

**Agenda for
The Florida Board of Professional Engineers
August 4, 2020 beginning at 1:00 p.m. or soon thereafter and
August 5, 2020 beginning at 8:30 a.m., or soon thereafter
Via videoconference**

Part I – Tuesday, August 4, 2020

A. Call to Order

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.

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

William Lampkin, FBPE Public Information Officer
Art Nordlinger, P.E., IEEE
Satya Lory, P.E., FEMC Board Member
Andrew Lovenstein, P.E., FSEA
Angelina Fairchild, P.E., FES

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

F. Approval of Consent Agenda

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

#1. Minutes from June 9-10, 2020 FBPE Board Meeting

Approved under consent agenda.

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

Approved under consent agenda.

#3. Minutes from July 8, 2020 FBPE Board Meeting

Approved under consent agenda.

#4. Application for Retired Status

Approved under consent agenda.

G. Committee Reports

#1. Probable Cause Panel **(Next Meeting: September 9, 2020 at 8:30am via video conference)**

(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: September 9, 2020 at 1pm via video conference)**

(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: September 9, 2020 at 1pm via video conference)**

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

(a) Committee Chair's Report.

#4. Rules Committee **(Next Meeting: August 4, 2020 at 8:30am via video conference)**

(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: August 27, 2020 at 2pm via video conference)**

(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. Multidimensional Electronic Model Task Force **(Next Meeting: TBD)**

(FBPE Board Members: Dylan Albergo, P.E.; Scott Drury, P.E.)

(a) Committee Chair's Report.

#7. 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 Annual Meeting Update

Mr. Varghese mentioned that the upcoming NCEES Annual Meeting would be held virtually.

I. Advisory Attorney's Report

#1. Rules Report

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

#2. Public Hearing on Rule 61G15-22.0002 – Licensure Change of Status, Reactivation; Reinstatement of Void Licenses

Mr. Harris discussed the proposed rule amendment and JAPC comments regarding a similar proposal from another board.

Discussion followed

The board decided that there would be no rule amendment and that applicants that have a problem finding live courses will need to file a variance and waiver. The board will consider each one on a case-by-case basis.

#3. Public Hearing on Rule 61G15-22.009 – Exemptions from Continuing Education Requirements

Mr. Harris discussed the proposed rule amendment. Discussion followed.

Motion made by Mr. Fleming, seconded by Mr. Drury, to open the rule for development and propose the following rule amendment:

61G15-22.009 Exemptions from Continuing Education Requirements.

- (1) Licensees who have achieved licensure by passed a PE engineering examination and become licensed in Florida during the current biennium examination shall be exempt for same biennium. their first renewal period. ~~This exemption does not apply to licensees by endorsement, licensees who directly registered for examination with NCEES, or to licensees upon reinstatement of previously void licenses.~~ This exemption does not apply to the requirement of Section 471.0195, F.S., regarding Advanced Building Code training.
- (2) Any licensee whose license is placed in retired status shall be exempt thereafter.
- (3) Any licensee whose license is placed in inactive status, for so long as it remains inactive.
- (4) Any licensee who is a member of the United States Armed Forces and maintains Florida licensure pursuant to section 455.02, F.S.

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 or 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 the final part of the rule or if a violation of any part of the rule could be resolved through issuance of a Notice of Noncompliance and should language be added about the rule sun setting at a certain time.

Upon motion by Mr. Fleming, seconded by Mr. Drury, that the proposed rule amendments will have no adverse impact on small business and will not increase regulatory costs or have a net increase of regulatory costs in excess of \$200,000 in one (1) year or one (1) million dollars within five (5) years after the implementation of the final part of the rule and a violation of any part of the rule cannot be resolved through issuance of a notice of noncompliance does not apply to this rule and to use the standard sunset language for this rule, the motion passed.

#4. Public Hearing on Rule 61G15-18.012 (JAPC comments)

Mr. Harris discussed the proposed rule amendment. Discussion followed.

Motion made by Mr. Fleming, seconded by Mr. Drury, to open the rule for development and propose the following rule amendment:

61G15-18.012 Other Board Business for Which Compensation is Allowed.

The following are considered to be other business involving the Board as required by Section 455.207(4), F.S.:

- (1) All joint Board or Committee meetings required by statutes, Board or Board action.
- (2) Meetings of Board members with FEMC staff or contractors of FEMC at FEMC's or the Board's request. Any participation or meeting of members noticed or unnoticed will be on file in the Board office.
- (3) Where a Board member has been requested by the Secretary of the Department, the Executive Office of the Governor, or the Chair of a Legislative Committee to participate in a meeting or hearing.
- (4) Probable Cause Panel Meetings.
- (5) ~~Any telephone conference calls.~~
- (6) ~~All activity of Board members, if authorized by the Board, when grading, proctoring or reviewing examinations given by FEMC.~~
- (7) All participation in Board authorized meetings with professional associations ~~associates~~ of which the Board is a member or invitee. This would include all meetings of national associations of ~~registration Boards~~ of which the Board is a member as well as Board authorized participation in meetings of national or professional associations or organizations involved in educating, regulating or reviewing the profession over which the Board has statutory authority.
- (8) Any and all other activities which are Board approved and which are necessary for

Board members to attend in order to further protect the public health, safety and welfare, through the regulation of which the Board has statutory authority.

