

**Minutes for
The Florida Board of Professional Engineers
October 12, 2022, beginning at 1:00 p.m. or soon thereafter and
October 13, 2022, beginning at 8:30 a.m., or soon thereafter
Orlando, FL**

Part I – Wednesday, October 12, 2022

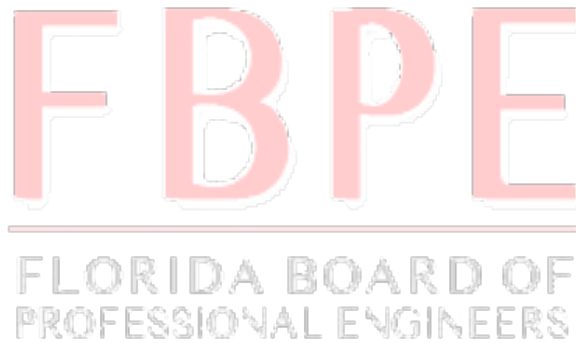
A. Call to Order, Invocation and Pledge of Allegiance

Mr. Drury called the meeting to order. Ms. Raybon 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.
Denise Ramsey, P.E.
Pankaj (PJ) Shah, 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:

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

Angelina Fairchild, P.E., FES
Art Nordlinger, P.E., FEMC Board Member
Bill Bracken, P.E., S.I.
Bill Lampkin, FBPE Public Information Officer
Andrew Lovenstein, P.E., FSEA
Tom Grogan, 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

Mr. Drury stated that the advisory attorney's report will be moved on the agenda to after the consent agenda and the NCEES and Chair's report will be moved on the agenda to be taken immediately after the advisory attorney's report.

Upon motion by Ms. Myers, seconded by Ms. Ramsey, to approve the amended agenda, the motion passed.

F. Approval of Consent Agenda

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

#1. Minutes from August 10-11, 2022, FBPE Board Meeting

Approved under consent agenda.

#2. Minutes from September 14, 2022, FBPE Probable Cause Panel Meeting

Approved under consent agenda.

#3. Minutes from September 14, 2022, FBPE Board Meeting

Approved under consent agenda.

#4. 21-22 FEMC Annual Report

Approved under consent agenda.

#5. Application for Retired Status

Approved under consent agenda.



G. Committee Reports

#1. Probable Cause Panel **(Next Meeting: November 2, 2022, at 8:30 am via video conference – Panel B)**

(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: November 2, 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)

(i) FRSE Application for full board review

This item was addressed at application review.

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

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

(a) Committee Chair's Report.

(b) Email/Memo from Board Member Varghese to review Rule 61G15-23.001(4)(b)

This item was referred to the next Rules Committee meeting.

#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.

#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.

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

(John Pistorino, P.E., S.I., Chair; Kevin Fleming, P.E.; Denise Ramsey, P.E.; Babu Varghese, P.E., S.I.)

(a) Committee Chair's Report.

Ms. Raybon stated that she talked Mo Modani at FBC, and he stated that all their meetings are open to the public and can be viewed via the internet. Ms. Raybon also stated that she had gathered documents about the issue. Discussion followed. The committee members asked that Ms. Raybon forward the documents that she had to them.

H. NCEES

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

#1. 2022 NCEES Annual Meeting Report by FBPE Chair

This item was addressed under the Chair's report.

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 61G15-20.007 and 61G15-20.008

Mr. Harris discussed the proposed language. Discussion followed.

Upon motion by Mr. Albergo, seconded by Ms. Ramsey, to accept the proposed language for 61G15-20.007 and 61G15-20.008 as presented in the meeting materials, the motion passed.

Upon motion by Mr. Fleming, 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 not applicable for this rule, the motion passed.

#3. Public Hearing on Rule 61G15-22.009

Mr. Harris discussed the proposed language. Discussion followed.

Upon motion by Ms. Myers, seconded by Mr. Mulock, to accept the proposed language for 61G15-22.009 as presented in the meeting materials, the motion passed.

