

**Minutes for
The Florida Board of Professional Engineers
August 10, 2022 beginning at 1:00 p.m. or soon thereafter and
August 11, 2022 beginning at 8:30 a.m., or soon thereafter
Orlando, FL**

Part I – Wednesday, August 10, 2022

A. Call to Order, Invocation and Pledge of Allegiance

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

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

Board Members Present:

Scott Drury, P.E., Chair
Dylan Albergo, P.E., Vice Chair
Kevin Fleming, P.E.
Jeb Mulock, P.E.
Yassi Myers, P.E.
John Pistorino, P.E.
Pankaj (PJ) Shah, P.E.

Board Members Absent:

Denise Ramsey, P.E.
Babu Varghese, P.E., S.I.



Attorney General's Office:

Lawrence Harris, Sr. Assistant Attorney General, Counsel to the Board

Staff Members Present:

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

Upon motion by Mr. Fleming, seconded by Ms. Myers, to excuse the absences of Ms. Ramsey and Mr. Varghese, the motion passed.

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

Art Nordlinger, P.E.
Jamie M. Graham, P.E., FES
Andrew Lovenstein, P.E., FSEA

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 Ms. Myers, seconded by Mr. Mulock, to approve the agenda, the motion passed.

F. Approval of Consent Agenda

Upon motion by Ms. Myers, seconded by Mr. Mulock, to approve the consent agenda, the motion passed.

#1. Minutes from June 8-9, 2022 FBPE Board Meeting

Approved under consent agenda.

#2. Minutes from June 27, 2022 FBPE Board Meeting

Approved under consent agenda.

#3. Minutes from June 30, 2022 FBPE SI Rules Committee Meeting

Approved under consent agenda.

#4. Minutes from July 13, 2022 FBPE Probable Cause Panel Meeting

Approved under consent agenda.

#5. Minutes from July 13, 2022 FBPE Rules Committee Meeting

Approved under consent agenda.

#6. Minutes from July 15, 2022 FBPE Civil Rules Committee Meeting

Approved under consent agenda.

#7. 21-22 4th Qtr FEMC Report

Approved under consent agenda.

#8. Application for Retired Status

Approved under consent agenda.

G. Committee Reports

#1. Probable Cause Panel **(Next Meeting: September 14, 2022, at 8:30 am via video conference – Panel A)**

(Panel A: Robert Matthews, P.E., Chair; John Pistorino, P.E., S.I.; Warren Hahn, P.E.) and
(Panel B: Robert Matthews, P.E., Chair; Denise Ramsey, P.E.; John Pepper, P.E., S.I.)
(Kevin Fleming – alternate for both panels)

(a) Committee Chair's Report.

#2. Applications Review **(Next Meeting: September 14, 2022, at 1 pm via video conference)**

(Babu Varghese, P.E., S.I., Chair; Dylan Albergo, P.E.; Scott Drury, P.E.; Kevin Fleming, P.E.; Jeb Mulock, P.E.; Yassi Myers, P.E.; John Pistorino, P.E., S.I.; Denise Ramsey, P.E.; PJ Shah, P.E.)

(a) Committee Chair's Report.

(b) Application Review – Education and Experience will be done at one time and ratified the following day (Thursday morning)

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

(Kevin Fleming, P.E., Chair; Scott Drury, P.E.; Denise Ramsey, P.E.)

(a) Committee Chair's Report.

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

(Dylan Albergo, P.E., Chair; John Pistorino, P.E., S.I.; Babu Varghese, P.E., S.I.)

(a) Committee Chair's Report.

(b) Propose to the full FBPE Board the creation of a joint FBPE/FBC committee to regarding the recently passed bill in the legislature

Mr. Drury discussed the topic of adding another SI classification but that is not what the committee is looking at.

#5. Civil Rules Committee **(Next Meeting: TBD)**
(Jeb Mulock, P.E., Chair; Yassi Myers, P.E.; PJ Shah, P.E.)

(a) Committee Chair's Report.

H. NCEES

(Scott Drury, P.E., FBPE Liaison)

#1. 2022 NCEES Annual Meeting – Carlsbad, CA – August 23-26

Mr. Drury discussed the motions for the annual meeting and asked if the board members wanted to discuss any.

