

FILED
Florida Engineers
Management Corporation
4/20/2020 Clerk: Rebecca Valentine

FILED
Department of Business and Professional Regulation
Senior Deputy Agency Clerk
CLERK Brandon Nichols
Date 4/20/2020
File # 2020-02602

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2018057617

CARLTON G. FORBES, 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 April 08, 2020 via Teleconference in Tallahassee, 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 14 day of April, 2020.

FLORIDA BOARD OF PROFESSIONAL ENGINEERS



Zana Raybon, Executive Director
For BABU VARGHESE, P.E., S.I., 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 Carlton Forbes, P.E. at 1520 NW 107 Drive, Pompano Beach, Florida 33065 this 21 day of April, 2020.



Rebecca Valentine,
Paralegal

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS.

Petitioner.

v.
CARLTON G. FORBES, P.E.,

FEMC Case No. 2018057617

Respondent.

SETTLEMENT STIPULATION

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

STIPULATED FACTS

1. For all times pertinent hereto, Respondent, CARLTON FORBES, P.E., was a licensed engineer in the State of Florida, having been issued license number PE 20699.
2. Respondent was charged with violations of Chapter 471, Florida Statutes, in an Administrative Complaint filed by the Florida Engineers Management Corporation, and properly served upon Respondent. True and correct copies of the filed Administrative Complaints are attached hereto and incorporated herein by reference as "Composite Exhibit A to Settlement Stipulation".

STIPULATED CONCLUSIONS OF LAW

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

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

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

STIPULATED DISPOSITION OF LAW

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

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

3. Respondent shall pay an ADMINISTRATIVE FINE of \$2000.00 per Count) to the Board within thirty (30) days of the date that the Final Order adopting this Stipulation is filed with the Agency Clerk.

4. Respondent's license to practice engineering shall be REPRIMANDED.

5. 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.

a. Respondent shall successfully complete a Board-approved course in INTERMEDIATE 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
Telephone 806-742-3525; Fax 806-742-0444; E-mail: engineering_ethics@ttu.edu

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

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.

6. 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's license shall be **RESTRICTED** from practicing any electrical and mechanical engineering until such time that he completes, passes and submits

proof of passing the NCEES 8 HOUR Electrical Power and the NCEES 8 HOUR Mechanical HVAC examinations. The terms "Electrical Engineering" and "Mechanical Engineering" encompasses all services encompassed by Rule Chapter 61G15-33 and 61G15-34, Florida Administrative Code.

b. Subsequent to taking and passing the NCEES Electrical Examination, Respondent shall submit to the Board a detailed list of all completed Electrical Engineering projects (signed, sealed, and dated), by the Respondent for **PROJECT REVIEW** at six (6) and eighteen (18) month intervals from the date on which Respondent passes the examination. The projects shall include: all Electrical Engineering projects and reports signed and sealed by Respondent

c. A FEMC Consultant will select two (2) projects from each submitted list for review. The Respondent is responsible for promptly furnishing any set of completed plans (signed, sealed, and dated), calculations, and any other supporting documentation requested by the Consultant. The Respondent must sign, date, and seal all materials that are submitted for project review using a non-embossed, rubber stamp 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 reviews cost exceed \$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.

d. If the Respondent has not performed engineering services on a sufficient number of projects to make the submissions required by 6b., above, the initial or, if applicable, the subsequent submission required by the terms of the project review 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.

e. Should the FEMC Consultant return a favorable report after reviewing the set of plans reviewed during the first project review, the requirements for the second project review may be waived. 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.

f. 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.

g. Subsequent to taking and passing the NCEES Mechanical HVAC Examination, Respondent shall submit to the Board a detailed list of all completed Mechanical Engineering projects (signed, sealed, and dated), by the Respondent for **PROJECT REVIEW** at

six (6) and eighteen (18) month intervals from the date on which Respondent passes the examination. The projects shall include: all Mechanical Engineering projects and reports signed and sealed by Respondent

h. A FEMC Consultant will select two (2) projects from each submitted list for review. The Respondent is responsible for promptly furnishing any set of completed plans (signed, sealed, and dated), calculations, and any other supporting documentation requested by the Consultant. The Respondent must sign, date, and seal all materials that are submitted for project review using a non-embossed, rubber stamp 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 reviews cost exceed \$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.

i. If the Respondent has not performed engineering services on a sufficient number of projects to make the submissions required by 6g., above, the initial or, if applicable, the subsequent submission required by the terms of the project review 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.

j. Should the FEMC Consultant return a favorable report after reviewing the set of plans reviewed during the first project review, the requirements for the second project review may be waived. 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.

k. Should the Respondent fail to timely comply with the terms of the Final Order with regard to the Project Reviews discussed herein, this case will be submitted to the Probable Cause Panel for review and determination of whether additional disciplinary action should be taken.

