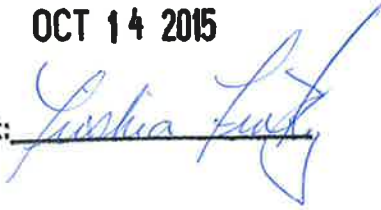


FILED
Florida Engineers Management
Corporation

OCT 14 2015

Clerk: _____



FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	10/14/2015
File #	2015-08625

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2014039501

JOSEPH S. FERDELMAN, 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 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



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. Joseph Ferdelman, P.E., at 1400 West Dorothy Lane, Dayton, OH 45409 (his address of record with the Department of Business and Professional Regulation) and to his attorney of record, Ms. Catherine B. Chapman, Esquire, Guilday Law, 1983 Centre Point Boulevard, Suite 200, Tallahassee, Florida 32308 this 15th day of October, 2015.



Trishia Finkey,
Paralegal

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2014039501

JOSEPH S. FERDELMAN, P.E.,

Respondent,
_____ /

SETTLEMENT STIPULATION

JOSEPH S. FERDELMAN, 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 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 64571.
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 Regulation (“the Agency”), FEMC, and the Board.

2. Although Respondent disputes the facts alleged in the Administrative Complaint, Respondent admits that the facts set forth in the Administrative Complaint, if proven at an administrative hearing, would constitute violations of Chapters 455 and 471, Florida Statutes, as alleged in the Administrative Complaint. The Parties further concur that the agreements, stipulations and statements herein, along with the entry of a Final Order which resolves this matter, is limited to these proceedings arising under the administrative authority of the Petitioner.

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 will pay **ADMINISTRATIVE COSTS** of \$1,694.45 to the Board within thirty (30) days of the date that the Final Order adopting this Stipulation is filed with the Agency Clerk.

4. Respondent shall be issued a **LETTER OF GUIDANCE** reflecting that Respondent shall, in the future, comply with the provisions of Section 471.023(4), Florida Statutes. The Final Order accepting this Stipulation will serve as the **LETTER OF GUIDANCE**.

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 he plans to implement to improve his work product, and how he intends to prevent this circumstance from occurring in the future.

6. Respondent acknowledges that neither his 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 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:

Murdough Center for Engineering Professionalism
Texas Tech University, PO Box 41023, Lubbock, Texas 79409
Engineering Ethics Basic
Engineering Ethics Intermediate
Engineering Ethics Advanced
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.

8. 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.

9. 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.

10. 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.

11. 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, the issuance of the Letter of Guidance, and the Final Order of the Board incorporating this Stipulation.

12. 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.



Joseph S. Ferdelman, P.E.,

Respondent

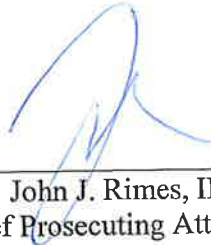
PE 64571

Case No: 2014039501

Dated: 9/21/15

APPROVED this 21st day of September, 2015.

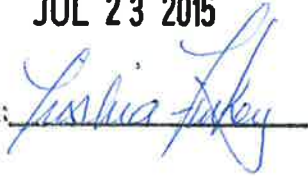
Zana Raybon, Executive Director
Florida Board of Professional Engineers



BY: John J. Rimes, III
Chief Prosecuting Attorney

JUL 23 2015

Clerk: _____



STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

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

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2014039501

JOSEPH S. FERDELMAN, 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 JOSEPH S. FERDELMAN, 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," "FBPE," or "Board") 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. JOSEPH S. FERDELMAN, 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 64571. Respondent’s last known address is 1400 West Dorothy Lane, Dayton, Ohio 45409.

3. On January 24, 2014 Respondent signed and sealed engineering drawings (PFS101, PFS201, PFS001, PFS002) for a Fire Protection System for the Fifth Third Bank office building located at 4580 S. US Highway 17 92, Casselberry, Florida. (“Fifth Third Bank Project”)

4. Respondent acted as Engineer of Record for the Fire Protection System for the Fifth Third Bank Project as that term is defined in Rule 61G15-32.002(1), Fla. Admin. Code.

5. Respondent’s drawings for the Fifth Third Bank Project are materially deficient as follows:

A. Engineering Documents are contained in Rule 61G15-32, Fla. Admin. Code, which requires that a water flow test be included. In fact, had a water flow test been conducted before the Water Based Fire Protection System Engineering Documents were signed and sealed, it would have clearly shown that the sprinkler design could not have been supported by the existing water supply without a fire pump and tank that were not included in the Water Based Fire Protection System Engineering Documents. The lack of water flow data in the Water Based Fire Protection System Engineering Documents is a violation of Rule 61G15-30.002, Fla. Admin. Code.

B. There is nothing in the Water Based Fire Protection System Engineering Documents that addresses whether or not the existing structure can support the new

sprinkler piping. The lack of this information is a violation of Rule 61G15-32.003(5), Fla. Admin. Code.

6. 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.”

7. The Respondent’s Plans for the Fifth Third Bank Project contain deficiencies including; but not limited to, those set forth in Paragraphs 3 through 6, hereinabove. Respondent violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), Fla. Admin. Code, by sealing and signing 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 Fifth Third Bank Project, and (2) the final engineering documents for the Fifth Third Bank Project were not issued in compliance with acceptable engineering principles.

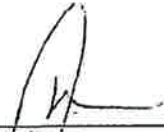
8. Based on the foregoing, Respondent is charged with violating Section 471.033(1)(g), Florida Statutes, by engaging in negligence in the practice of engineering.

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:

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 true and correct copy of the foregoing filed *Administrative Complaint* has been furnished to Mr. Joseph Ferdelman, P.E., at his address of record of 1400 West Dorothy Lane, Dayton, OH 45409 by U.S. Certified Mail on the 22nd of July, 2015.


Trishia Finkey, Paralegal