Ms. Sammons mentioned that several motions are going to be pulled by the Kentucky board. They are Education Motion 9, EPP Motion 6, EPS Motion 1, Finance Motion 4, and ELMTF Motion 1.

Ms. Myers stated that there were several motions that she would like to discuss, including ACCA Motion 5. Mr. Fleming provided some background on this item. Discussion followed.

Upon motion by Mr. Fleming, seconded by Ms. Myers, to oppose the changes to motion ACCA motion 5 and go back to the original language, the motion passed.

Mr. Fleming discussed the Western Zone motion 1. Further discussion followed.

Upon motion by Mr. Fleming, seconded by Mr. Shah, to oppose Western Zone motion 1 at the NCEES annual conference, the motion passed.

Mr. Fleming discussed Education Motion 9. Further discussion followed.

Upon motion by Mr. Fleming, seconded by Ms. Myers, to oppose Education motion 9 at the NCEES annual conference, the motion passed.

Upon motion by Ms. Myers, seconded by Mr. Shah, to authorize Mr. Drury to vote on behalf of the board at the NCEES annual conference, the motion passed.

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 61G15-26.001

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

Upon motion by Mr. Pistorino, seconded by Mr. Shah, to accept the proposed language for 61G15-26.001 as presented in the meeting materials, the motion passed.

Upon motion by Mr. Fleming, seconded by Mr. Shah, 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, 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 is for this rule, the motion passed.

#3. Public Hearing on Rule 61G15-20.007 and 61G15-20.008

Mr. Harris discussed the proposed rule amendments. Further discussion followed on allowing DSST exams pursuant petition that was denied in June.

Upon motion by Mr. Albergo, seconded by Ms. Myers, to open the rules for development and propose rule changes as presented in the meeting materials, the motion passed.

Upon motion by Mr. Albergo, seconded by Mr. Fleming, 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, 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 is for this rule, the motion passed.

#4. Public Hearing on Rule 61G15-22.009

Mr. Harris discussed the rule and requirements of the statute for renewing the PE license. Further discussion followed.

#5. Annual Regulatory Plan – discussion and needs approval

Mr. Harris discussed the annual regulatory plan.

Upon motion by Mr. Albergo, seconded by Mr. Fleming, to delegate the chair to finalize the plan with staff and board counsel and authorize Mr. Drury to sign the plan, the motion passed.

#6. Discussion on continued implementation of Chapter 2022-186, LOF (Rule 61G15-20.0011) - language to implement HB 375

Mr. Harris discussed the proposed changes in the meeting packet and the proposed changes by FSEA and Mr. Lovenstein. Discussion followed.

Upon motion by Mr. Pistorino, seconded by Ms. Myers, to adopt the proposed changes by FSEA and Mr. Lovenstein, the motion passed.

Upon motion by Mr. Albergo, seconded by Ms. Myers, 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, 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 is for this rule, the motion passed.

J. Executive Director's Report

#1. Renewal Update

Ms. Sammons reported that staff met with DBPR to discuss plans for renewal, including changes to the attestations and when renewal will open.

#2. Annual Certification of FEMC-DBPR Contract

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

Upon motion by Ms. Myers, seconded by Mr. Shah, to approve the certification, the motion passed.

#3. Applications for Reappointment to FEMC Board

- Safiya Brea
- Satya Lory
- Art Nordlinger

Ms. Sammons stated that Mr. Nordlinger, Ms. Brea, and Ms. Lory's term expires in October, and they would like to be reappointed to the FEMC board and they are eligible for another four-year term. Discussion followed on board appointments to FEMC and how to apply to the board.

Upon motion by Mr. Pistorino, seconded by Mr. Fleming, to reappoint Mr. Nordlinger, Ms. Brea, and Ms. Lory to the FEMC board for another four-year term, the motion passed.

#4. 2022 FBPE/FEMC Meeting Calendar

Provided for informational purposes.

#5. 2023 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. Drury established a committee that would meet with the FBC to discuss the recent bill that was passed dealing with recertifications. He appointed Mr. Pistorino (chair), Mr. Fleming, Mr. Varghese and Ms. Ramsey to the committee and asked staff to contact the Building Commission to setup a joint meeting with the committee to discuss the bill and recent statute change.

