

**Minutes for  
The Florida Board of Professional Engineers  
April 10, 2019 beginning at 1:00 p.m. or soon thereafter and  
April 11, 2019 beginning at 8:30 a.m., or soon thereafter  
The Shores Resort & Spa  
Daytona Beach Shores, Florida**

**Part I – Wednesday, April 10, 2019**

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

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

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

**Board Members Present:**

Kenneth Todd, P.E., Chair  
Babu Varghese, P.E., S.I., Vice Chair  
Kevin Fleming, P.E.  
Dylan Albergo, P.E.  
Scott Drury, P.E.  
Walid Sobh, P.E.  
Vivian Boza, Public Member (arrived late)

**Attorney General's Office:**

Lawrence Harris, Senior Assistant Attorney General, Counsel to the Board

**Staff Members Present:**

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

**Board Members Absent:**

Pankaj (PJ) Shah, P.E.

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

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

Hans Wolfer, P.E.  
Angelina Fairchild, P.E., FES

Art Nordlinger, P.E., FEMC Board Member, IEEE

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

F. Approval of Consent Agenda

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

Mr. Fleming asked that his report on the March Rules Committee meeting be added to the consent agenda.

Upon motion by Mr. Drury, seconded by Mr. Albergo, the report on the March Rules Committee meeting was added to the consent agenda, the motion passed.

Mr. Drury stated that in the February 2019 board meeting minutes that under the item for Mr. Hipol should state that staff was delegated the authority to approve his application for the exam not the authority to issue his license. Staff will correct the minutes.

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

#1. Minutes from the February 20-21, 2019 FBPE Board Meeting\*

Approved under the amended consent agenda as amended.

#2. Minutes from March 13, 2019 FBPE Probable Cause Panel Meeting\*

Approved under the amended consent agenda.

#3. Minutes from March 25, 2019 FBPE Ratification Conference Call\*

Approved under the amended consent agenda.

#4. Application for Retired Status\*

Approved under the amended consent agenda.

G. Committee Reports

#1. Probable Cause Panel **(Next Meeting: May 7, 2018 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.

#2. Applications Review – Experience Committee **(Next Meeting: May 7, 2019 at 1pm via conference call)**

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

(a) Committee Chair's Report.

No report.

#3. Applications Review – Education Committee **(Next Meeting: May 7, 2019 at 3pm via conference call)**

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

(a) Committee Chair's Report.

No report.

#4. Rules Committee **(Next Meeting: July 16, 2018 at 1pm via conference call)**

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

(a) Committee Chair's Report.

No report.

#5. 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

No report.

#6. Mechanical Rules Committee **(Next Meeting: TBD)**

(Scott Drury, P.E., Chair; Kevin Fleming, P.E.)

#7. 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)

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

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

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

H. NCEES

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

#1. 2019 NCEES Southern Zone Joint Interim Meeting Information

Provided for informational purposes.

I. Advisory Attorney's Report

#1. Rules Report

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

#2. Public Hearing on Rule 61G15-22.001 – Continuing Education Requirements

Mr. Harris went over the proposed language for Rule 61G15-22.001.

Discussion followed.

This rule was sent back to the Rules Committee for further review.

#3. Public Hearing on Rules 61G15-20.0019 and 61G15-22.0001 – Military Renewal

Mr. Harris went over the proposed changes for Rules 61G15-20.0019 and 61G15-22.0001 and application.

Upon motion by Mr. Fleming, seconded by Mr. Drury, to open Rules 61G15-20.0019 and 61G15-22.0001 for development and propose language, the motion passed.

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

Upon motion by Mr. Fleming, seconded by Mr. Albergo, that the proposed rule amendments and applications will have no adverse impact on small business and will not increase regulatory costs or have a net increase of regulatory costs in excess of \$200,000 in one (1) year or one (1) million dollars within five (5) years after the implementation of the final part of the rule and 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.

#4. Public Hearing on Rule 61G15-23.005 – Electronically Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents

Mr. Harris went over the proposed rule amendment to Rule 61G15-23.005.

Upon motion by Mr. Varghese, seconded by Mr. Drury, to open Rule 61G15-23.005 for development and propose language, the motion passed.

