

**Minutes for  
The Florida Board of Professional Engineers  
February 19, 2020 beginning at 1:00 p.m. or soon thereafter and  
February 20, 2020 beginning at 8:30 a.m., or soon thereafter  
The Shores Resort & Spa  
Daytona Beach Shores, Florida**

**Part I – Wednesday, February 19, 2020**

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

Mr. Varghese called the meeting to order. Ms. Raybon 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.

**Attorney General's Office:**

Lawrence Harris, Senior 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

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

Fraser Howe, P.E., ASCE, Florida Section  
Art Nordlinger, P.E., FEMC Board Member  
Andrew Lovenstein, P.E., FSEA  
Angelina Fairchild, P.E., FES  
William Lampkin, Public Information Officer, FBPE/FEMC

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

F. Approval of Consent Agenda

Mr. Fleming stated that the December 2019 FBPE Minutes should be corrected to show that that he was not was in attendance.

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

#1. Minutes from December 12, 2019 FBPE Board Meeting

Approved as amended under consent agenda.

#2. Minutes from January 8, 2020 FBPE Probable Cause Panel Meeting

Approved under consent agenda.

#3. Minutes from January 8, 2020 FBPE Conference Call

Approved under consent agenda.

#4. Minutes from January 21, 2020 FBPE Mechanical Rules Committee Conference Call

Approved under consent agenda.

#5. Application for Retired Status

Approved under consent agenda.

## G. Committee Reports

### #1. Probable Cause Panel **(Next Meeting: March 11, 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: March 11, 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.

### #3. Applications Review – Education Committee **(Next Meeting: March 11, 2020 at 1pm via conference call)**

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

(a) Committee Chair's Report.

### #4. Rules Committee **(Next Meeting: April 7, 2020 at 8:30am via conference call)**

(Kevin Fleming, P.E., Chair; Dylan Albergo, P.E.)

(a) Committee Chair's Report.

### #5. Mechanical Rules Committee **(Next Meeting: March 23, 2020 at 10am via conference call)**

(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)

## H. NCEES

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

- #1. 2020 NCEES All Zone Meeting – April 23-25, 2020 – Houston, TX  
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. Legislative Update

Ms. Raybon deferred this item to Ms. Fairchild who will provide a legislative update under the FES report.

#2. Renew Central Update

Ms. Raybon provided the board with an update on the implementation of Renew Central.

#3. Decoupling Update/Exam Site Update

Ms. Raybon reported that the numbers for the April exam administration were more than double what we had in April of last year. Ms. Raybon stated that as of 9:00 am today, we had 1,170 people registered for the exam compared to 480 last year at this same time. She stated the increase is from decoupling and from also from the statute change to allow licensure for applicants with technology degrees.

Discussion followed.

#4. 2020 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.

#3. Non-Compliance Report

Provided for informational purposes.

#4. Open case report

Provided for informational purposes.

L. Engineering Association and Society Reports

#1. FSEA

#2. FES

#3. IEEE

#4. ASCE

M. Chair's Report

#1. Appoint Committees

Mr. Varghese appointed Mr. Albergo to chair the education committee and appointed himself to the Rules committee.

N. Action Items from Previous Board Meetings

O. Correspondence to the board

P. Public Forum

Q. Community Involvement

**Part II**  
**Informal Hearing Agenda**  
**(Thursday, February 20, 2020)**

**Review of FBPE Mission and Scope:**

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

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

**Description of Educational Committee Process by Babu Varghese, P.E.**

R. Ratification of Actions from Application Review, February 19, 2020

Upon motion by Mr. Shah, seconded by Mr. Albergo, to approve the ratification list, the motion passed.

S. Informal Hearing on Application for Principles and Practice Examination

#1. Dana Burzo

Ms. Burzo was present and sworn in prior to addressing the board.

Mr. Harris explained the basis for the denial. Ms. Burzo holds a BS & MS in Architectural Engineering from Pennsylvania State University, University Park Campus. The denial was based on experience as the experience appears to be non-qualified experience, "construction management."

Ms. Burzo addressed the board, providing sworn testimony regarding her experience.

Discussion followed.

Upon motion by Mr. Fleming, seconded by Mr. Shah, to reconsider the notice of intent to deny, vacate the notice and approve the application, the motion passed.

#2. David Martins

Mr. Drury recused himself from the case.

Mr. Harris explained the basis for the denial. Mr. Martins holds a BS in Electrical Engineering from Polytechnic Institute of Castelo Branco. The denial was based on education. Mr. Martins lacks both a chemistry or biology course and 4.5 hours of general education.

