

**Minutes for
The Florida Board of Professional Engineers
December 6, 2018 beginning at 8:30 a.m. or soon thereafter
Holiday Inn & Suites
Tallahassee, Florida**

Thursday, December 6, 2018

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

Mr. Todd called the meeting to order.

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

Board Members Present:

Kenneth Todd, P.E., Chair
Kevin Fleming, P.E., Vice Chair
Dylan Albergo, P.E.
Scott Drury, P.E.
Pankaj (PJ) Shah, P.E.
Babu Varghese, P.E., S.I.
Vivian Boza, Public Member

FBPE

Attorney General's Office:

Lawrence Harris, Assistant Attorney General, Counsel to the Board

FLORIDA BOARD OF
PROFESSIONAL ENGINEERS

Staff Members Present:

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

Board Members Absent:

Walid Sobh, P.E.

Upon motion by Mr. Drury, seconded by Mr. Shah, to excuse the absence of Mr. Sobh, the motion passed.

- III. Introduction of guests and announcements as to presentations at a time certain
- IV. 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. Drury, seconded by Mr. Albergo, to approve the agenda and consent agenda, the motion passed.

F. Approval of Consent Agenda

#1. Minutes from the July 25, 2018 FBPE Fire Protection Rules Committee Conference Call

Approved under consent agenda.

#2. Minutes from the July 31, 2018 FBPE Selection Committee Conference Call

Approved under consent agenda.

#3. Minutes from the August 8-9, 2018 FBPE Board Meeting

Approved under consent agenda.

#4. Minutes from September 12, 2018 FBPE Probable Cause Panel Meeting

Approved under consent agenda.

#5. Minutes from September 21, 2018 FBPE Ratification Conference Call

Approved under consent agenda.

#6. Minutes from October 31, 2018 FBPE Board Meeting via Conference Call

Approved under consent agenda.

#7. Minutes from November 2, 2018 FBPE Ratification Conference Call

Approved under consent agenda.

#8. Minutes from November 7, 2018 FBPE Probable Cause Panel Meeting

Approved under consent agenda.

#9. Minutes from November 16, 2018 FBPE Ratification Conference Call

Approved under consent agenda.

#10. Application for Retired Status

Approved under consent agenda.

#11. 2017-2018 FEMC Annual Report

Approved under consent agenda.

Informal Hearing Agenda (Thursday, December 6, 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.

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

#1. Daniel Abraham

Mr. Harris explained the basis for the denial of Mr. Abraham's application. Mr. Abraham holds BS in Civil Engineering from the University of Asmara and a MS in Civil Engineering from San Jose State University. The basis of the denial is education. Mr. Abraham does not have an evaluation of his BS degree from an approved evaluator.

Upon motion by Ms. Boza, seconded by Mr. Fleming, that Mr. Abraham 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 Ms. Boza, seconded by Mr. Fleming, to accept into evidence the complete application file contained in the meeting materials including any supplemental materials provided by Mr. Abraham, the motion passed.

Upon motion by Ms. Boza, seconded by Mr. Fleming, 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 Ms. Boza, seconded by Mr. Fleming, that the Board adopt the conclusions of law from the notice of intent to deny as the Board's conclusions of law, the motion passed.

Upon motion by Mr. Fleming, seconded by Mr. Varghese, to uphold the denial but allow the applicant to withdraw within 14 calendar days, the motion passed.

#2. Pierre Rodrigue

Mr. Harris explained the basis for denial of Mr. Rodrigue's application. Mr. Rodrigue holds BS in Civil Engineering from Ecole Polytechnique de Montreal. The basis of the denial is examination. Mr. Rodrigue has not taken and passed the FE exam and does not qualify for a 15/20 waiver.

Upon motion by Mr. Varghese, seconded by Mr. Albergo, that Mr. Rodrigue 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 Mr. Varghese, seconded by Mr. Albergo, to accept into evidence the complete application file contained in the meeting materials including any supplemental materials provided by Mr. Rodrigue, the motion passed.

Upon motion by Mr. Varghese, seconded by Mr. Albergo, 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. Varghese, seconded by Mr. Albergo, that the Board adopt the conclusions of law from the notice of intent to deny as the Board's conclusions of law, the motion passed.

