

**Minutes for  
The Florida Board of Professional Engineers  
December 3, 2015 beginning at 1:00 p.m. or soon thereafter and  
December 4, 2015 beginning at 8:30 a.m., or soon thereafter  
The Florida Board of Professional Engineers Board Office  
Tallahassee, Florida**

**Part I – Thursday, December 3, 2015**

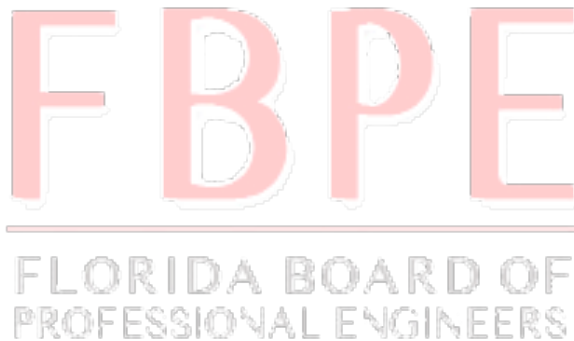
- A. Call to Order, Invocation, and Pledge of Allegiance to the Flag

Mr. Bracken called the meeting to order. Ms. Raybon called roll.

- B. Roll Call, Determination of Quorum, and Address Absences.

**Board Members Present:**

William Bracken, P.E., S.I., Chair  
Kevin Fleming, P.E.  
Warren Hahn, P.E.  
Michelle Roddenberry, Ph.D., P.E.  
Kenneth Todd, P.E.  
Babu Varghese, P.E., S.I.  
Vivian Boza, Public Member  
Elizabeth Ferguson, Public Member



**Board Members Absent:**

Anthony Fiorillo, P.E., S.I., Vice Chair  
Roland Dove, P.E.  
John Pepper, P.E., S.I.

**Attorney General's Office:**

Lawrence Harris, Assistant Attorney General, Counsel to the Board

**Staff Members Present:**

Zana Raybon, Executive Director  
John J. Rimes, III, Chief Prosecuting Attorney  
Rebecca Sammons, Assistant Executive Director

Upon motion by Mr. Todd, seconded Mr. Hahn, the absence of Mr. Fiorillo was excused. The motion passed.

Upon motion by Mr. Todd, seconded Mr. Hahn, the absence of Mr. Dove was excused. The motion passed.

Upon motion by Mr. Todd, seconded Mr. Hahn, the absence of Mr. Pepper was excused. The motion passed.

C. Introduction of guests and announcements as to presentations at a time certain

Donald Goddeau, P.E., FEMC Board Vice Chair  
Jeff Arey, P.E., FEMC Board Member  
Shannon LaRocque, P.E., FEMC Board Chair  
Charlie Geer  
Fred Hilpert, P.E.  
Hilton Meadows  
Vicki Long  
Jeff Buckholz, P.E.

D. FBPE Mission and Scope

#1. FBPE's Mission: To protect the health and safety of the public by properly regulating the practice of engineering within the State of Florida.

#2. FBPE's Scope: To meet its statutory obligation and exercise its legislative authority by reviewing and approving engineering applications; managing, updating and enforcing the rules that govern the practice of engineering and to guard against the unlicensed practice of engineering within the State of Florida.

E. Approval of the Agenda

Upon motion by Dr. Roddenberry, seconded by Ms. Ferguson, the amended agenda was approved. The motion passed.

F. Approval of Consent Agenda

(Items denoted with an asterisk are included in the Consent Agenda\*)

Upon motion by Dr. Roddenberry, seconded by Mr. Todd, the consent agenda was approved. The motion passed.

#1. Minutes from the October 7-8, 2015 FBPE Board Meeting\*

Approved under consent agenda.

#2. Minutes from November 23, 2015 FBPE Ratification Conference Call\*

Approved under consent agenda.

G. Committee Reports

#1. Probable Cause Panel **(Next Meeting: January 12, 2016 at 8:30am)**

(Anthony Fiorillo, P.E., S.I., Chair; John Pepper, P.E.; Bob Matthews, P.E.)  
(Alternate Current Board Member: Kenneth Todd, P.E.; Alternate Past Board Member: Richard Wohlfarth, P.E.)

(a) PCP Memo from August 4, 2015 Meeting\*

Approved under consent agenda.

#2. Applications Review – Experience Committee **(Next Meeting: January 12, 2016 at 1pm)**

(Warren Hahn, P.E., Chair; William Bracken, P.E.; Roland Dove, P.E.; Anthony Fiorillo, P.E.; Kevin Fleming, P.E.; John Pepper, P.E.; Kenneth Todd, P.E.; Babu Varghese, P.E.)

(a) Committee Chair's Report.

No Report.

#3. Applications Review – Education Committee **(Next Meeting: January 12, 2016 at 1pm)**

(Michelle Roddenberry, Ph.D., P.E., Chair; Anthony Fiorillo, P.E.; Kenneth Todd, P.E.) (Alternate Members: Vivian Boza, Public Member; Elizabeth Ferguson, Public Member)

(a) Committee Chair's Report.

No Report.

