

**Minutes for
The Florida Board of Professional Engineers
December 7, 2017 beginning at 8:30 a.m. or soon thereafter
Holiday Inn and Suites
Tallahassee, FL**

- A. Call to Order, Invocation, and Pledge of Allegiance to the Flag

Mr. Fiorillo called the meeting to order. Ms. Raybon called roll.

- B. Roll Call, Determination of Quorum, and Address Absences.

Board Members Present:

Anthony Fiorillo, P.E., S.I., Chair
Kevin Fleming, P.E., Vice Chair
William Bracken, P.E., S.I.
Warren Hahn, P.E.
Pankaj (PJ) Shah, P.E.
Kenneth Todd, P.E.
Babu Varghese, P.E., S.I.
Elizabeth Ferguson, Public Member

Attorney General's Office:

Lawrence Harris, Assistant Attorney General, Counsel to the Board

Staff Members Present:

Zana Raybon, Executive Director
John J. Rimes, III, Chief Prosecuting Attorney
Rebecca Sammons, Assistant Executive Director

Board Members Absent:

Michelle Roddenberry, Ph.D., P.E.
Vivian Boza, Public Member

Upon motion by Mr. Bracken, seconded by Mr. Hahn, to excuse the absence of Ms. Boza, the motion passed.

- C. Introduction of guests and announcements as to presentations at a time certain
D. FBPE Mission and Scope

#1. FBPE's Mission: To protect the health and safety of the public by properly regulating the practice of engineering within the State of Florida.

#2. FBPE's Scope: To meet its statutory obligation and exercise its legislative authority by reviewing and approving engineering applications; managing, updating and enforcing the rules that govern the practice of engineering and to guard against the unlicensed practice of engineering within the State of Florida.

E. Approval of the Agenda

Upon motion by Mr. Fleming, seconded by Mr. Bracken, to approve the agenda, the motion passed.

F. Approval of Consent Agenda

(Items denoted with an asterisk are included in the Consent Agenda*)

Mr. Bracken stated that the name on the minutes on page 35 should be Certificate of Authorization Committee and that on page 37 Mr. Hahn should not be listed as absent.

Upon motion by Mr. Fleming, seconded by Mr. Hahn, to approve the consent agenda as amended, the motion passed.

#1. Minutes from the October 11-12, 2017 FBPE Board Meeting*

Approved under consent agenda.

#2. Minutes from November 7, 2017 FBPE Probable Cause Panel Meeting*

Approved under consent agenda.

#3. Minutes from November 8, 2017 FBPE Rules Committee Meeting*

Approved under consent agenda.

#4. Minutes from November 13, 2017 FBPE Nominations Committee Meeting*

Approved under consent agenda.

#5. Minutes from November 14, 2017 FBPE Structural Rules Committee Meeting*

Approved under consent agenda.

#6. Minutes from November 15, 2017 FBPE Certificate of Authorization Rules Committee Meeting

Approved under consent agenda as amended.

#7. Minutes from November 17, 2017 FBPE Ratification Conference Call*

Approved under consent agenda as amended.

#8. Application for Retired Status*

Approved under consent agenda.

#9. 1st Quarter Report for 2017-2018*

Approved under consent agenda.

Informal Hearing Agenda

G. Informal Hearing on Denial of Application for Principles and Practice Examination

#1. Ana Maran Goncalves

Dr. Goncalves was present and sworn in prior to addressing the Board. Mr. Harris explained the basis of denial of Ms. Goncalves' application. Dr. Goncalves holds a BS in Architecture and Urban Planning from Universidade Federal do Parana, an MS in Water Resources and Environmental Engineering from Universidade Federal do Parana, and a Ph.D. in Civil and Environmental Engineering from Colorado State University. The denial of the application is based on education. Dr. Goncalves is lacking a course in either biology or physics.

Upon motion by Mr. Hahn, seconded by Mr. Bracken, that Dr. Goncalves was properly served with the notice of intent to deny and she requested a section 120.57(2), F.S. hearing not involving disputed issues of material facts, the motion passed.

Upon motion by Mr. Hahn, seconded by Mr. Bracken, to accept into evidence the complete application file contained in the meeting materials including any supplemental materials provided by Dr. Goncalves, the motion passed.

