

**Minutes for
The Florida Board of Professional Engineers
October 7, 2020 beginning at 1:00 p.m. or soon thereafter and
October 8, 2020 beginning at 8:30 a.m., or soon thereafter
Via video conference**

Part I – Wednesday, October 7, 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:

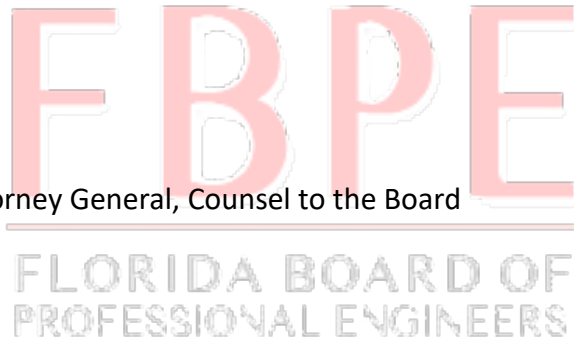
Babu Varghese, P.E., S.I., Chair
Kevin Fleming, P.E., Vice Chair
Dylan Albergo, P.E.
Scott Drury, P.E.
Pankaj (PJ) Shah, P.E.

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
Safiya Brea, P.E., FEMC Board Member
Andrew Lovenstein, P.E., FSEA
Angelina Fairchild, P.E., FES
Allen Douglass, FES
Sarah Blair, Renew Central
Brendan Blair, Renew Central
Sam Hobbs, FES
Hisham Suny, P.E., ACEC
Scott Martin, P.E., FSEA
Roger Jeffery, P.E.

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

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

- #1. Minutes from August 4-5, 2020 FBPE Board Meeting

Approved under consent agenda.

- #2. Minutes of the August 4, 2020 FBPE Rules Committee Meeting

Approved under consent agenda.

- #3. Minutes from August 12, 2020 FBPE Board Meeting

Approved under consent agenda.

- #4. Minutes from August 26, 2020 FBPE Mechanical Rules Committee Meeting

Approved under consent agenda.

- #5. Minutes from September 9, 2020 FBPE Probable Cause Panel Meeting

Approved under consent agenda.

- #6. Minutes from September 9, 2020 FBPE Board Meeting

Approved under consent agenda.

#7. 2019-2020 FEMC Annual Report

Approved under consent agenda.

#8. Application for Retired Status

Approved under consent agenda.

G. Committee Reports

#1. Probable Cause Panel **(Next Meeting: November 10, 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: November 10, 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: November 10, 2020 at 1 pm via conference call)**

(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: TBD)**

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

(a) Committee Chair's Report.

Mr. Varghese talked about the CE Audit and the disciplinary actions taken in reference to the audit. Discussion followed.

Mr. Harris stated that it would be best to put the varying levels of penalties for the CE Audit in the rules.

- #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. Multidimensional Electronic Model Task Force **(Next Meeting: TBD)**
(FBPE Board Members: Dylan Albergo, P.E.; Scott Drury, P.E.; PJ Shah, P.E.)
(Public Advisors: Vern Danforth; Will Sharp; Mo Harmon; Anath Prasad;
William Bracken, P.E., S.I.; Steve Stanfill; Mark Lemieux; Dylan Richard; Casey Sveiven;
Nick Benedico)

(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)

Mr. Drury stated that his on a NCEES Task Force dealing with fire protection.

Mr. Fleming stated that he is also on a committee for NCEES.

- I. Advisory Attorney's Report

- #1. Rules Report

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

- #2. Results from DBPR Comprehensive Rule Review for Discussion and Board Action
(Exhibit I#2a & b)**

- a. Rules Identified by DBPR for Repeal
- i. 18.020
 - ii. 19.002
 - iii. 20.001
 - iv. 20.100
 - v. 22.002
 - vi. 22.0003
 - vii. 22.008

viii. 30.007

b. Rules with Substantive Comments from DBPR

- i. 20.0010
- ii. 20.0017
- iii. 22.012
- iv. 22.013
- v. 22.014
- vi. 23.003
- vii. 24.001
- viii. 27.001
- ix. 34.003
- x. 34.004
- xi. 34.005
- xii. 34.006
- xiii. 34.009
- xiv. 36.003

Mr. Harris discussed the rules with substantive comments from DBPR. Discussion followed.

