

FILED
Florida Engineers
Management Corporation
2/9/2017 Clerk: Rebecca Valentine

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK Brandon Nichols
Date **2/9/2017**
File # **2017-01064**

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No: 2015033401

H. JOHN GRIFFIN, 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 8 day of February, 2017.

FLORIDA BOARD OF PROFESSIONAL ENGINEERS



Zana Raybon, Executive Director
For ANTHONY FIORILLO, P.E., S.I., CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing filed *Final Order Adopting Settlement Stipulation* has been furnished by U.S. First Class Mail to H. John Griffin by service upon his attorney of record: Mr. Jeffery A. Hegewald, Esquire, May, Meacham & Davell, P.A at One Financial Plaza, Suite 2602, Fort Lauderdale, Florida 33394 (his address of record with the Department of Business and Professional Regulation) this 10 day of February, 2017.



Rebecca Valentine,
Paralegal

**STATE OF FLORIDA
BOARD OF PROFESSIONAL ENGINEERS**

**FLORIDA BOARD OF PROFESSIONAL
ENGINEERS**

Petitioner,

v.

FEMC Case No: 2015033401

H. John Griffin, P.E.

Respondent,

_____ /

SETTLEMENT STIPULATION

H. JOHN GRIFFIN, P.E. ("Respondent") and the Florida Board of Professional Engineers ("Board" or "Petitioner") by and through the Florida Engineers Management Corporation ("FEMC"), hereby stipulate and agree to the following joint stipulation and Final Order of the Board, incorporating this Stipulation in the above-styled manner.

STIPULATED FACTS

- 1. For all times pertinent hereto, Respondent was a licensed engineer in the State of Florida, having been issued license number PE 38647.**
- 2. Prior to the instant action, Respondent had no history of disciplinary action against him by the Board or FEMC.**
- 3. Respondent was charged by an Administrative Complaint ("Complaint") filed by FEMC, and properly served upon Respondent with violations of Chapters 471 and 455, Florida Statutes. A true and correct copy of the filed Administrative Complaint is attached hereto and incorporated by reference as "Exhibit A to Settlement Stipulation".**

4. Respondent disputes the allegations in the Complaint, including FEMC's version of the facts, but Respondent admits that the facts set forth in the Complaint, if proven, constitute violation of Chapter 455 and 471, as alleged in the Complaint. The parties concur that the agreements, stipulations, or statements contained herein are made for settlement purposes only and are not intended to be used for purposes other than resolution of actions or proceedings arising under the administrative authority of the Petitioner through FEMC.

5. Respondent filed his Answer and Affirmative Defenses (the "Answer") to FEMC's Complaint, in which Respondent denied the alleged violations of Chapters 471 and 455 (Florida Statutes). Respondent's position in this matter is as follows:¹

a) The plans reviewed by FEMC were unlawfully permitted by the Town of Lantana (the "AHJ"), per FBC 107.3 and FBC 107.3.1 and FBC 107.3.5 (8) as the submitted plans set did not have the required Second Floor System plan or the required Roof System plan and should have been considered a work in progress until the AHJ stamped the plans as "Reviewed for Code Compliance" per FBC 2014, 5th Edition, Chapter 107.3.1.

b) The requirements of FBC 107.3 comport with 61G15 30.003 (5), Fla. Admin. Code, by providing that after the AHJ's review and receipt by the engineer [that signed the plans] of the AHJ's review, comments, and interpretations, the engineer shall have the opportunity to subsequently revise the plans to reflect resolution of issues with the public agency prior to final action by the agency. (emphasis added)

c) The Respondent did not act as the E.O.R. following the submittal of initial plans to the AHJ.

d) The general contractor / owner of the subject construction project (the "Project") retained other professionals to complete the mechanical, electrical and plumbing designs for the Project, and, upon information and belief, these

¹ Neither Petitioner nor FEMC concurs or agrees with the Respondent's position, and the statements contained in paragraph 5 (including its subparts) are solely attributable to Respondent.

designs were submitted to the AHJ in or around February, 2015 and used to construct the Project.

e) Drawing No. S-1 (attached to the Complaint as part of Exhibit "A") contains the following note for the concrete floor slab: "Engineer to Verify." Respondent signed the subject plans / drawings with the understanding that a structural engineer would verify/analyze the drawings following review and comments from the AHJ.