Upon motion by Mr. Fleming, 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 not applicable for this rule, the motion passed.

#4. Public Hearing on Rule 61G15-20.0011 - language to implement HB 375

Mr. Harris discussed the proposed changes to the rule.

Mr. Grogan talked about the experience component and removing inspection experience from the rule.

Mr. Bracken discussed that the board may want to look at the attestations and add something more substantial.

Mr. Lovenstein stated that FSEA would be agreeable to having another PE verify the experience of the applicant.

Mr. Varghese suggested adding to the rule language an option for recognition if the engineer had become an SI after 2015 and that would clear the issue with two story building.

Mr. Pistorino stated that in Dade and Broward County the building officials would use this as a qualification and limitation.

Ms. Ramsey talked about changing the form to add check box for building stories and occupancy.

Mr. Rimes stated that the SE licensing group has definition about of structural engineering.

Mr. Mulock made a motion, seconded by Mr. Shah, to amend the proposed language as follows:

61G15-20.0011 Structural Engineering Recognition Program for Professional Engineers.

Pursuant to Section 471.055, F.S., the Board establishes the following minimum requirements for Florida licensed professional engineers who specialize in structural engineering and who

have exceeded required minimum professional engineer licensing standards in that specialty area to receive recognition through the Structural Engineering Recognition Program for Professional Engineers.

(1) Any professional engineer currently licensed in good standing in the state of Florida who desires Recognition as a Structural Engineer in Florida shall submit an online form to the Board. The form is located on the board's website at www.FBPE.org/FBRSE. The Board shall Recognize only those applicants who have completed the online form, including submission of required documentation, and who have demonstrated to the Board that they have:

(a) No Change

(b) Prior to January 1, 2004, passed ~~a~~ 16-hour state-written examination equivalent in scope and content to the examination identified in paragraph (1)(a), above. ~~1.~~ For purposes of this rule, the board identifies the following ~~as~~ examinations ~~as~~ equivalent in scope and content ~~as~~: the 16-hour Western States Structural Engineering examination, OR

(c) – (d) No Change

(e) Held active license(s) or registration(s) (as applicable) in any single or combination of US Jurisdiction~~s~~ and:

1. Has at least five (5) years of experience after licensure as a Professional Engineer in any jurisdiction(s) designing and/or inspecting significant structural engineering projects. For purposes of this rule, "significant structural engineering projects" is defined as the design or inspection of structural components and systems of any of the following:

a. – d. No Change

2. The license(s) and/or registration(s) must have been awarded at least five ~~1~~(5) years prior to the application date, and must remain valid continuously through the application process, and

3. No Change.

(f) Been Certified as a Special Inspector of Threshold Buildings pursuant to section 471.015(7), F.S. prior to February 2016, or if so certified after February, 2016, sought certification based on principal practice in the area of structural engineering as defined in Rule 61G15-35.003(1)(a) and (b), F.A.C. Certification as a Special Inspector (Limited) will not qualify an applicant for recognition.

(2) – (3) No Change.

(4) Upon submission of the online form, the Board will timely notify an applicant of any documentation and/or information that is required to complete the request.

(a) Examples of dDocumentation/information required may include~~s~~, but is not limited to, written proof of passage of examinations, verifications of out of state licensure, or for applicants by experience, a signed and sealed statement of experience demonstrating the scope of applicant's work on significant structural engineering projects.

(b) No Change.

(5) No Change.

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 not applicable for this rule, the motion passed.

Upon motion by Mr. Albergo, seconded by Ms. Myers, that all non-experience FRSE applications can be approved by staff and all experience applications must be sent to the board for review and action, the motion passed.

J. Executive Director's Report

#1. Renewal Update

Ms. Raybon talked the upcoming renewal. Discussion followed.

Mr. Rimes talked about the CE Audit and that based the percentage of failures that the board will be required to go back to mandatory reporting for the next renewal cycle.

