STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL ENGINEERS,

Petitioner,

v.

FEMC Case No: 2013029125 & 2014045758

Ram Goel, P.E.,

Respondent,

_____/

FINAL ORDER ADOPTING SETTLEMENT STIPULATION

THIS CAUSE came before the FLORIDA BOARD OF PROFESSIONAL ENGINEERS ("Board"), pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on February 11, 2016 in Orlando, Florida, for the purpose of considering a Settlement Stipulation (attached hereto as "Exhibit A to Final Order") entered into between the parties in this cause. Upon consideration of the stipulation, the documents submitted in support thereof, and the arguments of the parties, it is hereby:

ORDERED AND ADJUDGED that the Settlement Stipulation as submitted be and is hereby adopted *in toto* and incorporated herein by reference. Accordingly, the parties shall adhere to and abide by all the terms and conditions of the stipulation.

This Final Order shall take effect upon being filed with the Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this 12th day of February, 2016.

FLORIDA BOARD OF PROFESSIONAL ENGINEERS

Zana Raybon, Executive Director
For WILLIAM C. BRACKEN, P.E., S.I., CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing filed *Final Order Adopting Settlement Stipulation* has been furnished by U.S. First Class Mail to Mr. Ram Goel, P.E., at 16306 Doune Court, Tampa, FL 33602 (his address of record with the Department of Business and Professional Regulation) and via service upon his attorneys, Ms. Meredith A. Freeman, Esquire, P.O. Box 3913, Tampa FL 33601 this 12th day of February, 2016.

Rebecca Valentine
Rebecca Valentine,
Paralegal

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL ENGINEERS,

Petitioner,

v. FEMC Case No. 2013029125

RAM AUTAR GOEL, P.E.,

Respondent,
_____/

FLORIDA BOARD OF PROFESSIONAL ENGINEERS,

Petitioner,

v. FEMC Case No. 2014045758

RAM AUTAR GOEL, P.E.,

Respondent,
_____/

SETTLEMENT STIPULATION

RAM AUTAR GOEL,, P.E. ("Respondent") and the Florida Board of Professional Engineers ("Board") by and through the Florida Engineers Management Corporation ("FEMC") hereby stipulate and agree to the following joint Settlement Stipulation ("Stipulation") and Final Order of the Board incorporating this Stipulation in the above-styled matters.

STIPULATED FACTS

1. For all times pertinent hereto, Respondent was a licensed professional engineer in the State of Florida, having been issued license number PE 47431.

2. Respondent was charged by Administrative Complaints filed by FEMC in FEMC Case Nos: 2013029125 and 2014045758, which were properly served upon Respondent with alleged violations of Chapters 471 and 455, Florida Statutes. Copies of the Administrative Complaints in FEMC Case Nos: 2013029125 and 2014045758 are attached hereto and incorporated by reference as "Exhibits A and B, respectively, to this Stipulation".

3. For consistency and to eliminate confusion, the Stipulations for FEMC Case No: 2013029125 and FEMC Case No: 2014045758 are combined into this Settlement Stipulation.

STIPULATED CONCLUSIONS OF LAW

1. Respondent, in his capacity as a licensed engineer, admits that in such capacity he is subject to provisions of Chapters 455 and 471, Florida Statutes, and the jurisdiction of the Florida Department of Business and Professional Regulation ("the Agency"), FEMC, and the Board.

2. Respondent admits that the facts set forth in the Administrative Complaints, if proven, constitute violations of Chapters 455 and 471, Florida Statutes, as alleged in the Administrative Complaints.

STIPULATED DISPOSITION OF LAW

1. Respondent shall, in the future, comply with Chapters 471 and 455, Florida Statutes, and the Rules promulgated pursuant thereto.

2. Should Respondent fail to comply with the terms of the Final Order in these cases, an administrative complaint for failure to comply with said Final Order can automatically be opened against Respondent.

3. Respondent's license to practice engineering shall be **REPRIMANDED.**

4. For FEMC Case No: 2013029125, Respondent shall pay **ADMINISTRATIVE COSTS** of $7,853.40 within sixty (60) days of the date that the Final Order adopting this Stipulation is filed with the Agency Clerk.

5. For FEMC Case No: 2014045758, Respondent shall pay **ADMINISTRATIVE COSTS** of $9,135.00 within sixty (60) days of the date that the Final Order adopting this Stipulation is filed with the Agency Clerk.

6. Respondent shall **APPEAR** before the Board when this Stipulation is presented. Respondent must be prepared to discuss: how this situation occurred, what improvements and quality control measures Respondent plans to implement to improve Respondent's work product, and how Respondent intends to prevent this circumstance from occurring in the future.

7. Respondent acknowledges that neither Respondent's attendance at the Board Meeting when this Stipulation is presented, nor any continuing education or college level courses taken as a requirement of the terms of this Stipulation may be used to comply with the continuing education requirements of Chapter 61G15-22, Florida Administrative Code.