Upon motion by Mr. Hahn, seconded by Mr. Bracken, that the Board adopt the factual allegations in the notice of intent to deny as the Board's findings of fact, the motion passed.

Dr. Goncalves addressed the Board.

Discussion followed.

Upon motion by Mr. Bracken, seconded by Mr. Todd, to vacate the Notice of Denial and to approve the application of Dr. Gonclaves based the supplemental materials provided by Dr. Gonclaves and based on her testimony, the motion passed.

H. Informal Hearing on Denial of Application for Licensure by Endorsement

#1. David Diao

Mr. Diao was not present and was not represented. Mr. Harris explained the basis for denial of Mr. Diao's application. Mr. Diao holds a BS in Architectural Engineering and Residential Construction from Harbin Institute of Technology and a MS in Civil Engineering from Texas A&M University. The denial of the application is based on education. Mr. Diao is lacking either a course in chemistry or biological science

Upon motion by Mr. Hahn, seconded by Mr. Todd, that Mr. Diao was properly served with the notice of intent to deny and he requested a 120.57(2), F.S. hearing not involving disputed issues of material facts, the motion passed.

Upon motion by Mr. Hahn, seconded by Mr. Todd, to accept into evidence the complete application file contained in the meeting materials including any supplemental materials provided by Mr. Diao, the motion passed.

Upon motion by Mr. Hahn, seconded by Mr. Todd, that the Board adopt the factual allegations in the notice of intent to deny as the Board's findings of fact, the motion passed.

Upon motion by Mr. Todd, seconded by Ms. Ferguson, to adopt the conclusions of law as alleged in the notice of intent to deny as the Board's conclusions of law and to uphold denial of Mr. Diao's application, the motion and seconded were subsequently withdrawn.

Upon motion by Mr. Todd, seconded by Mr. Bracken, to allow Mr. Diao ten days to withdraw his application or the notice of intent to deny will be upheld and a final order denying the application will be entered, the motion passed.

#2. Flemming Kristensen

Mr. Kristensen was present and sworn in prior to addressing the Board. Mr. Harris explained the basis of denial of Mr. Kristensen's application. Mr. Kristensen holds a BS in Civil Engineering from Technical University of Denmark and a MS in Business Administration from the University of Colorado. The denial of the application is based on exam requirements. Mr. Kristensen has not taken the FE exam and does not qualify for the 15/20 per Florida statute 471.015(5)(a). Therefore, he does not meet the requirements of 471.015(1), F.S.

Upon motion by Mr. Hahn, seconded by Mr. Todd, that Mr. Kristensen was properly served with the notice of intent to deny and he requested a 120.57(2), F.S. hearing not involving disputed issues of material facts, the motion passed.

Upon motion by Mr. Hahn, seconded by Mr. Todd, to accept into evidence the complete application file contained in the meeting materials including any supplemental materials provided by Mr. Kristensen, the motion passed.

Upon motion by Mr. Hahn, seconded by Mr. Todd, that the Board adopt the factual allegations in the notice of intent to deny as the Board's findings of fact, the motion passed.

Mr. Kristensen addressed the Board. Discussion followed.

Mr. Kristensen stated that he would like to withdraw his application.

Upon motion by Mr. Bracken, seconded by Mr. Hahn, to accept the request of Mr. Kristensen to withdraw his application, the motion passed.

#3. Harri Kytomaa

Dr. Kytomaa was present and sworn in prior to addressing the Board. Mr. Harris explained the basis of the denial of Dr. Kytomaa's application. Dr. Kytomaa holds a BS in Engineering from Durham University and a MS and Ph.D. in Mechanical Engineering from California Institute of Technology. The denial of the application is based on education. Dr. Kytomaa lacks nine (9) hours of general education.

Mr. Harris discussed the rule that waives 10 hours of general education if the applicant has a PhD from an accredited ABET program. Discussion followed.

Upon motion by Mr. Todd, seconded by Mr. Shah, to reconsider the application of Dr. Kytomaa and reverse the notice of intent to deny, upon the Board's own motion, the motion passed.

Upon motion by Mr. Shah, seconded by Mr. Hahn, to approve the application of Dr. Kytomaa, the motion passed.

