

**Minutes for
The Florida Board of Professional Engineers
February 1, 2017 beginning at 1:00 p.m. or soon thereafter and
February 2, 2017 beginning at 8:30 a.m., or soon thereafter
Crowne Plaza Orlando Universal
Orlando, Florida**

Part I – Wednesday, February 1, 2017

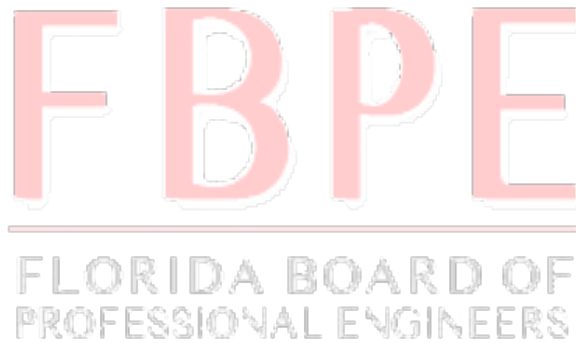
- A. Call to Order, Invocation, and Pledge of Allegiance to the Flag

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

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

Board Members Present:

Anthony Fiorillo, P.E., S.I., Chair
Kevin Fleming, P.E., Vice Chair
William Bracken, P.E., S.I.
Warren Hahn, P.E.
John Pepper, P.E., S.I.
Michelle Roddenberry, Ph.D., P.E.
Kenneth Todd, P.E.
Vivian Boza, Public Member
Elizabeth Ferguson, Public Member



Board Members Absent:

Roland Dove, P.E.
Babu Varghese, P.E., S.I.

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. Bracken, seconded Mr. Hahn, to excuse the absences of Mr. Dove and Mr. Varghese, the motion passed.

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

Andrew Lovenstien, P.E., FSEA
Jamie Gold, P.E., Bracken Engineering
Art Nortlinger, P.E., IEEE
Tami Daigle, Red Vector
Matt Lastinger, Holland and Knight
Steve Kowkabany, P.E., FEMC Board Member
Patrick Cunningham, DBPR Contract Monitor

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 Ms. Ferguson, to approve the agenda, the motion passed.

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

Mr. Fleming stated that the PCP memo should be corrected to state fifteen cases.

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

#1. Minutes from the December 8, 2016 FBPE Board Meeting*

Approved under consent agenda.

#2. Minutes from January 20, 2017 FBPE Ratification Conference Call*

Approved under consent agenda.

G. Committee Reports

- #1. Probable Cause Panel **(Next Meeting: March 14, 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 January 10, 2017 Meeting*

Approved under consent agenda.

- #2. Applications Review – Experience Committee **(Next Meeting: March 14, 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.

- #3. Applications Review – Education Committee **(Next Meeting: March 14, 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.

- #4. Rules Committee **(Next Meeting: February 1, 2017 at 10am)**
(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 next meeting is tentatively scheduled for March 20th at 10am by conference call.

- #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.

Dr. Roddenberry asked that this committee be dissolved.

#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.

(b) Minutes from November 1, 2016 Committee Meeting and December 12, 2016 Joint Meeting with FBC
(Exhibit G#7b)

Upon motion by Dr. Roddenberry, seconded by Mr. Todd, to approve the minutes of the Structural Rules Committee from November 1 and December 12, the motion passed.

(c) Report/Update on Committee Meeting on Feb. 1st possibly including rule amendment language (to be provided at the Board meeting)

Mr. Fleming stated that the committee met before the Board meeting and is bringing recommendations for Board action today.

Mr. Harris reported on the proposed rule amendments to Rule 61G15-35.003 and the corrections to the applications:

61G15-35.003 Qualification Program for Special Inspectors of Threshold Buildings.

(1) The minimum qualifying criteria for Special Inspectors of Threshold Buildings, also referred to as Threshold Inspectors, established by the Board shall be as follows:

(a) Proof of current licensure in good standing as a licensed professional engineer in the State of Florida whose principal practice is structural engineering or whose principal practice is in performing structural field inspections on Threshold Buildings.

