Recent Engineer Discipline

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.

Roger Chewning, PE
PE 21780
Case No. 2013027115

Licensee was charged with two counts of negligence in the practice of engineering, a violation of Section 471.033(1)(g), Florida Statutes, and Rules 61G15-34.007(2)(1) and 61G15-34.007(2)(m), Florida Administrative Code. Licensee signed and sealed engineering documents for interior renovations at a private residence. Licensee acted as the Electrical and Mechanical Engineer of Record for this project. Pursuant to Rule 61G15-30.002(1), FAC, all engineering documents prepared, signed, sealed, and dated by a licensee must contained the information required in Rule 61G15-30.003(1), FAC. The electrical documents were deficient in that they did not contain the information referenced above, and in fact, contained no electrical drawings in the permit documents. Rule 61G15-34.007(2), FAC, requires equipment schedules for all plumbing fixtures, water heaters, etc., appropriate floor plans, site plans, and building and plumbing system elevations, etc. There were no equipment schedules included on the drawings, no plumbing floor plans with piping elevations, etc.

Ruling: This case was presented to the full Board for an Informal Hearing. The Board imposed an Administrative Fine of $2,000, Costs of $3,920, Probation for two years with terms; terms include project review at six and eighteen months, completion of a Board-approved Course in Engineering Professionalism and Ethics and the Board’s Study Guide. A Final Order was issued on November 4, 2014.

Violation: Section 471.033(1)(g), Florida Statutes and Section 2-11.1(e)(3)(a), Miami-Dade County Code of Ordinances, and Section 471.033(1)(d), Florida Statutes

Faustin F. Denis, Jr., PE
PE 48685
Case No. 2012003988

Licensee was charged with pleading guilty to four counts of violating Section 125.69, Florida Statutes and Section 2-11.1(e)(3)(a), Miami-Dade County Code of Ordinances, Conflict of Interest and Code of Ethics Ordinance, a crime evidencing a lack of moral character and thus has not maintained good moral character required of a Professional Engineer, a violation of Section 471.033(1)(d), Florida Statutes.

Ruling: This case was presented to the full Board for a Hearing. The Board imposed a Reprimand, an Administrative Fine of $1,000, Costs of $380.25, probation for two years, completion of a Board-approved Course in Engineering Professionalism and Ethics and the Board’s Study Guide. A Final Order was issued on November 4, 2014.

Violation: Section 125.69, Florida Statutes and Section 2-11.1(e)(3)(a), Miami-Dade County Code of Ordinances, and Section 471.033(1)(d), Florida Statutes

Kim B. Ford, PE
PE 39471
Case No. 2014002866

Licensee was charged with violating Section 471.033(1)(g), Florida Statutes and Rule 61G15-19.001(4), Florida Administrative Code. Licensee signed and sealed engineering documents which failed to include wetland lines or buffers as required. By issuing final engineering documents which were deficient, Licensee did not exercise due care in the preparation of final engineering documents and issued final documents which were not in compliance with acceptable engineering principles.

Ruling: The case was presented to the full Board based upon a Settlement Stipulation. The Board imposed an Administrative Fine of $500, Costs of $1,600, Appearance before the Board, completion of a Board-approved course in Engineering Professionalism and Ethics, Project Review at six and eighteen months, and the Board’s Study Guide. A Final Order was issued on December 10, 2014.

Violation: Section 471.033(1)(g), Florida Statutes and Rule 61G15-19.001(4), Florida Administrative Code

Fernando Gomez-Pina
PE 14710
Case No. 2012039420

Licensee was charged with violating Section 471.033(1)(g), Florida Statutes and Rule 61G15-19.001(4), Florida Administrative Code.

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sealed and dated engineering drawings which were materially deficient. The deficiencies include, but are not limited to, the design loads and the strength of materials were not indicated on the drawings, there was no information included indicating the engineering requirements for the delegated engineer of the roof truss system, the wall thickness of a steel column is missing, etc.

**Ruling:** The case was presented to the full Board based upon a Settlement Stipulation. Licensee VOLUNTARILY RELINQUISHED his Professional Engineer license effective December 31, 2014. Licensee shall never reapply for licensure as a Professional Engineer or Certificate of Authorization holder in the State of Florida. A Final Order was issued on December 10, 2014.

**Violation:** Section 471.033(1)(g), Florida Statutes and Rule 61G15-19.001(4), Florida Administrative Code

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**MBV Engineering, Inc.**
CA 3728
Case No. 2013049941

Licensee was charged with engaging in false and deceptive advertising and offering engineering services under a false and misleading firm name, a violation of Section 471.033(1)(f), Florida Statutes and Rule 61G15-19.001(2) and (3), Florida Administrative Code. In FEMC Case No. 2010059281, Licensee was issued a Notice to Cease and Desist for advertising under the name of Mosby & Associates, Inc., while doing business as MBV Engineering, Inc. An Affidavit was signed by the President of MBV stating that Licensee will cease offering engineering services under the name of Mosby & Associates, Inc. Licensee continued to maintain and allow a telephone listing for Mosby & Associates, Inc., to be published in the Vero Beach/Sebastian Yellow Pages telephone directory. Licensee was also answering the telephone number assigned to Mosby & Associates, Inc. as MBV Engineering. Licensee failed to comply with the specific provisions of applicable codes and standards when he continued to maintain the telephone listing for Mosby & Associates, Inc.

