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.

Wendy Bruseski, PE
PE 53983
Case No. 2012052732 & 2013028825

Licensee was charged in both cases with negligence in the practice of engineering, a violation of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), Florida Administrative Code. In case number 2012052732, Licensee signed, sealed and dated engineering design documents for an aluminum screen enclosure. The documents were materially deficient in that the roof framing beam element was overstressed, the non-flo-thru wall post element was overstressed, the cable brace connection details were deficient, failure to set forth or define the mansard rise dimension, etc. In case number 2013028825, Licensee signed, sealed and dated engineering design documents for an aluminum screen enclosure. The documents were materially deficient in that the allowable stress for the roof beam element was grossly exceeded at required loading, the allowable stress for the side wall post element of the structure was exceeded, failure to make a project specific analysis of the existing trusses to determine their capacity or maximum allowable overhang, structural details fail to set forth the length of the receiving channels supporting the roof beam element, etc.

Ruling: Pursuant to Settlement Stipulation, Licensee shall place her license on "Inactive Status." Licensee may reapply for reactivation of her license as a professional engineer after fulfilling the following: (1) Fine of $3,000; (2) Costs of $11,542.25; (3) Appearance before the Board to discuss how the situation occurred, what improvements and quality control measures she plans to implement to improve her work product, and how she intends to prevent the circumstances from occurring in the future along with Licensee’s activities during the license inactivity, (4) A Board-approved course in Screen Enclosure Design, a Board-approved course in Advanced Engineering Professionalism and Ethics; (5) Study Guide. After reactivation, Licensee will be placed on two years’ Probation which includes Project Review at six and eighteen months. A Final Order was issued on 4/15/14.

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

Stephen Maslan, PE
PE 38400
Case No. 2013026181

Licensee was charged with negligence in the practice of engineering, a violation of Section 471.033(1)(c), Florida Statutes. Licensee was the subject of a Final Order entered by the Kansas State Board of Technical Professions. The State of Kansas charged Mr. Maslan with gross negligence, incompetency, misconduct, or wanton disregard for the rights of others. 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), Florida Administrative 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 to acceptable standards of engineering principles.

Ruling: This case was presented to the full Board for review with an initial Settlement Stipulation; the Board rejected the initial Settlement Stipulation and authorized a Counter Settlement Stipulation which was agreed to by the Licensee.

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Pursuant to the Counter Settlement Stipulation, the Board imposed Costs of $1,126.50, a Reprimand, RESTRICTION from practicing any Fire Protection engineering until such time that the Licensee completes, passes and submits proof of passing the NCEES Fire Protection Exam; two years’ Probation with terms which includes completion of the Study Guide, and a Board-approved course in Engineering Professionalism and Ethics, and Project Review at six and eighteen month intervals. A Final Order was issued on 4/29/14.

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

Stephen E. Mitchell, PE
PE 77318 (Old PE #39579)
Case No. 90-12725

Licensee was charged with the negligence in the practice of engineering, a violation of Section 471.033(1)(g), Florida Statutes. Licensee was hired to provide engineering services that included planning, permitting and construction of a residential subdivision. Licensee notified the client that the project was prepared for roads and drainage systems and the water transmission; however, there were no proper DEP permits for storm water discharge or proper approval of construction plans.

Ruling: The Board approved a Settlement Stipulation imposing an Administrative Fine of $2,000, required the Licensee to voluntarily place his license in an “Inactive Status” with the condition that if he ever chose to reactivate his license, the following would apply: Appearance before the Board, two (2) years’ Probation with terms, terms include four (4) Project Reviews, a Board-approved course in Engineering Professionalism and Ethics and completion of the Study Guide. A Final Order was issued on 8/28/95. Licensee allowed his Florida PE license to become Null & Void on 9/7/10 without completing the terms of the Settlement Stipulation and applied for licensure by endorsement on 9/12/13. Please note that the Licensee appeared before the Board at the December 2013 Board Meeting. During that meeting, the Board allowed Licensee to obtain a new Florida PE license, with the following terms: Licensee shall complete the terms of the previous Final Order.

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

Randall Mosby, PE
PE 22326
Case No. 2011028047

Licensee was charged with failing to report any of the criminal dispositions made against him to the Board, a violation of Section 471.033(1)(a), Florida Statutes, by violating Section 455.227(1)(t), Florida Statutes. Licensee was found guilty of several criminal charges and failed to report any of those convictions to the Board as required.

