

**Minutes for  
The Florida Board of Professional Engineers  
June 20, 2018 beginning at 1:00 p.m. or soon thereafter and  
June 21, 2018 beginning at 8:30 a.m., or soon thereafter  
Hyatt Orlando Airport  
Orlando, Florida**

**Part I – Wednesday, June 20, 2018**

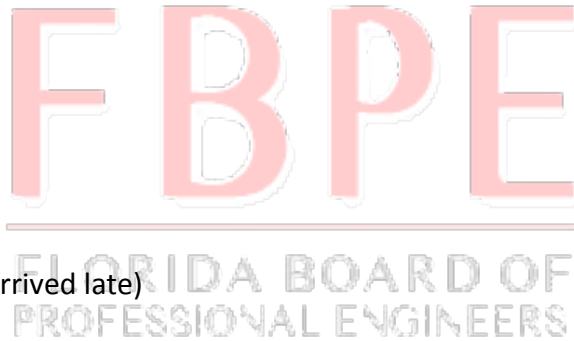
- A. Call to Order, Invocation, and Pledge of Allegiance to the Flag

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

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

**Board Members Present:**

Kevin Fleming, P.E., Acting Chair  
Dylan Albergo, P.E.  
William Bracken, P.E., S.I.  
Scott Drury, P.E.  
Michelle Roddenberry, Ph.D., P.E.  
Walid Sobh, P.E.  
Babu Varghese, P.E., S.I.  
Vivian Boza, Public Member  
Elizabeth Ferguson, Public Member (arrived late)



**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  
William Lampkin, Public Information Officer

**Board Members Absent:**

Kenneth Todd, P.E., Chair  
Pankaj (PJ) Shah, P.E.

- C. Introduction of guests and announcements as to presentations at a time certain

There is a time certain of 2pm for Mr. Lehman regarding his email to the board. This item is under board correspondence.

Charlie Geer, PE, FES  
Joel McDaniel  
Andy Schrader  
Art Nordlinger, PE, IEEE  
Vern Danforth, PE, Florida DOT  
Bobby Bull, Florida DOT

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

Upon motion by Dr. Roddenberry, seconded by Mr. Bracken, to excuse the absence of Mr. Shah, the motion passed.

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

F. Approval of Consent Agenda

Upon motion by Dr. Roddenberry, seconded by Mr. Bracken, to approve the consent agenda, the motion passed.

#1. Minutes from the April 4-5, 2018 FBPE Board Meeting

Approved under consent agenda.

#2. Minutes from May 7, 2018 FBPE Probable Cause Panel Meeting

Approved under consent agenda.

#3. Minutes from May 18, 2018 FBPE Ratification Conference Call

Approved under consent agenda.

#4. Minutes from May 25, 2018 FBPE Certificate of Authorization Rules Committee Conference Call

Approved under consent agenda.

#5. Application for Retired Status

Approved under consent agenda.

G. Committee Reports

#1. Probable Cause Panel **(Next Meeting: July 18, 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.)

(a) Committee Chair's Report.

#2. Applications Review – Experience Committee **(Next Meeting: July 18, 2018 at 1pm via conference call)**

(Babu Varghese, P.E., S.I., Chair; Dylan Albergo, P.E.; William Bracken, P.E.; Scott Drury, P.E.; Kevin Fleming, P.E.; PJ Shah, P.E.; Kenneth Todd, P.E.;)

(a) Committee Chair's Report.

#3. Applications Review – Education Committee **(Next Meeting: July 18, 2018 at 3pm via conference call)**

(Michelle Roddenberry, Ph.D., P.E., Chair; Kenneth Todd, P.E.; Babu Varghese, P.E., S.I.) (Alternate Members: Vivian Boza, Public Member; Elizabeth Ferguson, Public Member)

(a) Committee Chair's Report.

#4. Rules Committee **(Next Meeting: July 17, 2018 at 1pm via conference call)**

(William Bracken, P.E., S.I., Chair; Dylan Albergo, P.E.; Kevin Fleming, P.E.; PJ Shah, P.E.; Elizabeth Ferguson, Public Member)

(a) Committee Chair's Report.

Mr. Bracken asked that the chair reassign the committee chair duties to another member.

#5. Joint Engineer/Architect Task Force Committee

(William Bracken, P.E., S.I., Chair; Scott Drury, P.E.; Kevin Fleming, P.E.)

(a) Committee Chair's Report.

#6. Structural Rules Committee

(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; John Pepper, P.E., S.I.)

(a) Committee Chair's Report.