I. Continuation of Informal Hearing on Denial of Application for Licensure by Endorsement

#1. Vennela Yadhati

Ms. Yadhati was not present and was not represented. Mr. Harris explained the basis of denial of Ms. Yadhati's application. Ms. Yadhati holds BS in Electrical & Electronics

Engineering from Jawaharlal Nehru Technological University and MS in Electrical Engineering from Missouri University of Science and Technology. The denial of the application is based on education. Ms. Yadhati's educational credentials evaluation reveals Ms. Yadhati lacks courses in chemistry or biology and those courses need to be shown on an NCEES or Silny evaluation to be credited. At the October 2017 FBPE Board meeting, the Board requested that Ms. Yadhati obtain a detailed, official course information (course descriptions and/or syllabi) of the intermediate college courses that was provided in the supplemental materials. The hearing was continued until the December 2017 board meeting to allow Ms. Yadhati to obtain the requested information.

Discussion followed.

Upon motion by Mr. Todd, seconded by Mr. Bracken, to approve the application of Ms. Yadhati based on the supplemental materials provided, the motion passed.

J. Petition for Waiver and Variance of Rule 61G15-35.003(1)

#1. Frank Morabito

Mr. Morabito was not present and was not represented. Mr. Harris explained the petition of Mr. Morabito. Discussion followed. After review of all materials and the Petition, the Board determined that Mr. Morabito met the requirements of the rule regarding certification as an SI, and accordingly, the application should be approved without action on the petition.

Upon motion by Mr. Bracken, seconded by Mr. Hahn, to approve the application for certification as a Special Inspector and to request that Mr. Morabito withdraw the petition for variance, the motion passed.

Disciplinary Hearings

K. SETTLEMENT STIPULATION

#1. Stephen Mitchell P.E.
P.E. Number: 77318
FEMC Case Number: 2016044376
Probable Cause Panel Date: March 14, 2017
Probable Cause Panel: Fleming, Bracken, & Matthews

Mr. Mitchell was present and sworn in prior to addressing the Board.

Mr. Rimes outlined the facts of the case. The charges relate to violation of Section 471.033(1)(g), F.S., & Rule 61G15-19.001(4) by engaging in negligence in the practice of engineering.

The Probable Cause Panel recommendation was an administrative complaint, administrative costs of \$597.50, Reprimand, appearance before the Board to discuss how this situation occurred, what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future, restricted from structural practice until he takes and passes the NCEES 16 hour structural (vertical) exam, successful completion of the Board Approved Basic Engineering Professionalism and Ethics Course, and successful completion of the Board's Study Guide.

The Settlement Stipulation is an administrative complaint, reprimand, appearance before the Board to discuss how this situation occurred, what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future, restricted from structural practice until he takes and passes the NCEES 8 hour structural (vertical) portion of the 16 hour NCEES Structural exam, successful completion of the Board Approved Basic Engineering Professionalism and Ethics Course, and successful completion of the Board's Study Guide.

Mr. Mitchel addressed the Board.

Upon motion by Mr. Hahn, seconded by Mr. Todd, to accept the settlement stipulation, the motion passed.

L. SETTLEMENT STIPULATION (PREVIOUSLY DEFAULT)

#2. Gilberto Gavarrete, P.E.
P.E. Number: 51371
FEMC Case Number: 2016028352
Probable Cause Panel Date: May 09, 2017
Probable Cause Panel: Fleming, Bracken, & Matthews
Represented by: Jeffery C. Peters, Esq.

Mr. Gavarrete was present along with counsel, Mr. Peters. Mr. Gavarrete was sworn in prior to addressing the Board.

Mr. Rimes stated this is now a settlement stipulation. Mr. Rimes outlined the facts of the case. The charges relate to a violation of §471.033(1) (k), FS: Violating any order of the board of department previously entered in a disciplinary hearing.

The Probable Cause Panel recommendation was an administrative complaint, administrative costs of \$146.25, reprimand, appearance before the Board to discuss how this situation occurred, what improvements and quality control measures will be

implemented to prevent this circumstance from occurring in the future, restricted from practice of MEP/HVAC until he passes the NCEES exam, successful completion of the Board Approved Advanced Engineering Professionalism and Ethics course, and successful completion of the Board's Study Guide.