Specific Authority 455.207 FS., ~~Ch. 81-302, § 28, Laws of Florida.~~ Law Implemented 455.207 FS., ~~Ch. 81-302, § 28, Laws of Florida.~~ History– New 11-2-81, Formerly 21H-18.12, 21H-18.012.

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 or 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 the final part of the rule or if a violation of any part of the rule could be resolved through issuance of a Notice of Noncompliance and should language be added about the rule sun setting at a certain time.

Upon motion by Mr. Fleming, seconded by Mr. Albergo, that the proposed rule amendments will have no adverse impact on small business and will not increase regulatory costs or have a net increase of regulatory costs in excess of \$200,000 in one (1) year or one (1) million dollars within five (5) years after the implementation of the final part of the rule and a violation of any part of the rule cannot be resolved through issuance of a notice of noncompliance does not apply to this rule and to use the standard sunset language for this rule, the motion passed.

#5. Public Hearing on 61G15-Chapter 35 – Responsibility Rules of Professional Engineers providing Threshold Building Inspection (SI Limited Rule and App)

Mr. Varghese discussed the proposed rule amendment and the SI Limited application.

Upon motion by Mr. Albergo, seconded by Mr. Drury, to open 61G15-35 for development and propose changes 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 or 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 the final part of the rule or if a violation of any part of the rule could be resolved through issuance of a Notice of Noncompliance and should language be added about the rule sun setting at a certain time.

Upon motion by Mr. Fleming, seconded by Mr. Albergo, that the proposed rule amendments will have no adverse impact on small business and will not increase regulatory costs or have a net increase of regulatory costs in excess of \$200,000 in one (1) year or one (1) million dollars within five (5) years after the implementation of the final part of the rule and a violation of any part of the rule cannot be resolved through issuance of a notice of noncompliance does not apply to this rule and the sunset language is not necessary for this rule, the motion passed.

Mr. Harris discussed rule language that the Rules Committee approved at their committee before the board meeting and asked that it be brought before the board for their consideration. The proposed rule amendment deals with the size of seals and the proposed language is as follows:

61G15-23.002 Seals Acceptable to the Board.

- (1) Only the following seals are authorized to be used pursuant to Section 471.025, F.S.;
- (a) Wet Seals: A Wet Seal is any seal physically applied to a printed document capable of leaving a permanent ink representation or other form of opaque permanent impression on the printed document that complies with subsection 61G15-23.002(2), F.A.C.;
 - (b) Embossing Seals: An Embossing Seal is any seal physically applied to a printed document capable of leaving a permanent crimped representation or other form of permanent raised impression on the printed document that complies with subsection 61G15-23.002(2), F.A.C.; or
 - (c) Digitally Created Seals: A Digitally Created Seal is any seal created as part of the document and not physically applied that is an opaque permanent representation that complies with subsection 61G15-23.002(2), F.A.C.
- (2) Wet Seals, Embossing Seals and Digitally Created Seals shall be a minimum of 1-7/8 inches in diameter and shall be of a design similar to those set forth in subsections (a), (b) and (c) below. When utilizing Digitally Created Seals, the requirement of a minimum diameter of 1-7/8 inches shall be met when the image is represented in native (unreduced) document size.

Upon motion by Mr. Drury, seconded by Mr. Albergo, to open 61G15-23.002 for development and propose changes 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 or 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 the final part of the rule or if a violation of any part of the rule could be resolved through issuance of a Notice of

Noncompliance and should language be added about the rule sun setting at a certain time.

Upon motion by Mr. Drury, seconded by Mr. Albergo, that the proposed rule amendments will have no adverse impact on small business and will not increase regulatory costs or have a net increase of regulatory costs in excess of \$200,000 in one (1) year or one (1) million dollars within five (5) years after the implementation of the final part of the rule and a violation of any part of the rule cannot be resolved through issuance of a notice of noncompliance does not apply to this rule and the sunset language is not necessary for this rule, the motion passed.

#6. DBPR Comprehensive Rule Review—in separate meeting book

Mr. Harris discussed the rule review and stated that DBPR is reviewing them.

The board decided to wait and see what, if any, changes are suggested by DBPR before approving and finalizing the rule review. The board directed Mr. Harris to populate the OFARR database with the DBPR language and to bring any substantive changes back to the Board at the October meeting for review, decision, and finalization.

