

FILED  
Florida Engineers  
Management Corporation  
10/10/2019 Clerk: Rebecca Valentine

FILED  
Department of Business and Professional Regulation  
Senior Deputy Agency Clerk  
CLERK Brandon Nichols  
Date 10/10/2019  
File # 2019-08626

STATE OF FLORIDA  
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL  
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2018000854

TODD R. GRUBE, 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 October 3, 2019 in Daytona, 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 9 day of October, 2019.

FLORIDA BOARD OF PROFESSIONAL ENGINEERS

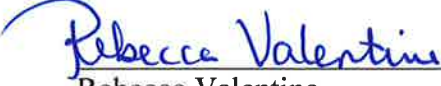


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Zana Raybon, Executive Director  
For KENNETH TODD, P.E., CHAIR

**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 Todd R. Grube, P.E. at 1104 Southwind Drive, Burnsville, Minnesota 55306 this 11 day of October, 2019.



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Rebecca Valentine,  
Paralegal

STATE OF FLORIDA  
BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL  
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2018000854

TODD R. GRUBE, P.E.,

Respondent,

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SETTLEMENT STIPULATION

TODD R. GRUBE, P.E. (“Respondent”) and the Florida Board of Professional Engineers (“Board”) by and through the Florida Engineers Management Corporation (“FEMC”), hereby stipulate and agree to the following joint stipulation and Final Order of the Board, incorporating this Stipulation in the above-styled manner.

STIPULATED FACTS

1. For all times pertinent hereto, Respondent was a licensed engineer in the State of Florida, having been issued license number PE 72639.
2. Respondent was charged by an Administrative Complaint (“Compliant”) filed by FEMC, and properly served upon Respondent with violations of Chapters 471 and 455, Florida Statutes. A true and correct copy of the filed Administrative Complaint is attached hereto and incorporated by reference as “Exhibit A to Settlement Stipulation”.

STIPULATED CONCLUSIONS OF LAW

1. Respondent, in his capacity as a licensed engineer, admits that in such capacity he is subject to provisions of Chapters 455 and 471, Florida Statutes, and the jurisdiction of the Department of Business and Professional Regulations (“Agency”), FEMC, and the Board.

2. Respondent admits that the facts set forth in the Complaint, if proven, constitute violations of Chapters 455 and 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's shall pay an ADMINISTRATIVE FINE of \$1,000.00 and COSTS of \$8924.10 to the Board thirty (30) days 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**  
**Engineering Ethics Intermediate**  
**Engineering Ethics Advanced**  
Telephone 806-742-3525; Fax 806-742-0444; E-mail: [engineering.ethics@ttu.edu](mailto: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 (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 electrical and fire protection engineering projects and reports signed and sealed by Respondent.**

d. **A FEMC Consultant** will select two (2) projects 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 respondent. 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 to make the submissions required by 6c., 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 plans 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 plans 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.

6. 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.

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

8. 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 the Stipulation. Furthermore, should this joint 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.

9. 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 Stipulation of Facts, Conclusions of Law, imposition of discipline and the Final Order of the Board incorporating said Stipulation.

10. 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.

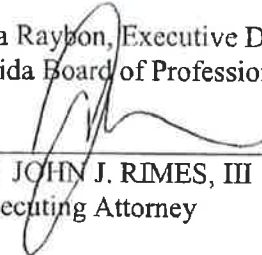


Signature  
Todd R. Grube, P.E.  
Respondent  
Case No. 2018000854

Dated: 7-3-2019

APPROVED this 18 day of July, 2019.

Zana Raybon, Executive Director  
Florida Board of Professional Engineers



BY: JOHN J. RIMES, III  
Prosecuting Attorney



**FILED**  
Florida Engineers  
Management Corporation  
3/25/2019 Clerk: Rebecca Valentine

STATE OF FLORIDA  
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

**FILED**  
Department of Business and Professional Regulation  
Deputy Agency Clerk  
CLERK **Evelle Lawson-Proctor**  
Date **3/25/2019**  
File #

FLORIDA BOARD OF PROFESSIONAL  
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2018000854

TODD R. GRUBE, P.E.,

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 TODD R. GRUBE, 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 72639. Respondent's last known address is 1104 Southwind Drive, Burnsville, Minnesota 55306.

