

**Minutes for
The Florida Board of Professional Engineers
April 8, 2015 beginning at 1:00 p.m. or soon thereafter and
April 9, 2015 beginning at 8:30 a.m., or soon thereafter
The Shores Resort
Daytona Beach Shores, Florida**

Part I – Wednesday, April 8, 2015

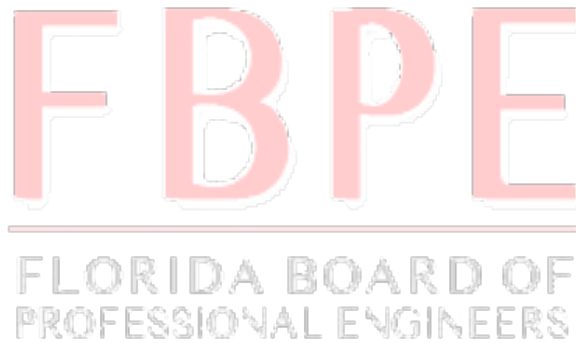
- A. Call to Order, Invocation, and Pledge of Allegiance to the Flag

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

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

Board Members Present:

William Bracken, P.E., S.I., Chair
Anthony Fiorillo, P.E., S.I., Vice Chair
Roland Dove, P.E.
Kevin Fleming, P.E.
Warren Hahn, P.E.
John Pepper, P.E., S.I.
Michelle Roddenberry, Ph.D., P.E.
Kenneth Todd, P.E.
Babu Varghese, P.E., S.I.
Vivian Boza, Public Member
Elizabeth Howard, Public Member



Attorney General's Office:

Michael Flury, Sr. Assistant Attorney General, Counsel to the Board

Staff Members Present:

Zana Raybon, Executive Director
John J. Rimes, III, Chief Prosecuting Attorney
Rebecca Sammons, Executive Assistant

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

Charlie Geer, FES
Kimberlee DeBosier, P.E., FEMC Board Member
Zuly Garcia, Bracken Engineering
Randall Manning, Bracken Engineering

Keit Nguyen, Bracken Engineering
Bill Palm, Engineering Educators

D. Approval of the Agenda

Upon motion by Mr. Hahn, seconded by Mr. Todd, the agenda was approved. The motion passed.

E. Approval of Consent Agenda

(Items denoted with an asterisk are included in the Consent Agenda*)

Upon motion by Mr. Dove, seconded by Mr. Hahn, the consent agenda was approved. The motion passed.

#1. Minutes from the February 11-12, 2015 FBPE Board Meeting*

Approved under consent agenda.

#2. Minutes from February 11, 2015 FBPE & BOAID Joint Meeting*

Approved under consent agenda.

#3. Minutes from March 20, 2015 FBPE Ratification Conference Call*

Approved under consent agenda.

F. Committee Reports

#1. Probable Cause Panel (**Next Meeting: May 12, 2015 at 1pm by conference call**)

(Anthony Fiorillo, P.E., S.I., Chair; John Pepper, P.E.; Bob Matthews, P.E.)
(Alternate Current Board Member: Kenneth Todd, P.E.; Alternate Past Board Member: Richard Wohlfarth, P.E.)

(a) PCP Memo from March 10, 2015 Meeting*

Approved under consent agenda.

Mr. Rimes discussed the recommendation of the Probable Cause Panel that a Subject to a complaint be informed in the original notification letter that a complaint has been filed against the Subject, that the Subject has a right to the final Investigative Report (and the subsequent 20 days' time in which to file a response to that final Investigative Report) prior to the Probable Cause Panel Meeting at which the Subject's case will be heard.

Upon motion by Mr. Todd, seconded by Mr. Hahn, the recommendation of the Probable Cause Panel of informing the respondent of his or her rights was accepted. The motion passed.

#2. Applications Experience Committee **(Next Meeting: May 12, 2015 at 10am by conference call)**

(Warren Hahn, P.E., Chair; William Bracken, P.E.; Roland Dove, P.E.; Anthony Fiorillo, P.E.; John Pepper, P.E.; Kenneth Todd, P.E.)

(a) Committee Chair's Report.

No Report.

#3. Education Experience Committee **(Next Meeting: May 12, 2015 at 8:30am by conference call)**

(Michelle Roddenberry, Ph.D., P.E., Chair; Anthony Fiorillo, P.E.; Kenneth Todd, P.E.) (Alternate Member: Vivian Boza, Public Member)

(a) Committee Chair's Report.

