

FILED
Florida Engineers
Management Corporation
08/16/2018 Clerk: Rebecca Valentine

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK Brandon Nichols
Date 8/16/2018
File # 2018-06590

F FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2017016715

DANIEL J. MOSS, P.E.

Respondent,

_____ /

FINAL ORDER ADOPTING SETTLEMENT STIPULATION

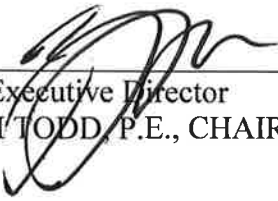
THIS CAUSE came before the FLORIDA BOARD OF PROFESSIONAL ENGINEERS ("Board"), pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on August 08, 2018 in Orlando, Florida, for the purpose of considering a Settlement Stipulation (attached hereto as "Exhibit A to Final Order") entered into between 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 13 day of August, 2018.


FLORIDA BOARD OF PROFESSIONAL ENGINEERS



Zana Raybon, Executive Director
For KENNETH TODD, P.E., CHAIR

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 Daniel J. Moss, P.E. By service upon his attorney of record: Martin E. Dix, Esquire, Akerman LLP, 106 East College Avenue, Suite 1200, Tallahassee, Florida 32301 this 20 day of August, 2018.



Rebecca Valentine,
Paralegal

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2017016715

DANIEL J. MOSS, P.E.,

Respondent,

SETTLEMENT STIPULATION

DANIEL J. MOSS, P.E. ("Respondent") and the Florida Engineers Management Corporation ("FEMC") hereby stipulate and agree to the following Joint Settlement Stipulation ("Stipulation") and to entry of a Final Order of the Florida Board of Professional Engineers ("Board"), incorporating this Stipulation in the above-styled matter.

STIPULATED FACTS

1. For all times pertinent hereto, Respondent, DANIEL J. MOSS, P.E., was a licensed engineer in the State of Florida, having been issued license number PE 56885.
2. Respondent was charged with violations of Chapter 471, Florida Statutes, in an Administrative Complaint filed by the Florida Engineers Management Corporation, and properly served upon Respondent. True and correct copies of the filed Administrative Complaints are attached hereto and incorporated herein by reference as "Composite Exhibit A to Settlement Stipulation".

STIPULATED CONCLUSIONS OF LAW

1. Respondent, in Respondent's capacities as a licensed professional engineer admits that, in such capacity, Respondent is subject to the provisions of Chapter 471, Florida Statutes, and the

jurisdiction of the Department of Business and Professional Regulation (“Agency” or “Department”), FEMC, and the Board.

2. Respondent admits that the facts set forth in the Administrative Complaint, if proven, constitute violations of Chapter 471, Florida Statutes, as alleged in the Complaint.

STIPULATED DISPOSITION OF LAW

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

2. Should Respondent fail to comply with the terms of the Final Order, an administrative complaint for failure to comply with final order will automatically be opened against Respondent.

3. Respondent shall pay an **ADMINISTRATIVE FINE** of \$1,000.00 and **COSTS** of \$11,611.30 to the Board **within one (1) year** of the date that the Final Order adopting this Stipulation is filed with the Agency Clerk.

4. Respondent shall **APPEAR** before the Board when this Stipulation is presented. Respondent must be prepared to discuss: how this situation occurred, what improvements and quality control measures Respondent plans to implement to improve Respondent’s work product, and how Respondent intends to prevent this circumstance from occurring in the future.

5. Respondent shall be placed on **PROBATION** for two (2) years from the date the Final Order adopting this Stipulation is filed with the Agency Clerk., with the following terms:

a. Respondent shall successfully complete a Board-approved course in **BASIC ENGINEERING PROFESSIONALISM AND ETHICS** within one (1) year of the date the Final Order adopting this Stipulation is filed with the Agency Clerk. Prior to that date, Respondent shall submit to the Board a Certificate of Completion of the course. It is the Respondent’s responsibility to notify the Board that he has completed the course in a timely manner. Respondent may contact the Florida Engineering Society (“FES”), 125 South

Gadsden St., Tallahassee, FL 32301, (850)224-7121, for information regarding the availability of such courses in Florida; however, if the FES provides any information regarding such a course to the Respondent, the Respondent must submit that course information to the FEMC for review and determination as to whether or not it will comply with the Board's requirements. Respondent may also elect to complete one of the following correspondence courses offered by:

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

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

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

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

b. Respondent shall successfully complete the **STUDY GUIDE** which has been prepared by the Board and which will be furnished to Respondent, regarding the Engineering Practice Act, Chapter 471, Florida Statutes, and the Rules of the Board. Respondent is required to provide a personal email address that will be used to access the on-line study guide. The study guide must be completed within thirty (30) days of the date on which the Final Order incorporating this Stipulation is filed with the Agency Clerk.