Upon motion by Mr. Fleming, seconded by Mr. Albergo, that Mr. Martins was properly served with the Notice of Intent to Deny and filed an Election of Rights or other responsive pleadings within the time period required by law, and requesting a section 120.57(2), F.S.

hearing not involving disputed issues of material fact, and to convene such hearing; to accept the complete application file, including any supplemental materials provided by Mr. Martins, into the record; to adopt the factual allegations contained within the Notice of Intent to Deny as the board's findings of facts; to adopt the legal conclusions contained in the Notice of Intent to Deny as the Board's conclusions of law, and find the facts adequately support the denial of the application for Florida licensure; to deny the application for Florida Licensure, and to stay this decision for 15 days, to direct staff to contact the applicant and to offer the option to withdraw the application in writing, the motion passed. If Mr. Martins withdraws within the time period, the staff is delegated authority to accept the withdrawal and close the file. If Mr. Martins does not withdraw, in writing, within the stated time period, a Final Order of Denial shall be entered.

T. Informal Hearing on Application for Licensure by Endorsement

#1. Ramani Ayakannu

Mr. Ayakannu was present and sworn in prior to addressing the board.

Mr. Harris explained the basis for the denial. Mr. Ayakannu holds a BS in Civil Engineering from National Institute of Technology and an MS in Civil Engineering from South Dakota School of Mines and Technology. The denial was based on education. Mr. Ayakannu lacks 3 hours of general education. On February 10, 2020, Mr. Ayakannu submitted a course certificate from Coursera for a course in "Introduction to Psychology."

Mr. Ayakannu addressed the board and provided the board with a transcript from Phillips University that shows a Principles of Management course that has not been included in his evaluation. Discussion followed.

Upon motion by Mr. Shah, seconded by Mr. Fleming, to reconsider the Notice of Intent to Deny, Vacate the Notice of Intent to Deny, and certify the applicant for licensure based on the evidence provided by the applicant, the motion passed.

U. Board Appearance on Application for Principles and Practice Examination

#1. Seth Norman

Mr. Norman was present along with counsel, Mr. Meyer.

Mr. Norman was sworn in prior to addressing the board.

Mr. Harris explained the basis for board appearance. Mr. Norman holds a BS in Civil Engineering from Florida State University. The denial was based on his past criminal history.

Mr. Norman addressed the board. Discussion followed.

Upon motion by Mr. Drury, seconded by Mr. Shah, to reconsider the Notice of Intent to Deny, Vacate the Notice of Intent to Deny, and approve the application of Mr. Norman, the motion passed.

## #2. Kevin Glass

Mr. Glass was present and sworn in prior to addressing the board.

Mr. Harris explained the basis for the board appearance. Mr. Glass holds a BS in Civil Engineering from Florida State University and MS in Civil Engineering from Carnegie Mellon University. The denial was based on experience.

Mr. Glass addressed the board, providing sworn testimony regarding his experience.

Discussion followed.

Upon motion by Mr. Drury, seconded by Mr. Shah, to reconsider the Notice of Intent to Deny, Vacate the Notice of Intent to Deny, and approve the application of Mr. Glass, the motion passed.

## #3. Joseph Joson

Mr. Harris stated that staff received a request from Mr. Joson to withdraw his application.

Upon motion by Mr. Fleming, seconded by Mr. Shah, to vacate the Notice of Intent to Deny and allow Mr. Joson to withdraw his application, the motion passed.

## V. Hearing on Request to Extend deadline to submit documentation required by Final Order

### #1. Hardik Shah

Mr. Harris explained the request by Mr. Shah. Mr. Shah appeared at the October 2019 FBPE Board meeting to discuss to application, a final order was issued that allowed Mr. Shah 90 days from the issuance of the order to complete 3 hours of general education. The final order was issued on November 1, 2019 and the 90-day time limit expired on January 30, 2020. Mr. Shah emailed the Executive Director on December 10 and December 17 asking for an extension. As of February 5, 2020, staff has not received any CLEP transcripts for Mr. Shah.

Upon motion by Mr. Drury, seconded by Mr. Fleming, to deny the request for an extension, the motion passed.



Mr. Harris stated that the informal hearing needed to be continued from the October 2019 meeting.

Upon motion by Mr. Fleming, seconded by Mr. Drury, to adopt the factual allegations contained within the Notice of Intent to Deny as the board's findings of facts; to adopt the legal conclusions contained in the Notice of Intent to Deny as the Board's conclusions of law and find the facts adequately support the denial of the application for Florida licensure; and to deny the application for Florida Licensure for Mr. Shah, the motion passed.

