

**FILED**  
**Florida Engineers**  
**Management Corporation**  
**5/22/2017 Clerk: Rebecca Valentine**

**FILED**  
Department of Business and Professional Regulation  
Deputy Agency Clerk  
CLERK Brandon Nichols  
Date **5/22/2017**  
File # **2017-03988**

STATE OF FLORIDA  
BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL  
ENGINEERS,

Petitioner,

v.

FEMC CASE NO.: 2016012649  
LICENSE NO.: PE 38464

STEPHEN A. GAYDOSH, P.E.,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF PROFESSIONAL ENGINEERS (Board) pursuant to Sections 120.569 and 120.57(2), Florida Statutes, on April 13, 2017, in Orlando, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause. At the hearing, Petitioner was represented by John Rimes, Prosecuting Attorney. Respondent was not present nor represented by legal counsel. Petitioner has filed a Motion for determination that Respondent forfeited his right to an administrative hearing pursuant to section 120.57(1), F.S. and to convene a section 120.57(2), F.S. hearing not involving disputed issues of material fact. After service of the Motion, on March 26, 2017, Respondent executed and submitted a signed Settlement Stipulation, which was received at the Board office on April 4, 2017.

FINDINGS OF FACT

1. Respondent was properly served with a copy of the Administrative Complaint and did not file a response within 21 days of service.

2. The investigative file provided and accepted into evidence establishes the facts alleged in the Administrative Complaint.

3. The facts set forth in the Administrative Complaint are hereby adopted and incorporated by reference as the facts of this case.

CONCLUSIONS OF LAW

1. Failure to timely respond to a properly served Administrative Complaint constitutes a waiver of the right to elect a hearing involving disputed issues of material fact pursuant to Section 120.57(1), Florida Statutes.

2. The established facts constitute the violations set forth in the Administrative Complaint, which are adopted and incorporated by reference as the conclusions of law in this case and for which the Board may impose discipline.

3. The Board is empowered by Sections 455.227(1) and (2) and 471.033(1) and (3), Florida Statutes, to impose a penalty against the licensee. Therefore, it is

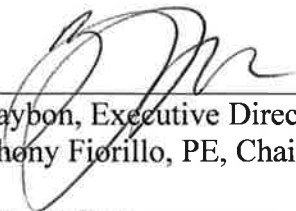
ORDERED that Respondent's License is SUSPENDED, and shall remain suspended until Respondent personally appears before the Board. The Board reserves jurisdiction to impose additional discipline, which may include, but is not limited to, the items identified in the signed Settlement Stipulation dated March 26, 2017. It is further

ORDERED that the Board reserves jurisdiction to determine the amount of and impose costs.

This Final Order shall become effective upon filing with the Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this 19 day of May, 2017.

BOARD OF PROFESSIONAL ENGINEERS

  
\_\_\_\_\_  
Zana Raybon, Executive Director  
for Anthony Fiorillo, PE, Chair

**NOTICE OF RIGHT TO JUDICIAL REVIEW**

**A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to **Stephen Gaydosh, P.E.**, 406 South 13<sup>th</sup> Place, Lantana, Florida 33462; by interoffice mail to **John Rimes**, Prosecuting Attorney, 2639 North Monroe St., Suite B-112, Tallahassee FL 32303 and **Florida Board of Professional Engineers**, 2639 N. Monroe Street B-112, Tallahassee FL 32303; and **Lawrence D. Harris**, Assistant Attorney General, Lawrence.Harris@myfloridalegal.com this 22 day of May, 2017.

  
\_\_\_\_\_  
Rebecca Valente

**FILED**  
Florida Engineers  
Management Corporation  
1/20/2017 Clerk: Rebecca Valentine

**FILED**  
Department of Business and Professional Regulation  
Deputy Agency Clerk  
CLERK **Evelle Lawson-Proctor**  
Date **1/20/2017**  
File #

STATE OF FLORIDA  
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL  
ENGINEERS,

Petitioner,

FEMC Case No. 2016012649

v.

