

**FILED**  
Florida Engineers  
Management Corporation  
8/24/2016 Clerk: Rebecca Valentine

**FILED**  
Department of Business and Professional Regulation  
Deputy Agency Clerk  
CLERK Brandon Nichols  
Date **8/24/2016**  
File # **2016-06471**

STATE OF FLORIDA  
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL  
ENGINEERS,

Petitioner,

v.

FEMC Case No: 2014031694

CHARLES C. MITCHELL, 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 August 18, 2016 in Orlando, 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. While permitted under the terms of the Stipulation, the Board did not exercise its discretion to impose any further disciplinary action other than that set forth in the Stipulation. 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 22 day of August, 2016.

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 Charles C. Mitchell, P.E., at his Address of Record with the Department of Business and Professional Regulation of 3351 NW 182<sup>nd</sup> Street, Miami Gardens, FL 33056, on this 24 day of August, 2016.

  
\_\_\_\_\_  
Rebecca Valentine,  
Paralegal

**STATE OF FLORIDA  
FLORIDA BOARD OF PROFESSIONAL ENGINEERS**

**FLORIDA BOARD OF PROFESSIONAL  
ENGINEERS,**

**Petitioner,**

**v.  
CHARLES C. MITCHELL, P.E.,**

**FEMC Case No. 2014031694**

**Respondent,**  
\_\_\_\_\_ /

**SETTLEMENT STIPULATION**

**CHARLES C. MITCHELL, P.E. ("Respondent") and the Florida Engineers Management Corporation ("FEMC") hereby stipulate and agree to the following joint Settlement Stipulation ("Stipulation") and Final Order of the Florida Board of Professional Engineers ("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 11127.**
- 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 Regulations ("the Agency"), FEMC, and the Board.

2. Respondent admits that the facts set forth in the Administrative Complaint, if proven, constitute violations of Chapters 455 and 471, Florida Statutes, as alleged in the Administrative Complaint.

### 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 shall pay an ADMINISTRATIVE FINE of \$1,000.00 and ADMINISTRATIVE COSTS of \$5,957.95 to the Board within One Year of the date that the Final Order adopting this Stipulation is filed with the Agency Clerk.

4. Respondent's license to practice engineering shall be REPRIMANDED.

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 Respondent plans to implement to improve Respondent's work product, and how Respondent intends to prevent this circumstance from occurring in the future.

6. Respondent acknowledges that neither Respondent's 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's Professional Engineer License shall be **RESTRICTED**, with the following conditions:

a. Respondent's license shall be **RESTRICTED** from creating, producing, or certifying any **Electrical and/or Mechanical Engineering** documents until such time as Respondent takes and passes the NCEES Electrical and/or Mechanical Engineering examination. As used herein the term "**Electrical or Mechanical Engineering**" encompasses any engineering services that are regulated by the provisions of the Board's Responsibility Rules 61G15-32, 61G15-33, or 61G15-34. Respondent may only recommence practice of Electrical Engineering upon passage of the Electrical Engineering and Mechanical Engineering upon passage of the Mechanical Engineering Examination.

b. Subsequent to taking and passing the NCEES Electrical and/or Mechanical Engineering, Respondent shall submit to the Board a detailed list of all completed Electrical and/or Mechanical Engineering projects (signed, sealed, and dated), by the Respondent for **PROJECT REVIEW** at six (6) and eighteen (18) month intervals from the date on which Respondent passes the examination. The projects shall include: all Electrical and/or Mechanical Engineering projects and reports signed and sealed by Respondent.

c. A FEMC Consultant will select two (2) projects from each submitted list for review. The Respondent is responsible for promptly furnishing any set of completed plans (signed, sealed, and dated), calculations, and any other supporting documentation requested by

the Consultant. The Respondent must sign, date, and seal all materials that are submitted for project review using a non-embossed, rubber stamp seal. Sealed project review materials may be copied and submitted electronically, if desired, by the Respondent. Respondent is also responsible for the Consultant's fees for reviewing the projects, and shall remit payment in the amount of \$1,500.00 by check or money order made payable in the name of the Board's Consultant at the time that the project lists are submitted to FEMC. In the event that the project reviews cost exceed \$1,500.00, the Respondent is responsible for the deficiency. In the event that the cost of the reviews is less than \$1,500.00, then the unused portion will be refunded to Respondent. Should the Consultant return an unfavorable report concerning Respondent's projects, that report shall be submitted to the Probable Cause Panel for determination of whether additional disciplinary proceedings should be initiated.