8. Respondent's Professional Engineer License shall be **RESTRICTED,** with the following conditions:

a. Respondent's license shall be **RESTRICTED** from creating, producing, or certifying any engineering documents relating to sinkhole investigation or remediation or any other form of geotechnical engineering until such time as Respondent takes and passes the NCEES Geotechnical Engineering examination. Notwithstanding the foregoing, Respondent shall not be prohibited from performing environmental assessment and remediation activities related to pollution of soil and groundwater.

b. Subsequent to taking and passing the NCEES Geotechnical Examination, Respondent shall submit to the Board a detailed list of all completed Geotechnical Engineering projects (signed, sealed, and dated), by the Respondent for **PROJECT REVIEW** at six (6) and eighteen (18) month intervals from the date on which Respondent passes the examination. The projects shall include: all Geotechnical Engineering projects and reports signed and sealed by Respondent

c. A FEMC Consultant will select two (2) projects from each submitted list for review. The Respondent is responsible for promptly furnishing any set of completed plans (signed, sealed, and dated), calculations, and any other supporting documentation requested by the Consultant. The Respondent must sign, date, and seal all materials that are submitted for project review using a non-embossed, rubber stamp seal. Sealed project review materials may be copied and submitted electronically, if desired, by the Respondent. Respondent is also responsible for the Consultant's fees for reviewing the projects, and shall remit payment in the amount of $1,500.00 by check or money order made payable in the name of the Board's Consultant at the time that the project lists are submitted to FEMC. In the event that the project reviews cost exceed $1,500.00, then the Respondent is responsible for the deficiency. In the event that the cost of the reviews is less than $1,500.00, then the unused portion will be refunded to Respondent. Should the Consultant return an unfavorable report concerning Respondent's projects, that report shall be submitted to the Probable Cause Panel for determination of whether additional disciplinary proceedings should be initiated.

d. If the Respondent has not performed engineering services on a sufficient number of projects to make the submissions required by 8.b., above, the initial or, if

applicable, the subsequent submission required by the terms of the project review shall be extended for a period of six (6) months to allow Respondent to perform the services necessary for the required review. However, if, after the extension has expired, Respondent does not perform sufficient Geotechnical Engineering services to meet the requirements of the terms of the project review, this case will be taken back to the Probable Cause Panel for a recommendation on how to proceed with Respondent's practicing of the Geotechnical Engineering discipline.

e. Should the FEMC Consultant return a favorable report after reviewing the set of plans reviewed during the first project review, the requirements for the second project review may be waived. A "favorable report" is herein defined as a report that, in the sole opinion of the Consultant with the concurrence of the Board, finds that the plans reviewed were considered to be free of any material deficiencies.

f. Should the Respondent fail to timely comply with the terms of the Final Order with regard to the Project Reviews discussed herein, this case will be submitted to the Probable Cause Panel for review and determination of whether additional disciplinary action should be taken.

9. Respondent shall successfully complete a Board-approved course in **BASIC ENGINEERING PROFESSIONALISM AND ETHICS** within six (6) months of the date the Final Order adopting this Stipulation is filed with the Agency Clerk. Prior to that date, Respondent shall submit to the Board a Certificate of Completion of the course. It is the Respondent's responsibility to notify the Board that Respondent has completed the course in a timely manner. Respondent may contact the Florida Engineering Society ("FES"), 125 South Gadsden St., Tallahassee, FL 32301, (850)224-7121, for information regarding the availability of

such courses in Florida; however, if the FES provides any information regarding such a course to the Respondent, the Respondent must submit that course information to the FEMC for review and determination as to whether or not it will comply with the Board's requirements. Respondent may also elect to complete one of the following correspondence courses offered by:

Murdough Center for Engineering Professionalism
Texas Tech University – PO Box 41023, Lubbock, Texas 79409
Engineering Ethics Basic
Telephone 806-742-3525; Fax 806-742-0444
E-mail: engineering.ethics@ttu.edu

EPD Program
Auburn University
Engineering Extension Service
217 Ramsay Hall, Auburn, Alabama 36849-5331
Ethics and Professionalism
Phone 800-446-0382 or 334-844-4370

An Accredited College or University course if that course information is first submitted to the FEMC for review and determination as to whether or not it will comply with the Board's requirements.

Courses offered by Continuing Education Programs or Professional Business Programs (Exp: SunCam,Inc., C2Ed), are not Board Certified, and will not meet the requirements.

10. Respondent shall be subject to **PROJECT REVIEWS** over two (2) years. The two (2) years, during which the project review will occur, begins the date of the Final Order adopting this Stipulation is filed with the Agency Clerk, with the following terms:

(a) Respondent shall submit to the Board a detailed list of all completed Structural, Electrical/Mechanical Engineering projects (signed, sealed, and dated), by the Respondent for **PROJECTS REVIEWS** at six (6) and eighteen (18) month intervals from the date of the issuance of the Final Order. The projects shall include: **all Structural, Electrical/Mechanical Engineering projects and reports signed and sealed by Respondent.**

(b) **A FEMC Consultant** will select two (2) projects from each submitted list for review. **The Respondent is responsible for promptly furnishing any set of completed plans (signed, sealed, and dated), calculations, and any other supporting documentation requested by the Consultant.** The Respondent must sign, date, and seal all materials that are submitted for project review using a non-embossed, rubber stamp seal. Sealed project review materials may be copied and submitted electronically, if desired by the Respondent. Respondent is also responsible for the Consultant's fees for reviewing the projects, and shall remit payment in the amount of $1,500.00 by check or money order made payable in the name of each of the Board's Consultants who will be reviewing the projects at the time that the project lists are submitted to FEMC. Since the Respondent is required to submit a list of Structural and Electrical/Mechanical Engineering projects, FEMC will need to engage two different consultants to review the projects – one in Structural Engineering, and one in Electrical/Mechanical Engineering. Consequently, the Respondent will have an initial cumulative outlay of $3,000.00 in funds. In the event that the project reviews cost exceeds $1,500.00 each, then the Respondent is responsible for the deficiency. In the event that the cost of the reviews is less than $1,500.00 each, then the unused portion will be refunded to Respondent. Should either Consultant return an unfavorable report concerning Respondent's projects, that report shall be submitted to the Probable Cause Panel for determination of whether additional disciplinary proceedings should be initiated.