STEPHEN GAYDOSH, P.E.,

Respondent,

ADMINISTRATIVE COMPLAINT

COMES NOW the Florida Engineers Management Corporation (FEMC) on behalf of Petitioner, Florida Board of Professional Engineers, hereinafter referred to as "Petitioner," and files this Administrative Complaint against STEPHEN GAYDOSH, P.E., hereinafter referred to as "Respondent". This Administrative 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. Petitioner, Florida Board of Professional Engineers, 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. 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 38464. Respondent's last known address is 406 South 13<sup>th</sup> Place, Lantana, Florida 33462.

3. On December 29, 2015, Respondent sealed and signed engineering design documents for an Interior Build-out (MD Solutions Project) located Ocean Key Offices, Unit 304C, Juno, Beach, FL. On November 17, 2014, Respondent sealed and signed engineering design documents for a Residence Addition (Francisco Project) located at 15006 SW Tiger Tail Court, Indiantown, FL 34956. The documents for the MD Solutions Project consist of 4 Sheets of Plans, two architectural sheets (A-1, A-2); one HVAC sheet (M-1); and one Electrical/Plumbing Sheet (E-1, P-1). The documents for the Francisco Project consist of 3 Sheets, one containing demolition and architectural design plans (Sheet S1.1); one with foundation, structural design, and electrical (S1.2); and a third sheet (S1.3) containing a roof framing plan, typical wall section, other structural details, and a plumbing sanitary riser diagram.

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) 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 there from 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. Administrative 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

**Electrical (Rule Chapter 61G15-33) and Mechanical (Rule Chapter 61G15-34) Engineering Documents produced by a Professional Engineer.**

**6. Respondent acted as Electrical and Mechanical Engineer of Record for the MD Solutions Project and the Francisco Project as that term is defined in Rule 61G15-30.002(1), F. A. C. As such, all engineering documents prepared, signed, sealed and dated by Respondent must contain the information set out in Rule 61G15-30.003(1), F. A. C.:**

**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 61G15-33 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 [FBC], adopted in Section 553.73, F.S., and applicable laws, ordinances, rules and regulations, as determined by the Agency Having Jurisdiction. 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 FBC (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. 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 (NEC).”

9. FBC-B Section 2801.1 “Scope,” states: Mechanical appliances, equipment and systems shall be constructed, installed and maintained in accordance with the Florida Building Code, Mechanical (FBC-M). FBC-B Section 107.3.5 “Minimum plan review criteria for buildings” states: [t]he examination of the documents by the building official shall include the following minimum criteria and documents: Mechanical: 1 Energy calculations; ... 3. Equipment; 5 Make-up air; 6. Roof-mounted equipment; 7. Duct Systems; 8. Ventilation; 9 Combustion air.

10. 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).”

11. Rule 61G15-33.001 “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 . . . .”

12. Rule 61G15-33.003(2) "Design of Power Systems," requires in material part that "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; ... (c) Circuit interrupting devices and fault current interrupting capability; (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; (i) Electrical Legends; (j) Grounding and bonding."

13. Rule 61G15-33.004(2) "Design of Lighting Systems", requires in material part that "Electrical Engineering Documents applicable to the design of lighting systems shall, at a minimum, indicate the following: (a) Lighting fixture performance specifications and arrangements; (d) Lighting control and circuiting."

14. Rule 61G15-34.001 "Responsibility Rules of Professional Engineers Concerning the Design of Mechanical Systems" states that "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 . . . ." Rule 61G15-34.003(2) "Design of Heating, Ventilating and Air Conditioning (HVAC) Systems," states in material part: "All HVAC systems shall be designed in accordance with the Florida Codes, and reference standards as adopted by the authority having jurisdiction." FBC-Mechanical (FBC-M) Section 301.7 states that "Electrical wiring, controls and connections to equipment and appliances . . . shall be in accordance with Chapter 27 of the FBC-B." Section 2701.0 of the FBC-B states in material part



that "electrical components, equipment and systems shall be designed and constructed in accordance with the provisions of the NEC." Rule 61G15-34.003(4) "Design of Heating, Ventilation and Air Conditioning (HVAC) Systems," requires in material part that "[f]or Mechanical Engineering Documents pertaining to HVAC systems ... shall indicate the following: (b) Equipment selection schedule for each piece of mechanical equipment. All equipment shall have capacities listed including efficiencies, electrical or fuel requirements, static pressure and fan air quantities as applicable to the system, . . . ; (d) Outside (fresh) air make-up conditions; (e) Cooling coil requirements based on sensible heat, latent heat and total heat gains; (f) Heating equipment requirements;... (g) Outside and inside design dry and wet bulb conditions;... (k) Condensate discharge piping layout with pipe sizes;...(m) Ductwork layout and sizing; insulation requirements, supply, return, and exhaust inlet and outlet sizes; and outside air intake sizes."