#4. Rules Committee **(Next Meeting: January 13, 2016, at 8:30am)**

(William Bracken, P.E., S.I., Chair; Roland Dove, P.E.; Warren Hahn, P.E.; Elizabeth Ferguson, Public Member)

(a) Committee Chair's Report.

Mr. Bracken stated there are several items on the agenda dealing with rules issues.

(b) Public Hearing on Amendments to Rule 61G15-20.007 – Educational Requirements for Applicants without EAC/ABET Accredited Engineering Degrees

Mr. Harris discussed the letter from JAPC and their concerns concerning giving general education hours for an applicant who had been through the citizenship process.

Discussion followed on this.

Upon by Mr. Hahn, seconded by Mr. Todd, to reduce the general education/ humanities & social sciences hours from 16 hours to 9 hours and to further delete the use of the citizenship process and years of progressive engineering experience as a means of obtaining those hours, the motion passed.

Mr. Harris asked if the proposed rule amendments will have an adverse impact on small business or would be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one (1) year after the implementation of the rule.

Upon motion by Mr. Hahn, seconded by Mr. Todd, that the proposed rule amendments will have no adverse impact on small business nor will increase regulatory costs, the motion passed.

- (c) Discussion on whether to Proceed with Amendment or to Withdraw proposed Amendments to Rule 615G15-18.011

Mr. Harris discussed the proposed amendments and the comments that the Board received about the proposed amendments.

Mr. Meadows addressed the Board on this item.

Ms. Long addressed the Board on this item.

Mr. Buckholz addressed the Board on this item.

Mr. Geer addressed the Board on this item.

Mr. Bracken asked Mr. Todd, Traffic Engineering Committee Chair, to discuss how the committee developed the proposed amendments.

Mr. Todd addressed this issue.

Discussion followed on whether to proceed with the proposed rule amendments.

Upon by Mr. Todd, seconded by Mr. Hahn, to withdraw the proposed rule amendment and send this back to the Traffic Engineering Committee for their review, the motion passed.

- (d) Public Hearing on Rule 61G15-23.005 - Procedures for Electronically Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents - for discussion and possible amendments.

Mr. Bracken discussed the new rule, including why the rule was reorganized and the issues with the new rule.

Discussion followed.

Mr. Bracken stated that there are three issues with the current rule that need to be addressed.

Mr. Harris discussed the options for addressing the three issues with the current rule.

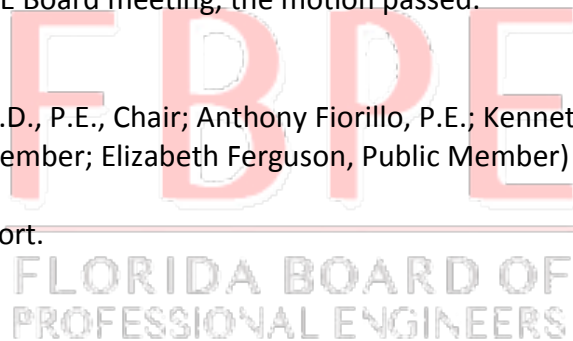
Upon motion by Mr. Bracken, seconded by Mr. Todd, to allow Mr. Harris to continue with the notice of change to correct picture file in Rule 61G15-23.005 and address any remaining issues at the January 2016 Rules Meeting and February 2016 FBPE Board meeting, the motion passed.

#### #5. Education Rules Committee

(Michelle Roddenberry, Ph.D., P.E., Chair; Anthony Fiorillo, P.E.; Kenneth Todd, P.E.; Vivian Boza, Public Member; Elizabeth Ferguson, Public Member)

- (a) Committee Chair's Report.

No Report.



#### #6. Joint Engineer/Architect Committee

(William Bracken, P.E., S.I., Chair; Warren Hahn, P.E.; John Pepper, P.E., S.I.)

- (a) Committee Chair's Report.

Upon motion by Mr. Todd, seconded by Dr. Roddenberry, that the meeting in February 2016 will be a joint task force meeting only and not a full board meeting with the architects, the motion passed.

#### #7. Practicing Engineer Committee

(Michelle Roddenberry, Ph.D., P.E., Chair; Kevin Fleming, P.E.; John Pepper, P.E., S.I.; Kenneth Todd, P.E.; Babu Varghese, P.E., S.I.)

- (a) Committee Chair's Report.

No report.

#8. Structural Rules Committee  
(Kevin Fleming, P.E., Chair; John Pepper, P.E., S.I.)

(a) Committee Chair's Report.

No report.

#9. Marine Engineer Committee  
(Babu Varghese, P.E., S.I. Chair; Roland Dove, P.E., Elizabeth Ferguson, Public Member)

(a) Committee Chair's Report.

No report.

H. NCEES  
(William Bracken, P.E., FBPE Liaison)

#1. Appoint Two Funded Delegates for 2016 NCEES Southern Zone Meeting – April 7-9, Nashville, TN

Mr. Bracken stated that the 2016 NCEES Southern Zone meeting will be held in Nashville on April 7-9.

