

**Minutes for
The Florida Board of Professional Engineers
December 8, 2016 beginning at 8:30 a.m. or soon thereafter
Wahoo Seafood Grill-Banquet Room
Tallahassee, FL**

Thursday, December 8, 2016

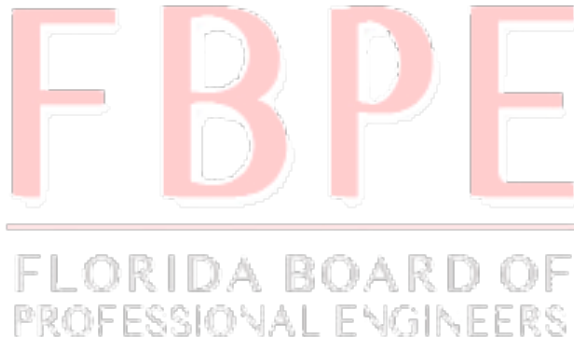
- A. Call to Order, Invocation, and Pledge of Allegiance to the Flag

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



Board Members Absent:

Roland Dove, P.E.
Vivian Boza, Public Member
Elizabeth Ferguson, Public Member

Attorney General's Office:

Lawrence Harris, Assistant Attorney General, Counsel to the Board

Staff Members Present:

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

Upon motion by Mr. Hahn, seconded Mr. Fiorillo, to excuse the absences of Mr. Dove, Ms. Boza and Ms. Ferguson, the motion passed.

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

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

Mr. Bracken asked that items Exhibits X#1, X#5, X#10, S#5 and S#8 be moved from Board Correspondence to Committee Reports under the Rules Committee Report.

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

F. Approval of Consent Agenda

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

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

#1. Minutes from the August 17-18, 2016 FBPE Board Meeting*

Approved under consent agenda.

#2. Minutes from September 23, 2016 FBPE Ratification Conference Call*

Approved under consent agenda.

#3. Minutes from August 17, 2016 FBPE Rules Committee Meeting*

Approved under consent agenda.

#4. Minutes from November 9, 2016 FBPE Rules Committee Meeting*

Approved under consent agenda.

#5. Minutes from November 18, 2016 FBPE Ratification Conference Call*

Approved under consent agenda.

Informal Hearing Agenda

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

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

#1. Michael Jeffery

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

Mr. Harris discussed the basis of the denial of Mr. Jeffery's application. Mr. Jeffery holds a BS in Civil Engineering from FIU and was denied based on lacking the required 48 months of experience.

Upon motion by Dr. Roddenberry, seconded by Mr. Hahn, that Mr. Jeffery was properly served with the notice of intent to deny and he requested a 120.57(2), F.S. hearing not involving disputed issues of material facts, the motion passed.

Upon motion by Dr. Roddenberry, seconded by Mr. Hahn, 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 Mr. Hahn, to accept into evidence the complete application file contained in the meeting materials, the motion passed.

Mr. Jeffery addressed the Board.

Discussion followed on Mr. Jeffery's application and the fact that at the time of the application he did not have the required experience time but after appearing before the Board explaining his experience before graduation that he now qualifies based on the rule that allows for experience to count within two years of graduation with a bachelor's degree.

Upon motion by Mr. Hahn, seconded by Mr. Todd, to approve the application of Mr. Jeffery, the motion passed.

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

#1. Nash Heath

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

Mr. Harris discussed the basis of the denial of Mr. Heath's application. Mr. Heath holds a BS in Civil Engineering Technology Degree from Georgia Southern College.

Upon motion by Mr. Todd, seconded by Mr. Fleming, that Mr. Heath was properly served with the notice of intent to deny and he requested a 120.57(2), F.S. hearing not involving disputed issues of material facts, the motion passed.

Upon motion by Mr. Todd, seconded by Mr. Hahn, 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 Mr. Todd, seconded by Mr. Hahn, to accept into evidence the complete application file contained the meeting materials and the materials Mr. Heath supplied at the meeting, the motion passed.

Mr. Heath addressed the Board.

Discussion followed.

Mr. Tillman addressed the Board on Mr. Heath's behalf.

