

**Minutes for
The Florida Board of Professional Engineers
June 21, 2017 beginning at 1:00 p.m. or soon thereafter and
June 22, 2017 beginning at 8:30 a.m., or soon thereafter
Crowne Plaza Orlando Universal
Orlando, Florida**

Part I – Wednesday, June 21, 2017

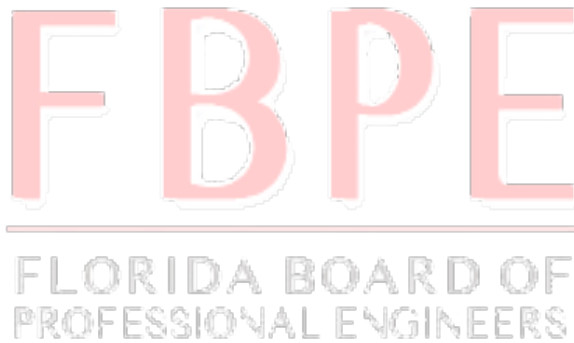
- A. Call to Order, Invocation, and Pledge of Allegiance to the Flag

Mr. Fiorillo called the meeting to order. Ms. Raybon called the 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
Roland Dove, P.E.
Warren Hahn, P.E.
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:

William Bracken, P.E., S.I.
Pankaj (PJ) Shah, P.E.

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. Fleming, to excuse the absence of Mr. Shah, the motion passed.

Upon motion by Mr. Hahn, seconded Mr. Fleming, to excuse the absence of Mr. Bracken, the motion passed.

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

Charlie Geer, P.E., FES
Andrew Lovenstein, P.E., FSEA
Art Nordlinger, P.E., IEEE
Patrick Cunningham, DBPR Deputy General Counsel, FEMC Contract Monitor
Don Goddeau, P.E., FEMC Chair
Angelina Fairchild, P.E., FES
Roy Shrewsbury, NCEES Northeast Zone Vice President
Roger Jeffery, P.E.
Mary Cruz

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

#1. Minutes from the April 12-13, 2017 FBPE Board Meeting*

Approved under consent agenda.

#2. Minutes from May 19, 2017 FBPE Ratification Conference Call*

Approved under consent agenda.

G. Committee Reports

#1. Probable Cause Panel **(Next Meeting: July 18, 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 May 9, 2017 Meeting*

Approved under consent agenda.

#2. Applications Review – Experience Committee **(Next Meeting: July 18, 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.; Kenneth Todd, P.E.; Babu Varghese, P.E.)

(a) Committee Chair's Report.

No report.

#3. Applications Review – Education Committee **(Next Meeting: July 18, 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: July 17, 2017 at 2pm)**

(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.

No report.

#5. Joint Engineer/Architect Task Force Committee

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

(a) Committee Chair's Report.

No report.

#6. Structural Rules Committee

(Kevin Fleming, P.E., Chair; Anthony Fiorillo, 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) Public Records Request on Background on Threshold Inspections and Legislative History

Mr. Fleming stated that this item was requested and is included in the materials. Also, Mr. Pepper will continue as a public member.

Mr. Fleming asked that another Board member be appointed to replace Mr. Pepper on this committee. Chairman Fiorillo appointed Mr. Shah to this committee.

#7. Electrical Rules Committee **(Next Meeting: TBD)**

(Kevin Fleming, P.E., Chair; Warren Hahn, P.E.)
(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.
- (b) Minutes from May 16, 2017 Committee Meeting*

Approved under consent agenda.

- (c) Public Hearing on Chapter 61G15-33

Mr. Harris discussed the proposed language.

Motion was made by Mr. Hahn, seconded by Mr. Todd, to open Chapter 61G15-33 to open the rules for development and propose rule language as shown in the meeting materials.

Mr. Fleming stated that he would like to change subparagraph (2) in each rule to change the wording from Electrical Engineering Documents for ... "shall as applicable to the particular project" to "must include the following information if applicable to the particular project" and include "at a minimum." Mr. Hahn and Mr. Todd agreed to the suggested change and the motion passed.

Mr. Harris asked if the proposed rule language will have an adverse impact on small business or if the 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. Todd, 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 (1) million dollars within five (5) years after the implementation of final part of the rule.

