



1ST QUARTER



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FLORIDA ENGINEERS MANAGEMENT CORPORATION Quarterly Report in Compliance with Sections IV Deliverables

First Quarter 2013-20134

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- B1. The status of the performance standards adopted by Rule 61G15-37.001, Florida Administrative Code.
- B2. Compliance with priority referrals from the Contract Monitor, per Section IV, Contract Monitor, of the Agreement.
- B3. Information related to disciplinary actions.
 - a. A list and status of all complaints made during this agreement (open and closed, licensed and unlicensed). Status information should include:
 - The name of the complainant;
 - The name and license number of subject;
 - The date of the complaint;
 - The alleged violation;
 - The last action taken; and
 - The next appropriate action recommended.
 - b. A list of all cases FEMC closed as legally insufficient since the last report;
 - c. A list showing the status of compliance with all final orders with pending provisions;
 - d. A list of cases where the alleged violation is for unlicensed activity and the subject also holds a license with another profession within the department.
- B4. Information regarding the failure of FEMC to comply with any provisions of the contract.
- B5. A list of all legal cases where FEMC has not been the prevailing party. The list must include copies of final orders and specify cases where attorney fees have been awarded.
- B6. Corrective Plan as required by Section IV of the contract.
- B7. A detailed report of expenditures and cash balance.
- B8. Long Range Estimates of Revenue.

B9. Detailed information for the last quarter as required by contract:

- The number of license renewals;
- The number of license applications received;
- The number of licenses approved;
- The number of licenses denied;
- The number of licenses issued;
- The average time required to issue a license;
- The number of examinations administered;
- The number of applicants who passed the examination;
- The number of applicants who failed the examination;
- The number of complaints received;
- The number of complaints determined to be legally sufficient;
- The number of complaints dismissed;
- The number of complaints determined to have probable cause;
- The number of administrative complaints issued along with the status of the complaint; and
- The number and nature of disciplinary actions taken by the FBPE.

Section VIII. Deliverables

B1. Performance Standards

Quarterly Report in Compliance with Rule 61G15-37.001, F.A.C.

In order to facilitate efficient and cost effective regulation by the Florida engineers Management Corporation ("FEMC"), the following performance standards and measurable outcomes are adopted:

(1) FEMC shall make a determination of legal sufficiency within 30 days of receipt of a complaint.

25 total new complaints received (unlicensed & licensed), 19 licensed complaints deemed legally sufficient, 0 licensed complaints deemed legally insufficient, 3 unlicensed complaints deemed legally sufficient, 0 unlicensed complaint legally insufficient. There are 3 complaints that have not been deemed legally sufficient. Complaint #2013033149 was opened internally and was given a number simply for tracking purposes. Materials are currently being gathered in order to be able to make a determination of legal sufficiency or legal insufficiency. Complaint #2013038467 was received on September 16, 2013 and is expected to have a determination of sufficiency made within the 30 day time period. Complaint #2013033301 is out of compliance. The expert consultant reviewing this has not rendered his preliminary opinion as to whether the factual allegations meet the test for legal sufficiency at this time. In order to avoid non-compliance in the future, the investigator and expert consultant have been provided with a copy of Rule 61G15-37.001, FAC, along with a reminder to that sufficiency must be established within 30 days of receipt of a complaint. However, it should be noted that certain legal sufficiency determinations may require more than the 30 days required under the rule.

(2) Within fifteen days of receiving a complaint that is determined to be legally sufficient, FEMC shall furnish the subject or the subject's attorney a copy of the complaint or document that resulted in the initiation of the investigation.

Of the 22 cases deemed legally sufficient, the subject or subject's attorney were notified and furnished a copy of the complaint, or in the case of some unlicensed cases furnished with a Cease and Desist Order resulting in 100% compliance with the Rule.

(3) FEMC shall provide status reports to the Board regarding all outstanding disciplinary cases at every other regularly scheduled meeting of the Board. The status report shall include all legally sufficient disciplinary cases until entry of a final order by the Board. Upon entry of a final order, FEMC shall notify the licensee's employer of the action taken by the Board.

Status reports were submitted to the Board at the August and October FBPE and FEMC meetings. As far as FEMC can reasonably ascertain the existence of an employer for Respondent, FEMC now has 100% compliance with that requirement.

(4) FEMC shall refer to the board any investigation or disciplinary proceeding not before the Division of Administrative Hearings pursuant to chapter 120 or otherwise completed by FEMC within one year after the filing of a complaint.

As referenced in the previous quarterly report at the end of the fourth quarter of the fiscal year 12-13 there were 15 cases more than a year old. Of those 15 cases, 4 have been resolved. As a result of aging, there are 3 additional cases that reached year old status during the first quarter thus making a total of 14 more than a year old cases at the end of the first quarter.

(5) FEMC shall notify the person who filed the complaint of the status of the investigation every six months, including whether probable cause has been found, when the case is on the agenda for consideration by the Board and the status of any administrative proceeding or appeal.

FEMC is in 100% compliance with this section

(6) At least 90 days before the end of a licensure cycle, FEMC shall forward a licensure renewal notification to active or inactive licensees at the licensee’s last known address of record with FEMC.

(7) At least 90 days before the end of a licensure cycle, FEMC shall forward a notice of pending cancellation of licensure to a delinquent status licensee at the licensee’s last known address of record with FEMC.

(8) Upon receipt of an application for a license, FEMC shall examine the application and, within 30 days after such receipt, notify the applicant of any apparent errors or omissions and request any additional information FEMC is permitted by law to require.

Type of Application	Applications Received	Applications in compliance	Applications not in compliance with 30 day notice
Engineer Intern	159	159	
Continuing Education Providers	6	6	
Continuing Education Courses	0	0	
Professional Engineer	53	53	
Endorsement	270	270	
Certificate of Authorizations	129	129	

(9) Every application for a license shall be approved or denied within 90 days after receipt of a completed application.

