

**Minutes for
The Florida Board of Professional Engineers
August 7, 2024, beginning at 1:00 p.m. or soon thereafter and
August 8, 2024, beginning at 8:30 a.m., or soon thereafter
Orlando, FL**

**Part I – Wednesday, August 7, 2024
(August 2024 FBPE Business Book)**

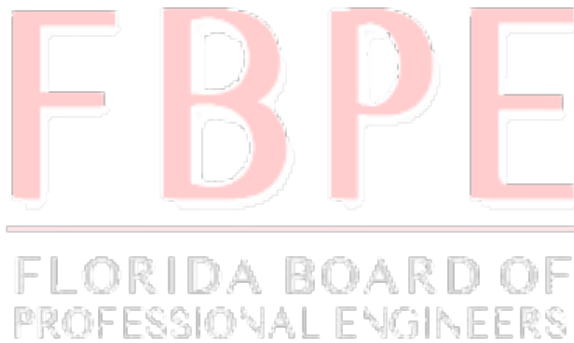
A. Call to Order, Invocation and Pledge of Allegiance

Mr. Albergo called the meeting to order. Ms. Raybon called roll.

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

Board Members Present:

Dylan Albergo, P.E., Chair
Denise Ramsey, P.E., Vice Chair
Christopher Dawson, Public Member
James Gonzalez, Public Member
Sam Mousa, P.E.
Jeb Mulock, P.E.
John Pistorino, P.E., S.I.
Babu Varghese, P.E., S.I.



Board Members Absent:

Yassi Myers, P.E.
Pankaj (PJ) Shah, P.E.

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

Art Nordlinger, P.E., IEEE, FEMC Observer
Angelina Fairchild, P.E., FES
Jaime Ghitelman, P.E., FES

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. Ramsey, seconded by Mr. Mousa, to approve the agenda, the motion passed.

F. Approval of Consent Agenda

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

#1. Minutes from June 19-20, 2024 FBPE Board Meeting

Approved under consent agenda.

#2. Minutes from July 10, 2024 FBPE Probable Cause Panel Meeting

Approved under consent agenda.

#3. Minutes from July 10, 2024 FBPE Board Meeting

Approved under consent agenda.

G. Committee Reports

#1. Probable Cause Panel **(Next Meeting: September 11, 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.)

(a) Committee Chair's Report.

#2. Applications Review **(Next Meeting: September 11, 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: TBD 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.

H. NCEES

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

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

- i. NCEES Conference Items and Actions
- ii. NCEES 2023 Annual Meeting Minutes
- iii. NCEES Schedule of events

Discussion on several motions that will be heard at the annual meeting.

Upon motion by Mr. Gonzalez, seconded by Ms. Ramsey, to delegate authority to the chair to vote on behalf of the board, the motion passed unanimously.

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 61G15-19.004 – Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances (from July Rules Mtg)

Mr. Harris presented the proposed rule amendment. Discussion followed.

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

Upon motion by Mr. Albergo, seconded by Ms. Ramsey, 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 can be resolved through issuance of a notice of noncompliance does not apply to this rule, and does not use any sunset language for this rule, the motion passed.

#3. Public Hearing on Rule 61G15-19.0051 – Notice of Noncompliance (from July Rules Mtg and Sunset Language)

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

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

Upon motion by Ms. Ramsey, seconded by Mr. Mousa, 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 does not use any sunset language for this rule, the motion passed.

#4. Public Hearing on Rule 61G15-23.001 - Procedures of Digitally Signing and Sealing Electronically Transmitted Plans, Specifications, Reports and Other Documents (from July Rules Mtg)

Mr. Harris presented the proposed rule amendment. Discussion followed.

Upon motion by Mr. Mousa, seconded by Mr. Mulock, to open rule for development and propose the amendment as amended, the motion passed.

Upon motion by Ms. Ramsey, seconded by Mr. Gonzalez, 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 can be resolved through issuance of a notice of noncompliance does not apply to this rule, and does not use any sunset language for this rule, the motion passed.

#5. Public Hearing on Rules 61G15-23.004 (3)(g) and 61G15-23.005(4)(e) - (from July Rules Mtg)

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

Upon motion by Mr. Mousa, seconded by Mr. Mulock, to open rule for development and propose the rule amendments as presented in the meeting materials, the motion passed.

Upon motion by Mr. Albergo, seconded by Mr. Mulock, 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 does not use any sunset language for this rule, the motion passed.