(b) Licensed professional engineers whose principal practice is structural engineering shall also have three (3) years of experience in performing structural field inspections on threshold buildings and two (2) years of experience in the structural design of threshold buildings after having achieved licensure as a professional engineer. ~~Such experience shall be within the seven (7) years preceding submission of the application.~~ For the purpose of these criteria, structural design shall mean the design of all structural components of the building and shall not be limited to specific structural components only, such as foundations, prestressed or post-tensioned concrete, etc.

(c) Licensed professional engineers whose principal practice is structural field inspections shall have five (5) years of experience in performing structural field inspections on Threshold Buildings ~~within the preceding seven (7) years prior to submission of the application~~ and possess each of the certifications identified in paragraph 61G15-35.004(2)(f), F.A.C. at the time of application.

(2) Applications.

(a) The instructions and application form for Special Inspector, Form FBPE/TBI/006 (~~10/15~~ 02/17) is hereby incorporated by reference, "Application for Special Inspector Certification." Copies of Form FBPE/TBI/006 may be obtained from the Board office or by downloading it from the internet website www.fbpe.org/licensure/application-process or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-06472>.

(b) All applications for certification as a Special Inspector shall be submitted to the Board on Form FBPE/TBI/006.

(c) Applications shall contain the following basic information pertaining to the applicant:

1. Name;
2. Florida license number;
3. A list of projects submitted for experience credit. For each project identified, the following shall be clearly listed:
 - a. The beginning and ending eExperience dates;
 - b. The time spent on design or inspection work, expressed as a percentage of the applicant's total work time; and
 - c. a and sufficient description of work performed sufficient each to clearly demonstrate that the minimum qualification criteria has been met;
4. Letters of recommendation from three registered professional engineers whose principal practice is structural engineering in the State of Florida, one of whom must be certified as a Special Inspector;
5. The signature, date and seal by the applicant attesting to the competency of the applicant to perform structural inspections on threshold buildings; and
6. Completed form FBPE/TBI/006.

(d) Upon a determination that the application contains all of the

information requested by these rules, review of the application shall be scheduled for consideration by the Board. Such applications may be approved, rejected or deferred for further information by the Board. If the Board defers an application for additional information, it shall notify the applicant of the information needed. Applicants shall be notified in writing of the Board's actions as soon as practicable and, in the case of rejected applications, the Board shall set forth the reasons for such rejection.

(3) Temporary Certification. Professional engineers who have been granted temporary licensure in Florida pursuant to the provisions of Section 471.021, F.S., shall also be granted temporary certification as a Special Inspector provided the criteria set forth in these rules have been met. Such temporary certification shall be limited to work on one specific project in this state for a period not to exceed one year.

(4) Roster of Special Inspectors. The Board shall maintain a roster of all persons certified as Special Inspectors pursuant to the criteria established in these rules and the law. The roster shall be made available to interested parties upon request. The roster shall be updated on a continuing basis and additions or deletions to the latest published roster may be verified by contacting the Board office.

Rulemaking Authority 471.008, 471.033(2) FS. Law Implemented 471.015(7), 471.033, 553.79(5)(a), FS. History—New 4-19-01, Amended 7-7-02, 4-5-04, 11-29-04, 2-4-13, 2-28-16, 6-6-16, _____.

Upon motion by Mr. Hahn, seconded by Mr. Bracken, to accept the proposed rule amendments as presented and the changes to application as presented, the motion passed.

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

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

Mr. Harris asked if the proposed rule language will have a net increase of regulatory costs in excess of one million dollars within five (5) years after the implementation of final part of the rule.

Upon motion by Mr. Hahn, seconded by Mr. Pepper, that the proposed rule amendments will not have net increase of regulatory costs in excess of one

million dollars within five (5) years after the implementation of final part of the rule, the motion passed.

#8. 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: Charlie Geer, FES, FSEA Representative; Art Nordlinger, P.E., IEEE Representative; Alfonso Fernandez-Fraga, P.E.; Ralph Painter, P.E.)