FEMC is in 100% compliance with the rule.

Applications Received and in 90 – Day Compliance	
July 2013	
Principles & Practice	22
Engineer Intern/Fundamentals	63
Continuing Education	3
Endorsements	128
Special Inspectors	1
Total	217
August 2013	
Principles & Practice	19
Engineer Intern/Fundamentals	35
Continuing Education	1
Endorsements	52
Special Inspectors	3
Total	110
September 2013	
Principles & Practice	38
Engineer Intern/Fundamentals	42
Continuing Education	3
Endorsements	94
Special Inspectors	0
Total	177
Grand Total for quarter	504

(10) If an applicant seeks a license for an activity that is exempt from licensure, FEMC shall notify the applicant and return any tendered application fee within 30 days after receipt of the original application.

FEMC is in 100% compliance with this section due to the fact that it has not received any application for an exempt activity.

(11) FEMC shall maintain the Board's web page and update the web page within 14 days of the date the updates go into effect. Administrative complaints shall be posed no later than 30 days after the recommendation by the probable cause panel. All active disciplinary cases shall be posted on the web page, including the final action taken by the Board until the terms of the final order are completed or until the licensee becomes inactive, retires, relinquishes the license or permits the license to become null and void.

FEMC is in 100% compliance with this section.

Section VIII. Deliverables

B2. Priority Referrals Compliance

B2. Priority Referrals

During the first quarter of 2013-2014, there were three referrals from the Department of Business & Professional Regulation. The referrals dealt with engineering exam applicant pass/fail rate, "3 strikes" policy and constituent contact information for OLA.

Section VIII. Deliverables

B3a. Complaint Status List

	A	B	C	D	E	F	G	H
1		Case #	a. Complainant name	b. Name & License # of subject	c. Date of Complaint	d. Alleged violation	e. Last action taken	f. Next action recommended
2	1	2013033149	"REDACTED"	"REDACTED"	8/9/2013	Possible violation of FS 471.033(1)(g), engaging in fraud or deceit, incompetence, or misconduct in the practice of	Initial Review	Under Investigation
3	2	2013033301	"REDACTED"	"REDACTED"	8/8/2013	Possible violation of FS 471.033(1)(g), engaging in fraud or deceit, incompetence, or misconduct in the practice of	Initial Review	Under Investigation
4	3	2013033347	"REDACTED"	"REDACTED"	7/24/2013	Possible violation of FS 471.033(1)(g), engaging in fraud or deceit, incompetence, or misconduct in the practice of	Initial Review	Under Investigation
5	4	2013038467	"REDACTED"	"REDACTED"	9/16/2013	Possible violation of FS 471.023, offering engineering services without a Certificate of Authorization.	Initial Review	Under Investigation
6	5	2013038469	"REDACTED"	"REDACTED"	9/16/2013	Possible violation of §471.031(1)(e) and 471.033(1)(i), Florida Statutes; Use or attempt to use a license that has been suspended, revoked, or placed on inactive or delinquent status; Practicing on a revoked, suspended, inactive, or delinquent license.	Initial Review	Under Investigation
7	6	2013040165	"REDACTED"	"REDACTED"	9/30/2013	Possible violation of FS 471.033(1)(g), engaging in fraud or deceit, incompetence, or misconduct in the practice of engineering.	Initial Review	Under Investigation
8	7	2012039420	"REDACTED"	"REDACTED"	9/14/2012	Possible violation of FS 471.033(1)(g), engaging in fraud or deceit, incompetence, or misconduct in the practice of engineering.	Under Investigation	Consultant Review
9	8	2012040966	"REDACTED"	"REDACTED"	9/27/2012	Possible violation of FS 471.033(1)(g), engaging in fraud or deceit, incompetence, or misconduct in the practice of engineering.	Under Investigation	PCP
10	9	2013027721	"REDACTED"	"REDACTED"	7/1/2013	Possible violation of FS 471.023, offering engineering services without a Certificate of Authorization.	Investigation Complete	Close File
11	10	2013028422	"REDACTED"	"REDACTED"	7/11/2013	Possible violation of FS 471.033(1)(g), engaging in fraud or deceit, incompetence, or misconduct in the practice of engineering.	Under Investigation	Continue Investigation
12	11	2013028423	"REDACTED"	"REDACTED"	7/10/2013	Possible violation of FS 471.033(1)(g), engaging in fraud or deceit, incompetence, or misconduct in the practice of engineering.	Investigation Complete	PCP
13	12	2013028752	"REDACTED"	"REDACTED"	7/11/2013	Possible violation of FS 471.025(3), affixing his seal, name, or digital signature to any plan, specification, drawing, final bid document, or other document that depicts work which he or she is not licensed to perform or which is beyond his or her professional specialty therein.	Under Investigation	Send to Consultant
14	13	2013028821	"REDACTED"	"REDACTED"	7/15/2013	Possible violation of FS 471.033(1)(g), engaging in fraud or deceit, incompetence, or misconduct in the practice of engineering.	Under Investigation	Continue Investigation
15	14	2013028824	"REDACTED"	"REDACTED"	7/15/2013	Possible violation of FS 471.033(1)(g), engaging in fraud or deceit, incompetence, or misconduct in the practice of engineering.	Under Investigation	Continue Investigation