(c) If the Respondent has not performed engineering services on a sufficient number of projects to make the submissions required by 7.b., above, the initial or, if applicable, the subsequent submission required by the terms of the project reviews shall

be extended for a period of six (6) months to allow Respondent to perform the services necessary for the required review. **However, if, after the extension has expired, Respondent does not perform sufficient Structural and Electrical/Mechanical Engineering services to meet the requirements of the terms of the project reviews, this case will be taken back to the Probable Cause Panel for a recommendation on how to proceed with Respondent's practicing the Structural and Electrical/Mechanical Engineering disciplines.**

(d) Should the FEMC Consultant return a favorable report after reviewing the set of plans reviewed during the first year of the project reviews, the requirements for the second year of the project reviews might be waived and the project reviews might be terminated. A "favorable report" is herein defined as a report that, in the sole opinion of the Consultant with the concurrence of the Board, finds that the plans reviewed were considered to be free of any material deficiencies.

(e) Should the Respondent fail to timely comply with the terms of the Final Order with regard to the Project Reviews discussed herein, this case will be submitted to the Probable Cause Panel for review and determination of whether additional disciplinary action should be taken.

11. Respondent shall successfully complete the **STUDY GUIDE** which has been prepared by the Board and which will be furnished to Respondent, regarding the Engineering Practice Act, Chapter 471, Florida Statutes, and the Rules of the Board. Respondent is required to provide a personal email address that will be used to access the on-line study guide. The study guide must be completed within thirty (30) days of the date on which the Final Order incorporating this Stipulation is filed with the Agency Clerk.

12. It is expressly understood that this Stipulation is subject to approval of the Board and FEMC and has no force and effect until the Board issues a Final Order adopting this Stipulation.

13. This Stipulation is executed by Respondent for the purpose of avoiding further administrative action with respect to the above captioned causes. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to, or in conjunction with, consideration of this Stipulation. Furthermore, should this Stipulation not be accepted by the Board, it is agreed that presentation to and by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration, or resolution of these proceedings.

14. Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review of or otherwise challenge or contest the validity of the joint Stipulated Facts, Conclusions of Law, imposition of discipline, and the Final Order of the Board incorporating this Stipulation.

15. Respondent waives the right to seek any attorney's fees or costs from the Board in connection with these disciplinary proceedings.

WHEREFORE, the parties hereto request the Board to enter a Final Order accepting and implementing the terms contained herein.

Ram A. Goel

RAM AUTAR GOEL, P.E.,
Respondent
Case No: 2013029125
Case No: 2014045758
PE 47431

Dated: Nov. 11, 2015

APPROVED this 13TH **day of** November **. 2015** .

Zana Raybon, Executive Director
Florida Board of Professional Engineers

BY: John J. Rimes, III
Chief Prosecuting **Attorney**

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL ENGINEERS,

Petitioner,

v.

FEMC Case No. 2013029125

RAM AUTAR GOEL, P.E.,

Respondent,

ADMINISTRATIVE COMPLAINT

COMES NOW the Florida Engineers Management Corporation on behalf of Petitioner, Florida Board of Professional Engineers, and files this Administrative Complaint ("Complaint") against RAM AUTAR GOEL, P.E. This Complaint is issued pursuant to Sections 120.60 and 471.038, Florida Statutes. Any proceeding concerning this Complaint shall be conducted pursuant to Section 120.57, Florida Statutes. In support of this Complaint, Petitioner alleges the following:

1. Florida Board of Professional Engineers ("Petitioner," "Board," or "FBPE") is charged with regulating the practice of engineering pursuant to Chapter 455, Florida Statutes. This Complaint is filed by the Florida Engineers Management Corporation ("FEMC") on behalf of Petitioner. FEMC is charged with providing administrative, investigative, and prosecutorial services to the Florida Board of Professional Engineers pursuant to Section 471.038, Florida Statutes (1997).

2. RAM AUTAR GOEL, P.E. ("Respondent") is, and has been at all times material hereto, a licensed professional engineer in the State of Florida, having been issued license number PE 47431. Respondent's last known and Address of Record is 16306 Doune Court, Tampa, Florida 33647.

3. Respondent signed and sealed engineering inspection/completion reports ("Reports") for the following properties: 5063 Cumberland Lane, Spring Hill, FL (12/3/2009); 2289 Renton Lane, Spring Hill, FL (12/3/2009); 11602 Fairfield Court, Spring Hill, FL (12/3/2009, 3/13/2010); 5496 Pillar Avenue, Spring Hill, FL (12/11/2009, 4/6/2010), 7442 Aloe Drive, Spring Hill, Florida 34607 (12/12/2009, 4/6/2010).

4. The purpose for Respondent's issuance of the Reports was to confirm that sinkhole remediation work had been accomplished at the listed properties. The sinkhole remediation work had been performed by Click Construction, purportedly in conformity with sinkhole remediation plans for the properties which had been issued by BCI Engineers & Scientists ("Fairfield Court"), SDII ("Cumberland Lane"), Central Florida Testing Laboratories ("Pillar Avenue"), HSA Engineers & Scientists, ("Aloe Drive"), (Hanecki Consulting Engineers, Inc. ("Renton Lane"), all licensed engineering firms.

5. Click Construction, not being a licensed engineering firm, was not permitted by law to issue the required inspection/completion reports – although Click Construction had attempted to file invalid reports which were rejected by the Hernando County Building Department. After those invalid reports were rejected, Respondent was engaged by Click Construction to issue valid engineering inspection/completion reports.

6. As a result of the foregoing, Respondent's signed and sealed Reports were issued well after the construction and implementation of the remedial plans by Click Construction was completed as follows:

A. 5063 Cumberland Lane, approximately 3 months after the initial invalid reports were submitted to the Hernando County Building Department.

B. 2289 Renton Lane, approximately 6 months after the initial invalid reports were submitted to the Hernando County Building Department.

C. 11602 Fairfield Court, approximately 9 & 13 months after the initial invalid reports were submitted to the Hernando County Building Department.