#7. 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; Gerry Ward; Al Garza; Rick Barber; Brett Cunningham)

(a) Committee Chair's Report

It was suggested that the committee should look at the quality of courses being provided and the authority the board has over CE providers.

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

(Kenneth Todd, P.E., Chair; 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

Mr. Harris reported on the activities of the committee.

#9. Fire Protection Rules Committee **(Next Meeting: TBD)**

(Scott Drury, P.E., Chair)

(Public Advisors to the committee: Steve Kowkabany, P.E.; Warren Hahn, P.E.; Bruce Tumin, P.E.; Karl Thompson; Clay Whitfield)

(a) Committee Chair's Report

Mr. Drury stated that the committee has not met because the committee needs more board members assigned to the committee.

#10. Joint FBPE-FEMC Committee **(Next Meeting: TBD)**

(FBPE Board Members: Kevin Fleming, P.E.; Dylan Albergo, P.E.)

(FEMC Board Members: Barney Bishop, Committee Chair, Public Member; John Stewart, Public Member)

Mr. Albergo discussed the committee and talking points that the committee developed. Mr. Albergo also mentioned presentations that were given to FES and ACEC.

H. NCEES

(Kenneth Todd, P.E., FBPE Liaison)

#1. 2018 NCEES Southern Zone Meeting Report

Provided for informational purposes.

#2. Proposed changes to NCEES By-Laws

Mr. Fleming discussed the annual meeting and the motions that will be before the delegation. Mr. Fleming stated that the motions can be found in the meeting materials or the NCEES website. Mr. Fleming stated that in the past there hasn't been a formal designation regarding who had authority to vote on motions at the annual meeting but he would like to formalize a procedure.

Upon motion by Dr. Roddenberry, seconded by Mr. Drury, to appoint a liaison and an alternate liaison with delegated authority to vote on behalf of FBPE at the NCEES annual meeting and zone meeting, the motion passed.

Upon motion by Dr. Roddenberry, seconded by Mr. Varghese, to appoint Mr. Fleming as the liaison for the NCEES annual meeting, the motion passed.

Upon motion by Mr. Albergo, seconded by Dr. Roddenberry, to appoint Mr. Varghese, as the alternate liaison for the NCEES annual meeting, the motion passed.

I. Advisory Attorney's Report

#1. Rules Report

Mr. Harris presented the rules report for the board's review and consideration.

J. Executive Director's Report

#1. Report on April Exam Sites

Ms. Raybon discussed the reports and how the Orlando exam site is always an issue. Ms. Raybon mentioned that the issue with the Orlando site selection was discussed at the FEMC meeting earlier and she will talk to someone at NCEES in August about the Orlando site.

## #2. 2018 FBPE/FEMC Meeting Calendar

Ms. Raybon and Ms. Sammons stated due to the amount of the anticipated CE cases at the August board meeting, we may need to begin the business portion of the meeting at 8:30am on Wednesday, then start the licensure cases and some legal cases at 1pm on Wednesday. We would then finish the remaining legal cases on Thursday. Ms. Sammons stated that she would let the board know as soon as possible.

## #3. Proposed 2019 FBPE/FEMC Meeting Calendar

Provided for informational purposes.

## K. Chief Prosecutor's Report

### #1. 300 day report

Provided for informational purposes.

### #2. Profile of legal cases by year

(a) Cases open for 1 year plus

Provided for informational purposes.

(b) 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.

## L. Engineering Association and Society Reports

### #1. FSEA

## #2. FES

Mr. Geer reported on some changes that are being proposed to Florida Statute, Chapter 471:

- 008—rulemaking authority
- 013—allow early PE taking; allow tech degree with higher level requirements
- 015—continuation for 013; give FBPE statutory authority to request birthdate; induce an applicant to appear; allow FBPE to mandate SI qualified representative have to take CE
- 023—contractual limitation wording clean up
- 025—repair from damage successor engineer rule
- 033—help in the ability to discipline for moral or fraudulent or dishonest conduct
- 533.79--- include clarification for when an SI is required for remodeled projects

Mr. Bracken talked about the revisions to section 033 and whether it is for initial applications. He then talked about the changes to 533.79.

Dr. Roddenberry talked about 471.013 and waiving of the FE is not consistent in our rules.

## #3. IEEE

### M. Chair's Report

#### #1. Appoint additional board members to Fire Protection Committee

Mr. Fleming appointed Mr. Varghese and himself to the Fire Protection Committee.

#### #2. Appoint new board member to committees

Mr. Fleming appointed Mr. Sobh to the experience committee and the rules committee.