Upon motion by Mr. Fleming, seconded by Mr. Shah, to accept the OFAR entered language as presented, the motion passed.

Mr. Harris went over the rules identified by DBPR for Repeal. Discussion followed.

Upon motion by Mr. Fleming, seconded by Mr. Drury, to refer the rules identified for repeal by DBPR to the Rules Committee to either recommend repeal or a reason for not repealing with the next six months. The motion passed.

#3. Public Hearing on Rule 61G15 – Chapter 34

Mr. Drury went over the proposed language. Mr. Drury made one minor change to the proposed rule amendment to strike the words “or humans”.

Upon motion by Mr. Fleming, seconded by Mr. Albergo, to open the chapter for development and propose language as amended, 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 61G15-18.011- update rule with latest editions of FBC and FFPC

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

Upon motion by Mr. Fleming, seconded by Mr. Drury, to open the rule for development and propose the rule amendment as presented in the meeting packet, 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.

#5. Public Hearing on 61G15-23.004 and 61G15-23.005 (as requested at the Aug. 2020 FBPE Bd Mtg)

Mr. Harris went over concerns that were discussed at the August 2020 board meeting and if the board wanted to consider a rule amendment that did not expire at the end of the year as currently in the process of being amended.

This item was referred to the Rules Committee.

#6. Public Hearing on Rule 61G15-Chapter 35
(Exhibit I#6)

- a. Proposed Rule Language and application
- b. Comments from JAPC
- c. Comments from FES President Allen Douglas
- d. Discussion on scheduling "Joint Meeting" with FBPE/Architecture/BCAIB – re: restoration SI issue

Mr. Harris discussed the proposed rule amendments and Mr. Varghese discussed the application.

Mr. Douglas addressed the board on the proposed rule amendments.

Discussion followed.

Upon motion by Mr. Drury, seconded by Mr. Albergo, to continue the proposed language until the December 2020 FBPE Board meeting to allow all interested parties to provide input on the proposed language, the motion passed.

The Rules committee was asked to draft letter to building officials about what is acceptable and what is not.

#7. SmileDirectClub Court Opinion

Provided for informational purposes

J. Executive Director's Report

#1. Renewal Update

Ms. Raybon stated that renewal is on target for opening November 2nd and staff has been in contact with DBPR about renewal.

#2. Renew Central Update

Ms. Raybon asked Ms. Sarah Blair to provide an update to the board about Renew Central.

Discussion followed

#3. 2020 FBPE/FEMC Meeting Calendar

Provided for informational purposes.

#4. 2021 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
- (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

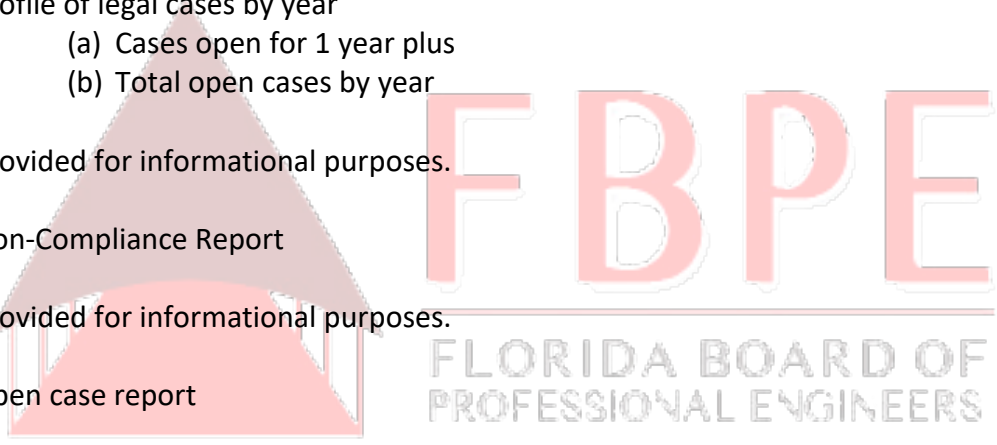
#2. FES

#3. IEEE

#4. ASCE

M. Chair's Report

#1. Appoint Nominations Committee



Mr. Varghese appointed Mr. Albergo, Mr. Drury and Mr. Shah as the Nominations Committee.