D. 5496 Pillar Avenue, approximately 1 year & 18 months after the initial invalid reports were submitted to the Hernando County Building Department.

E. 7442 Aloe Drive, approximately one month after the initial invalid report was submitted to the Hernando County Building Department.

7. Neither Respondent or any person acting under Respondent's responsible charge were involved in the actual monitoring of the Click Construction's activities during construction and the implementation of the remedial plans. Respondent relied totally upon the representations of and data collected by Click Construction, a firm with which Respondent had no previous sinkhole remediation experience.

8. Notwithstanding the foregoing, all of Respondent's inspection/completion reports stated that the remediation performed at the various sites had "been inspected [by Respondent] and found to be in accordance with standards set forth in the permit application, approved plans and specifications or changes thereto authorized by [Respondent] meeting the terms of standard

engineering methods and practices and any applicable Ordinances and Regulations to the best of [Respondent's] personal knowledge and belief."

9. Respondent's Reports are engineering "certifications" as that term is defined in Rule 61G15-18.011(4), Florida Administrative Code, ("a statement signed and/or sealed by a professional engineer representing that the engineering services addressed therein, as defined in Section 471.005(6), F.S., have been performed by the professional engineer, and based upon the professional engineer's knowledge, information and belief, and in accordance with commonly accepted procedures consistent with applicable standards of practice,..."). "Certifications" are subject to the standards set out in Rule 61G15-29.001, Fla. Admin. Code, which require that if an engineer is presented with a "certification" that "...involve[s] matters which are beyond the engineer's scope of services actually provided..." that the engineer must "... (a) modify such certification to limit its scope to those matters which the engineer can properly sign and/or seal, or (b) decline to sign such certification."

10. Prior to issuing the Reports, it was essential that, at a minimum, Respondent, or persons acting under Respondent's responsible charge, had to determine and document the actual grout volume injected and the actual number and depth of grout points and underpins installed at these sites, and compare those parameters with the material requirements of the "permitted and approved plans." There are numerous inconsistencies and data gaps in the permit documents that precluded Respondent from verifying and validating the data and to issue the Reports for these properties.

11. Moreover, to the extent that Respondent relied upon the data provided by Click Construction for work done prior to Respondent's involvement in the projects, the Reports are materially deficient on their own terms insofar as Respondent's Reports state that the

remediation performed by Click Construction was in accordance with standard engineering methods and practices, that was not the case.

12. The industry standard for compaction grouting of houses affected by sinkhole activity is to install injection casing to and into limestone using rotary wash methods, and then injecting grout at high pressures to fill voids and densify the surrounding soil. However, based on the records, Click Construction used flight augers and small rigs to drill holes; further, the depth of grouting (where reported) did not in general reach the depth of the limestone based on the original borings, and therefore the majority of the voids and cavities causing sinkhole activity were not filled by grout. Also, the placement depth of the grout injection as reported by Click Construction was significantly above the depth of the limestone as reported by the original Engineer of Record ("EOR") who evaluated the sinkhole activity. Therefore, the majority of the grout was injected above the limestone, not within and adjacent to the limestone, and could not have significantly stabilized the limestone. In addition, the amount of grout injected at each home by Click Construction was significantly less than the amount estimated by the EOR that would be required to stabilize the structure. For the Reports to meet applicable engineering standards, Respondent must state that the grout was injected at insufficient depth and quantity to affect a reasonable remediation of the subsurface beneath these structures.

13. Section 471.033(1)(g), Florida Statutes, provides that an engineer is subject to discipline for engaging in negligence in the practice of engineering. Rule 61G15-19.001(4), Fla. Admin Code, provides that negligence constitutes "failure by a professional engineer to utilize due care in performing in an engineering capacity or failing to have due regard for acceptable standards of engineering principles."

COUNT I

14. Petitioner realleges and incorporates Paragraphs One (1) through Thirteen (13) as if fully set forth in this Count One.

15. By signing and sealing and issuing for filing for public record the certification Report for 5063 Cumberland Lane without adequately inspecting the property and by certifying that the remediation work performed by Click Construction complied with "terms of standard engineering methods and practices" when the remediation work was materially deficient as described in Paragraphs Three (3) through Twelve (12), Respondent failed to utilize due care in performing in an engineering capacity and failed to have due regard for acceptable standards of engineering principles.

16. Based on the foregoing, Respondent is charged with violating Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), Fla. Admin. Code, by engaging in negligence in the practice of engineering.

COUNT II

17. Petitioner realleges and incorporates Paragraphs One (1) through Thirteen (13) as if fully set forth in this Count Two.

18. By signing and sealing and issuing for filing for public record the certification Report for 2289 Renton Lane without adequately inspecting the property and by certifying that the remediation work performed by Click Construction complied with "terms of standard engineering methods and practices" when the remediation work was materially deficient as described in Paragraphs Three (3) through Twelve (12), Respondent failed to utilize due care in performing in an engineering capacity and failed to have due regard for acceptable standards of engineering principles.

19. Based on the foregoing, Respondent is charged with violating Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), Fla. Admin. Code, by engaging in negligence in the practice of engineering.

COUNT III

20. Petitioner realleges and incorporates Paragraphs One (1) through Thirteen (13) as if fully set forth in this Count Three.

21. By signing and sealing and issuing for filing for public record the certification Report for 11602 Fairfield Court without adequately inspecting the property and by certifying that the remediation work performed by Click Construction complied with "terms of standard engineering methods and practices" when the remediation work was materially deficient as described in Paragraphs Three (3) through Twelve (12), Respondent failed to utilize due care in performing in an engineering capacity and failed to have due regard for acceptable standards of engineering principles.