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

Upon motion by Mr. Fleming, seconded by Mr. Drury, that the proposed rule amendments and applications will have no adverse impact on small business and will not increase regulatory costs or have a net increase of regulatory costs in excess of \$200,000 in one (1) year or one (1) million dollars within five (5) years after the implementation of the final part of the rule and 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.

#5. Public Hearing on Rule 61G15-32 – Responsibility Rules of Professional Engineers Concerning the Design of Fire Protection Systems

Mr. Harris went over the proposed rule amendments for Chapter 61G15-32.

Upon motion by Mr. Drury, seconded by Mr. Albergo, to open the identified Rules in Chapter 61G15-32 for development and propose language, the motion passed.

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

Upon motion by Mr. Drury, seconded by Mr. Albergo, that the proposed rule amendments and applications will have no adverse impact on small business and will not increase regulatory costs or have a net increase of regulatory costs in excess of \$200,000 in one (1) year or one (1) million dollars within five (5) years after the implementation of the final part of the rule and 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.

#6. Discussion on Electronic Multidimensional Model

Mr. Harris talked about this issue. Ms. Raybon addressed this issue and the fact that she surveyed the MBA's about this issue only two states have anything in writing about this issue. Alabama has a declaratory statement and North Carolina has guidelines for engineers to issue if they want too.

The board decided to take no action at this time.

#7. Nursing Order Reversal by DCA (for informational purposes only)

Mr. Harris talked about this order and that it was provided for informational purposes only.

J. Executive Director's Report

#1. Appoint Three Funded Delegates to 2019 NCEES Annual Meeting – August 14-17 – Washington, DC – Omni Shoreham Hotel

Ms. Raybon talked about the dates and asked who would be attending the meeting.

Upon motion by Mr. Fleming, seconded by Mr. Albergo, the funded delegates will be Mr. Todd, Mr. Varghese, and Mr. Shah, the motion passed. Ms. Raybon would be funded by NCEES as the MBA.

The following board members/staff indicated that they would be attending or may be attending:

- Fleming
- Harris
- Sammons

#2. Final Renewal Update

Ms. Raybon gave a final renewal update and stated that the renewal incentive worked as seen by the numbers in the meeting packet. Ms. Raybon mentioned that the last week of renewal was still fairly busy but not like it has been in the past. Discussion followed.

#3. 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

#3. IEEE

M. Chair's Report

#1. Discussion on Committees Appointments & Current list of Committees

Mr. Todd went over current committee appointments and stated that the committee appointments would stay as is and he added Mr. Sobh to the Mechanical Rules committee.

N. Action Items from Previous Board Meetings

O. Correspondence to the Board

#1. Email from Mr. Jeffery Buckholz, P.E. – Re: “Peer Review” of another engineer’s work

Mr. Rimes talked about the email from Mr. Buckholz. Discussion followed.

Staff was asked to send him the rules and the portion of the audio from the board meeting dealing this item from him to listen to.

#2. Email from Mr. Slovak, P.E. – Re: - Digital Signatures

Mr. Rimes talked about the email. Discussion followed.

Mr. Rimes will draft a response for Mr. Todd’s signature stating that the board decided there was nothing it can do and therefore to no action.

#3. Letter from Mr. Hertz, P.E., Retired, - Re: Coming back from Retired Status

Mr. Todd talked about this letter.



Ms. Sammons gave a recap of Mr. Hertz's Retired Status application and the retired status process. Discussion followed.

Mr. Rimes will draft a response for Mr. Todd's signature stating that the he can reapply for a new license.

P. Public Forum

Q. Community Involvement

**Part II**  
**Informal Hearing Agenda**  
**(Thursday, April 11, 2019)**

**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.

R. Ratification of Actions from Application Review, April 10, 2019

Upon motion by Mr. Drury, seconded by Mr. Sobh, to approve the ratification list, the motion passed.