(a) Committee Chair's Report.

Mr. Fleming stated that the committee met on January 24th to review the comments that Board office received and reviewed the rules. The committee will meet again to finish the review of the rule.

#9. CE Rules Committee **(Next Meeting: TBD)**

(Kenneth Todd, P.E., Chair; William Bracken, P.E., S.I.; Babu Varghese, P.E., S.I.)

(Public Advisors to the committee: William Dunn; Art Nordlinger, P.E.; Fred Bloetscher; Patrick Ferland; Gerry Ward; Al Garza; Rick Barber; Brett Cunningham)

(a) Committee Chair's Report.

Mr. Todd stated that the committee met on January 25th and will meet again on February 14th.

H. NCEES

(Anthony Fiorillo, P.E., FBPE Liaison)

#1. 2016 NCEES Southern Zone Meeting Information

Provided for informational purposes.

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 the consent agenda.

#2. Continuing Education Provider renewing PE licenses.

Ms. Raybon discussed the potential issue with the CE Provider Red Vector and the fact that they are renewing PE licenses. Ms. Raybon stated that she brought this before the Board for their review and possible action.

Ms. Daigle and Mr. Lastinger addressed the Board on the issue of Red Vector renewing PE's licenses. Discussion followed.

The Board determined that no action was necessary.

#3. 2017 FBPE/FEMC Meeting Calendar

Provided for informational purposes.

#4. Appoint Executive Director as Associate Member of NCEES

Upon motion by Mr. Todd, seconded by Mr. Hahn, to appoint the Executive Director an Associate Member of NCEES, the motion passed.

K. 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.

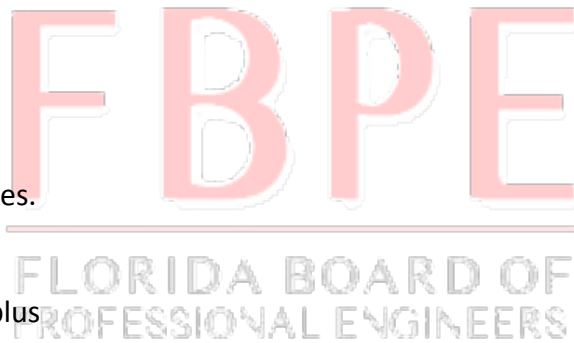
#3. Engineer Intern Case

Provided for informational purposes.

#4. Complaint against EZ-PDH

Mr. Rimes discussed the complaint against a CE Provider.

Discussion followed.



Staff to provide this information the CE Rules Committee for their review of the rules.

L. Engineering Association and Society Reports

#1. FSEA

No report.

#2. FES

i. SB 7000

Mr. Geer reported on the proposed bill. Discussion followed on this bill.
Mr. Geer also discussed SB 582, which deals with indemnification for regulatory board members.

#3. IEEE

No report.

Mr. George Wiggins with BOAF addressed the Board regarding SB 7000 and the position of BOAF on this bill.

M. Chair's Report

Mr. Fiorillo asked staff to send out newsletter deadlines to all Board members.

N. Action Items from Previous Board Meetings

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

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

#3. Letter from Mr. Thomas Hibbard

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

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

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

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

- #8. Email from Mr. Massaro, P.E. – CE Credit for members of Florida Greenbook Committee
- #9. Letter from Mr. Joseph Brown, P.E. – Re: Retired Status or Inactive Status
- #10. Letter/Complaint from Mr. Allen Gezelman, P.E.

O. Correspondence to the Board

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

Mr. Fiorillo discussed the email. Mr. Harris stated that it needs to clear that this is not a formal opinion of the Board.

Mr. Fleming and Mr. Harris will draft a response.