N. Action Items from Previous Board Meetings

O. Correspondence to the Board

#1. Email from Chris Ryder, P.E. – Free speech as an engineer

Mr. Harris discussed this email and stated that the board should do nothing as the board does not speculate. Discussion followed. The board decided not to take any action.

#2. Email from Mr. Ed Bayo – Misuse of FBPE Complaint Process

Mr. Bayo stated that in his opinion and based upon his experience in specific instances there are professional engineers and attorneys who are misusing the investigatory process. Mr. Bayo stated that this is happening in the area of insurance coverage litigation after storm damage. Insurance companies and/or the attorneys representing them are using engineers to file complaints against engineers that have been retained by homeowners or private adjusters to prepare damage assessment reports. The complaints allege that the engineers working on the side of the homeowners are negligent in the methodology or process used to prepare the reports. The fact that such complaints have been deemed “legally sufficient” is being used in motions and other pleadings challenging the qualifications of the engineers working for the homeowners, and the finding of “legal sufficiency” is being mischaracterized as an indication that the engineers have been found to be at fault.

The board noted that pursuant to the applicable statute, the finding of “legal sufficiency” is simply a preliminary determination that if the allegations made in writing were proven, that there would be a violation. The board also notes that it is required by law to initiate an investigation whenever a “legally sufficient” complaint is filed and that many “legally sufficient” complaints are closed because the investigation concluded that no violation was present.

P. Public Forum

Q. Community Involvement

- R. Review of Applications – Education and experience will be done at one time and ratified at the Thursday morning board meeting on August 11, 2022 in separate meeting books

Part II
Informal Hearing Agenda
(Thursday, August 11, 2022)

Review of FBPE Mission and Scope:

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

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

- S. Ratification of Actions from Application Review, August 10, 2022

Upon motion by Mr. Pistorino, seconded by Mr. Fleming, to approve the ratification list, the motion passed.

- T. Informal Hearing on Denial of Application for Certification as Engineer Intern

#1. Miteshkumar Patel

Mr. Patel was present and sworn in prior to addressing the board. Mr. Harris explained the basis for the denial. The denial of the application is based on education. The applicant lacks two hours of general education.

Mr. Patel addressed the board.

Upon motion by Mr. Fleming, seconded by Mr. Shah, to continue the hearing until the October 2022 board meeting, to allow the applicant time to take the missing hours and provide results to the office, to delegate to staff to review and approved the application if it meets our requirements, and if not, then the hearing will reconvene at the October 2022 board meeting or the applicant can withdraw, the motion passed.

- U. Informal Hearing on Denial of Application for Licensure as Professional Engineer

#1. Venugopal Chada

Mr. Chada was present and sworn in prior to addressing the board. Mr. Harris explained the basis for the denial. The denial of the application is based on education. The applicant lacks five hours of general education.

Mr. Chada addressed the board.

Upon motion by Ms. Myers, seconded by Mr. Mulock, to continue the hearing until the December 2022 board meeting, to allow the applicant time to take the missing hours and provide results to the office, to delegate to staff to review and approved the application if it meets our requirements, and if not, then the hearing will reconvene at the December 2022 board meeting or the applicant can withdraw, the motion passed.

#2. Jessica Pacheco

Ms. Pacheco was present and sworn in prior to addressing the board. Mr. Harris explained the basis for the denial. The denial of the application is based on education. The applicant lacks 3.2 hours of engineering science & design.

Ms. Pacheco addressed the board. Discussion followed.

Upon motion by Ms. Myers, seconded by Mr. Fleming, that the only deficiency is three hours of engineering science & design, the motion passed.

Upon motion by Ms. Myers, seconded by Mr. Mulock, to continue the hearing until the February 2023 board meeting, to allow the applicant time to take the missing hours and provide results to the office, to delegate to staff to review and approved the application if it meets our requirements, and if not, then the hearing will reconvene at the February 2023 board meeting or the applicant can withdraw, the motion passed.

V. Informal Hearing on Denial of Application for Special Inspector

#1. Mohammad Bazzaz

Mr. Bazzaz was present and sworn in prior to addressing the board. Mr. Harris explained the basis for the denial. The basis for the denial is as follows:

- Overlapping months of experience;
- Non-related verbiage (copied spec) that is difficult to read;
- Inspection exp #1: Months appears excessive (21 months for 12 story – 11k sq ft);
- Inspection exp #3: (same description copied from design exp. #1);
- Confirm that the building in Texas was inspected;
- The inspection of this building (10/18 – 6/19) was before starting the design (3/19 - 6/19) (see design exp #1)

Discussion followed.