#### #3. Appoint committee to review FEMC Board applications and make recommendations.

Three (3) board positions will be open as of October 31<sup>st</sup> and we have received nine (9) applications as of 6/11/18)

Mr. Fleming appointed Mr. Varghese, Ms. Boza, and Ms. Ferguson to a committee to review and recommend three people for the FPBE board to consider for the FEMC board positions that will be vacant as of October 31<sup>st</sup>. Mr. Fleming would like the committee to have recommendations by the August board meeting.

Mr. Fleming disbanded the joint engineer/architect task force committee because the committee has not met in several years.

Mr. Fleming stated that he will chair the Rules committee.

#### N. Action Items from Previous Board Meetings

#### O. Correspondence to the Board

##### #1. Email from Mr. Lehman – Re: Bridge Collapse – time certain of 2pm

Mr. Lehman was present and addressed the board about the bridge collapse.

##### #2. Preliminary report from NTSB on bridge collapse

Provided for informational purposes.

##### #3. Email from Mr. Danforth, PE – Re: Rule 61G15-23.001 Signature, Date and Seal

Mr. Danforth addressed the board on 3-D models and what DOT is doing and what they would like the board to do.

Mr. Varghese talked about BIM. Discussion followed.

Mr. Fleming referred the item to the Rules committee for the upcoming meeting.

##### #4. Email from FBPE Board member Drury, PE – Re: about FS 471.031(1)

Mr. Drury talked about statute and the protected titles and the reason he asked that it be on the agenda.

Discussion followed on this.

Mr. Drury stated that he will write an article about this issue for the next newsletter.

##### #5. Email from Mr. Peter Aquart – re: plans

Mr. Rimes talked about this email and that the email from Mr. Cranor is about the same issue from a different county.

Mr. Fleming talked about the emails and that this seems like the FDOT issue.

Discussion followed on these emails.



Mr. Bracken stated that the board should invite municipalities here and let them know that they are making the engineers violate our rules.

Mr. Fleming stated that the board should respond to the licensees that the board understands their position and the building departments are making the engineers potentially be in violation of our rules. Mr. Bracken stated that he would help with the response.

#6. Email from Mr. McDaniel – Re: Unlicensed Activity

Mr. McDaniel addressed the board about this issue.

Discussion followed.

Mr. Rimes stated that all engineering firms have requirements for all engineering documents coming out of the firm and a final engineering document filed for public record or given to client has to be signed, sealed and dated by a licensed engineer.

#7. Email from Mr. Sheldon – Re: Renewal & CE Requirements for PE License

Ms. Raybon talked about the email. The board stated the CE requirements are what they are and he has to meet them.

Staff will respond to Mr. Sheldon.

#8. Email from Mr. Bayindir – Re: Equivalency achieved by credentials evaluation

Ms. Raybon talked about this email. The board stated that the master's degree can be used after staff confirms the master degree was not used to determine equivalency and the experience gained was outside of master's degree program.

#9. Email from Mr. Cranor – Re: Electronic Signatures

This item was handled under item #5.

P. Public Forum

Mr. Varghese talked about a product approval seminar that he recently attended.

Q. Community Involvement

**Part II**  
**Informal Hearing Agenda**  
**(Thursday, June 21, 2018)**

**Review of FBPE Mission and Scope:**

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

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.

**Description of Educational Committee Process by Michelle Roddenberry, Ph.D., P.E.**

R. Ratification of Actions from Application Review, June 20, 2018

Upon motion by Mr. Bracken, seconded by Mr. Varghese, to approve the ratification list, the motion passed.

S. Continuation of Board Appearance on Application for Licensure by Endorsement

#1. Leland Chapman

Mr. Harris explained the case to the board. Mr. Harris stated that Mr. Chapman appeared at the February 2018 FBPE Board meeting to address his past disciplinary action and the failure to indicate that discipline of his application. At that meeting, the board requested that Mr. Chapman provide an affidavit from the subordinate engineer who completed Mr. Chapman's application for licensure, regarding the "no" answer to discipline. The board continued the appearance until the June meeting. On April 27, 2018, Mr. Chapman provided a statement by the individual who completed the registration process for Mr. Chapman. Mr. Chapman was provided notice of the June 2018 board meeting and notified staff that he would NOT be attending the June 2018 Board meeting.

Discussion followed.

Upon motion by Mr. Varghese, seconded by Mr. Bracken, to deny the application of Mr. Chapman based on FS 471.003(c), the motion passed.