Upon motion by Mr. Hahn, seconded by Mr. Todd, that the proposed rule amendments will not have net increase of regulatory costs in excess of one (1) million dollars within five (5) years after the implementation of final part of the rule, the motion passed.

- #8. CE Rules Committee **(Next Meeting: June 27, 2017 at 10am via conference call)**
(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; Jamie Gold; Gerry Ward; Al Garza; Rick Barber; Brett Cunningham)

(a) Committee Chair's Report

(b) Minutes from May 17, 2017 Committee Meeting*

Approved under consent agenda.

(c) Minutes from May 31, 2017 Committee Meeting*

Approved under consent agenda.

H. NCEES

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

- #1. 2017 NCEES Southern Zone Meeting Report from FBPE Vice-Chair Fleming

Provided for informational purposes.

- #2. Update from NCEES Northeast Zone Vice President Roy Shrewsbury

Mr. Shrewsbury addressed the Board on the activities of NCEES and how to get involved with NCEES.

I. Advisory Attorney's Report

#1. Rules Report

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

#2. Review of Chapter 61G15 for compliance with section 120.695(2) F.S.

Mr. Harris stated that this item was on the April 2017 FBPE agenda and he asked all the Board members to review the current rules to see if there are any rules that we would like to add to the minor violations rule.

Mr. Harris stated that he would sign the certification that the Board reviewed the rules and that the Board has a minor violations rule.

#3. Public Hearing on Rule 61G15-20.100 – CA Application (Form 30) and New Application for Renewal of Certificate of Authorizations (Form 31)

Mr. Harris discussed the letter from Ms. Holladay and new proposed rule language and applications. Mr. Harris stated that the wording "or renewal of a Certificate of Authorization" in the new proposed language in subsection (2) needs to be removed since we have added language in subsection (3) relating to renewal of Certificate of Authorization.

Upon motion by Mr. Todd, seconded by Mr. Dove, to publish a notice of change for Rule 61G15-20.100 and to approve the proposed language as amended and the proposed applications, the motion passed.

Mr. Harris asked if the proposed rule language will have an adverse impact on small business or if the 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. Dove, seconded by Mr. Fleming, 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 (1) million dollars within five (5) years after the implementation of final part of the rule.

Upon motion by Mr. Dove, seconded by Mr. Fleming, that the proposed rule amendments will not have net increase of regulatory costs in excess of one (1) million dollars within five (5) years after the implementation of final part of the rule, the motion passed.

#4. Public Hearing on Rule 61G15-24.001 –Schedule of Fees

Mr. Harris discussed the proposed rule language for Rule 61G15-24.001 and Rule 61G15-22.0001.

Upon motion by Mr. Hahn, seconded by Mr. Todd, to open the rules for development and approve the proposed language for Rule 61G15-24.001 and Rule 22.0001 and the application as shown in the meeting materials, the motion passed.

Mr. Harris asked if the proposed rule language will have an adverse impact on small business or if the 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. Todd, 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 (1) million dollars within five (5) years after the implementation of final part of the rule.

Upon motion by Mr. Hahn, seconded by Mr. Todd, that the proposed rule amendments will not have net increase of regulatory costs in excess of one (1) million dollars within five (5) years after the implementation of final part of the rule, the motion passed.

#5. Public Hearing on Rule 61G15-22.0001 - PE Renewal Form (Form 20)

This item was covered under item #4.

#6. Public Hearing on Rule 61G15-23.004 – Procedures for Digitally Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents

Mr. Harris discussed the proposed changes to Rule 61G15-23.004.

Upon motion by Mr. Hahn, seconded by Mr. Todd, to publish a notice of change and accept the proposed changes to Rule 61G15-23.004, the motion passed.

#7. Public Hearing on Rule 61G15-35.004

Mr. Harris discussed the comments from Ms. Holladay and the proposed changes to the rule. Discussion followed.

