STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL ENGINEERS,

Petitioner,

v. FEMC Case No: 2015032758 and
2015048853

ELDIN HOTIC, 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 February 2, 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 8th day of February, 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 Eldin Hotic, P.E., by service upon his attorney of record: Michael F. Kayusa, Esquire 2077 First Street, Suite 201, Fort Myers, Florida 33901 (his address of record with the Department of Business and Professional Regulation) this 10 day of February, 2017.

Rebecca Valentine,
Paralegal
PETITIONER:

FLORIDA BOARD OF PROFESSIONAL ENGINEERS

v.

ELDIN HOTIC, P.E.,

Respondent,

FEMC Case No. 2015032758 & 2015048853

SETTLEMENT STIPULATION

ELDIN HOTIC, P.E. ("Respondent") and the Florida Engineers Management Corporation ("FEMC") hereby stipulate and agree to the following Joint Settlement Stipulation ("Stipulation") and to entry of a 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, ELDIN HOTIC, P.E., was a licensed engineer in the State of Florida, having been issued license number PE 60118.

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 filed Administrative Complaints are attached hereto and incorporated herein by reference as "Composite Exhibit A to Settlement Stipulation".
STIPULATED CONCLUSIONS OF LAW

1. Respondent, in Respondent’s capacities as a licensed professional engineer admits that, in such capacity, Respondent is subject to the provisions of Chapter 471, Florida Statutes, and the jurisdiction of the Department of Business and Professional Regulation (“Agency” or “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, 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, an administrative complaint for failure to comply with final order will automatically be opened against Respondent.

3. Respondent shall pay an ADMINISTRATIVE FINE of $1,000.00 and COSTS of $2,338.40 to the Board within thirty (30) days 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 be placed on PROBATION for one (1) year from the date the Final Order adopting this Stipulation is filed with the Agency Clerk, with the following terms:

   a. Respondent shall successfully complete a Board-approved course in

      BASIC ENGINEERING PROFESSIONALISM AND ETHICS

      within one (1) year of the date the Final Order adopting this Stipulation is filed with the Agency Clerk. Prior to
that date, Respondent shall submit to the Board a Certificate of Completion of the course. 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 (“FES”), 125 South Gadsden St., Tallahassee, FL 32301, (850)224-7121, for information regarding the availability of such courses in Florida; however, if the FES 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 one of the following correspondence courses offered by:

Murdough Center for Engineering Professionalism  
Texas Tech University, PO Box 41023, Lubbock, Texas 79409  
Engineering Ethics Basic  
Engineering Ethics Intermediate  
Engineering Ethics Advanced  
Telephone 806-742-3525; Fax 806-742-0444; E-mail: engineering.ethics@ttu.edu

EPD Program  
Auburn University  
Engineering Extension Service  
217 Ramsay Hall, Auburn, Alabama 36849-5331  
Ethics and Professionalism  
Phone 800-446-03 82 or 334-844-4370

An Accredited College or University course if that course information is first submitted to the FEMC for review and determination as to whether or not it will comply with the Board’s requirements.

Courses offered by Continuing Education Programs or Professional Business Programs (Exp: SunCam, Inc., C2Ed), are not Board Certified, and will not meet the requirements.

b. Respondent shall successfully complete the STUDY GUIDE which has been prepared by the Board and which will be furnished to Respondent, regarding the Engineering Practice Act, Chapter 471, Florida Statutes, and the Rules of the Board.
Respondent is required to provide a personal 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 the Final Order incorporating this Stipulation is filed with the Agency Clerk.

6. 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.

7. 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.

8. It is expressly understood that this Stipulation is subject to approval of the Board and FEMC and has no force or effect until the Board issues a Final Order adopting this Stipulation.

9. 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.
10. 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.

11. 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.

Eldin Hotic, P.E.,
Respondent
Case No. 2015032758 & 2015048853
Dated: 01-04-2017

APPROVED this 20 day of January, 2017

Zana Raybon, Executive Director
Florida Board of Professional Engineers

BY: John J. Rimes, III
Chief/Prosecuting Attorney

FBPE vs. Eldin Hotic, P.E., FBPE Case No.: 2015032758 & 2015048853
Settlement Stipulation
FLORIDA BOARD OF PROFESSIONAL ENGINEERS,

Petitioner,

v.

H. JOHN GRIFFIN, 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 H. JOHN GRIFFIN, 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

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 38647. Respondent's last known address is 5398 SW 61st Avenue, Davie, Florida 33314.