Upon motion by Mr. Varghese, seconded by Mr. Albergo, to uphold the denial but allow the applicant to withdraw within 14 calendar days, the motion passed.

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

#1. Kermit Falk

Mr. Harris explained the basis for the denial of Mr. Falk's application. Mr. Falk holds a BS in Mechanical Engineering from Georgia Tech and MS in Materials Science and Engineering from John Hopkins. The denial is based on experience. At the time of

application, one of the individuals providing the employment verifications did not have an engineering degree and a personal reference was not accepted by the committee. The supplemental information provided did remedy the issue with the personal reference.

Upon motion by Mr. Drury, seconded by Mr. Shah, that Mr. Falk 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 Mr. Drury, seconded by Mr. Shah, to accept into evidence the complete application file contained in the meeting materials including any supplemental materials provided by Mr. Falk, the motion passed.

Upon motion by Mr. Drury, seconded by Mr. Shah, 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. Drury, seconded by Mr. Shah, that the Board adopt the conclusions of law from the notice of intent to deny as the Board's conclusions of law, the motion passed.

Discussion followed on the experience of the applicant and the verification provided for work experience at Nervana, LLC.

The hearing was continued until the February 2019 FBPE Board meeting.

I. Informal Hearing on Denial of Application for Special Inspector Application

#1. Cody Davis

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

Mr. Harris explained the basis for the denial. Mr. Davis application was denied based on the fact that he lacks the required months of design and inspection experience and has overlapping experience.

Mr. Varghese discussed the application and the reasons for the denial.

Mr. Davis explained his experience and the application.

Discussion followed.

The hearing was tabled until the June 2019 FBPE Board meeting and allow the applicant to supplement his experience for the committee to see if he meets the requirements.

J. Hearing on Petition on Wavier and Variance of Rule 61G15-20.0012(1)(b)3 and take action on application

#1. Caitlin Carnley

Ms. Carnley was present and sworn in prior to addressing the board

Mr. Harris explained the basis for the petition. Ms. Carnley has a BS in Civil Engineering from UCF. Ms. Carnley has submitted a petition for waiver and variance of Rule 61G15-20.002(1)(b)3: *Experience credit is based on a 40 hour per week full-time basis. No additional credit is allowable for overtime work, or for part-time work experience obtained while pursuing engineering education on a full-time basis, or for the pursuit of a master's or doctoral degree while obtaining full-time work experience.*

Ms. Carnley addressed the board.

Discussion followed

Upon motion by Mr. Shah, seconded by Mr. Fleming, to approve the application of Ms. Carnley, the motion passed.

Ms. Carnley withdrew petition.

K. Hearing on Petition on Wavier and Variance of Rule 61G15-20.0015(2) and take action on application

#1. Alfonso Blanco

Dr. Blanco was present along with his attorney, John Samaan. Dr. Blanco was sworn in prior to addressing the board

Mr. Harris explained the basis for the petition. Dr. Blanco has a BS in Civil Engineering from Merrimack College, an MS in Civil Engineering from Tufts University and a Ph.D. in Earth Systems and Geoinformation Sciences from George Mason University. The denial is based on exams. Dr. Blanco has not taken the FE or the PE exam and does not qualify for the 25/30 waiver of the rule. His initial license was granted in 1996.

Mr. Samaan addressed the board.

Dr. Blanco addressed the board.

Discussion followed.

Dr. Blanco withdrew his petition and application.

L. Hearing on Petition on Waiver and Variance of Rule 61G15-20.007 (5) and take action on application

#1. Sunita Nadella

Mr. Harris explained basis for the petition. Ms. Nadella has a BE in Civil Engineering from Osmania University, India and an MS in Civil Engineering from Russ College of Engineering, Ohio University. Ms. Nadella has not had an evaluation done by an approved evaluator. Ms. Nadella is asking that the rule be waived and the board use the evaluation from another evaluator that did not evaluate her degree pursuant to the board's criteria.

Upon motion by Mr. Drury, seconded by Mr. Fleming, to deny the petition and application and allow the applicant to withdraw the application within 14 days and a final order will be stayed, the motion passed.