S. Informal Hearing on Denial of Application for Endorsement Fundamentals Examination

#1. Tameem Al-Tameemi

Mr. Harris went over the basis for denial. Mr. Al-Tameemi Mr. Al-Tameemi holds a BS in Highway and Transportation Engineering from Al-Mustansiriya University. The denial of the application is based on education. He is lacking 1 hour of general education. Mr. Harris stated that it looks like that Mr. Al-Tameemi has submitted a petition for waiver and variance but the petition has not been filed. Mr. Harris stated in the previous review of his education, the committee did not notate that he was lacking one hour of general education. Discussion followed.

Upon motion by Mr. Fleming, seconded by Ms. Boza, to treat the document on page 6 of the meeting materials a properly file petition for variance and waiver; to direct Mr. Harris to

notice it as such; assuming there are no comments against the petition at the conclusion of the statutory time limits then the board would grant the Petition and thus, approve EI certification finding that granting the Petition would satisfy the educational requirements and approve his EI Endorsement application, the motion passed.

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

#1. Michael Perez Caro

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

Mr. Harris explained the basis for denial. Mr. Perez Caro holds a BS in Telecommunications & Electronic Engineering from Jose Antonio Echeverria. The basis of the denial is experience. Mr. Perez Caro lacks 48 months of verified engineering experience.

Mr. Perez Caro addressed the board.

Mr. Fleming talked about his experience. Discussion followed.

Mr. Perez Caro withdrew his application.

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

#1. Kermit Falk

Mr. Harris explained the basis of the denial. 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. Mr. Falk's application was on the December 2018 board agenda, but Mr. Falk did not appear at the meeting. The hearing was continued to allow the applicant additional time to provide the work verification. As of March 27, 2019, no additional information has been received.

Upon motion by Mr. Fleming, seconded by Mr. Drury, to uphold the denial of the application of Mr. Falk but to allow the applicant to withdraw within 10 calendar days and if the applicant does then the final order will be stayed, the motion passed.

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

#1. Ricardo Colon Fernandez

Mr. Fernandez as present and sworn in prior to addressing the board

Mr. Harris explained the basis for denial. Mr. Colon-Fernandez holds a BS in Civil Engineering from University of Puerto Rico – Mayaguez and an MS in Environmental Engineering from University of Massachusetts-Amherst. The basis of the denial is experience. Mr. Colon-Fernandez lacks 48months of verified engineering experience.

Mr. Fernandez addressed the board.

Discussion followed.

Upon motion by Mr. Fleming, seconded by Mr. Drury, to continue the hearing for 90days to the applicant to allow the applicant to supplement his experience, the motion passed. The supplemental materials can be presented to the Experience Committee for the review and action.

#### W. Reconsideration/Review Prior to DOAH Referral

##### #1. Wadeed Tewfik – Endorsement Applicant

Mr. Harris went over the facts of the case. Mr. Tewfik holds a BS in Manufacturing Engineering from Cairo University and an MS in Mechanical Engineering from Northeastern University. The basis of the denial is education. Mr. Tewfik has a non-ABET degree and has not had an evaluation done. Also, his experience has not been reviewed by the experience committee. Mr. Tewfik has requested an informal hearing but his attorney filed a request for an a formal hearing. Mr. Harris stated that he contacted the attorney and they discussed the issues with having two election of rights and they agreed to proceed with a review of his case by the board before proceeding with a formal hearing. Mr. Harris stated that Mr. Tewfik has now done an evaluation but it was not done for the board therefore it was not included in the meeting materials.

Discussion followed.

After the board's discussion indicated the board could not approve the application, the informal hearing was terminated as to proceed to formal hearing.

### **Part III Disciplinary Hearings**

#### X. Settlement Stipulation

##### #1. Bolivar, Santiago

P.E. Number: 53326

FEMC Case Number: 2018013938, 2017023531

Probable Cause Panel Date: November 07, 2018, March 13, 2019  
Probable Cause Panel: Matthews, Drury & Albergo  
Represented by: John R. Samaan, P.A.

Mr. Bolivar was present along with counsel, Mr. Samaan. Mr. Bolivar was sworn in prior to addressing the board.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of ~~Issue:~~ Section 471.033(1)(g), F.S., & Rule 61G15-19.001(4) by engaging in negligence in the practice of engineering. §471.033(k), F.S.: Violating any order of the board or department previously entered in a disciplinary hearing.