22. Based on the foregoing, Respondent is charged with violating Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), Fla. Admin. Code, by engaging in negligence in the practice of engineering.

COUNT IV

23. Petitioner realleges and incorporates Paragraphs One (1) through Thirteen (13) as if fully set forth in this Count Four.

24. By signing and sealing and issuing for filing for public record the certification Report for 5496 Pillar Avenue without adequately inspecting the property and by certifying that the remediation work performed by Click Construction complied with "terms of standard engineering methods and practices" when the remediation work was materially deficient as

described in Paragraphs Three (3) through Twelve (12), Respondent failed to utilize due care in performing in an engineering capacity and failed to have due regard for acceptable standards of engineering principles.

25. Based on the foregoing, Respondent is charged with violating Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), Fla. Admin. Code, by engaging in negligence in the practice of engineering.

COUNT V

26. Petitioner realleges and incorporates Paragraphs One (1) through Thirteen (13) as if fully set forth in this Count Five.

27. By signing and sealing and issuing for filing for public record the certification Report for 7442 Aloe Drive without adequately inspecting the property and by certifying that the remediation work performed by Click Construction complied with "terms of standard engineering methods and practices" when the remediation work was materially deficient as described in Paragraphs Three (3) through Twelve (12), Respondent failed to utilize due care in performing in an engineering capacity and failed to have due regard for acceptable standards of engineering principles.

28. Based on the foregoing, Respondent is charged with violating Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), Fla. Admin. Code, by engaging in negligence in the practice of engineering.

WHEREFORE, the Petitioner respectfully requests the Board of Professional Engineers to enter an order imposing one or more of the following penalties: permanent revocation or suspension of the Respondent's license; restriction of the Respondent's practice; imposition of an administrative fine, issuance of a reprimand; placement of the Respondent on probation; the

assessment of costs related to the investigation and prosecution of this case, other than costs associated with an attorney's time, as provided for in Section 455.227(3), Florida Statutes; and/or any other relief that the Board deems appropriate.

SIGNED this 24th day of July, 2015.

Zana Raybon
Executive Director

BY: John J. Rimes, III
Prosecuting Attorney

COUNSEL FOR FEMC:
John J. Rimes, III
Prosecuting Attorney
Florida Engineers Management Corporation
2639 North Monroe Street, Suite B-112
Tallahassee, Florida 32303
Florida Bar No. 212008

PCP DATE: July 14, 2015
PCP Members: Fiorillo, Matthews & Todd

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a correct copy of the foregoing filed *Administrative Complaint* was furnished via U.S. Certified Mail to Respondent, Mr. Ram Autar Goel, P.E. at Respondent's Address of Record with the Department of Business and Professional Regulation of 16306 Doune Court, Tampa, FL 33647 and by service upon Respondent's attorney, Meredith A. Freeman, Esquire, with Bush/Ross, Attorneys at Law, Post Office Box 3913, Tampa, FL 33601-3913, on the 27th of July, 2015.

Trishia Finkey, Paralegal

FILED
Florida Engineers Management Corporation
JUL 23 2015
Clerk: Joshua Lakey

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK Evette Lawson-Proctor
Date 7/23/2015
File #

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL ENGINEERS,

Petitioner,

v.

FEMC Case No. 2014045758

RAM GOEL, P.E..,

Respondent,

/

ADMINISTRATIVE COMPLAINT

COMES NOW the Florida Engineers Management Corporation on behalf of Petitioner, Florida Board of Professional Engineers, and files this Administrative Complaint ("Complaint") against RAM GOEL, P.E. This Complaint is issued pursuant to Sections 120.60 and 471.038, Florida Statutes. Any proceeding concerning this Complaint shall be conducted pursuant to Section 120.57, Florida Statutes. In support of this Complaint, Petitioner alleges the following:

1. Florida Board of Professional Engineers ("Petitioner," "Board," or "FBPE"), is charged with regulating the practice of engineering pursuant to Chapter 455, Florida Statutes. This Complaint is filed by the Florida Engineers Management Corporation ("FEMC") on behalf of Petitioner. FEMC is charged with providing administrative, investigative, and prosecutorial services to the Board pursuant to Section 471.038, Florida Statutes (1997).

2. Ram Goel, P.E. ("Respondent") is, and has been at all times material hereto, a licensed professional engineer in the State of Florida, having been issued license number PE 47431. Respondent's last known and address of record is 16306 Doune Court, Tampa, Florida 33647.

3. On or about October 14, 2014 Respondent signed and sealed engineering documents for construction of a new building for Bennigan's Restaurant at 3955 West Newhaven Avenue, Melbourne, FL ("Bennigan's Project").

4. Section 471.033(1)(g), Florida Statutes, provides that an engineer is subject to discipline for engaging in negligence in the practice of engineering. Rule 61G15-19.001(4), Fla. Admin. Code, provides that negligence constitutes "failure by a professional engineer to utilize due care in performing in an engineering capacity or failing to have due regard for acceptable standards of engineering principles." Rule 61G15-19.001(4), Fla. Admin. Code, also provides that "[f]ailure to comply with the procedures set forth in the Responsibility Rules as adopted by the Board of Professional Engineers shall be considered as non-compliance with this section unless the deviation or departures therefrom are justified by the specific circumstances of the project in question and the sound professional judgment of the professional engineer."

5. The Board has adopted Responsibility Rules of Professional Engineers ("Responsibility Rules"). These Rules are contained in Chapter 61G15-30 to Chapter 61G15-36, Fla. Admin. Code. Professional Engineers who perform services covered by the Responsibility Rules are required to comply with the Rules. Included in the Responsibility Rules are Rules governing Structural (Rule 61G15-31, Fla. Admin. Code), Electrical (Rule 61G15-33, Fla. Admin. Code) and Mechanical (Rule 61G15-34, Fla. Admin Code) Engineering Documents produced by a Professional Engineer.