W. Review Supplemental Materials and take final action on Application for Licensure by Endorsement

#1. Terry Olson

Mr. Harris explained the basis for the review of the supplemental materials. Mr. Olson holds a BS in Mechanical Engineering from North Dakota State University. The denial is based on experience. Mr. Olson lacked 48 months verified engineering experience. Mr. Olson has submitted updated work experience verifications with NCEES and FBPE. Mr. Olson returned his election of rights requesting a formal hearing but after discussion with Mr. Harris, Mr. Olson has elected to have his case heard before the board and not have a formal hearing.

Discussion followed.

Upon motion by Mr. Fleming, seconded by Mr. Albergo, to reconsider the Notice of Intent to Deny, Vacate the Notice of Intent to Deny, and approve the application of Mr. Olson, the motion passed.

X. Determination of Dispute of Material Fact/Referral to DOAH for Hearing

#1. David Thomas

Mr. Harris explained the basis for the denial. Mr. Thomas holds a BS in BS in Electrical Engineering Technology from Southern Polytechnic State University (now Kennesaw State University). The basis for denial is experience and exams. Mr. Thomas has not passed the NCEES FE Exam and does not have the required 6 years of verified engineering experience with an ETAC degree. Mr. Thomas returned his election of rights requesting a formal hearing but after discussion with Mr. Harris, Mr. Thomas has elected to apply using the active-duty military waiver and submit the required application including fingerprints and not have a formal hearing. As of February 10, 2020, Mr. Thomas has NOT submitted the application or fingerprints as required for this waiver.

Discussion followed.

Motion by Mr. Drury, seconded by Mr. Fleming, to reconsider the Notice of Intent to Deny, Vacate the Notice of Intent to Deny, and to allow staff to approve the application of Mr. Thomas if the required supplemental materials are provided, the motion passed.

**Part III**  
**Disciplinary Hearings**  
**(Thursday, February 20, 2020)**

Y. 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

This case was deferred until the April 2020 FBPE Board meeting.

Z. Default

#2. John Holt

P.E. Number: Revoked  
FEMC Case Number: 2018044399  
Probable Cause Panel Date: September 11, 2019  
Probable Cause Panel: Matthews, Fleming & Drury

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Florida Statute 471.033(1) (i), FS: Practicing on a revoked, suspended, inactive, or delinquent license.

The Probable Cause Panel Recommendation was an administrative complaint, administrative fine of \$5,000.00, administrative costs of \$175.50, and refer to States Attorney office.

Upon motion by Mr. Albergo, seconded by Mr. Shah, that the respondent was properly served with the administrative complaint and failed to file an election of rights or other response as required by law within the required time, and that by failing to respond in writing as required by law the respondent has waived the right to request a hearing, and to grant the motion that the respondent has forfeited the right to select an administrative hearing under section 120.569 and 120.57(1), and to convene a hearing under section 120.57(2), F.S., to accept the entire investigative file of the case including the supplemental materials was accepted into evidence, that the Board adopt the findings of facts contained within the administrative complaint as the Board's findings of facts and to adopt the

conclusions of law contained in the administrative complaint as the Board's conclusions of law, the motion passed.

#3. John Bretz

P.E. Number: 76807 - Suspended  
FEMC Case Number: 2019055440  
Probable Cause Panel Date: November 06, 2019  
Probable Cause Panel: Matthews, Fleming & Drury

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section §471.033(1)(b), F.S.: Attempting to procure a license to practice engineering by bribery or fraudulent misrepresentations.

The Probable Cause Panel recommendation is an administrative complaint and revocation or voluntary relinquishment of license.

Upon motion by Mr. Shah, seconded by Mr. Albergo, that the respondent was properly served with the administrative complaint and failed to file an election of rights or other response as required by law within the required time, and that by failing to respond in writing as required by law the respondent has waived the right to request a hearing, and to grant the motion that the respondent has forfeited the right to select an administrative hearing under section 120.569 and 120.57(1), and to convene a hearing under section 120.57(2), F.S., to accept the complete investigative file, including any materials provided by the Respondent or Respondent's counsel, into the record, hat the Board adopt the findings of facts contained within the administrative complaint as the Board's findings of facts and to adopt the conclusions of law contained in the administrative complaint as the Board's conclusions of law, the motion passed.

Upon motion by Mr. Albergo, seconded by Mr. Shah, that the penalty is revocation of license, the motion passed. Mr. Rimes states the board would waive costs.

#4. Edgar Munoz, P.E.