No Report.

#4. Education Rules Committee **(Next Meeting: April 9, 2015 following the conclusion of the FBPE Board Meeting)**

(Michelle Roddenberry, Ph.D., P.E., Chair; Anthony Fiorillo, P.E.; Kenneth Todd, P.E.; Vivian Boza, Public Member; Elizabeth Howard, Public Member)

(a) Committee Chair's Report.

Dr. Roddenberry reported on the objectives of the committee.

#5. FBPE Rules Committee **(Next Meeting: July 15, 2015, at 8:30am)**

(William Bracken, P.E., S.I., Chair; Roland Dove, P.E.; Anthony Fiorillo, P.E., S.I.; Warren Hahn, P.E.)

(a) Committee Chair's Report.

(b) Minutes from March 11, 2015 Meeting

Mr. Bracken reported on the Rules Meeting.

Upon motion by Mr. Hahn, seconded by Mr. Todd, the Rules Minutes were approved. The motion passed.

(c) Proposed Rule Amendment to Rule 61G15-18.011-Definitions
(Exhibit F#4c)

Mr. Bracken discussed the reason for the presentation of proposed rule amendment to the Board.

Mr. Flury discussed the proposed rule amendment to Rule 61G15-18.011 – Definitions:

61G15-18.011 Definitions.

As used in Chapter 471, F.S., and in these rules where the context will permit the following terms have the following meanings:

(7) The term “marine engineer” as used in Section 471.031(b), F.S. shall mean a person who uses engineering principles and methodologies in the design of piers, docks, sea walls, and other marine structures governed by the Florida Building Code. Marine engineering shall not encompass the design of marine vessels, except for floating residential units as defined in Section 202 of the Florida Building Code.

Discussion followed on the proposed rule amendment.

Upon motion Mr. Fiorillo, seconded by Mr. Hahn, the proposed rule amendment was approved with the change as follows: (7) The term “marine engineer” as used in Section 471.031(b), F.S. shall mean a person who uses engineering principles and methodologies in the design of piers, docks, sea walls, **or** other marine structures governed by the Florida Building Code. Marine engineering shall not encompass the design of marine vessels, except for floating residential units as defined in Section 202 of the Florida Building Code. The motion passed.

Mr. Flury asked if the proposed amendment to Rule 61G15-18.011 would have an adverse impact on small business or is likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate.

Upon motion by Mr. Bracken, seconded by Dr. Roddenberry, the proposed amendment to Rule 61G15-18.011 will have no adverse impact on small business. The motion passed.

(d) Proposed Rule Amendment to Rule 61G15-22.0105-Approval of Continuing Education Courses in Laws and Rules and Courses in Professional Ethics.

Mr. Bracken stated that this rule change is a result of the 2014 Legislative Session, which changed Florida Statute 471.

Mr. Flury discussed the proposed amendment to Rule 61G15-22.0105: (Mr. Flury stated that the new language is in red)

61G15-22.0105 Approval of Continuing Education Courses in Laws and Rules and Courses in Professional Ethics.

Each course provider approved by the Board to conduct courses in Florida Laws and Rules and courses in Professional Ethics must meet the requirements of Rule 61G15-22.011, F.A.C., and shall submit an application for approval of a continuing education course in Laws and Rules or in Professional Ethics. The application shall be submitted on the course approval application provided by the Board and shall include the following:

(1) Course materials, including the course syllabus and a detailed outline of the contents of the course;

(2) The total number of classroom or interactive distance learning continuing education ~~professional development~~ hours; and

(3) For courses in Laws and Rules, course content that shall include:

(a) Changes to Chapters 455 and 471, F.S., and rules adopted, amended or repealed during the immediately preceding biennium;

(b) Changes to Chapters 455 and 471, F.S., made by the legislature during the preceding biennium;

(c) Case law concerning Chapter 471, F.S.;

~~(b)(d)~~ A list of resources used to develop the course content;

(4) Course content may also include:

~~(a)(e)~~ Application of the provisions of Chapter 471, F.S., to individual disciplinary cases and unlicensed practice cases during the immediately preceding biennium.

(b) The laws and rules of the Board pertaining to signing and sealing, responsibility rules, certification and responsible charge.