Mr. Bazzaz addressed the board. Discussion followed.

Mr. Bazzaz withdrew his application.

Upon motion by Mr. Albergo, seconded by Mr. Shah, to vacate the notice of intent to deny and allow the applicant to withdraw his application, the motion passed.

W. Hearing on Denial of Application for Licensure by Endorsement and request to change from formal hearing/referral at DOAH to informal hearing

#1. Olukunle Olaore

Mr. Harris explained the basis for the denial. The denial is based on applicant having no NCEES FE exam (he does not qualify for waiver), on applicant having no NCEES PE exam, applicant's work verifications are by Canadian engineers, and applicant has no US licensed professional references. Mr. Harris stated that the applicant has requested a formal hearing but has not provided the basis for the disputed facts.

Upon motion by Mr. Albergo, seconded by Mr. Mulock, to convene an informal hearing, the motion passed.

Upon motion by Mr. Fleming, seconded by Mr. Shah, that Mr. Olaore 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; to deny the request for formal hearing, deny referral to DOAH and to convene a 120.57(2) hearing not involving disputed issues of fact to accept the complete application files, including any supplemental materials provided by Mr. Olaore, into the record, to adopt the factual allegations contained within the Notice of Intent to Deny as the Board's findings of facts, to adopt the legal conclusions contained in the Notice of Intent to Deny as the Board's conclusions of law, and find the facts adequately support the denial of the application for Florida licensure, the motion passed.

Part III
Disciplinary Hearings
(Thursday, August 11, 2022)

X. Settlement Stipulation

NOTE: Cases 1-2 and 4-14 (which are CE cases) may be taken up as one single item unless any board member wishes to pull any case for individual consideration, or a Respondent wishes to address the board. It is understood that any member participating in PCP would be recused from the vote on that item – this agenda indicates the PCP member for each item.

Mr. Rimes outlined the facts of the CE cases as noted on the list below. 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.

Mr. Rimes suggested that: Cases 1-2 and 4-14 be taken up as one item, with any individual cases a member had questions about being pulled for separate action. Mr. Rimes further suggested that the materials provided indicated which member(s) would be recused from the vote due to participation in a Probable Cause Panel.

Upon motion by Ms. Myers, seconded by Mr. Mulock, to accept Cases 1-2 and 4-14 settlement stipulations as presented with one vote, the appropriate board members serving on PCP being recused, and NO cases being pulled out for individual consideration; and that acceptance of the settlement stipulations in these cases does NOT constitute discipline on the licensee's Florida PE license as noted on the agenda and in the meeting materials, the motion passed.

#1. Brown, Nicholas, P.E. (CE case)

P.E. Number: 78775
FEMC Case Number: 2021040541
Probable Cause Panel Date: May 11, 2022
Probable Cause Panel: Matthews, Pistorino, Hahn

Mr. Pistorino was recused from vote on this case.

#2. Bryant, Joseph, P.E. (CE case)

P.E. Number: 85157
FEMC Case Number: 2022003291
Probable Cause Panel Date: May 11, 2022
Probable Cause Panel: Matthews, Pistorino, Hahn

Mr. Pistorino was recused from vote on this case.

#3. Cole, Richard, P.E. (Required appearance)

P.E. Number: 83903
FEMC Case Number: 2021022251
Probable Cause Panel Date: March 16, 2022
Probable Cause Panel: Matthews, Albergo & Pepper
Represented by: Jeff Peters, Esq.

Mr. Peters was present for his client. Mr. Peter's explained that Mr. Cole's mother passed away that is the reason for his client not attending the board meeting.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1)(g), F.S., & Rule 61G15-19.001(4) by engaging in negligence in the practice of engineering.

The Probable Cause Panel recommendation was an administrative cost of \$1,608.65, administrative fine of \$1,000, reprimand, appearance before the board to discuss how this situation occurred, what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future, 2-year probation, successful completion of the board-approved Basic Engineering Professionalism and Ethics course, and successful completion of the Board's Study Guide.

