STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL ENGINEERS,

Petitioner,

v.

HAROLD F. BERGSTEN, JR., 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 10, 2017 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. 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 18th day of August, 2017.
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 Harold Bergsten, P.E. at 14363 Wing Foot Road, Orlando, Florida 32826 (his address of record with the Department of Business and Professional Regulation) this 21st day of August, 2017.

Rebecca Valentine,
Paralegal
STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL ENGINEERS, Petitioner,

v. HAROLD F. BERGSTEN, JR., P.E.,

Respondent, FEMC Case Nos. 2016007254, 2016055932

SETTLEMENT STIPULATION

HAROLD BERGSTEN, JR., P. E., hereinafter referred to as “Respondent,” and the Florida Engineers Management Corporation, hereinafter referred to as “FEMC,” hereby stipulate and agree to the following joint stipulation and to entry of a Final Order of the Board, incorporating this Stipulation in the above-styled matter.

STIPULATED FACTS

1. For all times pertinent hereto, Respondent, HAROLD BERGSTEN, JR., P. E., was a licensed engineer in the State of Florida, having been issued license number PE 43670.

2. Respondent was charged with violations of Chapter 471, Florida Statutes, in an Administrative Complaint filed by the Florida Engineers Management Corporation, and properly served upon Respondent. True and correct copies of the Administrative Complaint is attached hereto and incorporated by reference as Exhibit A.

STIPULATED CONCLUSIONS OF LAW

1. Respondent, in his capacity as a licensed engineer, admits that in such capacity he is subject to provisions of Chapter 471, Florida Statutes, and the jurisdiction of the Department, FEMC, and the Board.
2. Respondent admits that the facts set forth in the Administrative Complaint, if
proven, constitute violations of Chapter 471, Florida Statutes, as alleged in the Complaint.

STIPULATED DISPOSITION OF LAW

1. Respondent shall comply with Chapters 471 and 455, Florida Statutes, and the
rules promulgated pursuant thereto in all future activities.

2. Should Respondent fail to timely comply with the terms of the Final Order, this
case will be submitted to the Board for review and determination of whether additional
disciplinary action should be taken.

3. The Respondent agrees to the VOLUNTARY RELINQUISHMENT of his
license under the following terms and agrees that he shall never reapply for licensure as a
Professional Engineer or Certificate of Authorization holder in the State of Florida. The terms of
the relinquishment are as follows:

4. 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
agreement.

5. 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 the Stipulation. Furthermore, should this joint 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.

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6. 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 Stipulation of Facts, Conclusions of Law, imposition of discipline and the Final Order of the Board incorporating said Stipulation.

7. Notwithstanding anything to the contrary herein, each party shall bear its own attorney’s fees and costs. In consideration of executing this Stipulation Agreement, Petitioner expressly waives its rights to seek attorney’s fees and costs from Respondent, and Respondent expressly waives his rights to seek attorney’s fees and costs from Petitioner. By entering into this Stipulation Agreement, the Parties agree that there shall be no monetary penalty, fee or costs, of any nature, imposed against Respondent.

WHEREFORE, the parties hereto request the Board to enter a Final Order accepting and implementing the terms contained herein.

[Signature]
Harold Bergsten, Jr., P.E.
Respondent
Case No. 2016007254 & 2016005932
Dated: June 13, 2017

APPROVED this 30th day of June, 2017.

Zana Raybon, Executive Director
Florida Board of Professional Engineers

BY: JOHN J. RIMES, III
Prosecuting Attorney
STATE OF FLORIDA  
FLORIDA BOARD OF PROFESSIONAL ENGINEERS  

FLORIDA BOARD OF PROFESSIONAL  
ENGINEERS,  

Petitioner,  

v.  
HAROLD F. BERGSTEN, JR., P.E.,  

Respondent,  

FEMC Case Nos. 2016007254, 2016055932  

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 HAROLD F. BERGSTEN, JR., 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:  

GENERAL ALLEGATIONS  
(Common to All Specific Allegations)  

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 43670. Respondent’s last known address is 14363 Wing Foot Road, Orlando, Florida 32826.


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."

5. 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."