N. Action Items from Previous Board Meetings

O. Correspondence to the Board

#1. Email from Mr. Roeder, PE – Re: Digital Engineer Seals

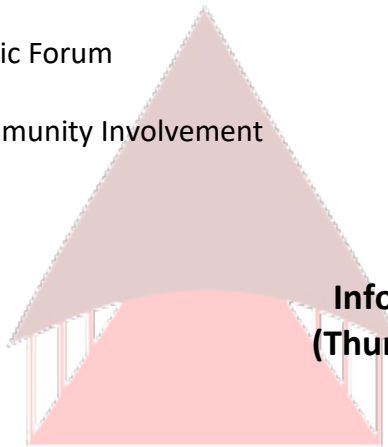
Mr. Rimes talked about this issue. Discussion followed. This item was referred to the Rules Committee for review and possible action.

#2. Email from Craig Baker, PE – Re: 61G15-32.008

Mr. Rimes talked about this issue. Discussion followed. This item was referred to the Rules Committee for review and possible action.

P. Public Forum

Q. Community Involvement



Part II
Informal Hearing Agenda
(Thursday, October 8, 2020)

FBPE
FLORIDA BOARD OF
PROFESSIONAL ENGINEERS

R. Ratification of Actions from Application Review, October 7, 2020

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

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

#1. Mayur Patel

Mr. Harris stated that the applicant checked to supplement, informal hearing, and a formal hearing on the Election of Rights form.

Mr. Patel was present and sworn in before addressing the board. Mr. Harris explained the basis for denial. Mr. Harris also stated that the application has selected an informal and formal hearing on the Election of Rights form. Mr. Harris suggested that the board allow the applicant to address the board before the informal hearing process begins.

Mr. Patel addressed the board.

Upon motion by Mr. Drury, seconded by Mr. Fleming, that Mr. Patel 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. Patel 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. Fleming to allow Mr. Patel 90 days to take the required course by CLEP and submit proof passing the course to staff, the motion passed.

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

#1. Bernardo Coiffman

Mr. Coiffman was present and sworn in before addressing the board. Mr. Harris explained the basis for the denial. Mr. Coiffman's application was denied based on experience being concrete restoration related; several buildings are not threshold buildings; and all of the design and inspection experience are self-certified.

Mr. Coiffman addressed the board. Discussion followed.

Mr. Coiffman withdrew his current application as he wants to apply for the SI Limited when it is available.

#2. Timothy Moore

Mr. Moore was present and sworn in before addressing the board. Mr. Harris explained the basis for the denial. Mr. Moore's application was denied because of the following reasons: lacks required months of inspection experience, check experience calculator in the supplemental package; the new experiences #1 and 2 are overlapping; and cannot accept experience after closing date.

Mr. Moore addressed the board. Discussion followed.

Upon motion by Mr. Fleming, seconded by Mr. Drury, that Mr. Moore 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. Moore 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. Moore 90 days to supplement his application or withdraw it and authorize Mr. Varghese to review the supplemental materials to see if they meet the rule requirement, the motion passed.

#3. John Ellis

Mr. Ellis was present and sworn in before addressing the board. Mr. Harris explained the basis for the denial. Mr. Ellis' application denial is upheld for the following reasons: applicant's interpretation of rule 61G15-35.003(1) is incorrect. Experience #1 is not acceptable – foundation inspection only; applicant's interpretation of this rule is incorrect; Experience #2 is not a threshold building; lacks required months of experience. The applicant has worked under six SIs, none of which are verifiers. More than one mentioned his experience as a testing engineer. One specifically mentioned he has no knowledge of "his (the applicant's) threshold inspection" experience.

Mr. Ellis addressed the board. Discussion followed.

Mr. Ellis withdrew his application and will resubmit later.

U. Petition for Waiver and Variance of Rule 61G15-20.002(1)(b)2 and 61G15-20.002(2)

#1. Karl Lamm

Mr. Lamm was present and sworn in prior to addressing the board. Mr. Harris explained the reason for the petition.