Mr. Heath withdrew his application based on the fact that Florida does not accept engineering technology degrees.

#2. Carlos Azcorra-Valdez

Mr. Azcorra-Valdez was present and sworn in prior to addressing the Board.

Mr. Harris discussed the basis of the denial of Mr. Azcorra-Valdez's application. Mr. Azcorra-Valdez holds a BS in Civil Engineering Degree from Universidad Autonoma de Yucatan and a MS in Civil Engineering from University of Wisconsin-Milwaukee. The denial of his application was based on education. Mr. Azcorra-Valdez lacks two of three required sciences courses.

Upon motion by Mr. Todd, seconded by Mr. Hahn, that Mr. Azcorra-Valdez was properly served with the notice of intent to deny and he requested a 120.57(2), F.S. hearing not involving disputed issues of material facts, the motion passed.

Upon motion by Mr. Todd, seconded by Mr. Hahn, 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 Mr. Todd, seconded by Mr. Hahn, to accept into evidence the complete application file contained the meeting materials, the motion passed.

Mr. Azcorra-Valdez addressed the Board regarding the supplemental materials he provided about the science courses.

Discussion followed on the supplemental materials provided from the university by the applicant.

Upon motion by Mr. Pepper, seconded by Dr. Roddenberry, to approve the application of Mr. Azcorra-Valdez based on the documents provided by the university that shows evidence of the required science courses, the motion passed. Mr. Fiorillo opposed.

I. Informal Hearing on Denial of Application for Special Inspector Certification

#1. Helmut John Mueller

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

Mr. Harris discussed the basis of the denial of Mr. Mueller's Special Inspector application. Mr. Mueller's application was denied based on the fact that not all the project work time was within the past seven years and not all the work was in accordance with the threshold plan. Additionally, there can be no overlapping of time.

Upon motion by Mr. Todd, seconded by Mr. Hahn, that Mr. Mueller was properly served with the notice of intent to deny and he requested a 120.57(2), F.S. hearing not involving disputed issues of material facts, the motion passed.

Upon motion by Mr. Hahn, seconded by Mr. Todd, 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 Mr. Hahn, seconded by Mr. Todd, to accept into evidence the complete application file contained the meeting materials, the motion passed.

Mr. Mueller addressed the Board.

Discussion followed.

Upon motion by Mr. Hahn, seconded by Mr. Todd, to table the application of Mr. Mueller until the February 2017 FBPE Board meeting to allow him the opportunity to file a petition for waiver and variance, the motion passed. Mr. Mueller waived the 90-day requirement for the board to act on his application.

#2. Felix Anton

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

Mr. Harris discussed the basis of the denial of Mr. Anton's Special Inspector application. Mr. Anton's application was denied based on the fact that he lacked the required number of months experience, there was no description of components, and there was no description of project and time claimed seems excessive. Mr. Anton elected to supplement his application and the supplemental materials did not clear his deficiencies.

Mr. Anton addressed the Board.

Upon motion by Mr. Pepper, seconded by Mr. Fiorillo, to approve the application of Mr. Anton based on his application and the testimony provided by Mr. Anton, the motion passed.

J. Board Appearance on Application for Principles and Practice Examination

#1. Hiran Mendez

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

Mr. Harris stated that Mr. Mendez was before the board to talk about this experience as requested by the Experience Committee.

Mr. Mendez addressed the Board.

Discussion followed.

Upon motion by Mr. Fleming, seconded by Mr. Hahn, to table the application until February 2017 to allow Mr. Mendez to submit supplemental materials as discussed at the Board meeting, the motion passed.

#2. Billy Swinson

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

Mr. Harris stated that Mr. Swinson was before the board to talk about this experience as requested by the Experience Committee.

Mr. Swinson addressed the Board.

Discussion followed.

Upon motion by Mr. Hahn, seconded by Mr. Todd, to approve the application of Mr. Swinson, the motion passed.

K. Board Appearance on Application for Licensure by Endorsement

#1. Jeongsoo Ko

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

Mr. Harris stated that Mr. Ko was before the board to talk about this experience as requested by the Experience Committee.

