

**Minutes for
The Florida Board of Professional Engineers
December 10, 2020 beginning at 8:30 a.m. or soon thereafter
Via video conference**

Thursday, December 10, 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



FLORIDA BOARD OF
PROFESSIONAL ENGINEERS

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

William Lampkin, FBPE Public Information Officer
John Stewart, FEMC Board Member
Andrew Lovenstein, P.E., FSEA
Angelina Fairchild, P.E., FES

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. Albergo, to approve the agenda, the motion passed.

F. Approval of Consent Agenda

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

#1. Minutes from the October 7-8, 2020 FBPE Board Meeting

Approved under consent agenda.

#2. Minutes from October 27, 2020 Joint FBPE-FEMC Board Meeting

Approved under consent agenda.

#3. Minutes from October 28, 2020 FBPE Multidimensional Model Task Force

Approved under consent agenda.

#4. Minutes from November 10, 2020 FBPE Probable Cause Panel Meeting

Approved under consent agenda.

#5. Minutes from November 10, 2020 FBPE Board Meeting via Conference Call

Approved under consent agenda.

#6. Application for Retired Status

Approved under consent agenda.



Informal Hearing Agenda

G. Informal Hearing on Denial of Application for Special Inspector Certification

#1. Christopher Beale

Mr. Beale was present and sworn in prior to addressing the board. Mr. Harris explained the basis for the denial. Mr. Beale's application was denied based on his experience being concrete restoration related and experience #5, #6 & #7 are as a general contractor and is not acceptable experience.

Mr. Beale addressed the board. Discussion followed.

Mr. Beale asked to withdraw his application and he will apply for the SI Limited when it becomes available.

Upon motion by Mr. Fleming, seconded by Mr. Albergo, to vacate the notice of intent to deny and allow the applicant to withdraw his application, the motion passed.

#2. Nestor Cueto

Mr. Cueto was present and sworn in prior to addressing the board. Mr. Harris explained the basis for the denial. Mr. Cueto's application was denied based on excessive time and overlapping months (one project was used for both design and inspection).

Mr. Cueto addressed the board. Discussion followed.

Upon motion by Mr. Fleming, seconded by Mr. Shah, to reconvene the informal hearing at the February 2021 board meeting to allow the applicant to supplement his application, the motion passed.

H. Board appearance on Application for Special Inspector Certification

#1. John Ellis

Mr. Ellis was present and sworn in prior addressing the board. Mr. Harris explained the reason for the board appearance. A board appearance was required for Mr. Ellis' application for the following reasons: experience #2 is not acceptable as it is not feasible to have 3,265 occupant load in 5,279 assembly space; lacks required months of experience; and experience #3 and #6 were of different projects in the first application and were not considered in this evaluation.

Mr. Ellis addressed the board. Discussion followed.

Upon motion by Mr. Fleming, seconded by Mr. Albergo, to approve the application of Mr. Ellis, the motion passed.

I. Hearing on Petition on Waiver and Variance of Rule 61G15-22.0002 – Licensure Change of Status, Reactivation, Reinstatement of Void Licenses

#1. Tom Glasser

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. Fleming, seconded by Mr. Albergo, to approve the petition with the caveat that the courses must be live webinars, the motion passed.

#2. Humberto Castillo

Mr. Castillo was present and sworn in prior to addressing the board. Mr. Harris discussed the options for granting this waiver based on the statute and the current requirements of the board's rule.

Mr. Castillo addressed the board. Discussion followed.

Upon motion by Mr. Fleming, seconded by Mr. Shah, to approve the application of Mr. Castillo and grant the petition, the motion passed.

J. Hearing on Declaratory Statement of Rule 61G15-19.001 (6) (e)– Grounds for Disciplinary Proceedings - request by J.S. Held (4:54:00)

Mr. Bracken was present and discussed the declaratory statement. Discussion followed.

Motion by Mr. Fleming, seconded by Mr. Shah, to grant the petition and issue a declaratory statement that, the arrangement, as under described and detailed in the declaratory statement, would NOT violate the cited rules, as it does not appear the licensee is offering to pay a bribe or pay for preferential treatment, the motion passed.

Disciplinary Hearings

K. Informal Hearing

#1. Ayaz, Sabri, P.E.
P.E. Number: 42914
FEMC Case Number: 2020004703
Probable Cause Panel Date: May 13, 2020

Probable Cause Panel: Matthews, Fleming & Drury

Mr. Ayaz 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) hours.