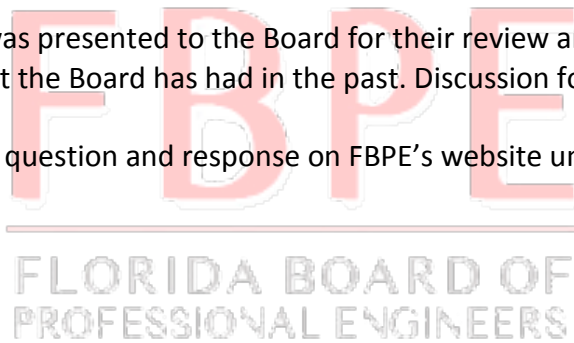
- #2. Email from Kathy McKinney-Tovar – Re: Question about PE Certification of SPCC Plans in Florida

Mr. Rimes stated that this email was presented to the Board for their review and stated that he provided the response that the Board has had in the past. Discussion followed.

Staff will respond and will put this question and response on FBPE's website under the FAQ section.

- #3. Email from Mr. George Grant, PE

Provided for informational purposes.



Part II
Informal Hearing Agenda
(Thursday, February 2, 2017)

P. Ratification of Actions from Application Review, February 1, 2017

Ms. Sammons stated that on page 6 of the list the following change needs to be made:

- Jaideep Nair should have been listed as denied for lacking three (3) hours of general education.

Upon motion by Mr. Bracken, seconded by Mr. Todd, to approve the ratification list as amended, the motion passed.

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

#1. Moshen Anis

Mr. Harris discussed the basis of the denial of Mr. Anis' application. Mr. Anis holds BS in Civil Engineering from Ain Shams University and a MS in Civil Engineering from California State University, LA. The denial of the application is based on education. Mr. Anis lacks 7.1 hours of general education. Mr. Anis returned his Election of Rights with a request for an Informal Hearing.

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

Upon motion by Mr. Fleming, seconded by Dr. Roddenberry, 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.

The board reviewed the written statement provided by the applicant.

Upon motion by Mr. Todd, seconded by Mr. Fleming, 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. Pepper, that the denial of the application Mr. Anis be upheld, the motion passed.

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

#1. Bhargavi Pathakamuri

Mr. Harris discussed the basis of the denial of Mr. Pathakamuri's application. Mr. Pathakamuri hold a BS in Civil Engineering from Acharya Nagarjuna University and a MS in Environmental Engineering from FIU. Mr. Pathakamuri lacks 6 hours of general education. Mr. Pathakamuri returned his Election of Rights with a request for an Informal Hearing.

Upon motion by Dr. Roddenberry, seconded by Ms. Ferguson, that Mr. Pathakamuri 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 Ms. Ferguson, to accept into evidence the complete application file containing the meeting materials, the motion passed.

Upon motion by Dr. Roddenberry, seconded by Ms. Ferguson, 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 Dr. Roddenberry, 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. Todd, seconded by Dr. Roddenberry, that the denial of the application of Mr. Pathakamuri be upheld, the motion passed.

S. 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. Mendez holds a BS in Electrical Engineering from Central University of Las Villas.

Mr. Harris stated that Mr. Mendez was before the Board because at the September 13, 2016 Application Review, the Application Committee of the Florida Board of Professional Engineers requested that Mr. Mendez appear to explain his experience. Mr. Mendez appeared before the Board at their December 2016 meeting and the Board continued the appearance to allow time for Mr. Mendez to provide additional documentation.

Mr. Mendez addressed the Board.

Discussion followed.

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

#2. James McKinney

Dr. McKinney was sworn in prior to addressing the Board. Dr. McKinney holds a BS in Chemical Engineering from University of South Carolina and an MS and PhD degrees in Chemical Engineering from UF. At the November 8, 2016 Application Review, the Application Committee of the Florida Board of Professional Engineers requested that Mr. McKinney appear to explain his experience.

Dr. McKinney addressed the Board.

Discussion followed.

Upon by Mr. Hahn, seconded by Mr. Bracken, to conditionally approve the application of Mr. McKinney contingent on applicant submitting a current employment verification within five (5) days for the chair to review and, if approved, allow the applicant to register for the April 2017 NCEES exam, the motion passed.