STIPULATED CONCLUSIONS OF LAW

1. Respondent, in his capacity as a licensed engineer, admits that in such capacity he is subject to provisions of Chapters 455, 471 (Florida Statutes), Fla. Stat. §§ 553.71, 553.79 and 553.791 and the jurisdiction of the Department of Business and Professional Regulations ("Agency"), FEMC, and the Board.

2. Although Respondent disputes the facts alleged in the Administrative Complaint, Respondent admits that the facts set forth in the Administrative Complaint, if proven, constitute violations of Chapters 455 and 471, Florida Statutes, as alleged in the Administrative Complaint. As set forth above and to remove any doubt, the parties concur that the agreements, stipulations, or statements contained herein are made for settlement purposes only and are not intended to be used for purposes other than resolution of actions or proceedings arising under the administrative authority of the Petitioner through FEMC.

STIPULATED DISPOSITION OF LAW

1. Respondent shall, in the future, comply with Chapters 471, 455 (Florida Statutes), Fla. Stat. §§ 553.71, 553.79 and 553.791 and the Rules promulgated pursuant thereto.

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

3. Respondent's license to practice engineering shall be **REPRIMANDED**.

4. Respondent shall pay an **ADMINISTRATIVE FINE** of \$1,000.00 and **COSTS** of \$4,000.00 to the Board within two (2) years of the date that the Final Order adopting this Stipulation is filed with the Agency Clerk. The payments shall be made in eight equal payments of \$625.00 due 90 days after the entry of the Final Order adopting this Stipulation and thereafter until the full amount is paid.

5. Respondent shall **appear** before the Board when the stipulation is presented. Respondent should be prepared to discuss: how this situation occurred, what improvements and quality control measures he plans to implement to improve his work product and how he intends to prevent this circumstance from occurring in the future. Respondent may submit a written statement to the Board prior to appearing before the Board.

6. Respondent acknowledges that neither his 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, hereinafter referred to as F.A.C.

7. Respondent shall successfully complete a Board-approved course in **Engineering Professionalism and Ethics** within one (1) year of the date the Final Order adopting this Stipulation is filed. Prior to that date, Respondent shall submit to the Board a Certificate of Completion following 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, 125 South Gadsden Street, Tallahassee, Florida 32301, (850) 224-7121, for information regarding the availability of such courses in Florida. 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
Telephone 806-742-3525; Fax 806-742-0444
E-mail ethics@coe.ttu.edu.

EPD Program
Auburn University
Engineering Extension Service
217 Ramsay Hall
Auburn, Alabama 36849-5331
Ethics and Professionalism
Phone 800-446-0382 or 334-844-4370

National Society for Professional Engineers
PDC Buncher Commerce Park Avenue A#16
Leetsdale, Pennsylvania 15056-1304
Ethics & Risk Management
Phone 800-417-0348 Fax 412-741-0609

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

8. Respondent shall submit to the Board detailed lists of all completed projects (signed, sealed, and dated) by the Respondent for **PROJECT REVIEW** at six (6) and eighteen (18) month intervals from the date that the Final Order adopting this Stipulation is filed with the Agency Clerk. The projects shall include all projects and reports signed and sealed by Respondent. The projects submitted at 6 and 18 month intervals shall include sealed and signed engineering documents for the discipline of structural engineering. Although the Board alleges deficiencies in

mechanical, electrical and plumbing plans submitted by the Respondent (collectively, "MEPs"), the Respondent will move to an area of engineering where Respondent will produce no MEPs. Accordingly, the Final Order will reflect that the Respondent is restricted from producing MEPs until such time when the Respondent submits a request to the Board to amend the Final Order to allow the Respondent to produce MEPs. Upon receiving notice from Respondent of his desire to produce MEPs, then the Board will immediately lift the MEP restriction, the Respondent will timely submit required plans for review by an impartial FEMC consultant, and the MEP plan review process will commence. The MEP reviews will be accomplished using the same methodology set out in Paragraph 9.