Upon motion by Mr. Fleming, seconded by Mr. Varghese, to reconsider and withdraw the motion from the February 2019 FBPE Board meeting to table this case, the motion passed.

The Probable Case Panel Recommendation on Case No: 2017023531 was an Administrative Complaint: Administrative Fine of \$ 3,000.00 (\$1,000.00 per count); Administrative Costs of \$10,319.15; Reprimand; Appearance before the Board to explain how this situation occurred and what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future; 1 year Suspension; at the conclusion of the 1 year Suspension, Respondent shall appear before the Board prior to reinstatement; Restricted from practicing Electrical engineering until he passes the NCEES 8 hours electrical exam; upon passing the NCEES Electrical Engineering examination, Project/Plan Review at 6 and 18 month intervals of all Electrical Engineering projects; 2 years' Probation; Successful completion of the Board Approved Intermediate Engineering Professionalism and Ethics course; Project/Plan Reviews at 6 and 18 month intervals of Mechanical (HVAC & Plumbing); and Successful completion of the Board's Study Guide.

The Settlement Stipulation is an Administrative Fine of \$ 2,000.00; Administrative Costs of \$5,000.00; Reprimand; Appearance before the Board to explain how this situation occurred and what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future; 6 month Suspension; Restricted from practicing Electrical engineering until he passes the NCEES 8 hours electrical exam; upon passing the NCEES Electrical Engineering examination, Project/Plan Review at 6 and 18 month intervals of all Electrical Engineering projects; 2 years' Probation; Successful completion of the Board Approved Intermediate Engineering Professionalism and Ethics course; Project/Plan Reviews at 6 and 18 month intervals of Mechanical (HVAC & Plumbing); and Successful completion of the Board's Study Guide for both Case No: 2018013938 and 2017023531 combined.

Mr. Samaan addressed the board.

Mr. Bolivar addressed the board.

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

#### Y. Discussion

#2. James, Jacqueline P.E.

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

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

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 January 10, 2019. Costs, Appearance, Suspension until compliance with Final Order in case No: 2014039414. The Respondent, Ms. James, paid her costs February 7, 2019 and came into compliance with the Final Order in case 2014039414 in December 2018. The Respondent, Ms. James was out of compliance on the P&E course in case No: 2014039414. Multiple reminders were sent to Ms. James regarding the P&E course. A new complaint was opened and an Administrative Complaint was filed (Case No: 2017046158) on August 01, 2018. Ms. James did not respond to the Administrative Complaint and a Motion for Default was filed. When no response was received the complaint went before the Board in December 2018 as a Default. In December right before the Board meeting Ms. James sent in a completion certification for the P&E course. This information was given to the Board members at the Board meeting. As of February 7, 2019 Respondent, Ms. James has completed the P&E course and paid the costs. Respondent is now in compliance with the Final Order. Per the settlement stipulation Respondent has requested that her licensure status be restored to active status.

Ms. James addressed the board.

Discussion followed.

Upon motion by Mr. Varghese, seconded by Ms. Boza, to reinstate the license of Ms. James, the motion passed.

#3. Kastner, Stephen P.E.

P.E. Number: 39528  
FEMC Case Number: 2016013495, 2016028548  
Probable Cause Panel Date: March 14, 2017 & September 19, 2017  
Probable Cause Panel: Fleming, Bracken, Roddenberry & Matthews

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 14, 2018. Fine,

Costs, P&E Course, Study Guide, 6 and 18 month project review were required pursuant to that Final Order. The Respondent, Mr. Kastner, completed the study guide on September 25, 2018. Mr. Kastner's 6 month project review list was due February 14, 2019. Per the settlement stipulation there is a 6 month extension allowable. Mr. Kastner has written and requested that the extension be waived and that the Restrictions listed within the settlement stipulation be activated immediately without the necessity of further plans review.

Upon motion by Ms. Boza, seconded by Mr. Fleming, to amend the final order to restrict the license of Mr. Kastner per the settlement stipulation, the motion passed.

Z. Old Business

AA. New Business

BB. Adjourn