Mr. Harris suggested that the Board restore the previous language for Rule 61G15-35.004(f) as follows:

(2) (f) Possess certification in the following area(s);

1. If inspecting ~~Prior to inspection of~~ concrete components, certification from the American Concrete Institute (ACI) in concrete construction special inspection pursuant to the qualifications of such certification established by ACI on January 1, 2017~~3~~;
2. If inspecting ~~Prior to inspection of~~ masonry components, certification from the International Code Council (ICC) in structural masonry special inspection pursuant to the qualifications for such certification established by ICC on January 1, 2017~~3~~;
3. If inspecting ~~Prior to inspection of~~ post-tensioned components, certification from the Post-Tensioning Institute (PTI) in post-tensioning inspection pursuant to the qualifications for such certification established by PTI on January 1, 2017~~3~~;
4. If inspecting ~~Prior to inspection of~~ structural steel components, certification from the International Code Council or American Institute of Steel Construction (AISC) in structural steel special inspection pursuant to the qualifications for such certification established by ICC on January 1, 2013 or AISC on January 1, 2017~~3~~;
5. If inspecting ~~Prior to inspection of~~ soil related components, certification from the International Code Council in basic soil special inspection pursuant to the qualifications for such certification established by ICC on January 1, 2017~~3~~.

Restore (f) to the original language, while keeping the updates to paragraphs 1. – 5.

Upon motion by Mr. Hahn, seconded by Mr. Todd, to publish a notice of change and amend the proposed rule to the language as discussed, the motion passed.

Mr. Harris asked if the proposed rule language will have an adverse impact on small business or if the 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. Fleming, 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 (1) million dollars within five (5) years after the implementation of final part of the rule.

Upon motion by Mr. Hahn, seconded by Mr. Fleming, that the proposed rule amendments will not have net increase of regulatory costs in excess of one (1) million dollars within five (5) years after the implementation of final part of the rule, the motion passed.

J. Executive Director's Report

#1. Application for Retired Status*

Approved under consent agenda.

#2. FBPE Renewal Survey Responses

Ms. Raybon reported on the Renewal Survey. Discussion followed on the survey.

#3. Proposed 2018 FBPE/FEMC Meeting Calendar

Ms. Raybon reported that staff is researching locations for the 2018 meetings and asked that the Board members review the calendar for conflicts and, if there are any conflicts, please notify Ms. Sammons as soon as possible.

#4. 2017 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

Mr. Lovenstein would like to add to the next agenda for the Structural Rules Committee the standard of care for authorized representative.

#2. FES

Mr. Geer reported on the past legislative session and the upcoming session and what FES would be working on for the session.

#3. IEEE

Mr. Nordlinger thanked Mr. Fleming and Mr. Todd for their leadership on the various committees and discussed about the CE Rules Committee.

M. Chair's Report

Mr. Fiorillo appointed Dr. Roddenberry to the September PCP meeting because Mr. Bracken has a conflict.

Mr. Fiorillo asked that all the committee chairs provide an update on their committee activities to Ms. Riedesel for the newsletter. Dr. Roddenberry stated that she would write an article on the NCEES registry.

Mr. Fiorillo stated that he would include results about stats from FE & PE exam results from April and past exams in the chairs article.

Mr. Fiorillo discussed doing application training with staff about what the Board is looking for when doing application review. Mr. Fleming and Dr. Roddenberry stated they would be available for this meeting. Mr. Goddeau stated that he would be available for this also.

N. Action Items from Previous Board Meetings

#1. Email from Mr. Rob Harrell – Re: Truss Design Drawings – Rule 61G15-31.003(5)

#2. Email from Mr. Eric Sauer – Re: Engineers operating an sUAS

#3. Email from Robyn Weitknecht, P.E. – Re: Digital Signatures and Certification Authorities

#4. Email from John Marchioni – Re: ATCH CoSign/DocuSign

#5. Email/Complaint from Mr. Iman Lanier – Re: Retired Status Application Process

O. Correspondence to the Board

#1. Email from Mr. William Levinson, P.E. – Re: NADCAP – Aerospace Special Process Accreditation

Mr. Rimes discussed this email and provided background on how the Board has dealt with people using titles that are not allowed. There was no action taken by the Board.

#2. Email about Advanced Building Code Course

This item was referred to the Rules Committee.

Mr. Hahn mentioned that we may want to look at the mechanical engineering rules after the electrical rules are completed.