#7. Update on Rule Challenge Litigation/attorney request for shade meeting

Mr. Harris reported on the rule challenge and the procedures for it. Mr. Harris stated that the board would need to hold a Shade Meeting to discuss settlement agreements or strategy relating to litigation expenditures dealing with the rule challenge and it needs to be as soon as possible.

Upon motion by Mr. Fleming, seconded by Mr. Albergo, to grant the request from Mr. Harris to hold a section 286.011 meeting that is exempt from the public, the open government and the Sunshine Laws for purposed of considering settlement offer and also advising counsel regarding litigation, the motion passed.

J. Executive Director's Report

#1. COVID-19 Update

Ms. Raybon stated that staff continues to work remotely and will continue to do so for the foreseeable future.

#2. Renew Central Update

Ms. Raybon stated that Renew Central has contacted the CE providers and there have been over 500 courses uploaded to the system. Ms. Raybon stated that the system will be open to engineers at the end of the month.

#3. Annual Certification of FEMC-DBPR Contract

Ms. Raybon stated that we are required by contract to submit a certification every year.

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

#4. 2021 FBPE/FEMC Meeting Calendar

Provided for informational purposes.

#5. 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

Mr. Varghese appointed Mr. Shah to the Multidimensional Electronic Model Task Force.

N. Action Items from Previous Board Meetings

#1. Email from Rob Velasco, P.E.; - Re: Question about Digitally Signing and Sealing Documents

#2. Email from Ed Roeder, P.E. – Re: Digital Sealing

#3. Letter from John Ross, P.E. – Re: Request to Waive CE requirement

O. Correspondence to the Board

#1. Energy Code Compliance Forms – sent in by FBPE Board member Drury

Mr. Drury discussed the forms and his concerns about the form. Discussion followed.

Mr. Drury asked if the board should send a letter to the Building Commission outlining the concerns of board members. Mr. Harris stated that he would draft a letter and Mr. Fleming mentioned that he would help. Mr. Drury mentioned that he would help on the letter also. Mr. Harris stated that the final letter would come from the board chair.

#2. Request from Spantran to accept them as an approved credential evaluator

Ms. Raybon stated that the board office received a request from Spantran to become an approved credential evaluator. Ms. Raybon stated that representatives from Spantran, Ms. Avelar and Mr. Wimmer, were present and asked to speak.

Ms. Avelar and Mr. Wimmer addressed the board. Discussion followed.

Staff was asked to provide some test cases for Spantran to evaluate and staff would bring the results back to the board for their final review and decision.

#3. Email about FBPE Chair's Corner Newsletter Article

Provided for informational purposes.

#4. Discussion Purpose – signing and sealing – requested by FBPE Chair Varghese

Mr. Varghese discussed the materials in meeting book. Discussion followed.

Staff was asked to reach out to BCAIB and BOAF about a joint meeting to discuss this issue. Staff was also asked to include the state fire marshal.

#5. Cost of Digital review – sent in by FBPE Chair Varghese


Mr. Varghese discussed the article and the signing and sealing rule. Discussion followed.

Staff was asked to bring the proposed rule amendments to the October board meeting.

P. Public Forum

Q. Community Involvement

R. Review of Applications – Education and Experience will be done at one time and ratified at the Wednesday morning board meeting on August 5, 2020.



Part II
Informal Hearing Agenda
(Wednesday, August 5, 2020)

S. Ratification of Actions from Application Review, August 4, 2020

Upon motion by Mr. Fleming, seconded by Mr. Albergo, to approve the ratification list as presented, the motion passed.

T. Informal Hearing on Fundamentals Application

#1. Mladen Bosnjak (FE Examination Application)

Mr. Harris explained the basis for denial. Mladen Bosnjak holds a BS in Electrical Engineering Technology from Valencia College. The denial of the application is based on education. The degree is not ETAC therefore an evaluation is required. Mladen Bosnjak returned the Election of Rights with a requesting for an Informal Hearing. The application has been incomplete since March 2018.

Upon motion by Mr. Fleming, seconded by Mr. Albergo, that Mr. Bosnjak 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, requested a section 120.57(2), F.S. hearing not involving disputed issues of material fact to convene such hearing, to accept the complete application file, including any supplemental materials provided by Mr. Bosnjak into the record, to adopt the factual allegations contained within the Notice of Intent to Deny as the Board's findings of facts, and to adopt the legal conclusions contained in the Notice of Intent to Deny as the Board's conclusions of law, the motion passed.

Upon motion by Mr. Drury and seconded by Mr. Albergo to deny the application of Mr. Bosnjak and to stay this decision for 10 days to allow Mr. Bosnjak the option to withdraw the application in writing, the motion passed.

#2. Yusuf Rangoonwala (FE Endorsement Application)

Mr. Rangoonwala was present. Mr. Harris explained the basis for the denial. Mr. Rangoonwala holds a BS in Civil Engineering from the University of Mumbai and an MS in Civil Engineering from Virginia Polytechnic Institute and State University. The denial of the application is based on education. Mr. Rangoonwala is lacking 3.9 hours of general education.

