

**Minutes for
The Florida Board of Professional Engineers
June 9, 2020 beginning at 1:00 p.m. or soon thereafter and
June 10, 2020 beginning at 8:30 a.m., or soon thereafter**

Part I – Tuesday, June 9, 2020

A. Call to Order

Mr. Varghese called the meeting to order. Ms. Sammons called roll.

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

Board Members Present:

Babu Varghese, P.E., S.I., Chair
Kevin Fleming, P.E., Vice Chair
Dylan Albergo, P.E.
Scott Drury, P.E.
Pankaj (PJ) Shah, P.E.

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

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

William Lampkin, FBPE Public Information Officer
Art Nordlinger, P.E., IEEE
Steve Kowkabany, P.E., FEMC Board Member
Andrew Lovenstein, P.E., FSEA
Angelina Fairchild, P.E., FES
Eb Roeder, P.E.
Chris Sharek, P.E., ASCE

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

F. Approval of Consent Agenda

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

#1. Minutes from March 23, 2020 FBPE Mechanical Rules Committee Conference Call

Approved under consent agenda.

#2. Minutes from April 8, 2020 FBPE Board Meeting

Approved under consent agenda.

#3. Minutes from April 14, 2020 FBPE Emergency Rule Hearing

Approved under consent agenda.

#4. Minutes from May 13, 2020 FBPE Probable Cause Panel Meeting

Approved under consent agenda.

#5. Minutes from May 13, 2020 FBPE Conference Call

Approved under consent agenda.

#6. 2019-2020 3rd Quarter FEMC Report

Approved under consent agenda.

#7. Application for Retired Status

Approved under consent agenda.

G. Committee Reports

#1. Probable Cause Panel **(Next Meeting: July 8, 2020 at 8:30am)**

(Robert Matthews, P.E., Chair; Kevin Fleming, 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.

Mr. Fleming stated that PCP has asked the Rules Committee to look at newly licensed PEs in other states who have applied by endorsement to Florida during the current biennium (less than two years since passing an exam and obtaining initial licensure). Will they be treated the same as a PE who is newly licensed in Florida by exam who is exempt from CE for their first renewal period? On a related issue, will the Board accept the Study Guide as satisfaction of the FL approved laws & rules CE course for audit/renewal purposes?

#2. Applications Review – Experience Committee **(Next Meeting: July 8, 2020 at 1pm via conference call)**

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

(a) Committee Chair's Report.

#3. Applications Review – Education Committee **(Next Meeting: July 8, 2020 at 1pm via conference call)**

(Dylan Albergo, P.E., Chair; Scott Drury, P.E.; PJ Shah, P.E.; Babu Varghese, P.E., S.I.)

(a) Committee Chair's Report.

#4. Rules Committee **(Next Meeting: TBD)**

(Kevin Fleming, P.E., Chair; Dylan Albergo, P.E.; Babu Varghese, P.E., S.I.)

(a) Committee Chair's Report.

Mr. Fleming stated that the next committee meeting would be July 8th.

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

(Scott Drury, P.E., Chair; Kevin Fleming, P.E.; Babu Varghese, P.E., S.I.)
(Public Advisors: Warren Hahn, P.E., Joe Limpert, P.E.)

(a) Committee Chair's Report.

Mr. Drury stated that another committee meeting would be set soon.

#6. 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)

Mr. Fleming stated that this committee has not met and has no plans to meet in the near future.

H. NCEES

(Babu Varghese, P.E., S.I., FBPE Liaison)

#1. 2020 NCEES Annual Meeting Update

- **Request to appoint FBPE Asst. Ex. Director as associate member with NCEES**

Ms. Raybon stated that in order for Ms. Sammons to attend the 2020 NCEES Virtual Annual Meeting, she needs to be appointed an associate member. Ms. Raybon stated that associate members are like emeritus members, that this is a process for NCEES, and it will have no impact on FBPE.

Upon motion by Mr. Shah, seconded by Mr. Fleming, to appoint Ms. Sammons as an associate member of NCEES, the motion passed.

Discussion followed on the upcoming virtual annual meeting and how the process will work. Staff was asked to put the annual meeting materials on the August agenda for discussion.

I. Advisory Attorney's Report

#1. Rules Report

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

Mr. Harris discussed the emergency rule and whether the Board would like to look into incorporating the changes into the rule permanently. Mr. Harris suggested that the Board might want to get input from the societies about the emergency rule. Mr. Harris also mentioned that staff may want to send a communication out to the licensees and building officials informing them of the impending expiration of the emergency rule. Discussion followed.