M. Hearing on Application by Licensure by Endorsement

#1. Jason Charalambides

Mr. Harris went over the facts of the case. Dr. Charalambides holds BA in Architecture from the University of California at Berkeley, an MS in Architecture from the University of Texas at Austin and a Ph.D. in Civil Engineering from University of Texas at Austin. Dr. Charalambides requests that the board waive FS. Chapter 471.013. Dr. Charalambides has not taken the FE exam. The board has NOT reviewed the application of Dr. Charalambides

Discussion followed on the petition and the application.

Upon motion by Mr. Drury, seconded by Mr. Shah, to deny the application of Dr. Charalambides, the motion passed.

Upon motion by Mr. Drury, seconded by Mr. Shah, to allow the applicant to withdraw the application within 14 days, the motion passed.

#2. Dennis Matthew Stuart

Mr. Harris explained the facts of the case. According to the June 2018 Silny evaluation, Mr. Stuart is lacking 25.34 hours in math & basic sciences, including two out of four required sciences, and is lacking 48 hours of engineering science & design (this evaluation was done pursuant to old board rules).

Mr. Bayo was present for his client.

Mr. Bayo addressed the board on behalf of his client.

Discussion followed.

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

Part III
Disciplinary Hearings
(Thursday, December 6, 2018)

N. DEFAULT

#1. H. John Griffin

P.E. Number:	38647
FEMC Case Number:	2018006082
Probable Cause Panel Date:	May 07, 2018
Probable Cause Panel:	Fleming, Bracken, & Matthews

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

Probable Cause was found on May 07, 2018, and an Administrative Complaint was authorized. The Administrative Complaint was filed with the Department of Business and Professional Regulation ("DBPR") on May 21, 2018.

Respondent failed to respond to any of Petitioner's attempts at Service of Process of the Administrative Complaint. Therefore, on September 13, 2018, Petitioner filed and served upon Respondent, via U.S. First Class Mail, its *Motion to Determine that Respondent has Forfeited Respondent's Right to an Administrative Hearing Under Sections 120.569 and 120.57(1), Florida Statutes, and to Convene Proceedings Under Sections 120.569 and 120.57(2), Florida Statutes.*

Upon motion by Mr. Drury, seconded by Mr. Shah, 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.

The entire investigative file of the case including the supplemental materials was accepted into evidence.

Upon motion by Ms. Boza, seconded by Mr. Varghese, 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 motion passed.

Upon motion by Ms. Boza, seconded by Mr. Varghese, a violation of the terms of a final order has occurred, the motion passed.

The Probable Cause Panel recommendation was administrative complaint, administrative fine of \$1,000, administrative costs of \$81.90, and suspension of license until he complies with Final Order in Case No. 2015033401.

Upon motion by Mr. Varghese, seconded by Mr. Shah, to accept the Probable Cause Panel recommended penalties, the motion passed.

#2. Timothy Barber, P.E.

P.E. Number: 63974
FEMC Case Number: 2018000611
Probable Cause Panel Date: July 18, 2018
Probable Cause Panel: Matthews, Drury & Albergo

#3. Timothy Barber, P.E.

P.E. Number: 63974
FEMC Case Number: 2017035452
Probable Cause Panel Date: March 14, 2018
Probable Cause Panel: Fleming, Bracken & Matthews

#4. Timothy Barber, P.E.

P.E. Number: 63974
FEMC Case Number: 2018003697
Probable Cause Panel Date: March 14, 2018
Probable Cause Panel: Matthews, Drury, & Albergo

Upon motion by Mr. Fleming, seconded by Mr. Varghese, to consider all three cases as one, the motion passed.

The entire investigative files of the three cases including the supplemental materials were accepted into evidence.

Mr. Rimes outlined the facts of the cases. The charges relate to violations of 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."; §471.033, F.S.: Engaging in fraud or

deceit, negligence, incompetence or misconduct, in the practice of engineering; and §Section 471.033(1)(g), F.S., & Rule 61G15-19.001(4) by engaging in negligence in the practice of engineering.

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

Mr. Rimes stated that these cases are a second offense because of a previous case.

Mr. Rimes stated that his recommended penalty is for costs for each case and revocation.

Upon motion by Ms. Boza, seconded by Mr. Varghese, to impose a penalty of revocation and costs incurred for each case, the motion passed.

Mr. Harris stated that he would prepare three separate orders.

#5. Stephen Gaydosh, P.E.

