

**Minutes for
The Florida Board of Professional Engineers
February 11, 2026, beginning at 1:00 p.m. or soon thereafter, and
February 12, 2026, beginning at 8:30 a.m., or soon thereafter
Jacksonville, FL**

Part I – Wednesday, February 11, 2026

A. Call to Order, Invocation, and Pledge of Allegiance

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

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

Board Members Present:

James Gonzalez, Public Member, Chair

Brock Shrader, P.E., Vice Chair

Dylan Albergo, P.E.

Christopher Forehand, P.E.

Jeb Mulock, P.E.

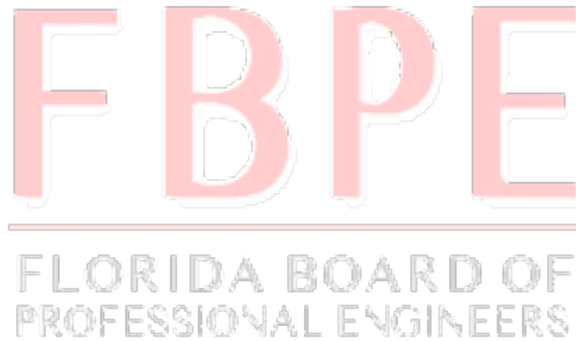
Yassi Myers, P.E.

John Pistorino, P.E., S.I.

Denise Ramsey, P.E.

Pankaj (PJ) Shah, P.E.

Richard Temple, P.E., S.I.



Board Members Absent:

Christopher Dawson, Public Member

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 Ms. Ramsey, seconded by Mr. Mulock, to excuse the absence of Mr. Dawson, the motion passed unanimously.

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

Andrew Lovenstein, P.E., FSEA

Jamie Ghitelman, P.E., FES
Mark Tumeo, P.E., Ph.D.
Ed Bayo, Esq.
Neil O'Connell, P.E.
Robert Johanson, P.E.
Bill Lampkin, FBPE Public Information Officer

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. Albergo, to approve the agenda, the motion passed.

F. Approval of Consent Agenda

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

#1. Minutes from December 11, 2025, FBPE Board Meeting

Approved under consent agenda.

#2. Minutes from January 14, 2026, FBPE PCP Meeting

Approved under consent agenda.

#3. Minutes from January 14, 2026, FBPE Board Meeting

Approved under consent agenda.

#4. 25-26 2nd Qtr FEMC Report

Approved under consent agenda.

G. Committee Reports

- #1. Probable Cause Panel **(Next Meeting: March 11, 2026, at 8:30 am via video conference)**
(Panel: Robert Matthews, P.E., Chair; John Pistorino, P.E., S.I.; Yassi Myers, P.E.)

(a) Committee Chair's Report.

- #2. Rules Committee **(Next Meeting: March 11, 2026, at 2 pm via video conference)**
(Denise Ramsey, P.E., Chair; James Gonzalez, Public Member; John Pistorino, P.E., S.I.; Brock Shrader, P.E.)

(a) Committee Chair's Report.

- #3. Evaluation of Damaged Structures Committee (formerly Roofing Tile Issue Committee)
(Next Meeting: TBD)
(John Pistorino, P.E., S.I., Chair; Dylan Albergo, P.E.; Christopher Dawson, Public Member; Pankaj Shah, P.E.; Jeb Mulock, P.E.)

(a) Committee Chair's Report.

H. NCEES

(James Gonzalez, Public Member, FBPE Liaison)

- #1. 2026 NCEES Southern Zone Meeting – San Juan, PR – April 23-25

Mr. Gonzalez discussed the upcoming meeting.

I. Advisory Attorney's Report

- #1. Rules Report

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

Mr. Harris stated that two major rule projects are beginning that will require significant time from both the Rules Committee and the full board. Following last year's Senate Bill 108 rules report, the board received numerous comments from the Joint Administrative Procedures Committee (JAPC), commonly referred to as "JAPC letters." Approximately half of these comments are technical in nature and can be resolved by the board's attorney under delegated authority. The remaining comments are substantive and question the statutory basis for several existing rules. The attorney will prepare draft responses explaining the board's authority; however, the board must review and approve those responses.