	A	B	C	D	E	F	G	H
16	15	2013029821	"REDACTED"	"REDACTED"	7/22/2013	Possible violation of FS 471.033(1)(d), being convicted or found guilty or, or entering a plea of nolo contendere to a crime in any jurisdiction.	Under Investigation	File Being Held for Additional Evidence
17	16	2013029836	"REDACTED"	"REDACTED"	7/14/2013	Possible violation of FS 471.023, practicing engineering services through a company without a Certificate of Authorization.	Investigation Complete	PCP
18	17	2013032321	"REDACTED"	"REDACTED"	8/2/2013	Possible violation of FS 471.023, offering engineering services without a Certificate of Authorization.	Under Investigation	Continue Investigation
19	18	2013033008	"REDACTED"	"REDACTED"	8/1/2013	Possible violation of FS 471.033(1)(g), engaging in fraud or deceit, incompetence, or misconduct in the practice of engineering.	Under Investigation	Continue Investigation
20	19	2013033202	"REDACTED"	"REDACTED"	8/12/2013	Possible violation of FS 471.033(1)(g), engaging in fraud or deceit, incompetence, or misconduct in the practice of engineering.	Under Investigation	Continue Investigation
21	20	2013033840	"REDACTED"	"REDACTED"	7/22/2013	Possible violation of FS 471.033(1)(g), engaging in fraud or deceit, incompetence, or misconduct in the practice of engineering.	Under Investigation	Continue Investigation
22	21	2013036474	"REDACTED"	"REDACTED"	8/25/2013	Possible violation of F.S. 471.031(1)(a) engaging in unlicensed activity .	Under Investigation	Continue Investigation
23	22	2013036911	"REDACTED"	"REDACTED"	8/14/2013	Possible violation of FS 471.033(1)(g), engaging in fraud or deceit, incompetence, or misconduct in the practice of engineering.	Under Investigation	Continue Investigation
24	23	2013042814	"REDACTED"	"REDACTED"	9/24/2013	Possible violation of F.S. 471.031(1)(a) engaging in unlicensed activity .	Under Investigation	Continue Investigation
25	24	2013039236	"REDACTED"	"REDACTED"	8/22/2013	Possible violation of FS 471.033(1)(d), being convicted or found guilty or, or entering a plea of nolo contendere to a crime in any jurisdiction.	Under Investigation	File Being Held for Additional Evidence
26	25	2013027115	"REDACTED"	"REDACTED"	7/1/2013	Possible violation of FS 471.033(1)(g), engaging in fraud or deceit, incompetence, or misconduct in the practice of engineering.	Under Investigation	Continue Investigation
27	26	2013028825	"REDACTED"	"REDACTED"	7/15/2013	Possible violation of FS 471.033(1)(g), engaging in fraud or deceit, incompetence, or misconduct in the practice of engineering.	Investigation Complete	PCP
28	27	2013028827	"REDACTED"	"REDACTED"	7/15/2013	Possible violation of FS 471.033(1)(g), engaging in fraud or deceit, incompetence, or misconduct in the practice of engineering.	Under Investigation	Continue Investigation
29	28	2013034366	"REDACTED"	"REDACTED"	8/19/2013	Possible violation of FS 471.033(1)(g), engaging in fraud or deceit, incompetence, or misconduct in the practice of engineering.	Under Investigation	Continue Investigation
30	29	2013028742	Paul W. Just	Donald Arpin, P.E. #28585	7/15/2013	Possible violation of FS 471.023, offering engineering services without a Certificate of Authorization.	Closed - No Violation Found	None
31	30	2013028743	Paul W. Just	Arpin & Sons LLC	7/15/2013	Possible violation of FS 471.023, offering engineering services without a Certificate of Authorization.	Closed - No Violation Found	None
32	31	2013031919	Glenn W. Warburton	Cornerstone Engineering CA#8472	7/17/2013	Possible violation of FS 471.023, offering engineering services without a Certificate of Authorization.	Closed - Violation Found Corrected	None
33	32	2013031921	Glenn W. Warburton	James Wright, P.E. #53722	7/17/2013	Possible violation of FS 471.023, offering engineering services without a Certificate of Authorization.	Closed - Violation Found Corrected	None

	A	B	C	D	E	F	G	H
34	33	2013032719	Robert Johnston	Robert Moon, P.E. #66501	7/18/2013	Possible violation of FS 471.033(1)(g), engaging in fraud or deceit, incompetence, or misconduct in the practice of engineering.	Closed - Complaint Withdrawn	None
35	34	2013033548	Ahmet Bedizel	Nicholas Johnson	8/1/2013	Possible violation of F.S. 471.031(1)(a) engaging in unlicensed activity .	Closed - C&D	None

Section VIII. Deliverables

B3b. Current FEMC Legally Insufficient Case List

B3b. List of all cases FEMC closed as legally insufficient since last report:

2013019656, 2013019962

Section VIII. Deliverables

B3c. Final Order Compliance Report

Final Order Compliance / Non-Compliance Report Summary

This report is a summary of current cases with Final Orders imposing probations, restrictions, and additional penalties along with pending due dates and current statuses and activity.

Anderson, Thomas – Case No. 2009064129 (Final Order issued 5/13/2011)

- Currently Restricted from Practicing Structural Engineering Until Passing NCCES Civil Engineering Exam w/ Structural Option.
- Once he passes and appears before the Board to Lift Restriction additional terms will be imposed. (Probation for 2 years and project reviews at 6 & 18 months).
- Intermediate Professionalism & Ethics Course Due Date = Enrolled 10-12-12, received verification of enrollment. Subject has until April 1, 2013 to take the class or the case will be turned over to the investigator.
- Costs: \$1,071.25 & Fine: \$1,000.00 PAID

NOTE: This subject is considered to be NON-COMPLIANT

Banks, Julio – Case No. 2009015308 (Final Order issued 10/19/2011)

- Costs due = 10/19/1012 – quarterly payments to be made within 1 year of final order date (Note: sent reminder letter that 2nd quarter payment was due 4/19/12)

1 st quarterly payment	\$827.00	<u>01/19/2012</u>
2 nd quarterly payment	\$827.00	<u>04/19/2012</u>
3 rd quarterly payment	\$827.00	<u>07/19/2012</u>
4 th quarterly payment	\$827.00	<u>10/19/2012</u>

- Probation ends = Originally probation ended 10/19/2011; however, pursuant to an extension granted on the probation and payment of fines/costs for one year, probation now ends on 09/18/2013
- 6 Month Project Review due date = 04/20/2012. New 6 month project review due on 03/19/2013
- Intermediate Professionalism & Ethics Course due on 10/19/2012 – new deadline for Intermediate Professionalism & Ethics Course is 09/19/2013
- 1st quarterly payment PAID on January 18, 2012

Order entered on 9/18/12 extending probation for one year. Mr. Banks has made no further movement on his obligation pursuant to the Final Order of September 18, 2012.