Ruling: A Final Order was issued against Mr. Mosby on June 25, 2013, adopting a Settlement Stipulation which indefinitely SUSPENDED the Licensee’s professional engineer license until such time as the Licensee could demonstrate that he could practice with reasonable skill and safety. An Order on Reinstatement was issued on September 13, 2013. The Order Reinstated Licensee’s professional engineering license with the following terms: two years’ Probation with terms which include Project Review at three, six and 18 months, Licensee will be indirectly monitored by W. Keith McCulley, PE who will submit quarterly reports by letter to the Board, Licensee shall enter into the Freedom Journey Program with Faith Farm Ministries who will also submit quarterly reports to the Board. A Final Order was issued on 6/25/13 – Order of Reinstatement was issued on 9/13/13.

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

Lawrence Wilson, PE
PE 30273
Case No. 2013011573

Licensee was charged with negligence in the practice of engineering, a violation of Section 471.033(1)(g), Florida Statutes. Licensee sealed, signed and dated plans for a playground shade structure which were materially deficient. The deficiencies include, but are not limited to: failing to identify the correct iteration of the Florida Building Code to be used for the intended documents, failure to specify the correct material specification for weldable reinforcing steel, the direction of the battered piles is not indicated on the drawings, the calculations do not indicate how the lateral load is transferred from the columns into the foundations, etc.

Ruling: The Board imposed a Fine of $1,000, Costs of $1,387, a Reprimand, Probation which includes completion of the Study Guide, and a Board-approved course in Engineering Professionalism and Ethics, Project Review at six and eighteen months, and Appearance before the Board to discuss how the 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. A Final Order was issued on 2/18/14.

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

James Zaleski, PE
PE 51544
Case No. 2013000391

Licensee was charged with negligence in the practice of engineering, a violation of Section 455.227(1)(c), and Section 471.033(1)(d), Florida Statutes. Licensee entered a plea of guilty to criminal charges relating to fraud and civil theft from Licensee’s employer - a contractor. Since the criminal actions (Continued on page 20)
occurred while performing services which, when performed by a PE, involved the use of engineering skills and the actions showed a lack of good moral character, the facts underlying the guilty plea involved the practice of and ability to practice engineering.

**Ruling:** Pursuant to Settlement Stipulation, the Board imposed a Fine of $1,000, Costs of $159, a Reprimand, a one-year Suspension (this Suspension is STAYED and will not take effect so long as Licensee is not convicted of any crimes for a period of five years), two years’ Probation which includes completion of the Study Guide, and a Board-approved course in Advanced Engineering Professionalism and Ethics, and Appearance before the Board to discuss how the situation occurred, what improvements and quality control measures he plans to implement to improve his work product, and how he intends to prevent the circumstances from occurring in the future. A Final Order was issued on 4/15/14.

**Violation:** Section 455.227(1)(c), and Section 471.033(1)(d), Florida Statutes

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You can access the final orders for this case and other recent engineer disciplines on our website under the Legal section at [http://fbpe.org/legal/disciplinary-actions](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](http://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](http://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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FBPE will be attending the FES/FICE 98th Annual Summer Conference and Exposition, August 6-9, 2014, in Marco Island, Florida at the Marco Island Marriott Beach Resort, Golf Club & Spa. Each year FES/FICE’s conference offers its members a number of educational sessions regarding industry related topics and exhibits, a Florida Laws and Rules seminar, member/chapter meetings and receptions and a guest Key Note Speaker.

This year’s theme is “Engineers Lead the Way.” Registration for this event will be accepted at the FES office until July 14, 2014. You can register online and obtain hotel information at [www.fleng.org](http://www.fleng.org). Arrangements have been made for attendees to receive a discounted hotel rate if you register by July 15, 2014. To reserve your room go to the Marco Island Marriott’s website or select [MAKE A HOTEL RESERVATION](http://www.marcoisland.marriott.com).

To access the program containing the schedule of events and course descriptions you can [CLICK HERE](http://www.fleng.org). If you are interested in sponsoring an activity during the conference or participating as an exhibitor download the [Exhibitor and Sponsor Information Kit](http://www.fleng.org/FICE).

If you have any questions regarding this year’s conference, contact Trevor Maddox, FES Senior Meeting Planner at (850) 224-7121.

The Florida Engineering Society (FES) has been the statewide society of Professional Engineers since 1916, from all disciplines that promotes the ethical and competent practice of engineering, advocates licensure, and enhances the image of its members. FES serves over 3,500 members.

For more information about FES and how to become a member visit their website at [www.fleng.org](http://www.fleng.org).

FICE represents the professional and business interests of professional engineers in private practice in Florida and their companies, serving to advance the profession of consulting engineering. FICE represents and promotes the business of engineering, the environment in which engineering is conducted, and the image of engineers in private practice.

For more information about FICE and how to become a member visit their website at [www.fleng.org/FICE](http://www.fleng.org/FICE).