d. If the Respondent has not performed engineering services on a sufficient number of projects to make the submissions required by 7.b., above, the initial or, if applicable, the subsequent submission required by the terms of the project review shall be extended for a period of six (6) months to allow Respondent to perform the services necessary for the required review. However, if, after the extension has expired, Respondent does not perform sufficient Geotechnical Engineering services to meet the requirements of the terms of the project review, this case will be taken back to the Probable Cause Panel for a recommendation on how to proceed with Respondent's practicing of the Electrical and/or Mechanical Engineering discipline.

e. Should the Respondent fail to timely comply with the terms of the Final Order with regard to the Project Reviews discussed herein, this case will be submitted to the Probable

Cause Panel for review and determination of whether additional disciplinary action should be taken.

8. Respondent shall successfully complete a Board-approved course in and **ADVANCED ENGINEERING PROFESSIONALISM AND ETHICS** within one (1) year of the date of the Final Order. Prior to that date, Respondent shall submit to the Board a Certificate of Completion. 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, 125 South Gadsden Street, Tallahassee, Florida 32301, (850) 224-7121, for information regarding the availability of such courses in Florida, however, if the Florida Engineering Society 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 the following correspondence course offered by:

Murdough Center for Engineering Professionalism  
Texas Tech University  
PO Box 41023  
Lubbock, Texas 79409  
Engineering Ethics III (Advanced)  
Telephone 806-742-3525  
Fax 806-742-0444  
E-mail [ethics@coe.ttu.edu](mailto:ethics@coe.ttu.edu).

9. Upon entry of the **FINAL ORDER** approving this Stipulation Respondent shall immediately be subject to **PROJECT REVIEWS** over two (2) years. The two (2) years, during which the project review will occur, begins the date of the Final Order adopting this Stipulation is filed with the Agency Clerk, with the following terms:

(a) Respondent shall submit to the Board a detailed list of all completed structural engineering design projects (signed, sealed, and dated), by the Respondent for **PROJECT REVIEWS** at six (6) and eighteen (18) month intervals from the date of the issuance of the Final Order. The projects shall include: all structural engineering design projects signed and sealed by Respondent.

(b) A FEMC Consultant will select two (2) projects from each submitted list for review. The Respondent is responsible for promptly furnishing any set of completed plans (signed, sealed, and dated), calculations, and any other supporting documentation requested by the Consultant. The Respondent must sign, date, and seal all materials that are submitted for project review using a non-embossed, rubber stamp seal. Sealed project review materials may be copied and submitted electronically, if desired by the Respondent. Respondent is also responsible for the Consultant's fees for reviewing the projects, and shall remit payment in the amount of \$1,500.00 by check or money order made payable in the name of each of the Board's Consultants who will be reviewing the projects at the time that the project lists are submitted to FEMC. In the event that the cost of the reviews is less than \$1,500.00 each, then the unused portion will be refunded to Respondent. Should either Consultant return an unfavorable report concerning Respondent's projects, that report shall be submitted to the Probable Cause Panel for determination of whether additional disciplinary proceedings should be initiated.

(c) Should the FEMC Consultant return a favorable report after reviewing the set of plans reviewed during the first year of probation, the requirements for the second year of probation will be waived and the probation terminated. A "favorable report" is herein defined as a report that, in the sole opinion of the Consultant with the concurrence of the Board, finds that the plans reviewed were considered to be free of any material engineering deficiencies.



(d) If the Respondent has not performed engineering services on a sufficient number of projects to make the submissions required by 9.b., above, the initial or, if applicable, the subsequent submission required by the terms of the project reviews shall be extended for a period of six (6) months to allow Respondent to perform the services necessary for the required review. However, if, after the extension has expired, Respondent does not perform sufficient engineering services to meet the requirements of the terms of probation, Respondent's license will be placed on voluntary inactive status as defined in Section 455.227, Florida Statutes, by the Board, without any further necessity for action on the part of Respondent. Respondent's license shall remain on such status, provided Respondent meets the requirements of Section 455.227, Florida Statutes, unless and until Respondent notifies the Board that he wishes to recommence practice and obtains Board authorization to reactivate his license under such terms of probation that the Board deems appropriate at that time.