The process for addressing the substantive comments has not yet been finalized due to the involvement of the Rules Committee and applicable notice requirements. A notice of rule development must be published by April 1. Larry Harris stated that he intends to use delegated authority to open the rules for development before that deadline in order to address the JAPC comments, with the final deadline for action occurring in October.

During discussion, a question was raised regarding whether draft responses should first be reviewed by the Rules Committee or presented directly to the full board. Mr. Harris outlined a potential approach: technical corrections will be handled directly; minor rule amendments, such as updates to forms or statutory references, will be routed through the Rules Committee; and substantive comments questioning statutory authority may either be reviewed by the Rules Committee first or presented directly to the full board. The appropriate path will depend on the complexity of the issues involved. Mr. Harris will consult with the Chair, Ms. Ramsey and Ms. Raybon to determine the most appropriate approach after reviewing the comments.

The board also discussed whether to send a mass email to all licensees to solicit additional public input on two proposed rule changes. One concern raised was that only 14 comments had been received despite the newsletter being available for approximately one month. A suggestion was made to send a concise email, similar to practices used by other states, requesting feedback from licensees.

Mr. Harris advised against sending a mass email at this early stage, noting that it is common to receive limited comments initially because many licensees prefer to review specific draft rule language before providing feedback. He also cautioned that a mass email could generate a large volume of non-specific comments that the board would be required to review and address individually. His recommendation was to wait until draft rule language is available and then circulate that language more broadly for focused input. It was also clarified that the current 90-day comment period is an informal timeframe used for information gathering and is not a formal requirement under the Administrative Procedures Act (APA). Under the APA, once rule development is noticed there is a 14-day period to request a workshop, followed by a 21-day window for hearings or challenges after a proposed rule is published.

Following further discussion, several board members expressed a preference to gather more feedback before the rules progress further. The board reached a consensus to send a targeted email requesting input on the topics by a specified deadline. Members noted that the proposals remain preliminary and will still require further review by the committee, particularly because opinions differ on whether the proposed rules are too restrictive or not restrictive enough.

Mr. Harris then outlined the next formal step in the rulemaking process, which would be a publicly noticed rule development workshop. This step requires publishing a notice in the Florida Administrative Register announcing the workshop date and providing a

deadline for written comments. He indicated that this notice would be an appropriate communication to distribute to all licensees. In the interim, no formal action will occur while staff and counsel review incoming comments and prepare summaries and potential redlined rule language for discussion at the workshop. Comments may continue to be submitted during this period.

The board also reviewed the original reasons for initiating the two major rule projects. Mr. Pistorino reminded members that the first relates to damaged buildings. Mr. Rimes had previously raised concerns that the board lacks specific rules addressing damaged structures, which can make it difficult to establish probable cause during investigations involving engineers. The second relates to Special Inspectors (SI). Following the collapse of Champlain Towers South and subsequent legislative action in Florida, engineers holding SI certification now have expanded responsibilities related to building evaluations and milestone inspections. The proposed rules are intended to define requirements for Special Inspectors and Special Inspectors Limited in response to these public safety concerns and legislative changes.

After discussion, **a motion was made by Ms. Ramsey and seconded by Mr. Shrader directing staff to send a mass email to licensees regarding the two proposed rules.**

Staff will distribute the email to all relevant mailing lists with links to information about the proposed rules and instructions for submitting comments by April 15. The email will also indicate that a public workshop will be scheduled after that deadline. To streamline comment collection, the email will include links to separate online forms for each rule. The email is expected to be sent during the following week.

#2. Determination of Material Fact In Dispute and Determination of Referral for Administrative Hearing – SI application for Masood Halaji

Mr. Harris discussed the petition for a formal hearing filed by Mr. Hajali after the denial of his Special Inspector (SI) application, which was deemed incomplete and lacking sufficient information. Mr. Harris advised that although the petition appears legally sufficient on its face because it disputes a material fact regarding the applicant's experience, the primary issue is the poor quality and incompleteness of the submitted application rather than a confirmed lack of experience.

Mr. Harris presented several options for the board's consideration, including referring the matter directly to the Division of Administrative Hearings (DOAH), contacting the applicant to assist him in properly completing the application, or denying the hearing request on the grounds that the application remains incomplete. A board member who had previously reviewed the application suggested that Mr. Harris contact the applicant and provide basic guidance, including advising him not to use the same project number for multiple projects and helping him better understand what qualifies as a threshold building.