#2. Follow up on accepting/equivalency of CEAB degrees

Ms. Raybon stated that the board asked her to gather some information about CEAB degrees and that is what is in the meeting book. Discussion followed.

This item was referred to the Rules Committee for review and action.

#3. Request by FBPE PCP Chair Matthews to waive his CE hours - has been done the past two renewal cycles

Ms. Sammons stated that Mr. Matthews was asking if the board could waive his CE requirements for the upcoming renewal as they have done in the past.

Upon motion by Mr. Fleming, seconded by Mr. Drury, to waive the 18 hours of CE for Mr. Matthews as he is PCP chair, the motion passed.

#4. 2022 FBPE/FEMC Meeting Calendar

Provided for informational purposes.

#5. 2023 FBPE/FEMC Meeting Calendar

Provided for informational purposes.

#6. Proposed 2024 FBPE/FEMC Meeting Calendar

Provided for informational purposes.

K. Chief Prosecutor's Report

#1. 300-day report

Provided for informational purposes.

#2. Profile of legal cases by year

(a) Cases open for 1 year plus

Provided for informational purposes.

(b) Total open cases by year

Provided for informational purposes.

#3. Non-Compliance Report

Provided for informational purposes.

#4. Open case report

Provided for informational purposes.

L. Engineering Association and Society Reports

#1. FSEA

#2. FES

#3. IEEE

#4. ASCE

M. Chair's Report

#1. Appoint Nominations Committee

Mr. Drury appointed the following members to the Nominations committee:

- Ms. Ramsey, who will serve as chair;
- Mr. Varghese; and
- Ms. Myers.

Mr. Drury also disbanded the Civil Rules committee as they have completed their task.

#2. FBPE Newsletter Policies and Procedures

- a. Discussion on October 2022 newsletter
- b. Review of Proposed Statement by Chair for correcting the record of the DEI article

Mr. Drury discussed the motions that the board had requested to be pulled at the NCEES annual meeting, how the process worked before the meeting and at the meeting, and the reports after the meeting that are in the meeting book. Discussion followed about the annual meeting.

Mr. Drury also talked about the Executive Director's article in the newsletter that was sent out on last week. Mr. Drury stated that he requested that the newsletter be recalled from all licensees, the article removed for the newsletter and to have an agenda item about this on the board meeting today. Mr. Drury stated that he was informed that the newsletter could not be recalled because it was sent out using a third party. However, the article was removed from the website. Discussion followed.

Mr. Drury stated that in the meeting materials was a draft response to the newsletter article. He asked for the board's thought on whether it should be sent in an email or not. Discussion followed.

Upon motion by Ms. Myers, seconded by Mr. Fleming, to send an email with the article written by Mr. Drury in regard to the ED's article, the motion passed. Ms. Ramsey and Mr. Pistorino voted no.

Mr. Drury discussed how to keep this from happening again. Mr. Drury stated that the newsletter should be sent to the chair and vice chair one week prior to publication for their review and approval. If either decides that an article should not be published, then the article will be pulled. The chair and vice chair must respond either way about the newsletter. Discussion followed.

Upon motion by Mr. Drury, seconded by Ms. Myers, to have the newsletter sent to the chair and vice chair respectively for their review and approval and that both will be given one week to respond either approving or not, the motion passed.

N. Action Items from Previous Board Meetings

O. Correspondence to the Board

#1. Email from Michel Wallwork, P.E., - Re: Continuing Education

Ms. Raybon discussed the email. Discussion followed.

The board decided to that the licensee will have to take the required continuing education courses. Mr. Harris will respond.

#2. Email from Chris Ryder, P.E. – Re: Free speech as an engineer

Mr. Harris discussed the email. Discussion followed.

This item was referred to the Rules Committee for review and action. Staff was asked to inform Mr. Ryder when the next committee meeting will be.