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. Respondent acted as Structural, Electrical and Mechanical Engineer of Record (EOR) for a two story office plaza project located at 555 Hypoluxo Road, Lantana, Florida (JFB 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), Florida Administrative Code. As the EOR for the JFB Project, Respondent, on or about October 1, 2014 signed and sealed 10 Architectural Sheets, 3 Structural
Detail Sheets, 2 Beam Column & Slab Sheets, 2 Electrical Sheets, 2 Mechanical (HVAC) Sheets, and 2 Plumbing Sheets. 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.

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: (1) 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; 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 61G15-30.005 Delegation of Engineering Documents: Obligation of the Engineer of Record states in part: (1) An 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.

12. 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 . . . .”

13. 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; ... (f) Voltage drop calculations for the feeders and customer-owned service conductors . . . ;(g) Circuitry of all outlets, equipment and devices; (h) Load computations; (l) Record documents applicable to power systems shall, at a minimum, contain information as required by Florida Building Code.”

14. 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; (e) Calculated values to demonstrate compliance with the Florida Energy Code for Building Construction.”

15. 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 61F15-34.003(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 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 "for Mechanical Engineering Documents pertaining to HVAC systems . . . shall indicate the following:(a) Demonstrate and provide adequate information for the AHJ to determine compliance with codes and ordinances. These may include test methods and results; data and tabulations for Energy Conservation that are results of the design; (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; (n) All data needed to complete the Florida Energy Code calculations as applicable."

16. 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; (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) 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."

17. Rule 61G15-31.001 "General Responsibility" states:

The Engineer of Record is responsible for all structural aspects of the design of the structure including the design of all of the structure's systems and components. As noted herein the engineer of record may delegate responsibility for the design of a system or component part of the structure to a delegated engineer. In either case the structural engineering documents shall address, as a minimum, the items noted in the following subsections covering specific structural systems or components. The Engineer of Record's structural engineering documents shall identify delegated systems and components. Both the Engineer of Record for the structure and the delegated engineer, if utilized, shall comply with the requirements of the general responsibility rules, Chapter 61G15-30, F.A.C., and with the requirements of the more specific structural responsibility rules contained herein. The Engineer of Record for the Structural System(s) shall provide design requirements in writing to the delegated engineer if one is used and shall review the design documents of the delegated engineer for conformance with his written instructions in accordance with Rule 61G15-30.005, F.A.C. When information collected from the engineer or the engineer's authorized representative from a site visit is part of the engineer's deliberative process, the engineer is responsible for the accuracy of such information.

18. Rule 61G15-31.001(5) "Structural Engineering Documents" states:

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.

19. The FBC (2010) – Building (FBC-B) Section 1603.1 states: Construction documents shall show the size, section and relative locations of structural members with floor levels, column centers and offsets dimensioned. The design loads and other information pertinent to the structural design required by Section 1603.1.1 through Section 1603.1.9 shall be indicated on the construction documents.

20. The FBC (2010) – Building (FBC-B) Section 1901.4 states in material part: The construction documents for structural concrete construction shall include: 1. The specified strength of concrete at the stated ages or stages of construction for which each concrete element is designed. 2. The specified strength or grade of reinforcement.

21. Rule 61G15-30.005 Delegation of Engineering Documents: Obligation of the Engineer of Record states in material part: "(1) An 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."

22. The FBC (2010) – Building (FBC-B) Section 107.2.1 states in material part: Construction documents shall be of sufficient detail 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.

23. The FBC (2010) – Building (FBC-B) Section 1609.5.1 states in material part: Roof decks shall be designed to withstand the wind pressures determined in accordance with American Society of Civil Engineers (ASCE) 7 Minimum Design Loads for Buildings and Other
Structures. Section 2304.10.5 states in material part: Roof decks shall be anchored to resist uplift forces.

24. The FBC (2010) – Building (FBC-B) Section 1808.2 states in material part: Foundations shall be so designed that the allowable bearing capacity of the soil is not exceeded.

25. The FBC (2010) – Building (FBC-B) Section 1403.3 states in material part: Exterior walls, and the associated openings, shall be designed and constructed to resist safely the superimposed loads required by 2010 FBC-B Chapter 16.

26. The FBC (2010) – Building (FBC-B) Section 2104.1 states in material part: Masonry construction shall comply with the requirements of Section 2104.1.1 through Section 2104.4 and with The Mineral, Metals and Materials Society (TMS) 602/ACI 530.1/ASCE 6, Building Code Requirements and Specifications for Masonry Structures and Related Commentaries.

27. The FBC (2010) – Building (FBC-B) Section 1901.2 states in material part: Structural concrete shall be designed and constructed in accordance with the requirements of this chapter and ACI 318.