Upon motion by Mr. Shah, seconded by Mr. Albergo, that Mr. Rangoonwala 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, requested a section 120.57(2), F.S. hearing not involving disputed issues of material fact, to convene such hearing, to accept the complete application file, including any supplemental materials provided by Mr. Rangoonwala into the record, to adopt the factual allegations contained within the Notice of Intent to Deny as the Board's findings of facts, and to adopt the legal conclusions contained in the Notice of Intent to Deny as the Board's conclusions of law, the motion passed.

Upon motion by Mr. Shah and seconded by Mr. Albergo to allow Mr. Rangoonwala 90 days to take the required course by CLEP and submit proof passing the course to staff, the motion passed.

U. Informal Hearing on Application for Licensure by Endorsement

#1. Satyajit Bagul

Mr. Harris explained the basis for the denial. Mr. Bagul holds a BS in Civil Engineering from the University of Pune and as MS in Civil Engineering from Texas A&M University. The denial is based on education. Mr. Bagul lacks six hours of general education.

Upon motion by Mr. Shah, seconded by Mr. Fleming, that Mr. Bagul 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, requested a section 120.57(2), F.S. hearing not involving disputed issues of material fact, to convene such hearing, to accept

the complete application file, including any supplemental materials provided by Mr. Bagul into the record, to adopt the factual allegations contained within the Notice of Intent to Deny as the Board's findings of facts, and to adopt the legal conclusions contained in the Notice of Intent to Deny as the Board's conclusions of law, and to allow Mr. Bagul 90 days to take the required courses by CLEP and submit proof passing the course to staff, the motion passed.

#2. Azzam Jawad

Mr. Jawad was present. Mr. Harris explained the basis for the denial. Mr. Jawad holds a BS in Building & Construction Engineering from the University of Technology. The denial is based on education. Mr. Jawad lacks five hours of general education and one of the four required sciences.

Mr. Jawad addressed the board. Discussion followed.

Mr. Jawad withdrew his application.

Upon motion by Mr. Albergo, seconded by Mr. Shah, to allow Mr. Jawad to withdraw his application, the motion passed.

#3. Kevin MacDonald

Dr. MacDonald was present. Mr. Harris explained the basis for the denial. Mr. MacDonald holds a BAS in Chemical Engineering from the University of Windsor and an MAS and Ph.D. in Engineering Materials from the University of Windsor. The denial is based on the application being incomplete for over one year. The application is lacking five client verifications and projects from Beton Consulting Engineers, LLC; transcripts, an FE Exam verification, and an explanation of gaps in employment. Mr. MacDonald submitted his election of rights requesting to supplement and an informal hearing. As of July 23, 2020, no supplemental materials have been provided.

Dr. MacDonald addressed the board. Discussion followed.

Upon motion by Mr. Fleming, seconded by Mr. Shah, that Dr. MacDonald 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, requested a section 120.57(2), F.S. hearing not involving disputed issues of material fact, to convene such hearing, to accept the complete application file, including any supplemental materials provided by Dr. MacDonald into the record, to adopt the factual allegations contained within the Notice of Intent to Deny as the Board's findings of facts, and to adopt the legal conclusions contained in the Notice of Intent to Deny as the Board's conclusions of law, and to allow Dr. MacDonald 90 days to provide the missing documents (transcripts and client verifications) and submit to staff for review and action, the motion passed.

#4. Rahul Rajbhara

Mr. Rajbhara was present. Mr. Harris explained the basis for the denial. Mr. Rajbhara holds a BS in Civil Engineering from the Visvesvaraya Technological University and an MS in Civil Engineering from Old Dominion University. The denial is based on education. Mr. Rajbhara lacks 5.7 hours of general education.

Mr. Rajbhara addressed the board. Discussion followed.

Upon motion by Mr. Drury, seconded by Mr. Fleming, that Mr. Rajbhara 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, requested a section 120.57(2), F.S. hearing not involving disputed issues of material fact, to convene such hearing, to accept the complete application file, including any supplemental materials provided by Mr. Rajbhara into the record, to adopt the factual allegations contained within the Notice of Intent to Deny as the Board's findings of facts, and to adopt the legal conclusions contained in the Notice of Intent to Deny as the Board's conclusions of law, and to allow Mr. Rajbhara 120 days to take the required courses by CLEP and submit proof passing the course to staff, the motion passed.

#5. Emerson Silva Dos Santos

Mr. Silva Dos Santos was present. Mr. Harris explained the basis of the denial. Mr. Silva Dos Santos holds a BS in Electrical & Computer Engineering from Mackenzie Presbyterian University. The denial is based on experience. Mr. Silva Dos Santos lacks 48 months of verified engineering experience under a PE. Mr. Silva Dos Santos submitted his elections of rights with the option to supplement and an informal hearing. As of July 23, 2020, no supplemental materials have been submitted.