6. Rule 61G15-30.002(1), Fla. Admin. Code, mandates that Respondent, as the engineer of record for all engineering work delineated in the Specific Allegations, is professionally responsible for the documents prepared. As such, Respondent is responsible for producing documents that comply with the applicable portions of the Responsibility Rules.
7. On June 24, 2014 Respondent sealed signed and dated Mechanical (Plumbing and HVAC) and Electrical Engineering design documents for an exterior addition and exterior restroom conversion for a commercial structure located at 412 West Cocoa Beach Causeway, Cocoa Beach, Florida (Stadler Project).

8. Respondent acted as the Electrical and Mechanical Engineer of Record for the Stadler Project as that term is defined in Rules 61G15-30.002(1), 61G15-31.002(1), 61G15-33.002(1) and 61G15-34.002(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):

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, ..., 61G15-33, 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 (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.

9. 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,...” 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).” 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: The 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; 7. Duct Systems; 8. Ventilation; 9 Combustion air. 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).” FBC-B Section 107.3.5 “Minimum plan review criteria for buildings” states: The

10. 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 . . . ."

11. 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; (b) Conductor Ampacities (sizes) and insulation type; (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; (l) Record documents applicable to power systems shall, at a minimum, contain information as required by Florida Building Code.

12. 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; (b) Emergency Lighting, egress and exit lighting; (d) Lighting control and
circuiting; (e) Calculated values to demonstrate compliance with the Florida Energy Code for Building Construction.

**ELECTRICAL DESIGN DOCUMENTS**

13. Respondent’s Electrical Engineering Design Documents for the Stadler Project are materially deficient as follows:

A. Applicable codes for this project do not appear on the project drawings. The absence of this requirement violates Rule 61G15-30.003(1)(b) which requires engineering documents to “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.”

B. Drawing Sheet A-1 contains an Electrical Riser Diagram, but contains 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).

C. The drawings contain no designations of circuit interrupting devices, no requirements for fault current interrupting capability, no conductor sizes or insulation types, and no circuitry of outlets, equipment and/or devices. These omissions constitute violations of Rule 61G15-33.003(2)(b, c and g).

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

E. The drawings do not contain information as required by the FBC. FBC-B Section 107.3.5 “Minimum plan review criteria for buildings” states: The examination of the documents by the building official shall include the following minimum criteria and documents:

Electrical: 1. Electrical wiring branch circuits, overcurrent protection, wiring methods and
materials. 2. Equipment. 4. Emergency Systems. The absence of these FBC-B requirements constitutes a violation of Rule 61G15-33.003(2)(I).

F. The drawings contain no performance specifications (voltage, watts, amps) for lighting fixtures, and no emergency lighting (exit and egress). The absence of lighting performance specifications and emergency lighting in the design documents constitutes violations of Rule 61G15-33.004 (2)(a and b).

G. The drawings contain no lighting circuiting. The omission of circuitry for lighting fixtures constitutes a violation of Rule 61G15-33.004(2)(d)

H. The drawings contain no calculated values to demonstrate compliance with the Florida Energy Code for Building Construction. These omissions constitute a violation of Rule 61G15-33.004(2)(e).

MECHANICAL (HVAC & PLUMBING) DESIGN DOCUMENTS

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

A. The HVAC drawings (Sheets A-1 through A-5 contain no Energy Calculations, no equipment specifications, no make-up air calculation, no duct systems shown, no ventilation considerations, and no combustion air calculations. These omissions constitute a violation of FBC-B 107.3.5.

B. The Plumbing drawings (Sheets A-1 through A-5) and the case file contain no plumbing fixture requirements, no water supply piping, no sanitary or roof drainage, no vents and no plumbing risers. These omissions constitute a violation of FBC-B 107.3.5.
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15. On June 19, 2016 Respondent signed, sealed and dated four pages (Sheets 1-4) of structural engineering drawings for a model residence located at 2144 S Courtenay Pkwy, Merritt Island, Florida (Azalea Project). On October 30, 2015 Respondent signed, sealed and dated six pages (Sheets 1-6) of structural engineering drawings for a residence located at 19060 S Tropical TRL, Merritt Island, Florida (Beach-Lovelace Project).

16. Respondent acted as the Structural Engineer of Record for the Azalea Project and for the Beach-Lovelace Project as that term is defined in Rules 61G15-30.002(1) and 61G15-31.002(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) and Rule 61G15-31.002(5):

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, ..., 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 (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.