6. Respondent acted as Structural, Electrical, and Mechanical Engineer of Record for the Bennigan's Project as that term is defined in Rule 61G15-30.002(1), Fla. Admin. Code. As such, all engineering documents prepared, signed, sealed and dated by Respondent must contain the information set out in Rule 61G15-30.003(1), Fla. Admin. Code:

> When prepared for inclusion with an application for a general building permit, the Documents shall meet all Engineer's Responsibility Rules, set forth in Chapters 61G15-31, 61G15-32, 61G15-33, and 61G15-34, F.A.C., and be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the Florida Building Code[FBC], adopted in Section 553.73, F.S., and applicable laws, ordinances, rules and regulations, as determined by the Agency Having Jurisdiction. The Documents shall include:
>
> (a) Information that provides material specifications required for the safe operation of the system that is a result of engineering calculations, knowledge and experience.
>
> (b) List Federal, State, Municipal, and County standards, codes, ordinances, laws, and rules, with their effective dates, that the Engineering Documents are intended to conform to.
>
> (c) Information, as determined by the Engineer of Record, needed for the safe and efficient operation of the system.
>
> (d) List engineering design criteria; reference project specific studies, reports, and delegated Engineering Documents.
>
> (e) Identify clearly elements of the design that vary from the governing standards and depict/identify the alternate method used to ensure compliance with the stated purpose of these Responsibility Rules.

7. The Florida Building Code (2010) – Building ("FBC-B") Section 107.2.1 "Information on construction documents" states: "Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations,..." FBC-B Section 2701.1 "Scope" states: "This chapter governs the electrical components, equipment and systems used in buildings and structures covered by this code. Electrical components, equipment and systems shall be designed and constructed in accordance with the provisions of the NFPA 70, National Electrical Code ("NEC")." FBC-B Section 2801.1

"Scope," states: "Mechanical appliances, equipment and systems shall be constructed, installed and maintained in accordance with the Florida Building Code, Mechanical ("FBC-M")". FBC-B Section 107.3.5 "Minimum plan review criteria for buildings" states: "The examination of the documents by the building official shall include the following minimum criteria and documents: Mechanical: 1. Energy calculations; 7. Duct Systems; 9. Combustion air." FBC-B Section 2901.1 "Scope," states: "Plumbing systems and equipment shall be constructed, installed and maintained in accordance with the Florida Building Code, Plumbing ("FBC-P")."

8. Rule 61G15-33.001, Fla. Admin. Code, "Responsibility Rules of Professional Engineers Concerning the Design of Electrical Systems" "General Responsibility" states in material part that:

> Electrical Engineering documents shall be prepared in accordance with applicable technology and with the requirements of the authority having jurisdiction. The documents shall identify the Engineer of record for the electrical systems project. Electrical Engineering documents shall demonstrate compliance with the requirements of the applicable codes and standards . . . .

9. Rule 61G15-34.001, Fla. Admin. Code, "Mechanical Systems" "General Responsibility" states in material part:

> Mechanical Engineering Documents shall be prepared in accordance with the applicable technology and with the requirements of the authority having jurisdiction. The documents shall identify the Engineer of Record for the mechanical systems project. Mechanical Engineering documents shall demonstrate compliance with the requirements of the applicable codes and standards . . . .

10. Rule 61G15-33.003(2), Fla. Admin. Code, "Design of Power Systems," requires in material part that:

> (2) Electrical Engineering Documents applicable to the design of electrical power systems shall, at a minimum, indicate the following:
> (a) Power Distribution Riser Diagram with short circuit values;
> (d) Location and characteristics of surge protective devices;
> (e) Main and distribution equipment, control devices, locations and sizes;

(f) Voltage drop calculations for the feeders and customer-owned service conductors . . . . ;
(g) Circuitry of all outlets, equipment and devices."

11. Rule 61G15-33.004(2), Fla. Admin. Code, "Design of Lighting Systems," requires in material part that:

(2) Electrical Engineering Documents applicable to the design of lighting systems shall, at a minimum, indicate the following:
(a) Lighting fixture performance specifications and arrangements;
(b) Emergency Lighting, egress and exit lighting;
(d) Lighting control and circuiting;
(e) Calculated values to demonstrate compliance with the Florida Energy Code for Building Construction.

12. Respondent's electrical engineering documents for the Bennigan's Project are materially deficient as follows:

(a) The drawings contain an Electrical Riser Diagram, but no short circuit values and no voltage drop calculations for the feeders and customer-owned service conductors. These omissions constitute violations of Rule 61G15-33.003(2)(a and f), Fla. Admin. Code.

(b) No surge protective devices are shown on the drawings. This constitutes a violation of Rule 61G15-33.003(2)(d), Fla. Admin. Code.

(c) The Main disconnect and distribution panels are shown on the Electrical Riser Diagram, but none are located on the Power Plan or the Lighting Plan. This constitutes a violation of Rule 61G15-33.003(2)(e), Fla. Admin. Code.

(d) The drawing contains incomplete circuitry of electrical outlets, equipment and devices; *i.e.*, no circuitry for AHU's, condenser units, and water heaters, other than listing in the panel schedules. The omission of complete circuity constitutes a violation of Rule 61G15-33.003(2)(g), Fla. Admin. Code.

(e) There are no lighting fixture performance specifications on the drawings. This constitutes a violation of Rule 61G15-33.004(2)(a), Fla. Admin. Code.

(f) The Electrical Lighting Plan shows egress and exit lighting, but not a sufficient number of either egress or exit lights to comply with the Florida Fire Prevention Code ("FFPC"). The omission of adequate egress and exit lighting violates Rule 61G15-33.004(2)(b), Fla. Admin. Code.