Part II
Informal Hearing Agenda
(Thursday, June 22, 2017)

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.

P. Ratification of Actions from Application Review, June 21, 2017

Upon motion by Mr. Hahn, seconded by Mr. Todd, to approve the ratification list, the motion passed.

Q. Informal Hearing on Denial of Application for Endorsement of Fundamentals Examination

#1. Spencer Waganaar

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

Mr. Harris stated that he thought that Mr. Waganaar may be disputing facts so we may not be able to proceed with the informal hearing. Mr. Harris stated that Mr. Waganaar holds a BS in Mathematics from Wingate University and an MS in Civil Engineering from FAU. The denial of the application is based on education. He is lacking 12 hours of ESD

(not 5 as stated on the evaluation because the committee does not count the hours used for master's thesis.) Mr. Waganaar returned his Election of Rights with a request for an Informal Hearing.

Mr. Waganaar addressed the Board.

Discussion followed.

Mr. Waganaar stated that he would like to withdraw his application.

Upon motion by Mr. Fleming, seconded by Dr. Roddenberry, to accept the request of Mr. Waganaar to withdraw his application, the motion passed.

R. Board Appearance on Application for Principles and Practice Examination

#1. Peter Youssef

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

Mr. Harris stated that Mr. Youssef holds a BS in Civil Engineering from Ain Shams University, Cairo. At the March 14, 2017 Application Review, the Application Committee of the Florida Board of Professional Engineers requested asked that Mr. Youssef appear to explain his experience.

Mr. Youssef addressed the Board.

Upon motion by Mr. Todd, seconded by Mr. Fleming, to deny the application of Mr. Youssef based on the requirements of FS 471.013 and Rule 61G15-20.002. The motion was withdrawn.

Mr. Youssef asked to withdraw his application.

Upon motion by Mr. Todd, seconded by Mr. Fleming, to accept the request of Mr. Youssef to withdraw his application, the motion passed.

#2. Luis Sanchez

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

Mr. Harris stated that Mr. Sanchez holds a BS in Civil Engineering from Jose Antonio Echeverria Higher Polytechnic Institute. At the April 12, 2017 Application Review, the Application Committee of the Florida Board of Professional Engineers requested asked that Mr. Sanchez appear to explain his experience.

Mr. Sanchez addressed the Board.

Upon motion by Mr. Dove, seconded by Mr. Hahn, to approve the application of Mr. Sanchez, the motion passed.

S. Board Appearance on Application for Licensure by Endorsement

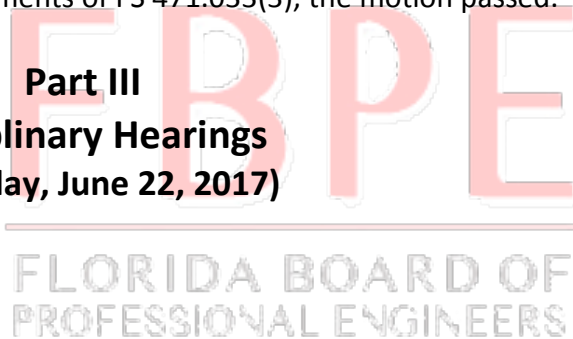
#1. Malcolm Foss

Mr. Harris stated that Mr. Foss holds a BS in Civil Engineering from Georgia Institute of Technology. At the April 12, 2017 Application Review, the Application Committee of the Florida Board of Professional Engineers requested asked that Mr. Foss appear to explain his past disciplinary action. Mr. Harris stated that Mr. Foss has emailed staff stating that he would not be able to appear.

Discussion followed.

Upon motion by Mr. Todd, seconded by Mr. Hahn, to deny the application of Mr. Foss based on not meeting the requirements of FS 471.033(3), the motion passed.

Part III
Disciplinary Hearings
(Thursday, June 22, 2017)



T. SETTLEMENT STIPULATION

- #1. Carl E. Cool, P.E.
FEMC Case Number: 2016014037
Probable Cause Panel Date: November 08, 2016
Probable Cause Panel: Fleming, Bracken, & Matthews
Represented by: Edwin Bayó
Grossman, Furlow & Bayó, LLC

Mr. Cool was present along with counsel, Mr. Bayo. Mr. Cool 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 \$3,318.85; 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, two years' probation with terms, successful completion of the Board Approved Basic Engineering Professionalism and Ethics Course, project/plan reviews at 6 month and 18 month intervals, and successful completion of the Board's Study Guide.