Settlement Stipulation is administrative costs of \$1,608.65, administrative fine of \$1,000, 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.

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

#4. DiGiacobbe, Paul, P.E. (CE case)

P.E. Number: 83133
FEMC Case Number: 2021042180
Probable Cause Panel Date: May 11, 2022
Probable Cause Panel: Matthews, Pistorino, Hahn

Mr. Pistorino was recused from vote on this case.

#5. Goicochea, Graciela, P.E. (CE case)

P.E. Number: 81511
FEMC Case Number: 2021046521
Probable Cause Panel Date: May 11, 2022

Probable Cause Panel: Matthews, Pistorino, Hahn

Mr. Pistorino was recused from vote on this case.

#6. Hamme, Ronald, P.E. (CE case)

P.E. Number: 58522
FEMC Case Number: 2021049107
Probable Cause Panel Date: May 11, 2022
Probable Cause Panel: Matthews, Pistorino, Hahn

Mr. Pistorino was recused from vote on this case.

#7. Johnson, William, P.E. (CE case)

P.E. Number: 41040
FEMC Case Number: 2021048566
Probable Cause Panel Date: May 11, 2022
Probable Cause Panel: Matthews, Pistorino, Hahn

Mr. Pistorino was recused from vote on this case.

#8. Kennedy, Colby, P.E. (CE case)

P.E. Number: 81187
FEMC Case Number: 2021055762
Probable Cause Panel Date: May 11, 2022
Probable Cause Panel: Matthews, Pistorino, Hahn

Mr. Pistorino was recused from vote on this case.

#9. Quattlebaum, Scott, P.E. (CE case)

P.E. Number: 78140
FEMC Case Number: 2022006401
Probable Cause Panel Date: May 11, 2022
Probable Cause Panel: Matthews, Pistorino, Hahn

#10. Ripley, Leonard, P.E. (CE case)

P.E. Number: 89417
FEMC Case Number: 2022002364
Probable Cause Panel Date: March 16, 2022
Probable Cause Panel: Matthews, Albergo & Pepper

Mr. Albergo was recused from vote on this case.

#11. Schriewer, Matthew, P.E. (CE case)

P.E. Number: 89787

FEMC Case Number: 2022011913
Probable Cause Panel Date: May 11, 2022
Probable Cause Panel: Matthews, Pistorino, Hahn

Mr. Pistorino was recused from vote on this case.

#12. Sielaff, Brian, P.E. (CE case)
P.E. Number: 69569
FEMC Case Number: 2022006287
Probable Cause Panel Date: May 11, 2022
Probable Cause Panel: Matthews, Pistorino, Hahn

Mr. Pistorino was recused from vote on this case.

#13. Snyder, Jeremy, P.E. (CE case)
P.E. Number: 85473
FEMC Case Number: 2022012034
Probable Cause Panel Date: May 11, 2022
Probable Cause Panel: Matthews, Pistorino, Hahn

Mr. Pistorino was recused from vote on this case.

#14. Thoma, Douglas, P.E. (CE case)
P.E. Number: 77138
FEMC Case Number: 2022006835
Probable Cause Panel Date: May 11, 2022
Probable Cause Panel: Matthews, Pistorino, Hahn

Mr. Pistorino was recused from vote on this case.

Y. Informal Hearing

#1. Hartman, Jan, P.E.
P.E. Number: 82996
FEMC Case Number: 2021034341
Probable Cause Panel Date: July 14, 2021
Probable Cause Panel: Matthews, Albergo, & Pepper

Mr. Albergo was recused from vote on this case.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1)(d), Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of engineering or the ability to practice engineering; 455.227(1)(c), FS: Being convicted or

found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the....ability to practice, a licensee's profession; §455.227(1)(t), FS: Failing to report in writing a conviction or plea of nolo contendere within 30 days after the licenses is convicted or entered a plea to a crime in any jurisdiction.

Probable Cause was found on November 09, 2021 on the issue of Respondent. An Administrative Complaint was authorized and filed on November 29, 2021. A signed Election of Rights requesting an Informal hearing was returned to the FBPE office January 03, 2022.