17. The documents must also include all of the information required by Rule 61G15-31.002(5):

(5) Structural Engineering Documents. The structural drawings, specifications and other documents setting forth the overall design and requirements for the construction, alteration, repair, removal, demolition, arrangement and/or use of the structure, prepared by and signed and sealed by the engineer of record for the structure. Structural engineering documents shall identify the project and specify design criteria both for the overall structure and for structural components and structural systems. The drawings shall identify the nature, magnitude and location of all design loads to be imposed on the structure. The structural engineering documents shall provide construction requirements to indicate the nature and character of the work and to describe, detail, label and define the structure's components, systems, materials, assemblies, and equipment.

18. 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,...”

AZALEA PROJECT

19. Respondent's Structural Engineering Design Documents (Sheets 1-4) for the Azalea Project are materially deficient as follows:

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A. The roof wind uplift loads shown on Sheet 2 are as much as 45% less than the uplift loads required by the Florida Building Code-Residential (FBC-R). This violates Section R301.2.1 which states in material part: "[i]n regions where the basic ultimate design wind speed exceeds 115 miles per hour, the design of buildings for wind loads shall be in accordance with the Florida Building Code." This error also constitutes a violation of Rule 61G15-30.003 (1) and Rule 61G15-31.002 (5).

B. The window wind loads shown on Sheet 2 are as much as 13% less the wind loads required by FBC-R which is a violation of Section R301.2.1 which states in material part: "[i]n regions where the basic ultimate design wind speed exceeds 115 miles per hour, the design of buildings for wind loads shall be in accordance with the Florida Building Code." This error also constitutes a violation of Rule 61G15-30.003 (1) and Rule 61G15-31.002 (5).

C. A roof girder truss bears on the wood frame wall between the garage and master bath. There is no provision shown to resist the wind uplift loads required by FBC-R which is a violation of Section R301.1 which states in material part: "[b]uildings and structures, and all parts thereof, shall be constructed to safely support all loads, including dead loads, live loads, roof loads, flood loads, snow loads, wind loads and seismic loads as prescribed by this code." This error also constitutes a violation of Rule 61G15-30.003 (1).

D. There is a single reinforced filled cell on either side of the garage door opening. This single reinforced filled cell is not sufficient to resist the wind loads required by FBC-R which is a violation of Section R301.1 which states in material part: "[b]uildings and structures, and all parts thereof, shall be constructed to safely support all loads, including dead loads, live loads, roof loads, flood loads, snow loads, wind loads and seismic loads as prescribed by this code." This error also constitutes a violation of Rule 61G15-30.003 (1).
E. A roof girder truss bears on a jog in the exterior masonry wall in bedroom 2. There is no uplift reinforcing at the location of the truss bearing to resist the wind uplift loads required by FBCR which is a violation of Section R301.1 which states in material part: "[b] Buildings and structures, and all parts thereof, shall be constructed to safely support all loads, including dead loads, live loads, roof loads, flood loads, snow loads, wind loads and seismic loads as prescribed by this code." This error also constitutes a violation of Rule 61G15-30.003 (1).

F. For the wood roof truss system, the drawings don’t communicate the delegated engineer’s requirements as stated in Rule 61G15-30.005 (1) which states in material part: "[a]n engineer of record who delegates a portion of his responsibility to a delegated engineer is obligated to communicate in writing his engineering requirements to the delegated engineer:

G. Included with the Azalea model home drawings was a wood truss layout plan that had been prepared by a truss manufacturer but were signed, sealed and dated by Respondent. It appears these wood truss drawings were prepared by the supplier of the wood trusses and were not prepared under Respondent’s responsible supervision as required by Section 471.033(1)(j), Florida Statutes, and Rule 61G15-18.011(1).

BEACH-LOVELACE PROJECT

20. Respondent’s Structural Engineering Design Documents (Sheets 1-6) for the Beach-Lovelace Project are materially deficient as follows:

A. There are no floor or roof framing plans as required by FBC-R which is a violation of Section 107.2.1 which states in material part: "[c]onstruction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in

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detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official.” This error also constitutes a violation of Rule 61G15-30.003 (1) and Rule 61G15-31.002 (5).