Mr. Ko addressed the Board.

Discussion followed.

Upon motion by Mr. Todd, seconded by Mr. Hahn, to approve the application of Mr. Ko, the motion passed.

L. Petition for Waiver and Variance of Rule 61G15-35.002, F.A.C. and Final Action on Supplemental Materials Regarding Application for Special Inspector Certification and If needed, then Informal Hearing on Denial of Application for Special Inspector Certification

#1. June Willcott

Ms. Willcott was present along with counsel, Ms. Cynthia Henderson. Ms. Willcott was sworn in prior to addressing the Board. Ms. Henderson provided supplemental materials to the Board members.

Mr. Harris stated that Ms. Willcott applied for Special Inspector certification, was denied and has now filed a petition for waiver and variance of Rule 61G15-35.002. The petition is legally sufficient and has been noticed but the 14-day comment period is not complete so the Board may get comments on the petition after the Board acts on the petition.

Ms. Willcott addressed the Board.

Ms. Henderson addressed the Board.

Upon motion by Mr. Fiorillo, seconded by Mr. Hahn, to approve the application of Ms. Willcott, the motion passed. No action was taken on the Petition for Rule Waiver.

Disciplinary Hearings

M. SETTLEMENT STIPULATION

#1. Julio Banks, P.E.
P.E. Number: 46544
FEMC Case Number: 2015032603
2015036080
Probable Cause Panel Date: March 08, 2016
Probable Cause Panel: Fiorillo, Fleming & Matthews
Fiorillo, Fleming & Matthews

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), F.A.C., by engaging in negligence in the practice of engineering.

Mr. Rimes stated that Mr. Banks has made a request for ADA accommodations via videoconferencing. Mr. Harris stated the requirements for ADA accommodations are for persons with disabilities to have access to government and they have to request accommodations in advance of the meeting in a timely fashion. Mr. Harris stated that Mr. Banks signed a settlement stipulation and a part of the stipulation is a Board appearance. Based on these facts, the Board should find that Mr. Banks did not request ADA accommodations in timely fashion.

Upon motion by Mr. Bracken, seconded by Mr. Todd, that Mr. Banks did not make a request for ADA accommodations in timely fashion, the motion passed

Upon motion by Mr. Bracken, seconded by Mr. Todd, that the requirement of appearance be waived in order to consider the settlement stipulation, the motion passed.

The Probable Cause Panel's Recommendation was an Administrative Complaint; Administrative Fine of \$10,000.00; Administrative Costs of \$2513.70; Revocation of Licensure.

The Settlement Stipulation is Administrative Costs of \$944.90 for case # 2015036080 and \$1568.80 for 2015032603; Reprimand; Suspension for a 2 (two) year period from the date of the Final Order. Unconditional reinstatement is not guaranteed and the Board may impose reasonable conditions of probation or restrictions on scope of practice on Respondent's license as it deems appropriate prior to reinstating the license. 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;

Successful completion of a Board Approved Advanced Engineering Professionalism and Ethics course due 1(one) year from the date of the Final Order is filed with the Department of Business & Professional Regulation and Successful completion of the Board's Study Guide within 30 days of the Final Order.

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

N. DEFAULT

#2. DWR Architecture and Engineering, Inc.

UNLICENSED

FEMC Case Number: 2015023010

Probable Cause Panel Date: May 10, 2016

Probable Cause Panel: Fiorillo, Fleming & Matthews

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Statute or Rule at Issue: § 471.023, FS: Offering Engineering Services without a Certificate of Authorization.

Upon motion by Mr. Hahn, seconded by Mr. Todd, that the respondent was properly served with complaint and failed to file an election of rights required by law within the required time, the motion passed.

Upon motion by Mr. Hahn, seconded by Mr. Todd, that by failing to respond in writing as required by law the respondent has waived his right to request a hearing and to grant the motion that the respondent has forfeited his right to an administrative hearing under section 120.569 and 120.57(1) and convene a hearing under section 120.57(2), F.S., the motion passed.