A signed Statement of Undisputed Material Facts was received on January 04, 2022. Respondent returned the Statement of Undisputed Material Facts along with a letter requesting some changes be made to the Statement of Undisputed Material Facts. Some of the changes were made and the new Statement of Undisputed Material Facts along with a letter explaining why other changes were not made, was mailed on January 27, 2022. Respondent returned the Statement of Undisputed Material Facts along with another letter packet explaining that his situation has changed and would like to change the Statement of Undisputed Material Facts. Respondent also stated in both letter package he sent in that if the changes could not be made, he would sign the Statement of Undisputed Material Facts.

The Probable Cause Panel recommendation was Administrative Complaint and Revocation.

Harris explained the informal hearing process and what the Statement of Undisputed Material Facts with the Respondent's comments constitutes.

Upon motion by Mr. Fleming, seconded by Ms. Myers, 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. Fleming, to suspend for the Respondents' license for five years and require an appearance after five years, the Respondent could request reinstatement but it is not guaranteed, that Respondent may be required to produce documentation of ongoing substance abuse and psychological counseling, that Respondent file a petition to reinstate license and make an appearance before the board, and pay \$1,000 fine, the motion passed.

Z. Discussion

#1. Noble, Andrew, P.E.

P.E. Number: 54063
FEMC Case Number: 2020027145
Probable Cause Panel Date: July 14, 2021
Probable Cause Panel: Matthews, Albergo & Pepper

Mr. Rimes outlined the facts of the case. Mr. Noble provided his list of projects for the 6-month project review to FEMC on March 15, 2022, and that list was provided to FEMC Consultant, Karl F. Hees, P.E. on March 15, 2022. Mr. Hees chose the following projects for review: 1) Lowe Electric and 2) Blue Origin Weld Shop. The project documents were requested from Mr. Noble on March 15, 2022. The project reviews were to cover all structural portions of the projects. The structural was done by Karl F. Hees, P.E. The project documents were received from Mr. Noble on March 21, 2022 and were provided to Mr. Hees on March 21, 2022. On June 15, 2022, Mr. Hees provided his opinion of the projects reviewed. Mr. Hees' opinion of the structural review was provided to Mr. Noble on June 15, 2022. The Respondent, Mr. Noble, paid the fine and costs in on November 03, 2021, completed the study guide November 12, 2021, and completed the P&E course on January 02, 2022. This case was presented to the Probable Cause Panel due to the deficiencies noted in Mr. Hees opinion. The Panel looked at the project documents and Mr. Hees opinion and recommended waiver of the 18-month project review.

Upon motion by Mr. Fleming, seconded by Ms. Myers, to accept the request to waive the 18-month project review, the motion passed.

AA. Old Business

The discussion below is a continuation from Wednesday about motions at the NCEES annual conference that the board would like to pull to discuss and provide alternate language and vote against if the proposed language stays.

Discussion on ACCA Motion 5. The board would like NCEES to go back to original language. The reasons given are an eroding whole matrix of the exams, belief that it lowers the matrices of the exam, no understanding of what "equitable" means, belief that it does not meet the standard of position statement, that this is not political statement of FBPE, and it does not meet the mission of NCEES or FBPE.

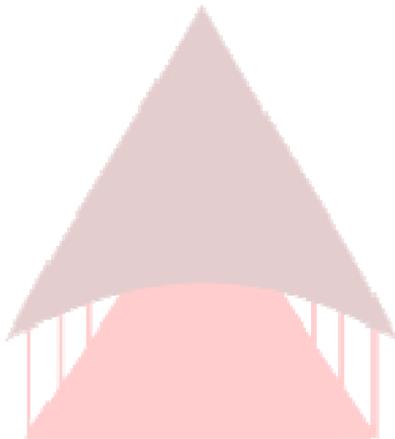
Discussion Education Motion 9. Reason given for pulling the motion are it does not include the practice of surveying, it would be a hardship for some, needs clarification or embellishment, and it is silent on experience.

Discussion EPP4 item D. Reasons given for pulling motion are gender neutral language may discourage women and others from getting into stem or into the profession and the profession should not get into the pronoun war.

BB. New Business

CC. Adjourn

Next Board Meeting: October 12-13, 2022
Hyatt Place Orlando Airport



FBPE

FLORIDA BOARD OF
PROFESSIONAL ENGINEERS