9. The Respondent's structural engineering project documents submitted at six (6) and eighteen (18) month intervals will be reviewed by an impartial FEMC consultant. Respondent will receive the CV for the proposed FEMC consultant prior to Respondent's submission of project review documents. If the Respondent has concerns regarding the impartiality of FEMC's consultant, he will be provided the opportunity to submit those concerns in writing to counsel for FEMC. The standard for evaluating the impartiality of a FEMC proposed consultant shall be the same as those used to evaluate the impartiality of a judge under Florida law.

a. An impartial FEMC Consultant will select two (2) projects from the submitted lists in which Respondent has sealed structural engineering documents. Respondent is responsible for promptly furnishing any set of completed plans (signed, sealed, and dated), calculations, and any other supporting documentation requested by the Consultant. Respondent must seal all materials that are submitted for project review using a non-embossed, rubber stamp seal. Sealed project review materials may be copied and submitted electronically if desired by the Respondent. Respondent is also responsible for the Consultant's fees for reviewing the projects, and shall remit payment in the amount of \$1500.00 by check or money order made payable in the name of the Board's Consultant at the time that the project lists are

submitted to FEMC. In the event that the project review cost exceeds \$1,500.00 then Respondent is responsible for the deficiency. Respondent will receive the Consultant's invoices and will be provided with the opportunity to challenge unreasonable charges. In the event that the costs of the reviews are less than \$1,500.00 then the unused portion will be refunded to Respondent. Should the Consultant return an unfavorable report concerning Respondent's projects, that report shall be submitted to the Probable Cause Panel for determination of whether additional disciplinary proceedings should be initiated.

b. If Respondent has not performed engineering services on a sufficient number of projects to make the submissions required by paragraph 8 a, above, the initial or, if applicable, the subsequent submissions required shall be extended for a period of six (6) months to allow Respondent to perform the services necessary for the required review. However, if, after the extension has expired, Respondent does not perform sufficient engineering services to meet the project review requirements of this Stipulation, Respondent's license will be placed on voluntary inactive status as defined in Section 455.227, Florida Statutes, by the Board, without any further necessity for action on the part of Respondent. Respondent's license shall remain on such status, provided Respondent meets the requirements of Section 455.227, Florida Statutes, unless and until Respondent notifies the Board that he wishes to recommence practice and obtains Board authorization to reactivate his license under such terms that the Board deems appropriate at that time.

c. Should the FEMC Consultant return a favorable report after reviewing the set of plans reviewed, the requirements for the 18 month project reviews may be waived. A "favorable report" is herein defined as a report that, in the sole opinion of the Consultant with the concurrence of the Board, finds that the plans reviewed were considered to be free of any material deficiencies.

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

10. Respondent shall successfully complete the Study Guide which has been prepared by the Board of Professional Engineers and which will be furnished to Respondent, regarding the Engineering Practice Act, Chapter 471, Florida Statutes, and the Rules of the Board of Professional Engineers. Respondent will be required to provide an email address that will be used to access the on-line study guide. The study guide must be completed within thirty (30) days of the date on which a Final Order incorporating this Settlement Stipulation is filed.

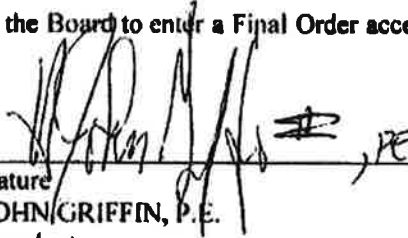
11. It is expressly understood that this Stipulation is subject to approval of the Board and FEMC and has no force and effect until the Board issues a Final Order adopting this agreement.

12. 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.

13. 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.

14. 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.



Signature
H. JOHN GRIFFIN, P.E.
Respondent
Case No. 2015033401

Dated: 7/19/2016

APPROVED this 20th day of July, 2016.