NOTE: This subject is considered to be NON-COMPLIANT

Final Order Compliance / Non-Compliance Report Summary

This report is a summary of current cases with Final Orders imposing probations, restrictions, and additional penalties along with pending due dates and current statuses and activity.

Barnett, Winthrop – Case No: 2011055854 (Final Order Issued 4/23/2013)

- Costs; \$1,913.25; Fine; \$3,000.00 due 4/23/2014)
- Advanced P&E due 4/23/2014
- Study Guide due 5/23/2013 COMPLETED
- 2 years' probation terminates 4/23/2015
- 6 month project review due 10/23/2013
- 18 month project review due 4/23/2014
- Restricted from Structural until passes 16 hour NCEES Structural Exam

Certified Drainage – Case No.: 2012031490

- Final Order issued pursuant to August 8, 2013 Board Meeting
- Final Order filed with DBPR on September 13, 2013
 - Respondent is to pay a fine of \$5,000.00 by October 13, 2013
 - Respondent is no longer an active business
 - Respondent is no longer practicing in any manner
 - It is not anticipated that Respondent will pay the \$5,000.00 fine, as there is no entity to pay the fine.
 - All attempted correspondence with Respondent, via mail, has been returned undelivered

Choncholas, James – Case No. 2009000306 (Final Order Issued on 1/6/2011)

- Subject's probation is set to end on 01/06/2013.
- Submitted list for 6 month project review but building department is requesting additional changes. Extended submission of plans for 6 month review and retainer check to 03/05/2012.
- Complete project and retainer will be submitted by March, 2013. Subject is having financial hardship.
- 18 month project review due 7/6/12
- Costs: \$534.00 PAID
- Study Guide COMPLETED
- Professionalism & Ethics Course COMPLETED

Mr. Choncholas has not submitted his plans or retainer as promised.

Final Order Compliance / Non-Compliance Report Summary

This report is a summary of current cases with Final Orders imposing probations, restrictions, and additional penalties along with pending due dates and current statuses and activity.

NOTE: This subject is considered to be NON-COMPLIANT

Culpepper, Charles – Case No: 2012019685 (Final Order Issued on 3/20/2013)

- Fine: \$1,000 – PAID 04/09/2013
- Costs: \$195.10 – PAID 04/09/2013
- P&E Course due 3/20/2014
- Study Guide due COMPLETED

Daugherty, Kristina – Case No. 2010059945 (Final Order Issued 8/17/2011)

- Subject is currently restricted from practicing Structural engineering until completion of Wind Load Design Criteria II, and A General Overview of ASCE-17 Changes to Windload Provisions. An appearance will be required to lift restriction. COMPLETED 3/20/2013
- Probation is set to terminate 08/17/2013.
- Professionalism & Ethics Course to be completed by 08/17/2012.
- 6 month project review scheduled for 02/17/2012.
- Received email stating she hasn't had any work. She has a 6 month extension per the Final Order.
- 18 month project review scheduled for 02/17/2013.
- Received e-mail on 18/09/2012 requesting to voluntarily place her license on inactive status due to lack of work.

Dominguez, Jose – Case No: 201202508 (Final Order Issued 6/25/2013)

- Costs: \$1,000.00 due 7/25/2013 – paid 07/25/2013
- Fines: \$4,665.00 due 7/25/2013 – paid 07/25/2013
- P&E Course due 6/25/2014
- Study Guide due 7/25/2013
- Project Review 6/18 months due 12/25/13: 6/2/2014
- Probation (2) years: ends 6/25/2015

Final Order Compliance / Non-Compliance Report Summary

This report is a summary of current cases with Final Orders imposing probations, restrictions, and additional penalties along with pending due dates and current statuses and activity.

Frazier, Timothy - Case No. 2009041717 (Final Order Issued 10/19/2011)

- Subject's license is suspended until 10/19/2014. After which time he will need to appear before the Board to request for reinstatement.
- Subject had to relinquish his Threshold Special Inspector license – permanently.
- Fines: \$6,437.00 & Cost: \$5,000.00 PAID
- Professionalism & Ethics Course to be completed by 10/19/2012. COMPLETED
- Study Guide COMPLETED

Gainer, Gregory – Case No: 2012027714 (Final Order Issued 4/23/2013)

- Costs; \$2,617.00 PAID IN FULL
- Advanced P&E due 4/23/2014
- Study Guide due 5/23/2013 COMPLETED

George, Lawrence – Case No. 2011028426 (Final Order Issued 5/13/2012)

- Costs: \$257.00 PAID
- Six Month Project Review due 10/3/2012 – per the stipulation 6 month extension until 4/13(work is slow) – still has not submitted his first project review
- Probation is two (2) years – until 05/04/2014

Gomez-Pina, Fernando – Case No. 201200326 (Final Order Issued 4/23/2013)

- Costs; \$2,972.25; Fine; \$2,000.00 due 5/23/2013 PAID
- Advanced P&E due 4/23/2014
- Study Guide due 5/23/2013 – Completed Study Guide with a grade of 91 on July 29, 2013
- Restricted until passes 16 hour NCEES Structural Exam, but he has until April 23, 2014 to pass that course.