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

#1. Esteban Anzola

Mr. Anzola was present and sworn in prior to addressing the Board. Mr. Harris outlined basis of denial of Mr. Anzola's application. Mr. Anzola's application was denied based on the fact that all his inspection experience was obtained prior to seven years and he does not meet the qualifications as required by the rule.

Mr. Anzola addressed the Board.

Discussion followed.

Mr. Harris stated that the applicant could file a petition for waiver and variance of the seven-year requirement.

Discussion followed.

Upon motion by Mr. Bracken, seconded by Mr. Pepper, to conditionally approve a properly filed petition for waiver and variance if one is filed and legally sufficient and

relates the information that he presented to the board today and assuming there are no public comments, the motion passed.

U. Hearing on Petition for Waiver and Variance of Rule 61G15-20.007

#1. Chandra Neelamraju

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

Mr. Harris stated that Mr. Neelamarju is requesting to waive Rule 61G15-20.007 because in August 2015 when the applicant's application was denied, the applicant was told that he if went through the US Naturalization process then he would be granted 10 hours of general education but this option was not acceptable to JAPC.

Discussion followed.

Upon motion by Mr. Pepper, seconded by Mr. Bracken, to approve the petition and the application of Mr. Neelamraju, the motion passed.

#2. Elie BouKhier

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

Mr. Harris stated that Mr. BouKhier has filed a petition for waiver and variance of Rule 61G15-20.007 because he is lacking 6 hours of engineering science and design.

Mr. BouKhier addressed the Board.

Discussion followed.

Upon motion by Dr. Roddenberry, seconded by Mr. Todd, to accept the course "Topics in Acoustics and Classical Mechanics" from the Oklahoma State University at Stillwater and Operations Research (transcript provided by the applicant) to count as 9 hours of engineering science and design, the motion passed. Mr. BouKhier withdrew his petition.

V. Hearing on Petition for Waiver and Variance of Rule 61G15-35

#1. Helmut Mueller

This item was approved under the application review/ratification list.

Part III
Disciplinary Hearings
(Thursday, February 2, 2017)

X. INFORMAL HEARING

#1. RHH Consulting & Engineering Group
FEMC Case Number: 2015050230
Probable Cause Panel Date: July 19, 2016
Probable Cause Panel: Fiorillo, Fleming, & Matthews

Mr. Hunkins 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 471.023, FS: Offering Engineering Services without a Certificate of Authorization.

Upon motion by Mr. Hahn, seconded by Ms. Boza, that the respondent was properly served with the Administrative Complaint and filed an election of rights electing a Chapter 120.57(2) hearing not involving disputed issue of material facts, the motion passed.

Upon motion by Mr. Hahn, seconded by Ms. Boza, to accept the statement presented as the facts, the motion passed.

Discussion followed on the website of RHH Consulting.

Upon motion by Ms. Howard, seconded by Mr. Hahn, that the entire investigative file of the case including the supplemental materials be accepted into evidence, the motion passed. Mr. Pepper opposed.

Mr. Rimes discussed the case.

Mr. Hunkins addressed the Board.

Discussion followed.

Mr. Rimes suggested that this item be tabled to allow Mr. Hunkins the time to make the necessary changes to the website as discussed and this case will be brought back before the board at the April 2017 FBPE Board Meeting for further action.

#2. Sinkholes, LLC
FEMC Case Number: 2015047628
Probable Cause Panel Date: July 19, 2016
Probable Cause Panel: Fiorillo, Fleming, & Matthews
Represented by: Himself

Mr. Rimes went over the facts of the case. The charges relate to a violation of 471.023, FS: Offering Engineering Services without a Certificate of Authorization.

Upon motion by Mr. Todd, seconded by Mr. Hahn, that Sinkholes, LLC was properly served with the Administrative Complaint and they did not respond in the required timeframe requesting a Chapter 120.57(2) Informal Hearing not involving issues of disputes material facts, the motion passed.

Upon motion by Mr. Todd, seconded by Mr. Pepper, that Sinkholes, LLC was properly served with request for admissions and they failed to respond to the request and therefore the requests are deemed admitted, the motion passed.