The Settlement Stipulation is the same as the PCP recommendation.

Mr. Peters mentioned that as of the meeting date, Mr. Gavarrete is only lacking the Professionalism and Ethics and costs. Mr. Peters asked that any suspension of Mr. Gavarrete's license be stayed for 30 days to allow Mr. Gavarrete to complete the outstanding items and avoid suspension.

Discussion followed.

Upon motion by Mr. Todd, seconded by Mr. Hahn, to accept the stipulation and make the effective date of the suspension 30 days from the date of the order, the motion passed.

M. DISCUSSION

#3. Julio Banks P.E.
P.E. Number: 46544
FEMC Case Number: 2015032603 & 2015036080
Probable Cause Panel Date: March 08, 2016
Probable Cause Panel: Fiorillo, Fleming, & Matthews

Mr. Rimes stated that Mr. Banks has requested an extension of time to pay his costs and complete the Professionalism & Ethics (P&E) course per his final order. Discussion followed.

Upon motion by Mr. Hahn, seconded by Mr. Shah, to allow Mr. Banks 30 days to complete the P&E course and pay the fine as required by the final order, the motion passed.

#4. Malcolm Watkins – Request to proceed without prepayment of costs and fees

Mr. Rimes stated that this item is before the Board because Mr. Watkins has requested to proceed with his case at the District Court of Appeal without prepayment.

This item was added after the agenda was completed because the court wants this item dealt with as soon as possible.

Upon motion by Mr. Fleming, seconded by Mr. Hahn, to grant the request of Mr. Watkins, the motion passed.

General Business of the Board

N. Application Review of Experience and Education Files

- (a) Experience files will be in a separate book(s)
- (b) Education files will be in a separate book

O. Committee Reports

#1. Probable Cause Panel **(Next Meeting: January 10, 2018 at 8:30am)**

(Kevin Fleming, P.E., Chair; William Bracken, P.E., S.I.; Bob Matthews, P.E.)
(Alternate Current Board Member: Kenneth Todd, P.E.; Alternate Past Board Member: Richard Wohlfarth, P.E.)

#2. Applications Review – Experience Committee **(Next Meeting: January 10, 2018 at 1pm via conference call)**

(Warren Hahn, P.E., Chair; William Bracken, P.E.; Anthony Fiorillo, P.E.; Kevin Fleming, P.E.; Pankaj Shah, P.E.; Kenneth Todd, P.E.; Babu Varghese, P.E.)

- (a) Committee Chair's Report.

#3. Applications Review – Education Committee **(Next Meeting: January 10, 2018 at 3pm via conference call)**

(Michelle Roddenberry, Ph.D., P.E., Chair; Anthony Fiorillo, P.E.; Kenneth Todd, P.E.) (Alternate Members: Vivian Boza, Public Member; Elizabeth Ferguson, Public Member)

- (a) Committee Chair's Report.

#4. Rules Committee **(Next Meeting: March 13, 2018 at 1pm via conference call)**

(William Bracken, P.E., S.I., Chair; Kevin Fleming, P.E.; Warren Hahn, P.E.; Elizabeth Ferguson, Public Member)

- (a) Committee Chair's Report.

#5. Joint Engineer/Architect Task Force Committee

(William Bracken, P.E., S.I., Chair; Warren Hahn, P.E.; Kevin Fleming, P.E.)

- (a) Committee Chair's Report.

#6. Structural Rules Committee **(Next Meeting: January 8, 2018 at 2pm via conference call)**

(Kevin Fleming, P.E., Chair; Anthony Fiorillo, P.E., S.I.; Pankaj (PJ) Shah, P.E.; Babu Varghese, P.E., S.I.)

(Public Advisors to the committee: Doug Barkley, P.E., FES Representative; Ron Milmed, FSEA Representative)

(a) Committee Chair's Report.

#7. Electrical Rules Committee **(Next Meeting: TBD)**

(Kevin Fleming, P.E., Chair; Warren Hahn, P.E.)