(g) The Lighting Plan shows locations of some lighting fixtures, but none outside all exterior egress doors. These omissions constitute a violation of Rule 61G15-33.004(2)(d), Fla. Admin. Code.

(h) The lighting design drawings contain no calculated values to demonstrate compliance with the Florida Energy Code for Building Construction. These omissions constitute a violation of Rule 61G15-33.004(2)(e), Fla. Admin. Code.

13. Rule 61G15-34.003(4), Fla. Admin. Code, "Design of Heating, Ventilation and Air Conditioning (HVAC) Systems," requires in material part that

> (4) For Mechanical Engineering Documents pertaining to HVAC systems . . . shall indicate the following:
> (a) Demonstrate and provide adequate information for the AHJ to determine compliance with codes and ordinances. These may include test methods and results; data and tabulations for Energy Conservation that are results of the design;
> (b) Equipment selection schedule for each piece of mechanical equipment. All equipment shall have capacities listed including . . ., static pressure and fan air quantities as applicable to the system, . . . ;
> (e) Cooling coil requirements based on sensible heat, latent heat and total heat gains;
> (g) Outside and inside design dry and wet bulb conditions;
> (k) Condensate discharge piping layout with pipe sizes;
> (m) Ductwork layout and sizing; insulation requirements, supply, return, and exhaust inlet and outlet sizes; and outside air intake sizes;
> (n) All data needed to complete the Florida Energy Code calculations as applicable.

14. Respondent's mechanical engineering documents for the Bennigan's Project are materially deficient as follows:

(a) The two HVAC drawings (Sheets M-1 and M-2) and accompanying documents contain no Energy Calculations, no combustion air calculations, and unclear, congested, confusing duct systems in the kitchen area. These omissions and unclear duct systems constitute a violation of FBC-B 107.3.5.

(b) The drawings (Sheets M-1 and M-2) do not contain adequate information for the AHJ to determine compliance with codes and ordinances. This omission violates Rule 61G15-34.003(4)(a), Fla. Admin. Code.

(c) Air conditioning equipment schedules are shown on Sheet M-2 for air handling units and condensing units. The drawings do not contain cooling coil requirements based on sensible heat, latent heat, and total heat gains; nor outside and inside design dry and wet bulb conditions. These omissions constitute violations of Rule 61G15-34.003(4)(b, e and g), Fla. Admin. Code.

(d) Condensate discharge piping is shown on the drawings, but is not sized. The absence of sized condensate discharge piping constitutes a violation of Rule 61G15-34.003(4)(k), Fla. Admin. Code.

(e) Ductwork is shown on the drawings, but it is congested and not clear in the kitchen area. Inclusion of unclear ductwork on the drawings constitutes a violation of Rule 61G15-34.003(4)(m), Fla. Admin. Code.

(f) The mechanical drawings do not contain all data required to complete the Florida Energy Code calculations, as required by the FBC-B, Chapter 13. The absence of

all data required to complete the Florida Energy Code calculations constitutes a violation of Rule 61G15-34.003(4)(n), Fla. Admin. Code.

15. Rule 61G15-34.001, Fla. Admin. Code, "Mechanical Systems – General Responsibility" states that "Construction documents shall . . . define the required mechanical systems, including plumbing components, processes, equipment and material . . ." Rule 61G15-34.007(2), Fla. Admin. Code, "Design of Plumbing Systems," requires in material part that

> Mechanical Engincering Documents applicable to Plumbing Systems shall when applicable, include but are not limited to the following: (c) Potable Water isometric diagrams with pipe sizes and total water fixture units; (d) Sanitary riser diagrams with pipe sizes and total sanitary waste fixture units; (e) Storm riser diagrams with pipe sizes and cumulative drain area square footages; (f) Cold water, hot water, sanitary, and storm drainage piping layouts; (g) System isometrics and flow diagrams of other fluids and gases; (i) List of ASHRAE, ASME, ASPE, ANSI and other applicable codes, design standards and requirements.

16. Respondent's Mechanical Plumbing Engineering documents for the Bennigan's Project are materially deficient as follows:

(a) The Plumbing Drawings do not state specific codes, rules, or ordinances with which the Plumbing systems must comply. This absence of such information violates Rule 61G15-30.003(1)(b), Fla. Admin. Code, which requires: . . . engineering documents to "List Federal, State, Municipal, and County standards, codes, ordinances, laws, and rules, with their effective dates, that the Engineering Documents are intended to conform to."

(b) Potable water isometric diagrams are not shown on the drawings. Total water fixture units are not shown on the drawings. The omission of potable water isometric diagrams with piping sizes and the omission of total water fixture units constitutes a violation of Rule 61G15-34.007(2)(c), Fla. Admin. Code.

(c) A partial isometric sanitary riser diagram is shown; however, total flow waste fixture units are not shown on the drawings. In addition, the Sheet P-1 signed/sealed by Respondent on August 5, 2014 is incomplete, showing no cleanouts and no pipe sizes. The omission of a complete sanitary riser diagram, total water fixture units, sanitary cleanouts, and no pipe sizes constitutes a violation of Rule 61G15-34.007(2)(d), Fla. Admin. Code.

(d) No storm riser diagrams are shown on the drawings. No area drainage calculations are shown on the drawings. The omission of storm riser diagrams and area drainage calculations constitutes a violation of Rule 61G15-34.007(2)(e), Fla. Admin. Code.

(e) The plumbing drawings show partial sanitary piping layouts but no cold water, hot water, nor storm drainage piping layouts. These omissions constitute a violation of Rule 61G15-34.007(2)(f), Fla. Admin. Code.