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

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

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

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

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

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

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



Carlton Forbes, P.E.

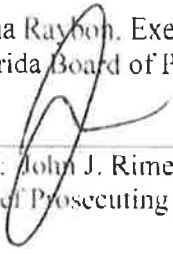
Respondent

Case No. 2018057617

Dated: 12-10-2019

APPROVED this 11 day of December, 2019.

Zana Raybon, Executive Director
Florida Board of Professional Engineers



BY: John J. Rimes, III
Chief Prosecuting Attorney

(b) There is no mention on the Electrical Sheet E1 addressing the fault current interrupting capability for the circuit interrupting devices (circuit breakers). The absence of addressing fault current interrupting capability constitutes a violation of Rule 61G15-33.003(2)(c).

(c) On sheet A1 the AC condensing unit (CU) is located near the pool equipment and served from a pool sub-panel. No GFCI receptacle is shown to be installed at the CU, as required by NEC 210.63 for servicing HVAC equipment. This code requires a GFCI receptacle to be located within 25 feet of the equipment. This omission constitutes a violation of NEC 210.63.

(d) No surge protective devices are shown on the drawings. This omission constitutes a violation of Rule 61G15-33 .003(2)(d).

(e) The lighting design drawings contain no calculated values to demonstrate compliance with the Florida Energy Code for Building Construction. These omissions constitute a violation of Rule 61G15-33 .004(2)(e).

(f) The Electrical Drawing does not state specific codes, rules or ordinances to which the Electrical systems must comply. Electrical Note 1 on Sheet E1 states as follows: All electrical work shall conform to the latest revision of the N.E.C. and local governing codes. Notes on Electrical Sheet E1 reference both NEC 2008 and 2011 Editions. Sheet E1 states that NEC 2008 210.12 requires that all new circuits in bedrooms are to be Arc (ARC) Fault Protected. The NEC (2008 and 2011 Editions) require AFCI (Arc-Fault Circuit Interruption) for all receptacles in ". . . dwelling unit family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreation rooms, closets, hallways, or similar rooms or areas..." Respondent should have specified code-compliant AFCI protection for many other living spaces in addition to bedrooms. This absence of specific applicable code violates Rule 61G15-30.003(1)(b).

MECHANICAL (HVAC) DESIGN DOCUMENTS

Capital Green Project

21. Respondent's Mechanical (HVAC) Engineering Design Documents for the Capital Green Project are materially deficient as follows:

(a) The HVAC drawing (M1) does not contain adequate information for the AHJ (Authority Having Jurisdiction) to determine compliance with codes and ordinances. General Note - HVAC No. 01 states as follows: All work shall conform to the latest edition of the standard building code and applicable state and local ordinances. A separate note on sheet M1 states: "Code in effect: 2014 Florida Building Code." These omissions, the lack of reference to the applicable codes, and conflicting statements violate Rule 61G15-34.003(4)(a).

(b) A partial air conditioning equipment schedule is shown on Sheet M1 for the air handling unit and condensing unit. The drawing does not contain equipment capacities including static pressure, cooling coil requirements based on sensible heat, latent heat and total heat gains, nor outside (fresh) air make-up conditions. These omissions constitute violations of Rule 61G15-34.003(4)(b, d, and e).

(c) Ductwork is shown on the drawings, but no duct is shown for outside air intake. The absence of outside air intake duct on the drawings constitutes a violation of Rule 61G15-34.003(4)(m).

