

**Minutes for
The Florida Board of Professional Engineers
June 19, 2024, beginning at 1:00 p.m. or soon thereafter and
June 20, 2024, beginning at 8:30 a.m., or soon thereafter
Orlando, FL**

Part I – Wednesday, June 19, 2024

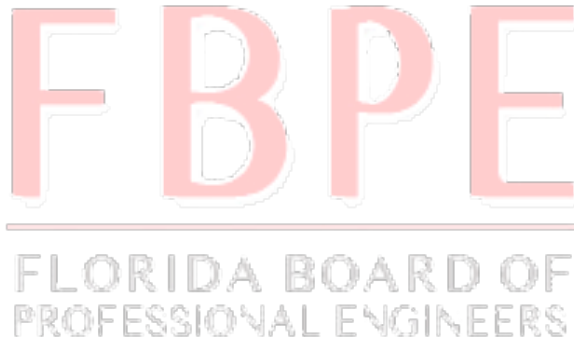
A. Call to Order, Invocation and Pledge of Allegiance

Ms. Ramsey called the meeting to order. Ms. Raybon called roll.

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

Board Members Present:

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



Board Member Absent:

Dylan Albergo, P.E., Chair

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

Upon motion by Mr. Mousa, seconded by Mr. Gonzalez, to excuse the absence of Mr. Albergo, the motion passed unanimously.

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

Andrew Lovenstein, P.E., FSEA
Safiya Brea, P.E., FEMC Observer

Rachel Clark, Esq.

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

F. Approval of Consent Agenda

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

#1. Minutes from April 10-11, 2024 FBPE Board Meeting

Approved under consent agenda.

#2. Minutes from May 8, 2024 FBPE Probable Cause Panel Meeting

Approved under consent agenda.

#3. Minutes from May 8, 2024 FBPE Board Meeting

Approved under consent agenda.

#4. Minutes from May 15, 2024 FBPE Board Meeting

Approved under consent agenda.

G. Committee Reports

#1. Probable Cause Panel **(Next Meeting: July 10, 2024, at 8:30 am via video conference)**
(Panel A: Robert Matthews, P.E., Chair; John Pistorino, P.E., S.I.; Yassi Myers, P.E.) (Kevin Fleming, P.E. – alternate)

(a) Committee Chair's Report.

#2. Applications Review **(Next Meeting: July 10, 2024, at 1 pm via video conference)**

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

(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: July 10, 2024, at 2pm via video conference)**

(Denise Ramsey, P.E., Chair; James Gonzalez, Public Member; Yassi Myers, P.E.; John Pistorino, P.E., S.I.)

(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.

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

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

(a) Committee Chair's Report.

#6. Evaluation of Damaged Structures Committee (formerly Roofing Tile Issue Committee)
(Next Meeting: TBD)

(John Pistorino, P.E., S.I., Chair; Babu Varghese, P.E., S.I.; Christopher Dawson, Public Member)

(a) Committee Chair's Report.

(b) Discussion on Proposed Rule Chapter 61G15-38

Mr. Pistorino discussed the proposed rules. Further discussion followed.

A meeting needs to be set up to discuss the proposed language and distribute the notice to as many people as possible.

H. NCEES

(Dylan Albergo, P.E., FBPE Liaison)

#1. NCEES Annual Meeting – Chicago – Aug. 14-17

Provided for informational purposes.

I. Advisory Attorney's Report

#1. Rules Report

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

#2. Rule Hearing on 61G15-32.004

This item was continued until a future meeting to seek input from experts in the fire protection field.

J. Executive Director's Report

Ms. Raybon discussed SB 1600 and how it will impact the board. Discussion followed.

#1. Update on Renewal (mandatory CE reporting)

Ms. Raybon discussed renewal and the CE reporting issue. Ms. Raybon mentioned that CE providers are encouraged to provide separate certificates for each course but if they are not an FBPE approved provider then we have no authority to over them. Ms. Raybon discussed the questions that staff have received about reporting to NCEES and not seeing the same information on the DBPR portal. Discussion followed.

#2. 2024 FBPE/FEMC Meeting Calendar

Provided for informational purposes.

#3. 2025 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

M. Chair's Report

N. Action Items from Previous Board Meetings

#1. Letter from Mr. Alfonso Fernandez-Fraga, P.E – Re: Rule 61G15-32.008
(referred to July Rules Committee meeting)

O. Correspondence to the Board

#1. Email from Mr. Emilio Castro, P.E. – RE: Miami Dade Ordinance

Mr. Harris discussed this email. Discussion followed. The Board determined that this is a local ordinance issue and the Board has no authority over this issue. Mr. Harris will respond to Mr. Castro on the Board's behalf.

P. Public Forum

Q. Community Involvement

R. Old Business

- S. Review of Applications – Education and Experience will be done at one time and ratified at the Thursday morning board meeting on June 20, 2024 – in separate meeting book

Part II
Informal Hearing Agenda
(Thursday, June 20, 2024)

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.

- T. Ratification of Actions from Application Review held on June 19, 2024

Upon motion by Mr. Gonzalez, seconded by Ms. Myers, to approve the ratification list, the motion passed.

- U. Informal Hearing on Denial of Application for Certification as Special Inspector

#1. Stephen Mrachek

Mr. Mrachek was present and sworn in prior to addressing the board.

Board members discussed the experience concerns with the applicant. The applicant was able to provide explanations and information that demonstrate he does appear to possess the proper experience. However, the application as written does not adequately document the proper experience.

Discussion followed.

Motion by Ms. Myers, seconded by Mr. Mulock, to vacate the notice of intent to deny and allow the applicant to revise the application within 90 days and authorize Mr. Varghese to review and approve the application if the applicant meets the requirements, the motion passed.