Following the discussion, the board expressed a preference to avoid referring the matter to DOAH if possible, as a formal hearing would require additional time and expense. The board agreed on a multi-step approach to address the matter. Mr. Harris will first contact Mr. Hajali to provide guidance and assist him in correctly completing his application. If the applicant cooperates and submits a properly completed application, the matter will be brought back to the board for a standard application review, at which time he may participate. If the applicant does not cooperate, he will be asked to attend an informal hearing before the board. Should he decline the informal hearing, the case will then be referred to the Division of Administrative Hearings (DOAH).

J. Executive Director's Report

#1. 2026 FBPE/FEMC Meeting Calendar

Provided for informational purposes.

#2. 2027 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

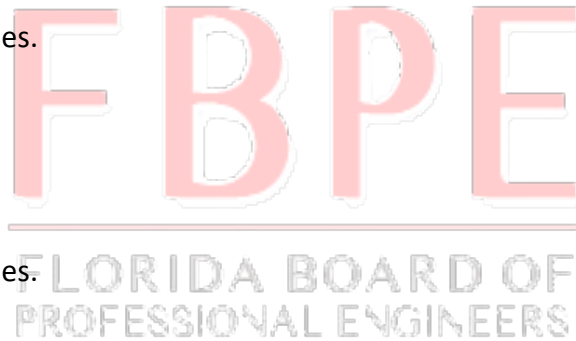
Provided for informational purposes.

#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 Committees

Mr. Gonzalez discussed the committees. The Board discussed the current structure of the Probable Cause Panel (PCP), which presently consists of Ms. Myers, Mr. Pistorino, and Mr. Matthews. Members considered whether to expand the existing panel or reinstate a second panel. It was noted that the Board historically operated with two alternating panels, which helped manage quorum issues and distributed workload among members. Although case volume has decreased since changes to Continuing Education rules, members agreed that maintaining broader disciplinary representation on the panel remains beneficial.

The Board also discussed quorum and recusal considerations. Previously, having several Board members serving on PCP panels created quorum challenges at full Board meetings when members were required to recuse themselves. Members noted that with a full Board currently in place, this concern is no longer significant.

The workload associated with the PCP was reviewed. Panel members typically receive meeting materials two weeks in advance, often totaling 3,000–6,000 pages. Case numbers per meeting generally range from 12 to 20, with some meetings historically reaching as many as 38 cases. It was clarified that under a two-panel system the panels would alternate meetings rather than divide the workload within a single meeting. Mr. Mullock and Mr. Temple volunteered to serve on the panel.

Board Action: The Board agreed to reinstitute a two-panel system for the Probable Cause Panel, with the panels alternating meetings. This change will take effect beginning with the May meeting, as materials for the March meeting have already been prepared. Mr. Matthews will serve on both panels. The panels will be composed as follows:

Panel A: Mr. Matthews, Mr. Pistorino, and Mr. Schrader

Panel B: Mr. Matthews, Miss Myers, and Mr. Temple

Mr. Mullock was initially considered for Panel B but was replaced by Mr. Temple to ensure representation by a structural engineer. The Board further designated Mr. Mullock as a potential alternate for the panels.

Committee Membership Confirmations

The Board reviewed and confirmed membership for the Rules Committee and the Evaluation of Damaged Structures Committee.

Rules Committee:

The Board confirmed that Ms. Ramsey will continue to serve as Chair. Mr. Pistorino and Mr. Shrader will continue as members. Mr. Gonzalez offered to step down; however, the Board agreed to maintain his membership and also nominated Mr. Forehand to join the committee.

Board Action: The Rules Committee will consist of Ms. Ramsey (Chair), Mr. Pistorino, Mr. Shrader, Mr. Gonzalez, and Mr. Forehand.

Evaluation of Damaged Structures Committee:

Current membership was reviewed. The Board agreed to remove Mr. Dawson from the committee and add Mr. Temple.

Board Action: The Evaluation of Damaged Structures Committee will consist of Mr. Pistorino, Mr. Albergo, Mr. Shah, Mr. Mulock, and Mr. Temple.

