

In the last few months, the Board has formally approved the following enforcement cases based on the Florida Statutes and Rules applicable at the time of the violation. Included is a brief description of the licensee's violation and discipline imposed by the Board.

Recent Engineer Discipline

Kevin Adams, P.E.

License No. 52421

Case Nos. 2009010448 & 2011049668

Licensee's North Carolina Professional Engineer license was disciplined for negligence in the practice of engineering, affixing or permitting his seal and signature to a final drawing, etc., not prepared by him or under his responsible supervision, affixing his signature or seal to a plan over which he lacked competence, and affixing his seal to inadequate design documents. This Board charged Licensee with having his license acted on by the licensing authority of another state for any act that would constitute a violation of Section 471.033(1)(c), Florida Statutes.

Ruling: A Final Order was issued on June 20, 2012, and a Settlement Stipulation was approved by the Board imposing the following: reprimand, appearance, costs, study guide and restriction from practicing any other discipline other than civil or structural engineering until such time that he completes, passes and submits proof of passing the NCEES Principles and Practice Examination in any other such engineering discipline. If and when the Licensee, seeks to have the above restriction lifted, Licensee shall appear before the Board to lift the restriction.

Violation: Section 471.033(1)(c), Florida Statutes

Joseph Bombassaro, P.E.

License No. 50702

Case No. 2011055859

Licensee was originally charged in FEMC Case No: 2008054175 and as part of the terms imposed in the Final Order for that case, he was required to pay a fine of \$3,000.00 and costs of \$573.00 within one hundred and twenty (120) days of the date of the Final Order and successfully complete the Board-approved Professionalism and Ethics course. Licensee failed to provide proof of completing the required course which resulted in his failure to comply with the terms of the Final Order in FEMC Case No. 2008054175.

Ruling: A Final Order was issued on July 5, 2012, imposing the following: reprimand and costs.

Violation: Section 471.033(1)(k), Florida Statutes

Fernando Gomez-Pina, P.E.

License No. 14710

Case No. 2012001850

The Administrative Complaint alleged that the Licensee was originally charged in FEMC Case No. 2007038418. Licensee entered into a Settlement Stipulation that was made part of the Final Order. Part of that stipulation required that the Licensee successfully complete a Board-approved course in Intermediate Engineering Professionalism and Ethics within one year of the date of the Final Order. Licensee failed to take the course.

Ruling: A Final Order was issued on August 16, 2012, and the Settlement Stipulation approved by the Board imposing the following: suspension (until licensee complies with the terms of the Final Order in FEMC Case No. 2007038418); costs of \$736.50; reprimand; and appearance before the Board. **NOTE: Licensee provided proof at the hearing that he completed the course— Suspension has been lifted.**

Violation: 471.033(1)(k), Florida Statutes

Thomas Hibbard, P.E.

License No. 57147

Case No. 2012016508

The Administrative Complaint alleged that the Licensee was originally charged in FEMC Case No. 2009054465 and as part of the terms imposed in the Final Order for that case was required to pay a fine of \$1,000.00 and costs of \$4,930.97 within thirty (30) days of the date of the Final Order. No payment was made to FEMC within that 30 day time period which resulted in failure to comply with the terms of Licensee's Final Order in FEMC Case No. 2009054465.

Ruling: A Final Order was issued on September 18, 2012, after informal hearing imposing the following: suspension of license until such time as Licensee complies with the terms of discipline set forth in FEMC Case No. 2009054465. Additionally, the Licensee must pay additional costs of \$107.25 within 30 days of the date the Final Order was filed.

Violation: Section 471.033(1)(k), Florida Statutes

Martin King, P.E.