Mr. Lamm addressed the board. Discussion followed.

Upon motion by Mr. Fleming, seconded by Mr. Drury, to approve the application of Mr. Lamm, the motion passed.

Mr. Lamm withdrew his petition.

Part III
Disciplinary Hearings
(Thursday, October 8, 2020)

V. Informal Hearing (All CE Cases)

#1. Bolchoz, Mark D., P.E.

P.E. Number: 58231
FEMC Case Number: 2020004927
Probable Cause Panel Date: May 13, 2020
Probable Cause Panel: Matthews, Fleming & Drury

CE Case

Mr. Bolchoz 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 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 June 11, 2020.

The Probable Cause Panel recommendation was an administrative complaint, administrative fine of \$ 1,000.00, administrative costs of \$74.10, reprimand, 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.

Upon motion by Mr. Albergo, seconded by Mr. Shah, to reduce the penalty to an administrative complaint, fine of \$500, complete to Auburn University Professionalism and Ethics course, costs, and successful completion of the board's study guide, the motion passed. All items are to be completed with one year.

#2. Brown, Charles P.E.

P.E. Number: 76720
FEMC Case Number: 2020004935
Probable Cause Panel Date: May 13, 2020
Probable Cause Panel: Matthews, Fleming & Drury

CE Case

Mr. Brown 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 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 June 16, 2020.

The Probable Cause Panel recommendation was an administrative complaint, administrative fine of \$500.00, administrative costs of \$68.25, and successful completion of the Board's Study Guide.

Mr. Brown addressed the board.

Upon motion by Mr. Shah, seconded by Mr. Albergo, 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.

Upon motion by Mr. Shah, seconded by Mr. Albergo, to reduce the penalty to an administrative complaint, complete to Auburn University Professionalism and Ethics course, costs, and successful completion of the board's study guide, the motion passed. All items are to be completed with one year.

#3. Liu, Xuegang P.E.

P.E. Number: 67626
FEMC Case Number: 2020006247
Probable Cause Panel Date: July 08, 2020
Probable Cause Panel: Matthews, Fleming & Drury
Represented by: James L. White, Esq.

CE Case

Mr. Liu was present along with his counsel, Mr. White. Mr. Liu was sworn in before 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 July 8, 2020 on the issue of Respondent. An Administrative Complaint was authorized and filed on July 20, 2020. A signed Election of Rights requesting an Informal hearing was returned to the FBPE office August 12, 2020.

The Probable Cause Panel recommendation was an administrative complaint, administrative fine of \$1,000.00, administrative costs of \$72.15, and successful completion of the Board's Study Guide.

Mr. White addressed the board.

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.

Upon motion by Mr. Albergo, seconded by Mr. Shah, to reduce the penalty to an administrative complaint, complete to Auburn University Professionalism and Ethics course, costs, and successful completion of the board's study guide, the motion passed. All items are to be completed with one year.

#4. Nirider, Henry, P.E.

P.E. Number: 85499
FEMC Case Number: 2020006489
Probable Cause Panel Date: May 13, 2020
Probable Cause Panel: Matthews, Fleming & Drury
Represented by: Amanda Buffinton, Esq

CE Case

Mr. Nirider was present along with his counsel, Ms. Buffinton. Mr. Nirider was sworn in before 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 June 26, 2020.

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

Mr. Buffington addressed the board.

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.

Upon motion by Mr. Albergo, seconded by Mr. Shah, to reduce the penalty to an administrative complaint, complete to Auburn University Professionalism and Ethics course, costs, and successful completion of the board's study guide, the motion passed. All items are to be completed with one year.

#5. Schultheiss, William P.E.

P.E. Number:	78078
FEMC Case Number:	2020007446
Probable Cause Panel Date:	July 08, 2020
Probable Cause Panel:	Matthews, Fleming & Drury

CE Case

Mr. Schultheiss was present and was sworn in before 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 July 8, 2020 on the issue of Respondent. An Administrative Complaint was authorized and filed on July 20, 2020. A signed Election of Rights requesting an Informal hearing was returned to the FBPE office August 17, 2020.