Upon motion by Mr. Hahn, seconded by Mr. Todd, that the Board adopt the findings of facts contained within the complete file including the administrative complaint as the board's findings of facts and to accept the conclusions of law contained in the allegations of law contained in the administrative complaint as the Board's conclusions of law and find the facts as established constitute a violation of law, the motion passed.

Upon motion by Mr. Hahn, seconded by Mr. Todd, to admit the complete investigate file into evidence, the motion passed.

Upon motion by Mr. Bracken, seconded by Mr. Hahn, to accept the PCP recommendation of administrative fine of \$5,000.00 and administrative costs of \$278.85 was adopted, the motion passed.

#3. John Holt, P.E.
P.E. Number: 15252
FEMC Case Number: 2016028087
Probable Cause Panel Date: September 13, 2016
Probable Cause Panel: Fleming, Bracken & Matthews

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Statute or Rule at Issue: §471.033(1) (i), FS: Practicing on a...suspended...license.

Upon motion by Mr. Todd, seconded by Mr. Hahn, that the respondent was properly served with complaint and failed to file an election of rights required by law within the required time, the motion passed.

Upon motion by Mr. Todd, seconded by Mr. Hahn, that by failing to respond in writing as required by law the respondent has waived his right to request a hearing and to grant the motion that the respondent has forfeited his right to an administrative hearing under section 120.569 and 120.57(1) and convene a hearing under section 120.57(2), F.S., the motion passed.

Upon motion by Mr. Todd, seconded by Mr. Hahn, that the Board adopt the facts contained within the complete file including the administrative complaint as the board's findings of facts and to accept the conclusions of law contained in the allegations of law contained in the administrative complaint as the Board's conclusions of law and find the facts as established constitute a violation of law, the motion passed.

Upon motion by Mr. Todd, seconded by Mr. Hahn, to admit the complete investigate file into evidence, the motion passed.

Upon motion by Mr. Todd, seconded by Mr. Hahn, to impose costs of \$960.60 and revocation of license, the motion passed.

#4 Roger Chewning, P.E.
P.E. Number: 21780
FEMC Case Number: 2016024529
Probable Cause Panel Date: July 19, 2016
Probable Cause Panel: Fiorillo, Matthews & Fleming

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Statute or Rule at Issue: § 471.033(1) (k), FS: Violating any order of the board or department previously entered in a disciplinary hearing.

Upon motion by Mr. Pepper, seconded by Mr. Hahn, that the respondent was properly served with complaint and failed to file an election of rights required by law within the required time, the motion passed.

Upon motion by Mr. Pepper, seconded by Mr. Hahn, that by failing to respond in writing as required by law the respondent has waived his right to request a hearing and to grant the motion that the respondent has forfeited his right to an administrative hearing under section 120.569 and 120.57(1), F.S., and convene a hearing under section 120.57(2), F.S., the motion passed.

Upon motion by Mr. Pepper, seconded by Mr. Hahn, that the Board adopt the facts contained within the complete file including the administrative complaint as the board's findings of facts and to accept the conclusions of law contained in the allegations of law contained in the administrative complaint as the Board's conclusions of law and find the facts as established constitute a violation of law, the motion passed.

Upon motion by Mr. Pepper, seconded by Mr. Hahn, to admit the complete investigate file into evidence, the motion passed.

Upon motion by Mr. Hahn, seconded by Mr. Pepper, to suspend the license until successful completion of the terms of the final order and to impose costs of \$132.60, the motion passed.

O. DISCUSSION

#5. Kim B. Ford, P.E.
P.E. Number: 39471
FEMC Case Number: 2014002866
Probable Cause Panel Date: July 15, 2014
Probable Cause Panel: Roddenberry & Pepper

For provided for informational purposes

#6. Faustin Denis, P.E.
P.E. Number: 48685
FEMC Case Number: 2012003988
Probable Cause Panel Date: May 13, 2014
Probable Cause Panel: Roddenberry, Matthews, & Pepper

Mr. Rimes stated that when the final order was written for this case it did not clarify what type of professionalism and ethics course should be taken so the respondent took a course and is now asking that Board accept this course as part of the requirement of the final order.