N. Action Items from Previous Board Meetings

- #1. Request for Declaratory Statement by Roger Monge
- #2. Email from Ms. Amelia Moony – RE: CE Certificate Requirements

O. Correspondence to the Board

- #1. Request for Declaratory Statement by Neil O'Connell

Mr. Harris presented the request for declaratory statement.

The board reviewed a petition for a declaratory statement concerning the dual role of Engineer of Record (EOR) and Special Inspector (SI) and the confusion surrounding whether one individual may serve in both capacities. The petition, identified as DS 2025-054, requested clarification from the board regarding whether the same licensed engineer can act as both the EOR and the SI on a project. The issue arose after a building official interpreted the Florida Building Code to prohibit the EOR from also acting as the SI on a high-rise condominium restoration project. The petitioner, Neil O'Connell, asserted that Florida Statutes permit an engineer to hold both roles and that the building code was being misinterpreted.

During the discussion, Mr. Pistorino provided historical context regarding the creation of the Special Inspector rule. He explained that the rule was originally established with the expectation that the Engineer of Record would serve as the preferred inspector because of their familiarity with the design. The intent was for the EOR to inspect the contractor's work to ensure it conformed to the design, not to inspect the design itself.

The term “surrogate” was included in the rule to prevent a non-EOR Special Inspector from making design decisions or modifications.

Board members discussed potential sources of confusion that may have led to the building official’s interpretation. It was suggested that the interpretation may stem from section 553.791 of the Florida Statutes, which governs alternative plans review and private providers. That statute prohibits the Engineer of Record or their firm from acting as the inspector when they are serving as a private provider in place of the building department. Board members noted that some jurisdictions may be incorrectly applying this restriction to the general role of Special Inspector. Mr. Gonzalez clarified that the board’s role in this matter is not to grant permission for the practice but to determine whether a licensed engineer serving in both capacities would violate the Practice Act.

Further discussion referenced statute 553.791(3), which states that a private provider may not perform building code inspection services on a building that they or their firm designed or constructed. Mr. Harris emphasized the importance of distinguishing among the roles involved in construction oversight. The Engineer of Record is responsible for preparing and sealing the design plans, the Special Inspector verifies that construction aligns with those plans, and the Building Code Inspector ultimately approves the work of the Special Inspector and the project’s compliance with the building code. The legislative intent behind these provisions was to prevent an individual or firm from self-certifying their own work on projects that involve significant life-safety considerations. It was also clarified that the statute prohibits an EOR from acting as a surrogate for the Special Inspector and vice versa because each role carries separate responsibilities that must be individually signed and sealed.

Mr. Harris outlined a legally defensible approach for addressing the petition. He explained that the board does not have jurisdiction to interpret Chapter 553, which governs the building code, but it does have authority to regulate the professional conduct of licensed engineers under Chapter 471, the Practice Act. Mr. Harris advised that the board could issue a limited declaratory statement clarifying that an engineer serving as both the Engineer of Record and the Special Inspector would not, solely on that basis, be subject to disciplinary action under Chapter 471. He noted that such a statement would not address potential negligence or other violations, such as acting as a private provider or improperly serving as a surrogate inspector. Mr. Harris further advised caution in including extensive language about legislative intent, as doing so could present legal risks unless supported by credible facts presented to the board.

Mr. Bayo clarified that the request was intended to provide reassurance from the board rather than to challenge building officials. The petitioner sought confirmation that a properly qualified professional engineer could serve in both roles and that there is no explicit prohibition against doing so. Mr. Bayo stated that such a statement would provide a level of comfort that the board of professional peers has reviewed the issue and does not consider the practice improper. Mr. Pistorino reiterated that the original

intent of the Special Inspector framework was for the Engineer of Record to perform inspections when available, with the SI designation created to address situations in which the EOR could not perform those duties.

The board also addressed the need to establish a factual basis for any discussion of legislative intent. Mr. Harris asked whether Mr. Pistorino's statements regarding the original development of the Special Inspector role were being provided as sworn testimony. Mr. Pistorino confirmed that he had served as chairman of the state committee that created the SI legislation and affirmed that his statements were accurate. Mr. Gonzalez explained that sworn testimony allows the board to consider facts beyond those contained within the original petition when issuing a declaratory statement.