Upon motion by Mr. Todd, seconded by Mr. Bracken, the two funded delegates for the 2016 NCEES Southern Zone Meeting will be Mr. Fleming and Mr. Varghese. The motion passed.

I. Advisory Attorney's Report

#1. FTC Guidelines

Provided for informational purposes.

#2. Rules Report

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
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Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
61G15-18.011	Definitions. ("Marine Engineers")	04/08/15	06/11/15	06/19/15 08/12/15 (RD workshop)	07/08/15 <b>07/20/15 WITHDRAWN</b> (as published before RD Workshop) 12/04/15 Marine Engrs. Cm. mtg.		
61G15-18.011	Definitions. ("Traffic Engineering")	02/11/15 08/12/15	09/04/15	09/28/15	10/14/15 11/10/15 JAPC letter rec'd 12/04/15 Public hearing		
61G15-20.001	Definitions.	06/17/15	07/01/15	07/14/15	08/07/15 08/20/15 JAPC ltr (20.001, 002) 08/27/15 JAPC response 09/25/15 E.D. req'd separation from 20.007, proceed to adoption	10/13/15	11/02/15
61G15-20.0010	Application for licensure by Examination.		03/04/15	03/10/15	06/19/15 06/26/15 JAPC letter rec'd 07/15/15 Rules Committee mtg. 07/17/15 TOLLED 09/16/15 Rules Committee mtg. <b>11/05/15 WITHDRAWN</b>		
61G15-20.0010	Application for licensure by Examination.	10/07/15	11/16/15				
61G15-20.0015	Application for Licensure by Endorsement.	06/17/15	07/01/15	07/14/15	08/07/15 08/20/15 JAPC ltr (20.001, 002) 08/27/15 JAPC response 09/25/15 E.D. req'd separation from 20.007, proceed to adoption	10/13/15	11/02/15
61G15-20.002	Experience.	06/17/15	07/01/15	07/14/15	08/07/15 08/20/15 JAPC ltr (20.001, 002) 08/27/15 JAPC response 09/25/15 E.D. req'd separation from 20.007, proceed to adoption	10/13/15	11/02/15
61G15-20.005	Rules Governing Candidates Qualifying Under the Provisions of Section 471.013(1)(a)3., Florida Statutes.	08/12/15 (ARR repeal)	09/04/15	N/A	09/08/15	10/06/15	10/26/15

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
61G15-20.007	Educational Requirements for Applicants without EAC/ABET Accredited Engineering Degrees.	06/17/15	07/01/15 RD/N 08/28/15 NOC  10/29/15NOC	07/14/15	08/07/15 09/04/15 Notice of Change 09/08/15 JAPC ltr (10 hrs GEC) 09/25/15 E.D. req'd separation from 20.001, 0015, 002 09/25/15 JAPC resp (Board mtg) 10/14/15 JAPC resp (give 10 hrs) 10/21/15 JAPC ltr (10 hrs GEC) 10/22/15 JAPC ltr (toll rule) 11/05/15 2d Notice of Change		
61G15-21.004	Passing Grade.	06/17/15	07/01/15	07/14/15	08/07/15 08/20/15 JAPC letter rec'd 08/28/15 JAPC response sent	10/05/15	10/25/15
61G15-21.007	Re-examination.		05/20/15	05/28/15	06/12/15 06/17/15 JAPC letter rec'd. 06/24/15 JAPC response sent 08/20/15 JAPC letter rec'd 09/04/15 Notice of Change	10/14/15	11/03/15
61G15-22.0001	Renewal of Active Licenses.	06/17/15	06/22/15 RD 08/26/15 RN  11/16/15 NOC	06/30/15	08/27/15 09/04/15 JAPC letter rec'd 09/15/15 JAPC interim response 11/05/15 JAPC letter (11/25 D/L) 11/12/15 JAPC response 11/13/15 Notice of Correction 11/23/15 NOC <i>(anticipated)</i>	11/25/15 (D)	
61G15-22.001	Continuing Education Requirements.	06/17/15	06/22/15 RD 08/26/15 RN  11/16/15 NOC	06/30/15	08/27/15 09/04/15 JAPC letter rec'd 09/15/15 JAPC interim response 11/05/15 JAPC letter (11/25 D/L) 11/12/15 JAPC response 11/13/15 Notice of Correction 11/23/15 NOC <i>(anticipated)</i>	11/25/15 (D)	