- V. Board Appearance of Application for Licensure as Professional Engineer

#1. Marcos Loyola

Mr. Loyola was present and sworn in prior to addressing the board.

Mr. Harris explained the reason for the board appearance. The board has requested a board appearance to discuss his past criminal history and then will act on his application. Mr. Harris advised the board that the case had been sealed and the applicant could not be required talk about the case.

Mr. Loyola addressed the board. Discussion followed.

Upon motion by Mr. Mulock, seconded by Mr. Shah, to approve the application of Mr. Loyola, the motion passed unanimously.

Part III

Disciplinary Hearings

(Thursday, June 20, 2024)

W. Settlement Stipulation

#1. Calitu, Vandin

P.E. Number:	57982
FEMC Case Number:	2022022585
Probable Cause Panel Date:	November 01, 2023
Probable Cause Panel:	Matthews, Pistorino, & Ramsey
Represented by:	Rachel Clark, Esq.

Mr. Calitu was present with counsel, Ms. Clark. Mr. Calitu 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)(g), F.S., & Rule 61G15-19.001(4) by engaging in negligence in the practice of engineering.

The Probable Cause Panel recommendation was administrative fine of \$1,000.00, administrative costs of \$2,654.90, 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 the Auburn P&E Course.

The Settlement Stipulation is the same as the PCP recommendation.

Ms. Clark addressed the board. Mr. Calitu addressed the board. Discussion followed.

Upon motion by Ms. Myers, seconded by Mr. Gonzalez, to accept the settlement stipulation as presented, the motion passed unanimously.

#2. Geach, Geoffrey

P.E. Number: 94456
FEMC Case Number: 2023036226
Probable Cause Panel Date: January 10, 2024
Probable Cause Panel: Matthews, Pistorino, & Ramsey
Represented by: E. Dylan Rivers, Esq

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 administrative fine of \$1,000.00, administrative costs of \$2,902.80, reprimand, and the Auburn P&E Course.

The Settlement Stipulation is an administrative fine of \$500.00; administrative costs of \$2,902.80; and Auburn P&E Course.

Upon motion by Ms. Myers, seconded by Mr. Shah, to accept the settlement stipulation as presented, the motion passed unanimously.

#3. Robitzsch, Cheryl

P.E. Number: 53114
FEMC Case Number: 2023052897
Probable Cause Panel Date: March 13, 2024
Probable Cause Panel: Matthews, Pistorino, & Ramsey

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1)(g), FS: Engaging in fraud or deceit, negligence, incompetence, or misconduct, in the practice of engineering. Rule 61G15-19.001(6)(e), FAC: Becoming involved in a conflict of interest without the knowledge and approval of the client or employer.

The Probable Cause Panel recommendation was administrative fine of \$1,000.00, administrative costs of \$2,984.70, reprimand, 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. Mulock, seconded by Mr. Shah, to accept the settlement stipulation as presented, the motion passed unanimously.

X. Informal Hearing

#4. Chan, Joseph, P.E.

P.E. Number: 40587
FEMC Case Number: 2023020559
Probable Cause Panel Date: January 10, 2024
Probable Cause Panel: Matthews, Pistorino, & Ramsey

Mr. Rimes pulled this case from the agenda.

Y. Default

#5. McGinness, Malcolm, P.E.

P.E. Number: 60175
FEMC Case Number: 2022056145
Probable Cause Panel Date: September 13, 2023
Probable Cause Panel: Matthews, Fleming, & Pistorino

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.

Mr. Rimes presented a Motion to Determine Waiver and Convene Informal Hearing. After discussion, the board granted Mr. Rimes' motion and convened the informal hearing.

The Probable Cause Panel recommendation was administrative complaint, administrative fine of \$2,000.00, administrative costs of \$23.40, reprimand, suspension of license until all requirements have been met, 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, complete the Auburn P&E Course, and complete the Board's Study Guide.

Upon motion by Ms. Myers, seconded by Mr. Gonzalez, to accept factual allegations in the administrative complaint 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 Ms. Myers, seconded by Mr. Varghese, to accept the recommendation of from the PCP for penalty, the motion passed unanimously.

#6. Cardona, Alberto

P.E. Number: REVOKED
FEMC Case Number: 2023011747
Probable Cause Panel Date: January 10, 2024
Probable Cause Panel: Matthews, Ramsey, & Pistorino

Mr. Cardona 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 §471.031(a)(a)1., F.S.: Practicing engineering without a license as a Florida Professional Engineer; §471.033(1)(k), F.S.: Violating any order of the Board or Department previously entered in a disciplinary hearing.

Mr. Rimes presented a Motion to Determine Waiver and Convene Informal Hearing. Mr. Cardona agreed he had not filed a sufficient response as required by law and rule, and agreed to the informal hearing. After discussion, the board granted Mr. Rimes' motion and convened the informal hearing.

The Probable Cause Panel recommendation was administrative complaint, administrative fine of \$5,000.00, and administrative costs of \$1,745.70.

Upon motion by Mr. Shah, seconded by Ms. Myers, to accept factual allegations in the administrative complaint as the board's findings of fact, to accept the entire investigative file of the case including the supplemental materials into evidence, to adopt the allegations in the administrative complaint as the board's conclusions of law, and to find a violation of the practice act upon which discipline may be imposed, the motion passed.

Mr. Cardona addressed the board. Discussion followed.

Upon motion by Mr. Gonzalez, seconded by Mr. Mulock, to issue a penalty of costs of \$1,745.70 and allow him six months to pay, the motion passed unanimously.

Z. New Business

AA. Adjourn

Next Board Meeting: August 7-8, 2024

**Wyndham Orlando Resort and Conference Center Celebration
3011 Maingate Lane
Kissimmee, FL 34747**