(e) Should the Respondent fail to timely comply with the terms of the Final Order with regard to the Project Reviews discussed herein, this case will be submitted to the Probable Cause Panel for review and determination of whether additional disciplinary action should be taken.

10. Respondent shall successfully complete the **STUDY GUIDE** which has been prepared by the Board of Professional Engineers and which will be furnished to Respondent, regarding the Engineering Practice Act, Chapter 471, Florida Statutes, and the Rules of the Board of Professional Engineers. Respondent will be required to provide an 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 a Final Order incorporating this Settlement Stipulation is filed.

11. Respondent acknowledges that neither Respondent's 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.

12. 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.

13. 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. Furthermore, should this Stipulation not be accepted by the Board, it is agreed that presentation to and by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration, or resolution of these proceedings.

14. 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, imposition of discipline, and the Final Order of the Board incorporating this Stipulation.

15. 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.

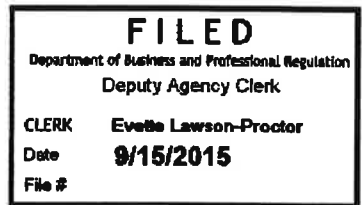
  
Charles C. Mitchell, P.E.,

Dated: 5-13-16

APPROVED this 17 day of May, 2016.

Zana Raybon, Executive Director  
Florida Board of Professional Engineers

  
BY: John J. Rimes, III  
Chief Prosecuting Attorney  
Florida Board of Professional Engineers



STATE OF FLORIDA  
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL  
ENGINEERS,

Petitioner,

v.  
CHARLES C. MITCHELL, P.E.,

FEMC Case No. 2014031694

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 CHARLES C. MITCHELL, 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 ("Board," "FBPE," or "Petitioner"), 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. CHARLES C. MITCHELL, 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 11127. Respondent's last known and Address of Record is 3351 NW 182 Street, Miami Gardens, Florida 33056.

3. On or about May 21, 2014 Respondent sealed and signed electrical, plumbing, and structural engineering documents for construction of a remodeled single family residence for Roberta Modena at 1029 SE 13th Court, Deerfield Beach, FL ("Modena Residence Project"). The electrical and plumbing drawings were two electrical sheets and two plumbing sheets. The structural drawings were contained in six sheets (A1-A6).

4. 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."

5. The Board has adopted Responsibility Rules of Professional Engineers ("Responsibility Rules"). These Rules are contained in Chapter 61G15-30 to Chapter 61G15-36, Fla. Admin. Code. Professional Engineers who perform services covered by the Responsibility Rules are required to comply with the Rules. Included in the Responsibility Rules are Rules governing Structural (Rule 61G15-31, Fla. Admin. Code), Electrical (Rule 61G15-33, Fla.

Admin. Code) and Mechanical (Rule 61G15-34, Fla. Admin. Code) Engineering Documents produced by a Professional Engineer.

6. Respondent acted as Electrical and Mechanical Engineer of Record for the Modena Residence Project as that term is defined in Rule 61G15-30.002(1), Fla. Admin. Code. As such, all engineering documents prepared, signed, sealed, and dated by Respondent must contain the information set out in Rule 61G15-30.003(1), Fla. Admin. Code:

(1) Engineering Documents are prepared in the course of performing engineering services. When prepared for inclusion with an application for a general building permit, the Documents shall meet all Engineer's Responsibility Rules, set forth in Chapters 61G15-31, 61G15-32, 61G15-33, and 61G15-34, F.A.C., and be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the Florida Building Code, adopted in Section 553.73, F.S., and applicable laws, ordinances, rules and regulations, as determined by the AHJ. The Documents shall include:

(a) Information that provides material specifications required for the safe operation of the system that is a result of engineering calculations, knowledge and experience.

(b) List Federal, State, Municipal, and County standards, codes, ordinances, laws, and rules, with their effective dates, that the Engineering Documents are intended to conform to.