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61G15-22.002	Definitions.	06/17/15	06/22/15 RD 08/26/15 RN  11/16/15 NOC	06/30/15	08/27/15 09/04/15 JAPC letter rec'd 09/15/15 JAPC interim response 11/05/15 JAPC letter (11/25 D/L) 11/12/15 JAPC response 11/13/15 Notice of Correction 11/23/15 NOC <b>(anticipated)</b>	11/25/15 (D)	
61G15-22.003	Qualifying Activities for Area Of Practice Requirement.	06/17/15	06/22/15 RD 08/26/15 RN  11/16/15 NOC	06/30/15	08/27/15 09/04/15 JAPC letter rec'd 09/15/15 JAPC interim response 11/05/15 JAPC letter (11/25 D/L) 11/12/15 JAPC response 11/13/15 Notice of Correction 11/23/15 NOC <b>(anticipated)</b>	11/25/15 (D)	
61G15-22.004	Conversion of Education Units To PDH.	06/17/15	06/22/15 RD 08/26/15 RN  11/16/15 NOC	06/30/15	08/27/15 09/04/15 JAPC letter rec'd 09/15/15 JAPC interim response 11/05/15 JAPC letter (11/25 D/L) 11/12/15 JAPC response 11/13/15 Notice of Correction 11/23/15 NOC <b>(anticipated)</b>	11/25/15 (D)	
61G15-22.005	Non-Qualifying Activities.	06/17/15	06/22/15 RD 08/26/15 RN  11/16/15 NOC	06/30/15	08/27/15 09/04/15 JAPC letter rec'd 09/15/15 JAPC interim response 11/05/15 JAPC letter (11/25 D/L) 11/12/15 JAPC response 11/13/15 Notice of Correction 11/23/15 NOC <b>(anticipated)</b>	11/25/15 (D)	

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
61G15-22.008	Record Keeping.	06/17/15	06/22/15 RD 08/26/15 RN  11/16/15 NOC	06/30/15	08/27/15 09/04/15 JAPC letter rec'd 09/15/15 JAPC interim response 11/05/15 JAPC letter (11/25 D/L) 11/12/15 JAPC response 11/13/15 Notice of Correction 11/23/15 NOC <i>(anticipated)</i>	11/25/15 (D)	
61G15-22.010	Qualifying Activities for Laws And Rules Requirements.	06/17/15	06/22/15 RD 08/26/15 RN  11/16/15 NOC	06/30/15	08/27/15 09/04/15 JAPC letter rec'd 09/15/15 JAPC interim response 11/05/15 JAPC letter (11/25 D/L) 11/12/15 JAPC response 11/13/15 Notice of Correction 11/23/15 NOC <i>(anticipated)</i>	11/25/15 (D)	
61G15-22.0105	Approval of Continuing Education Courses in Laws and Rules.	06/17/15 RN  10/07/15 NOC	06/22/15 RD/N  10/15/15 NOC	07/08/15	07/24/15 07/31/15 JAPC letter rec'd 08/10/15 JAPC response sent 10/01/15 JAPC ltr re adop'n D/L 10/06/15 JAPC response sent 10/12/15 JAPC response sent 10/19/15 Notice of Change 11/12/15 Notice of Correction	12/03/15 (D)	
61G15-22.011	Board Approval of Continuing Education Providers.	06/17/15	06/22/15 RD 08/26/15 RN  11/16/15 NOC	06/30/15	08/27/15 09/04/15 JAPC letter rec'd 09/15/15 JAPC interim response 11/05/15 JAPC letter (11/25 D/L) 11/12/15 JAPC response 11/13/15 Notice of Correction 11/23/15 NOC <i>(anticipated)</i>	11/25/15 (D)	

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
61G15-22.012	Obligations of Continuing Education Providers.	06/17/15	06/22/15 RD 08/26/15 RN  11/16/15 NOC	06/30/15	08/27/15 09/04/15 JAPC letter rec'd 09/15/15 JAPC interim response 11/05/15 JAPC letter (11/25 D/L) 11/12/15 JAPC response 11/13/15 Notice of Correction 11/23/15 NOC <b>(anticipated)</b>	<b>11/25/15 (D)</b>	
61G15-23.001	Signature, Date and Seal Shall be Affixed Seals Acceptable to the Board.	05/20/15 RD  08/13/15 NOC		05/28/15	06/16/15 06/23/15 JAPC letter rec'd. 06/29/15 JAPC response sent 07/15/15 Rules Committee mtg. 07/22/15 JAPC letter (toll) 07/22/15 Response/TOLLED 07/24/15 JAPC response sent 08/28/15 JAPC response update 09/08/15 Notice of Change 09/15/15 JAPC letter (re NOC) 09/22/15 JAPC resp. (re corr'n) 09/28/15 Notice of Correction	10/14/15	11/03/15
61G15-23.002	Seals Acceptable to the Board Seal, Signature and Date Shall Be Affixed.	05/20/15 RD  08/13/15 NOC		05/28/15	06/16/15 06/23/15 JAPC letter rec'd. 06/29/15 JAPC response sent 07/15/15 Rules Committee mtg. 07/22/15 JAPC letter (toll) 07/22/15 Response/TOLLED 07/24/15 JAPC response sent 08/28/15 JAPC response update 09/08/15 Notice of Change 09/15/15 JAPC letter (re NOC) 09/22/15 JAPC resp. (re corr'n) 09/28/15 Notice of Correction	10/14/15	11/03/15