Board members then discussed the prevalence of the issue across jurisdictions. The situation prompting the petition originated from a single jurisdiction's interpretation of the code. Mr. Pistorino noted that his firm has provided both Engineer of Record and Special Inspection services in South Florida for many years without issue. Andrew added that the City of Gainesville is the only other known jurisdiction that interprets the rules as prohibiting the Engineer of Record from also serving as Special Inspector. He further clarified that the official position of the Florida Engineering Society is that a licensed engineer may serve in both roles.

Upon motion by Mr. Shrader and seconded by Mr. Shah to grant the petition for a declaratory statement regarding the dual role of Engineer of Record and Special Inspector. The motion passed unanimously.

The board then considered two possible approaches for the content of the declaratory statement. The first option was a brief statement indicating that serving in both capacities is not prohibited under Chapter 471. The second option was a more detailed statement that would provide additional explanation.

Board members debated the appropriate level of detail. Ms. Ramsey initially supported the simpler option to avoid creating an unnecessarily lengthy statement for an issue affecting only a small number of jurisdictions. Another board member suggested that the statement could go further and indicate that the dual role might even be preferred. Ms. Myers argued that providing more context could prevent other jurisdictions from adopting restrictive interpretations and clarify that engineers are inspecting the contractor's work rather than their own design. Mr. Harris advised caution, noting that a declaratory statement applies to a specific petitioner's circumstances and that broader policy issues should typically be addressed through rulemaking. He recommended a "less is more" approach that would confirm the board's position regarding discipline while acknowledging credible testimony regarding the original intent of the code.

After further discussion, the board voted to proceed with the more detailed approach. Mr. Gonzalez clarified the two options for the motion: the first being a short statement that the board does not see a violation of statute 471 and that those practicing in both capacities would not be subject to discipline, and the second being a more elaborate statement to be drafted for later approval. A motion was made and seconded for Option 2, and the motion passed. Mr. Harris was directed to draft the order reflecting the board's decision and to provide the draft to the board for review, editing, and approval at the next meeting. Mr. Harris was also asked to provide a copy of the draft order to the petitioner, Mr. Bayo, in advance of the next meeting.

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 February 12, 2026 – in separate meeting book

Part II
(Thursday, February 12, 2026)

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, February 11, 2026

Upon motion by Ms, Ramsey, seconded by Mr. Shrader, to approve the ratification list, the motion passed.

Part III
Disciplinary Hearings
(Thursday, February 12, 2026)

T. Settlement Stipulation

#1. Freijo, George, P.E.

P.E. Number: 32578
FEMC Case Number: 2023060410
Probable Cause Panel Date: September 10, 2025
Probable Cause Panel: Matthews, Myers, & Pistorino

Mr. Freijo was present along with his counsel, Mr. Peters. Mr. Freijo 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.

Mr. Peters addressed the board.

Mr. Freijo addressed the board. Discussion followed.

The Probable Cause Panel recommendation was an administrative fine of \$2,500.00, administrative costs of \$1,557.95, 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, respondent's license shall be Restricted from the practice of fire alarm design engineering until he takes and passes the NCEES Fire Protection examination, upon completion of the NCEES Fire Protection examination, project/plan reviews at 6 and 18 month intervals, successful completion of the Board Approved Intermediate Engineering Professionalism and Ethics course, and successful completion of the Board's Study Guide.

The Settlement Stipulation is an administrative fine of \$1,000.00, administrative costs of \$1,557.95, 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, respondent's license shall be Restricted from the practice of fire alarm design engineering until he takes and passes the NCEES Fire Protection examination, upon completion of the NCEES Fire Protection examination, project/plan reviews at 6 and 18

month intervals, successful completion of the Board Approved Intermediate Engineering Professionalism and Ethics course; and successful completion of the Board's Study Guide.

Upon motion by Ms. Ramsey, seconded by Mr. Mulock, to accept the settlement stipulation, the motion passed unanimously.

U. Default

#2. Blackstock, Jesse, P.E.

P.E. Number:	69925
FEMC Case Number:	2024008725
Probable Cause Panel Date:	September 10, 2025
Probable Cause Panel:	Matthews, Myers, & Pistorino

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.