Staff was asked to put this item on the next Rules Committee agenda for their review and action.

#2. Public Hearing on Rule 61G15-19.004

Mr. Harris discussed correspondence from JAPC and draft language to address some the concerns. Discussion followed.

Mr. Albergo stated that the Board should acknowledge the letter from JAPC and review the rule to see if there is any way to accomplish what JAPC is asking.

This rule was referred to the Rules Committee for review.

Upon motion by Mr. Fleming, seconded by Mr. Albergo, to open 61G15-19.004 for development and propose changes as shown in the meeting materials, the motion passed.

Discussion followed regarding the comments from JAPC.

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 and should language be added about the rule sun setting at a certain time.

Upon motion by Mr. Fleming, seconded by Mr. Drury, that the proposed rule amendments 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 and the sunset language is not necessary for this rule, the motion passed.

#3. HB 1193 as it relates to FBPE

Mr. Harris discussed HB1193 and how it might impact the Board if the governor signs the bill into law. Discussion followed.

#4. Discussion on email from Jane Ho

Mr. Harris discussed the email and study by Ms. Ho. Discussion followed.

#5. Discussion of Annual Regulatory Plan and Mandated Rule Review

Mr. Harris discussed the annual regulatory plan and the rule review. Mr. Harris asked that any Board member who would like to add a rule to the plan to please send the rule to the Board office and himself. Mr. Harris stated the annual regulatory plan will be on the August agenda for review but DBPR is requesting the plan by June 30th. Mr. Harris stated that he would like the authority to draft the plan and then sign and file on behalf of the Board and the Chair, after the Board and the Chair review and approve the final draft. Discussion followed. The Board gave Mr. Harris the authority to submit the plan to DBPR as requested.

J. Executive Director's Report

#1. COVID-19 Update

- a) Reinstatement issues
- b) Renewal issues

Ms. Raybon discussed the reactivation rule and the requirement for live continuing education hours and that applicants are unable to attend live conferences because of the pandemic. Discussion followed. The Board decided that the requirement for live continuing education hours would not be waived at this time but the Board will address the issue on a case-by-case basis. The Board asked staff to put this issue on the next Rules agenda.

#2. Renew Central Update

Ms. Raybon stated that Renew Central is working with the continuing education providers to get the providers and their courses in the system before contacting the licensees. Ms. Raybon stated that the providers are providing positive feedback on the process and the software.

#3. 2021 FBPE/FEMC Meeting Calendar

Provided for informational purposes.

#4. 2020 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
 - (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

Mr. Lovenstein stated that the Building Commission would not be delaying the implementation of the upcoming FBC.

#2. FES

Ms. Fairchild stated that the annual FES conference has been cancelled and FES intends to hold the conference in some virtual format that will be announced at a later date. Ms. Fairchild asked about the emergency rule deadline and whether licensees and building officials have been informed of the emergency rule. Ms. Raybon stated that all building officials were notified of the rule and the expiration date.

#3. IEEE

Mr. Nordlinger stated that IEEE had only ever done face-to-face training but they have switched to live online training and just recently held their first meeting this way.

#4. ASCE

M. Chair's Report

N. Action Items from Previous Board Meetings

O. Correspondence to the Board

#1. Email from Rob Velasco, P.E. with question regarding digitally signing and sealing document

Mr. Rimes discussed the email and mentioned that the Board may want to look at the rule for possible amendments to clear up this issue. The Board decided to take no action on this item.

#2. Email from Ed Roeder, P.E. regarding digital sealing

Mr. Rimes discussed the email. Discussion followed. Mr. Harris stated that he would send him the letter that he wrote to another agency about this issue.

#3. Email from Luanne Moore regarding third party certifications

Mr. Rimes discussed the email. Discussion followed.

#4. Letter from John Ross, P.E. regarding request to waive CE requirement

Ms. Raybon discussed the letter. Mr. Harris stated that we can't waive the continuing education requirement as it is a statute. Discussion followed.

#5. Email from Bill Conerly, P.E. with question regarding digital signing and sealing

Mr. Rimes discussed the email and the issue. Discussion followed.

