STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL ENGINEERS,

Petitioner,

v.

SANTIAGO BOLIVAR, P.E.,

Respondent,

FEMC Case No: 2014030707

________________________________________/

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 October 8, 2015 in Daytona Beach Shores, 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 14th day of October, 2015.

FLORIDA BOARD OF PROFESSIONAL ENGINEERS

[Signature]
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. Santiago Bolivar, P.E., at 265 S. Federal Highway, Deerfield Beach, FL 33441 (his address of record with the Department of Business and Professional Regulation) this 15th day of October, 2015.

[Signature]
Trishia Finkey, Paralegal
STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL ENGINEERS,

Petitioner,

v.

SANTIAGO BOLIVAR, P.E.,

Respondent,

/\

SETTLEMENT STIPULATION

SANTIAGO BOLIVAR, P.E. ("Respondent") and the Florida Engineers Management Corporation ("FEMC") hereby stipulate and agree to the following joint Settlement Stipulation ("Stipulation") and Final Order of the Florida Board of Professional Engineers ("Board") incorporating this Stipulation in the above-styled matter.

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 53326.

2. Respondent was charged by an Administrative Complaint filed by FEMC, and properly served upon Respondent with violations of Chapters 471 and 455, Florida Statutes. A copy of the Administrative Complaint is attached hereto and incorporated by reference as "Exhibit A to 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 Regulations ("the Agency"), FEMC, and the Board.

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

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 this case, an administrative complaint for failure to comply with said Final Order can automatically be opened against Respondent.

3. Respondent's license shall be SUSPENDED, the suspension shall be STAYED for one (1) year and then VACATED if Respondent pays an ADMINISTRATIVE FINE of $4,000.00 ($1,000.00 for each Count in the Administrative Complaint) and ADMINISTRATIVE COSTS of $4,930.40 to the Board in 2 equal installment payments of $4,465.20 each. The first installment payment is due six (6) months from the date the final order adopting this Stipulation is filed with the Agency Clerk; and the second installment payment is due one (1) year from the date the final order adopting this Stipulation is filed with the Agency Clerk. Timely payment of the FINE and COSTS will result in the SUSPENSION never taking effect.
4. Respondent’s license to practice engineering shall be **REPRIMANDED**.

5. 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 these circumstances from occurring in the future.

6. 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.

7. Respondent shall be placed on **PROBATION** for two (2) years from the date the Final Order adopting this Stipulation is filed with the Agency Clerk, with the following terms:

   a. Respondent shall successfully complete a Board-approved course in **BASIC ENGINEERING PROFESSIONALISM AND ETHICS** within one (1) year 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 he 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:
b. Respondent shall submit to the Board a detailed list of all completed projects which are signed, sealed, and dated by the Respondent for **PROJECT REVIEW** at six (6) and eighteen (18) month intervals from the date that the Final Order adopting this Stipulation is filed with the Agency Clerk. The projects shall include: **all projects and reports signed and sealed by Respondent.** This list must include electrical, mechanical plumbing, electrical HVAC, and structural engineering disciplines, which do not necessarily need all to appear in the same project, but all four disciplines must be available for review.

c. Due to the variety of engineering disciplines for which projects need to be reviewed, **two FEMC Consultants** will select one (1) project each from each submitted list for review. One FEMC Consultant will review the structural project and a different FEMC Consultant will review the electrical, mechanical HVAC, and mechanical plumbing disciplines. **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 Consultants. 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 Consultants’ fees for reviewing the projects. Since there are two consultants involved in these project reviews, Respondent shall remit payment in two separate checks (or money orders) in the amount of $1,500.00, made payable in the name of each of the Board’s Consultants who will be reviewing the projects. These payments shall be submitted at the time that the project lists are submitted to FEMC. Respondent will be advised prior to submitting the projects lists and payment to whom to make the checks or money orders payable. In the event that the project review costs exceed $1,500.00 by either consultant, then the Respondent is responsible for the deficiency. In the event that the cost of the reviews is less than $1,500.00 by either consultant, 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.