P.E. Number: 50051  
FEMC Case Number: 2019028012  
Probable Cause Panel Date: November 06, 2019  
Probable Cause Panel: Matthews, Fleming & Drury  
Represented by: Clara Martinez, Esquire

Mr. Munoz 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)(k), F.S.: Violating any order of the board or department previously entered in a disciplinary hearing.

The Probable Cause Panel recommendation was an administrative complaint, administrative costs of \$1,126.20, administrative fine of \$4,000(\$2,000.00 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 practicing structural engineering until he takes and passes the NCEES 16-hour Structural Exam with project reviews at 6 and 18 months after he takes and passes NCEES 16-hour Structural Exam, one (1) year suspension, successful completion of the board-approved intermediate engineering professionalism and ethics course, and successful completion of the board's study guide.

Mr. Munoz addressed the board. Discussion followed.

Upon motion by Mr. Fleming, seconded by Mr. Shah, to continue the case until the April 2020 FBPE Board meeting, the motion passed.

#### AA. Reinstatement of License

##### #5. Scott Batterson

P.E. Number: 60853 - Suspended  
FEMC Case Number: 2014037527  
Probable Cause Panel Date: March 10, 2015, July 19, 2016 & November 08, 2016  
Probable Cause Panel: Fiorillo, Matthews, Pepper, Bracken & Fleming

Mr. Batterson was present and sworn in prior to addressing the board.

Mr. Rimes outlined the facts of the case. The Final Order in Case No. 2014037527 was filed with the Department of Business and Professional Regulation on February 09, 2017. Costs, P&E Course, Study Guide and a Suspension and Appearance were required pursuant to that Final Order. The Respondent, Mr. Batterson paid his costs March 13, 2017, completed his study guide March 31, 2017, and a P&E course May 10, 2018. There are some discrepancies within the settlement stipulation/Final Order regarding the type of P&E course that Mr. Batterson needed to take. Due to the discrepancy he took the approved Basic Level P& E course from Murdough Center for Engineering at Texas Tech.

Mr. Batterson addressed the board. Discussion followed.

Upon motion by Mr. Albergo, seconded by Mr. Drury, to reinstate the license of Mr. Batterson, the motion passed.

#### BB. Old Business

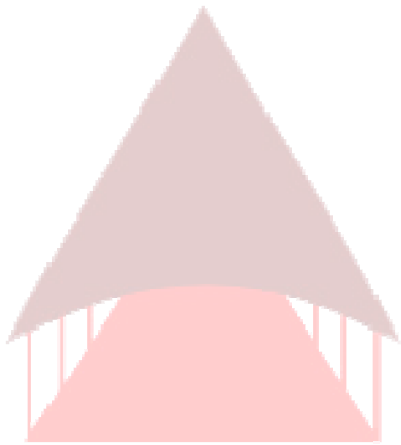
Mr. Fleming asked about Mr. Shah's absence on the January 8<sup>th</sup> conference call and Mr. Shah stated that he had informed staff at the December meeting.

Upon motion by Mr. Fleming, seconded by Mr. Albergo, that the absence of Mr. Shah on the January 8, 2020 conference call be excused, the motion passed.