Mr. Silva Dos Santos addressed the board. Discussion followed.

Upon motion by Mr. Fleming, seconded by Mr. Shah, that Mr. Silva Dos Santos 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, requested a section 120.57(2), F.S. hearing not involving disputed issues of material fact, to convene such hearing, to accept the complete application file, including any supplemental materials provided by Mr. Silva Dos Santos into the record, to adopt the factual allegations contained within the Notice of Intent to Deny as the Board's findings of facts, and to adopt the legal conclusions contained in the Notice of Intent to Deny as the Board's conclusions of law, and to allow Mr. Silva Dos Santos 120 days to submit the required documentation to staff for review and action, the motion passed.

V. Informal Hearing on Application for Special Inspector Certification

#1. Derek Cronin

Mr. Cronin was present. Mr. Harris explained the basis of the denial. Mr. Cronin's application was denied. Mr. Cronin was lacking 36 months of inspection experience. Experience that was submitted is all concrete restoration related and inspections 1 & 2 are under an architect (SI number was not provided).

Mr. Cronin addressed the board. Discussion followed.

Upon motion by Mr. Fleming, seconded by Mr. Albergo, that Mr. Cronin 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, requested a section 120.57(2), F.S. hearing not involving disputed issues of material fact, to convene such hearing, to accept the complete application file, including any supplemental materials provided by Mr. Cronin into the record, to adopt the factual allegations contained within the Notice of Intent to Deny as the Board's findings of facts, and to adopt the legal conclusions contained in the Notice of Intent to Deny as the Board's conclusions of law, and to allow Mr. Cronin 120 days to apply for the SI Limited certification once the new rule and application are effective, the motion passed.

W. Petition for Waiver and Variance of Rule 61G15-22.0002(3)

#1. Michael Youchak

Mr. Harris explained the petition and reason for it. Discussion followed.

Upon motion by Mr. Drury, seconded by Mr. Fleming, to approve the application of Mr. Youchak, the motion passed. No action was taken on the petition as the application to reinstate was approved.

Part III
Disciplinary Hearings
(Wednesday, August 5, 2020)

X. Informal Hearing

#1. Bryant, Steven M., P.E.

P.E. Number: 59682
FEMC Case Number: 2020004936
Probable Cause Panel Date: March 11, 2020
Probable Cause Panel: Matthews, Fleming & Drury

Mr. Bryant was present. Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1)(a), F.S.: Violating ... any other provision of this chapter or rule of the board or department. Rule 61G15-19.001(6)(s), F.A.C.: Renewing or reactivating a license without completion of Continuing Education (CE) hours.

Probable Cause was found on March 11, 2020, on the issue of Respondent. An Administrative Compliant was authorized and filed on March 24, 2020. A signed Election of Rights requesting an informal hearing was returned to the FBPE office on April 6, 2020.

The Probable Cause Panel recommendation was administrative compliant, administrative fine of \$ 500.00, administrative costs of \$58.50, and successful completion of the Board's Study Guide.

Upon motion by Mr. Albergo, seconded by Mr. Shah, that the respondent was properly served with the administrative compliant and filed an election of rights electing a Chapter 120.57(2) hearing not involving disputed issue of material facts to convene such hearing, to accept the Statement of Undisputed Material Facts presented as the Board's findings of fact, to accept the entire investigative file of the case including the supplemental materials into evidence, to adopt the allegations in the administrative compliant as the Board's conclusions of law, and to find a violation of the practice act upon which discipline may be imposed, the motion passed.

Upon motion by Mr. Albergo, seconded by Mr. Shah, to accept the PCP recommendation as the penalty, the motion passed.

#2. Eichinger, Steven K., P.E.

P.E. Number: 52868
FEMC Case Number: 2020005185
Probable Cause Panel Date: March 11, 2020
Probable Cause Panel: Matthews, Fleming & Drury

Mr. Eichinger was present. Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1)(a), F.S.: Violating ... any other provision of this chapter or rule of the board or department. Rule 61G15-19.001(6)(s), F.A.C.: Renewing or reactivating a license without completion of Continuing Education (CE) hours.

Probable Cause was found on March 11, 2020, on the issue of Respondent. An Administrative Complaint was authorized and filed on March 24, 2020. A signed Election of Rights requesting an informal hearing was returned to the FBPE office on April 14, 2020.

The Probable Cause Panel recommendation was administrative compliant, administrative fine of \$ 500.00, administrative costs of \$62.40, and successful completion of the Board's Study Guide.

Upon motion by Mr. Albergo, seconded by Mr. Shah, 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 to convene such hearing, to accept the Statement of Undisputed Material Facts presented as the Board's findings of fact, to accept the entire investigative file of the case including the supplemental materials into evidence, to adopt the allegations in the administrative complaint as the Board's conclusions of law, and to find a violation of the practice act upon which discipline may be imposed, the motion passed.

Mr. Eichinger addressed the board.