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
61G15-23.003	Procedures for Physically Signing and Sealing Plans, Specifications, Reports or Other Documents Electronically Transmitted Plans, Specifications, Reports or Other Documents.	05/20/15		05/28/15	06/16/15 06/23/15 JAPC letter rec'd. 06/29/15 JAPC response sent 07/15/15 Rules Committee mtg. 07/22/15 JAPC letter (toll) 07/22/15 Response/TOLLED 07/24/15 JAPC response sent 08/28/15 JAPC response update 09/08/15 Notice of Change 09/15/15 JAPC letter (re NOC) 09/22/15 JAPC resp. (re corr'n) 09/28/15 Notice of Correction	10/14/15	11/03/15
61G15-23.004	Procedures for Digitally Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents.	05/20/15		05/28/15	06/16/15 06/23/15 JAPC letter rec'd. 06/29/15 JAPC response sent 07/15/15 Rules Committee mtg. 07/22/15 JAPC letter (toll) 07/22/15 Response/TOLLED 07/24/15 JAPC response sent 08/28/15 JAPC response update 09/08/15 Notice of Change 09/15/15 JAPC letter (re NOC) 09/22/15 JAPC resp. (re corr'n) 09/28/15 Notice of Correction	10/14/15	11/03/15

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
61G15-23.005	Procedures for Electronically Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents.	05/20/15 RN  08/13/15 NOC		05/28/15	06/16/15 06/23/15 JAPC letter rec'd. 06/29/15 JAPC response sent 07/15/15 Rules Committee mtg. 07/22/15 JAPC letter (toll) 07/22/15 Response/TOLLED 07/24/15 JAPC response sent 08/28/15 JAPC response update 09/08/15 Notice of Change 09/15/15 JAPC letter (re NOC) 09/22/15 JAPC resp. (re corr'n) 09/28/15 Notice of Correction	10/14/15	11/03/15
61G15-23.005	Procedures for Electronically Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents.	(05/20/15)	10/23/15	10/26/15	11/12/15	12/10/15 (a)  02/10/16 (D)	
61G15-31.004	Design of Cast-in-Place Post-Tensioned Concrete Structural Systems.	10/07/15	11/16/15				
61G15-31.006	Design of Structural Systems Utilizing Joist /Girders.		03/04/15 RN  11/09/15 NOC	03/10/15	03/27/15 06/03/15 TOLLED 10/29/15 Notice of Change 11/02/15 JAPC letter rec'd 11/05/15 JAPC response 11/16/15 NOC (anticipated)	12/04/15 (D)	
61G15-32.004	Design of Water Based Fire Protection Systems.	10/07/15	11/16/15				
61G15-35.003	Qualification Program for Special Inspectors of Threshold Buildings.	12/03/14	06/11/15	06/19/15	07/08/15 07/23/15 TOLLED 11/05/15 Notice of Change	12/15/15 (D)	

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
61G15-35.004	Common Requirement to All Engineers Providing Threshold Building Inspections.	08/13/15 NOC	05/05/15	05/14/15	06/01/15 06/05/15 TOLLED 06/05/15 JAPC letter rec'd. 06/11/15 JAPC response sent 09/08/15 Notice of Change 10/29/15 Notice of Change	<b>12/07/15 (D)</b>	

J. Executive Director's Report

#1. Application for Retired Status\*

Approved under consent agenda.

#2. Report on Outreach Program

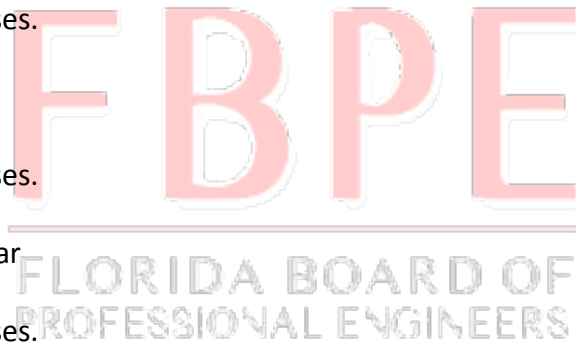
Provided for informational purposes.

#3. Report on October Exam Sites

Provided for informational purposes.

#4. 2016 FBPE/FEMC Meeting Calendar

Provided for informational purposes.



K. Chief Prosecutor's Report

#1. 300 day report

Provided for informational purposes.

#2. Profile of legal cases by year

(a) Cases open for 1 year plus

Provided for informational purposes.

(b) Total open cases by year

Provided for informational purposes.

L. Engineering Association and Society Reports

#1. FSEA

#2. FES

Mr. Geer stated that he has concerns about the anti-trust issue and will look into trying to get a bill in front of the legislature that will deal with this issue.

M. Chair's Report

N. Action Items from Previous Board Meetings

O. Correspondence to the Board

#1. Letter from Mr. Fred Hilpert, PE – Re: Lack of Engineering Leadership

Mr. Hilpert addressed the Board about this letter.

#2. Email from Ms. Carol Hays, PE – Re: Clarification of Fl. Statute 471.017

Ms. Raybon stated she received the email and it was brought to the Board for their response.

Discussion followed.

Mr. Bracken stated that he would draft a response for staff to send to Ms. Hays.

#3. Email from Ms. Jeanne Lundy Clarke, PE, SI – Re: Advanced Building Code Course Requirement

Mr. Rimes stated that he asked that this item be placed on the agenda for the Board's input and guidance.

Discussion followed.

Mr. Rimes stated that he would respond to the email after the discussion.