28. The FBC (2010) – Building (FBC-B) Section 1901.2 states in material part: Structural concrete shall be designed and constructed in accordance with the requirements of this chapter and ACI 318 Building Code Requirements for Structural Concrete.

ELECTRICAL ENGINEERING DEFICIENCIES

29. Respondent's Electrical Engineering Design Documents for the JFB 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).

(b) The Electrical Riser Diagram on Sheet E-1 shows four utility meters feeding four 200 amp disconnects, through 3 #3/0 conductors. Each 200 amp disconnect is apparently shown to serve a 200 amp electrical panel, two on each floor level, for future “build-out tenants,” through 4 #3/0 and 1 #3 ground conductors. NEC 220.61 requires a neutral conductor for three-phase unbalanced systems. NEC 250.50 requires that grounding electrodes at each building shall be bonded together. The absence of neutral and grounding conductors between the 600 amp, 3 pole building disconnect and the four sub-meters on the drawings constitute violations of NEC 220.61 and NEC 250.50.

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

(d) The drawings show no circuitry for outlets, equipment or devices. The absence of circuitry for electrical power loads constitutes a violation of Rule 61G15-33.003(2)(g).

(e) NEC 210.63 requires a 125-volt receptacle outlet to be installed at an accessible location for servicing of HVAC equipment, within 25 feet of said equipment. None of Respondent’s drawings show such outlets for the JFB Office project, which violates NEC 210.63.

(f) The drawings contain no electrical load computations. The absence of load computations constitutes a violation of Rule 61G15-33.003(2)(h).

(g) 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: ...1. Electrical branch circuits (for HVAC equipment), wiring methods, and materials; 2. Equipment; 3. Load Calculations.” The absence of these FBC-B requirements from the drawings constitutes a violation of Rule 61G1-33.003(2)(i).

(h) The legends on Sheets E-1 and E-2 contain symbols for five different lighting fixtures, but the drawings contain no information on the specifications of any fixtures, including illuminated exit signs and emergency wall-pack light fixtures. This constitutes a violation of Rule 61G15-33.004(2)(a).

(i) The drawings show no circuiting for any lighting fixtures on this project. This constitutes a violation of Rule 61G15-33.004(2)(d).

(j) The electrical 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) DEFICIENCIES

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

(a) The drawings show four A/C package units on the roof, but no size, no voltage, and no circuiting for the A/C units. This is a violation of Rule 61G15-34.003(2).

(b) The drawings do not contain adequate information for the AHJ to determine compliance with codes and ordinances. This omission violates Rule 61G15-34.003(4)(a).

(c) The drawings contain no air conditioning equipment schedules for Roof-Mounted A/C package units. The drawings do not contain cooling coil requirements based on sensible heat, latent heat and total heat gains; nor outside 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).

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

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

(f) No HVAC ductwork is shown on the drawings. Omission of HVAC ductwork on the drawings constitutes a violation of Rule 61G15-34.003(4)(m).

(g) FBC-B Section 107.3.5 “Minimum plan review criteria for buildings” states: [i]he examination of the documents by the building official shall include the following minimum criteria and documents: Mechanical: 1 Energy calculations.... The mechanical drawings do not contain all data required to complete the Florida Energy Code calculations, as required by the FBC-B, Chapter 13. The absence of all data required to complete the Florida Energy Code calculations constitutes a violation of Rule 61G15-34.003(4)(n).

MECHANICAL (PLUMBING) DEFICIENCIES

31. Respondent’s Mechanical (Plumbing) Engineering Design Documents for the JFB 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) Potable water isometric diagrams are shown; but total water fixture units for the building are not shown on the drawings. 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 on both Sheets P-1 and P-2; however, total sanitary waste fixture units for the building are not shown on the drawings. The omission of total waste fixture units constitutes a violation of Rule 61G15-34.007(2)(d).

(d) The drainage piping for one water closet is shown on the Sanitary Risers as being 4" pipe draining into a 3" pipe. This violates FBC-P Section 704.2 “change size” which states: “The size of the drainage piping shall not be reduced in size in the direction of the flow.”

(e) No cleanout is shown on the Plans or on the Sanitary Risers. This violates FBC-P Section 708.3.5 “Building drain and building sewer junction” which states: “There shall be a cleanout near the junction of the building drain and the building sewer. The cleanout shall be either inside or outside the building wall and shall be brought up to the finished ground level . . . An approved two-way cleanout is allowed to be used at this location to serve as a required cleanout for both the building drain and building sewer.”

(f) 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).

(g) The drawings contain no sanitary piping layouts, no cold water piping layouts, and no storm drainage piping layouts. Hot water is not specified for this project. These omissions constitute a violation of Rule 61G15-34.007(2)(f).