Final Order Compliance / Non-Compliance Report Summary

This report is a summary of current cases with Final Orders imposing probations, restrictions, and additional penalties along with pending due dates and current statuses and activity.

Gonzembach, Rodolfo – Case No: 2011034995 (Final Order Issued 9/18/2012)

- Probation set to end 9/18/2013
- Fine: \$1,000.00 – PAID
- Costs: \$3,712.00 due 10/18/2013 (making monthly payments in the sum of \$309.33 until paid in full). Mr. Gonzembach is making good faith efforts to pay his obligation; however, he is not yet paid in full.
- Study Guide due 10/18/2012 – COMPLETED – October 26, 2012'
- P&E Course due 9/18/2013 – He is overdue on this Course.

Hibbard, Thomas – Case No. 2009054465 (Final Order Issued 10/20/2011)
(Related Case No: 2012016508)

- Fines and Costs were due 11/20/2011. Subject sent letter stating he cannot pay the fines and costs in this case due to financial hardship. This matter is being presented to the Board for further instruction at February 2012 Board Meeting.
- 6 Month Project review set for 04/20/2012. (reminder letter on 4/20/12)
- 18 month project review set for 04/20/2013.
- Probation terminates 10/20/2013.
- Costs: \$4,930.97 & Fine: \$1,000.00 due 11/20/2011

Administrative Complaint Issued, Election of Rights due 6/19/12. EOR was never received.

(Case No: 2012016508) Final Order Issued 9/18/12)

SUSPENDED UNTIL COMPLIES WITH FINAL ORDER 2009054465

CURRENTLY UNDER APPEAL

- The Second DCA Affirmed the FBPE's Final Order suspending Mr. Hibbard's license and the assessment of a fine and costs to Mr. Hibbard. On August 27, 2013, Mr. Rimes sent a letter attaching a Settlement Stipulation for Mr. Hibbard to sign to relinquish his license permanently and not be required to pay the fine and costs. To date, October 1, 2013, we have not heard from Mr. Hibbard. However, upon a review of his file, he does travel quite a bit and may not have received the letter yet.

NOTE: This subject is considered to be NON-COMPLIANT but we are working with him

Final Order Compliance / Non-Compliance Report Summary

This report is a summary of current cases with Final Orders imposing probations, restrictions, and additional penalties along with pending due dates and current statuses and activity.

Holtz, Stuart – Case No: 2011001628 (Final Order Issued 2/29/2012)

- Professionalism & Ethics Course to be completed by 2/29/2013 – COMPLETED
- ACI Inspector Certification Program to be completed by 2/29/2013
- Probation ends on 2/29/2014
- Costs:\$3,712.00 & Fines:\$5,000.00 PAID
- Study Guide COMPLETED

James, Jacqueline – Case No: 2011048483 (Final Order Issued 6/25/2013)

- Fine: \$1,000.00 due 7/25/2013
- Costs: \$2,390.00 due 7/25/2013
- P&E Course due 6/25/2014
- Study Guide due 7/25/2013
- Project review 6 & 18 Months due 12/25/2013:6/22/2013
- Ms. James asked to make equal monthly payments in the sum of \$1,130.00 until her Costs and Fines were paid. That was agreed to by Sandee Spradlin. Ms. James made one of the monthly payments in the sum of \$1,130.00 in early August. Nothing else has been paid.
- Ms. James has not successfully completed the Study Guide.
- Ms. James has not provided this office with a current address (other than an e-mail address) so any written correspondence is returned without delivery.

NOTE: This subject is considered to be NON-COMPLIANT

Mosby, Randall – Case No: 2011042037 and Case No: 2011028047 are, effectively, incorporated into Case No.: 2011042037, as the Order on Reinstatement does that.

- Completed his one year Suspension;
- Appeared at August 8, 2013 Board Meeting;
- Order on Reinstatement issued pursuant to the August 8, 2013 Board Meeting;
- Order on Reinstatement filed with the Florida Department of Business and Professional Association (DBPA) on September 13, 2013.
 - License on Probation for two (2) years
 - Shall present three (3) Project Reviews: At 3 months, 6 months, and 18 months, with the ability for early termination if both the 3 month and 6 month project reviews are favorable

Final Order Compliance / Non-Compliance Report Summary

This report is a summary of current cases with Final Orders imposing probations, restrictions, and additional penalties along with pending due dates and current statuses and activity.

- W. Keith McCulley, P.E. will submit quarterly reports to the Board on Respondent's well-being and his ability to practice and conduct his engineering business.
- Mr. Mosby shall participate in the Freedom Journey Program with Faith Farm Ministries, which shall submit quarterly reports to the FBPE on Mr. Mosby's rehabilitative progress and, further, shall immediately inform the FBPE of any issues that may arise with Mr. Mosby's treatment.

Muller, Carlos – Case No: 201201188 (Final Order Issued 12/18/2012)

- Probation until 12/18/2013
- Project Review 6 months to be completed by 6/18/2012 – Received list of projects on August 15, 2013 and the list and payment for same was sent to Roger Jeffery on August 16, 2013. On August 22, 2013, sent an e-mail to Mr. Muller regarding information on projects selected.