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

Mr. Schultheiss addressed the board.

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.

Upon motion by Mr. Albergo, seconded by Mr. Shah, to reduce the penalty to an administrative complaint, administrative fine of \$500, complete to Auburn University Professionalism and Ethics course, costs, and successful completion of the board's study guide, the motion passed. All items are to be completed with one year.

W. Settlement Stipulation (All are CE Cases except #17)

#6. Alderson, Howard, P.E.

P.E. Number: 42997
FEMC Case Number: 2020002732
Probable Cause Panel Date: May 13, 2020
Probable Cause Panel: Matthews, Fleming & Drury
Represented by: Jeff Peters, Esq.
CE Case



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 administrative complaint, an administrative fine of \$ 500.00, administrative costs of \$91.65, and successful completion of the Board's Study Guide.

The Settlement Stipulation is the same as the PCP recommendation.

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

#7. Bigbie, Mark P.E.

P.E. Number: 61991
FEMC Case Number: 2020004760
Probable Cause Panel Date: July 08, 2020
Probable Cause Panel: Matthews, Fleming & Drury
CE Case

Mr. Bigbie was present and sworn in before 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.

The Probable Cause Panel recommendation was administrative complaint, an administrative fine of \$1,000.00, administrative costs of \$72.15, reprimand, and successful completion of the Board's Study Guide.

The Settlement Stipulation is the same as the PCP recommendation.

Upon motion by Mr. Shah, seconded by Mr. Albergo, to reject the settlement stipulation and amend the stipulation to administrative complaint, complete to Auburn University Professionalism and Ethics course, costs, and successful completion of the board's study guide, the motion passed. All items are to be completed with one year.

#8. Cale, Matthew P.E. (confirmed attendance)

P.E. Number: 69764
FEMC Case Number: 2020005313
Probable Cause Panel Date: July 08, 2020
Probable Cause Panel: Matthews, Fleming & Drury
CE Case

Mr. Cale was present and sworn in before 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.

The Probable Cause Panel recommendation was administrative complaint, an administrative fine of \$500.00, administrative costs of \$64.35, and successful completion of the Board's Study Guide.

The Settlement Stipulation is the same as the PCP recommendation.

Upon motion by Mr. Albergo, seconded by Mr. Shah, to reject the settlement stipulation and issue a counter settlement stipulation to administrative complaint, complete to Auburn

University Professionalism and Ethics course, costs, and successful completion of the board's study guide, the motion passed. All items are to be completed with one year.

#9. Chiglo, Jay P.E.

P.E. Number: 67633
FEMC Case Number: 2020005485
Probable Cause Panel Date: July 08, 2020
Probable Cause Panel: Matthews, Fleming & Drury
CE Case

Mr. Chiglo was present and sworn in before 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.

The Probable Cause Panel recommendation was administrative complaint, an administrative fine of \$1,000.00, administrative costs of \$42.90, reprimand and successful completion of the Board's Study Guide.

The Settlement Stipulation is the same as the PCP recommendation.

Mr. Chiglo addressed the board.

Upon motion by Mr. Albergo, seconded by Mr. Shah, to reject the settlement stipulation and issue a counter settlement stipulation for an administrative complaint, complete to Auburn University Professionalism and Ethics course, administrative fine of \$500, costs, and successful completion of the board's study guide, the motion passed. All items are to be completed with one year.

#10. Daffinrud, Thomas, P.E. (Required attendance)

P.E. Number: 75286
FEMC Case Number: 2020004994
Probable Cause Panel Date: May 13, 2020
Probable Cause Panel: Matthews, Fleming & Drury
CE Case

This case was tabled until the December 2020 FBPE board meeting.

#11. Dinges, Jeffery P.E.

P.E. Number: 77603
FEMC Case Number: 2020006055
Probable Cause Panel Date: July 08, 2020
Probable Cause Panel: Matthews, Fleming & Drury

CE Case

Mr. Dinges was present and sworn in before 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.

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

The Settlement Stipulation is the same as the PCP recommendation.

Mr. Dinges addressed the board.