The Settlement Stipulation is an Administrative Complaint, administrative costs of \$3,318.85, letter of guidance, 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, successful completion of the Board Approved Engineering Professionalism and Ethics Course, and successful completion of the Board's Study Guide.

Mr. Bayo addressed the Board.

Mr. Harris stated that FS Chapter 455 does not allow for letter of guidance after probable cause has been found and it should be changed to letter of concern. Discussion followed. The Board decided to stay with letter of guidance.

Mr. Cool addressed the Board.

Discussion followed.

Mr. Bayó stated that Mr. Cool would waive any claim for fees or costs if the complaint was dismissed by the Board.

Upon motion by Mr. Hahn, seconded by Mr. Todd, to dismiss the case, the motion passed.

#2. Douglas Stitgen, P.E.
P.E. Number: 64531
FEMC Case Number: 2014046334 & 2015011700
Probable Cause Panel Date: November 08, 2016
Probable Cause Panel: Fleming, Bracken, & Matthews
Represented by: Edwin Bayó
Grossman, Furlow & Bayó, LLC

Mr. Drake and Mr. Bayo appeared on behalf of Mr. Stitgen.

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 costs of \$1,876.75, 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, two years' probation with terms, successful completion of the Board Approved Intermediate Engineering Professionalism and Ethics course, project/plan reviews at 6 month intervals, and successful completion of the Board's Study Guide.

The Settlement Stipulation is an Administrative Complaint, administrative costs of \$1,876.75, appearance, if Respondent's health permits, 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, project review at 9 months from the date of the Final Order, and successful completion of the Board's Study Guide.

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

#3. AA Masters Mechanical Air Moving and Engineering System Corp.
C.A. Number: 31669
FEMC Case Number: 2016050175
Probable Cause Panel Date: March 14, 2017
Probable Cause Panel: Fleming, Bracken, & Matthews
Represented by: Himself/Claudio Jofre, P.E. and Designated Officer

Mr. Rimes outlined the facts of the case. The charges relate to a violation of [v]iolating any ... any other provision of this chapter or rule of the board or department. F. S., §471.023(1), FS: All final drawings, specifications, plans, reports, or documents involving practices licensed under this chapter which are prepared or approved for the use of the business organization or for public record within the state shall be dated and shall bear the signature and seal of the licensee who prepared or approved them;

The Probable Cause Panel recommendation was Administrative Complaint, administrative fine of \$1,000.00, administrative costs of \$66.30, reprimand, appearance before the Board by Claudio Jofre, P.E. & a Designated Officer to discuss how this situation occurred, what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future, successful completion of the Board Approved Basic Engineering Professionalism and Ethics course by a Designated Officer, successful completion of the Board's Study Guide by a Designated Officer, and destruction of the seal utilized on the drawings on the plans submitted to City of Hallandale Beach Building Department.

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

Upon motion by Mr. Todd, seconded by Mr. Hahn, to table this case until the August 2017 FBPE board meeting, the motion passed.

#4. SOTA Engineers & General Contractors, LLC
C.A. Number: N/A
FEMC Case Number: 2016007629
Probable Cause Panel Date: January 10, 2017
Probable Cause Panel: Fleming, Bracken, & Matthews
Represented by: Brian M. Silverio, Esquire

Mr. Rimes outlined the facts of the case. The charges relate to a violation of offering engineering services without a Certificate of Authorization.

The Probable Cause Panel Recommendation was an Administrative Complaint, administrative fine of \$5,000.00, and administrative costs of \$405.90.

The Settlement Stipulation was an Administrative Complaint, administrative costs of \$585.90, and respondent shall cease and desist from offering engineering services without the professional engineering license or certification of authorization.

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

U. INFORMAL HEARING

#5. Alberto Cardona, P.E.
P.E. Number: 17138
FEMC Case Number: 2016048989
Probable Cause Panel Date: January 10, 2017
Probable Cause Panel: Fleming, Bracken, & Matthews

Mr. Cardona 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 ... [v]iolating any order of the board or department previously entered in a disciplinary hearing.