License No. 38697

Case No. 2011028040

Licensee was charged with violating Section 895.03, Florida Statutes. As a result of that violation, Licensee violated Sections 471.033(1)(c) and 471.033(1)(d) Florida Statutes by being adjudicated guilty of a crime which directly relates to the practice of engineering or the ability to practice engineering. The conviction derived from Licensee's activities while acting as Director of Public Services for the City of North Miami Beach, as well as activities performed in subordinate positions prior to being appointed Director. In those positions, Licensee, among other duties, was responsible for acting in a supervisory role overseeing various aspects of the North Miami Beach Public Services Department, including water and sewer services for the city. The fact underlying the conviction showed that from 1998 and continuing for over ten years, Licensee fraudulently siphoned city funds to a company that Licensee created. That company charged the city for non-existent work purportedly done relating to the water and sewer services for the city.

Ruling: A Final Order was issued on June 20, 2012, and a Settlement Stipulation was approved by the Board imposing the following: costs and revocation.

Violation: Sections 455.227(1)(c) and 471.033(1)(d) Florida Statutes

Randall Mosby, P.E.

License No. 22326

Case No. 2011042037

Licensee signed and sealed engineering documents for a single family residence which were materially deficient and resulted in a charge of negligence in the practicing of engineering. Specifically, Licensee signed and sealed plans with no title block, no name or license number of the engineer, incorrect cladding pressures, incorrect roof sheathing nailing requirements, no indication of requirements for delegated engineer, etc.

Ruling: A Final Order was issued on July 5, 2012, imposing the

following: costs; reprimand; suspension for a minimum of one (1) year and thereafter until he appears before the Board and demonstrates the ability to practice engineering with reasonable skill and safety to the public.

Violation: Section 471.033(1)(g) Florida Statutes and Rule 61G15-19.001(4), F.A.C

Daryl M. Sester, P.E.

License No. 45379

Case No. 2011001633

The Administrative Complaint alleged that Licensee was the Engineer of Record for the shoring and re-shoring inspection reports on the Berkman Plaza II, Garage Structure in Jacksonville, Florida. The shoring and re-shoring inspection reports for the "Garage" project were initially signed by two engineers; however, in early August 2007, Licensee assumed responsibility for the project and signed the remainder of the shoring and re-shoring inspection reports for the project. Licensee did not personally perform the inspections but relied on two employees to inspect and approve the shoring system installation. Licensee did not seal the inspection reports for the project. As Engineer of Record, the Licensee was responsible for ensuring that those acting in his stead were qualified to provide the services, that they understood the scope of the services including the required standard of care, and that they had reviewed the design and/or other documents necessary to accomplish the inspection. Licensee failed to affix his seal to the inspection reports. Additionally, the Licensee signed inspection reports for the shoring and re-shoring that were issued without due care and which materially failed to conform to acceptable standards of engineering principles.

Ruling: A Final Order was issued on August 16, 2012, and the Settlement Stipulation was approved by the Board imposing the following: suspension (the suspension shall be stayed for 30 days and vacated if Licensee pays the fine and costs; fine of \$2,000; costs of \$4,003.75; reprimand; appearance before the Board; probation; Board-approved Engineering Professionalism and Ethics course; successful completion of the ACI Inspector Certification Program: *Concrete Construction Special Inspector*; and study guide. Licensee shall appear at a Board Meeting immediately preceding the end of probation and provide to the board a comprehensive report as to any projects to which the quality control methodology provided to the Board during Licensee's initial appearance has been applied.

Violation: Sections 471.033(1)(a) and (g) and Section 455.227 (1)(k) Florida Statutes

James Lee Smith, P.E.

License No. 36177

Case No. 2010050477

The Administrative Complaint alleged that Licensee was originally charged in FEMC Case No. 2004044194. Licensee entered into a Settlement Stipulation that was made a part of the Final Order. Part of that stipulation provided in material that Licensee would submit projects for project review. As required, Licensee provided a list of projects for project review. The consultant reviewing those projects chose two projects; the "Velez" and "Captiva" projects. The consultant found that the "Velez" project contained construction documents which failed to indicate the design compressive strength and the grade of

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reinforcing for the concrete masonry elements of the project. The grade of steel for the sill anchor bolts is not specified in the plans, etc. The consultant found that the “*Captiva*” project construction documents failed to include construction requirements regarding the isolation of the untreated wood trusses from the masonry bond beam elements, and the calculations provided for the shearwall design are flawed in that they fail to distribute the total lateral force on the structure to the various vertical elements of the lateral-force-resisting system in proportion to their rigidities, etc.

