

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 # 2020-02603

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2018053634

GEORGE FREIJO, 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.

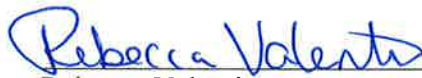
FLORIDA BOARD OF PROFESSIONAL ENGINEERS



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 George Freijo, P.E. at 880 Peeples, Drive, West Palm Beach, Florida 33415 this 21 day of April, 2020.



Rebecca Valentine,
Paralegal

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

RECEIVED
FEB 01 2020
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.
GEORGE FREIJO, P.E.,

FEMC Case No. 2018053634

Respondent,
_____ /

SETTLEMENT STIPULATION

GEORGE FREIJO, 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 32578.
2. Respondent was charged by an Administrative Complaint (“Complaint”) 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 \$459.35 to the Board 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.

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 shall successfully complete a Board-approved course in BASIC ENGINEERING PROFESSIONALISM AND ETHICS within one (1) year of the date the Final Order adopting this Stipulation is filed with the Agency Clerk. Prior to that date, Respondent shall submit to the Board a Certificate of Completion of the course. It is the Respondent's responsibility to notify the Board that he has completed the course in a timely manner. Respondent may contact the Florida Engineering Society ("FES"), 125 South Gadsden St., Tallahassee, FL 32301, (850)224-7121, for information regarding the availability of such

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

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

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

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

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

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

c. Respondent shall submit to the Board a detailed list of all completed projects (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 alarm 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.

8. 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.

9. 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.


10. 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.

11. 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.

12. 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
George Freijo, P.E.
Respondent
Case No. 2018053634

Dated: 1/30/2020

APPROVED this 13 day of February, 2020.

Zana Raybon, Executive Director
Florida Board of Professional Engineers



BY: JOHN J. RIMES, III
Prosecuting Attorney

FILED
Florida Engineers
Management Corporation
1/21/2020 Clerk: Rebecca Valentine

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK. Evette Lawson-Proctor
Date 1/21/2020
File #

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2018053634

GEORGE FREIJO, 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 GEORGE FREIJO, 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 32578. Respondent's last known address is 880 Peoples Drive, West Palm Beach, Florida 33415.

3. On or about March 30, 2018 Respondent digitally sealed, signed and dated 19 drawing sheets for a fire alarm system replacement for the One Enterprise Center building at 225 Water St., in Jacksonville, Florida (Enterprise Project). The One Enterprise Center building is an existing high-rise office building that is predominantly Business Occupancy as defined by the Florida Fire Prevention Code, Life Safety Code (FFPC:LSC).

4. The Board has adopted Responsibility Rules of Professional Engineers (“Responsibility Rules”). These Rules are contained in Chapters 61G15-30 to 61G15-36, Fla. Admin. Code. Professional Engineers who perform services covered by the Responsibility Rules are required to comply with the Rules.

5. 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.”

6. Rule 61G15-19.001(4), Fla. Admin. Code, also provides that “[f]ailure to comply with the procedures set forth in the Responsibility Rules as adopted by the Board of Professional Engineers shall be considered as non-compliance with this section unless the deviation or departures therefrom are justified by the specific circumstances of the project in question and the sound professional judgment of the professional engineer.”

7. Rule 61G15-30.002(1), Fla. Admin. Code, mandates that Respondent, as the engineer of record for all engineering work delineated in Paragraph Three (3), is professionally responsible for the documents prepared. As such, Respondent is responsible for producing documents that comply with the applicable portions of the Responsibility Rules.

8. Respondent acted as the Fire Alarm System Engineer of Record for the Enterprise Project as that term is defined in Rules 61G15-30.002(1) and 61G15-32.002(1), Fla. Admin. Code. As such, all engineering documents prepared, signed, sealed and dated by Respondent must contain the information set out in Rule 61G15-30.003(1):

When prepared for inclusion with an application for a general building permit, the Documents shall meet all Engineer's Responsibility Rules, set forth in Chapters ...61G15-32, ...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.

9. Rule 61G15-32.003(2) and (4) provide in material part: “Common Requirements to All Fire Protection Engineering Documents.” (2) The Fire Protection System Engineering Documents shall specify the applicable requirements for the acceptance testing of the fire protection system and components, which shall be based upon applicable codes and standards, where available. (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.”

10. Rule 61G15-32.008(4) “Design of Fire Alarms, Signaling Systems, and Control 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. (b) Locate initiation and notification devices and connections to related systems on the floor plans and sections when needed for clarity. Related systems include elevator controls, smoke control systems, dampers, door release, any other systems or elements directly or indirectly controlled or monitored.