#4. Letter from Mr. Fred Hilpert, PE – Suggestions for 61G15-23.003(1) &(2) and his procedures from electronically sealing his work

Mr. Hilpert's concerns were addressed under the Rules Committee earlier within the item dealing with Rule 61G23.

#5. Email from Mr. Ernesto Polo, PE – Re: Request for credit to CE Hours

Ms. Raybon discussed the request from Mr. Polo about receiving CE hours for serving as a hearing officer. The Board stated this does not qualify for CE hours and instructed staff to respond.

#6. Email from Mr. Joseph Stanton – Re: His application for Endorsement

Ms. Raybon stated that the applicant has a technology degree and is practicing in another state and is willing to get a bachelor's of engineering degree but according to our rules the experience that he has earned already would not count because it was earned prior to his bachelors of engineering degree.

Discussion followed.

The Board asked staff to discuss with him his options for licensure.

P. Election of Chair and Vice Chair for 2016

#1. Report on Nominations Committee Conference Call

Mr. Todd stated that the Nominations Committee would like to recommend Mr. Bracken as Chair and Mr. Fiorillo as Vice Chair and Dr. Roddenberry as alternate Vice Chair if Mr. Fiorillo is unable to serve as Vice Chair.

Upon motion by Mr. Todd, seconded by Mr. Hahn, the chair for 2016 will be Mr. Bracken, the vice chair will be Mr. Fiorillo and Dr. Roddenberry will serve as alternate Vice Chair. The motion passed.

**Part II**  
**Informal Hearing Agenda**  
**(Friday, December 4, 2015)**

**Review of FBPE Mission and Scope:**

FBPE's Mission: To protect the health and safety of the public by properly regulating the practice of engineering within the State of Florida.

FBPE's Scope: To meet its statutory obligation and exercise its legislative authority by reviewing and approving engineering applications; managing, updating and enforcing the rules that govern the practice of engineering and to guard against the unlicensed practice of engineering within the State of Florida.



Q. Ratification of Actions from Application Review, December 3, 2015

Ms. Sammons stated that application for Decatur Professional Laws and Rules needs to be pulled from the list because their application is not complete.

Mr. Bracken stated that on page 4, which is the Special Inspector Applications List, number 3 should be amended to add the words "count" or "qualify" after the word inspection.

Upon motion by Mr. Hahn, seconded by Mr. Fleming, the ratification list as amended was approved. The motion passed.

R. Continuation of Informal Hearing on Denial of Application for Continuing Education Provider

#1. RGI International

Mr. Harris outlined the basis for denial of the application of RGI International. RGI International applied to become a Continuing Education Provider. The concern was that the courses did not meet the qualifications for a continuing education provider.

Upon motion by Mr. Todd, seconded by Mr. Hahn, that RGI was properly served the Notice of Intent to Deny and that they requested a 120.572 hearing not involving disputed facts, the motion passed.

Upon motion by Dr. Roddenberry, seconded by Mr. Hahn, to accept the facts contained in the notice of intent to deny and the facts contained provide a basis for the Board to take action. The motion passed.

Upon motion Mr. Hahn, seconded by Dr. Roddenberry, the conclusions of law contained in the notice of intent to deny are adopted as the Board's conclusions of law. The motion passed.

Upon motion by Dr. Roddenberry, seconded by Mr. Hahn, the entire file of the case was accepted into evidence. The motion passed.

Upon motion by Mr. Bracken, seconded by Mr. Todd, the application by RGI was denied based on the materials provided and the rule. The motion passed.

S. Informal Hearing on Denial of Application for Licensure by Endorsement

#1. Mahmood Mohammed

Mr. Mohammed was present and sworn in prior to addressing the Board.

Mr. Harris outlined the basis of denial of Mr. Mohammed's application. Mr. Mohammed holds a BS degree in civil engineering from Osmania University and an MS degree in civil engineering from California State University. The denial of the application is education. Mr. Mohammed is lacking 6 hours M&BS including a sequence course in chemistry or physics and a probability and statistics course.

Upon motion by Mr. Todd, seconded by Mr. Hahn, that Mr. Mohammed was properly served the Notice of Intent to Deny and that he requested a 120.572 hearing not involving disputed facts, the motion passed.

Upon motion by Dr. Roddenberry, seconded by Mr. Hahn, to accept the facts contained in the notice of intent to deny and the facts contained provide a basis for the board to take action, the motion passed.

Mr. Mohammed addressed the Board.

Discussion followed.

Upon motion by Dr. Roddenberry, seconded by Mr. Todd, that that application of Mr. Mohammed be approved based on the revisions to the Board's Education Rules, the motion passed.

## #2. Arvind Kutty

Mr. Kutty was present and sworn in prior to addressing the Board.

Mr. Harris outlined the basis of the denial. Mr. Kutty holds a BS degree in civil engineering from University of Mumbai and an MS degree in civil engineering from Texas A&M University. The denial of the application is education. Mr. Kutty is lacking 5 hours General Education with the new rule or 11.64 hours M&BS with the old rule. Mr. Kutty submitted his election of rights form and supplemental information and stated he would like to proceed under the new rule's requirements.

