

**Minutes for
The Florida Board of Professional Engineers
Board Meeting via conference call
April 8, 2020 beginning at 1 p.m., or soon thereafter
FBPE Board Office
Tallahassee, Florida**

Wednesday, April 8, 2020

A. Call to Order, Invocation

Mr. Varghese called the meeting to order. Ms. Sammons called roll.

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

Board Members Present:

Babu Varghese, P.E., S.I., Chair
Kevin Fleming, P.E., Vice Chair
Dylan Albergo, P.E.
Scott Drury, P.E.
Pankaj (PJ) Shah, P.E.

FBPE

Attorney General's Office:

Lawrence Harris, Senior Assistant Attorney General, Counsel to the Board

FLORIDA BOARD OF
PROFESSIONAL ENGINEERS

Staff Members Present:

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

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

Art Nordlinger, P.E., FEMC Board Member
Andrew Lovenstein, P.E., FSEA
Angelina Fairchild, P.E., FES
Tracy Brown, Court Reporter
Carlton Forbes
George Freijo

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. Fleming, seconded by Mr. Drury, to approve the agenda, the motion passed.

F. Approval of Consent Agenda

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

#1. Minutes from February 19-20, 2020 FBPE Board Meeting

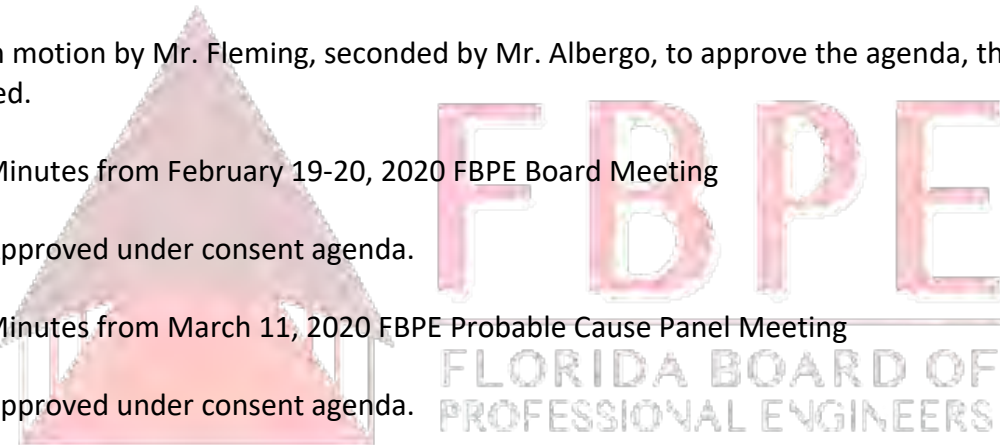
Approved under consent agenda.

#2. Minutes from March 11, 2020 FBPE Probable Cause Panel Meeting

Approved under consent agenda.

#3. Minutes from March 11, 2020 FBPE Conference Call

Approved under consent agenda.



**Disciplinary Hearings
(Wednesday, April 8, 2020)
(April 2020 FBPE Disciplinary Book)**

Review of FBPE Mission and Scope:

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

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

Description of Disciplinary Process by Babu Varghese, P.E., S.I.

G. Settlement Stipulation

#1. Carlton G. Forbes, P.E.

P.E. Number:	20699
FEMC Case Number:	2018057617
Probable Cause Panel Date:	July 17, 2019
Probable Cause Panel:	Matthews, Fleming & Drury

Mr. Forbes was present. Mr. Rimes outlined the facts of the case. The charges relate to a violation of §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 Costs of \$4,113.15; Administrative Fine of \$6,000 (\$1,000.00 per count); 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. Restricted from Electrical and/or Mechanical until he passes the NCEES exams in each subject with project reviews in the applicable discipline at 6 and 18 months after he takes and passes the mechanical exam and/or passes the electrical exam; 2 year probation; Successful completion of the Board Approved Intermediate Engineering Professionalism and Ethics course; and Successful completion of the Board's Study Guide.