#3. Letter from Carl Deimling – Re: Asking to go from null and void to retired

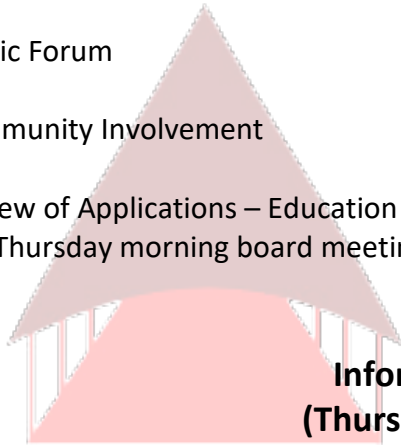
Ms. Raybon discussed the email. Discussion followed.

The board decided that the licensee will have to take the required continuing education courses. Mr. Harris will respond.

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 October 12, 2022 – in separate meeting book



FBPE

Part II

**Informal Hearing Agenda
(Thursday, October 13, 2022)**

FLORIDA BOARD OF
PROFESSIONAL ENGINEERS

S. Ratification of Actions from Application Review, October 12, 2022

Mr. Fleming stated that #13 should be approved.

Upon motion by Mr. Fleming, seconded by Mr. Mulock, to approve the ratification list as amended, the motion passed.

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

#1. Mahmoud Hassan

Ms. Sammons stated that this application was originally scheduled for August and the applicant asked to move to the October meeting and now the applicant is requesting another move.

Mr. Harris explained the basis for the denial. Mr. Hassan lacks 4.6 hours of general education. Discussion followed.

Upon motion by Mr. Albergo, seconded by Mr. Fleming, that Mr. Hassan 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 convene a 120.57(2) hearing not involving disputed issues of fact after the voluntary dismissal of the DOAH petition and remand from DOAH, to accept the complete application and DOAH files, including any supplemental materials provided by Mr. Hassan, 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, and to deny the application for Florida licensure and to stay this decision for 10 days, to direct staff to contact the applicant and to offer the option to withdraw the application in writing, the motion passed.

#2. Weldon Spurling

Dr. Spurling was present and sworn in prior to addressing the board. Mr. Harris explained the basis for denial. Dr. Spurling does not hold an engineering degree and he passed the FE in VA in 1995 and passed the PE in IL in 2001. The basis for denial was education.

Dr. Spurling addressed the board. Discussion followed.

Dr. Spurling requested to withdraw his application.

Upon motion by Mr. Fleming, seconded by Mr. Mulock, to vacate the NOID and allow the request to withdraw, the motion passed.

U. Petition for Waiver and Variance and Application for Engineering Intern Certification

#1. Alycia Ciresi

Ms. Ciresi was present and sworn in prior to addressing the board. Mr. Harris outlined the facts of the case. The applicant lacks 5 hours of engineering science and design.

Ms. Ciresi has filed a petition asking the board to waive the 5 hours of engineering science and design that she is lacking. Discussion followed.

Ms. Ciresi asked to withdraw her petition and application.

Upon motion by Mr. Fleming, seconded by Ms. Myers, to accept the request to withdraw the application and petition, the motion passed.

Part III
Disciplinary Hearings
(Thursday, October 13, 2022)

V. Settlement Stipulation

NOTE: Cases 1 – 4 and 6 (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 1-4 and 6 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. Shah, to accept Cases 1-4 and 6 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. Costello, Timothy, P.E. (CE case)

P.E. Number: 87601
FEMC Case Number: 2021045272
Probable Cause Panel Date: November 09, 2021
Probable Cause Panel: Matthews, Albergo & Pepper
Represented by: Stephen Safranek, Esq.