P. Public Forum

Q. Community Involvement

R. Review of Applications – Education and Experience will be done at one time and ratified at the Wednesday morning Board meeting on June 10, 2020

Part II
Informal Hearing Agenda
(Wednesday, June 10, 2020)

S. Ratification of Actions from Application Review, June 9, 2020

Upon motion by Mr. Shah, seconded by Mr. Fleming, to approve the ratification list as presented, the motion passed.

T. Informal Hearing on Application for Licensure by Endorsement

Mr. Harris stated that the applicants are not being sworn in but must provide truthful information and if they make false statement they could be criminally prosecuted or license could be revoked. The Court Reporter informed she could swear any person appearing by videoconference, if the board would like to proceed with this in the future.

#1. George Tatsis

Mr. Tatsis was present. Mr. Harris explained the basis for denial. Mr. Tatsis holds a BS in Civil Engineering from the National Technical University of Athens and an MS in Analysis & Design of Earthquake Resistant Structures from the National Technical University of Athens. The denial is based on experience. Mr. Tatsis lacks the required 48 months of verified engineering.

Upon motion by Mr. Albergo, seconded by Mr. Fleming, that Mr. Tatsis was properly served with the Notice of Intent to Deny and filed an Election of Rights or other responsive pleadings within the time period required by law, and requesting a section 120.57(2), F.S. hearing not involving disputed issues of material fact, and to convene such hearing, the motion passed.

Upon motion by Mr. Albergo, seconded by Mr. Drury, to accept the complete application file, including any supplemental materials provided by Mr. Tatsis into the record, to adopt the factual allegations contained within the Notice of Intent to Deny as the Board's findings of facts, and to adopt the legal conclusions contained in the Notice of Intent to Deny as the Board's conclusions of law, the motion passed.

Mr. Tatsis addressed the Board. Discussion followed.

Motion made by Mr. Fleming and seconded by Mr. Drury to deny the application of Mr. Tatsis and to stay this decision for 10 days to allow Mr. Tatsis the option to withdraw the application in writing. Mr. Tatsis withdrew his application.

#2. Anil Undadi

Mr. Undadi was present. Mr. Harris explained the basis of denial. Mr. Undadi holds a BS in Civil Engineering from Osmania University and an MS in Civil Engineering from Lamar University. The denial is based on education. Mr. Undadi lacks five hours of general education.

Upon motion by Mr. Drury, seconded by Mr. Fleming, that Mr. Undadi was properly served with the Notice of Intent to Deny and filed an Election of Rights or other responsive pleadings within the time period required by law, requesting a section 120.57(2), F.S. hearing not involving disputed issues of material fact, and to convene such hearing, to accept the complete application file, including any supplemental materials provided by Mr. Undadi, into the record, and to adopt the factual allegations contained within the Notice of Intent to Deny as the board's findings of facts, the motion passed.

Mr. Undadi addressed the Board. Discussion followed.

Upon motion by Mr. Drury, seconded by Mr. Fleming, to adopt the legal conclusions contained in the Notice of Intent to Deny as the Board's conclusions of law, and to deny the application but to stay this decision for four (4) months to allow the applicant to complete the required courses to clear the deficiencies and authorize the executive director to approve the application if the courses meet the rules or allow the applicant to withdraw the application, if neither of these occur, and to enter the final order denying the application, the motion passed.

#3. Zahra Anadlib

Ms. Anadlib was present. Mr. Harris explained the basis for denial. Ms. Andalib holds a BS in Civil Engineering from the University of Semnan, an MS in Structural Engineering from the University of Semnan, and is working on a Ph.D. in Civil Engineering from the University of Kansas. The denial is based on experience. Ms. Andalib lacks the required 48 months of verified engineering experience.

Upon motion by Mr. Fleming, seconded by Mr. Drury, that Ms. Andalib was properly served with the Notice of Intent to Deny and filed an Election of Rights or other responsive pleadings within the time period required by law, requesting a section 120.57(2), F.S. hearing not involving disputed issues of material fact, and to convene such hearing, to accept the complete application file, including any supplemental materials provided by Ms. Andalib, into the record, and to adopt the factual allegations contained within the Notice of Intent to Deny as the Board's findings of facts, the motion passed.

Ms. Anadlib addressed the Board. Discussion followed. The Board stated that if the applicant can provide documentation that demonstrates that she was licensed in Iran then the experience will count.

Upon motion by Mr. Fleming, seconded by Mr. Drury, to adopt the legal conclusions contained in the Notice of Intent to Deny as the Board's conclusions of law, and to stay this decision for 30 days to allow the applicant to provide supplemental documents to clear the deficiencies and authorize the executive director to approve the application, if the supplemental documents are provided and, if not, then the application will come back to the Board in August for final action, the motion passed.