d. 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 probation 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 engineering services to meet the requirements of the terms of probation, Respondent’s license will be placed on voluntary inactive status as defined in Section 455.227, Florida Statutes, by the Board, without any further necessity for action on the part of Respondent. Respondent’s license shall remain on such status, provided Respondent meets the requirements of Section 455.227, Florida Statutes, unless and until Respondent notifies the Board that he wishes to recommence practice and obtains Board authorization to reactivate his license under such terms of probation that the Board deems appropriate at that time.

e. Should the FEMC Consultants both return a favorable reports after reviewing the sets of plans reviewed during the first year of probation, the requirements for the second year of probation may be waived and the probation may 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.

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.

g. 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 e-mail 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.

8. 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.

9. This Stipulation is executed by Respondent for the purpose of avoiding further administrative action with respect to this cause. 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.

10. 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.

11. Respondent waives the right to seek any attorney’s fees or costs from the Board in connection with this disciplinary proceeding.
WHEREFORE, the parties hereto request the Board to enter a Final Order accepting and implementing the terms contained herein.

Santiago Bolivar, P.E.,
Respondent, PE No. 53326

Dated: 8/13/15

APPROVED this 12th day of August, 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.

SANTIAGO BOLIVAR, P.E.,

Respondent,

FEMC Case No: 2014030707

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 SANTIAGO BOLIVAR, 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. SANTIAGO BOLIVAR, 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 53326. Respondent’s last known address is 1415 16th Street, #1, Miami Beach, Florida 33139.

3. On March 13, 2014 Respondent signed, sealed, and dated revised engineering drawings for a duplex located at 2936 SW 27th Terrace in Miami, Florida ("Duplex Project") which were submitted to the Miami Dade Building Department. The Duplex Project drawings included Sheets A1 – A9, S1 – S6, M1 – M2, E1 – E4 and P1 – P3.

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 there from are justified by the specific circumstances of the project in question and the sound professional judgment of the professional engineer.”

6. Respondent acted as Structural, Electrical, and Mechanical Engineer of Record for the Duplex 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):

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; 5 Make-up air; 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 61G15-33.003(2), Fla. Admin. Code, “Design of Power Systems,” requires in material part that “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; (f) Voltage drop calculations for the feeders and customer-owned service conductors . . ; (g) Circuitry of all outlets, equipment and devices.”

10. Rule 61G15-33.004(2), Fla. Admin. Code, “Design of Lighting Systems”, requires in material part that “Electrical Engineering Documents applicable to the design of lighting systems shall, at a minimum, indicate the following: (a) Lighting fixture performance
specifications and arrangements; (e) Calculated values to demonstrate compliance with the Florida Energy Code for Building Construction.”

11. Respondent’s Electrical Engineering Design Documents for the Duplex Project are materially deficient as follows:

(a) The drawing contains 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 the NEC and Rule 61G15-33.003(2)(a) and (f), Fla. Admin. Code.

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

(c) Incomplete circuitry is shown on the drawing. This omission constitutes a violation of Rule 61G15-33.003(2)(g), Fla. Admin. Code.

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

(e) The lighting design drawing contains 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.

(f) The second (non-numbered) Electrical Note on Sheet E-1 states: “All work shall be done in accordance with the latest edition of the National Electrical Code and all codes, regulations and restrictions having jurisdiction.” This non-specific requirement violates Rule 61G15-30.003(1)(b), Fla. Admin. Code, which requires engineering documents to “List Federal, State, Municipal, and County standards, codes, ordinance,
laws, and rules, with their effective dates, that the Engineering Documents are intended to
conform to."

12. Additionally, Respondent’s Electrical engineering drawings for the Duplex
Project materially fail to comply with applicable portions of the NEC and FBC as follows:

   (a) The two electric service meters (one for each duplex dwelling) are shown on
   Sheet E - 1 to be installed on opposite sides of the duplex building. This constitutes a
   violation of NEC 230.72 Grouping of Disconnects, as part of NEC 230.VI, Service
   Equipment.