Probable Cause was found on September 10, 2025, and an Administrative Complaint was authorized. The Administrative Complaint was filed with the Department of Business and Professional Regulation ("DBPR") on September 22, 2025.

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 an administrative complaint, an administrative fine of \$2,500.00, administrative costs of \$1,459.90, a reprimand, 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, successful completion of the Board Approved Intermediate Engineering Professionalism and Ethics course, one year suspension, and successful completion of the Board's Study Guide.

Upon motion by Mr. Albergo, seconded by Ms. Ramsey, 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 by Ms. Ramsey, seconded by Mr. Shah, to accept the PCP recommendation for penalty and reserve jurisdiction to impose any additional penalties as necessary, the motion passed.

#3. Blanco, Carlos

P.E. Number: Unlicensed
FEMC Case Number: 2024042489
Probable Cause Panel Date: September 10, 2025
Probable Cause Panel: Matthews, Myers, & Pistorino

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.031, FS: Practicing Engineering without a license.

Probable Cause was found on September 10, 2025, and an Administrative Complaint was authorized. The Administrative Complaint was filed with the Department of Business and Professional Regulation (“DBPR”) on September 22, 2025.

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 an administrative complaint, an administrative fine of \$5,000.00, and administrative costs of \$70.20.

Upon motion by Mr. Mulock, seconded by Ms. Ramsey, 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 by Ms. Ramsey, seconded by Mr. Shah, to accept the PCP recommendation for penalty, the motion passed.

#4. Mora’s Custom Designs & Consulting, Inc.

P.E. Number: Unlicensed
FEMC Case Number: 2024036232
Probable Cause Panel Date: May 7, 2025
Probable Cause Panel: Matthews, Myers, & Pistorino

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.

Probable Cause was found on May 7, 2025, and an Administrative Complaint was authorized. The Administrative Complaint was filed with the Department of Business and Professional Regulation (“DBPR”) on May 21, 2025.

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 an administrative complaint, an administrative fine of \$5,000.00, and administrative costs of \$414.50.

Upon motion by Mr. Albergo, seconded by Ms. Ramsey, 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 by Ms. Ramsey, seconded by Mr. Albergo, to accept the PCP recommendation for penalty, the motion passed.

#5. Taylor, James E.

P.E. Number:	Unlicensed
FEMC Case Number:	2024037715
Probable Cause Panel Date:	September 10, 2025
Probable Cause Panel:	Matthews, Myers, & Pistorino

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.

Probable Cause was found on May 7, 2025, and an Administrative Complaint was authorized. The Administrative Complaint was filed with the Department of Business and Professional Regulation ("DBPR") on May 21, 2025.

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 an administrative complaint, an administrative fine of \$5,000.00, and administrative costs of \$414.50.

Upon motion by Mr. Albergo, seconded by Ms. Ramsey, 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 by Ms. Ramsey, seconded by Mr. Albergo, to accept the PCP recommendation for penalty, the motion passed.

#6. Perez, Jose

P.E. Number: Unlicensed
FEMC Case Number: 2023065138
Probable Cause Panel Date: September 10, 2025
Probable Cause Panel: Matthews, Myers, & Pistorino

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.031, FS: Practicing Engineering without a license.

Probable Cause was found on September 10, 2025, and an Administrative Complaint was authorized. The Administrative Complaint was filed with the Department of Business and Professional Regulation (“DBPR”) on September 22, 2025.

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 an administrative complaint, an administrative fine of \$5,000.00, and administrative costs of \$68.25, and send to the State Attorney’s Office for criminal prosecution.

Upon motion by Mr. Albergo, seconded by Ms. Ramsey, 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 by Ms. Ramsey, seconded by Mr. Shah, to accept the PCP recommendation for penalty, the motion passed.

#7. Fernandez, Enrique

P.E. Number: Unlicensed
FEMC Case Number: 2024008725
Probable Cause Panel Date: September 10, 2025
Probable Cause Panel: Matthews, Myers, & Pistorino

Mr. Fernandez was present along with counsel, Mr. Miguel San Pedro.

Mr. Fernandez was sworn in prior to addressing the board.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.031, FS: Practicing Engineering without a license.