(c) Information, as determined by the Engineer of Record, needed for the safe and efficient operation of the system.

(d) List engineering design criteria; reference project specific studies, reports, and delegated Engineering Documents.

(e) Identify clearly elements of the design that vary from the governing standards and depict/identify the alternate method used to ensure compliance with the stated purpose of these Responsibility Rules.

7. The Florida Building Code (2010) – Building ("FBC-B") Section 107.2.1

**"Information on construction documents"** states:

... *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations,...

8. Rule 61G15-33.001, Fla. Admin. Code, "Responsibility Rules of Professional Engineers Concerning the Design of Electrical Systems" "General Responsibility" states in material part that:

Electrical Engineering documents shall be prepared in accordance with applicable technology and with the requirements of the authority having jurisdiction. The documents shall identify the Engineer of record for the electrical systems project. Electrical Engineering documents shall demonstrate compliance with the requirements of the applicable codes and standards ...

FBC-B Section 2701.1 "Scope" states:

This chapter governs the electrical components, equipment and systems used in buildings and structures covered by this code. Electrical components, equipment and systems shall be designed and constructed in accordance with the provisions of the NFPA 70, *National Electrical Code*.

9. Rule 61G15-34.001, Fla. Admin. Code, "Mechanical Systems" "General Responsibility" states in material part:

Mechanical Engineering Documents shall be prepared in accordance with the applicable technology and with the requirements of the authority having jurisdiction. The documents shall identify the Engineer of Record for the mechanical systems project. Mechanical Engineering documents shall demonstrate compliance with the requirements of the applicable codes and standards ...

FBC-B Section 2901.1 Scope, states: "Plumbing systems and equipment shall be constructed, installed and maintained in accordance with the Florida Building Code, Plumbing (FBC-P)."

10. Rule 61G15-33.003(2), Fla. Admin. Code, "Design of Power Systems," requires in material part that:

- (2) Electrical Engineering Documents applicable to the design of electrical power systems shall, at a minimum, indicate the following:
- (a) Power Distribution Riser Diagram with short circuit values;
  - (b) Conductor Ampacities (sizes) and insulation type;
  - (c)
  - (d) Location and characteristics of surge protective devices;

- (e) Main and distribution equipment, control devices, locations and sizes;
- (f) Voltage drop calculations for the feeders and customer-owned service conductors ... ;
- (g) Circuitry of all outlets, equipment and devices;
- (h) Load computations;
- (j) Grounding and Bonding.

11. Rule 61G15-33.004(2), Fla. Admin. Code, **“Design of Lighting Systems,”**

requires in material part that:

- (2) Electrical Engineering Documents applicable to the design of lighting systems shall, at a minimum, indicate the following:
  - (a) Lighting fixture performance specifications and arrangements;
  - (b) Emergency Lighting, egress and exit lighting.

12. Respondent’s electrical engineering documents for the Modena Residence Project are materially deficient as follows:

A. The drawings contain an Electrical Riser Diagram, but no short circuit values and no voltage drop calculations for the feeders and customer-owned service conductors. These omissions constitute violations of Rule 61G15-33.003(2)(a and f), Fla. Admin. Code.

B. The drawings contain panel schedules for Panels A, B and C, with volt-amps (“VA”) and circuit breaker sizes. However, there are numerous errors in those panel schedules, such as single pole breakers for Dryer (A-17), Water Heater (A-21), Air Handler (B-36), and Air Condensing Unit (B-40). All four of these loads require 240 volt, 2-pole circuits where the panel schedules show single-pole breakers. Insulation types are not mentioned in the drawings. These errors constitute a violation of Rule 61G15-33.003(2)(b), Fla. Admin. Code.

C. No surge protective devices are shown on the drawings. This constitutes a violation of Rule 61G15-33.003(2)(d), Fla. Admin. Code.