Nwadike, Emmanuel – Case No: 2012004836 (Final Order Issued 6/27/2013)

- Costs: \$5,000.00 due 7/27/2013
- Fines: \$234.00 due 7/27/2013
- P&E Course due 6/27/2014
- Study Guide due 7/27/2013
- Suspended until 6/27/2016

Paredes, Angel – Case No: 2012010083 (Final Order Issued 4/23/2013)

- Costs; \$3,465.00 due 10/23/2013 – PAID IN FULL AS OF 09/04/2013
- P&E Course due 4/23/2014 – COMPLETED ON 09/16/2013
- Study Guide – COMPLETED ON 05/11/2013

Partovi, Mohammed – Case No: 2011034724 (Final Order Issued on 2/29/2012)

- Advanced Professionalism & Ethics Course to be completed by 2/29/2013
COMPLETED
- Suspension until 2/29/2014
- Costs: \$504.50 PAID

Final Order Compliance / Non-Compliance Report Summary

This report is a summary of current cases with Final Orders imposing probations, restrictions, and additional penalties along with pending due dates and current statuses and activity.

- Study Guide COMPLETED
- Rickett, Joseph – Case Nos. 2007050379& 2007068938
(Final Order Issued 5/27/2010)
- Subject's license status is currently "Contingent/Probation". His probation term will end on 05/27/2012, but to resume practice in Florida, he will need to complete the NCEES Structural Exam and appear before the Board. At which time additional penalties will be imposed. (probation for 2 years, ethics course, and study guide , project reviews at 6 & 18 months)
 - After the probation term ends his record can be moved to the "Contingent/Restricted" tab in the worksheet.
 - Costs: \$11,302.00 PAID

CURRENTLY UNDER APPEAL

Setser, Darrell – Case No: 2011001633 (Final Order Issued 8/16/2012)

- Study Guide COMPLETED
- Fine: 2000.00; Costs: 4003.75 PAID
- P&E due 8/16/2013 COMPLETED
- ACI Inspector Program due 8/16/2013
- Probation set to end 8/16/2013

Mr. Setser has been granted Early Termination via Order filed with FBPR 09/13/2013

Stitgen, Douglas – Case No: 2009050310 (Final Order Issued On 2/29/2012)

- Professionalism & Ethics Course to be completed by 2/29/2013 – COMPLETED on 04/03/2013
- 6 month project review set for 7/29/2012 (sent consultant plans/check on 10/4/12): Consultant is reviewing, sent additional information to consultant on 3/22/13. Still waiting for additional projects to be reviewed. Mr. Stitgen is not working very much.
- 18 month project review set for 7/29/2013
- Probation ends 2/29/2012
- Costs: \$1,073.00 & Fines: \$1,000.00 PAID
- Study Guide COMPLETED on 03/21/2013

Final Order Compliance / Non-Compliance Report Summary

This report is a summary of current cases with Final Orders imposing probations, restrictions, and additional penalties along with pending due dates and current statuses and activity.

Suncoast Architecture & Engineering, Inc. – Case No: 2011023396 (Final Order Issued 4/24/12)

- Study Guide COMPLETED on 09/18/2012
- Professionalism & Ethics Course to be completed by 4/24/2013 COMPLETED but still waiting on receipt of certificate confirming
- Costs: \$214.50 & Fines: \$1,000.00 PAID on 04/12/2012
- Probation ends 4/24/2014

Valdes-Linares, Manuel– Case Nos. 2010058220 (Final Order Issued 4/27/2013)

- 6 month project review due 8/27/2013 – received the Project List on 08/27/2013 and sent to Joe Berryman that same date. Mr. Berryman received the \$750.00 cost for his services directly from Mr. Valdes-Linares

Whittum, James – Case No: 2012004881 (Final Ordered Issued 4/23/2013)

- Costs; \$601.00, Fine; \$3,000.00 PAID on 05/08/2013
- Advanced P&E due 4/23/2014
- Study Guide due 5/23/2014

Wood, Robert – Case Nos. 2007062474 & 2008062802
(Final Order Issued 11/4/2009)
(Related Case No: 201102295)

- A new administrative complaint was filed 07/25/2011 for bad project review.
- Subject's probation term ended on November 4, 2011, however the 18 month project review remains unresolved. As of 01/17/2012 Berryman has not provided final opinion for 18 month review after receiving Mr. Wood's response 12/14/2011. Final opinion came in, sent report and invoice to McCabe. Received letter from McCabe and forwarded to Berryman.
CASE No: 201102295 is at DOAH and a hearing is set for 4/25/12.
Hearing on July 26, 2012 at DOAH and awaiting Recommended Order

NOTE: This subject is considered to be NON-COMPLIANT
CURRENTLY UNDER APPEAL

Final Order Compliance / Non-Compliance Report Summary

This report is a summary of current cases with Final Orders imposing probations, restrictions, and additional penalties along with pending due dates and current statuses and activity.

Zhou, Liang – Case No: 2010058209 (Final Order Issued 9/18/2012)

- Fine: 1000.00;Costs: \$4,427.00 PAID 09/27/2012
- Study Guide due COMPLETED 10/12/2012
- P&E due 9/18/2013 – COMPLETED 05/27/2013
- 6 month project review due 3/18/2013 –COMPLETED
- 18 month project review due 3/18/2014

Section VIII. Deliverables

*B3d. Unlicensed Activity Case List for
Multiple DBPR License Owners*

B3d. Unlicensed Cases from 7/1/2013 – 9/30/2013 in which subjects hold other DBPR licenses

During the quarter from 7/1/2013-9/30/2013, FEMC received 4 cases alleging unlicensed activity. Of those 4 cases, none held other DBPR licenses.

Section VIII. Deliverables

B4. Information Regarding the Failure of FEMC to Comply with Provisions of the Contract

B4. Information regarding the failure of FEMC to comply with any provision of the Contract.

As far as FEMC is able to reasonably able to ascertain, it is in compliance with the current contract.

Section VIII. Deliverables

B5. Non-Prevailing Party Case List

B5. A list of all legal cases where FEMC has not been the prevailing party. The list must include copies of final orders and specific cases where attorney fees have been awarded.