U. Informal Hearing on Application for Special Inspector Certification

#1. Pedro Fiallo

Mr. Fiallo was present. Mr. Harris explained the basis for denial. Mr. Fiallo's application was denied based on the fact that he is lacking three years of inspection experience. The supplemental documents provided did not clear the deficiencies.

Upon motion by Mr. Drury, seconded by Mr. Shah, that Mr. Fiallo was properly served with the Notice of Intent to Deny and filed an Election of Rights or other responsive pleadings within the time period required by law, requesting a section 120.57(2), F.S. hearing not involving disputed issues of material fact, and to convene such hearing, to accept the complete application file, including any supplemental materials provided by Mr. Fiallo, into the record, and to adopt the factual allegations contained within the Notice of Intent to Deny as the Board's findings of facts, the motion passed.

Mr. Fiallo addressed the Board. Discussion followed.

Upon motion by Mr. Fleming, seconded by Mr. Drury, to adopt the legal conclusions contained in the Notice of Intent to Deny as the Board's conclusions of law, and to stay this decision for 60 days to allow the applicant to provide supplemental documents to clear the deficiencies and authorize the board chair to approve the application if the supplemental documents are provided or allow the applicant to withdraw the application or the application will be denied, the motion passed.

V. Board Appearance/Informal Hearing on Application for Principles and Practice Examination

#1. Jorge Marin

Mr. Marin was present. Mr. Harris explained the basis for the appearance. Mr. Marin holds a BS in Mechanical Engineering from Universidad Nacional de Columbia Bogota. The Board

appearance/denial is based on experience. Mr. Marin does not have the required 48 months of verified engineering experience.

Upon motion by Mr. Fleming, seconded by Mr. Shah, that Mr. Marin was properly served with the Notice of Intent to Deny and filed an Election of Rights or other responsive pleadings within the time period required by law, requesting a section 120.57(2), F.S. hearing not involving disputed issues of material fact, and to convene such hearing, to accept the complete application file, including any supplemental materials provided by Mr. Marin, into the record, and to adopt the factual allegations contained within the Notice of Intent to Deny as the Board's findings of facts, the motion passed.

Mr. Marin addressed the Board. Discussion followed.

Motion made by Mr. Shah and seconded by Mr. Albergo to adopt the legal conclusions contained in the Notice of Intent to Deny as the Board's conclusions of law, and find the facts adequately support the denial of the application for Florida licensure, to deny the application for Florida Licensure, and to stay this decision for 10 days, to allow Mr. Marin the option to withdraw the application in writing. Mr. Marin withdrew his application.

W. Petition for Waiver and Variance of Rule 61G15-22.0002(3)

#1. Jacqueline Foster

Ms. Foster was present. Mr. Harris explained the reason for the petition.

Ms. Foster addressed the Board. Discussion followed.

Mr. Harris discussed the options for granting this waiver based on the statute and the current requirements of the Board's rule.

Upon motion by Mr. Drury, seconded by Mr. Fleming, to grant the request for wavier based on the testimony of the applicant and that the continuing education requirements be accomplished by live webinar, by national engineering associations, or by online/distance learning, the motion passed.

X. Request for Modification of Final Order

#1. Bilind Armaghani

Mr. Harris explained the request to modify the final order. Discussion followed.

Upon motion by Mr. Fleming, seconded by Mr. Shah, to accept the request for an extension and allow that the continuing education requirements be accomplished by live webinar or

by online/distance learning courses offered by national engineering associations, the motion passed.

Y. Review and Action on Application and Declaratory Statement

#1. Jonathan Batista

Mr. Batista was present. Mr. Harris explained the reason for the application and the declaratory statement being on the agenda. Mr. Harris stated that in his legal opinion the declaratory statement is not legally sufficient.

Mr. Batista addressed the Board. Discussion followed.

Upon motion by Mr. Fleming, seconded by Mr. Drury, to deny the declaratory statement as being legally insufficient, the motion passed.

Upon motion by Mr. Fleming, seconded by Mr. Drury, to deny Mr. Batista's application for licensure based on the finding that it does not meet the requirements for licensure in Florida because the applicant has not passed an NCEES Principles and Practice Exam as required by statute, the motion passed.