(h) 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).

(i) 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).

**STRUCTURAL DEFICIENCIES**

32. Respondent’s Structural Engineering Design Documents for the JFB Project are materially deficient as follows:

(a) The project design loads are missing. These would include dead loads, live loads and wind loads and are required by FBC-B Section 1603.1. These omissions constitute a violation of Rule 61G15-31.002(5).

(b) The strength of materials is missing for many items including concrete, reinforcing steel, masonry, grout and wood members. This information is required by FBC-B Section 1901.4. These omissions constitute a violation of Rule 61G15-31.002(5).

(c) There is no information listing the responsibilities of the delegated engineer for the wood roof trusses. This omission is a violation of Rule 61G15-30.005(1) and Rule 61G15-31.002(5).

(d) There are no details indicating splice or lap length for the reinforcing steel in the footings, masonry walls, beams or slabs. These omissions constitute a violation of Rule 61G15-31.002(5).

(e) There is no indication for connecting the wood roof sheathing to the trusses. These omissions constitute a violation of Rule 61G15-31.002(5).

(f) The footing along the front of the building is under designed and as designed is overstressed by 155% and therefore violates FBC-B 1808.2.

(g) The concrete lintel at the second floor over the 1 0' - 0" openings is under designed and as designed is overstressed by 294% and therefore violates FBC-B, Section 1604.2 Strength,
"Buildings and other structures, and parts thereof, shall be designed and constructed to support the factored loads in load combinations defined in this code without exceeding the appropriate strength limit states for the materials of construction."

(h). The masonry walls below the second floor are overstressed for combined vertical gravity loads and horizontal wind loads and therefore violates FBC-B, Section 1604.2.

(i). The main reinforcing steel in the second floor and roof slabs is less than required by ACI 318, Chapter 10 by 149% and therefore violates FBC-B, Section 1901.1.

(j). The 8" slab thickness is less than the minimum slab thickness allowed by ACI 318, Chapter 9.5.2 and therefore violates FBC-B Section 1901.2.

COUNT I

33. Petitioner realleges and incorporates Paragraphs One (1) through Eight (8), Twelve (12) through Fourteen (14) and Twenty-Nine (29) as if fully set forth in this Count One.

34. Respondent's Electrical Engineering Plans for the JFB Project contain deficiencies including, but not limited to, those set forth in Paragraphs One (1) through Eight (8), Twelve (12) through Fourteen (14) and Twenty-Nine (29). 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 JFB Project and (2) the final engineering documents for the JFB Project were not issued in compliance with acceptable engineering principles.

35. 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

36. Petitioner realleges and incorporates Paragraphs One (1) through Seven (7), Nine (9), Fifteen (15) and Thirty (30) as if fully set forth in this Count Two.

37. Respondent's Mechanical (HVAC) Engineering Plans for the JFB Project contain deficiencies including, but not limited to, those set forth in Paragraphs One (1) through Seven (7), Nine (9), Fifteen (15) and Thirty (30). 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 JFB Project and (2) the final engineering documents for the JFB Project were not issued in compliance with acceptable engineering principles.

38. 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

39. Petitioner realleges and incorporates Paragraphs One (1) through Seven (7), Ten (10), Sixteen (16) and Thirty-One (31) as if fully set forth in this Count Three.

40. Respondent's Mechanical (Plumbing) Engineering Plans drawings for the JFB Project contain deficiencies including; but not limited to, those set forth in Paragraphs One (1) through Seven (7), Ten (10), Sixteen (16) and Thirty-One (31). 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 JFB
Project and (2) the final engineering documents for the JFB Project were not issued in compliance with acceptable engineering principles.

41. 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

42. Petitioner realleges and incorporates Paragraphs One (1) through Seven (7), Eleven (11), Seventeen (17) through Twenty-Eight (28) and Thirty-Two (32) as if fully set forth in this Count Four.

43. Respondent's Structural Engineering Plans for the JFB Project contain deficiencies including, but not limited to, those set forth in Petitioner realleges and incorporates Paragraphs One (1) through Seven (7), Seventeen (17) through Twenty-Eight (28) and Thirty-Two (32). 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 JFB Project and (2) the final engineering documents for the JFB Project were not issued in compliance with acceptable engineering principles.

44. 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
asessment 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 10th day of March, 2016.

Zara 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: March 08, 2016
PCP Members: Florillo, Fleming & Matthews

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to H. John Griffin at 5398 SW 61st Avenue, Davie, Florida 33314, by certified mail and First Class U.S. Mail., on the 21st of March, 2016.

Rebecca Valentine, Paralegal

FRPE vs. H. John Griffin, P.E., Case No. 2013033401