CC. New Business

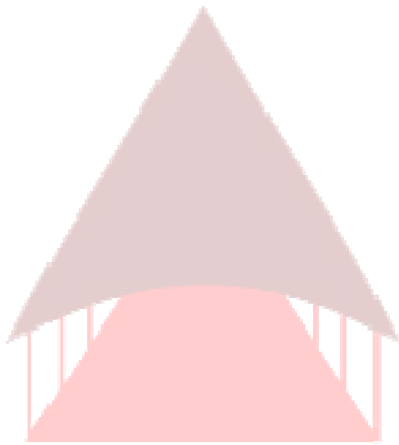
DD. Adjourn





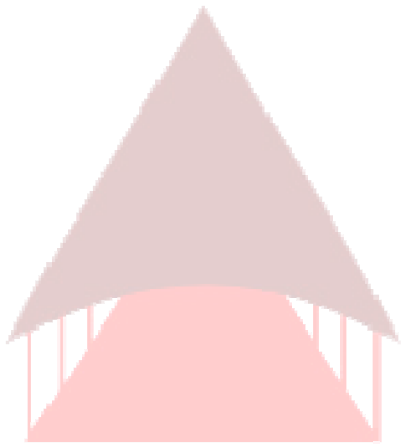
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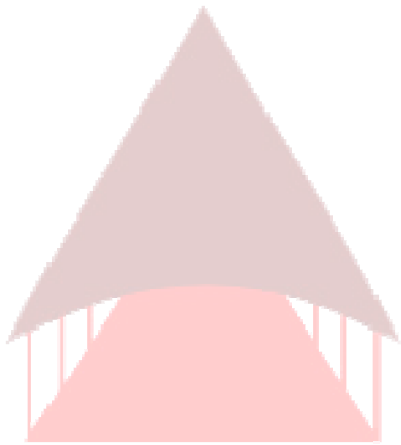
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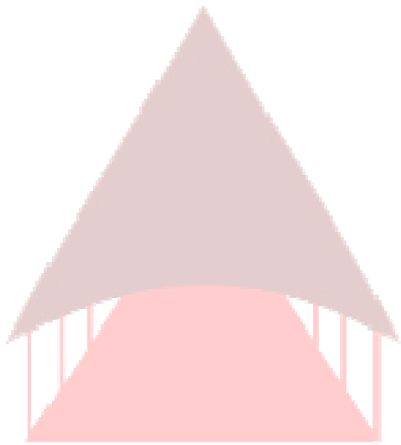
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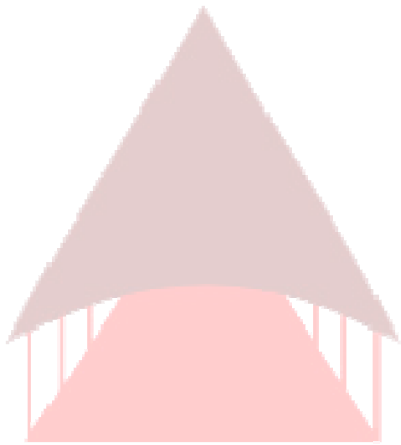
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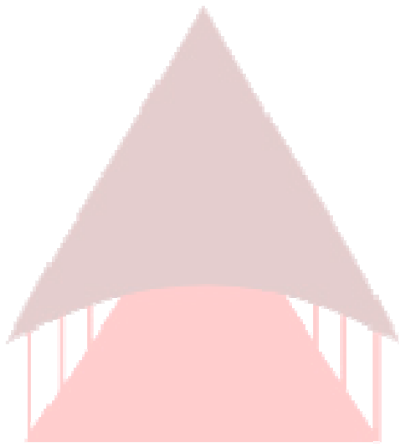
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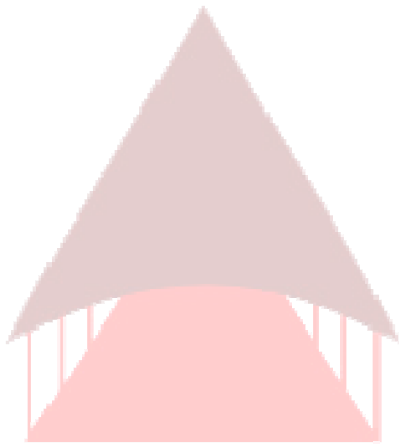
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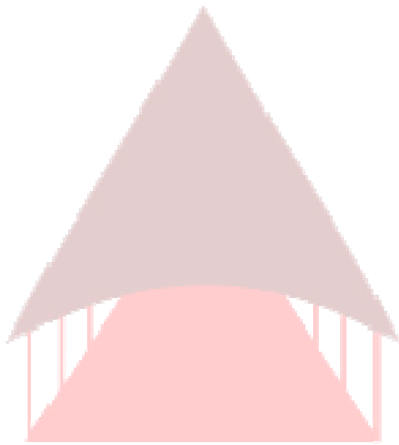
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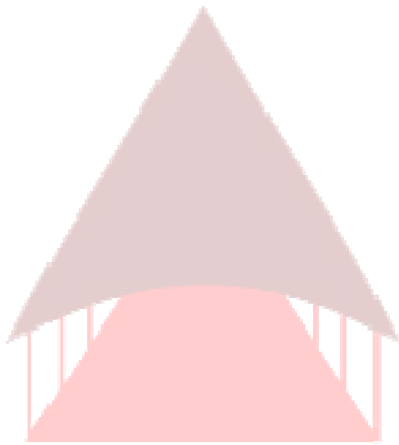