Z. Final Action/Informal Hearing on DOAH Cases

#1. Wadeed Tewfik

Mr. Tewfik was present. Mr. Harris explained the reason for the case being back before the Board and that the Board needs to take final action on the case.

Motion made by Mr. Fleming and seconded by Mr. Drury that Mr. Tewfik was properly served with the Notice of Intent to Deny and filed an Election of Rights or other responsive pleadings within the time period required by law to convene a 120.57(2) hearing not involving disputed issues of fact after the voluntary dismissal of the DOAH petition and remand from DOAH, to accept the complete application and DOAH files, including any supplemental materials provided by Mr. Tewfik, into the record, to adopt the factual allegations contained within the Notice of Intent to Deny as the Board's findings of facts, to adopt the legal conclusions contained in the Notice of Intent to Deny as the Board's conclusions of law, and find the facts adequately support the denial of the application for Florida licensure, to deny the application for Florida licensure.

Mr. Tewfik addressed the Board. Discussion followed.

The motion passed.

#2. Doru Botic

Mr. Harris explained the reason for the case being back before the Board and that the Board needs to take final action on the case.

Upon motion by Mr. Albergo, seconded by Mr. Drury, that Mr. Botic was properly served with the Notice of Intent to Deny and filed an Election of Rights or other responsive pleadings within the time period required by law to convene a 120.57(2) hearing not involving disputed issues of fact after the voluntary dismissal of the DOAH petition and remand from DOAH, to accept the complete application and DOAH files, including any supplemental materials provided by Mr. Botic, into the record, to adopt the factual allegations contained within the Notice of Intent to Deny as the Board's findings of facts, the motion passed.

Upon motion by Mr. Drury, seconded by Mr. Fleming, to adopt the legal conclusions contained in the Notice of Intent to Deny as the Board's conclusions of law, and find the facts adequately support the denial of the application for Florida licensure, and to deny the application for Florida licensure, the motion passed.

Part III
Disciplinary Hearings
(Wednesday, June 10, 2020)



AA. Settlement Stipulation

#1. Arlandson, Christopher P.E.

P.E. Number: 63002
FEMC Case Number: 2020002294
Probable Cause Panel Date: March 11, 2020
Probable Cause Panel: Matthews, Fleming & Drury

Mr. Arlandson was present. Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1)(a), F.S.: Violating ... any other provision of this chapter or rule of the board or department. Rule 61G15-19.001(6)(s), F.A.C.: Renewing or reactivating a license without completion of Continuing Education (CE) hour.

The Probable Cause Panel recommendation was administrative complaint, administrative fine of \$ 1,000.00, administrative costs of \$89.70, reprimand, and successful completion of the Board's Study Guide.

The Settlement Stipulation is the same as the PCP recommendation.

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

#2. Binger, Robert K. P.E.

P.E. Number: 47833
FEMC Case Number: 2020004779
Probable Cause Panel Date: March 11, 2020
Probable Cause Panel: Matthews, Fleming & Drury

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1)(a), F.S.: Violating ... any other provision of this chapter or rule of the board or department. Rule 61G15-19.001(6)(s), F.A.C.: Renewing or reactivating a license without completion of Continuing Education (CE) hour.

The Probable Cause Panel recommendation was administrative complaint, administrative fine of \$ 1,000.00, administrative costs of \$68.25, reprimand, and successful completion of the Board's Study Guide.

The Settlement Stipulation is the same as the PCP recommendation.

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

#3. Bristol, Clayton P.E.

P.E. Number: 84183
FEMC Case Number: 2019039953
Probable Cause Panel Date: March 11, 2020
Probable Cause Panel: Matthews, Fleming & Drury

Mr. Rimes outlined the facts of the case. The charges relate to a violation Section 471.033(1)(g), F.S., & Rule 61G15-19.001(4) by engaging in negligence in the practice of engineering

The Probable Cause Panel recommendation was administrative complaint. administrative fine of \$ 1,000.00, administrative costs of \$1,628.15, reprimand, successful completion of the Board Approved Basic Engineering Professionalism and Ethics course, and successful completion of the Board's Study Guide.

The Settlement Stipulation is the same as the PCP recommendation.

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

#4. Ramirez Arellano Gonzalez, Julian P.E.

P.E. Number: 82594
FEMC Case Number: 2020005069
Probable Cause Panel Date: March 11, 2020
Probable Cause Panel: Matthews, Fleming & Drury

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1)(a), F.S.: Violating ... any other provision of this chapter or rule of the board or department. Rule 61G15-19.001(6)(s), F.A.C.: Renewing or reactivating a license without completion of Continuing Education (CE) hour.