Upon motion by Mr. Pepper, seconded by Mr. Todd, to accept the course taken by Mr. Denis, the motion passed.

- #7. Joseph Kosinski, P.E.
P.E. Number: 52288
FEMC Case Number: 2014026742
Probable Cause Panel Date: January 13, 2014
Probable Cause Panel: Roddenberry, Matthews, & Pepper

Mr. Rimes stated that Mr. Kosinski is requesting early termination of probation based on the facts that he has completed all the requirements of the settlement stipulation.

Upon motion by Mr. Todd, seconded by Mr. Hahn, to grant early termination, the motion passed.

General Business of the Board

P. Committee Reports

- #1. Probable Cause Panel **(Next Meeting: January 10, 2017 at 8:30am)**
(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 September 13, 2016 Meeting*

Approved under consent agenda.

- (b) PCP Memo from November 8, 2016 Meeting*

Approved under consent agenda.

- #2. Applications Review – Experience Committee **(Next Meeting: January 10, 2017 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.

No Report.

- (b) Experience Files to be Reviewed (in separate meeting book)

#3. Applications Review – Education Committee (**Next Meeting: January 10, 2017 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.

No Report.

(b) Education Files to be reviewed (in separate meeting book)

#4. Rules Committee (**Next Meeting: January 11, 2017 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.

(b) Public Workshop of Rule 61G15-20.0010 and Rule 61G15-20.0015 - Revised Applications FBPE 001, 003, 002 and 004

Mr. Bracken discussed the applications.

Mr. Harris also discussed the applications and mentioned that the Rules Committee reviewed them last month.

Upon motion by Mr. Hahn, seconded by Mr. Todd, to approve the applications as presented with formatting changes made as needed and to issue a notice of change for Rules 61G15-20.0010 and 20.0015, the motion passed.

Mr. Harris asked if the proposed rule amendments will have an adverse impact on small business or will the proposed rule amendments be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one (1) year after the implementation of the rule or 1 million within five (5) years after implementation.

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

- (c) Public Hearing on Rule 61G15-24.001 – Schedule of Fees
 - (i) Letter from JAPC
 - (ii) New language for 61G15-24.001

Mr. Harris reported the concerns from JAPC and how the concerns were handled.

Upon motion by Mr. Hahn, seconded by Mr. Todd, to approve the proposed changes to Rule 61G15-24.001, the motion passed.

Mr. Harris asked if the proposed rule amendments will have an adverse impact on small business or will the proposed rule amendments be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one (1) year after the implementation of the rule or 1 million within five (5) years after implementation.

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

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

Mr. Harris discussed the proposed changes to 61G15-32.

Upon motion by Mr. Hahn, seconded by Mr. Todd, to approve the proposed changes to Rule 61G15-32, the motion passed.

Mr. Harris asked if the proposed rule amendments will have an adverse impact on small business or will the proposed rule amendments be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one (1) year after the implementation of the rule or 1 million within five (5) years after implementation.

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

- (e) Discussion on Defining Marine Engineer and how to proceed

Mr. Bracken stated that Mr. Hains talked to the Rules Committee about this issue and what the board can do and what Mr. Hains would need to do to proceed with this issue.

(f) Public Workshop on Rule 61G15-22.0001 – PE Renewal Forms Attached

Mr. Harris discussed the proposed changes to Rule 61G15-22.0001 and Rule 61G15-22.0002, which are the renewal forms.

Upon motion by Mr. Hahn, seconded by Mr. Fiorillo, to approve the applications as presented with formatting changes made as needed and to issue a notice of change for Rules 61G15-22.0001 and 20.0002, the motion passed.

Mr. Harris asked if the proposed rule amendments will have an adverse impact on small business or will the proposed rule amendments be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one (1) year after the implementation of the rule or 1 million within five (5) years after implementation.

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

Mr. Bracken discussed the issue regarding what will qualify for CE credit and authorizing Ms. Raybon to answer these questions based upon the board's guidance, since staff is receiving these questions daily.