(5) For courses in Professional Ethics, course content that shall include:

(a) The Code of Ethics as set forth by the National Society of Professional Engineers (NSPE), American Society of Civil Engineers (ASCE), or another national or state professional engineering association or society; and

(b) The application of professional ethics to decision making through hypothetical or illustrative examples.

~~(6)(4)~~ Qualifications of the instructor(s), including a curriculum vitae of the instructor(s), which must demonstrate knowledge of the subject matter and one of the following:

(a) Licensure as a professional engineer;

(b) Licensure as an attorney in the State of Florida.

~~(7)(5)~~ A provider making application to offer interactive distance learning must also submit documents indicating the following:

(a) The means by which the course will demonstrate the ability to interact between the student and course provider by providing answers to inquiries within two business days. The interaction must promote student involvement, and demonstrate that the course measures learning and addresses comprehension of content at regular intervals;

(b) The means by which the course provider is able to monitor student enrollment, participation and course completion;

(c) The means by which the course provider will be able to satisfactorily demonstrate that stated course hours are consistent with the actual hours spent by each student to complete the course;

(d) The means by which the provider will assure qualified instructor(s) will be available to answer questions and provide students with necessary support during the duration of the course; and

(e) That the student will be required to complete a statement that indicates that he/she personally completed each module/session of instruction.

~~(8)(6)~~ Continuing education course approval is valid for the biennium during which it was approved, provided no substantial change is made in the course and the approval status of the provider has not expired or been suspended or revoked. Substantial changes made in any course will require a new approval of that course. A provider must reapply for course approval ninety (90) days prior to the date of the end of the biennium which would be the expiration of course approval in order to prevent a lapse in course approval.

~~(9)(7)~~ If a course is approved, the board shall assign the course a number. The course provider shall use the course number in the course syllabus, in all other course materials used in connection with the course and in all written advertising materials used in connection with the course.

Discussion followed on the proposed amendment and the feedback that the Board office has received on the proposed amendment.

Dr. Roddenberry proposed the following rule amendment as follows:

(5) For courses in Professional Ethics, course content that shall include:

(a) Codes of ethics or other guidelines for decision making as applied to the practice of engineering;

(b) The importance of ethics as a broad professional concern rather than a personal one;

(c) The engineer's obligations to society, clients, and the profession;

(d) Ethical dilemmas encountered in engineering practice; and/or

(e) The application of professional ethics to decision making through hypothetical or illustrative examples.

Discussion followed on this proposed change.

Dr. Roddenberry presented a proposed change to the rule amendment as follows:

(5) For courses in Professional Ethics, course content that shall include one or more of the following:

- (a) Codes of ethics or other guidelines for ethical decision making as applied to the practice of engineering;
- (b) The importance of ethics as a broad professional concern rather than a personal one;
- (c) The engineer's obligations to society, clients, and the profession;
- (d) Ethical dilemmas encountered in engineering practice; or
- (e) The application of professional ethics to decision making through hypothetical or illustrative examples.

Upon motion by Mr. Hahn, seconded by Ms. Boza, the proposed rule amendment to Rule 61G15-22.0105 was approved as follows:

(5) For courses in Professional Ethics, course content that shall include one or more of the following:

- (a) Codes of ethics or other guidelines for ethical decision making as applied to the practice of engineering;
- (b) The importance of ethics as a broad professional concern rather than a personal one;
- (c) The engineer's obligations to society, clients, and the profession;
- (d) Ethical dilemmas encountered in engineering practice; or
- (e) The application of professional ethics to decision making through hypothetical or illustrative examples.

The motion passed.

Mr. Flury asked if the proposed amendment to Rule 61G15-22.0105 would have an adverse impact on small business or is likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate.

Upon motion by Mr. Fiorillo, seconded by Mr. Hahn, the proposed amendment to Rule 61G15-22.0105 will have no adverse impact on small business. The motion passed.

#6. Joint Engineer/Architect Task Force

(William Bracken, P.E., S.I., Chair; Warren Hahn, P.E.; John Pepper, P.E., S.I.)

- (a) Committee Chair's Report.

(b) Email from Chair of Architect and Interior Design Board – Re: Setting Date for 1st Task Force Meeting

Mr. Bracken stated that he will have staff work with the Chairman of the Architect and Interior Design Board on some possible dates for the first task force meeting.

G. NCEES

(William Bracken, P.E., FBPE Liaison)

#1. Candidates for NCEES President and NCEES Treasurer

Provided for informational purposes.