15. Rule 61G15-34.007(2) "Design of Plumbing Systems," requires in material part that 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, boilers, pumps, grease traps, septic tanks, storage tanks, expansion tanks, compression tanks and roof and floor drains;...(c) Potable Water isometric diagrams with pipe sizes and total water fixture units; (d) Sanitary riser diagrams with pipe sizes and total sanitary waste fixture units; (f) Cold water, hot water, sanitary, and storm drainage piping layouts;... (i) List of ASHRAE [American Society of Heating, Refrigerating, and Air Conditioning Engineers], ASME [American Society of Mechanical Engineers], ASPE [American Society of Plumbing Engineers], ANSI [American National Standards Institute] 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; (m) Material for all plumbing systems shall be specified.”

## **MD SOLUTIONS PROJECT**

### **ELECTRICAL DOCUMENTS**

16. Respondent's Electrical Engineering Design Documents for the MD Solutions Project are materially deficient as follows:

(a) The drawings contain no Electrical Riser Diagram and no short circuit values. These omissions constitute violations of Rule 61G15-33.003(2)(a).

(b) Circuit interrupting devices are shown on the panel schedule (Sheet E-1, P-1), but fault current interrupting capacity is not addressed in the drawings. This omission constitutes a violation of Rule 61G15-33.003(2)(c).

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

(d) The main electrical panel is shown on the Electrical Plan (Sheet E-1, P-1) as an existing 100 amp panel. The service is identified as 150 amps in the Load Calculation Chart and a 100 amp panel in the Electrical Panel Schedule. These omissions and errors constitute a violation of Rule 61G-33.003(2)(e) and NEC Section 408.30, which states: “All Panelboards shall have a rating not less than the minimum feeder capacity required for the calculated load . . .”

(e) The drawings contain no information on the specifications of any lighting fixtures. Fluorescent 2' x 4' lay-in fixtures are shown, but there is no indication as to the number of lamps in each, 2, 3, or 4. This constitutes a violation of Rule 61G15-33.004(2)(a).

(f) The drawings show circuiting for all lighting fixtures on this project, except for one in the Kitchenette area, which also has no switch. This constitutes a violation of Rule 61G15-33.004(2)(d).

#### **MECHANICAL (HVAC) DESIGN DOCUMENTS**

17. Respondent's Mechanical (HVAC) Engineering Design Documents for the MD Solutions Project are materially deficient as follows:

(a) The HVAC drawing (Sheet M-1) and the case file contains no make-up air calculation and no combustion air calculations. These omissions constitute a violation of FBC-B 107.3.5.

(b) The mechanical drawing (Sheet M-1) contains an air conditioning equipment schedule. The drawings do not contain equipment static pressure, cooling coil requirements based on sensible heat, latent heat and total heat gains; nor outside and inside design dry and wet bulb conditions; nor outside (fresh) air make-up conditions. These omissions constitute violations of Rule 61G15-34.003(4)(b), (d), (e) and (g).

(c) No outside air intake ductwork is shown on the drawings. Omission of outside air intake ductwork on the drawings constitutes a violation of Rule 61G15-34.003(4)(m).

#### **MECHANICAL (PLUMBING) DESIGN DOCUMENTS**

18. Respondent's Mechanical (Plumbing) Engineering Design Documents for the MD Solutions Project are materially deficient as follows:

(a) The drawings contain no plumbing equipment schedules. This omission violates Rule 61G15-34.007(2)(a) and (l).

(b) No potable water isometric diagrams are shown. Total water fixture units for either dwelling unit are not shown on the drawings. The omission of a potable water isometric diagram and the omission of total water fixture units constitutes a violation of Rule 61G15-34.007(2)(c).