The Settlement Stipulation is an Administrative Complaint: Administrative Fine of \$2,000; 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. Successful completion of the Board Approved Intermediate Engineering Professionalism and Ethics course; and Successful completion of the Board's Study Guide. 2 year probation; Restricted from Electrical and Mechanical until he passes each of the NCEES exams with project reviews at 6 and 18 months after he takes and passes the mechanical exam and/or passes the electrical exam.

Mr. Forbes addressed the board. Discussion followed.

Upon motion by Mr. Albergo, seconded by Mr. Varghese to accept the settlement stipulation, the motion passed. Mr. Shah voted nay.

#2. George Freijo, P.E.

P.E. Number: 32578
FEMC Case Number: 2018053634
Probable Cause Panel Date: January 08, 2020
Probable Cause Panel: Matthews, Fleming & Drury

Mr. Freijo was present. Mr. Rimes outlined the facts of the case. The charges relate to a violation of §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 \$459.35; 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; Project/Plan Reviews on at 6 and 18 month intervals; and Successful completion of the Board's Study Guide.

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

Mr. Freijo addressed the board. Discussion followed.

Upon motion by Mr. Albergo, seconded by Mr. Shah to accept the settlement stipulation, the motion passed.

H. Committee Reports

#1. Probable Cause Panel **(Next Meeting: May 13, 2020 at 8:30am)**

(Robert Matthews, P.E., Chair; Kevin Fleming, P.E.; Scott Drury, P.E.) (Alternate Current Board Member: P.J. Shah, P.E.; Alternate Past Board Member: Richard Wohlfarth, P.E.)

(a) Committee Chair's Report.

#2. Applications Review – Experience Committee **(Next Meeting: May 13, 2020 at 1pm via conference call)**

(PJ Shah, P.E., Chair; Dylan Albergo, P.E.; Scott Drury, P.E.; Kevin Fleming, P.E.; Babu Varghese, P.E., S.I.)

(a) Committee Chair's Report.

- (b) Application Review – Education and Experience will be done at one time and a board vote will be taken ~~ratified~~ at the same time

Upon motion by Mr. Albergo, seconded by Mr. Drury, that the list read by Ms. Sammons and the attached list of applications approved by staff is approved as the decisions of the board and ratified at the same time, the motion passed.

#3. Applications Review – Education Committee **(Next Meeting: May 13, 2020 at 1pm via conference call)**

(Dylan Albergo, P.E., Chair; Scott Drury, P.E.; PJ Shah, P.E.)

(a) Committee Chair’s Report.

- (b) Application Review – Education and Experience will be done at one time and ratified at the same time

See action taken under Item G#2b.

#4. Rules Committee **(Next Meeting: TBD)**

(Kevin Fleming, P.E., Chair; Dylan Albergo, P.E.; Babu Varghese, P.E., S.I.)

(a) Committee Chair’s Report.

#5. Mechanical Rules Committee **(Next Meeting: TBD)**

(Scott Drury, P.E., Chair; Kevin Fleming, P.E.; Babu Varghese, P.E., S.I.)
(Public Advisors: Warren Hahn, P.E., Joe Limpert, P.E.)

(a) Committee Chair’s Report.

#6. Joint FBPE-FEMC Committee **(Next Meeting: TBD)**

(FBPE Board Members: Kevin Fleming, P.E.; Dylan Albergo, P.E.)

(FEMC Board Members: Barney Bishop, Committee Chair, Public Member; John Stewart, Public Member)

I. NCEES

(Babu Varghese, P.E., S.I., FBPE Liaison)

#1. Appoint Three Funded Delegates for 2020 NCEES Annual Meeting – August 26-29, 2020 – Chicago, IL

The board appointed Mr. Varghese, Mr. Fleming and Mr. Shah as the three funded delegates for the 2020 NCEES Annual Meeting.

J. Advisory Attorney's Report

#1. Rules Report

Mr. Harris presented the rules report for the board's review and consideration.