(Public Advisors to the committee: Charlie Geer, FES, FSEA Representative; Art Nordlinger, P.E., IEEE Representative; Alfonso Fernandez-Fraga, P.E.; Ralph Painter, P.E.)

(a) Committee Chair's Report.

Mr. Fleming recommended that this committee be disbanded as it has completed its work.

#8. CE Rules Committee **(Next Meeting: TBD)**

(Kenneth Todd, P.E., Chair; William Bracken, P.E., S.I.; Babu Varghese, P.E., S.I.)

(Public Advisors to the committee: William Dunn; Art Nordlinger, P.E.; Fred Bloetscher; Patrick Ferland; Jamie Gold; Gerry Ward; Al Garza; Rick Barber; Brett Cunningham)

(a) Committee Chair's Report

#9. Certificate of Authorization Committee **(Next Meeting: TBD)**

(Kenneth Todd, P.E., Chair; William Bracken, P.E., S.I.; PJ Shah, P.E.; Elizabeth Ferguson, Public Member)

(Public Advisors to the committee: Andrew Lovenstein, P.E.; Charlie Geer, P.E.)

(a) Committee Chair's Report

P. NCEES

(Anthony Fiorillo, P.E., S.I., FBPE Liaison)

Q. Advisory Attorney's Report

#1. Rules Report

Mr. Harris presented the Rules Report for the Board's review and consideration.

#2. Public Hearing on Rule 61G15-20.0018 - Application for Low Income and Military Veterans Fee Waiver - including the applications

Mr. Harris discussed the proposed language and the proposed application as presented in the meeting materials. Discussion followed.

Upon motion by Mr. Bracken, seconded by Mr. Hahn, to open Rule 61G15-20.0018 for development and propose rule language as shown in the meeting materials, the motion passed.

Mr. Harris asked if the proposed rule language will have an adverse impact on small business or if the proposed rule amendments would be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one (1) year after the implementation of the rule or if the proposed rule language will have a net increase of regulatory costs in excess of one (1) million dollars within five (5) years after the implementation of the final part of the rule or if a violation of any part of the rule could be resolved through issuance of a Notice of Noncompliance.

Upon motion by Mr. Bracken, seconded by Mr. Hahn, that the proposed rule amendments will have no adverse impact on small business and will not increase regulatory costs or have a net increase of regulatory costs in excess of \$200,000 in one (1) year or one (1) million dollars within five (5) years after the implementation of final part of the rule and a violation of any part of the rule cannot be resolved through issuance of a notice of noncompliance, the motion passed.

#3. Public Hearing on Rule 61G15-20.0019 - Active Duty Armed Forces Member/Spouse Application for Licensure - including the application

Mr. Harris discussed the proposed language and the proposed application as presented in the meeting materials. Discussion followed.

Upon motion by Mr. Bracken, seconded by Mr. Todd, to open Rule 61G15-20.0019 for development and propose rule language as shown in the meeting materials, the motion passed.

Mr. Harris asked if the proposed rule language will have an adverse impact on small business or if the proposed rule amendments would be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one (1) year after the implementation of the rule or if the proposed rule language will have a net increase of regulatory costs in excess of one (1) million dollars within five (5) years after the implementation of the final part of the rule or if a violation of any part of the rule could be resolved through issuance of a Notice of Noncompliance.

Upon motion by Mr. Bracken, seconded by Mr. Hahn, that the proposed rule amendments will have no adverse impact on small business and will not increase

regulatory costs or have a net increase of regulatory costs in excess of \$200,000 in one (1) year or one (1) million dollars within five (5) years after the implementation of final part of the rule and a violation of any part of the rule cannot be resolved through issuance of a notice of noncompliance, the motion passed.

#4. Public Hearing on Rule 61G15-20.007 – Educational Requirements for Applicants without EAC/ABET Accredited Engineering Degrees

Mr. Harris discussed the proposed language and the proposed application as presented in the meeting materials. Discussion followed.

Upon motion by Mr. Bracken, seconded by Mr. Hahn, to open Rule 61G15-20.007 for development and propose rule language as shown in the meeting materials, the motion passed.