Probable Cause was found on May 7, 2025, and an Administrative Complaint was authorized. The Administrative Complaint was filed with the Department of Business and Professional Regulation (“DBPR”) on May 21, 2025.

Mr. Rimes explained that the case was before the Board on a motion to determine that Mr. Fernandez waived his right to a hearing by failing to respond to the administrative complaint. He noted that the Board had received a response to the motion from Mr. San Pedro, which was included in the meeting materials and raised several arguments. He stated that it was within the Board’s discretion to decide whether to accept the response and proceed.

The Probable Cause Panel recommendation was an administrative complaint, an administrative fine of \$3,620,000.00, and administrative costs of \$2,652.15.

Mr. Rimes pointed out that the response indicated Mr. San Pedro and Mr. Fernandez were aware of the complaint as early as October of the previous year. He noted that the response before the Board was the first one received and was submitted in connection with the motion filed in October.

Mr. Rimes further explained that the response raised arguments regarding lack of adequate service and equitable tolling. The equitable tolling argument asserted that although the response was not filed on time, there were reasons for the delay.

Mr. Rimes stated that if the Board chose to grant the motion, the matter would be resolved. If the Board declined to grant the motion and allowed a response to proceed, the Board would need to set a deadline for filing a request for rehearing and require the respondent to specify the disputed facts.

Mr. Rimes also summarized that the case involved allegations that Mr. Fernandez used the professional seal and signature of his deceased father on multiple filings. Mr. Rimes noted that no explanation addressing the allegation had been received in prior communications. The matter was then presented to the Board for consideration, and Mr. San Pedro was given the opportunity to respond. Mr. Harris assumed control of the floor.

Mr. Harris stated that Mr. Rimes had filed a motion requesting that the Board determine the respondent waived the right to dispute the facts. He explained that Mr. Rimes initially attempted service by registered mail, which was unsuccessful, and subsequently relied on the provisions of Rule 455 to publish notice. Mr. Harris noted that Mr. Rimes asserts that the publication constitutes legally sufficient service and is therefore requesting that the Board determine the respondent has waived the right to dispute the facts and that the matter proceed as an informal hearing.

Mr. Harris further stated that the respondent, through counsel, disputes the adequacy of the service. He indicated that the respondent’s attorney would present arguments as to why the service should not be considered proper and why the motion for waiver should be denied. The

respondent is requesting additional time to either dispute the facts and request a formal hearing or request an informal hearing before the Board.

Mr. San Pedro, counsel for the respondent, addressed the Board and requested that the motion be denied. Mr. San Pedro stated that he had only recently been retained and had limited time to review the matter. He asserted that the respondent had not been properly served and that there were unusual circumstances surrounding the service attempts. Counsel indicated that the respondent resides at the address used for service but had not received the documents prior to publication. Mr. San Pedro stated that he had recently obtained a copy of the Administrative Complaint, had begun reviewing the materials, and disputed that the signatures referenced in the allegations were those of his client. He requested an opportunity to obtain additional records, review the investigative file in full, and prepare a defense to the allegations. Counsel emphasized that the respondent was not attempting to avoid the proceedings and requested that the Board provide additional time to allow a full response.

Mr. Larry Harris provided legal guidance regarding the applicable law. Mr. Harris explained that Florida law requires a respondent to respond to an Administrative Complaint within twenty-one days and that failure to do so typically constitutes a waiver of the right to dispute the facts. He stated that the Department had followed the statutory procedures for service, including attempts by certified mail and service by publication, which are authorized in disciplinary matters. Mr. Harris advised that the Board had the discretion either to grant the motion for waiver, which would limit the respondent to an informal hearing where the facts could not be disputed, or to deny the motion and allow the respondent additional time to file a response and potentially request a formal hearing before the Division of Administrative Hearings. He noted that while service appeared legally sufficient, the Board could exercise discretion in determining how to proceed.

Mr. Rimes stated that the matter before the Board is a unique case and noted that, based on records obtained from local building departments, the sealed signature of a deceased engineer appears to have been used approximately 800 times in connection with permits, reviews, approvals, and inspections. He indicated that the Board would have preferred to hear from Mr. Fernandez earlier in the process regarding the circumstances surrounding these actions.