   (b) The stove (kitchen range) is shown on the panel schedule to be rated at 8500
   va (volt-amps or watts). This load calculates to 35.4 full load amps at 240 volts, or 40.7
   minimum circuit amps. The panel schedule of the Main Panel on Sheets E - 1 and E - 3
   shows the stove being served by a 30 amp, 2 pole circuit breaker (circuit 19, 21). Sizing
   a branch circuit (30 amps) serving a household range at less than the load being served
   (40.7 amps) violates NEC 210.19, conductors – Minimum Ampacity and Size.

   (c) The Main Panel is served by a 200 amp disconnect switch, through 3 #2/0
   THW, copper conductors. Sizing conductors serving a 200 amp load with #2/0 THW
   copper conductors violates NEC Table 310.16, which requires #3/0 copper conductors to
   serve a 200 amp load.

   (d) The Main Panel is shown in the Riser Diagram on Sheet E - 1 to be
   grounded to ground rods, water service and building steel. However the ground
   conductor size is omitted.
Failure to size the ground conductor violates NEC Table 250.122, which requires a minimum #6 copper or #4 aluminum grounding conductor for equipment not exceeding 200 amps.

(e) Spacing of convenience receptacles shown on Sheets E-1 and E-2 in the dwellings is inadequate. Many walls on both levels have no receptacles designated; and the spacing of many others exceeds applicable codes. These omissions and design errors constitute a violation of NEC 210.52 "Dwelling Unit Receptacles Outlets."

(f) The two HVAC drawings (Sheets M-1 and M-2) and contain no Energy Calculations, no Make-Up Air criteria, and no combustion air calculations. These omissions constitute a violation of FBC-B 107.3.5.

13. Rule 61G15-34.001, Fla. Admin. Code, “Responsibility Rules of Professional Engineers Concerning the Design of Mechanical Systems” states that “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 ...” Rule 61G15-34.003(4), Fla. Admin. Code, “Design of Heating, Ventilation and Air Conditioning ("HVAC") Systems,” requires in material part that “Mechanical Engineering Documents pertaining to HVAC systems ... shall indicate the following: [f]or Mechanical Engineering Documents pertaining to HVAC systems that exceed the threshold requirements for mandatory use of professional engineering services, the plans 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 efficiencies, electrical or fuel requirements, static pressure and fan air quantities as applicable to the system, ...; (d) Outside (fresh) air make-up conditions; (e) Cooling coil requirements based on sensible heat, latent heat and total heat gains; (f) Heating equipment requirements; (g) Outside and inside design dry and wet bulb conditions; (k) Condensate discharge piping layout with pipe sizes; (n) All data needed to complete the Florida Energy Code calculations as applicable.”

14. Respondent’s HVAC Engineering Design Documents for the Duplex Project are materially deficient as follows:

   (a) The Mechanical Drawings do not state any codes, rules or ordinances with which the HVAC systems must comply. This absence of such requirement 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) 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 Sheets M – 1 and M – 2 for air handling units and condensing units. The schedule does not indicate fan data for required static pressure, horsepower or all electrical requirements. Outside air make-up calculations have not been included on the drawings. 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. The drawings must indicate
compliance with the FBC-M. These omissions and errors in calculations constitute 
violations of Rule 61G15-34.003(4)(b, d, e and g), Fla. Admin. Code.

(d) Heating equipment is shown using electric resistance heating coils. No 
electrical requirements have been specified for these coils, only the required kW. The 
absence of electrical requirements for heating equipment constitutes a violation of Rule 

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

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 Engineering Documents applicable 
to Plumbing Systems shall, when applicable, include but are not limited to the following: (a) 
Equipment schedules for all plumbing fixtures, water heaters, boilers, pumps, grease traps, septic 
tanks, storage tanks, expansion tanks, compression tanks and roof and floor drains; (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; (i) List of ASHRAE, ASME, ASPE, ANSI and
other applicable codes, design standards and requirements; (l) All plumbing fixtures, valves, pumps, tanks, accessories, specialties, enclosures, and such equipment shall be described and located on the drawings; (m) Material for all plumbing systems shall be specified.