Upon motion by Mr. Albergo, seconded by Mr. Shah, to accept the PCP recommendation as the penalty, the motion passed.

#3. Grindell, Stephanie, P.E.

P.E. Number:	48136
FEMC Case Number:	2020005241
Probable Cause Panel Date:	May 13, 2020
Probable Cause Panel:	Matthews, Fleming & Drury

Ms. Grindell 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)(a), F.S.: Violating ... any other provision of this chapter or rule of the board or department. Rule 61G15-19.001(6)(s), F.A.C.: Renewing or reactivating a license without completion of Continuing Education (CE) hours.

Probable Cause was found on May 13, 2020, on the issue of Respondent. An Administrative Complaint was authorized and filed on May 26, 2020. A signed Election of Rights requesting an informal hearing was returned to the FBPE office on June 22, 2020.

The Probable Cause Panel recommendation was administrative compliant, administrative fine of \$1,000.00, administrative costs of \$70.20, and successful completion of the Board's Study Guide.

Upon motion by Mr. Albergo, seconded by Mr. Shah, the respondent was properly served with the administrative compliant and filed an election of rights electing a Chapter 120.57(2) hearing not involving disputed issue of material facts to convene such hearing, to accept the Statement of Undisputed Material Facts presented as the Board's findings of fact, to accept the entire investigative file of the case including the supplemental materials into evidence, to adopt the allegations in the administrative compliant as the Board's conclusions of law, and to find a violation of the practice act upon which discipline may be imposed, the motion passed.

Ms. Grindell addressed the board. Discussion followed.

Mr. Shah made a motion to reduce the fine to \$500. Mr. Shah withdrew the motion.

Upon motion by Mr. Shah, seconded by Mr. Albergo, to accept the PCP recommendation as the penalty, the motion passed.

#4. Holliday, Lisa, P.E.

P.E. Number:	85582
FEMC Case Number:	2020006073
Probable Cause Panel Date:	May 13, 2020
Probable Cause Panel:	Matthews, Fleming & Drury

Dr. Holliday 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)(a), F.S.: Violating ... any other provision of this chapter or rule of the board or department. Rule 61G15-19.001(6)(s), F.A.C.: Renewing or reactivating a license without completion of Continuing Education (CE) hours.

Probable Cause was found on May 13, 2020, on the issue of Respondent. An Administrative Complaint was authorized and filed on May 26, 2020. A signed Election of Rights requesting an informal hearing was returned to the FBPE office on June 16, 2020.

The Probable Cause Panel recommendation was administrative compliant, administrative fine of \$1,000.00, administrative costs of \$66.30, and successful completion of the Board's Study Guide.

Upon motion by Mr. Albergo, seconded by Mr. Shah, that the respondent was properly served with the administrative compliant and filed an election of rights electing a Chapter 120.57(2) hearing not involving disputed issue of material facts to convene such hearing, to accept the Statement of Undisputed Material Facts presented as the Board's findings of fact, to accept

the entire investigative file of the case including the supplemental materials into evidence, to adopt the allegations in the administrative complaint as the Board's conclusions of law, and to find a violation of the practice act upon which discipline may be imposed, the motion passed.

Dr. Holliday addressed the board. Discussion followed.

Upon motion by Mr. Albergo, seconded by Mr. Shah, to accept the PCP recommendation as the penalty, the motion passed.

#5. Martinez, Edgardo P.E.

P.E. Number:	80100
FEMC Case Number:	2020006271
Probable Cause Panel Date:	May 13, 2020
Probable Cause Panel:	Matthews, Fleming & Drury

Mr. Martinez 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)(a), F.S.: Violating ... any other provision of this chapter or rule of the board or department. Rule 61G15-19.001(6)(s), F.A.C.: Renewing or reactivating a license without completion of Continuing Education (CE) hours.

Probable Cause was found on May 13, 2020, on the issue of Respondent. An Administrative Complaint was authorized and filed on May 26, 2020. A signed Election of Rights requesting an informal hearing was returned to the FBPE office on June 25, 2020.

The Probable Cause Panel recommendation was administrative complaint, administrative fine of \$1,000.00; administrative costs of \$76.05, and successful completion of the Board's Study Guide.

Upon motion by Mr. Albergo, seconded by Mr. Shah, 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 to convene such hearing, to accept the Statement of Undisputed Material Facts presented as the Board's findings of fact, to accept the entire investigative file of the case including the supplemental materials into evidence, to adopt the allegations in the administrative complaint as the Board's conclusions of law, and to find a violation of the practice act upon which discipline may be imposed, the motion passed.

Mr. Martinez addressed the board. Discussion followed.

Upon motion by Mr. Shah, seconded by Mr. Albergo, to accept the PCP recommendation as the penalty, the motion passed.

#6. Worley, Russell, P.E.