#2. Candidate for NCEES Southern Zone VP

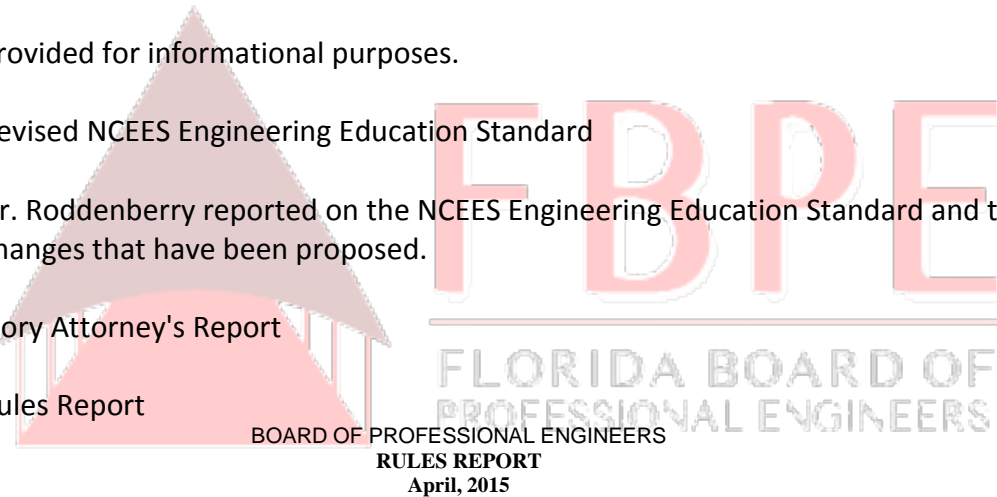
Provided for informational purposes.

#3. Revised NCEES Engineering Education Standard

Dr. Roddenberry reported on the NCEES Engineering Education Standard and the changes that have been proposed.

H. Advisory Attorney's Report

#1. Rules Report



Rule No.	Title	Sent to OFARR	Development Published	Notice Published	Adptd.	Effective
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The following rules are **IN PROCESS**:

61G15-20.0010	Application for licensure by Examination	03/04/15	03/10/15			
61G15-20.0015	Application for licensure by Endorsement	03/04/15	03/10/15	03/27/15		
61G15-31.006	Design of Structural Systems Utilizing Joist /Girders	03/04/15	03/10/15	03/27/15		
61G15-32.004	Design of Water Based Fire Protection Systems	03/17/15		03/18/15		
61G15-32.004	Design of Water Based Fire Protection Systems	03/12/14	03/18/14	04/02/14		(JAPC ltr rcv'd 04/07/14; rule tolled 6/20/14; WITH DRAWN 03/10/15)

61g15-35.003	Qualification Program for Special Inspectors of Threshold Building	07/30/3	08/27/13	(Rule tolled 11/01/13; NOC published 3/18/14, 07/23/14; WITHDRAWN 03/10/15)
61G15-35.004	Common Requirement to All Engineers Providing Threshold Building Inspections			

The following rules have been **ADOPTED**:

Mr. Flury and Mr. Rimes briefed the Board on the NC Dental case before the FTC and the ramifications it might have on this Board and the steps that the Board might want to take in the future to make sure they are not in the same position as the board in NC.

I. Executive Director’s Report

#1. Application for Retired Status*

Approved under consent agenda.

#2. FBPE Outreach Program

a. Professional Involvement

Provided for informational purposes.

b. Unlicensed Activity

Provided for informational purposes.



#3. Request for articles from IEEE Magazine

Ms. Raybon mentioned the request from the magazine for Board members to submit an article. Discussion followed on this and a proposal was made to allow IEEE permission to reprint an article from the FBPE Newsletter. Mr. Bracken suggested an applicant who is in the process of being licensed would be a great person to write the article.

#4. 2015 FBPE/FEMC Meeting Calendar

Provided for Informational Purposes.

J. 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.

K. Engineering Association and Society Reports

#1. FES

Mr. Geer reported on the SE Licensure bill before the Legislature and the status of the bill, as well a public records bill that FES is following.

#2. FSEA

No Report.

L. Chair's Report

#1. FBPE Goals & Objectives

Provided for informational purposes.