Santibanez Project

22. Respondent's Mechanical (HVAC) Engineering Design Documents for the Santibanez Project are materially deficient as follows:

(a) The HVAC drawing (M1) does not contain adequate information for the AHJ (Authority Having Jurisdiction) to determine compliance with codes and ordinances. General Note- HVAC No. 01 states: All work shall conform to the latest edition of the standard building code and

applicable state and local ordinances. 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: Mechanical 1. Energy calculations 5. Make-up air 9. Combustion air. The HVAC drawing (Sheet M1) contains no Energy calculations and no make-up air or combustion air calculations. These omissions and the lack of reference to the applicable codes constitute violations of FBC-B 107.3.5 and Rule 61G15-34.003(4)(a).

(b) Air conditioning equipment schedules, shown on Sheet M1 for the new air handling unit and condensing unit, are incomplete. The drawing does not contain cooling coil requirements based on sensible heat, latent heat and total heat gains, outside and inside design dry and wet bulb conditions, nor outside (fresh) air make-up conditions. These omissions constitute violations of Rule 61G15- 34.003(4)(d), (e) and (g).

(c) Condensate discharge piping layout is not shown on the drawings. The omission of condensate discharge piping layout violates Rule 61G15-34.003(4)(k).

(d) Ductwork layout and sizing are shown on the HVAC drawing, but no duct is shown for outside air intake. The absence of outside air intake duct on the HVAC drawing constitutes a violation of Rule 61015-34.003(4)(m).

(e) The mechanical drawings do not contain all data required to complete the Florida Energy Code calculations, as required by the FBC-B, Chapter 13. The absence of all data required to complete the Florida Energy Code calculations constitutes a violation of Rule 61G15-34.003(4)(n).

MECHANICAL (PLUMBING) DESIGN DOCUMENTS

Capital Green Project

23. Respondent's Mechanical (Plumbing) Engineering Design Documents for the Capital Green Project are materially deficient as follows:

(a) No plumbing equipment schedule is included on Plumbing Sheet P1. Except for the tankless water heater, there are no specifications of plumbing fixtures or other equipment. This omission of a complete plumbing fixture schedule constitutes a violation of Rule 61G15-34.007(2)(a).

(b) Plumbing drawing Sheet P1 does not contain a potable cold water isometric diagram; total water fixture units are not shown on the drawing. The omission of a potable water riser and total water fixture units constitutes a violation of Rule 61G15-34.007(2)(c).

(c) A sanitary waste isometric diagram is shown; however, total flow waste fixture units are not shown on the drawing. The omission of total water fixture units constitutes a violation of Rule 61G15-34.007(2)(d).

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

(e) Piping Materials Note 1 on Sheet P1 states: "Sanitary waste from house to septic tank shall be PVC ..." However, the Plumbing Plan (also on Sheet P1 shows sanitary waste drawing" to sewer." This project apparently has no septic tank.

(f) The Plumbing sheet P1 contains sanitary drainage piping layouts, but no cold water, hot water or storm drainage piping layouts. The omission of cold water, hot water and storm drainage piping layouts constitutes a violation of Rule 61G15-34.007(2)(f).

(g) No list of applicable plumbing codes, design standards or requirements is shown on the drawings. The omission of applicable codes, design standards and requirements constitutes a violation of Rule 61G15-34.007(2)(i).

(h) The Plumbing Drawing does not state specific codes, rules or ordinances to which the plumbing systems must comply. Plumbing Note 1 on Sheet P1 states as follows: The engineer certifies to the best of his knowledge, all work depicted is in accordance with the Florida

Building Code. Installation shall comply with Standards therein. This absence of specific applicable code violates Rule 61G15-30.003(1)(b).

Santibanez Project

24. Respondent's Mechanical (Plumbing) Engineering Design Documents for the Santibanez Project are materially deficient as follows:

(a) No equipment schedule is provided. Plumbing Sheet P1 contains fixture flow rates, but no specifications for fixtures, valves, accessories, enclosures and such equipment. This omission of a complete plumbing fixture schedule and material/equipment specifications constitutes violations of Rule 61G15-34.007(2)(a) and (1).

(b) No potable cold or hot water service riser diagrams are shown on drawing Sheet P1. Total water fixture units are not shown on the drawing. The omission of water riser diagrams and the omission of total water fixture units constitutes a violation of Rule 61G15-34.007(2)(c).

(c) A sanitary waste isometric diagram is shown; however, total flow waste fixture units are not shown on the drawing. The omission of total water fixture units constitutes a violation of Rule 61G15-34.007(2)(d).