#2. Request approval to conduct annual rule review

Mr. Harris discussed his request and the reasons for the request. Mr. Harris stated that the rule review is due by September 1st and that the final review document would be on the August 2020 FBPE board meeting agenda for review and approval.

The board authorized Mr. Harris to conduct the rule review as required by the governor.

#3. Rule Hearing on Rule 61G15-35.003

Mr. Harris went over the proposed rule amendments and the comments from JAPC. Discussion followed.

The board decided to leave the proposed rule and application as it was submitted and make no new changes to them.

K. Executive Director's Report

#1. Legislative Update

Ms. Raybon deferred to FES for this item.

#2. FEMC's COVID-19 Policy and Communicable Disease Policy

Provided for informational purposes.

#3. How to handle CE requirements for those who are licensed during the 12-months before renewal

Ms. Raybon stated that there have been questions about the CE requirements for licensees who are licensed with the 12 months prior to renewal. Discussion followed on this. This item was referred to the Rules committee for their input on ways to address the concerns while implementing the current statute.

#4. Proposed 2021 FBPE/FEMC Meeting Calendar

Ms. Raybon provided the proposed calendar for 2021 and stated that if there are any conflicts with the proposed board meeting dates to please let Ms. Sammons know immediately.

#5. 2020 FBPE/FEMC Meeting Calendar

Provided for informational purposes.

L. 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.

#3. Non-Compliance Report

Provided for informational purposes.

#4. Open case report

Provided for informational purposes.

#5. Letter from BOAID referred by PCP

Mr. Rimes talked about the letter. Discussion followed.

M. Engineering Association and Society Reports

#1. FSEA

#2. FES

#3. IEEE

#4. ASCE

N. Chair's Report

O. Action Items from Previous Board Meetings

P. Correspondence to the Board

#1. Email from Andrew Valente, P.E. – Re: Deferred Engineer

Mr. Rimes talked about the letter. Discussion followed. The board decided that they would not respond to the email based on Mr. Harris' recommendation that Mr. Valente be told that he can get a copy of the minutes or the recording for his review and/or file a Petition for Declaratory Statement.

#2. Email from Joe Vanderwerff, P.E. – Re: Continuing Education

Ms. Raybon talked about the email and stated that the board office has gotten several questions similar to this one about continuing education. The board decided that there would be no waiver for the continuing education requirements at this time because there are plenty of opportunities online for continuing education.

#3. Email from Andrew Valente, P.E. – Re: Digital Signatures and COVID

Mr. Rimes talked about the email. Discussion followed. The board decided to hold an emergency rule hearing on this issue.

Q. Public Forum

R. Community Involvement

S. Old Business

T. New Business

Mr. Drury talked about the advance building course requirement in terms of who has to complete it and how it is reported to the board. Discussion followed. This item was referred to the Rules Committee for their next meeting agenda.

Ms. Raybon informed that board that during the continuing education audit process, a licensee who was being audited made a public records request for the report that was used for the audit. FEMC had previously run the audit report in Versa following instructions from DBPR. Typically, FEMC uses only the name, license number and mailing address to create notice letters for the audit. Unaware that the report contained social security numbers, FEMC fulfilled the public records request and provided the report to the licensee without redacting the social security numbers that were on the report. The licensee contacted FEMC about this issue, pointing out he had been provided confidential information. Ms. Raybon

stated that she has emailed the licensee asking the licensee to destroy the report, which the licensee has confirmed in writing has been done. She also stated FEMC immediately notified the DBPR Contract Manager and also reported a claim to FEMC's insurance carrier and are following all directives from the insurance carrier, which may include notifying all the affected individuals of the breach and reporting the breach to all major credit bureaus. Ms. Raybon stated that in order to avoid any unintended disclosures in the future, FEMC will carefully review all DBPR run reports for confidential information and redact the information before providing documents pursuant to a public records request. Discussion followed.

U. Adjourn