#2. FBPE Committee Listing

Mr. Bracken appointed Mr. Fleming to the Experience Committee and Ms. Howard to the Education Committee and the Education Rules Committee.

#3. Report on Meeting with Building Code Administrators and Inspectors Board and Board of Architecture and Interior Design

Provided for informational purposes.

M. Action Items from Previous Board Meetings

#1. Email from Dennis Barton – Re: Advertisement for Building Code Course approved by FBPE

#2. Email from Aaron Beidenbach, P.E. – Re: Electronic Signature

#3. Email from Xairo Ray, EI - Re: EI to PE Loop Hole

#4. Email from Joe DeReuil – Re: Authorized Representative Rule 61G15-34.004(2)

N. Correspondence to the Board

#1. Email from Mr. Richard Fiola, P.E. – Re: Continuing Education

Mr. Bracken discussed the email request from Mr. Fiola. The Board instructed staff to respond that the Board approves providers and not courses.

#2. Email from Mr. Dennis Barton – Re: New Ethics Rule

This issue was addressed under the Rules Committee with the proposed rule amendment to Rule 61G15-22.0105.

#3. Email from Mr. Randall Howard, P.E. - Re: Potential violations of legal and ethical guidelines for engineers

Mr. Bracken discussed this issue and requested that Board members to review the email and further discuss it at the June 2015 FBPE Agenda for possible action.

#4. Letter from Mr. Wayne Dunn, P.E. & Mr. David Venters, P.E – Re: Signing, Dating and Sealing of Commissioning Submittals

Mr. Dunn and Mr. Venters addressed the board on the issue of commissioning submittals.

Discussion followed on this.

Mr. Bracken and Mr. Rimes will respond to their letter.

#5. Email from Mr. Jon Draper – Re: Continuing Education

The Board instructed staff to respond that the Board approves providers.

#6. Email from Mr. William Dumbaugh – Re: FBC CCE Workgroup Options

Ms. Raybon stated she received a call from Mr. Dumbaugh and he stated it was his understanding that the Board endorsed this supplement. Ms. Raybon responded to Mr. Dumbaugh that she had not heard of this. Discussion followed. The Board instructed staff to respond that we have no opinion on this.

Ms. Raybon asked the Board about a letter from company from Alabama who would like to use the title “tire engineer” and would that be allowed in Florida.

Discussion followed. The Board instructed staff respond stating that “tire engineer” is not a protected title in Florida.

Part II Informal Hearing Agenda (Thursday, April 9, 2015)

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.

Description of Educational Committee Process by Michelle Roddenberry, Ph.D., P.E.

O. Ratification of Actions from Application Review, April 8, 2015

Upon motion by Mr. Todd, seconded by Mr. Hahn, on page 2, the ratification list as amended for applicants Worsham and Riley was approved. The motion passed.

P. I Informal Hearing on Denial of Application for Principle and Practice Examination

#1. Khalil Campbell (Exhibit P#1)

Mr. Campbell was present and sworn in prior to addressing the Board.

Mr. Flury outlined the basis of the denial of Mr. Campbell’s application. Mr. Campbell has a B.S. Degree in Industrial System Engineering from Binghamton University on 05/21/2006. Mr. Campbell applied to sit for the Principles & Practice Examination. Mr. Campbell’s application was denied by the Board on 01/13/2015 because applicant has not demonstrated 4 years of verified engineering experience. Mr. Campbell returned his Election of Rights with a request for Supplement and Informal Hearing on 02/20/2015.

Mr. Campbell's application was reviewed again on 03/10/2015. It was determined that Mr. Campbell will need to appear before Board to explain/verify experience.

Discussion followed on Mr. Campbell's experience.

Mr. Campbell addressed the Board.

Upon motion by Mr. Todd, seconded by Mr. Hahn, the application for Mr. Campbell's application was tabled until June 2015 to allow him time to provide verified employment/experience sheets. The motion passed.

Q. Informal Hearing on Denial of Application for Licensure by Endorsement

#1. Ronnie Neal

Mr. Neal was present and sworn in prior to addressing the Board.

Mr. Flury went over the basis for denial of Mr. Neal's application. Mr. Neal holds a BS in Mechanical Engineering Technology. The denial of the application is based upon education as Mr. Neal does not hold an Engineering Degree.

Mr. Neal addressed the Board.

Discussion followed.

Upon motion by Mr. Todd, seconded by Mr. Fiorillo, the denial of the application of Mr. Neal is upheld. The motion passed.