Upon motion by Dr. Roddenberry, seconded by Mr. Hahn, that Mr. Kutty was properly served the Notice of Intent to Deny and he requested a 120.572 hearing not involving disputed facts, the motion passed.

Upon motion by Dr. Roddenberry, seconded by Mr. Todd, to accept the facts contained in the notice of intent to deny and the facts contained provide a basis for the board to take action, the motion passed.

Mr. Kutty addressed the Board.

Discussion followed.

Upon motion by Dr. Roddenberry, seconded by Mr. Fleming, the application of Mr. Kutty will remain open until August 30, 2016 to allow him to complete 4.3 hours of General Education. The motion passed.

**Part III**  
**Disciplinary Hearings**  
**(Friday, December 4, 2015)**

T. Settlement Stipulation

#1. DAVID ANTHONY DA SILVA, P.E.  
P.E. Number: 54739  
FEMC Case Number: 2014042285  
Probable Cause Panel Date: September 15, 2015  
Probable Cause Panel: Fiorillo, Matthews & Pepper  
Represented by: Edwin A. Bayó, Esquire  
Grossman, Furlow & Bayó, LLC

Mr. Da Silva was present with counsel with Mr. Drake. Mr. Da Silva was sworn in prior to addressing the Board.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1)(g), Florida Statutes, & Rule 61G15-19.001(4), Florida Administrative Code, by engaging in negligence in the practice of engineering.

The Probable Cause Panel Recommendation: Administrative Complaint; Reprimand, Administrative Costs of \$4,995.85; Successful Completion of a Basic Engineering Professionalism and Ethics course which has been approved by the Florida Board of Professional Engineers ("Board") within one year of the filing of the Final Order with the Department of Business and Professional Regulation ("Agency") Clerk; Successful completion of the Board-approved Study Guide within 30 days of the filing of the Final Order with the Agency Clerk; Appearance before the Board to explain how this situation occurred and what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future.

The Settlement Stipulation is the same as the Probable Cause Panel Recommendation, absent the Reprimand.

Mr. Drake addressed the Board.

Upon motion by Mr. Hahn, seconded by Mr. Todd, the settlement stipulation was accepted. The motion passed.

#2. SHARYN HAKKEN  
P.E. Number: NONE  
FEMC Case Number: 2014050002  
Probable Cause Panel Date: July 14, 2015  
Probable Cause Panel: Fiorillo, Matthews & Todd  
Represented by: Sharyn P. Hakken – she will, likely, not be present  
DC #T86668  
Gadsden Correctional Facility

Mr. Hahn recused himself from the case for cause.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1) (d), Florida Statutes: Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of engineering or the ability to practice engineering. Section 455.227(1)(t), Florida Statutes: Failing to report in writing a conviction or plea of nolo contendere, a crime in any jurisdiction.

The Probable Cause Panel Recommendation was an Administrative Complaint; Administrative Fine of \$1,000.00; Administrative Costs of \$112.12.

The Settlement Stipulation is the same as the Probable Cause Panel Recommendation.

Upon motion by Dr. Roddenberry, seconded by Ms. Boza, the settlement stipulation is accepted and allows staff to grant a time extension to pay fine if requested by the respondent. The motion passed.

#3. NORTHSIDE ENGINEERING SERVICES, INC.  
C.A. Number: 5936  
FEMC Case Number: 2015000978  
Probable Cause Panel Date: May 12, 2015  
Probable Cause Panel: Fiorillo & Pepper  
Represented by: Mr. Houshang Ghovae  
President and Registered Agent

Mr. Ghovae was present along with Mr. Searcy. Both were sworn in prior to addressing the Board.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1) (a), Florida Statutes: Violating any provision of s. 455.227(1), s. 471.025, or s.

471.031, or any other provision of this chapter or rule of the board or department. Section 471.023, Florida Statutes: The practice of, or the offer to practice, engineering by licensees or offering engineering services to the public through a business organization ... is permitted only if the business organization possesses a certification issued by the management corporation ... One or more of the principal officers of the business organization or one or more partners of the partnership and all personnel of the business organization who act in its behalf as engineers in this state shall be licensed as provided by this chapter.

The Probable Cause Panel was an Administrative Complaint; Administrative Fine of \$5,000.00; Administrative Costs of \$493.35; Suspension of professional engineering license for one (1) year.

The Settlement Stipulation is a DISMISSAL of Administrative Complaint, Paragraph 5 (offering services without a Professional Engineer from January-April 2015); COSTS of \$493.35, LETTER OF GUIDANCE; APPEARANCE of Respondent's President and its qualifying PE before the Board when Stipulation is presented.

Mr. Ghovae and Mr. Searcy addressed the Board.

Upon motion by Mr. Todd, seconded by Mr. Hahn, the settlement stipulation is accepted. The motion passed.