(c) An isometric sanitary riser diagram is shown; however, total flow waste fixture units are not shown on the drawings. Additionally, the sanitary riser shows two sink drains, whereas the plan shows only one sink. The omission of total waste fixture units constitutes a violation of Rule 61G15-34.007(2)(d).

(d) The drawings contain no sanitary piping layouts, no cold water, and no hot water piping layouts. These omissions constitute a violation of Rule 61G15-34.007(2)(f).

(e) FBC-P, 2010 Edition is noted as one of four volumes of the FBC. However no other codes, design standards or requirements are shown on the drawings. The omission of design standards and requirements constitutes a violation of Rule 61G15-34.007(2)(i).

(f) No materials for plumbing systems have been shown on the drawings. The absence of specifications for materials for plumbing systems constitutes a violation of Rule 61G15-34.007(2)(m).

## **FRANCISCO PROJECT**

### **ELECTRICAL DOCUMENTS**

19. Respondent's Electrical Engineering Design Documents for the Francisco Project are materially deficient as follows:

(a) The drawings contain no Electrical Riser Diagram and 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).

(b) No surge protective devices are shown on the drawings. This omission constitutes a violation of Rule 61G15-33.003(2)(d).

(c) The main electrical panel is shown on the Electrical Riser, but it is not located on the plans. Additionally, the panel is identified as 150 amp panel in the Load Calculation Chart and a 200 amp panel in the Electrical Riser Diagram. These omissions and errors constitute a violation of Rule 61G-33.003(2)(e) and NEC Section 408.30, which states: “[a]ll panelboards shall have a rating not less than the minimum feeder capacity required for the calculated load....”

(d) The drawings show no circuitry for outlets, equipment, devices, or smoke detectors, except for panel schedule designations, which do not identify which circuit breakers controls which lighting fixtures. The absence of circuitry for all electrical power and lighting loads constitutes a violation of Rule 61G15-33.003(2)(g) and Rule 61G15-33.004(2)(d).

(e) The drawings contain no Electrical Legend. This omission constitutes a violation of Rule 61G15-33.003(2)(i).

(f) The electrical Riser Diagram on Sheet S1.2 shows a two-rod grounding detail for the Utility meter, but no ground conductor between the meter and the Electrical Panel. This omission violates Rule 61G15-33.003(2)(j), NEC 200.3, and NEC 250.92 (A).

(g) Electrical Note 17 on Sheet S1.2 referenced NEC-2010 and FBC-10. This Note contains errors. NEC is published at 3-years intervals. There is no 2010 edition.

### **MECHANICAL (HVAC) DESIGN DOCUMENTS**

20. Respondent’s Mechanical (HVAC) Engineering Design Documents for the Francisco Project are materially deficient as follows:

(a) The three drawings (Sheets S1.1, S1.2 and S1.3) and the case file contain no equipment specifications, no make-up air calculation, no ventilation considerations, and no combustion air calculations. These omissions constitute a violation of FBC-B 107.3.5.

(b) The drawings contain no air conditioning equipment schedules for air handling units and condensing units. The drawings do not contain cooling coil requirements based on sensible heat, latent heat and total heat gains; nor outside and inside design dry and wet bulb conditions; nor outside (fresh) air make-up conditions. These omissions constitute violations of FAC Rule 61G15-34.003(4)(b), (d), (e) and (g).

(c) The drawings contain no specifications for heating equipment. This is a violation of Rule 61G15-34.003(4)(f).

(d) The drawings contain no condensate discharge piping layouts. The absence of condensate discharge piping constitutes a violation of Rule 61G15-34.003(4)(k).

(e) No outside air intake ductwork is shown on the drawings. Omission of outside air intake ductwork on the drawings constitutes a violation of Rule 61G15-34.003(4)(m).

#### **MECHANICAL (PLUMBING) DESIGN DOCUMENTS**

21. Respondent's Mechanical (Plumbing) Engineering Design Documents for the Francisco Project are materially deficient as follows:

(a) The drawings contain no plumbing equipment schedules. These omissions violates Rule 61G15-34.007(2)(a) and (1).

(b) No potable water isometric diagrams are shown. Total water fixture units are not shown on the drawings. The omission of a potable water isometric diagram and the omission of total water fixture units constitutes a violation of Rule 61G15-34.007(2)(c).