There have been no cases in the first quarter in which FEMC has not been the prevailing party; as such, no attorney fees have been awarded.

Section VIII. Deliverables

B6. Corrective Action Plan

B6. Corrective plans for any deficiencies noted in the Quarterly Report.

Deficiency with the compliance of Rule 61G15.37.001(1), F.A.C. *“FEMC shall make a determination of legal sufficiency within 30 days of receipt of a complaint.”*

- ***Description of the Deficiency: One (1) complaint was received in the First Quarter, which was not timely reviewed for legal sufficiency.*** The expert consultant reviewing this has not rendered his preliminary opinion as to whether the factual allegations meet the test for legal sufficiency at this time. In order to avoid non-compliance in the future, the investigator and expert consultant have been provided with a copy of Rule 61G15-37.001, FAC, along with a reminder to that sufficiency must be established within 30 days of receipt of a complaint. However, it should be noted that certain legal sufficiency determinations may require more than the 30 days required under the rule.
- ***The Impact of the deficiency:*** Determination of Legal sufficiency of the complaint was not made in a timely manner.
- ***Action plan to correct the deficiency:*** FEMC has reinstated a formal in-house complaint input system for all complaints and other communications that may constitute a complaint. This system will assure that all potential complaints which will require a legal sufficiency determination will be continually tracked.
- ***The responsible individuals to implement the action plan:*** Executive Director and Prosecuting Attorney.
- ***A time line for implementing the action plan that is consistent with the severity of the deficiency:*** The time line for implementing such action is immediately.
- ***The estimated cost of implementing the corrective plan:*** There are no costs associated with such an implementation.

Section VIII. Deliverables

B7. Expenditures and Cash Balance Report

Florida Engineers Management Corporation
September 30, 2013

The carrying amount of FEMC's cash deposits was \$212,462.96 and the bank balance was \$219,927.26

Section VIII. Deliverables

B8. Long Range Estimates of Revenue

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
BOARD OF PROFESSIONAL ENGINEERS
OPERATING ACCOUNT
ACTUAL AND PROJECTED REVENUES, EXPENSES
AND CHANGES IN ACCOUNT BALANCE
FISCAL YEARS ENDING JUNE 30, 2007 THROUGH JUNE 30, 2018

	Actual							Projected				
	JUNE 30 2007	JUNE 30 2008	JUNE 30 2009	JUNE 30 2010	JUNE 30 2011	JUNE 30 2012	JUNE 30 2013	JUNE 30 2014	JUNE 30 2015	JUNE 30 2016	JUNE 30 2017	JUNE 30 2018
REVENUES												
Fees and Charges	\$ 637,005	\$ 589,955	\$ 544,105	\$ 496,790	\$ 541,060	\$ 487,655	\$ 490,903	\$ 487,630	\$ 487,655	\$ 487,630	\$ 487,655	\$ 487,630
Licenses	4,445,435	370,375	4,445,435	272,405	4,677,375	376,580	4,869,110	376,150	4,661,325	376,150	4,661,325	376,150
Less: Licenses Waiver	-	-	3,484,960	-	-	-	-	-	-	-	-	-
Net Licenses	4,445,435	370,375	960,475	272,405	4,677,375	376,580	4,869,110	376,150	4,661,325	376,150	4,661,325	376,150
Fines	184,312	59,535	52,103	33,915	33,648	72,020	12,305	12,305	12,305	12,305	12,305	12,305
Investment Earnings	136,636	169,477	58,396	25,331	36,646	32,991	35,335	77,639	47,346	95,344	65,376	113,705
Interest on Temporary Advancement	2,330	6,399	-	-	-	-	-	-	-	-	-	-
Refunds	269,813	22,409	268,781	71,533	31,450	152,068	121,300	121,300	121,300	121,300	121,300	121,300
Other Revenues	12,786	5,505	23,693	(2,533)	50,441	3,873	-	-	-	-	-	-
Total Revenues	5,688,317	1,223,655	1,907,553	897,441	5,370,620	1,125,187	5,528,953	1,075,024	5,329,931	1,092,729	5,347,961	1,111,090
EXPENSES												
Board Office												
FEMC Contracted Services	2,090,000	2,090,000	1,990,000	1,878,986	1,990,000	2,070,074	2,070,036	2,070,036	2,070,036	2,070,036	2,070,036	2,070,036
Accenture Contract	80,000	80,000	40,000	74,099	-	-	-	-	-	-	-	-
Refunds	15,905	10,075	7,205	3,000	13,300	13,855	9,390	9,390	9,390	9,390	9,390	9,390
Service Charge to General Revenue	394,170	86,488	102,835	63,504	428,200	68,080	444,635	76,298	416,691	77,714	418,133	79,183
Professional Regulation Division												
Attorney General's Office	41,875	77,682	67,471	77,287	76,102	97,996	75,930	75,930	75,930	75,930	75,930	75,930
Service Operations												
Revenue Bank Charges	-	-	-	-	-	2,235	77,708	77,708	77,708	77,708	77,708	77,708
Call Center	-	-	-	-	-	13,241	57,761	57,761	57,761	57,761	57,761	57,761
Department Administrative Costs												
Administration	21,471	15,380	16,244	24,268	33,997	18,607	17,172	17,172	17,172	17,172	17,172	17,172
Informaton Technology	110,120	118,767	157,915	114,971	150,117	112,960	205,380	205,380	205,380	205,380	205,380	205,380
General Counsel/Legal	8,559	400	-	-	-	26,666	-	-	-	-	-	-
DOAH	61,524	147,729	13,385	7,406	11,511	-	-	-	-	-	-	-
Board Administrative Office	-	-	2,135	8,765	-	-	-	-	-	-	-	-
Total Expenses	2,823,624	2,626,521	2,397,190	2,252,286	2,703,227	2,423,714	2,958,012	2,589,675	2,930,068	2,591,091	2,931,510	2,592,560
Excess (Deficiency) of Revenues Over (Under) Expenses	2,864,693	(1,402,866)	(489,637)	(1,354,845)	2,667,393	(1,298,527)	2,570,941	(1,514,651)	2,399,864	(1,498,363)	2,416,451	(1,481,470)
TRANSFERS												
Transfers In												
Transfers (to)/from Administrative Trust Fund	101,309	(16,498)										
Transfer To General Revenue-GAA			(175,000)	(78,972)	(342,930)	(382,331)	(99,500)					
Total Transfers	101,309	(16,498)	(175,000)	(78,972)	(342,930)	(382,331)	(99,500)	-	-	-	-	-
CHANGE IN ACCOUNT BALANCE	2,966,002	(1,419,364)	(664,637)	(1,433,817)	2,324,463	(1,680,858)	2,471,441	(1,514,651)	2,399,864	(1,498,363)	2,416,451	(1,481,470)
ACCOUNT BALANCE, Beginning of Period	1,472,022	4,438,024	3,018,660	2,311,755	877,938	3,091,387	1,410,528	3,881,969	2,367,319	4,767,183	3,268,820	5,685,271
Prior Period Adjustment			(42,268)		(111,014)							
ACCOUNT BALANCE, End of Period	\$ 4,438,024	\$ 3,018,660	\$ 2,311,755	\$ 877,938	\$ 3,091,387	\$ 1,410,528	\$ 3,881,969	\$ 2,367,319	\$ 4,767,183	\$ 3,268,820	\$ 5,685,271	\$ 4,203,802