Mr. Harris asked if the proposed rule language will have an adverse impact on small business or if the proposed rule amendments would be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one (1) year after the implementation of the rule or if the proposed rule language will have a net increase of regulatory costs in excess of one (1) million dollars within five (5) years after the implementation of the final part of the rule or if a violation of any part of the rule could be resolved through issuance of a Notice of Noncompliance.

Upon motion by Mr. Bracken, seconded by Mr. Todd, that the proposed rule amendments will have no adverse impact on small business and will not increase regulatory costs or have a net increase of regulatory costs in excess of \$200,000 in one (1) year or one (1) million dollars within five (5) years after the implementation of final part of the rule and a violation of any part of the rule cannot be resolved through issuance of a notice of noncompliance, the motion passed.

#5. Public Hearing on Rule 61G15-21.007 - Re-examination - including the application and comments from JAPC

Mr. Harris discussed the comments from JAPC, the revised language and the revised application as presented in the meeting materials. Discussion followed.

Upon motion by Mr. Shah, seconded by Ms. Ferguson, to publish a notice of change for Rule 61G15-21.007 with the revised rule language and application as shown in the meeting materials, the motion passed.

Mr. Harris asked if the revised rule language will have an adverse impact on small business or if the proposed rule amendments would be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in

the aggregate in Florida within one (1) year after the implementation of the rule or if the revised rule language will have a net increase of regulatory costs in excess of one (1) million dollars within five (5) years after the implementation of the final part of the rule or if a violation of any part of the rule could be resolved through issuance of a Notice of Noncompliance.

Upon motion by Mr. Bracken, seconded by Mr. Hahn, that the revised rule amendments will have no adverse impact on small business and will not increase regulatory costs or have a net increase of regulatory costs in excess of \$200,000 in one (1) year or one (1) million dollars within five (5) years after the implementation of final part of the rule and a violation of any part of the rule cannot be resolved through issuance of a notice of noncompliance, the motion passed.

Upon motion by Mr. Bracken, seconded Mr. Hahn, to allow staff to correct any changes in the application as needed, the motion passed.

#6. Public Hearing on Rule 61G15-22.0001 – License Renewal

Mr. Harris discussed the proposed language as presented in the meeting materials. Discussion followed.

Upon motion by Mr. Todd, seconded by Mr. Bracken, to open Rule 61G15-22.001 for development and propose rule language as shown in the meeting materials, the motion passed.

Mr. Harris asked if the proposed rule language will have an adverse impact on small business or if the proposed rule amendments would be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one (1) year after the implementation of the rule or if the proposed rule language will have a net increase of regulatory costs in excess of one (1) million dollars within five (5) years after the implementation of the final part of the rule or if a violation of any part of the rule could be resolved through issuance of a Notice of Noncompliance.

Upon motion by Mr. Bracken, seconded by Mr. Hahn, that the proposed rule amendments will have no adverse impact on small business and will not increase regulatory costs or have a net increase of regulatory costs in excess of \$200,000 in one (1) year or one (1) million dollars within five (5) years after the implementation of final part of the rule and a violation of any part of the rule cannot be resolved through issuance of a notice of noncompliance, the motion passed.

#7. Public Hearing on Rule 61G15-23.004 and 61G15-23.005

Mr. Harris discussed the proposed language as presented in the meeting materials. Discussion followed.

Upon motion by Mr. Hahn, seconded by Mr. Todd, to open Rule 61G15-23.004 and 61G15-23.005 for development and propose rule language as shown in the meeting materials, the motion passed.

Mr. Harris asked if the proposed rule language will have an adverse impact on small business or if the proposed rule amendments would be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one (1) year after the implementation of the rule or if the proposed rule language will have a net increase of regulatory costs in excess of one (1) million dollars within five (5) years after the implementation of the final part of the rule or if a violation of any part of the rule could be resolved through issuance of a Notice of Noncompliance.

Upon motion by Mr. Bracken, seconded by Mr. Hahn, that the proposed rule amendments will have no adverse impact on small business and will not increase regulatory costs or have a net increase of regulatory costs in excess of \$200,000 in one (1) year or one (1) million dollars within five (5) years after the implementation of final part of the rule and a violation of part of the rule, paragraph (3)(d), can be resolved through issuance of a notice of noncompliance, the motion passed.