#4. TTL ASSOCIATES, INC.  
C.A. Number: 31056  
FEMC Case Number: 2015000170  
Probable Cause Panel Date: September 15, 2015  
Probable Cause Panel: Fiorillo, Matthews & Pepper  
Represented by: Curtis E. Roupe, P.E. – Mr. Roupe will not be present  
TTL Associates, Inc.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1) (a), Florida Statutes: Violating any provision of s. 455.227(1), s. 471.025, or s. 471.031, or any other provision of this chapter or rule of the board or department. Section 471.023, Florida Statutes: The practice of, or the offer to practice, engineering by licensees or offering engineering services to the public through a business organization ... is permitted only if the business organization possesses a certification issued by the management corporation ... .

The Probable Cause Panel Recommendation was an Administrative Complaint; Administrative Fine of \$4,500.00 (\$100.00 per month for 45 months of practicing/advertising in the state of Florida without a current and valid Certificate of Authorization); Successful Completion of a basic Engineering Professionalism and Ethics

course which has been approved by the Florida Board of Professional Engineers ("Board") to be completed by Curtis E. Roupe, P.E., Vice President of TTL Associates, Inc.; Successful completion of the Board-approved Study Guide to be completed by Curtis E. Roupe, P.E., Vice President of TTL Associates, Inc.

The Settlement Stipulation is TTL Associates, Inc. shall pay a CITATION in the sum of \$4,500.00; a Letter of Guidance shall replace the Administrative Complaint.

Upon motion by Mr. Todd, seconded by Mr. Hahn, the settlement stipulation is accepted. The motion passed.

#### U. REQUEST TO AMEND FINAL ORDER

#5. JOSEPH C. KOSINSKI, P.E.  
P.E. Number: 52288  
FEMC Case Number: 2014026742  
Probable Cause Panel Date: January 13, 2015  
Probable Cause Panel: Roddenberry, Matthews & Pepper  
Represented by: Himself: Joseph C. Kosinski, P.E.

Mr. Rimes stated that Board received a request from the respondent to amend his final order because he has not designed any mechanical, electrical, or plumbing systems in the last six months after staff informed him that pursuant to his final order he was required to provide projects wherein he practiced Mechanical/Electrical and Civil Engineering or his Professional Engineering license will be placed on voluntary inactive status or he could petition the Board to modify the Final Order.

Discussion followed on this.

Upon by Mr. Hahn, seconded by Dr. Roddenberry, the request is tabled until the February 2016 Board Meeting to allow Mr. Rimes to contact the respondent with language that the Board will not agree to amend the final order and he either has to comply with the final order or take an NCEES exam. The motion passed.

#### V. Request for Reinstatement of License

#1. Joseph Rickett, P.E.  
P.E. Number: 64906  
FEMC Case Number: 2007050379, 200706938  
Probable Cause Panel Date: July 14, 2009  
Probable Cause Panel: Rebane, Charland, Halyard

Mr. Rickett was present along with counsel, Mr. McCabe. Mr. Rickett was sworn in prior to addressing the Board.

Mr. Harris stated that this case was presented at the October 2015 Board meeting and it was tabled. Mr. Harris explained that the reason for the appearance of respondent and his counsel is that the terms of the final order have not been met in regards to a taking the NCEES Structural 1 exam.

Mr. McCabe addressed the Board.

Mr. Rickett addressed the Board.

Mr. Bracken discussed how the NCEES Structural 1 Exam is now part of the NCEES 16 hour Structural Exam and how it given.

Discussion followed.

Upon motion by Ms. Ferguson, seconded by Mr. Hahn, due to a change in circumstances the settlement stipulation needs to be reopened. The motion passed.

Upon motion by Ms. Ferguson, seconded by Ms. Boza, due to the similarity of the test required by the settlement stipulation and the either part of the NCEES 16 hour structural Exam (lateral or vertical forces), that Mr. Rickett may take either day of the 16 hour structural exam. The motion passed.

Mr. Rickett addressed the Board.

Upon motion by Mr. Todd, seconded by Mr. Hahn, to allow coursework that is equivalent to the NCEES Structural 16 hour exam and has course final exam with a knowledge or mastery of the coursework, the motion passed. (The coursework would first be evaluated by three board members and then brought to the full board for a vote. The review committee would be Dr. Roddenberry, Mr. Pepper and Mr. Varghese. All items are to go through Mr. Harris but Mr. Bracken will act as a resource to the respondent about the coursework being appropriate.)

Upon motion by Ms. Ferguson, seconded by Mr. Todd, that this is not new discipline and will not be shown as such, the motion passed.

#### W. Old Business

Dr. Roddenberry discussed the new education rules and her suggestion to revise the general education requirements to allow business law as an H&SS requirement and also include that acquiring a Ph.D. will satisfy all the general education hours.

Upon motion by Dr. Roddenberry, seconded by Mr. Hahn, to allow an applicant having a Ph.D. who has a Bachelor's in Engineering has satisfied all the general education requirement, the motion passed.

Mr. Harris asked if the proposed rule amendments will have an adverse impact on small business or would be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one (1) year after the implementation of the rule.

Upon motion by Dr. Roddenberry, seconded by Mr. Hahn, that the proposed rule amendments will have no adverse impact on small business nor will increase regulatory costs, the motion passed.

- X. New Business
- Y. Public Forum
- Z. Adjourn