P.E. Number:

38464-SUSPENDED

FEMC Case Number:

2017049529

Probable Cause Panel Date:

January 10, 2018

Probable Cause Panel:

Fleming, Bracken & Matthews

Mr. Rimes outlined the facts of the case. The charges relate to a violation of §471.033(i), F.S.: by practicing engineering on a suspended license.

Probable Cause was found on January 10, 2018, and an Administrative Complaint was authorized. The Administrative Complaint was filed with the Department of Business and Professional Regulation ("DBPR") on January 22, 2018.

Respondent failed to respond to any of Petitioner's attempts at Service of Process of the Administrative Complaint. Therefore, on September 11, 2018, Petitioner filed and served upon Respondent, via U.S. First Class Mail, its *Motion to Determine that Respondent has Forfeited Respondent's Right to an Administrative Hearing Under Sections 120.569 and 120.57(1), Florida Statutes, and to Convene Proceedings Under Sections 120.569 and 120.57(2), Florida Statutes.*

Upon motion by Mr. Drury, seconded by Mr. Shah, that 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.

The entire investigative file of the case including the supplemental materials was accepted into evidence.

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

The Probable Cause Panel recommendation was administrative complaint, administrative complaint, administrative costs of \$97.50, and revocation or voluntary relinquishment of his license.

Upon motion by Mr. Varghese, seconded by Ms. Boza, to accept the Probable Cause Panel recommended penalties, the motion passed.

#6. SAGE Engineering

C.A. Number:	27968
FEMC Case Number:	2017049527
Probable Cause Panel Date:	January 10, 2018
Probable Cause Panel:	Fleming, Bracken & Matthews

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1)(a) Violating any provisionof this chapter or rule of the board or department; §471.023(4), FS: ...Each business organization certified under this section must notify the board within 1 month after any change in the information contained in the application upon which the certification is based.

Respondent failed to respond to any of Petitioner's attempts at Service of Process of the Administrative Complaint. Therefore, on September 11, 2018, Petitioner filed and served upon Respondent, via U.S. First Class Mail, its *Motion to Determine that Respondent has Forfeited Respondent's Right to an Administrative Hearing Under Sections 120.569 and 120.57(1), Florida Statutes, and to Convene Proceedings Under Sections 120.569 and 120.57(2), Florida Statutes.*

Probable Cause was found on January 10, 2018, and an Administrative Complaint was authorized. The Administrative Complaint was filed with the Department of Business and Professional Regulation ("DBPR") on January 22, 2018.

Upon motion by Mr. Shah, seconded by Mr. Varghese, that 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.

The entire investigative file of the case including the supplemental materials was accepted into evidence.

Upon motion by Mr. Shah, seconded by Mr. Varghese, to accept the Statement of Undisputed Material Facts presented as the Board's findings of fact and 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 motion passed.

The Probable Cause Panel recommendation was administrative complaint, administrative costs of \$107.25, and revocation or voluntary relinquishment his license.

Upon motion by Mr. Drury, seconded by Mr. Varghese, to accept the Probable Cause Panel recommended penalties, the motion passed.

#7. Jacqueline James, P.E.

P.E. Number:	66579
FEMC Case Number:	2017046158
Probable Cause Panel Date:	July 18, 2018
Probable Cause Panel:	Matthews, Drury & Albergo

Mr. Rimes outlined the facts of the case. The charges relate to a violation of §471.033(1)(k), F.S.: Violating any order of the board or department previously entered in a disciplinary hearing.

Probable Cause was found on July 18, 2018, and an Administrative Complaint was authorized. The Administrative Complaint was filed with the Department of Business and Professional Regulation ("DBPR") on August 01, 2018.

Respondent failed to respond to any of Petitioner's attempts at Service of Process of the Administrative Complaint. Therefore, on October 24, 2018, Petitioner filed and served upon Respondent, via U.S. First Class Mail, its *Motion to Determine that Respondent has Forfeited Respondent's Right to an Administrative Hearing Under Sections 120.569 and 120.57(1), Florida Statutes, and to Convene Proceedings Under Sections 120.569 and 120.57(2), Florida Statutes.*

Upon motion by Mr. Fleming, seconded by Mr. Varghese, that 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.

The entire investigative file of the case including the supplemental materials was accepted into evidence.