Mr. Harris asked to add amendment of Rule 61G15-19.0051 to the agenda because the Board found violations of paragraph (3)(d) of the previous rules (Rule 61G15-23.004 and 61G15-23.005) could be resolved through issuance of a notice of non-compliance.

Upon motion by Mr. Hahn, seconded by Mr. Bracken, that Rule 61G15-19.0051 be added to the agenda, the motion passed. Mr. Harris then asked that Rule 61G15-19.0051 be amended to add Rules 23.004(3)(d) and 23.005(3)(d) to the list of minor violations that can be resolved through issuance of a Notice of Noncompliance.

Upon motion by Mr. Hahn, seconded by Mr. Bracken, that the proposed rule amendments will have no adverse impact on small business and will not increase regulatory costs or have a net increase of regulatory costs in excess of \$200,000 in one (1) year or one (1) million dollars within five (5) years after the implementation of final part of the rule and a violation of any part of the rule cannot be resolved through issuance of a notice of noncompliance is not applicable to this rule, the motion passed.

#8. Public Hearing on Rule 61G15-35.003 –Qualification Program for Special Inspectors of Threshold Buildings - including the application

Mr. Harris discussed the proposed rule language and the revised application. Discussion followed on the application and proposed rule language. The language in the rule should use the term special/threshold inspection plan and the language in the proposed rule should be changed as needed to reflect this term.

Upon motion by Mr. Shah, seconded by Mr. Hahn, to open Rule 61G15-35.003 for development and propose rule language as shown in the meeting materials as amended including the application with the amendments as discussed, the motion passed.

Mr. Harris asked if the proposed rule language will have an adverse impact on small business or if the proposed rule amendments would be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one (1) year after the implementation of the rule or if the proposed rule language will have a net increase of regulatory costs in excess of one (1) million dollars within five (5) years after the implementation of the final part of the rule or if a violation of any part of the rule could be resolved through issuance of a Notice of Noncompliance.

Upon motion by Mr. Bracken, seconded by Mr. Hahn, that the proposed rule amendments will have no adverse impact on small business and will not increase regulatory costs or have a net increase of regulatory costs in excess of \$200,000 in one (1) year or one (1) million dollars within five (5) years after the implementation of final part of the rule and a violation of any part of the rule cannot be resolved through issuance of a notice of noncompliance, the motion passed.

Mr. Hahn asked that staff forward the email from Mr. Tumin to him along with the contact information for FEMC Board member, Steve Kowkabany.

Ms. Fairchild discussed the proposed changes to the re-examination rule that would not allow FES chapters to offer classes. Discussion followed. The Board decided that no action was needed.

R. Executive Director's Report

#1. Appoint Three Funded Delegates to the 2018 NCEES Southern Zone Meeting – April 19-21, Charlottesville, VA

Ms. Raybon discussed the 2018 NCEES Southern Zone meeting and asked who would be able to attend. The following Board members stated that they would be able to attend: Mr. Fleming, Mr. Todd, Mr. Fiorillo, and Mr. Bracken. Mr. Varghese may also be able to attend.

The funded delegates for the 2018 NCEES Southern Zone meeting will be Mr. Todd, Mr. Fleming and Ms. Raybon.

#2. Update on CE Audits

Ms. Raybon gave an update on the CE audit. Ms. Raybon stated that the first audit letter was sent out around July 25. A follow-up email was sent on September 25th, followed by a certified letter that was sent to the individuals who did not respond to any correspondence. Ms. Raybon stated that of the 1,051 licensees audited, 910 responded with all the required documentation, 73 responded with partial documentation, and almost 50 licensees have not responded to the certified notice. Ms. Raybon stated that there are over 100 engineers who are out of compliance with the CE requirement and the information will be forwarded to the legal department for review/investigation and possible action. Discussion followed.

#3. Discussion on proposal for CE Reporting Software from another vendor

Ms. Raybon discussed the proposal from another vendor for CE reporting. Discussion followed. The Board decided that no action was required at this time.

#4. Follow-up on Emeritus status with FBPE and NCEES

Ms. Raybon stated that staff had heard from all the members except one. Two of the members stated that they did need to be listed as emeritus members. Ms. Raybon stated that she will update the list with NCEES with the responses from the past Board members.