**Ruling:** This case was presented to the full Board for review with a Settlement Stipulation. Pursuant to the Settlement Stipulation, the Board imposed Costs of $351.00, Appearance before the Board, and a Reprimand. A Final Order was issued on October 15, 2014.

**Violation:** Section 471.033(1)(f), Florida Statutes and Rule 61G15-19.001(2) and (3), Florida Administrative Code

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**Daniel Metz, PE**
PE 39576
Case No. 2013029821

Licensee was charged with being found guilty of violating Title 18, United States Code, Sections 287 and 2 and Title 26, United States Code, Section 7212(a), a crime evidencing a lack of moral character and thus has not maintained good moral character required of a Professional Engineer, a violation of Section 471.033(1)(d), Florida Statutes.

**Ruling:** A Final Order was issued against Daniel Metz, PE, adopting the Settlement Stipulation which imposed a Reprimand, Costs of $200.00 and Appearance before the Board. A Final Order was issued on October 15, 2014.

**Violation:** Section 471.033(1)(d), Florida Statutes

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**Johnathan C. Powell, PE**
PE 63797
Case No. 2014014129

Licensee was charged with violating Section 471.033(1)(c), Florida Statutes. Licensee was the subject of disciplinary action in the State of Alabama for providing engineering design drawings which contained structural deficiencies and code violations. By having his Professional Engineer license in Alabama acted against which would constitute a violation of Chapter 471, Licensee violated Florida law as noted above.

**Ruling:** The case was presented to the full Board based upon a Settlement Stipulation. The Board imposed Costs of $585.25, Appearance before the Board, and Probation for two years to run concurrent with the Probation ordered by the State of Alabama until April 17, 2015. A Final Order was issued on December 10, 2014.

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

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**Peter R. Seckinger, PE**
PE 51245
Case No. 2014004355

Licensee was charged with being found guilty of violating O.C.G.A. §16-12-100.2(e)(1), a crime evidencing a lack of moral character and thus has not maintained good moral character required of a Professional Engineer, a violation of Section 471.033(1)(d), Florida Statutes. Additionally, Licensee failed to report the September 22, 2006 conviction to FEMC or the Board, a violation of Section 471.033(1)(a), Florida Statutes, by violating the provisions of Section 455.227(1)(t), Florida Statutes.

**Ruling:** A Final Order was issued adopting the Settlement Stipulation that included a Fine of $1,000.00, Costs of $473.98, Appearance before the Board, Reprimand, and two years’ probation. A Final Order was issued on October 15, 2014.

**Violation:** Section 455.227(1)(t), Florida Statutes

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recent engineer disciplines
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Tajmir-Davis & Associates Engineering, Inc.
CA 27319
Case No. 2013049674

Licensee was charged with practicing as an engineering firm without a professional engineer acting as a “principal officer of the business organization” and without updating the firm’s information with the Board, a violation of Sections 455.227(1)(k), and 471.0331(a), Florida Statutes. Licensee designated Robert Moorhouse as the principal officer for purposes of obtaining its Certificate of Authorization as required by Section 471.023, Florida Statutes. Mr. Moorhouse was the only professional engineer practicing with a license who met the statutory requirement. On October 9, 2013, Mr. Moorhouse died. Licensee was required to notify the Board within 30 days of the change of status of Licensee’s Professional Engineer who acted as principal officer. Licensee was also required to enter into an arrangement with another Professional Engineer who would replace Mr. Moorhouse as principal officer. Licensee failed to comply with the requirement of Section 471.023, Florida Statutes, and has continued to practice as an engineering firm without a Professional Engineer acting as principal officer and without updating the firm’s information with the Board. As a result, Licensee violated Section 455.227(1)(k) and Section 471.033(1)(a), Florida Statutes.

Ruling: A Final Order was issued against Tajmir-Davis & Associates Engineering, Inc., adopting the Settlement Stipulation, which imposed a Fine of $5,000 and Costs of $370.50, Appearance before the Board, a Reprimand, and two years’ probation. A Final Order was issued on October 15, 2014.

Violation: Sections 455.227(1)(k), and 471.0331(a), Florida Statutes

Allan Williams, PE
PE 54207
ABW Engineering
CA 30332

Case Nos. 2013019830 & 2013019832

Licensee was charged with violating Sections 471.023 and 471.0331(i), Florida Statutes. From March 2009 through June 2013, ABW Engineering had a delinquent Certificate of Authorization. The Certificate of Authorization was reactivated on June 10, 2013. Licensee offered engineering services through ABW Engineering from March 2009 through June 2013.

Ruling: The case was presented to the full Board based upon a Recommended Order of the Division of Administrative Hearings. The Board imposed a Reprimand and an Administrative Fine of $5,000. Upon separate Order Assessing Costs, the Board imposed Costs of $1,292.15. A Final Order was issued on November 4, 2014.

Violation: Sections 471.023 and 471.0331(i), Florida Statutes

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-actions. 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.

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.