Section VIII. Deliverables

*B9. Quarterly Licensure, Examination,
Complaint & Disciplinary Activity Report*

Total Renewals to date: (from 7/1/13)

17 Professional Engineers
5 Certificate of Authorizations

Applications:

Received:	1145
Approved:	443
Denied:	35

Licenses Issued:	419 PE
	189 CA

Average time (days) to Process Applications:	29.39
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Scheduled Candidates for October 2013 Exam

Principles and Practice:	
Scheduled:	527
Passed:	
Failed:	
No Show:	

Fundamentals of Engineering:	
Scheduled:	1069
Passed:	
Failed:	
No Show:	

Disciplinary Process:*

Number of Complaints Received:	25
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Licensed Activity:	21
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Number of Complaints Deemed Legally Sufficient:	19
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Number of Complaints Deemed Legally Insufficient:	0
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Number Dismissed by Probable Cause:	16
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Number Determined to Have Probable Cause:	4
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Number of Administrative Complaints:	4
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Unlicensed Activity: 4

Number of Unlicensed Activity Complaints: 4

Number of Legally Sufficient Unlicensed Activity Cases: 0

Number of Legally Insufficient Unlicensed Activity Cases: 3

Licensed Disciplinary Actions Taken by FBPE:

Number of Final Orders Filed: 2

Recommended Orders: 0

Informal Hearings: 0

Stipulations: 2

Defaults: 0

Attorney Fees: 0

Reinstatement of PE license: 0

Appeal Cases: 1

Unlicensed Disciplinary Actions Taken by FEMC:

Cease & Desist Orders: 3

Cease & Desist with Administrative Complaints: 0

Certificates of Authorization Citations Issued: 2

Final Orders Issued: 0

Section VIII, Deliverables, Section B:

FEMC shall provide a quarterly report to the Department along with the report required in Section XI, Funding, of this Agreement, which shall include the following:

A list and status of all complaints made during this agreement (open and closed, licensed and unlicensed). Please See Tab "B3."

*For an explanation regarding legal sufficiency and legal insufficiency, please see (1) of the document entitled Quarterly Report in Compliance with Rule 61G15-37.001, F.A.C.

Disciplinary Process
Report for periods 7/1/2013 thru 9/30/2013

Licensed & Unlicensed Activity:

Number of Complaints Received: (25)

2013033149, 2031033301, 2013033347, 2013038467, 2013038469, 2013040165, 2013027721, 2013028422, 2013028423, 2013028752, 2013028821, 2013028824, 2013028827, 2013029821, 2013029836, 2013032321, 2013033008, 2013033202, 2013033840, 2013036474, 2013036911, 2013039236, 2013027115, 2013028825, 2013034366.

Licensed Activity:

Number of Licensed Complaints Received: (21)

2013033149, 2031033301, 2013033347, 2013038469, 2013040165, 2013028422, 2013028423, 2013028752, 2013028821, 2013028824, 2013028827, 2013029821, 2013029836, 2013033008, 2013033202, 2013033840, 2013036911, 2013039236, 2013027115, 2013028825, 2013034366.

Number of Licensed Complaints Deemed Legally Sufficient: (19)

2013033347, 2013038469, 2013040165, 2013028422, 2013028423, 2013028752, 2013028821, 2013028824, 2013028827, 2013029821, 2013029836, 2013033008, 2013033202, 2013033840, 2013036911, 2013039236, 2013027115, 2013028825, 2013034366.

Number of Licensed Complaints Deemed Legally Insufficient: (0)

Unlicensed Activity:

Number of Unlicensed Complaints Received: (4)

2013038467, 2013027721, 2013032321, 2013036474.

Number of Unlicensed Complaints Deemed Legally Sufficient: (3)

2013027721, 2013032321, 2013036474.

Number of Unlicensed Complaints Deemed Legally Insufficient: (0)

Number of Cease & Desists Issued: (3)

2013027721, 2013032321, 2013036474.

For an explanation regarding legal sufficiency and legal insufficiency, please see (1) of the document entitled Quarterly Report in Compliance with Rule 61G15-37.001, F.A.C.