#5. Discussion on accepting transcripts electronically

Ms. Raybon mentioned that staff would like Board approval to accept transcripts electronically. Discussion followed. The Board directed staff to investigate the providers and report back to the Board at a later date.

#6. Report on October Exam Sites

Provided for informational purposes.

#7. 2018 FBPE/FEMC Meeting Calendar

Provided for informational purposes.

S. Chief Prosecutor's Report

#1. 300 day report

Provided for informational purposes.

#2. Profile of legal cases by year

(f) Cases open for 1 year plus

Provided for informational purposes.

(g) Total open cases by year

Provided for informational purposes.

#3. Non-Compliance Report

Provided for informational purposes.

#4. Open case report

Provided for informational purposes.

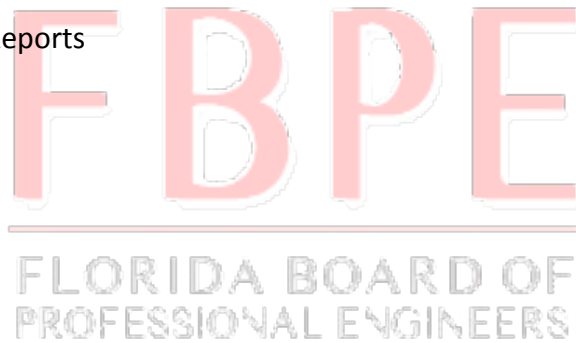
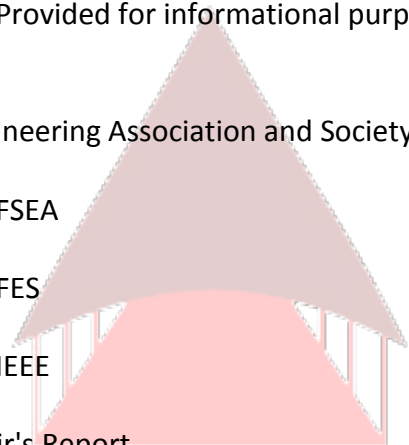
T. Engineering Association and Society Reports

#1. FSEA

#2. FES

#3. IEEE

U. Chair's Report



Mr. Fiorillo stated that a periodic review of our legal counsel is required by Chapter 455, F.S. boards.

Upon motion by Mr. Bracken, seconded by Mr. Todd, to do a review of our legal counsel, the motion passed.

Upon motion by Mr. Fiorillo, seconded by Mr. Shah, that a review be done annually of our Board counsel, the motion passed.

Upon motion by Mr. Fiorillo, seconded by Mr. Todd, that Mr. Harris is doing an excellent job and the Board would like to keep him as our Board counsel for the next year if not longer, the motion passed. The Board chair will write a letter to Mr. Harris' supervisor stating this fact.

V. Action Items from Previous Board Meetings

#1. Email from Mr. Frampton – Re: Can P.E.'s sign and seal 2C survey certifications in Florida

W. Correspondence to the Board

#1. Email from Mr. John Porter, P.E. – RE: Point-of-Service for Fire Protection

Mr. Rimes stated that he asked that this item be on the agenda. Discussion followed.
Mr. Harris will draft a response.

X. Ratification of Actions from earlier Application Review

Upon motion by Mr. Hahn, seconded by Mr. Shah, to approve the ratification list, the motion passed.

Y. Election of Chair and Vice Chair for 2018

Mr. Bracken stated that the Nominations Committee is recommending Mr. Todd as Chair and Mr. Fleming as Vice Chair.

Upon motion by Mr. Bracken, seconded by Mr. Shah, to approve Mr. Todd as the chair for 2018 and Mr. Fleming as the vice chair for 2018, the motion passed.

Z. Old Business

AA. New Business

Mr. Fleming discussed items from December FEMC board meeting which are of interest to the Board. These items are unlicensed activity and that a rule change would be required to do a renewal incentive. Discussion followed on these topics.

Mr. Fiorillo established a task force for renewal and said that he would be on the committee.

BB. Public Forum

CC. Adjourn

Next Board Meeting: January 31-February 1, 2018
Hyatt Place Orlando Airport
5435 Forbes Place
Orlando, FL 32812