The Probable Cause Panel recommendation was administrative complaint, administrative fine of \$ 500.00, administrative costs of \$68.25, reprimand, and successful completion of the Board's Study Guide.

The Settlement Stipulation is the same as the PCP recommendation.

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

#5. Buryniuk, Darcy P.E.

P.E. Number: 38155
FEMC Case Number: 2020004948
Probable Cause Panel Date: March 11, 2020
Probable Cause Panel: Matthews, Fleming & Drury

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1)(a), F.S.: Violating ... any other provision of this chapter or rule of the board or department. Rule 61G15-19.001(6)(s), F.A.C.: Renewing or reactivating a license without completion of Continuing Education (CE) hour.

The Probable Cause Panel recommendation was administrative complaint, administrative fine of \$1,000.00, administrative costs of \$58.505, reprimand, and successful completion of the Board's Study Guide.

The Settlement Stipulation is the same as the PCP recommendation.

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

BB. Default

#6. Munoz, Edgar

P.E. Number: 50051
FEMC Case Number: 2019028012

Probable Cause Panel Date: November 06, 2019
Probable Cause Panel: Matthews, Fleming & Drury
Represented by: Clara Martinez, Esquire

Mr. Munoz was present, along with counsel, Ms. Martinez. Mr. Munoz was sworn in prior to addressing the Board.

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

Mr. Rimes stated that this is now a settlement stipulation case and the board members should have received copies of the stipulation via email. This was confirmed by the board members.

The Probable Cause Panel recommendation was administrative complaint, administrative costs of \$1,126.20, administrative fine of \$4,000 (\$2,000.00 per count), reprimand, appearance before the Board to discuss how this situation occurred, and what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future, restricted from structural practice until he takes and passes the NCEES 16-HR Structural Exam with project reviews at 6 and 18 months after he takes and passes the NCEES 16-HR Structural Exam, one-year suspension, successful completion of the Board Approved Intermediate Engineering Professionalism and Ethics course, and successful completion of the Board's Study Guide.

The Settlement Stipulation is the same as the PCP recommendation.

Upon motion by Mr. Albergo, seconded by Mr. Shah, to accept the settlement stipulation, and that the effective date be in 30 days to allow Mr. Munoz to finish any ongoing projects, the motion passed.

#7. Barber, Timothy

P.E. Number: Revoked/Unlicensed
FEMC Case Number: 2019018205
Probable Cause Panel Date: January 08, 2020
Probable Cause Panel: Matthews, Fleming & Drury

Mr. Rimes stated that he would take both cases at once. Mr. Rimes outlined the facts of each case. The charges relate to a violation of Section 471.033(1)(a)(violation of any provision of Chapter 471); §471.023(4), FS: ...Each business organization certified under this section must notify the board within 1 month after any change in the information contained in the application upon which the certification is based and §471.031(1), F.S.: Practicing engineering without a license; §471.033(1)(k), F.S.: Violating a previous order of the Board.

Upon motion by Mr. Shah, seconded by Mr. Varghese, that the respondent was properly served with the administrative complaint and failed to file an election of rights or other response as required by law within the required time, and that by failing to respond in writing as required by law the respondent has waived the right to request a hearing, and to grant the motion that the respondent has forfeited the right to select an administrative hearing under section 120.569 and 120.57(1), and to convene a hearing under section 120.57(2), F.S., to accept the entire investigative file of the case including the supplemental materials was accepted into evidence, that the Board adopt the findings of facts contained within the administrative complaint as the Board's findings of facts and to adopt the conclusions of law contained in the administrative complaint as the Board's conclusions of law, the motion passed.

Mr. Rimes talked about penalty. Discussion followed on the penalty and what options the board has.

Upon motion by Mr. Drury, seconded by Mr. Shah, to authorize staff to contact the Secretary of DBPR about these cases and request that they act upon this and/or authorize staff to seek an injunction in civil court, the motion passed.

#8. Barber, Timothy

P.E. Number: Revoked/Unlicensed

FEMC Case Number: 2019049770

Probable Cause Panel Date: March 11, 2020

Probable Cause Panel: Matthews, Fleming & Drury

This case was acted upon as part of #7, above.

CC. Old Business

DD. New Business

EE. Adjourn