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

#1. Jose Noriega

Mr. Noriega was present and sworn in prior to addressing the board. Mr. Harris explained the basis of the denial of Mr. Noriega's application. Mr. Noriega holds a BS in Electrical Engineering Technology from University of Massachusetts Lowell. The basis for the denial is education. Mr. Noriega has an Electrical Engineering Technology degree. Mr. Noriega originally applied in 2015 to take the PE exam and was denied. Mr. Noriega appeared before the board in June 2016 in reference to his application. A final order was issued denying his application based on the fact that he has a Technology Degree. In August 2016, Mr. Noriega appeared before the board again and withdrew his application for the PE Exam after discussion with the board. The board allowed him to withdraw his application. He has now reapplied for licensure with a new application, which was denied for the same reasons.

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

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

Upon motion by Dr. Roddenberry, 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.

Mr. Noriega addressed the board.

Mr. Harris stated that Mr. Noriega is disputing facts so we need to stop this hearing and take to this matter to DOAH.

Discussion followed.

Mr. Harris presented Mr. Noriega with his options.

Mr. Noriega requested to withdraw his application.

Upon motion by Dr. Roddenberry, seconded by Ms. Boza, to accept the request of Mr. Noriega to withdraw his application, the motion passed.

#### U. Board Appearance on Application for Licensure by Endorsement

##### #1. Jose Soler Martinez

Mr. Martinez was present and sworn in prior to addressing the board.

Mr. Harris explained the reason the experience committee requested the board appearance.

Mr. Martinez addressed the board.

Discussion followed.

Upon motion by Mr. Bracken, seconded by Mr. Varghese, to approve the application of Mr. Martinez, the motion passed.

## #2. Gary Beane

Mr. Harris explained the reason the experience committee requested the board appearance. Mr. Beane did not disclose a prior disciplinary action on his application for licensure, but it does appear on his NCEES record.

Discussion followed.

Upon motion by Mr. Bracken, seconded by Ms. Boza, to deny the application of Mr. Beane, the motion passed.

## #3. Javier Villa

Mr. Villa was present and sworn in prior to addressing the board.

Mr. Harris explained the reason the experience committee requested the board appearance.

Mr. Villa addressed the board.

Discussion followed.

Upon motion by Mr. Bracken, seconded by Mr. Albergo, to approve the application of Mr. Villa, the motion passed.

## V. Board Appearance on Application for Principles and Practice Examination

### #1. Salvador Bentolila Chocron

Mr. Chocron was present and sworn in prior to addressing the board.

Mr. Harris explained the reason the experience committee requested the board appearance.

Mr. Chocron addressed the board.

Discussion followed.

Upon motion by Mr. Bracken, seconded by Mr. Varghese, to approve the application of Mr. Chocron, the motion passed.

#2. Daniel Caycho

Mr. Caycho was present and sworn in prior to addressing the board.

Mr. Harris explained the reason the experience committee requested the board appearance.

Mr. Caycho addressed the board.

Discussion followed.

Upon motion by Mr. Bracken, seconded by Mr. Varghese, to approve the application of Mr. Caycho, the motion passed.

#3. Sari Kharroub

Mr. Kharroub was present and sworn in prior to addressing the board.

Mr. Harris explained the reason the experience committee requested the board appearance.

Mr. Kharroub addressed the board.

Discussion followed.

Upon motion by Mr. Albergo, seconded by Mr. Drury, to approve the application of Mr. Kharroub, the motion passed.

#4. Jason Pollock

Mr. Pollock was present and sworn in prior to addressing the board.

Mr. Harris explained the reason the experience committee requested the board appearance.

Mr. Pollock addressed the board.

Discussion followed.

Upon by Mr. Bracken, seconded by Mr. Varghese, to approve the application of Mr. Pollock, the motion passed.

#### W. Hearing on Petition for Waiver and Variance of Rule 61G15-35.003

##### #1. Andrew Schrader

Mr. Schrader was present and sworn in prior to addressing the board

Mr. Harris explained the petition and past actions regarding this applicant and that there is a pending open SI application that the board will need to act on today.

Mr. Schrader addressed the board

Mr. Varghese addressed his issues with the petition.

Mr. Bracken talked about the petition and went over the petition item by item as to create a record:

- Item A: waiver of Rule 61G15-35 (1)(c) "Qualifications Program for Special Inspectors of Threshold Buildings" – in particular the certification part of the rule.
- Item B: type of action requested: asking that in light of his experience, training and education that this board waive the requirement for him.
- Item C: reason why the variance or the waiver requested would serve the purpose of the underlying statute: and the grounds for hardship are the assertions that taking those courses it would impose an undue hardship on him financially.
- Item D: the specific facts that would justify a waiver or variance for the petitioner: asked Mr. Schrader to sum up the two and half pages in the petition. Mr. Schrader addressed the board about this.

Discussion followed.