D. The main disconnect and distribution panels are shown on the Electrical Service Riser Diagram, but the riser shows Panel A serving Panel B, and Panel B serving Panel C. The Panel Schedules show Panel A serving both Panels B and C. Other distribution errors: The Riser shows Panel C fed from Panel B through an 80 amp breaker; Panel A shows Panel C fed from Panel A through a 150 amp, 2-pole breaker. The Riser shows both Air Handling Units ("AHU") and both air Condensing ("AC") Units fed from Panel A; Panel A Schedule and Panel B Schedule show one AHU and one AC from each Panels A and B. Panel A schedule shows Panel B being served through a 175 amp, 2-pole breaker in Panel A; The Electrical Riser shows Panel B as 200 amp panel; Panel B Schedule shows it to be a 250 amp panel. These errors and conflicts constitute violations of Rule 61G15-33.003(2)(e), Fla. Admin. Code.

E. The drawing contains errors and conflicts in the panels and circuit breakers. i.e., the circuit breaker (A-18, 20) for a 12 kW stove is shown to be 45/2 (45 amps, 2-pole), which is insufficient to comply with NEC Table 310-16. Additionally, National Electric Code ("NEC" 210.63 requires a convenience receptacle within 25' of any air condition equipment. The drawings do not show such requirements at either of the two outdoor condensing units. In addition, NEC 210.11(c)(3) requires a 20-amp branch circuit to supply bathroom receptacle(s), and shall serve no other outlets. Drawing e-1 shows circuit B26 serving a receptacle in Bathroom 2 and an outdoor receptacle near the front entry door. These errors and inaccuracy of the circuitry constitute a violation of Rule 61G15-33.003(2)(g), Fla. Admin. Code.

F. Load calculations are shown on Sheet e-2; however, these load calculations are not clear and have many conflicts, errors, and exaggerated loads. If the

load calculations had been patterned after NEC Annex D, Example D2(a), the calculated electrical service size would have been calculated at 113 amps, vs. 268 amps as shown on Sheet e-2. These erroneous calculations in the load calculations constitute a violation of Rule 61G15-33.003(2)(h), Fla. Admin. Code.

G. The Riser shows non-grounded service conductors to serve Panel C, but no ground conductor is shown. This is inconsistent within the riser, which shows a ground for Panels A and B. The omission of a ground conductor for Panel C constitutes a violation of Rule 61G15-33.003(2)(j), Fla. Admin. Code.

H.) There are no lighting fixture performance specifications on the drawings. This constitutes a violation of Rule 61G15-33.004(2)(a), Fla. Admin. Code.

13. Rule 61G15-34.008 Fla. Admin. Code, "**Mechanical Systems**" states that construction documents shall ... define the required mechanical systems, including plumbing components, processes, equipment and material... Rule 61G15-34.007(2), Fla. Admin. Code, "**Design of Plumbing Systems,**" requires that:

(2) Mechanical Engineering Documents applicable to plumbing systems shall, when applicable, include but are not limited to, the following:

- (a) Equipment schedules for all plumbing fixtures, water heaters, ...;
- (c) Potable Water isometric diagrams with pipe sizes and total water fixture units;
- (e) Storm riser diagrams with pipe sizes and cumulative drain area square footages;
- (f) Cold water, hot water, sanitary, and storm drainage piping layouts;
- (i) List of ASHRAE, ASME, ASPE, ANSI and other applicable codes, design standards and requirements;
- (l) All plumbing fixtures, valves, pumps, tanks, accessories, specialties, enclosures, and such equipment shall be described and located on the drawings.

14. Respondent's mechanical engineering documents (plumbing) for the Modena Residence Project are materially deficient as follows:

A. The drawings contain fixture equipment to determine total fixture units, but complete equipment schedules are absent from the drawings. The absence of

complete plumbing equipment schedules violates Rule 61G15-34.007(2)(a), Fla. Admin. Code.

B. Potable water isometric diagrams are not shown on the drawings. Total water fixture units are not shown on the drawings. The omission of potable water isometric diagrams with piping sizes and the omission of total water fixture units constitutes a violation of Rule 61G15-34.007(2)(c), Fla. Admin. Code.

C. No storm riser diagrams are shown on the drawings. No area drainage calculations are shown on the drawings. The omission of storm riser diagrams and area drainage calculations constitutes a violation of Rule 61G15-34.007(2)(e), Fla. Admin. Code.