16. Respondent’s Plumbing Engineering Design Documents for the Duplex Project are materially deficient as follows:

(a) The Plumbing Drawings do not state any codes, rules or ordinances with which the Plumbing systems must comply. This 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) Equipment schedules are not included on the drawings. The omission of equipment schedules from the Plumbing Documents constitutes a violation of Rule 61G15-34.007(2)(a), Fla. Admin. Code.

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

(d) Isometric sanitary riser diagrams are shown; however, total flow waste fixture units are not shown on the drawings. The omission of total water fixture units constitutes a violation of Rule 61G15-34.007(2)(d), Fla. Admin. Code.

(e) 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)(c), Fla. Admin. Code.

(f) No list of applicable plumbing codes, design standards or requirements are 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.

(g) No plumbing fixture schedules, hot water heater sizing, or materials for plumbing systems have been shown on the drawings. The absence of plumbing fixture schedules, equipment descriptions and materials for plumbing systems constitutes a violation of Rules 61G15-34.007(2)(l) and 61G15-34.007(2)(m), Fla. Admin. Code.

17. The Structural design documents (Sheets A1 – A9 and S1 – S6) signed, sealed and dated by Respondent for the Duplex Project are materially deficient as follows:

(a) The drawings do not include any railing details for the second floor adjacent to the stair opening.

(b) The drawings do not include the impact resistance requirements for the windows as required by 2010 Florida Building Code Residential (“FBCR”) Section R4403.16.1.

(c) The drawings do not include roof drainage details at the parapet wall as required by FBCR Section R4403.6.1.

(d) The drawings do not indicate a statement indicating the code used for the design as required by FBC-B Section 107.

(e) Signed and sealed calculations as required by FBC-B Section 107 are not included.
(f) A signed and sealed geotechnical report as required by FBCR Section R4404.2 is not included nor referenced within the drawings.

(g) The structure does not have sufficient lateral load resistance in the east-west (side-side) direction to resist the wind loads required in FBCR Section R4403.9.

(h) Reinforcing steel splice details as required in FBCR Section R4405.8.4 are not included.

(i) Horizontal joint reinforcing for the masonry walls as required by FBCR Section R4407.1.6 is not indicated on the drawings.

(j) Tie columns as required by FBCR Section R4407.4.2.2 are not indicated on the drawings.

(k) Tie beam TB-2 exceeds the maximum span of 7 feet as limited by FBCR Section R4407.2.3.2.

**COUNT I**

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

19. Respondent’s Electrical Engineering Plans for the Duplex 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 Duplex Project, and (2) the final engineering documents for the Duplex 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), Thirteen (13) and Fourteen (14) as if fully set forth in this Count Two.

22. Respondent’s Mechanical HVAC Engineering Plans for the Duplex 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 Duplex Project, and (2) the final engineering documents for the Duplex 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), Fifteen (15) and Sixteen (16) as if fully set forth in this Count Three.

25. Respondent’s Mechanical Plumbing Engineering Plans for the Duplex 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 Duplex Project, and (2) the final engineering documents for the Duplex 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 Duplex 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 Duplex Project, and (2) the final engineering documents for the Duplex 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 22nd day of May, 2015.

Zana Raybon
Executive Director

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

PCP DATE: May 12, 2015
PCP Members: Fiorillo, Matthews & Pepper

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing filed Administrative Complaint was furnished to Mr. Santiago Bolivar, P.E., at 1415 16th Street, #1, Miami Beach, FL 33139 (his address of record with the Department of Business and Professional Regulation) via U.S. Certified Mail on the 22nd day of May, 2015.

Trishia Finkey, Paralegal