c. Respondent shall submit to the Board a detailed list of all completed projects and reports (signed, sealed, and dated), by the Respondent for **PROJECT REVIEW** at six (6)

and eighteen (18) month intervals from the date 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.**

d. **A FEMC Consultant** will select two (2) projects or reports from each submitted list for review. **Respondent is responsible for promptly furnishing any set of completed plans (signed, sealed, and dated), calculations, and any other supporting documentation requested by the Consultants.** The Respondent must sign, date, and seal all materials that are submitted for project review using a non-embossed 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 \$2,000.00 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 \$2,000.00, then the Respondent is responsible for the deficiency. In the event that the cost of the reviews is less than \$2,000.00, then the unused portion will be refunded to. 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.

e. If the Respondent has not performed engineering services on a sufficient number of projects or reports to make the submissions required by 5c., above, the initial or, if applicable, the subsequent submission required by the terms of probation 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 requirements of the terms of probation, 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, unless and until Respondent notifies the Board that he wishes to recommence practice and obtains Board authorization to reactivate his license under such terms of probation that the Board deems appropriate at that time.

f. Should the FEMC Consultant return a favorable report after reviewing the documents submitted during the first year of probation, the requirements for the second year of probation may be waived and the probation may be terminated. 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 projects or reports reviewed were considered to be free of any material deficiencies.

g. 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.

7. Respondent acknowledges that neither Respondent's attendance at the Board Meeting when this Stipulation is presented, nor any continuing education or college level courses taken as a requirement of the terms of this Stipulation may be used to comply with the continuing education requirements of Chapter 61G15-22, Florida Administrative Code.

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

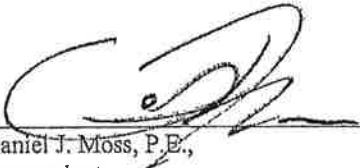
9. This Stipulation is executed by Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to, or in conjunction

with, consideration of this Stipulation. Furthermore, should this Stipulation not be accepted by the Board, it is agreed that presentation to and by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration, or resolution of these proceedings.

10. Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review of or otherwise challenge or contest the validity of the joint Stipulated Facts, Conclusions of Law, imposition of discipline, and the Final Order of the Board incorporating this Stipulation.

11. Respondent waives the right to seek any attorney's fees or costs from the Board in connection with this disciplinary proceeding.

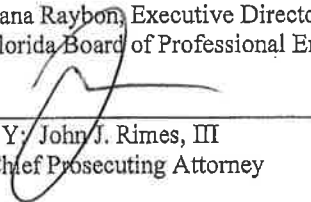
WHEREFORE, the parties hereto request the Board to enter a Final Order accepting and implementing the terms contained herein.



Daniel J. Moss, P.E.,
Respondent
Case No. 2017016715
Dated: June 26, 2018

APPROVED this 1 day of July, 2018.

Zana Raybon, Executive Director
Florida Board of Professional Engineers



BY: John J. Rimes, III
Chief Prosecuting Attorney

FILED
Florida Engineers
Management Corporation
5/18/2018 Clerk: Rebecca Valentine

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK Evette Lawson-Proctor
Date 5/18/2018
File #

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.
DANIEL J. MOSS, P.E.,

FEMC Case No. 2017016715

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 DANIEL J. MOSS, 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:

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 56885. Respondent's last known address is 7481 Prescott Lane, Lake Worth, Florida 33467.

3. On or about December 12, 2016, Respondent sealed signed and dated engineering design documents for a two-story 1,300 Square Feet (S.F.) structure, with a residential unit over a two-car garage, on the back part of a property at 354 Marlborough Pl, West Palm Beach, Florida (Marlborough Project). The documents for the Marlborough Project included Structural, Electrical and Mechanical (Plumbing).

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. 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.

6. 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.”

7. Rule 61G15-30.002(1), Fla. Admin. Code, mandates that Respondent, as the engineer of record for the Marlborough Project, is professionally responsible for the documents prepared. As such, Respondent is responsible for producing documents that comply with the applicable portions of the Responsibility Rules.

8. Respondent acted as the Structural, Electrical and Mechanical (Plumbing) Engineer of Record for the Marlborough Project as that term is defined in Rules 61G15-30.002(1), 61G15-FBPE vs. Daniel J. Moss, P.E., Case No. 2017016715

31.002(1), 61G15-33.002(1) and 61G15-34.002(1), Fla. Admin. Code. As such, all engineering documents prepared, signed, sealed and dated by Respondent must contain the information set out in Rule 61G15-30.003(1):

When prepared for inclusion with an application for a general building permit, the Documents shall meet all Engineer's Responsibility Rules, set forth in Chapters 61G15-31, 61G15-33, and 61G15-34, F.A.C., and be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the Florida Building Code[FBC], adopted in Section 553.73, F.S., and applicable laws, ordinances, rules and regulations, as determined by the Agency Having Jurisdiction (AHJ). The Documents shall include:

(a) Information that provides material specifications required for the safe operation of the system that is a result of engineering calculations, knowledge and experience.