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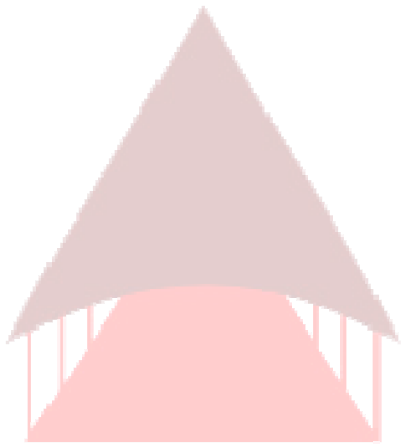
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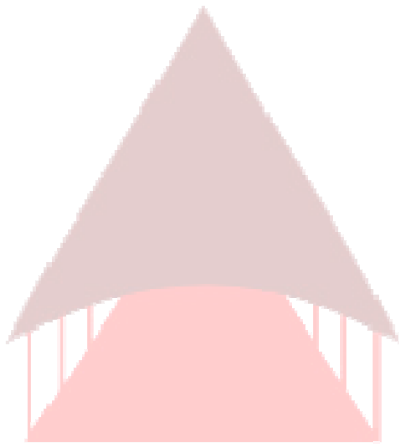
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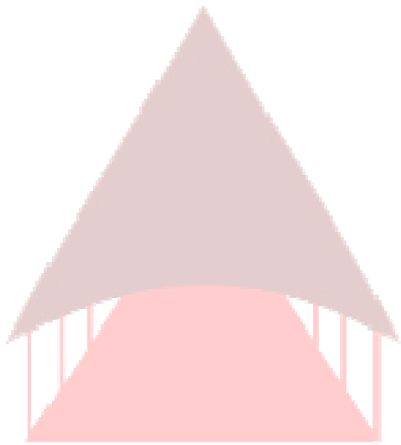
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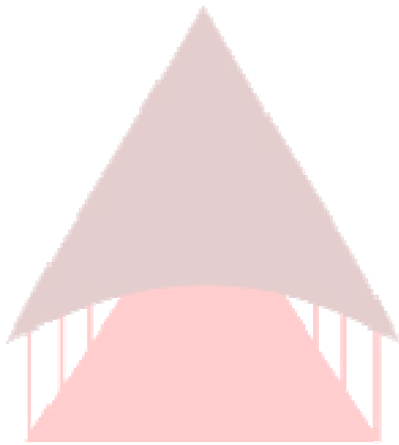
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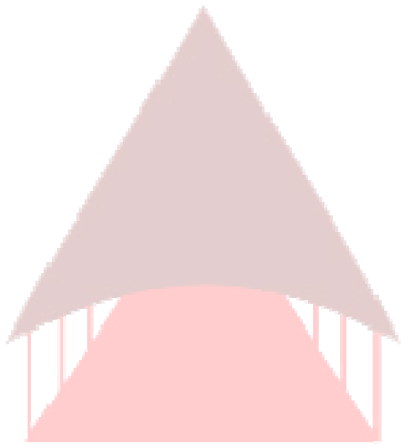
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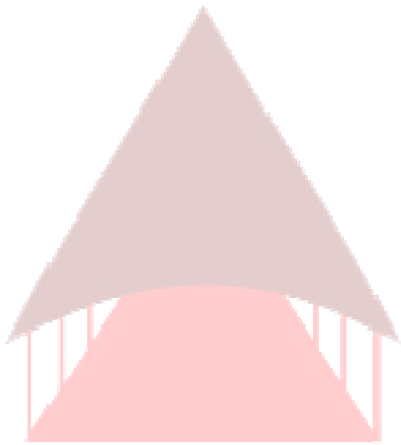
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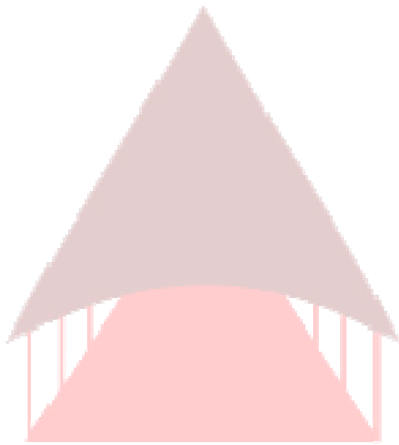
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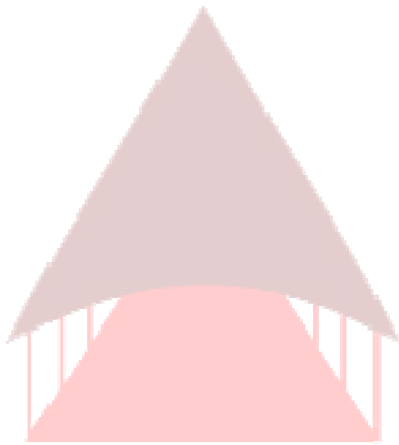