#6. Public Hearing on Rule 61G15-22.001 - Continuing Education Requirements - (from July Rules Mtg)

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

Upon motion by Mr. Mulock, seconded by Mr. Mousa, to open rule for development and propose the rule amendments as presented in the meeting materials, the motion passed.

Upon motion by Ms. Ramsey, seconded by Mr. Mulock, 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 does not use any sunset language for this rule, the motion passed.

#7. Rule Hearing on Rules with Sunset Language

- 61G15-18.012 Other Board Business for Which Compensation is Allowed.
- 61G15-19.0051 Notice of Noncompliance.
- 61G15-22.011 Board Approval of Continuing Education Providers.
- 61G15-30.001 Purpose.
- 61G15-31.006 Design of Structural Systems Utilizing Open Web Steel Joists and Joist Girders.
- 61G15-34.002 Definitions.
- 61G15-34.005 Design of Heat and Energy Transfer Systems.
- 61G15-34.006 Design of Material and Human Transfer Systems.
- 61G15-34.008 Design of Mechanical Machines and Motion Systems.
- 61G15-34.009 Design of Instrumentation and Control Systems.
- 61G15-34.010 Design of Fuel Gas Systems.

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

Upon motion by Mr. Pistorino, seconded by Mr. Mousa, to open rule for development and propose the rule amendments as presented in the meeting materials, the motion passed.

Upon motion by Mr. Albergo, seconded by Ms. Ramsey, 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 does not use any sunset language for this rule, the motion passed.

#8. Review/Open Rule 61G15-20.0010 - Application for Licensure as Professional Engineer Review subsection (3) regarding the 15/20 rule. Does the experience need to be verified? Do we want to keep the 3 of 5 years, or delete that requirement for active practice?

Mr. Harris discussed this item. Further discussion followed. This item was referred back to the Rules committee.

Ms. Raybon brought up to the board the issue of the new licensees being required to take the laws and rules and ethics course prior to renewing and is that what the board wanted. Discussion followed. This rule was referred to the Rules committee for review.

John

J. Executive Director's Report

#1. Update on Renewal (mandatory CE reporting)

Ms. Raybon gave an update on the renewal process with DBPR.

#2. Annual Certification of FEMC-DBPR Contract

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

Upon motion by Mr. Mulock, seconded by Mr. Gonzalez, to approve the certification, the motion passed.

#3. 2024 FBPE/FEMC Meeting Calendar

Provided for informational purposes.

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

O. Correspondence to the Board

#1. Probable Cause Panel recommended that the full Board discuss whether a revoked or suspended engineer should be allowed to practice under the responsible charge of a licensed engineer.

Mr. Rimes discussed this item. Further discussion followed. The recommendation was that each case should take into account what needs to be done as it pertains to each engineer and each case in relation to whether the engineer can work.

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 August 8, 2024 – in separate meeting book

Part II
Informal Hearing Agenda
(Thursday, August 8, 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 August 7, 2024

Upon motion by Ms. Ramsey, seconded by Mr. Mousa, to approve the ratification list as presented, the motion passed.

Description of Educational Committee Process by Dylan Albergo, P.E.

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

#1. Gunwant Anand
(Exhibit U#1)

Mr. Harris discussed the facts of the case. The basis for denial is education. Mr. Anand lacks nine hours of general education. Mr. Anand submitted an Election of Rights form requesting a formal hearing.

Upon motion by Mr. Albergo, seconded by Mr. Mulock, that Mr. Anand 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 determine there are no genuine issues of disputed material facts, to deny the Request for a 120.57(1) Hearing and referral to DOAH, to convene a 120.57(2) Hearing not involving disputed issues of fact, to accept the complete application file, including any supplemental materials provided by Mr. Nasit, 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, to find the facts adequately support the denial of the application for Florida licensure, 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. Baher Abdelmalek

Mr. Abdelmalek was present and sworn in prior to addressing the board. Mr. Harris explained the basis of the denial. The basis for denial is education. Mr. Baher lacks five hours of general education. Mr. Abdelmalek submitted an Election of Rights form requesting an informal hearing.

Mr. Abdelmalek addressed the board. Discussion followed.

Upon motion by Ms. Ramsey, seconded by Mr. Gonzalez, to hold the application open for 90 days to allow the applicant to take the appropriate CLEP exam and provide the passing score the office, motion passed.