#2. De Vera, Abelardo, P.E. (CE case)

P.E. Number: 83009
FEMC Case Number: 2022025516

Probable Cause Panel Date: July 13, 2022
Probable Cause Panel: Matthews, Ramsey & Pepper

#3. Eavenson, Jake, P.E. (CE case)

P.E. Number: 88026
FEMC Case Number: 2021045388
Probable Cause Panel Date: July 13, 2022
Probable Cause Panel: Matthews, Ramsey & Pepper

#4. Greve, Harald, P.E. (CE case)

P.E. Number: 78715
FEMC Case Number: 2022021596
Probable Cause Panel Date: July 13, 2022
Probable Cause Panel: Matthews, Ramsey & Pepper

#5. James, Jacqueline, P.E. (Required appearance)

P.E. Number: 66579
FEMC Case Number: 2021038637
Probable Cause Panel Date: January 12, 2022 & July 13, 2022
Probable Cause Panel: Matthews, Varghese, Hahn, Ramsey & Pepper
Represented by: Jeff Peters, Esq.

Ms. James was present along with counsel, Mr. Peters. Ms. James was 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)(k), F.S.: Violating any order of the board or department previously entered in a disciplinary hearing

The Probable Cause Panel recommendation was administrative fine of \$1,000.00, administrative costs of \$608.65, 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 Advanced Engineering Professionalism and Ethics course; and successful completion of the board's study guide.

The Settlement Stipulation is administrative fine of \$1,000.00, administrative costs of \$608.65, 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 Advanced Engineering Professionalism and Ethics course; and successful completion of the board's study guide.

Mr. Peters addressed the board.

Ms. James addressed the board.

Discussion followed.

Upon motion by Mr. Pistorino, seconded by Mr. Shah, to approve the settlement stipulation, the motion passed. Mr. Mulock opposed.

#6. Nader, Marwan, P.E. (CE case)

P.E. Number: 72598
FEMC Case Number: 2022027202
Probable Cause Panel Date: July 13, 2022
Probable Cause Panel: Matthews, Ramsey & Pepper

#7. Schultz, Matthew, P.E. (CE case-appearance required)

P.E. Number: 63132
FEMC Case Number: 2022021373
Probable Cause Panel Date: July 13, 2022
Probable Cause Panel: Matthews, Ramsey & Pepper

Upon motion by Mr. Fleming, seconded by Ms. Myers, to move this case to the November board meeting, the motion passed.

W. Informal Hearing

#1. Landers, Edward, P.E.

P.E. Number: 38398
FEMC Case Number: 2021039715
Probable Cause Panel Date: May 11, 2022
Probable Cause Panel: Matthews, Pistorino, & Hahn

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

Probable Cause was found on May 11, 2022, on the issue of Respondent. Administrative Complaint was authorized and filed on May 23, 2022. A signed Election of Rights requesting an Informal hearing was returned to the FBPE office July 25, 2022.

A signed Statement of Undisputed Material Facts has been received on September 15, 2022.

The Probable Cause Panel recommendation was an administrative complaint, administrative fine of \$ 5,000.00, administrative costs of \$134.65, 6-month suspension of PE license, reprimand, suspension of license until in compliance and then appearance

before the Board, and an 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.

Upon motion by Mr. Fleming, 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. Fleming, seconded by Ms. Ramsey, to accept the PCP recommendation for penalty as stated in the meeting materials and all fine and costs must be paid as a condition of reinstatement, the motion passed.

X. Default

#1. Espejo, Suinglo

P.E. Number:	Unlicensed
FEMC Case Number:	2020044812
Probable Cause Panel Date:	July 14, 2021
Probable Cause Panel:	Matthews, Albergo & Pepper

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.003(1) (a) & (c), F.S.: No person other than a duly licensed engineer shall practice engineering...in this state; (c) Present as his or her own the license of another.

Probable Cause was found on July 14, 2021, and an Administrative Complaint was authorized. The Administrative Complaint was filed with the Department of Business and Professional Regulation ("DBPR") on August 13, 2021

Respondent failed to respond to any of Petitioner's attempts at Service of Process of the Administrative Complaint. Therefore, on February 16, 2022, Petitioner filed and served upon Respondent, via U.S. First Class Mail, its *Motion to Determine that Respondent has Forfeited Respondent's Right to an Administrative Hearing Under Sections 120.569 and 120.57(1), Florida Statutes, and to Convene Proceedings Under Sections 120.569 and 120.57(2), Florida Statutes.*

The Probable Cause Panel recommendation was administrative fine of \$ 5,000.00 and administrative costs of \$181.35.