D. The plumbing drawings show sanitary piping layouts but no cold water, hot water nor storm drainage piping layouts. These omissions constitute a violation of Rule 61G15-34.007(2)(f), Fla. Admin. Code.

E. The drawings include applicable Florida Building Codes but do not list applicable ASHRAE, ASME, ASPE, ANSI codes, design standards or requirements. The omission of applicable codes, design standards and requirements constitutes a violation of Rule 61G15-34.007(2)(i), Fla. Admin. Code.

F. The drawings do not contain descriptions of all plumbing fixtures, valves, accessories, specialties and enclosures. The omission of descriptions of all plumbing fixtures and plumbing accessories constitutes a violation of Rule 61G15-34.007(2)(l), Fla. Admin. Code.

15. Respondent acted as Structural Engineer of Record for the Modena Residence Project as that term is defined in Rules 61G15-30.002(1) and 61G15-31.002(1), Fla. Admin.

Code. As such, all structural documents prepared, signed, sealed and dated by Respondent must contain the information required by Rules 61G15-30.003(1) and 61G15-31.002(5), Fla. Admin. Code. The plans and specifications for the Modena Residence Project fail to contain this information and thus fail to comply with the Responsibility Rules.

16. Respondent's structural engineering documents for the Modena Residence Project are materially deficient as follows:

A. No demolition information is shown as required by FBC 2010, Section 107.7.5.

B. Roof information is missing which is required by FBC 2010, Sections 107.2.1 through 107.2.5.

C. The drawings are mislabeled showing main force resisting system using 140 MPH as opposed to the 170 MPH required by the applicable building code.

D. No calculations were submitted on the drawings, or were attached to the drawings as required by FBC 2010.

### COUNT I

17. Petitioner realleges and incorporates Paragraphs One (1) through Eleven (11) as if fully set forth in this Count One.

18. Respondent's Electrical Engineering Plans for the Modena Residence Project contain deficiencies including, but not limited to, those set forth in Paragraphs One (1) through Twelve (12). Respondent violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), Fla. Admin. Code, by signing and sealing 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 the Modena Residence Project and (2) the final engineering documents for the Modena Residence Project were not issued in compliance with acceptable engineering principles.

19. 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.

### **COUNT II**

20. Petitioner realleges and incorporates Paragraphs One (1) through Seven (7), and Twelve (12) through Fourteen (14) as if fully set forth in this Count Two.

21. Respondent's Mechanical Plumbing Engineering Plans for the Modena Residence Project contain deficiencies including, but not limited to, those set forth in One (1) through Seven (7), and Twelve (12) through Fourteen (14) as if fully set forth in this Count Two. Respondent violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), Fla. Admin. Code, by signing and sealing 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 the Modena Residence Project and (2) the final engineering documents for the Modena Residence Project were not issued in compliance with acceptable engineering principles.

22. 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.

### **COUNT III**

23. Petitioner realleges and incorporates Paragraphs One (1) through Seven (7) and Fifteen (15) through Sixteen (16) as if fully set forth in this Count Three.

24. Respondent's structural engineering drawings for the Modena Residence Project contain deficiencies including; but not limited to, those set forth in Paragraphs One (1) through

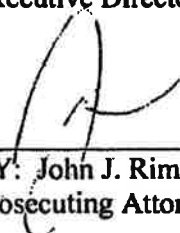
Seven (7) and Fifteen (15) through Sixteen (16). As a result of those deficiencies, Respondent violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), Fla. Admin. Code, by signing and sealing structural engineering documents that were issued and filed for public 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 the Modena Residence Project and (2) the final engineering documents for the Modena Residence Project were not issued in compliance with acceptable engineering principles.

25. 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 15<sup>th</sup> day of September, 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: September 15, 2015  
PCP Members: Fiorillo, Matthews & Pepper

CERTIFICATE OF SERVICE

I HEREBY CERTIFY a correct copy of the foregoing filed *Administrative Complaint* was furnished to Respondent, Charles C. Mitchell, P.E., at his Address of Record with the Department of Business and Professional Regulation of 3351 NW 182<sup>nd</sup> Street, Miami Gardens, FL 33056 by U.S. Certified and First Class Mail, on the \_\_\_\_\_ of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Trishia Finkey, Paralegal