Mr. Rimes further stated that if the actions occurred as alleged, they would represent a serious matter and could potentially involve significant legal implications. He noted that if the respondent has an explanation for the circumstances, the Board would benefit from hearing that information.

Mr. Rimes stated that he believes the motion before the Board is appropriate; however, he indicated that if the Board determines, within its discretion, to allow the respondent additional time to respond, he would not oppose that decision provided the time allowed is clearly limited. He added that obtaining a clear understanding of the facts would be preferable to issuing a finding and imposing a substantial fine that may ultimately be difficult to collect.

Discussion and questions from Board members followed regarding service attempts and the procedural history of the case.

Upon motion by Mr. Mulock, seconded by Ms. Ramsey, that the respondent was properly served with the administrative complaint and failed to file an election of rights or other response as required by law within the required time, and that by failing to respond in writing as required by law the respondent has waived the right to request a hearing, and to grant the motion that the respondent has forfeited the right to select an administrative hearing under section 120.569 and 120.57(1), and to convene an informal hearing under section 120.57(2), F.S., the motion passed.

Upon motion by Mr. Mulock, 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.

Mr. San Pedro subsequently requested a continuance of the informal hearing, stating that the investigative file was extensive and that additional time was needed to review the materials and prepare mitigation information. Mr. Rimes indicated that he did not oppose a continuance and noted that the respondent should be permitted to present mitigation evidence, including financial information relevant to the potential penalties. After discussion, the Board approved a motion to continue the informal hearing to the June 11 meeting to be held in person and directed that any written response and supporting documentation be submitted no later than May 21.

Upon motion by Mr. Mulock, seconded by Ms. Ramsey, to continue the case until the June 2026 FBPE board meeting, and the deadline for any response from them is May 21st, the motion passed.

V. Old Business

W. New Business

Topic: Clarification of Special Inspector Experience Requirements and Application Process

Ms. Ramsey raised a new business item following the previous day's discussion regarding the Special Inspector experience requirement, specifically the distinction between the five-year experience pathway and the three-year/two-year experience pathway commonly referenced. Ms. Ramsey explained that after reviewing the rule and discussing the matter with Larry Harris, she noted that the rule lists four required items in sequence but does not clearly specify whether the experience must be design experience or inspection experience.

Ms. Ramsey stated that the intent appears to exist elsewhere, including on the FPP website, where the requirement indicates that either type of experience may qualify. However, she

noted that the wording of the rule itself could be clarified to better reflect that intent. She requested that Mr. Harris present a draft revision to the Rules Committee at a future meeting to tidy the language and remove potential ambiguity.

Ms. Ramsey also recommended revising the Special Inspector application to clearly indicate which experience pathway an applicant is using. She explained that the current application does not include a checkbox or other indicator indicating whether the applicant is applying through the three-year/two-year experience option or the five-year experience option. She stated that adding this clarification could help prevent confusion, such as the issue encountered during the previous day's discussion.

Mr. Mulock noted that in the applications he has reviewed, the supporting experience documentation typically indicates whether the experience is related to inspection or design. Ms. Ramsey responded that while the documentation may identify the type of experience, the application form itself does not require the applicant to specify which pathway they are applying under.

Mr. Harris confirmed his understanding that the proposed update would allow applicants to select either experience pathway and would include a specific section indicating that applicants selecting the five-year experience option must attach the required certificates. Ms. Ramsey confirmed that this was her intent.

Ms. Myers commented that in most cases, applicants submit documentation showing both inspection and design experience. It was noted that only a few applications have relied solely on inspection or construction experience. Because most applications include both types of experience, the issue has not typically created confusion until the recent case discussed by the board. Ms. Myers agreed that clarifying the rule would be beneficial now that the situation has arisen.

Mr. Albergo added that in most applications, the supporting documents make the applicant's experience clear, but he agreed that revising the rule and application form to make the process more explicit would be helpful.

Action Item:

Staff and the Rules Committee will review the Special Inspector rule and application form to clarify experience pathways and consider adding a selection option indicating whether the applicant is applying under the three-year/two-year pathway or the five-year experience pathway, along with required documentation where applicable.

X. Adjourn

Next Board Meeting: April 8-9, 2026 (via zoom)