Upon motion by Mr. Fleming, seconded by Mr. Shah, to accept the Statement of Undisputed Material Facts presented as the Board's findings of fact and 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.

The Probable Cause Panel recommendation was an administrative complaint, administrative fine of \$5,000, administrative costs of \$150.15, and suspension of license until she complies with Final Order in case no: 2014039414.

Upon motion by Mr. Fleming, seconded by Mr. Shah, to issue penalties of suspension until appearance at the next board meeting, no fine at the current time but the board reserves the right to impose additional penalties at that time which include a fine and costs, the motion passed.

O. VOLUNTARY RELINQUISHMENT

#8. Ronald Wycoff, P.E.

P.E. Number:	50414
FEMC Case Number:	2018020976
Probable Cause Panel Date:	July 18, 2018
Probable Cause Panel:	Matthews, Drury & Albergo

Mr. Wycoff 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 471.031(1) (e), FS: Use or attempt to use a license that has been suspended, revoked, or placed on inactive or delinquent status.

Probable Cause was found on July 18, 2018 on the issue of Respondent. The PCP agreed to accept a voluntary relinquish from Respondent.

Mr. Wycoff addressed the board.

Upon motion by Mr. Fleming, seconded by Mr. Shah, to accept the voluntary relinquishment, the motion passed.

P. INFORMAL HEARING

#9. Randall Merritt, P.E.

P.E. Number:	52714
FEMC Case Number:	2018002010
Probable Cause Panel Date:	September 12, 2018
Probable Cause Panel:	Matthews, Drury & Albergo
Represented by:	David A. Kemp, Esquire

Mr. Merritt was present along with counsel, Mr. Webster. Mr. Merritt was 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.

Probable Cause was found on September 12, 2018 on the issue of Respondent. An Administrative Complaint was authorized and filed on September 25, 2018. A signed Election of Rights requesting and Informal hearing was returned to the FBPE office November 06, 2018.

The Probable Cause Panel recommendation was administrative complaint, administrative complaint, administrative fine of \$1,000.00, administrative costs of \$867.70, reprimand, appear 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 (2) years of 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. Merritt addressed the board.

Mr. Webster addressed the board.

Mr. Beitelman addressed the board on his experience with Mr. Merritt and how he has been reviewing the work of Mr. Merritt at Mr. Merritt's request.

Upon motion by Mr. Shah, seconded by Mr. Varghese, based on the facts presented today no discipline was warranted and to dismiss the case, the motion passed.

Mr. Merritt and Mr. Webster stated that they would waive attorney's fees.

Q. SETTLEMENT STIPULATION

#10. Barnett, Winthrop, P.E.	
P.E. Number:	25576
FEMC Case Number:	2016054298
Probable Cause Panel Date:	March 14, 2017
Probable Cause Panel:	Fleming, Bracken, & Matthews
Probable Cause Panel Date:	November 07, 2018
Probable Cause Panel:	Matthews, Drury & Albergo
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: The Panel reviewed its proposed discipline in light of the Board's action in FEMC Case # 2015052732 wherein which the Board imposed all of the Panel's recommended discipline in that case and in this case mainly by adding a one year suspension to the original recommended discipline in Case # 2015052732. By adding that suspension the Board has now imposed materially all of the Panel's recommended discipline in both cases. The Final Order in Case # 2015052732 has now taken effect. In light of that fact the Panel modified its proposed discipline in this case to require that Respondent admit the violation and, since the Board has already imposed materially all of the recommended discipline in both this case and Case # 2015052732, that no additional discipline would be warranted. Respondent has already agreed to a Stipulation to that effect and the Panel has reviewed and agreed that the Stipulation reflects the Panel's recommendation.

The Settlement Stipulation is the same as the Probable Cause Panel recommendation.

Upon motion by Mr. Varghese, seconded by Ms. Boza, to accept the settlement stipulation, the motion passed.

#11. Dickinson, Richard, P.E.