11. Respondent’s Fire Alarm System Design Documents for the Enterprise Project are materially deficient as follows:

A. The applicable requirements for acceptance testing are not indicated on the drawings as required by Rule 61G15-32.003(2). No code reference to acceptance testing and acceptable criteria is indicated other than a note that states: "100% TESTING OF THE FIRE ALARM SYSTEM". Audibility and intelligibility requirements are not defined.

B. Not all room uses/occupancy are identified on the drawings as require by Rule 61G15-32.003(3).

C. The applicable codes and standards for the design basis are not indicated on the drawings as required by Rule 61G15-32.003(4).

D. Not all room uses/occupancies are identified, as required by Rule 61G15-32.003(3).

E. Survivability of circuits is not defined as required by Rule 61G15-32.008(4)(a).

F. The fire ratings are not indicated on the drawings, as required by Rule 61G15-008(4)a.

G. The location for connections to the elevator equipment are not indicated on the drawings as required by Rule 61G15-32.008(4)b.

H. There are numerous locations in which there are not adequate audible and visual notification devices. In addition, the drawings do not state that the minimum audibility must be provided. A representative sample of these areas include:

a. Service Level

i. There are not adequate visual notification devices in the corridor by the loading dock.

b. Level 01

i. In the lobby at the Security Desk, there are no audible and visual notification devices.

ii. In the OPEN AREA, at the top of the floor plan, there are no audible of visual notification devices.

iii. In the BREAK ROOM, there are no audible of visual alarm devices.

iv. On the bottom half of the drawing the spacing of ceiling mounted visual notification devices exceeds the areas listed in NFPA 72.

v. There are no visual fire alarm devices located in the public restrooms.

c. Level 02

i. There are not adequate visual and audible notification devices in Open Office 252 and 253.

ii. There are no audible and visual notification devices in the Conference Room (no room number).

iii. There are no audible and visual notification devices in Conference Room 227 1.

iv. There are not adequate audible and visual notification devices in Open Area 216 and Open Area 222.

v. The visual alarm device spacing in Open Area 232 exceeds the spacing requirements of NFPA 72 Table 18.5.5.4.1(b).

vi. There are no visual fire alarm devices located in the public restrooms.

d. Level 3

i. In the corridor to the left of the electrical room, there is not adequate visual notification; strobe lights are required to be within 20 feet of the end of a corridor by Section 18.5.5.5.1 of NFPA 72.

ii. The flex office/conference room, and nearby open areas do not have audible or visual notification devices.

iii. Open area 319 does not have any audible or visual notification devices.

iv. There are no visual fire alarm devices located in the public restrooms.

e. Level 4

i. There are 4 conference rooms on this floor with no audible or visual notification devices.

ii. There are no audible or visual notification devices on Open Office 408.

iii. The visual alarm device spacing in Open Area 435 exceeds the spacing requirements of NFPA 72 Table 18.5.5.4.1(b).

iv. There are no visual fire alarm devices located in the public restrooms.

f. Level 5

i. There are 5 conference rooms on this floor with no audible or visual notification devices.

ii. There are three open office areas (room numbers are not indicated on this floor) in which there are no audible and visual devices, or the spacing exceeds the requirements of NFPA 72 Table 18.5.5.4.1(b).

iii. There are no visual fire alarm devices located in the public restrooms.

g. Level 6

i. There are no audible or visual notification devices on the open area on the plan north side of the building.

ii. The spacing of the visual notification device on the northwest tenant exceeds the requirements of NFPA 72 Table 18.5.5.4.1(b).

iii. There are no visual fire alarm devices located in the public restrooms.

h. Level 7

i. There are no audible or visual devices on the tenant space on the north and northeast side of the floor.

ii. There are no visual devices in the tenant space to the west of the elevator lobby.

iii. The spacing of the visual notification device in the southeast tenant exceeds the requirements of NFPA 72 Table 18.5.5.4.1(b).

iv. There are no visual fire alarm devices located in the public restrooms.

12. Respondent's Fire Alarm System Design Documents for the Enterprise 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 Alarm System Design engineering documents that were issued 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 Enterprise Project and (2) the final engineering documents for the Enterprise Project were not issued in compliance with acceptable engineering principles.

13. Based upon the foregoing Respondent is hereby charged with violating Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C.

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 21 day of January, 2020.

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: January 08, 2020
PCP Members: MATTHEWS, FLEMING & DRURY

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to George Freijo, P.E. at 880 Peeples, Drive, West Palm Beach, Florida 33415, by certified mail and First Class U. S. Mail, on the 21 of January, 2020.


Rebecca Valentine, Paralegal