Upon motion by Mr. Varghese, seconded by Mr. Bracken, to deny the petition because he has not achieved the purpose of the underlying statute by other means because he has not demonstrated either an undue hardship or violation of principles of fairness, the motion passed.

Upon motion by Mr. Bracken, seconded by Mr. Varghese, to table the application for nine (9) months to allow the applicant the time to obtain the required certifications or staff can approve an additional extension of time if requested, the motion passed.

X. Review and Action on Licensure for Endorsement Application

#1. Steve Syrcle

Mr. Syrcle was present and sworn in prior to addressing the board. Mr. Bayo appeared, *pro bono*, on behalf of Mr. Syrcle and addressed the board

Mr. Syrcle asked to withdraw his application.

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

Y. Applicant presented for Board Review/Formal Hearing Discussion

#1. Mario Castaneda Munoz

Dr. Munoz was present, along with counsel, Mr. Bayó. Dr. Munoz was sworn in prior to addressing the board.

Mr. Harris stated that the FE is no longer an issue because there is information in the meeting materials that show that Dr. Munoz has taught at a higher level for three or more years.

Mr. Bayó addressed the board.

Discussion followed on the application.

Upon motion by Mr. Bracken, seconded by Mr. Varghese, to vacate the notice of intent to deny and approve the application for Dr. Munoz, the motion passed.

Part III  
**Disciplinary Hearings**  
**(Thursday, June 21, 2018)**

**Part 1 -Continuing Education Cases**

Z. **INFORMAL HEARING**

#1. Errol S. Abdulla, P.E

P.E. Number: 74803

FEMC Case Number: 2017058930

Probable Cause Panel Date: March 14, 2018  
Probable Cause Panel: Fleming, Bracken, & Matthews  
Represented By: Edwin Bayó, Esquire

Mr. Abdulla was present along with counsel, Mr. Bayó. Mr. Abdulla was sworn in prior to addressing the board.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of §471.033(1)(a), F.S.: Violating ... any other provision of this chapter or rule of the board or department. Rule 61G15-19.001(6)(s), F.A.C.: Renewing or reactivating a license without completion of Continuing Education (CE) hours.

The Probable Cause Panel recommendation was Administrative Complaint; Administrative Costs of \$113.10; Administrative Fine of \$500; Reprimand.

Upon motion by Mr. Albergo, seconded by Ms. Ferguson, the respondent was properly served with the Administrative Complaint and filed an election of rights electing a Chapter 120.57(2) hearing not involving disputed issue of material facts. The motion passed.

Upon motion by Mr. Albergo, seconded by Ms. Ferguson, to accept the Statement of Undisputed Material Facts presented as the Board's findings of fact, the motion passed.

Upon motion by Mr. Albergo, seconded by Ms. Ferguson, the entire investigative file of the case including the supplemental materials was accepted into evidence, the motion passed.

Mr. Bayó addressed the board.

Upon motion by Mr. Albergo, seconded by Ms. Ferguson, to adopt the allegations in the Administrative Complaint as the Board's conclusions of law, and to find a violation of the practice act upon which discipline may be imposed, the motions passed.

Ms. Ferguson made a motion to accept the recommendation of the probable cause panel. The motion failed for lack of a second.

Upon motion by Dr. Roddenberry, seconded by Ms. Ferguson, to impose costs and issue a reprimand, the motion passed.

#2. Steven Grasley, P.E

P.E. Number: 73110  
FEMC Case Number: 2017058979  
Probable Cause Panel Date: March 14, 2018  
Probable Cause Panel: Fleming, Bracken, & Matthews



Represented By: Edwin Bayó, Esquire

Mr. Grasley was present along with counsel, Mr. Bayó. Mr. Grasley was sworn in prior to addressing the board.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of §471.033(1)(a), F.S.: Violating ... any other provision of this chapter or rule of the board or department. Rule 61G15-19.001(6)(s), F.A.C.: Renewing or reactivating a license without completion of Continuing Education (CE) hours.

The Probable Cause Panel recommendation was Administrative Complaint; Administrative Costs of \$105.30; Administrative Fine of \$500; Reprimand.

Mr. Bayó addressed the board.

Mr. Rimes stated that this was a case of missing the L/R course and the ethics course.

Upon motion by Mr. Drury, seconded by Ms. Boza, to dismiss the ethics portion of the administrative complaint, the motion passed.

Upon motion by Mr. Albergo, seconded by Ms. Ferguson, the respondent was properly served with the Administrative Complaint and filed an election of rights electing a Chapter 120.57(2) hearing not involving disputed issue of material facts. The motion passed.

Upon motion by Mr. Albergo, seconded by Ms. Ferguson, to accept the Statement of Undisputed Material Facts presented as the Board's findings of fact, the motion passed.