(b) List Federal, State, Municipal, and County standards, codes, ordinances, laws, and rules, with their effective dates, that the Engineering Documents are intended to conform to.

(c) Information, as determined by the Engineer of Record, needed for the safe and efficient operation of the system.

(d) List engineering design criteria; reference project specific studies, reports, and delegated Engineering Documents.

(e) Identify clearly elements of the design that vary from the governing standards and depict/identify the alternate method used to ensure compliance with the stated purpose of these Responsibility Rules.

10. The Florida Building Code (2014) – Building (FBC-B) Section 107.2.1 “Information on construction documents” states: “Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations,…” FBC-B Section 2701.1

“Scope” states: “This chapter governs the electrical components, equipment and systems used in
FBPE vs. Daniel J. Moss, P.E., Case No. 2017016715

buildings and structures covered by this code. Electrical components, equipment and systems shall be designed and constructed in accordance with the provisions of the NFPA 70, National Electrical Code (NEC).” FBC-B Section 2801.1 “Scope,” states: Plumbing systems and equipment shall be constructed, installed and maintained in accordance with the Florida Building Code, Plumbing (FBC-P).

11. 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”

12. 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. (e) Main and distribution equipment, control devices, locations and sizes. (f) Voltage drop calculations for the feeders and customer-owned service conductors (g) Circuitry of all outlets, equipment and devices. (l) Record documents shall contain information as required by Florida Building Code.

13 Rule 61G15-33.004(2) Design of Lighting Systems, requires 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. (e) Calculated values to demonstrate compliance with the Florida Energy Code for Building construction.

14. Rule 61G15-34.001 “Mechanical Systems” states that construction documents shall “. . . define the required mechanical systems components, processes, equipment and material . . .” Rule FBPE vs. Daniel J. Moss, P.E., Case No. 2017016715

61G15-34.007(2) "Design of Plumbing Systems," requires 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, (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) List of American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), American Society of Mechanical Engineers (ASME), American Society of Plumbing Engineers (ASPE), American National Standards Institute (ANSI) 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."

15. 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.

16. Rule 61G15-31.002(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.

ELECTRICAL DESIGN DOCUMENTS

17. Respondent's Electrical Engineering Design Documents for the Marlborough Project are materially deficient as follows:

(a) Drawing Sheet A-2 contains an Electrical Riser Diagram, but contains no short circuit values and no voltage drop calculations for the feeders and customer-owned service conductors. These omissions constitute violations of Rule 61G15-33.003(2)(a) and (f).

(b) The drawings contain a Panel Schedule with circuit breakers, but with no fault current interrupting capability. Additionally, no mention is made of the available short circuit amps at the utility services. These two values must be coordinated in order to assure proper circuit interrupting capability. These omissions constitute violations of Rule 61G15-33.003(2)(c).

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

(d) The electrical plans show no outdoor receptacle outlets, no receptacle outlets in one of the two separated garages on the ground floor, and no circuits serving these areas. These omissions constitute violations Rule 61G15-33.003(2)(e) and (g).

(e) The absence of outdoor receptacles at the front and rear of the dwelling, on the deck, and in the right-hand side of the first floor garage violates the requirements of NEC Section 210.52(E)(1), 210.52(E)(3), and 210.52(G)(1). 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: Wiring, Feeders and branch circuits, Wiring Methods and materials. The Drawings do not contain the information required by the Florida Building Code. The absence the above information required by the Florida Building Code constitutes a violation of Rule 61G15-33.003(2)(l).

(f) There are no lighting fixture performance specifications on the drawings. This constitutes a violation of Rule 61G15-33.004(2)(a).

(g) The lighting design drawings contain no calculated values to demonstrate compliance with the Florida Energy Code for Building Construction. This omission constitutes a violation of Rule 61G15-33.004(2)(e).

MECHANICAL (PLUMBING) DESIGN DOCUMENTS

18. Respondent’s Mechanical (Plumbing) Engineering Design Documents for the Marlborough Project are materially deficient as follows:

(a) The drawings contain no plumbing equipment schedules. This omission violates Rule 61G15-34.007(2)(a) and (1).

(b) Potable water isometric diagrams are shown; but total water fixture units 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; however, total flow waste fixture units are not shown on the drawings. This omission of total waste fixture units constitutes a violation of Rule 61G15-34.007(2)(d).

(d) No storm riser diagram and no gutters/downspouts are shown on the drawings. No area drainage calculations are shown on the drawings. The omission of a storm riser diagram and drainage calculations constitutes a violation of Rule 61G15-34.007(2)(e).

