

**Minutes for
The Florida Board of Professional Engineers
November 1, 2023, beginning at 1 p.m. or soon thereafter
Via video conference**

- A. Call to Order, Roll Call, Determination of Quorum, and Address Absences.

Board Members Present:

Dylan Albergo, P.E., Chair
Pankaj (PJ) Shah, P.E., Vice Chair
Christopher Dawson, Public Member
James Gonzalez, Public Member
Sam Mousa, P.E.
Jeb Mulock, P.E.
Yassi Myers, P.E.
John Pistorino, P.E., S.I.
Denise Ramsey, P.E.

Board Members Absent:

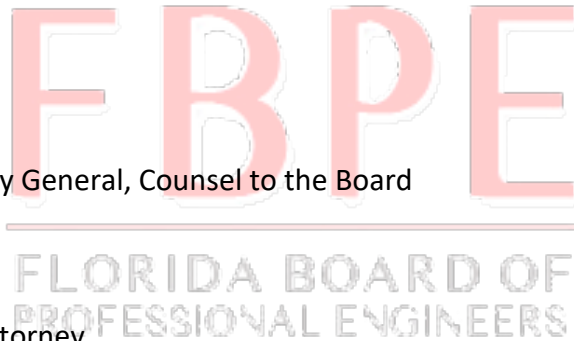
Babu Varghese, P.E., S.I.

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



Motion by Mr. Albergo, seconded by Mr. Shah to excuse the absence of Mr. Varghese, the motion passed unanimously.

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

Bryon Davenport, P.E.
James Austin, PE Licensure Applicant

- C. 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.

D. Approval of the Agenda

Disciplinary Hearings

Description of Disciplinary Process by Dylan Albergo, P.E.

E. Discussion

#1. Davenport, Bryon, P.E.

P.E. Number: 60824
FEMC Case Number: 2022034961
Probable Cause Panel Date: May 10, 2023
Probable Cause Panel: Matthews, Pistorino, & Fleming

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 complaint was presented to the Board's Probable Cause Panel on May 10, 2023. At that meeting the Panel recommended the issuance of an Administrative Complaint which was subsequently served on Mr. Davenport. Mr. Davenport provided certificates of completion of his continuing education on July 5, 2023. The audit of those certificates revealed that while he completed more than the required 18 hours of CE, he did not provide a certificate for the required Florida Laws & Rules course and Ethics course. When no response was received, the FEMC Investigator sent Mr. Davenport a second request email. When it became apparent that no response would be received and because an Administrative Complaint had already been served, a Motion to Determine the Respondent has Forfeited Respondent's Right to an Administrative Hearing was filed and was to be heard at the December Agenda of the FBPE Board Meeting. Mr. Davenport finally provided the missing certificate on October 19, 2023. After reviewing those certificates, Mr. Davenport has passed the audit.

Mr. Davenport addressed the board. Discussion followed.

Upon motion by Ms. Myers, seconded by Mr. Shah, to grant Petitioner's Motion to withdraw the complaint and dismiss the case, motion passed unanimously.

F. Reconsideration of Petition for Waiver and Variance of Rule 61G15-20.002 and act on Application for Licensure as Professional Engineer

#1. James Austin

Mr. Harris discussed the petition and the action that the board took at the October board meeting. Mr. Harris stated that based on the proposed rule language, Mr. Austin asked that his petition be reviewed again.

Mr. Austin and Ms. Raybon addressed the board. Discussion followed.

Upon motion by Mr. Pistorino, seconded by Ms. Ramsey, to approve the petition and the application of Mr. Austin, the motion passed.

G. Review of Applications – Education and Experience will be done at one time and ratified at the same time

- PE Licensure Applications
- SI Application
- CE Provider Application
- FRSE Applications

Ms. Sammons read the list of the applicants and the reasons for review for each application. The Board proceeded through the list with discussion as appropriate to the decision.

Upon motion by Mr. Pistorino, seconded by Ms. Ramsey, that the list read by Ms. Sammons and the lists of applications approved by staff are approved as the decisions of the board, the motion passed.

Ms. Sammons stated that at the October board meeting the board denied an applicant due to lacking hours in general education and the applicant had taken an CLEP exam called "Information Systems" to satisfy a deficiency in general education. Ms. Sammons stated the applicant is arguing that the course is a business course as it is listed under Business at CLEP but when you look at the content of the course it is more like a computer course. Ms. Sammons read the contents of the course for the board. The board decided that it did not qualify as general education.

H. Old Business

I. New Business

J. Adjourn

November 2023 FBPE Application Review

	Name:	Application Type:	Approved:	Denied:	Board Member Assigned:	Comments:
1	Alves, Gelson	P.E. Special Inspector	JP		Pistorino	
2	Bobb, Michael	P.E. NCEES Endorsement		CD/JG	Dawson/Gonzalez	lacks 9hrs of gen ed
3	Carbonell, Alfredo	FRSE Application		DA	Albergo	
4	Cockfield, Nathan	FRSE Application	PS		Shah	
5	Gonzalez, Sergio	FRSE Application	YM		Myers	
6	Hajali, Masood	FRSE Application	SM		Mousa	
7	Johnson, Mirmiran & Thompson,	CE Provider Initial	DA		Albergo	
8	Machado, Rafael	FRSE Application	DR		Ramsey	
9	Martinez, Alexis	FRSE Application	JP		Pistorino	
10	Melendez, Wilfredo	FRSE Application	JM		Mulock	
11	Miranda, Reymundo	FRSE Application		DA	Albergo	
12	Morales, Alfredo	FRSE Application		PS	Shah	
13	Pihl, Marshall	P.E. NCEES Endorsement		DR/DA	Ramsey	criminal history
14	Riemer, Michael	FRSE Application	YM		Myers	
15	Rivera, Yael	P.E. NCEES Endorsement		SM/YM	Mousa	criminal history
16	Smith, Travis	FRSE Application	SM		Mousa	
17	Sternberg, Rachel	FRSE Application		DR/DA	Ramsey	
18	Tuell, Jeffrey	FRSE Application	JP		Pistorino	
19	Valdes, Romesh	FRSE Application	JM		Mulock	