P.E. Number:

37557

FEMC Case Number:

2017030099

Probable Cause Panel Date:

May 07, 2018

Probable Cause Panel:

Fleming, Bracken, & Matthews

Probable Cause Panel Date:

September 12, 2018

Probable Cause Panel:

Matthews, Drury & Albergo

Represented by:

Amanda Buffington, Esquire

Mr. Dickinson was present along with counsel, Ms. Buffington. Mr. Dickinson was sworn in prior to addressing the board.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Statute or Rule at Issue: 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 administrative complaint, administrative costs of \$2,113.40, administrative fine of \$1,000, reprimand, appear 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 (2) years of probation, 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 the same as the Probable Cause Panel recommendation.

Mr. Dickinson addressed the board.

Discussion followed.

Upon by Mr. Varghese, seconded by Ms. Boza, to accept the settlement stipulation, the motion passed.

R. SETTLEMENT STIPULATION CE FILES

#12. 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

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section §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 an administrative complaint, administrative costs of \$91.65, and administrative fine of \$500.

The Settlement Stipulation is the same as the Probable Cause Panel recommendation.

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

#13. Craig Kalhoefer, P.E

P.E. Number:	70812
FEMC Case Number:	2017059200
Probable Cause Panel Date:	March 14, 2018
Probable Cause Panel:	Fleming, Bracken, & Matthews
Represented By:	George Harder, Esquire

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section §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 an administrative complaint, administrative costs of \$68.25, and administrative fine of \$500.

The Settlement Stipulation is the same as the Probable Cause Panel recommendation.

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

S. **VOLUNTARY RELINQUISHMENT**

#14. Pedro-Daniel Rodrigues, P.E.

P.E. Number:	74878
FEMC Case Number:	2017058920
Probable Cause Panel Date:	May 07, 2018
Probable Cause Panel:	Fleming, Bracken, & Matthews

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) hour.

The Probable Cause Panel Recommendation was an administrative complaint, administrative costs of \$165.75, suspension of license until in compliance, and appear 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.

The Settlement Stipulation is Administrative Complaint: Voluntarily Relinquishment

Upon motion by Mr. Varghese, seconded by Mr. Albergo, to accept the settlement stipulation of the voluntary relinquishment, the motion passed.

II. Terms of Settlement Stipulation – added for good cause by Chairman Todd

#15. Mitchell, Charles, P.E.

P.E. Number:	11127
FEMC Case Number:	2014031694
Probable Cause Panel Date:	September 15, 2015
Probable Cause Panel:	Fiorillo, Matthews, & Pepper

Mr. Rimes outlined the facts of the case. The Final Order in the above-referenced case was filed with the Department of Business and Professional Regulation on August 24, 2016. Fine,

costs, P&E course, study guide, 6 and 18 month project review and some restrictions were required pursuant to that Final Order.

The Respondent, Mr. Mitchell, completed his study guide September 12, 2016, his fine and costs were paid on July 11, 2018, and six (6) month review was submitted on November 24, 2017.

The Respondent, Mr. Mitchell was out of compliance on his 18 month review and his P&E course. Due to Respondent being out of compliance after being reminder multiple times, Respondents license went into Inactive status per the terms of his settlement stipulation.

As of November 13, 2018 Respondent, Mr. Mitchell has completed the P&E course and currently undergoing the 18 month project review. Respondent is now in compliance with the Final Order. Per the settlement stipulation Respondent has requested that his licensure status be restored to active status.

This case is being presented to the board, for consideration of Mr. Mitchell's request to restore his licensure status to active.

Upon motion by Mr. Shah, seconded by Mr. Albergo, to accept the request of Mr. Mitchell to be removed from inactive status, the motion passed.

T. Committee Reports

#1. Probable Cause Panel **(Next Meeting: January 9, 2019 at 8:30am)**
(Robert Matthews, P.E., Chair; Dylan Albergo, P.E.; Scott Drury, P.E.) (Alternate Current Board Member: P.J. Shah, P.E.; Alternate Past Board Member: Richard Wohlfarth, P.E.)

(a) Committee Chair's Report.

No report.

#2. Applications Review – Experience Committee **(Next Meeting: January 9, 2019 at 1pm via conference call)**

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

(a) Committee Chair's Report.

No report.

#3. Applications Review – Education Committee **(Next Meeting: January 9, 2019 at 3pm via conference call)**

(Kenneth Todd, P.E.; Chair; Scott Drury, P.E.; Babu Varghese, P.E., S.I.) (Alternate Members: Vivian Boza, Public Member)

(a) Committee Chair's Report.

No report.