Upon motion by Mr. Todd, seconded by Mr. Hahn, to convene a Section 120.57(2) hearing not involving disputed material fact, the facts are undisputed as established by the request for admissions and those facts constitute a violation of law, the motion passed.

Mr. Rimes stated that the PCP recommendation was an Administrative Fine of \$5,000.00, Administrative Costs of \$273.20, and a Reprimand.

Upon motion by Mr. Bracken, seconded by Mr. Hahn, to the penalty recommendation of the PCP, the motion passed.

Y. SETTLEMENT STIPULATION

#3. H. John Griffin, P.E.
P.E. Number: 38647
FEMC Case Number: 2015033401
Probable Cause Panel Date: March 08, 2016
Probable Cause Panel: Fiorillo, Fleming, & Matthews
Represented by: Mr. Jeffery A. Hegewald, Esquire
May, Meacham & Davell, P.A.

Mr. Griffin 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.

The Probable Cause Panel Recommendation was an Administrative Complaint: Administrative Fine of \$4,000.00; Administrative Costs of \$8409.50; Reprimand; Restriction from the practice of Structural Engineering until Respondent successfully takes and passes the NCEES 16 Hour Structural Exam; Appearance before the Board to explain how this situation occurred and what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future; and Probation with terms. Terms to include Project/Plan Reviews in Structural Engineering, at 6 and 18 month intervals from the date of the Structural Engineering Restriction is lifted; Project/Plan Review of Mechanical, Electrical, and Plumbing Engineering at 6 and 18 month intervals from the date of the Final Order; Successful completion of a Board Approved Basic Engineering Professionalism and Ethics course; and Successful completion of the Board's Study Guide.

The Settlement Stipulation is an Administrative Fine of \$1,000.00, Administrative Costs of \$4,000.00, a Reprimand, and an 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. Respondent may also submit a written statement to the Board in addition to the appearance. Project/Plan Review of Structural Engineering must be submitted at 6 and 18 month intervals from the date of the Final Order. Respondent will be RESTRICTED from engaging in Mechanical, Electrical and Plumbing Engineering until Respondent requests to perform such services by sending a written request to the Board to amend the Final Order to allow such practice. The Board will then lift the RESTRICTION and Respondent's work will be subject to plans review in the same manner as will be performed on the Structural Engineering set forth above. Successful completion of a Board Approved Basic Engineering Professionalism and Ethics course and Successful completion of the Board's Study Guide is also ordered.

Mr. Griffin addressed the Board.

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

#4. Edgar Duenas, P.E.
P.E. Number: 57831
FEMC Case Number: 2015036055
Probable Cause Panel Date: September 13, 2016
Probable Cause Panel: Fleming, Bracken, & Matthews
Represented by: Mr. Charles B Hernicz, Esquire
Hernicz Legal Services, P.L.

Mr. Duenas 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.

The Probable Cause Panel Recommendation was an Administrative Complaint: Administrative Fine of \$1,000.00; Administrative Costs of \$1,227.75; 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; 2 years' Probation; 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 PCP recommendation.

Mr. Duenas addressed the Board.

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

#5. Edward Landers, P.E.
P.E. Number: 38398
FEMC Case Number: 2016000184
Probable Cause Panel Date: September 13, 2016
Probable Cause Panel: Fleming, Bracken, & Matthews
Represented by: Kevin S. Opolka, Esquire

Mr. Landers was present along with his counsel, Mr. Opolka. Mr. Landers was sworn in prior to addressing the Board.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1)(g), F.S., & Rule 61G15-19.001(4) by engaging in negligence in the practice of engineering.

The Probable Cause Panel Recommendation was an Administrative Complaint: Administrative Fine of \$4,000.00; Administrative Costs of \$6,850.60; 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; 2 year Probation with terms. Terms to include MEP and Structural Project/Plan Reviews at 6 and 18 month intervals; Successful completion of the Board Approved Advanced Engineering Professionalism and Ethics course; and Successful completion of the Board's Study Guide.