#2. Usama El Shamy

Mr. El Shamy was present and sworn in prior to addressing the Board.

Mr. Flury outlined the basis for denial of Mr. El Shamy's application. Mr. El Shamy holds a BS and an MS in Civil Engineering from Alexandria University in Egypt. The denial of the application is education.

Mr. El Shamy addressed the Board.

Discussion followed.

Upon motion by Dr. Roddenberry, seconded by Mr. Dove, the application of Mr. El Shamy was continued until August 2015 Board meeting to allow him to take the necessary coursework to clear his deficiency of Probability and Statistics. The motion passed.

#3. Jeffrey Sanders

Mr. Sanders was present and sworn in prior to addressing the Board.

Mr. Flury explained the basis for denial of Mr. Sanders' application. Mr. Sanders holds a BS Engineering Physics from LeHigh University. The denial of the application is education. Mr. Sanders lacks 34hrs. Engineering Sciences & Design and Prob. & Stats. course.

Mr. Sanders addressed the Board.

Discussion followed.

Upon motion by Dr. Roddenberry, seconded by Mr. Fiorillo, the application for Mr. Sanders was continued to allow him to supplement his verification of experience from 1992 to 2004 to evidence 20 years of experience.

R. Board Appearance on Application for Licensure by Endorsement

#1. David Morin (Exhibit R#1)

Mr. Morin was present and sworn in prior to addressing the Board.

Mr. Flury explained that Mr. Morin was asked to appear so that he could explain his experience.

Mr. Pepper stated that he wanted Mr. Morin to explain the gaps in his experience.

Mr. Morin addressed the Board.

Upon motion by Mr. Pepper, seconded by Mr. Hahn, the application for Mr. Morin was approved. The motion passed.

S. Petition for Waiver and Variance

#1. Sivakumar Munuswamy

Dr. Munuswamy was present and sworn in prior to addressing the Board.

Mr. Flury stated that Dr. Munuswamy was before the board on a petition for waiver and variance of Rule 61G15-20.007 and the denial of his application based on his educational deficiencies.

Dr. Munuswamy addressed the Board

Discussion followed.

Upon motion by Mr. Hahn, seconded by Mr. Pepper, to approve the petition based on his experience and his teaching experience and his established position within the profession that would allow him to the FE Exam and he would not need to have his education reviewed again to take his PE Exam.

Discussion followed on Dr. Munuswamy's options for taking the FE Exam.

Dr. Munuswamy stated that he would not accept a conditional approval.

Mr. Pepper withdrew his second.

The motion died.

Upon motion by Mr. Fiorillo, seconded by Mr. Dove, the petition is denied. Mr. Hahn and Mr. Pepper opposed. The motion passed.

T. Reconsideration of Special Inspector Application

#1. James Brunetti

Mr. Flury went over the application for Mr. Brunetti and stated that Mr. Brunetti originally appeared the Board in February 2015 and the Board asked Mr. Brunetti to provide more detailed experience.

Mr. Brunetti was present along with his counsel, Ms. Henderson. Mr. Brunetti was sworn in prior to addressing the Board.

Mr. Brunetti addressed the Board.

Ms. Henderson addressed the Board.

Discussion followed.

Upon motion by Mr. Fiorillo, seconded by Mr. Pepper, the Special Inspector application for Mr. Brunetti was approved. The motion passed. (Dr. Roddenberry was not present for the vote.)

Part III
Disciplinary Hearings

(Thursday, April 9, 2015)

U. Settlement Stipulation

#1. GREGORY GAINER, P.E.
P.E. Number: 70885
FEMC Case Number: 2013021400
Probable Cause Panel Date: July 15, 2014
Probable Cause Panel: Roddenberry & Pepper
Represented by: David P. Rankin, Esquire
Law Office of David P. Rankin

Mr. Gainer 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), Florida Statutes, and Rule 61G15-19.001(4), Florida Administrative Code: Engaging in negligence in the practice of engineering; Rule 61G15-23.002(7), Florida Administrative Code: Sealing and signing preliminary engineering documents without so noting on the documents; Failure to note the preliminary nature of plans.