#4. Rules Committee **(Next Meeting: March 12, 2019 at 1pm via conference call)**

(Kevin Fleming, P.E., Chair; Dylan Albergo, P.E.; PJ Shah, P.E.; Walid Sobh, P.E.)

(a) Committee Chair's Report.

No report.

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

(Kenneth Todd, P.E., Chair; 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

Mr. Harris discussed the committee and materials in the meeting packet from NCEES and CPC dealing with continuing education. Mr. Harris stated that there are new competency guidelines have changed. Discussion followed on the how the board would like to handle the recent changes.

Mr. Todd disbanded this committee.

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

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

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

(a) Committee Chair's Report

No report.

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

(Scott Drury, P.E., Chair; Kevin Fleming, P.E.; Babu Varghese, P.E., S.I.)

(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 reported that the committee meet on July 25 and October 17 and will be meeting again.

#8. 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)

(a) Committee Chair's Report

No report.

Ms. Raybon stated that the FEMC Board desires to continue this committee.

#9. Selection Committee on open positions on FEMC Board

(Babu Varghese, P.E., S.I.; Vivian Boza, Public Member)

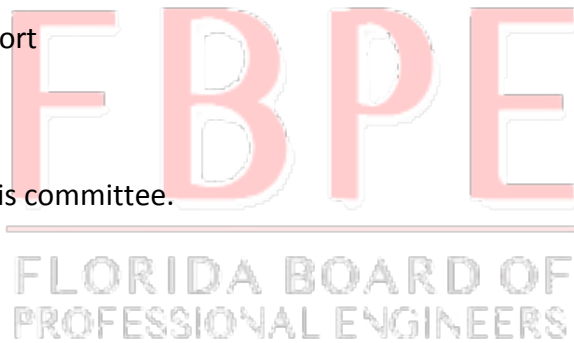
(a) Committee Chair's Report

No report.

Mr. Todd disbanded this committee.

U. NCEES

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



#1. NCEES 2018 Annual Meeting Report from Vice Chair Fleming

Provided for information purposes.

#2. Appoint Three Funded Delegates for 2019 NCEES Joint Southern-Western Zone Meeting
– May 16-19, 2019 – Boise, ID

Ms. Raybon discussed the 2019 NCEES Southern Zone meeting and asked who would be able to attend. The board members who plan to attend are Mr. Fleming, Mr. Todd, Mr. Albergo, Mr. Shah, Mr. Harris, Mr. Drury, and Mr. Varghese.

The funded delegates for the 2019 NCEES Southern Zone meeting will be Mr. Todd, Mr. Mr. Varghese and Mr. Shah.

V. Advisory Attorney's Report

#1. Rules Report

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

#2. Open/Review Rule 61G15-22.001 – License Renewal – Military Renewal Form

Mr. Harris explained the proposed rule amendment for Rule 61G15-22.001

Discussion followed.

Upon motion by Mr. Albergo, seconded to Mr. Drury, to open Rule 61G15-22.001 for development and approve the proposed language and application as amended, the motion passed.

Mr. Harris asked if the proposed rule amendments 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. Drury, seconded by Ms. Boza, that the proposed rule amendment will have no adverse impact on small business and will not increase regulatory costs in excess of \$200,000 in one (1) year, the motion passed.

Upon motion by Mr. Drury, seconded by Ms. Boza, that the proposed rule amendment will have no adverse impact and will not increase regulatory costs in excess of one (1) million dollars within five (5) years after the implementation of the final part of the rule, the motion passed.

Upon motion by Mr. Drury, seconded by Ms. Boza, that a violation of any part of the rule cannot be resolved through issuance of a notice of noncompliance does not apply to this rule, the motion passed.

#3. Discussion on CE Requirements –

- a. CPC Guidelines 2017
- b. 471.017 – CE Statutes
- c. Rules 61G5-22.002 and 22.011
- d. NCEES Model Rules

This item was covered under the CE Committee report.

W. Executive Director's Report

#1. Renewal Update

Ms. Raybon reported as of yesterday, we had renewed 4,499 PE's which is an increase of 1,454 from the last renewal cycle and 563 CA's which is an increase of 231 from the last renewal cycle.

Ms. Raybon mentioned that we have received two complaints about licensees' addresses being printed on the licenses.