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

(e) The Plumbing sheet P1 contains sanitary drainage piping layouts, but no cold water, hot water or storm drainage piping layouts. The omission of cold water, hot water, and storm drainage piping layouts constitutes a violation of Rule 61G15-34.007(2)(f).

(f) No list of applicable plumbing codes, design standards or requirements appears on the drawings. The omission of applicable codes, design standards and requirements constitutes a violation of Rule 61G15-34.007(2)(i).

COUNT I

ELECTRICAL DESIGN DOCUMENTS- Capital Green Project

25. Petitioner realleges and incorporates Paragraphs One (1) through Nineteen (19) as if fully set forth in this Count One.

26. Respondent's electrical engineering drawings for the Capital Green Project contain deficiencies including; but not limited to, those set forth in Paragraph Nineteen (19). As a result of those deficiencies, Respondent violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by sealing and signing 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 Capital Green Project and (2) the final engineering documents for the Capital Green Project were not issued in compliance with acceptable engineering principles.

27. 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

ELECTRICAL DESIGN DOCUMENTS- Santibanez Project

28. Petitioner realleges and incorporates Paragraphs One (1) through Eighteen (18) and Twenty (20) as if fully set forth in this Count Two.

29. Respondent's electrical engineering drawings for the Santibanez Project contain deficiencies including; but not limited to, those set forth in Paragraph Twenty (20). 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 Santibanez Project and (2) the final engineering documents for the Santibanez Project were not issued in compliance with acceptable engineering principles.

30. 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 III

MECHANICAL (HVAC) DESIGN DOCUMENTS-Capital Green Project

31. Petitioner realleges and incorporates Paragraphs One (1) through Eighteen (18) and Twenty-One (21) as if fully set forth in this Count Three.

32. Respondent's mechanical (HVAC) engineering drawings for the Capital Green Project contain deficiencies including; but not limited to, those set forth in Paragraph Twenty-One (21). As a result of those deficiencies, Respondent violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by sealing and signing mechanical (HVAC) 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 Capital Green Project and (2) the final engineering documents for the Capital Green Project were not issued in compliance with acceptable engineering principles.

33. 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 IV

MECHANICAL (HVAC) DESIGN DOCUMENTS- Santibanez Project

34. Petitioner realleges and incorporates Paragraphs One (1) through Eighteen (18) and Twenty-Two (22) as if fully set forth in this Count Four.

35. Respondent's mechanical (HVAC) engineering drawings for the Santibanez Project contain deficiencies including; but not limited to, those set forth in Paragraph Twenty-Two (22). As a result of those deficiencies, Respondent violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by sealing and signing mechanical (HVAC) 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 Santibanez Project and (2) the final engineering documents for the Santibanez Project were not issued in compliance with acceptable engineering principles.

36. 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 V

MECHANICAL (Plumbing) DESIGN DOCUMENTS-Capital Green Project

37. Petitioner realleges and incorporates Paragraphs One (1) through Eighteen (18) and Twenty-Three (23) as if fully set forth in this Count Five.

38. Respondent's mechanical (plumbing) engineering drawings for the Capital Green Project contain deficiencies including; but not limited to, those set forth in Paragraph Twenty-Three (23). As a result of those deficiencies, Respondent violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by sealing and signing mechanical (plumbing) engineering documents that were issued and filed for public record when such documents were materially deficient in that Respondent: (1) did not exercise due care in the preparation of the final

engineering documents for the Capital Green Project and (2) the final engineering documents for the Capital Green Project were not issued in compliance with acceptable engineering principles.

39. 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 VI

MECHANICAL (Plumbing) DESIGN DOCUMENTS- Santibanez Project

40. Petitioner realleges and incorporates Paragraphs One (1) through Eighteen (18) and Twenty-Four (24) as if fully set forth in this Count Five.

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

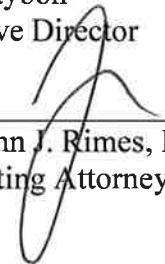
42. Based on the foregoing, Respondent is charged with violating Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by being negligent in the practice of engineering.

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 29 day of July, 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: July 17, 2019
PCP Members: MATTHEWS, FLEMING & DRURY

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Carlton Forbes, P.E. at 1520 NW 107 Drive, Pompano Beach, Florida 33065, by certified mail and First Class U. S. Mail, on the 5 of August, 2019.


Rebecca Valentine, Paralegal