Upon motion by Mr. Bracken, seconded by Mr. Fiorillo, to delegate to the authority to the executive director to answer questions about what will qualify for CE credit for this current renewal cycle based on the discussion and guidance of the Board, the motion passed.

Mr. Bracken discussed the signing and sealing presentation and how the presentation was developed. Mr. Bracken stated that a webinar would be finalized and made available to licensees at no charge and no CE credits would be given for this webinar.

Upon motion by Mr. Todd, seconded by Mr. Hahn, to proceed with the development of the webinar on signing and sealing to be brought to the Board for approval at the February 2017 meeting, the motion passed. During discussion, Mr. Harris expressed concerns about the Board developing a webinar without it being adopted as a rule. After further discussion, Mr.

Harris agreed to look at the final version of the webinar before it is presented to the Board.

#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.

#7. 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.

#8. Structural Rules Committee **(Next Meeting: February 1, 2017 at 8:30am)**

(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.

(b) Minutes from August 8, 2016 Structural Rules Committee Meeting*

Approved under consent agenda.

(c) Minutes from September 8, 2016 Structural Rules Committee Meeting*

Approved under consent agenda.

(d) Minutes from November 1, 2016 Structural Rules Committee Meeting*

Approved under consent agenda.

(e) Joint Meeting with FBC Structural TAC – Agenda attached

Provided for informational purposes.

(f) Committee Statement for Joint Meeting with FBC Structural TAC

Mr. Fleming discussed the upcoming joint meeting and the position statement.

Discussion followed.

#9. Electrical Rules Committee (Next Meeting: TBD)

(Kevin Fleming, P.E., Chair; Warren Hahn, P.E.; John Pepper, P.E., S.I.)
(Public Advisors to the committee: TBD, FES, FSEA Representative; Art Nordlinger, P.E., IEEE Representative; Alfonso Fernandez-Fraga, P.E.; Ralph Painter, P.E.)

(a) Committee Chair's Report.

(b) Minutes from August 31, 2016 Electrical Rules Committee Meeting*

Approved under consent agenda.

#10. CE Provider Rules Committee

(Kenneth Todd, P.E., Chair; William Bracken, P.E., S.I.; Babu Varghese, P.E., S.I.)
(Public Advisors to the committee: Patrick Ferland, P.E.; William Dunn, P.E.; Art Nordlinger, P.E.; Gerald Ward, P.E.; Frederick Barber, P.E.; Dr. Fred Bloetscher, P.E.)

(a) Committee Chair's Report.

Mr. Todd reported that a committee conference call is being scheduled for late January.

Q. NCEES

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

#1. Report on Annual Meeting

Provided for informational purposes.

#2. Candidates for Southern Zone Office

Provided for informational purposes.

R. Advisory Attorney's Report

#1. Rules Report

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

S. Executive Director's Report

#1. Application for Retired Status*

Approved under consent agenda.

#2. Update on Renewal

Ms. Raybon provided an update on renewal.

#3. Exam Verifications to Universities

Ms. Raybon stated that she sent a letter to UF advising them that as of November 1st FBPE would no longer verify exams since NCEES now provides direct exam verifications to universities.

#4. Appoint Three Funded Delegates to 2017 NCEES Southern Zone Meeting – April 27-29 – St. Thomas, VI

Ms. Raybon discussed the 2017 NCEES Southern Zone meeting and asked who would be able to attend. The following board members stated that they would be able to attend: Dr. Roddenberry, Mr. Fleming, Mr. Todd, Mr. Varghese, Mr. Pepper, and Mr. Bracken. Mr. Fiorillo may be also be able to attend.

Upon motion by Mr. Bracken, seconded by Mr. Fiorillo, to appoint Mr. Todd, Dr. Roddenberry and Ms. Raybon as the three funded delegates for the 2017 NCEES Southern Zone meeting, the motion passed.

#5. Discussion on emails/questions about what qualifies for area of practice credit and authorizing Ms. Raybon to answer questions, per Rules Committee guidance and recommendation (see items X#1, X#5 and X#10 for examples of questions staff is receiving).

This item was handled under the Rules report.