P.E. Number: 75653
FEMC Case Number: 2020002313
Probable Cause Panel Date: March 11, 2020
Probable Cause Panel: Matthews, Fleming & Drury

Mr. Worley 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)(a), F.S.: Violating ... any other provision of this chapter or rule of the board or department. Rule 61G15-19.001(6)(s), F.A.C.: Renewing or reactivating a license without completion of Continuing Education (CE) hours.

Probable Cause was found on March 11, 2020, on the issue of Respondent. An Administrative Compliant was authorized and filed on March 24, 2020. A signed Election of Rights requesting an informal hearing was returned to the FBPE office on April 13, 2020.

The Probable Cause Panel recommendation was administrative compliant, administrative fine of \$1,000.00, administrative costs of \$68.25, and successful completion of the Board's Study Guide.

Upon motion by Mr. Albergo, seconded by Mr. Shah, the respondent was properly served with the Administrative compliant and filed an election of rights electing a Chapter 120.57(2) hearing not involving disputed issue of material facts to convene such hearing, to accept the Statement of Undisputed Material Facts presented as the Board's findings of fact, to accept the entire investigative file of the case including the supplemental materials into evidence, to adopt the allegations in the administrative compliant as the Board's conclusions of law, and to find a violation of the practice act upon which discipline may be imposed, the motion passed.

Mr. Worley addressed the board. Discussion followed.

Upon motion by Mr. Shah, seconded by Mr. Albergo, to accept the PCP recommendation as the penalty, the motion passed.

#7. Wiker, David A., P.E.

P.E. Number: 54280
FEMC Case Number: 2020009157
Probable Cause Panel Date: May 13, 2020
Probable Cause Panel: Matthews, Fleming & Drury

Mr. Wiker 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)(a), F.S.: Violating ... any other provision of this chapter or rule of the board or department. Rule 61G15-

19.001(6)(s), F.A.C.: Renewing or reactivating a license without completion of Continuing Education (CE) hours.

Probable Cause was found on May 13, 2020, on the issue of Respondent. An Administrative Compliant was authorized and filed on May 26, 2020. A signed Election of Rights requesting an informal hearing was returned to the FBPE office on June 21, 2020.

The Probable Cause Panel recommendation was administrative compliant, administrative fine of \$1,000.00, administrative costs of \$78.00, and successful completion of the Board's Study Guide.

Upon motion by Mr. Albergo, seconded by Mr. Shah, the respondent was properly served with the Administrative compliant and filed an election of rights electing a Chapter 120.57(2) hearing not involving disputed issue of material facts to convene such hearing, to accept the Statement of Undisputed Material Facts presented as the Board's findings of fact, to accept the entire investigative file of the case including the supplemental materials into evidence, to adopt the allegations in the administrative compliant as the Board's conclusions of law, and to find a violation of the practice act upon which discipline may be imposed, the motion passed.

Mr. Wiker addressed the board. Discussion followed.

Upon motion by Mr. Shah, seconded by Mr. Albergo, to accept the PCP recommendation as the penalty, the motion passed.

Y. Settlement Stipulation

Mr. Rimes outlined the facts of these cases. The charges relate to a violation of §471.033(1)(a), F.S.: Violating ... any other provision of this chapter or rule of the board or department. Rule 61G15-19.001(6)(s), F.A.C.: Renewing or reactivating a license without completion of Continuing Education (CE) hours.

The following cases were pulled at the request of the respondent: Case #9 Ayaz, Sabri; Case #22 Motely, Taylor; and Case #30 Worline, Timothy. The board considered the remaining cases as a group and took the following action:

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

#8. Ali, Mir H., P.E.

P.E. Number:	57813
FEMC Case Number:	2020002756
Probable Cause Panel Date:	May 13, 2020
Probable Cause Panel:	Matthews, Fleming & Drury

#9. Ayaz, Sabri, P.E.

P.E. Number: 42914
FEMC Case Number: 2020004703
Probable Cause Panel Date: May 13, 2020
Probable Cause Panel: Matthews, Fleming & Drury

Mr. Ayaz addressed the board and stated that he elected an informal hearing but signed the settlement stipulation.

Mr. Ayaz withdrew his agreement to the settlement stipulation. The hearing was terminated so that further proceedings could be held.

#10. Bagdade, Jeffery, P.E.

P.E. Number: 79544
FEMC Case Number: 2020002325
Probable Cause Panel Date: May 13, 2020
Probable Cause Panel: Matthews, Fleming & Drury

#11. Barrow, Jonathan, P.E.

P.E. Number: 72265
FEMC Case Number: 2020004653
Probable Cause Panel Date: May 13, 2020
Probable Cause Panel: Matthews, Fleming & Drury

#12. Callahan, Carlis, P.E.

P.E. Number: 76721
FEMC Case Number: 2020004965
Probable Cause Panel Date: May 13, 2020
Probable Cause Panel: Matthews, Fleming & Drury

#13. Davies, Gary R., P.E.