Upon motion by Mr. Albergo, seconded by Mr. Shah, to reject the settlement stipulation and amend the stipulation to an administrative complaint, complete to Auburn University Professionalism and Ethics course, costs, and successful completion of the board's study guide, the motion passed. All items are to be completed with one year.

#12. Elayer, David P.E. (Required attendance)

P.E. Number: 72713
FEMC Case Number: 2020010167
Probable Cause Panel Date: July 08, 2020
Probable Cause Panel: Matthews, Fleming & Drury
CE Case

Mr. Elayer was present and sworn in before 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.

The Probable Cause Panel recommendation was administrative complaint, administrative fine of \$ 1,000.00, administrative costs of \$107.25, 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's Study Guide.

The Settlement Stipulation is the same as the PCP recommendation.

Mr. Elayer addressed the board.

Upon motion by Mr. Shah, seconded by Mr. Albergo, to reject the settlement stipulation and amend the stipulation to administrative complaint, administrative fine of \$500, complete to Auburn University Professionalism and Ethics course, costs, and successful completion of the board's study guide, the motion passed. All items are to be completed with one year.

#13. Gabriel, Joseph P.E.

P.E. Number: 51595
FEMC Case Number: 2020002153
Probable Cause Panel Date: July 08, 2020
Probable Cause Panel: Matthews, Fleming & Drury
CE Case

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 administrative complaint, administrative fine of \$ 1,000.00, administrative costs of \$70.20, reprimand, and successful completion of the Board's Study Guide.

The Settlement Stipulation is the same as the PCP recommendation.

Mr. Mike Gabriel spoke on behalf of his dad.

Upon motion by Mr. Shah, seconded by Mr. Albergo, to reject the settlement stipulation and issue a counter settlement stipulation to accept the counter stipulation with 30days in writing and if not then the original stipulation will be accept. The following penalties in the counter stipulation will be administrative complaint, administrative fine of \$500, complete to Auburn University Professionalism and Ethics course, costs, and successful completion of the board's study guide, the motion passed.

#14. Gottlieb, Eli P.E.

P.E. Number: 80208
FEMC Case Number: 2020010124
Probable Cause Panel Date: July 08, 2020
Probable Cause Panel: Matthews, Fleming & Drury
CE Case

Mr. Gottlieb was present and sworn in before the 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.

The Probable Cause Panel recommendation was administrative complaint, administrative fine of \$ 1,000.00, administrative costs of \$87.75, reprimand, and successful completion of the Board's Study Guide.

The Settlement Stipulation is the same as the PCP recommendation.

Mr. Gottlieb addressed the board.

Upon motion by Mr. Albergo, seconded by Mr. Shah, to reject the settlement stipulation and issue a counter settlement stipulation with the following penalties of an administrative complaint, complete to Auburn University Professionalism and Ethics course, costs, and successful completion of the board's study guide, the motion passed

#15. Howerton, Richard P.E.

P.E. Number: 77940
FEMC Case Number: 2020005265
Probable Cause Panel Date: July 08, 2020
Probable Cause Panel: Matthews, Fleming & Drury
Represented by: John Samaan, Esq.
CE Case

Mr. Howerton was present and sworn in before the addressing the board. Mr. Samaan was present also. 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 administrative complaint, administrative fine of \$500.00, administrative costs of \$83.85, and successful completion of the Board's Study Guide.

The Settlement Stipulation is the same as the PCP recommendation.

Mr. Samaan addressed the board.

Upon motion by Mr. Albergo, seconded by Mr. Shah, to reject the settlement stipulation and issue a counter settlement stipulation with the following penalties of an administrative complaint, complete to Auburn University Professionalism and Ethics course, costs, and successful completion of the board's study guide, the motion passed.

#16. Isbell, Bradley P.E.

P.E. Number: 77252
FEMC Case Number: 2020006086
Probable Cause Panel Date: July 08, 2020
Probable Cause Panel: Matthews, Fleming & Drury
CE Case

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 administrative complaint, administrative fine of \$500.00, administrative costs of \$68.25, and successful completion of the Board's Study Guide.