The Probable Cause Panel recommendation was Administrative Complaint, administrative fine of \$5,000.00, administrative costs of \$382.60, 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, two year suspension, and successful completion of the Board Approved Advanced Engineering Professionalism and Ethics course.

Upon motion by Mr. Hahn, seconded by Mr. Dove, to accept the request for admissions and the allegations of facts set forth in the administrative complaint, the motion passed.

Upon motion by Mr. Hahn, seconded by Mr. Todd, 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 Mr. Todd, that the alleged violations in the administrative complaint do violate the practice act, the motion passed.

Upon motion by Mr. Hahn, seconded by Mr. Todd, to issue the following discipline - administrative fine of \$5,000.00, administrative costs of \$382.60, 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, and successful completion of the Board Approved Advanced Engineering Professionalism and Ethics course, the motion passed.

Upon motion by Mr. Hahn, seconded by Mr. Dove, to allow payment of the fine over two year, the motion passed.

#6. Robin Bell, P.E.
P.E. Number: 56079
FEMC Case Number: 2016029320
Probable Cause Panel Date: January 10, 2017
Probable Cause Panel: Fleming, Bracken, & Matthews

Mr. Bell 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 §471.033(1)(c), FS [h]aving a license to practice engineering revoked, suspended, or otherwise acted against, including the denial of licensure ... for any act that would constitute a violation of this chapter or chapter 455; § 455.227(1)(c), FS, [b]eing convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the ... ability to practice, a licensee's profession; §455.227(1)(t), FS, [f]ailing to report in writing a conviction or plea of nolo contendere, a crime in any jurisdiction.

The parties signed a Statement of Undisputed Material Facts on May 15, 2017.

The Probable Cause Panel recommendation was Administrative Complaint, administrative fine of \$3,000.00 (1,000.00 per count), administrative costs of \$143.40, reprimand, an appearance before the Board, two years' suspension, successful completion of the Board Approved Basic Engineering Professionalism and Ethics course; and successful completion of the Board's Study Guide.

Upon motion by Mr. Todd, seconded by Mr. Hahn, 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 Mr. Todd, that the alleged violations in the administrative complaint do violate the practice act, the motion passed.

Motion made by Mr. Hahn to impose reprimand, successful completion of the Board's Study Guide, successful completion of an Engineering Professionalism and Ethics course approved by the Florida Board of Professional Engineers and costs. The motion failed for lack of second.

Upon motion by Dr. Roddenberry, seconded by Mr. Varghese, to impose reprimand, successful completion of the Board's Study Guide, costs, and a Board appearance, the motion passed.

V. DEFAULT

#7.	James Meehan, P.E.	
	P.E. Number:	N/A
	FEMC Case Number:	2016035647, 2016037330 & 2016045018
	Probable Cause Panel Date:	January 10, 2017
	Probable Cause Panel:	Fleming, Bracken, & Matthews

Mr. Meehan was present and sworn in prior addressing the Board.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of §471.025(2), FS: It is unlawful for any person to seal or digitally sign any document with a seal or digital signature after his or her license has expired ... §471.033(1), FS, [p]racticing on a revoked, suspended, inactive or delinquent license. §471.033(k), FS, [v]iolating any order of the board or department previously entered in a disciplinary hearing.

The Probable Cause Panel recommendation was Administrative Complaint, administrative complaint, administrative fine of \$12,400.00, administrative costs of \$260.15, and refer to State Attorney.

Upon motion by Mr. Todd, seconded by Mr. Hahn, that the respondent was properly served with the 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. Dove, 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, the motion passed.

Upon motion by Mr. Hahn, seconded by Mr. Todd, that the alleged violations in the administrative complaint do violate the practice act, the motion passed.

Mr. Rimes addressed the Board.

Mr. Meehan addressed the Board.

Upon motion by Mr. Todd, seconded by Mr. Dove, to impose the following penalty - administrative complaint, administrative fine of \$7,400.00, and administrative costs of \$260.15, the motion passed.

W. Old Business

X. New Business

Y. Public Forum

Z. Adjourn