Upon motion by Mr. Fleming, seconded by Ms. Ramsey, to accept the entire investigative file of the case including the supplemental materials into evidence, that the Board adopt the findings of facts contained within the administrative complaint as the Board's findings of facts and to adopt the conclusions of law contained in the administrative complaint as the Board's conclusions of law, the motion passed.

Upon motion by Ms. Ramsey, seconded by Ms. Myers, to accept the recommendation of PCP for penalty and is payable within 30 days, the motion passed.

#2. Staudt, Jason, P.E. (CE Case)

P.E. Number: 84053
FEMC Case Number: 2022007502
Probable Cause Panel Date: May 11, 2022
Probable Cause Panel: Matthews, Pistorino, & Hahn

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 11, 2022, and an Administrative Complaint was authorized. The Administrative Complaint was filed with the Department of Business and Professional Regulation ("DBPR") on May 23, 2022.

Respondent failed to respond to any of Petitioner's attempts at Service of Process of the Administrative Complaint. Therefore, on September 9, 2022, Petitioner filed and served upon

Respondent, via U.S. First Class Mail, its *Motion to Determine that Respondent has Forfeited Respondent's Right to an Administrative Hearing Under Sections 120.569 and 120.57(1), Florida Statutes, and to Convene Proceedings Under Sections 120.569 and 120.57(2), Florida Statutes.*

The Probable Cause Panel recommendation was administrative costs of \$76.05, Auburn P&E Course, and successful completion of the board's study guide.

Upon motion by Mr. Albergo, seconded by Mr. Shah, to accept the entire investigative file of the case including the supplemental materials into evidence, that the Board adopt the findings of facts contained within the administrative complaint as the Board's findings of facts and to adopt the conclusions of law contained in the administrative complaint as the Board's conclusions of law, the motion passed.

Upon motion by Mr. Albergo, seconded by Mr. Fleming, to accept the recommendation of PCP for penalty and is payable within 30 days, the motion passed.

Y. Discussion

#1. Fowler, John, P.E.

P.E. Number: 44672
FEMC Case Number: 2017045676
Probable Cause Panel Date: March 14, 2018
Probable Cause Panel: Fleming, Bracken & Matthews

Mr. Rimes outlined the facts of the case.

The Final Order in the above-referenced case was filed with the Department of Business and Professional Regulation on August 14, 2018. Costs, P&E Course, Study Guide and a 6-month and 18-month project review were required pursuant to that Final Order.

Mr. Fowler provided his list of projects for the 6-month project review to FEMC on June 16, 2022, and that list was provided to FEMC Consultant, Karl F. Hees, P.E. on June 16, 2022. Mr. Hees chose the following project for review: 1) 3538-Midway, FL -Building Inspection and 2) 3603-Davenport, FL- Building Inspection. The project documents were requested from Mr. Fowler on June 16, 2022.

The project review was done by Karl F. Hees, P.E. The project documents were received from Mr. Fowler on June 27, 2022, and were provided to Mr. Hees on June 27, 2022. On September 01, 2022, Mr. Hees provided his opinion of the projects reviewed. Mr. Hees' opinion of the structural review was provided to Mr. Fowler on September 12, 2022.

The Respondent, Mr. Fowler paid the costs on October 02, 2018, completed the study guide September 28, 2018, and the P&E course on August 13, 2019.

A request for early termination was received on September 08, 2022.

Upon motion by Mr. Albergo, seconded by Ms. Myers, to accept the request for early termination, the motion passed.

Z. Old Business

Mr. Drury discussed the newsletter article again and several items that involved the article. Discussion followed.

AA. New Business

Mr. Drury stated that he would be resigning from the board after the December board meeting.

BB. Adjourn

Next Board Meeting: December 8, 2022 - Tallahassee