3. On or about January 26, 2018 Respondent signed, sealed and dated Electrical and Fire Protection engineering drawings for the renovation a former K-Mart retail store into multiple tenant spaces in Port Charlotte, Florida (K-Mart Renovation Project). The overall project included the installation of a new electrical power distribution system and lighting for common spaces, a new addressable fire alarm system, new roof top air handling units and renovations to the existing fire sprinkler system.

4. Respondent acted as the Electrical and Fire Protection Engineer of Record as that term is defined in Rules 61G15-30.002(1), 61G15-32.002(1), and 61G15-33.002(1), Fla. Admin. Code for the K-Mart Renovation Project. 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 ... 61G15-32, 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.

5. The Florida Building Code – Building, Sixth Edition (2017) (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 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).”

6. 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 . . . .”

7. 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: (d) Location and characteristics of surge protective devices. (h) Load computations. (l) Record documents applicable to power systems shall, at a minimum, contain information as required by Florida Building Code.

8. Rule 61G15-32.003(1) & (4) Common Requirements to All Fire Protection Engineering Documents provide: “(1) The Fire Protection System Engineering Documents shall provide the engineering requirements to be used in the preparation of the Fire Protection System Layout Documents and to indicate the nature and scope of the work, and to describe, detail, dimension, label and define the Fire Protection Components, System(s), materials, assemblies, equipment and its structural and utility support system(s), insofar as they involve the safeguarding of life, health or property.... (4) The applicable code and standard to be used in the preparation of the Fire Protection System Layout Documents shall be shown on the Fire Protection System Engineering Documents. When codes and standards are not available or applicable, and said layout documents are to be based on engineering judgment, any reasons and assumptions made to develop the fire protection concept shall be identified on the Fire Protection System Engineering Documents.”

9. Rule 61G15-32.008. (4) Design of Fire Alarms and Detection Systems, provides in material part: (4)To ensure minimum design quality of Fire Alarm and Detection Systems Engineering Documents, said documents shall include as a minimum the following information when applicable: (a) The documents shall be clear, with a symbols legend, system riser diagram showing all initiation and notification components, and cabling requirements. The documents shall indicate locations where fire ratings are required as determined by the system’s survivability requirements, and shall identify the general occupancy of the protected property and each room and area unless it is clear from features shown. (c) Strobe intensity and speaker output ratings for

all notification devices. (d) Identify the Class of circuits as listed in NFPA 72, which is contained within and incorporated into the Florida Fire Prevention Code. (g) Locate surge protective devices and required protective features. (i) The documents shall include a site plan of the immediate area around the protected building, structure or equipment when alarm devices are required outside the structure.

### **ELECTRICAL DESIGN DOCUMENTS**

10. Respondent's Electrical Engineering Design Documents for the K-Mart Renovation Project are materially deficient as follows:

(a) No surge protective devices are shown on the Electrical Riser Diagrams; however, Specification Section 2.16 (Sheet E4.0) requires SPD's (Surge Protective Devices) on the main electrical service and panel boards, which are not identified. These omissions of surge protective devices on the Electrical Riser Diagram constitute a violation of Rule 61G15-33.003(2)(d).

(b) The electrical drawings contain Panel Schedules with electrical loads but no summary of Load Computations for the four separate Electrical Riser Diagrams. The absence of Load Computations constitutes a violation of Rule 61G15-33.003(2)(h).

(c) The Electrical drawings do not contain information as required by the FBC. 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: Electrical: 7. Load Calculations. The absence of Load Calculations for the four Electrical Riser Diagrams constitutes a violation of Rule 61G15-33.003(2)(l).