(e) The drawings contain no sanitary piping layouts, no cold water piping layouts, no hot water piping layouts, and no storm drainage piping layouts. These omissions constitute violations of FAC Responsibility Rule 61G15-34.007(2)(f).

(f) FBC-P, 2014-5th Edition is noted as the applicable plumbing code. However no other codes, design standards or requirements are shown on the drawings. However, the permit drawings do not contain reference to any of the standards listed in FAC Responsibility Rule 61G15-34.007(2)(i) which requires Plumbing Documents to include the following: List of ASHRAE, ASME, ASPE, ANSI and other applicable codes, design standards and requirements. The omission of required references constitutes a violation of Rule 61G15-34.007(2)(i).

(g) 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 ENGINEERING DOCUMENTS

19. Respondent's Structural Engineering Design Documents for the Marlborough Project are materially deficient as follows:

(a) There are no live loads or dead loads indicated on the drawings as required by FBC-B Section 1063.1. This omission constitutes a violation of Rule 61G15-30.003 (1) and Rule 61G15-31.002 (5).

(b) There is no strength of materials listed for the wood, reinforcing steel, concrete or grout as required by FBC-B Section 1603.1 and Section 901.5. This omission constitutes a violation of Rule 61G15-30.003 (1) and Rule 61G15-31.002 (5).

(c) There is no roof slope shown on the plans as required by FBCB Section 15. This omission constitutes a violation of Rule 61G15-30.003 (1) and Rule 61G15-31.002 (5).

(d) The size of the tapcon anchors shown on the "Typical CMU and Wood Wall Detail" on sheet A-2 are not indicated as required by FBCB Section 1603.1. This omission constitutes a violation of Rule 61G15-30.003 (1) and Rule 61G15-31.002 (5).

**COUNT I
ELECTRICAL DESIGN DOCUMENTS**

20. Petitioner realleges and incorporates Paragraphs One (1) through Thirteen (13, and Seventeen (17) as if fully set forth in this Count One.

21. Respondent's electrical engineering drawings for the Marlborough Project contain deficiencies including; but not limited to, those set forth in Paragraph Seventeen (17). As a result of those deficiencies, Respondent violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by sealing and signing electrical engineering documents that were issued and filed for public record when such documents were materially deficient in that Respondent: (1) did not exercise due care in the preparation of the final engineering documents for the Marlborough Project and (2) the final engineering documents for the Marlborough Project were not issued in compliance with acceptable engineering principles.

22. Based on the foregoing, Respondent is charged with violating Section 471.033(1)(g), Florida Statutes, by engaging in negligence in the practice of engineering.

**COUNT II
MECHANICAL (Plumbing) DESIGN DOCUMENTS**

23. Petitioner realleges and incorporates Paragraphs One (1) through Ten (10), Fourteen (14) and Eighteen (18) as if fully set forth in this Count Two.

24. Respondent's mechanical (plumbing) engineering drawings for the Marlborough Project contain deficiencies including; but not limited to, those set forth in Paragraph Eighteen (18). As a result of those deficiencies, Respondent violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by sealing and signing mechanical (plumbing) engineering documents that were issued and filed for public record when such documents were materially deficient in that Respondent: (1) did not exercise due care in the preparation of the final engineering documents for the Marlborough Project and (2) the final engineering documents for the Marlborough Project were not issued in compliance with acceptable engineering principles.

25. 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 STRUCTURAL ENGINEERING DOCUMENTS

26. Petitioner realleges and incorporates Paragraphs One (1) through Ten (10), Fifteen (15), Sixteen (16) and Nineteen (19) as if fully set forth in this Count Three.

27. Respondent's structural engineering drawings for the Marlborough Project contain deficiencies including; but not limited to, those set forth in Paragraph Nineteen (19). As a result of those deficiencies, Respondent violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by sealing and signing structural engineering documents that were issued and filed for public record when such documents were materially deficient in that Respondent: (1) did not exercise due care in the preparation of the final engineering documents for the Marlborough Project and (2) the final engineering documents for the Marlborough Project were not issued in compliance with acceptable engineering principles.

28. 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 17 day of May, 2018.

Zana Raybon
Executive Director


BY: John J. Rimes, III
Prosecuting Attorney

COUNSEL FOR FEMC:

John J. Rimes, III
Prosecuting Attorney
Florida Engineers Management Corporation
2639 North Monroe Street, Suite B-112
Tallahassee, Florida 32303
Florida Bar No. 212008
JR/rv
PCP DATE: May 09, 2018
PCP Members: BRACKEN, MATTHEWS, & SHAH

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Daniel J. Moss, P.E. By service upon his attorney of record: Martin E. Dix, Esquire, Akerman LLP, 106 East College Avenue, Suite 1200, Tallahassee, Florida 32301, by certified mail and First Class U. S. Mail, on the 21 of May, 2018.


Rebecca Valentine, Paralegal