(f) No gas riser isometric is shown on the plans; however, cooking appliances and a water heater are specified to use gas fuel. The omission of a gas riser isometric with BTU requirements, pipe material, and pipe sizes constitutes a violation of Rule 61G15-34.007(2)(g), Fla. Admin. Code.

(g) No list of applicable plumbing codes, design standards or requirements is shown on the drawings. The omission of applicable codes, design standards and requirements constitutes a violation of Rule 61G15-34.007(2)(i), Fla. Admin. Code.

17. Respondent's structural engineering documents for the Bennigan's Project do not show the following information required by Rule 61G15-31.008, Fla. Admin. Code, "Design of Foundations:"

(1) The structural engineering documents shall designate the foundation capacity and shall include data indicating the nature of the foundation material anticipated;
(2) Site preparation requirements, necessary to provide the foundation capacity, shall be specified in the structural engineering document(s);
(3) The foundation capacity shall be determined on the basis of scientific analysis utilizing investigations, tests or studies conducted or provided by the engineer of record for the structure or by a delegated engineer.

COUNT I

18. Petitioner realleges and incorporates Paragraphs One (1) through Eight (8) and Ten (10) through Twelve (12) as if fully set forth in this Count One.

19. Respondent's Electrical Engineering Plans for the Bennigan's Project contain deficiencies including, but not limited to, those set forth in Paragraphs One (1) through Twelve (12). Respondent violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), Fla. Admin. Code, by signing and sealing engineering documents that were issued and filed for public record when such documents were materially deficient in that Respondent: (1) did not exercise due care in the preparation of the final engineering documents for the Bennigan's Project, and (2) the final engineering documents for the Bennigan's Project were not issued in compliance with acceptable engineering principles.

20. Based on the foregoing, Respondent is charged with violating Section 471.033(1)(g), Florida Statutes, by engaging in negligence in the practice of engineering.

COUNT II

21. Petitioner realleges and incorporates Paragraphs One (1) through Seven (7), Nine (9), Thirteen (13) and Fourteen (14) as if fully set forth in this Count Two.

22. Respondent's Mechanical HVAC Engineering Plans for the Bennigan's Project contain deficiencies including, but not limited to, those set forth in Paragraphs One (1) through

Seven (7), Thirteen (13) and Fourteen (14) as if fully set forth in this Count Two. Respondent violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), Fla. Admin. Code, by signing and sealing engineering documents that were issued and filed for public record when such documents were materially deficient in that Respondent: (1) did not exercise due care in the preparation of the final engineering documents for the Bennigan's Project, and (2) the final engineering documents for the Bennigan's Project were not issued in compliance with acceptable engineering principles.

23. Based on the foregoing, Respondent is charged with violating Section 471.033(1)(g), Florida Statutes, by engaging in negligence in the practice of engineering.

COUNT III

24. Petitioner realleges and incorporates Paragraphs One (1) through Seven (7), Nine (9), Fifteen (15) and Sixteen (16) as if fully set forth in this Count Three.

25. Respondent's Mechanical Plumbing Engineering Plans for the Bennigan's Project contain deficiencies including, but not limited to, those set forth in Paragraphs One (1) through Seven (7), Fifteen (15) and Sixteen (16) as if fully set forth in this Count Three. Respondent violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), Fla. Admin. Code, by signing and sealing engineering documents that were issued and filed for public record when such documents were materially deficient in that Respondent: (1) did not exercise due care in the preparation of the final engineering documents for the Bennigan's Project, and (2) the final engineering documents for the Bennigan's Project were not issued in compliance with acceptable engineering principles.

26. Based on the foregoing, Respondent is charged with violating Section 471.033(1)(g), Florida Statutes, by engaging in negligence in the practice of engineering.

COUNT IV

27. Petitioner realleges and incorporates Paragraphs One (1) through Seven (7) and Seventeen (17) as if fully set forth in this Count Four.

28. Respondent's structural engineering drawings for the Bennigan's Project contain deficiencies including; but not limited to, those set forth in Paragraphs One (1) through Seven (7) and Seventeen (17). As a result of those deficiencies, Respondent violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), Fla. Admin. Code, by signing and sealing structural engineering documents that were issued and filed for public record when such documents were materially deficient in that Respondent: (1) did not exercise due care in the preparation of the final engineering documents for the Bennigan's Project, and (2) the final engineering documents for the Bennigan's Project were not issued in compliance with acceptable engineering principles.

29. Based on the foregoing, Respondent is charged with violating Section 471.033(1)(g), Florida Statutes, by engaging in negligence in the practice of engineering.

WHEREFORE, the Petitioner respectfully requests the Board of Professional Engineers to enter an order imposing one or more of the following penalties: permanent revocation or suspension of the Respondent's license; restriction of the Respondent's practice; imposition of an administrative fine; issuance of a reprimand; placement of the Respondent on probation; the assessment of costs related to the investigation and prosecution of this case, other than costs associated with an attorney's time, as provided for in Section 455.227(3), Florida Statutes; and/or any other relief that the Board deems appropriate.

SIGNED this 24th day of July, 2015.

Zana Raybon
Executive Director

BY: John J. Rimes, III
Prosecuting Attorney

COUNSEL FOR FEMC:

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Tallahassee, Florida 32303
Florida Bar No. 212008

PCP DATE: July 14, 2015
PCP Members: Fiorillo, Matthews & Todd

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a correct copy of the foregoing filed *Administrative Complaint* was furnished to Ram Goel, Ph.D., P.E. at his Address of Record of 16306 Doune Court, Tampa, FL 33647 and via his attorney, Chase E. Larson, Esquire, Larsen Law Group, c/o 173 NE Hernando Avenue, Suite 420, Lake City, FL 32055-4000 by United States Certified Mail, on the 24th of July, 2015.

Trishia Finkey, Paralegal