The Probable Cause Panel Recommendation was Administrative Complaint; Reprimand, Administrative Fine of \$1,000.00; Administrative Costs of \$3,960.75; Probation for 2 years from the date of filing the Final Order with the Department of Business and Professional Regulation ("Agency") Clerk; Project/Plan Reviews at 6 and 18 month intervals from the date of filing of the Final Order with Agency Clerk; Successful Completion of the Advanced Course in Engineering Professionalism and Ethics which has been approved by the Florida Board of Professional Engineers ("Board"); Successful completion of the Board-approved Study Guide; Appearance before the Board to explain how this situation occurred and what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future.

The Administrative Complaint Recommendation is a Reprimand, Administrative Fine of \$500.00 and Administrative Costs of \$2,960.75 to be paid to the Board within six (6) months of the date that the Final Order adopting this Settlement Stipulation is filed with the Agency Clerk; Respondent's license shall be RESTRICTED from creating, producing, or certifying any engineering documents relating to electrical engineering, encompassing all engineering work that is subject to Rule 61G15-33, until such time that he takes and passes and submits proof of passing the NCEES ELECTRICAL ENGINEERING EXAM. The RESTRICTION on electrical engineering. The term "electrical engineering" as used herein encompasses all engineering work that is subject to Rule 61G15-33 "RESPONSIBILITY RULES OF PROFESSIONAL ENGINEERS CONCERNING THE DESIGN OF ELECTRICAL SYSTEMS"; Successful completion of the Board-approved Study Guide; Appearance

before the Board to explain how this situation occurred and what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future.

Upon motion by Mr. Todd, seconded by Mr. Dove, the settlement stipulation was accepted. The motion passed.

#2. JACQUELINE JAMES, P.E.
P.E. Number: 66579
FEMC Case Number: 2014039414
Probable Cause Panel Date: January 13, 2015
Probable Cause Panel: Roddenberry, Matthews & Pepper

Ms. James was not present. Mr. Rimes stated that Ms. James was required to attend the Board meeting.

The case was tabled until the June 2015 FBPE Board meeting.

#3. JOSEPH KOSINSKI, P.E.
P.E. Number: 52288
FEMC Case Number: 2014026742
Probable Cause Panel Date: January 13, 2015
Probable Cause Panel: Roddenberry, Matthews & Pepper
Represented by: Himself Joseph Kosinski, P.E.

Mr. Kosinski was present and sworn in prior to addressing the Board.

Mr. Rimes outlined the facts of the cases. The charges relate to a violation of Section 471.033(1)(g), Florida Statutes, & Rule 61G15-19.001(4), Fla. Admin. Code by engaging in negligence in the practice of engineering.

The Probable Cause Panel Recommendation was an Administrative Complaint; Reprimand, Administrative Fine of \$2,000.00; Administrative Costs of \$4,361.25; Probation for 2 years from the date of filing the Final Order with the Department of Business and Professional Regulation ("Agency") Clerk; Project/Plan Reviews at 6 and 18 month intervals from the date of filing of the Final Order with Agency Clerk; Successful Completion of the Advanced Course in Engineering Professionalism and Ethics which has been approved by the Florida Board of Professional Engineers ("Board"); Successful completion of the Board-approved Study Guide; Appearance before the Board to explain how this situation occurred and what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future.

The Settlement Stipulation is the same as PCP Recommendation

Mr. Kosinski addressed the Board.

Upon motion by Mr. Dove, seconded by Mr. Todd, the settlement stipulation was accepted. The motion passed.

#4. MATTHEW D. LEWIS, P.E.
P.E. Number: 56189
FEMC Case Number: 2014018435
Probable Cause Panel Date: January 13, 2015
Probable Cause Panel: Roddenberry, Matthews & Pepper
Represented by: Mr. Guy S. Haggard, Esquire
Gray Robinson, Attorneys at Law

Mr. Lewis was present along with counsel, Mr. Haggard. Mr. Lewis 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), Florida Statutes, & Rule 61G15-19.001(4), Fla. Admin. Code, by engaging in negligence in the practice of engineering.

The Probable Cause Panel Recommendation was an Administrative Complaint; Reprimand, Administrative Fine of \$1,000.00; Administrative Costs of \$3,237.60; Probation for 2 years from the date of filing the Final Order with the Department of Business and Professional Regulation ("Agency") Clerk; Project/Plan Reviews limited to fire protection design at 6 and 18 month intervals from the date of filing of the Final Order with Agency Clerk; Successful Completion of an Engineering Professionalism and Ethics course which has been approved by the Florida Board of Professional Engineers ("Board"); Successful completion of the Board-approved Study Guide; Appearance before the Board to explain how this situation occurred and what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future.