P.E. Number: 67984
FEMC Case Number: 2020005055
Probable Cause Panel Date: May 13, 2020
Probable Cause Panel: Matthews, Fleming & Drury

#14. Davy, Christopher, P.E.

P.E. Number: 80518
FEMC Case Number: 2020005062
Probable Cause Panel Date: May 13, 2020
Probable Cause Panel: Matthews, Fleming & Drury

#15. Drapp, James E., P.E.
P.E. Number: 40101
FEMC Case Number: 2020005181
Probable Cause Panel Date: May 13, 2020
Probable Cause Panel: Matthews, Fleming & Drury

#16. Foreman, Gary, P.E.
P.E. Number: 57343
FEMC Case Number: 2020005205
Probable Cause Panel Date: May 13, 2020
Probable Cause Panel: Matthews, Fleming & Drury

#17. Holland, Harry, P.E.
P.E. Number: N/A-Unlicensed
FEMC Case Number: 2019038286
Probable Cause Panel Date: January 08, 2020
Probable Cause Panel: Matthews, Fleming & Drury

#18. Lou, James, P.E.
P.E. Number: 63225
FEMC Case Number: 2020006259
Probable Cause Panel Date: May 13, 2020
Probable Cause Panel: Matthews, Fleming & Drury

#19. Maillard, Vincent, P.E.
P.E. Number: 85106
FEMC Case Number: 2020006268
Probable Cause Panel Date: May 13, 2020
Probable Cause Panel: Matthews, Fleming & Drury

#20. Matos, Aurelios, P.E.
P.E. Number: 71701
FEMC Case Number: 2020006273
Probable Cause Panel Date: May 13, 2020
Probable Cause Panel: Matthews, Fleming & Drury

#21. Moro, Donald, P.E.
P.E. Number: 61459
FEMC Case Number: 2020006466
Probable Cause Panel Date: May 13, 2020
Probable Cause Panel: Matthews, Fleming & Drury

#22. Motley, Taylor, P.E.
P.E. Number: 78835



FEMC Case Number: 2020006584
Probable Cause Panel Date: May 13, 2020
Probable Cause Panel: Matthews, Fleming & Drury

Mr. Motley was present.

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

#23. Nader, Marwan P.E.
P.E. Number: 72598
FEMC Case Number: 2020006576
Probable Cause Panel Date: May 13, 2020
Probable Cause Panel: Matthews, Fleming & Drury

#24. Ng, Hooi, P.E.
P.E. Number: 58123
FEMC Case Number: 2020006557
Probable Cause Panel Date: May 13, 2020
Probable Cause Panel: Matthews, Fleming & Drury
Represented by: Elizabeth Zimmaro, Esquire

#25. Norris, Alec, P.E.
P.E. Number: 85743
FEMC Case Number: 2020006508
Probable Cause Panel Date: May 13, 2020
Probable Cause Panel: Matthews, Fleming & Drury

#26. Peterfreund, Allen, P.E.
P.E. Number: 64048
FEMC Case Number: 2020007622
Probable Cause Panel Date: May 13, 2020
Probable Cause Panel: Matthews, Fleming & Drury

#27. Plancer, Ryon, P.E.
P.E. Number: 70287
FEMC Case Number: 2020007353
Probable Cause Panel Date: May 13, 2020
Probable Cause Panel: Matthews, Fleming & Drury

#28. Riordan, William J., P.E.
P.E. Number: 80988
FEMC Case Number: 2020007378
Probable Cause Panel Date: May 13, 2020

Probable Cause Panel: Matthews, Fleming & Drury

#29. Watson-Burnside, Darcy P.E.
P.E. Number: 57769
FEMC Case Number: 2020008787
Probable Cause Panel Date: May 13, 2020
Probable Cause Panel: Matthews, Fleming & Drury

#30. Worline, Timothy J., P.E.
P.E. Number: 65906
FEMC Case Number: 2020009004
Probable Cause Panel Date: May 13, 2020
Probable Cause Panel: Matthews, Fleming & Drury

Mr. Worline addressed the board and stated that he elected an informal hearing but signed the settlement stipulation.

Mr. Worline withdrew his agreement to the settlement stipulation. The hearing was terminated so that further proceedings could be held.

Z. Voluntary Relinquishment

#31. Scott, Brian L., P.E.
P.E. Number: 62876
FEMC Case Number: 2020002293
Probable Cause Panel Date: May 13, 2020
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)(a), F.S.: Violating ... any other provision of this chapter or rule of the board or department. Rule 61G15-19.001(6)(s), F.A.C.: Renewing or reactivating a license without completion of Continuing Education (CE) hours.

The Probable Cause Panel recommendation was an administrative compliant, administrative fine of \$ 1,000.00, administrative costs of \$66.30, reprimand, and successful completion of the Board's Study Guide.

The Settlement Stipulation is an administrative compliant and voluntary relinquishment.

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

AA. Old Business

BB. New Business

CC. Adjourn