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

#17. Knauer, Clifford P.E. (confirmed attendance)

P.E. Number: 53930
FEMC Case Number: 2017021048
Probable Cause Panel Date: July 08, 2020
Probable Cause Panel: Matthews, Fleming & Drury

Mr. Knauer was present and sworn in prior to addressing the board. Mr. Rimes outlined the facts of the case. The charges relate to a violation Section 471.033(1)(g), F.S., & Rule 61G15-19.001(4) by engaging in negligence in the practice of engineering; Rule 61G15-27.001, failure to notify another PE prior to reuse of plans.

The Probable Cause Panel recommendation was an administrative complaint; administrative fine of \$ 1,000.00; administrative costs of \$2,340.70; 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 Basic Engineering Professionalism and Ethics course; and Successful completion of the Board's Study Guide.

The Settlement Stipulation is the same as the PCP recommendation.

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

#18. Kuntz, Mark P.E.

P.E. Number: 57515
FEMC Case Number: 2020006602
Probable Cause Panel Date: July 08, 2020
Probable Cause Panel: Matthews, Fleming & Drury
CE Case

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 administrative complaint, administrative fine of \$ 1,000.00, administrative costs of \$87.75, reprimand, and successful completion of the Board's Study Guide.

The Settlement Stipulation is the same as the PCP recommendation.

Upon motion by Mr. Shah, seconded by Mr. Albergo, to reject the settlement stipulation and issue a counter settlement stipulation to accept the counter stipulation with 30 days in writing and if not, then the original stipulation will be accepted. The following penalties in the counter stipulation will be administrative complaint, administrative fine of \$500, complete to Auburn University Professionalism and Ethics course, costs, and successful completion of the board's study guide, the motion passed.

#19. Mikuski, Amanda P.E. (Required attendance)

P.E. Number: 65118
FEMC Case Number: 2020010231
Probable Cause Panel Date: July 08, 2020
Probable Cause Panel: Matthews, Fleming & Drury
CE Case

Upon motion by Mr. Albergo, seconded by Mr. Shah, to table this case until December 2020 FBPE board meeting, the motion passed.

#20. Noyes, William P.E. (confirmed attendance)

P.E. Number: 68526
FEMC Case Number: 2020006534
Probable Cause Panel Date: July 08, 2020
Probable Cause Panel: Matthews, Fleming & Drury
CE Case

Mr. Noyes was present and sworn in before the 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.

The Probable Cause Panel recommendation was administrative complaint, administrative fine of \$500.00, administrative costs of \$72.15, and successful completion of the Board's Study Guide.

The Settlement Stipulation is the same as the PCP recommendation.

Upon motion by Mr. Albergo, seconded by Mr. Shah, to reject the settlement stipulation and issue a counter settlement stipulation with the following penalties of an administrative complaint, complete to Auburn University Professionalism and Ethics course, costs, and successful completion of the board's study guide, the motion passed.

#21. Orr, Mark P.E. (Required attendance)

P.E. Number: 80828
FEMC Case Number: 2020011096
Probable Cause Panel Date: July 08, 2020
Probable Cause Panel: Matthews, Fleming & Drury

Mr. Orr was present and sworn in before addressing the board. Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1)(c) Having a license to practice engineering acted against by another jurisdiction Section 471.033(1)(c) Having a license to practice engineering acted against by another jurisdiction.

Mr. Orr addressed the board.

The Probable Cause Panel recommendation was an administrative complaint; administrative costs of \$315.05; 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 restricted from Structural until he takes and passes the NCEES 16 hr. Str. exam.

The Settlement Stipulation is the same as the PCP recommendation.

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

#22. Parsley, Ronald P.E.

P.E. Number: 49260
FEMC Case Number: 2020007331
Probable Cause Panel Date: July 08, 2020
Probable Cause Panel: Matthews, Fleming & Drury
CE Case

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1)(c) Having a license to practice engineering acted against by another jurisdiction Section 471.033(1)(c) Having a license to practice engineering acted against by another jurisdiction.

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

The Settlement Stipulation is the same as the PCP recommendation.

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

#23. Reyes, Jaime P.E.

P.E. Number: 45593
FEMC Case Number: 2020007363
Probable Cause Panel Date: July 08, 2020
Probable Cause Panel: Matthews, Fleming & Drury
CE Case

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1)(c) Having a license to practice engineering acted against by another jurisdiction Section 471.033(1)(c) Having a license to practice engineering acted against by another jurisdiction.