#6. Report on October Exam Sites

Ms. Raybon reported on the October exam sites and the issue that was experienced at the Orlando exam site. Ms. Raybon stated that NCEES contracts with the hotel for the site. Discussion followed. Mr. Goddeau stated that we should have staff or a Board member attend both days of the April exam in Orlando. Ms. Raybon stated that will not be a problem.

#7. Approval of FEMC Consultants & PCP Member Bob Matthews to get CE Hours for Area of Practice

Ms. Raybon discussed the issue of FEMC consultants receiving CE hours for area of practice for their service to the Board.

Upon motion by Mr. Fiorillo, seconded by Mr. Hahn, to give credit for area of practice and laws and rules to all the consultants based on rule 61G15-22.010(4), F.A.C., the motion passed.

#8. Signing and Sealing Presentation

This item was handled under the Rules report.

#9. 2015-2016 FEMC Annual Report

Provided for informational purposes.

#10. 2017 FBPE/FEMC Meeting Calendar

Provided for informational purposes.

T. Chief Prosecutor's Report

#1. 300 day report

Provided for informational purposes.

#2. Profile of legal cases by year
(f) Cases open for 1 year plus

Provided for informational purposes.

(g) Total open cases by year

Provided for informational purposes.

U. Engineering Association and Society Reports

#1. FSEA

#2. FES

Allen Douglas reported on upcoming legislation.

#3. IEEE

V. Chair's Report

W. Action Items from Previous Board Meetings

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

X. Correspondence to the Board

#1. Email from Devon Seal – Question about CE requirements and acceptance of other state professional societies for CE credit

Ms. Raybon will respond to this email.

#2. Email from Mr. Tim Schrader – Re: Responsible engineer and liability or when to report an non-conservative condition

Mr. Bracken discussed the email and stated that we have requirements within our rules regarding the obligation of an engineer when unsafe conditions are encountered and that several newsletter articles were written on this topic.

#3. Letter from Mr. Thomas Hibbard

Discussion followed on this letter.

#4. Email from Mr. William Nickas, P.E. – Professional Liability

Mr. Bracken discussed this issue and asked FES to look at this, if possible.

#5. Email from Mr. Alfonso Fernandez-Fraga, P.E.- CE Credit for Officer on Board of Rules and Appeals

Ms. Raybon will respond to this email.

#6. Proposed Open/Expired Permit Legislation

Provided for informational purposes.

#7. Email from Mr. Hansen, P.E. – Re: Florida Energy Code

Mr. Bracken discussed this letter and Mr. Hahn agreed to work on a response.

#8. Email from Mr. Snell, P.E. – Titles used by Special Inspector Authorized Representatives

Mr. Bracken discussed this issue but it was decided there is nothing that the Board can do for him since it is not a protected title.

#9. Email from Mr. Fey, P.E. – Fire Alarm/Fire Sprinkler System Requirements

Mr. Bracken discussed this and asked staff to get more information from Mr. Fey about this issue.

#10. Email from Mr. Massaro, P.E. – CE Credit for members of Florida Greenbook Committee

Ms. Raybon will respond to this email.

#11. Email from Ms. Hill – Engineer Submittals

Mr. Bracken referred this item to the Rules Committee.

#12. Sinkhole Information for Engineers

Mr. Bracken stated that the state is looking at this issue.

#13. Letter from Mr. Joseph Brown, P.E. – Re: Retired Status or Inactive Status

Ms. Raybon stated that he is asking for the Board to have a title “Professional Engineer, Inactive,” which we do not have. The Board stated that this is not an option that they want to pursue.

#14. Letter/Complaint from Mr. Allen Gezelman, P.E.

Mr. Bracken discussed this letter and stated that that Board has no ability to address his concerns.

#15. Email from Mr. Jeffery Buckholz, P.E. – Re: Signing and Sealing

Provided for informational purposes.

Y. Ratification of Actions from earlier Application Review

Upon motion by Mr. Fiorillo, seconded by Mr. Hahn, to ratify the actions of the application committee, the motion passed.

Z. Old Business

AA. New Business

BB. Public Forum

CC. Adjourn