The Settlement Stipulation is the same as PCP Recommendation.

Mr. Lewis addressed the Board.

Mr. Haggard addressed the Board.

Upon motion by Mr. Todd, seconded by Mr. Hahn, the settlement stipulation was accepted. The motion passed.

#5. JAMES MICHAEL WINTER, P.E.
P.E. Number: 18313
FEMC Case Number: 2014016725
Probable Cause Panel Date: November 18, 2014
Probable Cause Panel: Roddenberry, Matthews & Pepper
Represented by: Daniel Auberbach, Esq. & Trent Cotney, Esq.
Trent Cotney, P.A.

Mr. Winter was present with counsel, Mr. Auberbach. Mr. Winter 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), Florida Statutes, & Rule 61G15-19.001(4), Florida Administrative Code, by engaging in negligence in the practice of engineering.

The Probable Cause Panel Recommendation was an Administrative Complaint; Reprimand; Administrative Fine of \$1,000.00; Administrative Costs of \$1,669.25; Successful completion of an Engineering Professionalism and Ethics course; Successful completion of the Board-approved Study Guide; Appearance before the Board to explain how this situation occurred, and what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future.

The Settlement Stipulation is Administrative Complaint; Reprimand; Administrative Fine of \$1,000.00; Administrative Costs of \$1,669.25; Successful completion of an Engineering Professionalism and Ethics course approved by the Board; Successful completion of the Board's Study Guide; Appearance before the Board to explain how this situation occurred and what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future.

Mr. Auberbach addressed the Board.

Upon motion by Mr. Fiorillo, seconded by Mr. Dove, the settlement stipulation was accepted. The motion passed.

V. Informal Hearing

#6. CLIFFORD BURTON RUNKEL, P.E.
P.E. Number: 41180
FEMC Case Number: 2014025308
Probable Cause Panel Date: November 18, 2014
Probable Cause Panel: Roddenberry, Matthews & Pepper

Mr. Runkel 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)(j), Florida Statutes: (sealing engineering documents that were not prepared under Respondent's supervision and control).

Upon motion by Mr. Todd, seconded by Mr. Fiorillo, the request for admissions and the allegations of facts set forth in the administrative complaint were accepted. The motion passed.

Mr. Runkel addressed the Board on why he denies allegation #10.

Motion was made by Mr. Dove, seconded by Mr. Fiorillo, that respondent did not violate the control but he did violate the law. Discussion followed. The motion and second was withdrawn.

Upon motion by Mr. Bracken, seconded by Mr. Hahn, informal hearing is converted to a settlement stipulation with a letter of guidance with no costs and he does not have to appear before the Board. The motion passed.

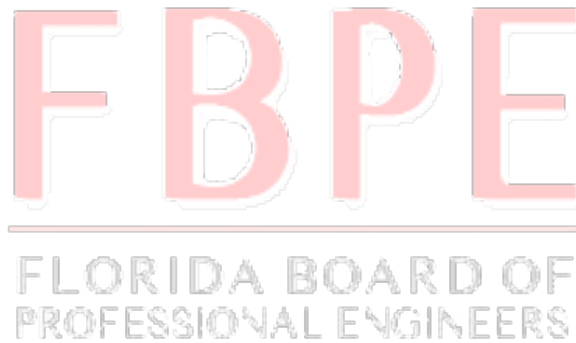
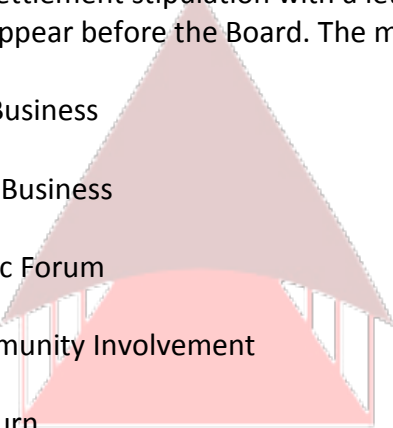
W. Old Business

X. New Business

Y. Public Forum

Z. Community Involvement

AA. Adjourn



Next Board Meeting: June 17-18, 2015

The Shores Resort & Spa

2637 S. Atlantic Ave.

Daytona Beach Shores, FL