#3. Nkemefuna Iloanya

Mr. Iloanya was present and sworn in prior to addressing the board. Mr. Harris explained the basis for the denial. The basis for denial is experience. Mr. Iloanya has never had a supervising engineer for experience and has submitted client verifications but has not been licensed very long. Mr. Iloanya requested a formal hearing but changed to an informal hearing.

Mr. Iloanya addressed the board. Discussion followed.

Mr. Iloanya withdrew his application.

Upon motion by Mr. Gonzalez, seconded by Mr. Mousa, to vacate the notice of intent to deny and accept the request to withdraw, the motion passed.

Part III **Disciplinary Hearings** **(Thursday, August 8, 2024)**

V. Settlement Stipulation

#1. Abdel-Khaleq, Musa

P.E. Number:	84862
FEMC Case Number:	2023010498
Probable Cause Panel Date:	May 08, 2024
Probable Cause Panel:	Matthews & Ramsey
Represented by:	Ciro Martinez II, PhD JD LLM

Mr. Abel-Khaleq was as present with counsel. Mr. Abdel-Khaleq 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 an administrative fine of \$1,000.00, administrative costs of \$3,889.45, 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, complete the Auburn P&E Course, and complete of the Board's Study Guide.

The Settlement Stipulation is administrative fine of \$1,000.00, administrative costs of \$3,889.45, 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.

Mr. Abel-Khaleq addressed the board. Board discussion.

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

#2. Gonzalez, Ildefonso (CE Case)

P.E. Number: 69513
FEMC Case Number: 2024008587
Probable Cause Panel Date: May 08, 2024
Probable Cause Panel: Matthews & Ramsey
Represented by: Steve Shapiro (Authorized representative)

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1)(c), F.S.: Having a license to practice engineering revoked, suspended, or otherwise acted against...by the licensing authority of another state...for any act that would constitute a violation of this chapter...; 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 costs of \$48.75, complete the Auburn P&E Course, and complete the Board's Study Guide.

The Settlement Stipulation is the same as the PCP recommendation.

Upon motion by Mr. Gonzalez, seconded by Mr. Mousa, to accept the settlement stipulation, the motion passed. This is not considered discipline.

#3. Leslie, Daimien

P.E. Number: 73113
FEMC Case Number: 2023067301
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 Section 471.033(1)(a), F.S.: Violating any provision of s.455.227(1)..; Section 471.033(1)(d), F.S.: 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.

The Probable Cause Panel recommendation was an administrative complaint, administrative fine of \$ 1,000.00, administrative costs of \$83.85, reprimand, and two years' probation.

The Settlement Stipulation is the same as the PCP recommendation.

Upon motion by Mr. Gonzalez, seconded by Mr. Mousa, to accept the settlement stipulation, the motion passed.

#4. Schwitter, Craig (CE case)

P.E. Number: 64228
FEMC Case Number: 2023066342
Probable Cause Panel Date: March 13, 2024
Probable Cause Panel: Matthews, Pistorino, & Ramsey
Represented by: Bryant Storey

Mr. Rimes outlined the facts of the case. The charges relate to a violation 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 costs of \$48.75, complete the Auburn P&E Course, and complete the Board's Study Guide.

The Settlement Stipulation is the same as the PCP recommendation.

Upon motion by Mr. Gonzalez, seconded by Mr. Mousa, to accept the settlement stipulation, the motion passed. This is not considered discipline.

#5. Fiallo, Jorge

P.E. Number: 65527
FEMC Case Number: 2023043725

Probable Cause Panel Date: March 13, 2024
Probable Cause Panel: Matthews, Pistorino, & Ramsey

Mr. Fiallo 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)(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 complaint, administrative fine of \$ 1,000.00, administrative costs of \$1,749.60, 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, two years' probation, complete the Board Approved Basic Engineering Professionalism and Ethics course, project/plan reviews on fire system at 6 and 18 month interval, and complete the Board's Study Guide.

The Settlement Stipulation is administrative costs of \$1,749.60, 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 Board Approved Basic Engineering Professionalism and Ethics course, project/plan reviews on fire system at 6 and 18 month intervals, and complete the Board's Study Guide.

Mr. Fiallo addressed the board. Discussion followed.

Upon motion by Mr. Mulock, seconded by Mr. Gonzalez, to accept the settlement stipulation, the motion passed.

W. New Business

X. Adjourn

Next Board Meeting: October 9-10, 2024

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