name, address, and license number of the engineer who has sealed, signed and dated the plans or prints.

The PCP Recommendation was Administrative Complaint: Administrative Fine of \$3,000.00; Administrative Costs of \$2344.05; Reprimand; Appearance before the Board to discuss how this situation occurred, what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future, and your area of engineering expertise; Probation with terms. Terms to include

Project/Plan Reviews at 6 and 18 month intervals; Successful completion of the Board Approved Basic Engineering Professionalism and Ethics course; and Successful completion of the Board's Study Guide.

The Settlement Stipulation is the same as the PCP recommendation.

Mr. Claiborne addressed the Board.

Upon motion by Mr. Todd, seconded by Mr. Hahn, to accept the settlement stipulation, the motion passed.

#2. Charles Mitchell, P.E.
P.E. Number: 58238
FEMC Case Number: 2014031694
Probable Cause Panel Date: September 15, 2015
Probable Cause Panel: Fiorillo, Matthews & Pepper
Represented by: Himself; Charles Mitchell, P.E.

Mr. Mitchell 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.

The PCP Recommendation was Administrative Complaint); Administrative Costs of \$5,957.95; Suspension of Professional Engineer ("PE") license for one year from the date of filing of the Final Order with the Department of Business and Professional Regulation ("Agency") Clerk; Probation for 2 years from the date of filing the Final Order with the 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 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; Respondent must petition the Board in order to have Respondent's PE license reinstated; Respondent must successfully complete the Advanced Engineering Professionalism and Ethics course and the Study Guide prior to reinstatement of Respondent's PE license; Respondent must Appear before the Board to present Respondent's case as to why Respondent's PE license should be reinstated, such reinstatement not being guaranteed.

The Settlement Stipulation is Administrative Fine of \$1,000.00; Administrative Costs of \$5,957.95; Reprimand; Appearance before the Board to discuss how this situation occurred, what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future, and your area of engineering expertise; RESTRICTED from creating, producing, or certifying any Electrical and/or Mechanical Engineering documents until such time as Respondent takes and passes the NCEES Electrical and/or Mechanical Engineering examination; if and when examination(s) are passed successfully plans review of work. PROBATION and plans review of all structural design at 6 & 18 months. Successful completion of the Board Approved Advanced Engineering Professionalism and Ethics course; and Successful completion of the Board's Study Guide

Mr. Mitchell addressed the Board.

Upon motion by Mr. Dove, seconded by Mr. Todd, to accept the settlement stipulation, the motion passed.

#3. Robert Salsbury P.E.
P.E. Number: 49852
FEMC Case Number: 2014009216
Probable Cause Panel Date: May 12, 2015
May 10, 2016
Probable Cause Panel: Fiorillo, Matthews & Pepper
Fiorillo, Fleming, & Matthews
Represented by: Ms. Diane S. Perera, Esquire

Mr. Salsbury was present with counsel, Ms. Perera. Mr. Salsbury 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)(a), Florida Statutes, provides that a professional engineer is subject to discipline for "[v]iolating ... [a] rule of the [B]oard..."; failure to place any limitations of the scope of work provided as required by Rule 61G15-30.003(3) and Rule 61G15-30.003(5).

The PCP recommendation was Administrative Complaint; Administrative Fine of \$1,000; Administrative Costs of \$9,247.70; Successful Completion of a Basic Engineering Professionalism and Ethics course which has been approved by the Florida Board of Professional Engineers ("Board") within one year of the filing of the Final Order with the Department of Business and Professional Regulation ("Agency") Clerk; Successful completion of the Board-approved Study Guide within 30 days of the filing of the Final Order with the Agency Clerk; Appearance before the Board to explain how this situation occurred and what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future.

The Settlement Stipulation is Administrative Complaint; LETTER OF GUIDANCE; Administrative COSTS of \$9,247.70; Suspension of license if Administrative Costs are not paid within one year of the date that the Final Order adopting the Stipulation is filed with the "Agency" Clerk; Successful Completion of a Basic Engineering Professionalism and Ethics course which has been approved by the Florida Board of Professional Engineers ("Board") within one year of the filing of the Final Order with the Department of Business and Professional Regulation ("Agency") Clerk; Successful completion of the Board-approved Study Guide within 30 days of the filing of the Final Order with the Agency Clerk; 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

Ms. Perera addressed the Board.

Discussion followed.

Upon motion by Mr. Todd, seconded by Mr. Hahn, to accept the settlement stipulation, the motion passed.

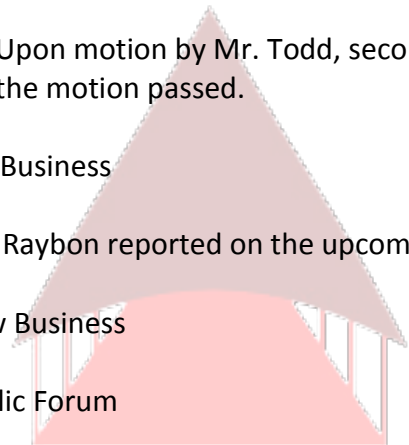
X. Old Business

Ms. Raybon reported on the upcoming ABET changes. Discussion followed.

Y. New Business

Z. Public Forum

AA. Adjourn



Next Board Meeting: October 12-13, 2016
Crowne Plaza Orlando Universal
7800 Universal Blvd.
Orlando, FL 32819