Upon motion by Mr. Albergo, seconded by Ms. Ferguson, the entire investigative file of the case including the supplemental materials was accepted into evidence, the motion passed.

Mr. Bayó addressed the board.

Upon motion by Mr. Albergo, seconded by Ms. Ferguson, to adopt the allegations in the Administrative Complaint as the Board's conclusions of law, and to find a violation of the practice act upon which discipline may be imposed, the motions passed.

Upon motion by Dr. Roddenberry, seconded by Mr. Drury, to impose no discipline due to the number of CE courses he has already taken in other states, his response to the audit, and his appearance before the board today and his explanation, the motion passed.

Upon motion by Dr. Roddenberry, seconded by Mr. Drury, to impose costs, the motion passed.

#3. James L. Buckner, P.E

P.E. Number: 31242  
FEMC Case Number: 2017058945  
Probable Cause Panel Date: March 14, 2018  
Probable Cause Panel: Fleming, Bracken, & Matthews  
Represented By: Edwin Bayó, Esquire

Mr. Bayó was present.

Mr. Rimes outlined the facts of the case. The charges relate to the violation of §471.033(1)(a), F.S.: Violating ... any other provision of this chapter or rule of the board or department. Rule 61G15-19.001(6)(s), F.A.C.: Renewing or reactivating a license without completion of Continuing Education (CE) hours.

Mr. Rimes stated that he is recommending that this case be dismissed because the Respondent took the Texas Board approved ethics course and the rule in effect at the time does not state that it has to be a Florida approved course.

The Probable Cause Panel recommendation was Administrative Complaint: Administrative Costs of \$105.30; Administrative Fine of \$500; Reprimand.

Upon motion by Mr. Drury, seconded by Ms. Ferguson, to dismiss the case, the motion passed.

Mr. Bayó waived the claim to any attorney's fees.

**This case is not on the agenda:**

Naseer Ahmed, P.E  
P.E. Number: 80196  
FEMC Case Number: 2017058814  
Probable Cause Panel Date: March 14, 2018  
Probable Cause Panel: Fleming, Bracken, & Matthews  
Represented By: Jeff Peters, Esquire

Mr. Ahmed was present with his attorney, Mr. Jeff Peters, Esq. This case is not in the meeting materials but this item can be added to the agenda by the chair if good cause is shown. The item was added to the agenda for good cause because the Mr. Ahmed and Mr. Peters were in attendance and had travelled a significant distance to attend the meeting. Mr. Ahmed was sworn in prior to addressing the board.

Mr. Rimes stated that this is CE Audit case and an administrative complaint has been issued. Mr. Rimes stated the Mr. Ahmed renewed his license and attested that he completed the required CE and he was unable to produce the laws and rules and ethics documentation because he had not taken them at the time. In November 2017, he submitted the documentation that he has complied.

Mr. Peters addressed the board.

Mr. Ahmed addressed the board.

Mr. Peters addressed the board about the penalties.

Mr. Rimes talked about the case and possible stipulation options.

**AA. SETTLEMENT STIPULATION CE FILES – NO APPEARANCE REQUIRED**

These cases were tabled until a later board meeting so the prosecuting attorney could review the facts of the case based on the actions of the board taken during the June 20-21 meeting.

#4. Tracey D. Bellamy, P.E.

P.E. Number: 50388  
FEMC Case Number: 2017058890  
Probable Cause Panel Date: March 14, 2018  
Probable Cause Panel: Fleming, Bracken, & Matthews

#5. Craig Bianchini, P.E.

P.E. Number: 57395  
FEMC Case Number: 2017058892  
Probable Cause Panel Date: March 14, 2018  
Probable Cause Panel: Fleming, Bracken, & Matthews

#6. Arturo A. Burbano, P.E.

P.E. Number: 81183  
FEMC Case Number: 2017058894  
Probable Cause Panel Date: March 14, 2018  
Probable Cause Panel: Fleming, Bracken, & Matthews  
Represented by: R. Jeffrey Stull, Esquire

#7. James T. Dolye, P.E.