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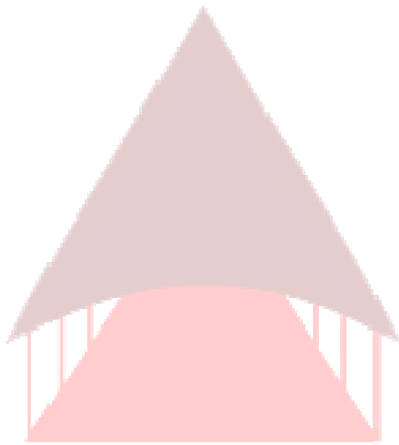
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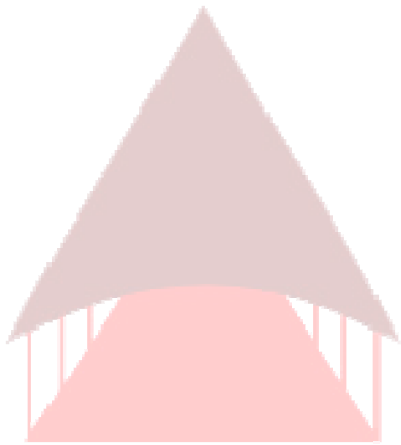
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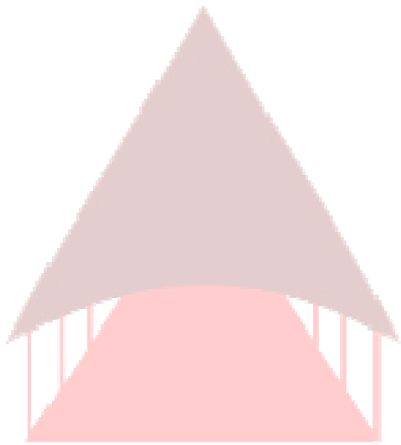
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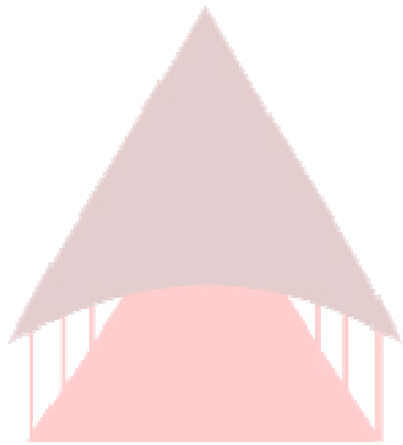
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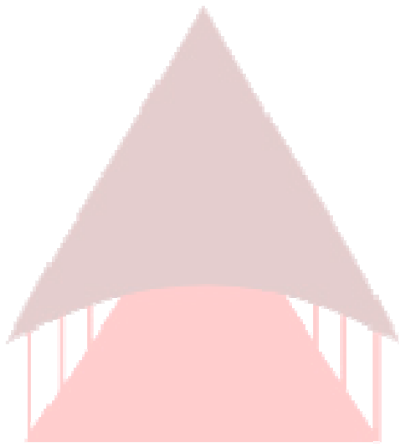
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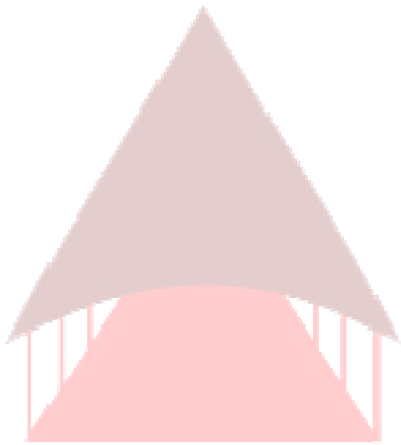
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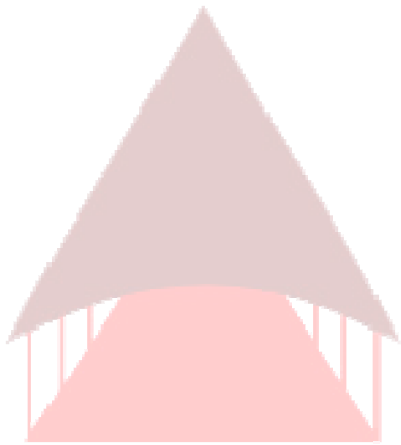
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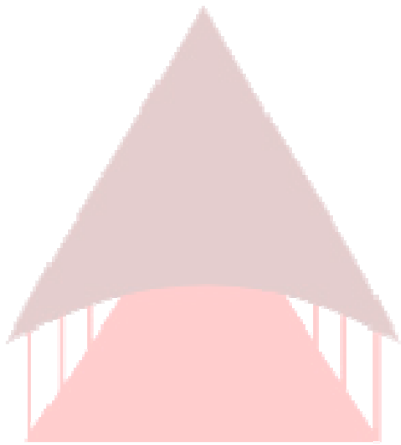