#2. Report on October Exam Sites

Provided for informational purposes.

#3. 2019 FBPE/FEMC Meeting Calendar

- Looking at adding another Application Review for the week of January 28th
- Discuss the possibility of moving the date of December 2019 meeting since it is the week after Thanksgiving

Ms. Raybon mentioned that we need to add an additional Experience Committee Review the week of January 28th to handle any last minute PE exam applications for the April 2019 PE Exam since the February board meeting is past the NCEES registration deadline. After discussion, the date of January 28th at 10am was decided on.

Ms. Raybon mentioned that the December board meeting is usually held the week after Thanksgiving and we would like to move it to December 12th in 2019. The board agreed to move the meeting to December 12th.

X. Chief Prosecutor's Report

#1. 300 day report

Provided for information purposes.

#2. Profile of legal cases by year

- (a) Cases open for 1 year plus

Provided for information purposes.

- (b) Total open cases by year

Provided for information purposes.

#3. Non-Compliance Report

Provided for information purposes.

#4. Open case report

Provided for information purposes.

Y. Engineering Association and Society Reports

#1. FSEA

#2. FES

Ms. Fairchild addressed the board on recent activities of FES. Ms. Fairchild suggested that there be a joint committee of FES and FBPE in terms of a legislative bill that FES will be filing this session.

Ms. Fairchild brought up the issue with the building code courses that should be taken within twelve months be being adopted and a problem with when engineers take the course and the code not being adopted as anticipated.

Ms. Fairchild mentioned that she has several other questions that she would send to staff for response or action.

#3. IEEE

Z. Chair's Report

AA. Action Items from Previous Board Meetings

- #1. Email from Mr. Tyler Wainright, P.E. – Re: Design of horizontal directional drills for utility pipelines
- #2. Complaint about CE Provider
- #3. Complaint about CE Provider Course

BB. Correspondence to the Board

- #1. Email from Mr. Tom Brantley, P.E. – Re: Stamping of solar drawings

Mr. Todd discussed this letter. Discussion followed.

Mr. Drury mentioned that he would write a newsletter article about this issue.

#2. Letter from Mr. Ed Bayo – Re: Reporting of Disciplinary Action

Mr. Bayo discussed his letter and how FBPE is the only board that any action (letter of guidance or closing order) from probable cause is public record is available on DBPR website. Ed talked about this. Mr. Bayo's request is that the board write a request to DBPR that these items not be on the DBPR website under the engineer's record.

Discussion followed.

Staff was instructed to write a letter to DBPR addressing this issue.

#3. Email from Mr. Fernando Martin, P.E. – Re: Markups and Digital Signatures

Mr. Rimes discussed this email. Discussion followed.

The board decided no action would be taken.

#4. Email from Mr. Bennett, P.E. – Re: Size of PE Seal

Mr. Rimes discussed the email. Discussion followed.

The board decided no action would be taken.

CC. Ratification of Actions from earlier Application Review

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

DD. Election of Chair and Vice Chair for 2019

#1. Report of Nominations Committee

Mr. Drury reported that the Nominations Committee was recommending Mr. Todd as Chair and Mr. Varghese as Vice Chair.

Upon motion by Mr. Shah, seconded by Mr. Albergo, to approve Mr. Todd as the chair for 2019 and Mr. Varghese as the vice chair for 2019, the motion passed.

EE. Public Forum

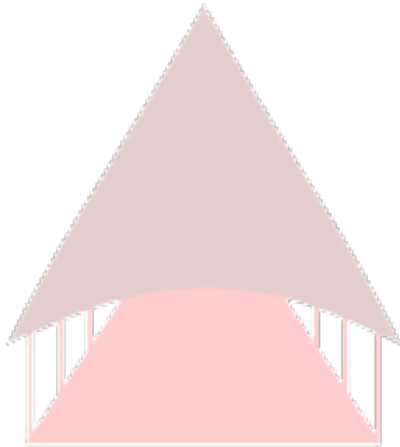
FF. Community Involvement

GG. Old Business

HH. New Business

II. Adjourn

Next Board Meeting: February 20-21, 2019
The Shores Resort and Spa
Daytona Beach, FL



FBPE

FLORIDA BOARD OF
PROFESSIONAL ENGINEERS