P.E. Number: 24719  
FEMC Case Number: 2017058966  
Probable Cause Panel Date: March 14, 2018  
Probable Cause Panel: Fleming, Bracken, & Matthews

#8. Edward Geraghty, P.E.  
P.E. Number: 72136  
FEMC Case Number: 2017058977  
Probable Cause Panel Date: March 14, 2018  
Probable Cause Panel: Fleming, Bracken, & Matthews

#9. Kip Hanzlicek, P.E.  
P.E. Number: 48773  
FEMC Case Number: 2017058987  
Probable Cause Panel Date: March 14, 2018  
Probable Cause Panel: Fleming, Bracken, & Matthews

#10. Bradley D. Heilwagen, P.E.  
P.E. Number: 70891  
FEMC Case Number: 2017058989  
Probable Cause Panel Date: March 14, 2018  
Probable Cause Panel: Fleming, Bracken, & Matthews

#11. Troy Hudson, P.E.  
P.E. Number: 62051  
FEMC Case Number: 2017058993  
Probable Cause Panel Date: March 14, 2018  
Probable Cause Panel: Fleming, Bracken, & Matthews

#12. Matthew J. Johnson, P.E.  
P.E. Number: 72891  
FEMC Case Number: 2017059074  
Probable Cause Panel Date: March 14, 2018  
Probable Cause Panel: Fleming, Bracken, & Matthews

#13. Michael Leydecker, P.E.  
P.E. Number: 56576  
FEMC Case Number: 2017059006  
Probable Cause Panel Date: March 14, 2018  
Probable Cause Panel: Fleming, Bracken, & Matthews

#14. Mario Macrina, P.E.  
P.E. Number: 76373  
FEMC Case Number: 2017059011  
Probable Cause Panel Date: March 14, 2018  
Probable Cause Panel: Fleming, Bracken, & Matthews

#15. Julian Rachman, P.E.



P.E. Number: 38256  
FEMC Case Number: 2017059028  
Probable Cause Panel Date: March 14, 2018  
Probable Cause Panel: Fleming, Bracken, & Matthews

#16. David Sonders, P.E.

P.E. Number: 66365  
FEMC Case Number: 2017059033  
Probable Cause Panel Date: March 14, 2018  
Probable Cause Panel: Fleming, Bracken, & Matthews

#17. Tzu-Jui Tang, P.E.

P.E. Number: 79479  
FEMC Case Number: 2017059036  
Probable Cause Panel Date: March 14, 2018  
Probable Cause Panel: Fleming, Bracken, & Matthews

#18. Carlos A. Vargas, P.E.

P.E. Number: 53809  
FEMC Case Number: 2017058926  
Probable Cause Panel Date: March 14, 2018  
Probable Cause Panel: Fleming, Bracken, & Matthews

#19. Anthony Varrichio, P.E.

P.E. Number: 61582  
FEMC Case Number: 2017059042  
Probable Cause Panel Date: March 14, 2018  
Probable Cause Panel: Fleming, Bracken, & Matthews

#20. Martin Wayne, P.E.

P.E. Number: 30334  
FEMC Case Number: 2017059050  
Probable Cause Panel Date: March 14, 2018  
Probable Cause Panel: Fleming, Bracken, & Matthews

#21. Mark T. Wilson, P.E.

P.E. Number: 73710  
FEMC Case Number: 2017059061  
Probable Cause Panel Date: March 14, 2018  
Probable Cause Panel: Fleming, Bracken, & Matthews

#22. Michael Wilson, P.E.

P.E. Number: 78681  
FEMC Case Number: 2017058811

Probable Cause Panel Date: March 14, 2018  
Probable Cause Panel: Fleming, Bracken, & Matthews

**BB. VOLUNTARY RELINQUISHMENT**

#23. Edward Hutson, P.E.

C.A. Number: 52339  
FEMC Case Number: 2017058997  
Probable Cause Panel Date: March 14, 2018  
Probable Cause Panel: Fleming, Bracken, & Matthews  
This case was tabled until the August 2018 FBPE Board meeting.

**Part 2 –Regular Disciplinary Cases**

**CC. SETTLEMENT STIPULATION**

#24. Gary A. Santti, P.E.

C.A. Number: 43731  
FEMC Case Number: 2015023764  
Probable Cause Panel Date: January 10, 2018  
Probable Cause Panel: Fleming, Bracken, & Matthews  
Represented by: David Rankin, Esquire

Mr. Santti was present and sworn in prior to addressing the board.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1)(g), F.S., & Rule 61G15-19.001(4) by engaging in negligence in the practice of engineering; Section 471.033(1) (j), Florida Statutes, (j) Affixing or permitting to be affixed his or her seal, name, or digital signature to any final drawings, specifications, plans, reports, or documents that were not prepared by him or her or under his or her responsible supervision, direction, or control.

The Probable Cause Panel Recommendation was Administrative Complaint, administrative costs of \$14,603.25, administrative fine of \$6,000(\$1,000.00 per count), 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, two years' probation, successful completion of the Board Approved Basic Engineering Professionalism and Ethics course, project/plan reviews at 6 and 18 month intervals, and successful completion of the Board's Study Guide.