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

The Settlement Stipulation is the same as the PCP recommendation.

Upon motion by Mr. Shah, seconded by Mr. Albergo, to reject the settlement stipulation and issue a counter settlement stipulation to accept the counter stipulation with 30days in writing and if not, then the original stipulation will be accept. The following penalties in the counter stipulation will be administrative complaint, administrative fine of \$500, complete to Auburn University Professionalism and Ethics course, costs, and successful completion of the board's study guide, the motion passed.

#24. Whitman, David P.E.

P.E. Number: 85170
FEMC Case Number: 2020005886
Probable Cause Panel Date: May 13, 2020
Probable Cause Panel: Matthews, Fleming & Drury
CE Case

Mr. Whitman was present and sworn in before 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.

The Probable Cause Panel recommendation was administrative complaint, administrative fine of \$500.00, administrative costs of \$87.75, and successful completion of the Board's Study Guide.

The Settlement Stipulation is the same as the PCP recommendation.

Mr. Whitman addressed the board.

Upon motion by Mr. Albergo, seconded by Mr. Shah, to reject the settlement stipulation and issue a counter settlement stipulation with the following penalties of an administrative complaint, complete to Auburn University Professionalism and Ethics course, costs, and successful completion of the board's study guide, the motion passed.

X. CE Cases from August 2020 FBPE Board Meeting for Reconsideration

#25. 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

The Probable Cause Panel recommendation was administrative complaint, 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, to amend the penalty to an administrative complaint, administrative costs of \$58.50, successful completion of the Auburn University Ethics course and successful completion of the Board's Study Guide. The motion passed.

#26. 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

The Probable Cause Panel recommendation was administrative complaint; 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, to amend the penalty to an administrative complaint, administrative costs of \$62.40, successful completion of the Auburn University Ethics course and successful completion of the Board's Study Guide. The motion passed.

#27. 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

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

Upon motion by Mr. Albergo, seconded by Mr. Shah, to amend the penalty to an administrative complaint, administrative fine of \$500.00, administrative costs of \$70.20, successful completion of the Auburn University Ethics course and successful completion of the Board's Study Guide. The motion passed.

#28. 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

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

Upon motion by Mr. Albergo, seconded by Mr. Shah, to amend the penalty to an administrative complaint, administrative fine of \$500.00, administrative costs of \$66.30, successful completion of the Auburn University Professionalism and Ethics course and successful completion of the Board's Study Guide. The motion passed.

#29. 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

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

Upon motion by Mr. Albergo, seconded by Mr. Shah, to amend the penalty to an administrative complaint, administrative fine of \$500.00, administrative costs of \$76.05, successful completion of the Auburn University Professionalism and Ethics course and successful completion of the Board's Study Guide. The motion passed.

#29. 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

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

Upon motion by Mr. Shah, seconded by Mr. Albergo, to amend the penalty to an administrative complaint, administrative fine of \$500.00, administrative costs of \$78.00, successful completion of the Auburn University Professionalism and Ethics course and successful completion of the Board's Study Guide. The motion passed.

#30. 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

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

Upon motion by Mr. Albergo, seconded by Mr. Shah, to amend the penalty to an administrative complaint, administrative fine of \$500.00, administrative costs of \$68.25, successful completion of the Auburn University Professionalism and Ethics course and successful completion of the Board's Study Guide. The motion passed.

Mr. Harris asked about the board going back to the first CE cases of the day to reconsider them based on the actions of today in regard to penalty.

Y. Old Business

#1. Draft Letter about Conflicts of Energy Gauge Summit Software with FBPE Rules (from August 2020 FPBE Bd mtg)

Mr. Drury discussed the draft letter. Discussion followed.

Upon motion by Mr. Drury, seconded by Mr. Fleming, to authorize the chair to sign the letter and send it to the appropriate agencies, the motion passed.

#2. Email about layers in PDF email

Discussion followed on the email. This item was referred to the Rules committee.

Z. New Business

AA. Adjourn

Next Board Meeting: December 10, 2020 at 8:30 am (via video conference)