(c) An isometric sanitary riser diagram is shown; however, total flow waste fixture units are not shown on the drawings. The omission of total waste fixture units constitutes a violation of Rule 61G15-34.007(2)(d).

(f) FBC-P, 2010 Edition is noted as an applicable plumbing code. However no other codes, design standards or requirements are shown on the drawings. The omission of design standards and requirements constitutes a violation of Rule 61G15-34.007(2)(i).

(g) No materials for plumbing systems have been shown on the drawings. The absence of specifications for materials for plumbing systems constitutes a violation of Rule 61G15-34.007(2)(m).

#### **COUNT I**

22. Petitioner realleges and incorporates Paragraphs One (1) through Sixteen (16) as if fully set forth in this Count One.

23. Respondent's Electrical Engineering Plans for the MD Solutions Project contain deficiencies including, but not limited to, those set forth in Paragraphs One (1) through Sixteen (16). Respondent violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., 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 MD Solutions Project and (2) the final engineering documents for the MD Solutions Project were not issued in compliance with acceptable engineering principles.

24. 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

25. Petitioner realleges and incorporates Paragraphs One (1) through Fifteen (15 and Seventeen (17) as if fully set forth in this Count Two.

26. Respondent's Mechanical HVAC Engineering Plans for the MD Solutions Project contain deficiencies including, but not limited to, those set forth in Paragraphs One (1) through Fifteen (15 and Seventeen (17) 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), F. A. C., 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 MD Solutions Project and (2) the final engineering documents for the MD Solutions Project were not issued in compliance with acceptable engineering principles.

27. 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

28. Petitioner realleges and incorporates Paragraphs One (1) through Fifteen (15 and Eighteen (18) as if fully set forth in this Count Three.

29. Respondent's Mechanical (Plumbing) Engineering Design Documents for the MD Solutions Project contain deficiencies including; but not limited to, those set forth in Paragraphs One (1) through Fifteen (15 and Eighteen (18). As a result of those deficiencies, Respondent violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., 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 MD Solutions Project and (2) the final engineering documents for the MD Solutions Project were not issued in compliance with acceptable engineering principles.

30. 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 IV

31. Petitioner realleges and incorporates Paragraphs One (1) through Fifteen (15 and Nineteen (19) as if fully set forth in this Count Four.

32. Respondent's Electrical Engineering Plans for the Francisco Project contain deficiencies including, but not limited to, those set forth in Paragraphs One (1) through Fifteen (15 and Nineteen (19). Respondent violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., 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 Francisco Project and (2) the final engineering documents for the Francisco Project were not issued in compliance with acceptable engineering principles.

33. 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 V

34. Petitioner realleges and incorporates Paragraphs One (1) through Fifteen (15 and Twenty (20) as if fully set forth in this Count Five.

35. Respondent's Mechanical HVAC Engineering Plans for the Francisco Project contain deficiencies including, but not limited to, those set forth in Paragraphs One (1) through

Fifteen (15 and Twenty (20). Respondent violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., 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 Francisco Project and (2) the final engineering documents for the Francisco Project were not issued in compliance with acceptable engineering principles.

36. 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 VI

37. Petitioner realleges and incorporates Paragraphs One (1) through Fifteen (15 and Twenty-One (21) as if fully set forth in this Count Six.


38. Respondent's Mechanical (Plumbing) Engineering Design Documents for the Francisco Project contain deficiencies including; but not limited to, those set forth in Paragraphs One (1) through Fifteen (15 and Twenty-One (21). As a result of those deficiencies, Respondent violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., 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 Francisco Project and (2) the final engineering documents for the Francisco Project were not issued in compliance with acceptable engineering principles.

39. 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 20<sup>th</sup> day of January, 2017.

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  
JR/rv  
PCP DATE: January 10, 2017  
PCP Members: FLEMING, BRACKEN & MATTHEWS

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Stephen Gaydosch, P.E. at 406 South 13<sup>th</sup> Place Lantana, Florida 33462, by certified mail and First Class U. S. Mail, on the \_\_\_\_\_ of \_\_\_\_\_, 2017.

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