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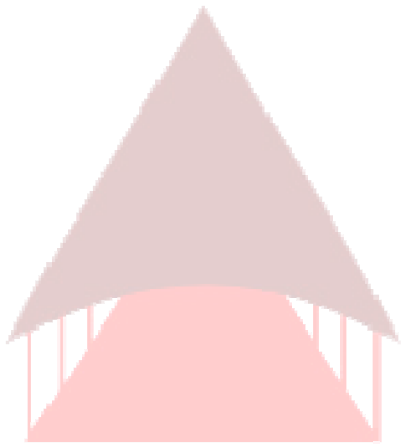
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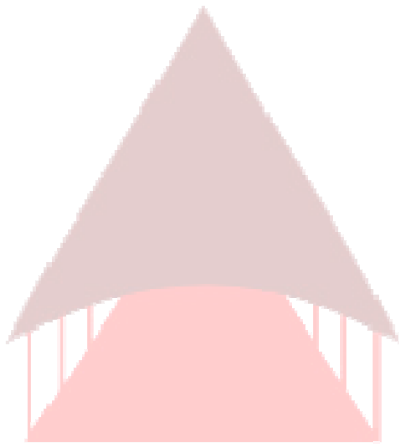
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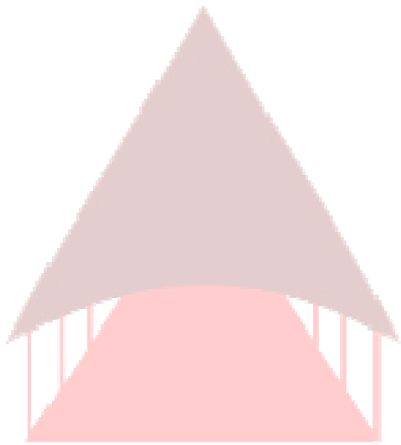
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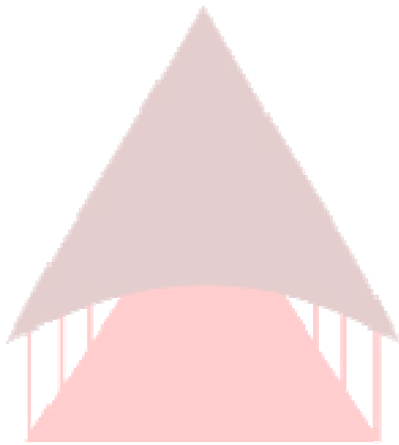
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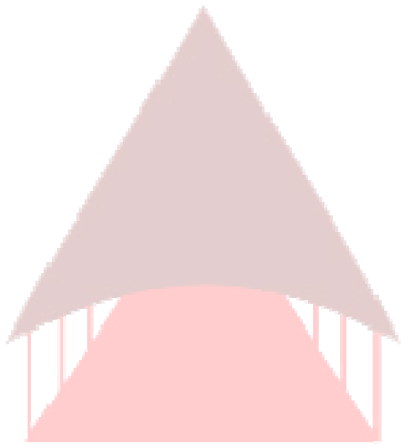
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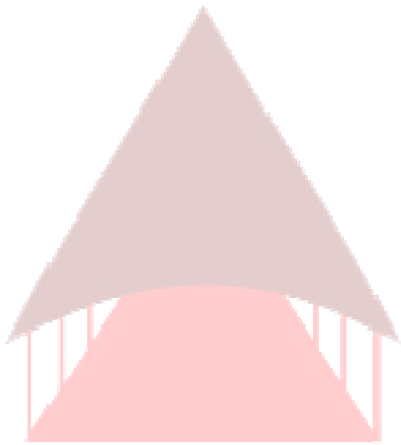
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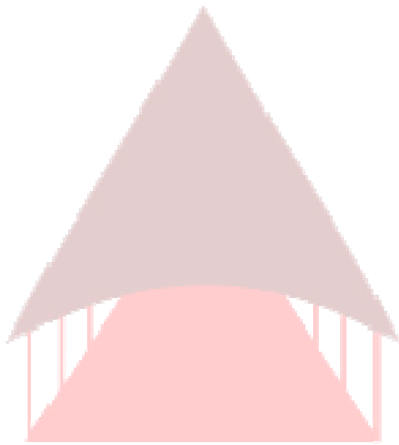
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