## FIRE PROTECTION DESIGN DOCUMENTS

11. Respondent's Fire Protection Design Documents for the K-Mart Renovation Project are materially deficient as follows:

(a) The fire protection system engineering documents do not indicate what edition of the Florida Fire Prevention Code and Florida Building Code shall be followed. Whereas the specification on sheet E5.0 list numerous codes and standards, the edition of each of these is not indicated. This omission violates Rule 61G15-32.003(4) and Rule 61G15-30.003(1)(b)

(b) There is no riser indicated. This omission violates Rule 61G15-32.008(4)(a).

(c) The system survivability is not indicated. This omission violates Rule 61G-32.008(4)(a).

(d) There is no strobe intensity or horn output rating indicated. This omission violates Rule 61G-32.008 (4) (c).

(e) The class of circuits to be used is not identified insofar as the specifications and drawings do not indicate what type of circuitry must be installed. This omission violates Rule 61G-32.008(4)(d).

(f) The drawings do not indicate that the horn on the outside of the building, on the exterior walls of the Landlord Room, Shops 1 Shell and Shops 2 Shell are to be weatherproof. This omission violates Rule 61G-32.008(4)(g).

(g) There is no fire alarm site plan. This omission violates Rule 61G15-32.008(4)(i).

(h) The drawings do not indicate that there shall be tamper switches on the backflow preventer. Section 903.4 of the Florida Building Code – Buildings, 6th Edition

(2017)(FBC-B), requires the sprinkler valves controlling water supply to be supervised by a listed fire alarm control unit; supervision requires tamper switches.

(i) The drawings do not indicate if the duct smoke detector is located in the supply or the return duct. Section 606.2.1 of the Florida Building Code – Mechanical, 6<sup>th</sup> Edition (2017)(FBC-M) requires the duct type smoke detector to be installed in the supply air duct.

(j) FBC-M 6<sup>th</sup> Edition (2017) Section 606.4 states, “Upon activation, the smoke detectors shall shut down all operational capabilities of the air distribution system in accordance with the listing and labeling of appliances used in the system.” The Specifications section 2.4.C on sheet E5.0 does not indicate that all Roof Top Unit (RTU) fans for the Common room shall be shut down when any one duct type smoke detector is activated.

(k) The drawings indicate that the power for the duct type smoke detector is on the 120 VAC panel LA (circuit LA-10), and specification Section 2.4.C.1 on Sheet E5.0, indicates that the duct type smoke detector must be an addressable photoelectric smoke detector. This is a material conflict on the documents insofar as a detector cannot be both 110VAC and addressable.

## **COUNT I**

### **ELECTRICAL DESIGN DOCUMENTS**

12. Petitioner realleges and incorporates Paragraphs One (1) through Seven (7) and Ten (10) as if fully set forth in this Count One.

13. Respondent’s electrical engineering drawings for the K-Mart Renovation Project contain deficiencies including; but not limited to, those set forth in Paragraph Ten (10). 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 K-Mart Renovation Project and (2) the final engineering documents for the K-Mart Renovation Project were not issued in compliance with acceptable engineering principles.

14. Based on the foregoing, Respondent is charged with violating Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by being negligent in the practice of engineering.

## **COUNT II**

### **FIRE PROTECTION DESIGN DOCUMENTS**

15. Petitioner realleges and incorporates Paragraphs One (1) through Five (5), Eight (8), Nine (9) and Eleven (11) as if fully set forth in this Count Two.

16. Respondent's Fire Protection Design Documents for the K-Mart Renovation Project contain deficiencies including; but not limited to, those set forth in Paragraph Eleven (11). 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 Fire Protection 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 K-Mart Renovation Project and (2) the final engineering documents for the K-Mart Renovation Project were not issued in compliance with acceptable engineering principles.

17. Based on the foregoing, Respondent is charged with violating Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by being negligent 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 25 day of March, 2019.

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: March 13, 2019  
PCP Members: MATTHEWS, DRURY & ALBERGO

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Todd R. Grube, P.E. at 1104 Southwind Drive, Burnsville, Minnesota 55306, by certified mail and First Class U. S. Mail, on the 26 of March, 2019.

Rebecca Valentine  
Rebecca Valentine, Paralegal