Zana Raybon, Executive Director
Florida Board of Professional Engineers



BY: JOHN J. RIMES, III
Prosecuting Attorney

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Florida Engineers Management
Corporation

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Clerk: Rebecca Valentini

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FILED	
Department of Business and Professional Regulation	
Deputy Agency Clerk	
CLERK	Evelle Lawson-Proctor
Date	3/18/2016
File #	

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2015033401

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.

3. The Board has adopted Responsibility Rules of Professional Engineers ("Responsibility Rules"). These Rules are contained in Chapters 61G15-30 to 61G15-36, Fla. Admin. Code. Professional Engineers who perform services covered by the Responsibility Rules are required to comply with the Rules.

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: [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 61G15-30.005 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

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,

All data needed to complete the Florida Energy Code calculations as applicable."

requirements, supply, return, and exhaust inlet and outlet sizes; and outside air intake sizes; (n) discharge piping layout with pipe sizes;... (m) Ductwork layout and sizing; insulation requirements;... (g) Outside and inside design dry and wet bulb conditions;... (k) Condensate requirements based on sensible heat, latent heat and total heat gains; (f) Heating equipment applicable to the system, . . . ; (d) Outside (fresh) air make-up conditions; (e) Cooling coil including efficiencies, electrical or fuel requirements, static pressure and fan air quantities as schedule for each piece of mechanical equipment. All equipment shall have capacities listed tabulations for Energy Conservation that are results of the design; (b) Equipment selection compliance with codes and ordinances. These may include test methods and results; data and following: (a) Demonstrate and provide adequate information for the AHJ to determine Mechanical Engineering Documents pertaining to HVAC systems . . . shall indicate the Ventilation and Air Conditioning (HVAC) Systems," requires in material part that "[f]or accordance with the provisions of the NBC." Rule 61G15-34.003(4) "Design of Heating, that "electrical components, equipment and systems shall be designed and constructed in accordance with Chapter 27 of the FBC-B." Section 2701.0 of the FBC-B states in material part "Electrical wiring, controls and connections to equipment and appliances . . . shall be in as adopted by the authority having jurisdiction. FBC-Mechanical Section 301.7 states that HVAC systems shall be designed in accordance with the Florida Codes, and reference standards

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)(1).

(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: [t]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)(f).

(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 10' - 0" openings is under designed and as designed is overstressed by 294% and therefore violates FBC-B, Section 1604.2 Strength,

- 471.033(1)(g), Florida Statutes, by engaging in negligence in the practice of engineering.
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.
- the JFB Project were not issued in compliance with acceptable engineering principles.
- the final engineering documents for the JFB Project and (2) the final engineering documents for
- were materially deficient in that Respondent: (1) did not exercise due care in the preparation of
- sealing engineering documents that were issued and filed for public record when such documents
- Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by signing and
- Twelve (12) through Fourteen (14) and Twenty-Nine (29). Respondent violated the provisions of
- deficiencies including, but not limited to, those set forth in Paragraphs One (1) through Eight (8),
34. Respondent's Electrical Engineering Plans for the JFB Project contain
- Twelve (12) through Fourteen (14) and Twenty-Nine (29) as it tally set forth in this Count One.
33. Petitioner realleges and incorporates Paragraphs One (1) through Eight (8),

COUNT I

Chapter 9.5.2 and therefore violates FBC-B Section 1901.2.

(j). The 8" slab thickness is less than the minimum slab thickness allowed by ACI 318,

ACI 318, Chapter 10 by 149% and therefore violates FBC-B, Section 1901.1.

(i). The main reinforcing steel in the second floor and roof slabs is less than required by

gravity loads and horizontal wind loads and therefore violates FBC-B, Section 1604.2.

(h). The masonry walls below the second floor are overstressed for combined vertical

strength limit states for the materials of construction."

the factored loads in load combinations defined in this code without exceeding the appropriate

"Buildings and other structures, and parts thereof, shall be designed and constructed to support

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

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 10th day of March, 2016.

Zana Raybon
Executive Director


BY: John J. Rimes, III
Prosecuting Attorney

COUNSEL FOR FEMC:

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Florida Bar No. 212008
JR/rv
PCP DATE: March 08, 2016
PCP Members: Fiorillo, 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 21 of March, 2016.


Rebecca Valentine, Paralegal