Ruling: A Final Order was issued on September 18, 2012, and a Settlement Stipulation was approved by the Board imposing the following: costs, appearance before the Board and project review.

Violation: Sections 471.033(1)(g) Florida Statutes and Rule 61G15-19.001(4), F.A.C.

Joseph Tinder, P.E.

License No. 65378

Case No. 2010029763

The Administrative Complaint alleged that Licensee signed and sealed materially deficient engineering documents which resulted in engaging in negligence in the practicing of engineering. Specifically, Licensee signed, sealed and dated drawings for a “Press Box Addition”. One sheet noted “Limited to Structural Design Only”, one sheet noted “Limited to Structural and Electrical Design Only.” In the electrical engineering documents, the Licensee failed to indicate power distribution riser diagram with short circuit values; circuit interrupting devices and fault current interrupting capability, location and characteristics of surge protective devices, voltage drop calculations, load computations, grounding and bonding. Additionally, the electrical engineering documents for lighting systems failed to include lighting fixture performance specifications and arrangements, exit lighting, calculated values to demonstrate compliance with the Florida Energy Code for Building Construction.

Ruling: A Final Order was issued on August 16, 2012, accepting a Settlement Stipulation, imposing the following: fine of \$1,000; costs of \$1,112; reprimand; appearance before the Board; Board-approved Engineering Professionalism and Ethics course; and study guide.

Violation: Section 471.033(1)(g) Florida Statutes and Rule 61G15-19.001(4), F.A.C.

You can access the final orders for these cases and other recent engineer disciplines on our website under the Legal section at <http://fbpe.org/legal/disciplinary-action>.

If you are unsure if an engineer has been disciplined you can verify their license on www.myfloridalicense.com.

Information on public cases in which an engineer has been disciplined can be obtained by sending an email request to publicrecords@fbpe.org.

Liang Zhou, P.E.

License No. 42131

Case No. 2010058209

The Administrative Complaint alleged that the Licensee signed, sealed and dated structural engineering design documents as well as structural engineering calculations that contained many various deficiencies. The drawings and calculations fail to provide a title block on the drawings containing the Licensee’s printed name, address and license number; The drawings fail to include reinforced concrete column reinforcing details including the size of the hooked bars at the top and bottom of the columns and the required splice length for dowels; a portion of the details fail to indicate the location of the reinforcing within the masonry wall; a portion of the details fail to indicate the wall anchorage extended and/or hooked into the foundation, etc. Licensee acted as Structural Engineer of Record for a project. Licensee signed, sealed and dated engineering documents for the project that were issued and filed for public record when such documents were materially deficient in respect to and not in compliance with applicable code requirements, acceptable engineering principles, and the applicable provisions of the Responsibility Rules. Licensee signed and sealed drawings for this project without including a title block on the drawings.

Ruling: A Final Order was issued on September 18, 2012, and a Settlement Stipulation was approved by the Board imposing the following: suspension (suspension shall be stayed for 30 days and vacated upon receipt of the fine and costs), fine of \$1,000, costs of \$4,427, reprimand, appearance before the Board, project review at 6 and 18 months, Board-approved Engineering Professionalism and Ethics course; and study guide.

Violation: Sections 471.033(1)(g) and Section 471.025(2) Florida Statutes

Disclaimer: FBPE would like to note that every effort has been made to ensure the accuracy of discipline information; however this should not be relied upon without verification from the Board office or website. It is possible that names of companies and individuals listed may be similar to the names of parties who **HAVE NOT BEEN** disciplined or had compliant actions taken against them, so we encourage you to review licensee information on www.myfloridalicense.com, contact our office or make a public records request should you have any specific questions regarding disciplinary actions. Public records requests can be sent to publicrecords@fbpe.org.



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