B. The roof wind uplift loads shown on Sheet 3 are as much as 260% less than the uplift loads required by FBC-R which is a violation of Section R301.2.1 which states in material part: “[i]n regions where the basic ultimate design wind speed exceeds 115 miles per hour, the design of buildings for wind loads shall be in accordance with the Florida Building Code.” This error also constitutes a violation of Rule 61G15-30.003 (1) and Rule 61G15-31.002 (5).

C. The window wind loads shown on Sheet 3 are as much as 81% less than the uplift loads required by FBC-R which is a violation of Section R301.2.1 which states in material part: “[i]n regions where the basic ultimate design wind speed exceeds 115 miles per hour, the design of buildings for wind loads shall be in accordance with the Florida Building Code.” This error also constitutes a violation of Rule 61G15-30.003 (1) and Rule 61G15-31.002 (5).

D. The 2nd Floor Fame Shearwall Detail on Sheet 6 states to refer to the floor plan for the length of the shearwall. However, there are no shearwall lengths shown on the floor plans which is a violation of Section 107.2.1 which states in material part: “[c]onstruction 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, as determined by the building official.” This error also constitutes a violation of Rule 61G15-30.003 (1) and Rule 61G15-31.002 (5).
E. For the wood roof and floor truss systems, the drawings don’t communicate the delegated engineer’s requirements as stated in Rule 61G15-30.005 005 (1) which states in material part: “[a]n engineer of record who delegates a portion of his responsibility to a delegated engineer is obligated to communicate in writing his engineering requirements to the delegated engineer:”

COUNT I

ELECTRICAL DESIGN DOCUMENTS-STADLER PROJECT

21. Petitioner realleges and incorporates Paragraphs One (1) through Thirteen (13), as if fully set forth in this Count One.

22. Respondent’s Electrical Engineering drawings for the Stadler Project contain deficiencies including; but not limited to, those set forth in Paragraph Thirteen (13). 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 sealing and signing Electrical 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 Stadler Project and (2) the final engineering documents for the Stadler Project were not issued in compliance with acceptable engineering principles.

23. Based on the foregoing, Respondent is charged with violating Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by being negligent in the practice of engineering.

COUNT II

MECHANICAL (HVAC & PLUMBING) DESIGN DOCUMENTS-STADLER PROJECT

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13
24. Petitioner realleges and incorporates Paragraphs One (1) through Nine (9) and
Fourteen (14) as if fully set forth in this Count Two.

25. Respondent’s Mechanical (HVAC & Plumbing) Engineering drawings for the
Stadler Project contain deficiencies including; but not limited to, those set forth in Paragraph
Fourteen (14). 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 sealing and signing
Mechanical (HVAC & Plumbing) 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 Stadler Project and (2) the
final engineering documents for the Stadler Project were not issued in compliance with
acceptable engineering principles.

26. Based on the foregoing, Respondent is charged with violating Section
471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by being negligent in the
practice of engineering.

COUNT III
AZALEA PROJECT

27. Petitioner realleges and incorporates Paragraphs One (1) through Six (6) and
Fifteen (15) through Nineteen (19) as if fully set forth in this Count Three.

28. Respondent’s structural engineering drawings for the Azalea Project contain
deficiencies including; but not limited to, those set forth in Paragraph Eleven (11). 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 sealing and signing 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 Azalea Project and (2) the final engineering documents for the Azalea Project were not issued in compliance with acceptable engineering principles.

29. Based on the foregoing, Respondent is charged with violating Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by being negligent in the practice of engineering.

COUNT IV

BEACH-LOVELACE PROJECT

30. Petitioner realleges and incorporates Paragraphs One (1) through Six (6) and Fifteen (15) through Eighteen (18) and Twenty (20) as if fully set forth in this Count Four.

31. Respondent’s structural engineering drawings for the Beach-Lovelace Project contain deficiencies including; but not limited to, those set forth in Paragraph Twelve (12). 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 sealing and signing 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 Beach-Lovelace Project and (2) the final engineering documents for the Beach-Lovelace Project were not issued in compliance with acceptable engineering principles.

32. Based on the foregoing, Respondent is charged with violating Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by being negligent 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 19 day of May, 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/1v
PCP DATE: May 09, 2017
PCP Members: FLEMING, BRACKEN & MATTHEWS

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Harold Bergsten, P.E. at 1436 Wing Foot Road, Orlando, Florida 32826, by certified mail and First Class U. S. Mail, on the 22 day of May, 2017.

Rebecca Valentine, Paralegal

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