The Settlement Stipulation is an Administrative Complaint, administrative costs of \$14,603.25, administrative fine of \$1,000.00, 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, two years' probation, successful completion of the Board Approved Basic Engineering Professionalism and Ethics course, project/plan reviews at 6 and 18 month intervals, and successful completion of the Board's Study Guide.

Mr. Santti addressed the board.

Upon motion by Mr. Albergo, seconded by Ms. Ferguson, to accept the settlement stipulation, the motion passed.

DD. **DEFAULT**

#25. Winthrop Barnett, P.E.

P.E. Number: 25576  
FEMC Case Number: 2015052732  
Probable Cause Panel Date: January 10, 2018  
Probable Cause Panel: Fleming, Bracken, & Matthews  
Represented by: Jeff Peters, Esquire

Mr. Rimes outlined the facts of the case. The charges relate to a 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 \$12,052.45, administrative fine of \$2,000(\$1,000.00 per count), 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, restriction from electrical and mechanical practice until he passes each of the NCEES exams with project reviews at 6 and 18 months after he takes and passes the mechanical exam and 6 and 18 month project review after he takes and passes the electrical exam, two year probation, successful completion of the Board-approved Advanced Engineering Professionalism and Ethics course, and successful completion of the Board's Study Guide, as well as 6 and 18 month project review on civil projects.

Upon motion by Ms. Ferguson, seconded by Mr. Albergo, that the respondent was properly served with the complaint and failed to file an election of rights required by law within the required time and that by failing to respond in writing as required by law the respondent has waived his right to request a hearing and to grant the motion that the respondent has forfeited his right to select an administrative hearing under section 120.569 and 120.57(1) and convene a hearing under section 120.57(2), F.S.,; and that

the Board adopt the findings of facts contained within the administrative complaint as the board's findings of facts and to adopt the conclusions of law contained in the administrative complaint as the Board's conclusions of law and there is a violation of the practice act, the motion passed.

Upon motion by Ms. Ferguson, seconded by Mr. Albergo, to accept the complete investigate file into the record and a violation has occurred, the motion passed.

Upon motion by Mr. Drury, seconded by Ms. Boza, to suspend the license of Mr. Barnett until he appears before the board and reserve the right to impose penalty under the guidelines and reserve the right to impose costs when he appears, the motion passed.

EE. **VOLUNTARY RETIREMENT**

#26. Aldo Jack Messulam, P.E.

P.E. Number: 12326  
FEMC Case Number: 2014017182 & 2017016054  
Probable Cause Panel Date: March 10, 2015(case # 2014017182)  
Probable Cause Panel: Fiorillo, Matthews & Pepper (case # 2014017182)  
Represented by: Jeremy C. Daniels, Esquire  
Note: Case # 2017016054 has not gone to PCP

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

Mr. Rimes stated that a final order was filed on October 14, 2015 in which Mr. Messulam was charged with and disciplined for negligence in the practice of engineering. As a condition of that Final Order, Mr. Messulam was required to take and pass the Basic Engineering Professionalism and Ethics Course. Due to Mr. Messulam's failure to meet this requirement, a complaint was opened against Mr. Messulam for violation of the Final Order. Since the inception of that complaint, several conversations have occurred between Board staff and Jeremy Daniels, Mr. Messulam's attorney. During these discussions, an offer was made which would allow Mr. Messulam to voluntarily relinquish his Professional Engineer license in lieu of further disciplinary action. Mr. Messulam has been unwilling to agree to this offer. As an alternative, counsel for Mr. Messulam has requested that his client be allowed to retire his Professional Engineer license. The concept underlying this matter was presented before the Board at the April 2018 Board meeting. While not taking a vote, the Board appeared to be agreeable to the concept of amending the Final Order in order to allow the Respondent's PE license to go into permanent retirement.

Upon motion by Mr. Albergo, seconded by Ms. Ferguson, to amend the final order to allow the Mr. Messulam to retire his license as requested, the motion passed.



**FF. DISCUSSION ON MOTION TO STAY AND LEVY EXECUTION**

#27. Early Henry

P.E. Number: 45894  
FEMC Case Number: 2015013030  
Probable Cause Panel Date: May 9, 2017  
Probable Cause Panel: Fleming, Bracken, & Matthews

Mr. Harris explained the motion regarding the case that went before DOAH and this is a request to put everything on hold pending the results of an appeal with the district court.

Discussion followed.

Upon motion by Mr. Fleming, seconded by Mr. Drury, to grant the motion to stay and levy execution, the motion passed.

GG. Old Business

HH. New Business

II. Adjourn