The Settlement Stipulation is an Administrative Complaint, Administrative Fine of \$1,000.00, Administrative Costs of \$4566.67, a Reprimand, an 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 a 2-year Probation with terms. Terms to include MEP and Structural Project/Plan Reviews at 6 and 18 month intervals, Successful completion of the Board Approved Advanced Engineering Professionalism and Ethics course, and Successful completion of the Board's Study Guide.

Mr. Landers addressed the Board.

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

#6. Eldin Hotic, P.E.
P.E. Number: 60118
FEMC Case Number: 2015032758
Probable Cause Panel Date: September 13, 2016
Probable Cause Panel: Fleming, Bracken, & Matthews
Represented by: Michael F. Kayusa, Esquire

Mr. Hotic was present along with counsel, Mr. Kayusa. Mr. Hotic was sworn in prior to addressing the Board.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1)(g), F.S., & Rule 61G15-19.001(4) by engaging in negligence in the practice of engineering.

The Probable Cause Panel Recommendation was Administrative Complaint; Administrative Fine of \$1,000.00; Administrative Costs of \$2,338.40; 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; 2 year Probation; 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 PCP recommendation except PROBATION was reduced to one (1) year.

Mr. Hotic addressed the Board.

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

#7. Scott Batterson, P.E.
P.E. number: 60853

FEMC Case Number: 2014037527
Probable Cause Panel Date: March 10, 2015
Probable Cause Panel: Fiorillo, Matthews, & Pepper

Mr. Richard Craig Batterson appeared on behalf of Mr. Scott Batterson.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1) (c), Florida Statutes: Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of engineering or the ability to practice engineering.

The Probable Cause Panel Recommendation was Administrative Costs of \$378.49; Respondent's license to practice engineering shall be REPRIMANDED. Respondent's Professional Engineer license shall be SUSPENDED so long as Respondent is incarcerated in the Florida Penal System as a result of Respondent's criminal conviction in the Circuit Court of the Ninth Judicial Circuit in and for Orange County, Florida, Case No: 2014-CF-005361-A-O. Upon Respondent's discharge or being placed upon work/ supervised release from full time incarceration, if Respondent seeks to reinstate Respondent's license, Respondent must petition for reinstatement of the license and must APPEAR at the Board Meeting at which the Petition shall be considered. Unconditional reinstatement is not guaranteed and the Board may impose such conditions of probation or restrictions on scope of practice on Respondent's license as it deems appropriate prior to reinstating the license. Advanced Engineering Professionalism and Ethics course; Study guide; Appearance before the Board to explain how this situation occurred and what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future.

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

Mr. Batterson addressed the Board.

Discussion followed.

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

Z. Old Business

#1. Review and Approval of Signing and Sealing Powerpoint Presentation with script

Mr. Bracken discussed the Signing and Sealing Powerpoint presentation and stated that a date has been set to record the presentation and it can be forwarded to the Board members for their review prior to the next Board meeting.

Discussion followed.

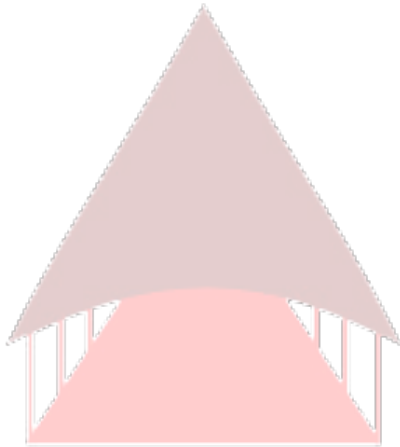
Upon motion by Mr. Hahn, seconded by Dr. Roddenberry, to accept the presentation and proceed with recording the presentation, the motion passed.

AA. New Business

BB. Public Forum

CC. Adjourn

Next Board Meeting: April 12-13, 2017
Crowne Plaza Orlando Universal
7800 Universal Blvd.
Orlando, FL 32819



FBPE
FLORIDA BOARD OF
PROFESSIONAL ENGINEERS