Probable Cause was found on May 13, 2020, on the issue of Respondent. An administrative complaint was authorized and filed on May 26, 2020. A signed Election of Rights was returned to the FBPE office on June 23, 2020.

Please note that this case went before the board at the August 2020 board meeting as a settlement stipulation. Respondent decided to rescind his settlement stipulation and opted to come back for an informal hearing. The board accepted the rescission. A Request for Admissions went out to Respondent on August 07, 2020. A response to the Request for Admissions was received on or about August 13, 2020.

The Probable Cause Panel recommended an administrative complaint, administrative fine of \$ 1,000.00, administrative costs of \$58.50, reprimand, and successful completion of the board's study guide.

Upon motion by Mr. Albergo, seconded by Mr. Shah, that the respondent was properly served with the administrative complaint and filed an election of rights electing a Chapter 120.57(2) hearing not involving disputed issue of material facts, to convene such hearing, to accept the Statement of Undisputed Material Facts presented as the board's findings of fact, to accept the entire investigative file of the case including the supplemental materials into evidence, to adopt the allegations in the administrative complaint as the board's conclusions of law, and to find a violation of the practice act upon which discipline may be imposed, the motion passed.

Upon motion by Mr. Albergo, seconded by Mr. Shah, to reduce the penalty to an administrative complaint, fine of \$1,000; costs, and successful completion of the board's study guide, the motion passed.

#2. Khouri, Badwi, P.E. (CE Case)
P.E. Number: 48372
FEMC Case Number: 2020006196
Probable Cause Panel Date: September 09, 2020
Probable Cause Panel: Matthews, Fleming & Drury
Represented by: Edwin Bayo, Esq.

Mr. Khouri was present along with his counsel, Mr. Bayo. Mr. Khouri was sworn in prior addressing the board. 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) Hours.

Probable Cause was found on September 09, 2020, on the issue of Respondent. An Administrative Complaint was authorized and filed on September 22, 2020. A signed Election of Rights requesting an Informal hearing was returned to the FBPE office on September 25, 2020.

The Probable Cause Panel recommendation was an administrative complaint, administrative fine of \$ 1,000.00, administrative costs of \$113.10, reprimand, and successful completion of the board's study guide.

Mr. Bayo addressed the board. Discussion followed.

Upon motion by Mr. Albergo, seconded by Mr. Shah, that the respondent was properly served with the administrative complaint and filed an election of rights electing a Chapter 120.57(2) hearing not involving disputed issue of material facts, to convene such hearing, to accept the Statement of Undisputed Material Facts presented as the board's findings of fact, to accept the entire investigative file of the case including the supplemental materials into evidence, to adopt the allegations in the administrative complaint as the board's conclusions of law, and to find a violation of the practice act upon which discipline may be imposed, the motion passed.

Upon motion by Mr. Albergo, seconded by Mr. Shah, to reduce the penalty to a fine of \$500, costs, and successful completion of the board's study guide, the motion passed.

#3. Mack, Stephan, P.E. (CE Case)
P.E. Number: 82192
FEMC Case Number: 2020002332
Probable Cause Panel Date: July 08, 2020
Probable Cause Panel: Matthews, Fleming & Drury

Mr. Mack was present and sworn in before addressing the board. 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) hours.

Probable Cause was found on July 08, 2020, on the issue of Respondent. An Administrative Complaint was authorized and filed on July 20, 2020. A signed Election of Rights requesting an Informal hearing was returned to the FBPE office on August 17, 2020.

The Probable Cause Panel recommendation was an administrative complaint, administrative fine of \$ 1,000.00, administrative costs of \$72.15, reprimand, appearance before the board

to discuss how this situation occurred, what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future, and successful completion of the board's study guide.

Upon motion by Mr. Albergo, seconded by Mr. Shah, that the respondent was properly served with the administrative complaint and filed an election of rights electing a Chapter 120.57(2) hearing not involving disputed issue of material facts, to convene such hearing, to accept the Statement of Undisputed Material Facts presented as the board's findings of fact, to accept the entire investigative file of the case including the supplemental materials into evidence, to adopt the allegations in the administrative complaint as the board's conclusions of law, and to find a violation of the practice act upon which discipline may be imposed, the motion passed.

Upon motion by Mr. Albergo, seconded by Mr. Shah, to reduce the penalty to an administrative complaint, fine of \$500, costs, successful completion of the board's study guide, and successful completion of the Auburn University Professionalism and Ethics course, the motion passed.

#4. Ritzer, William, P.E. (CE Case)
P.E. Number: 80861
FEMC Case Number: 2020007386
Probable Cause Panel Date: July 08, 2020
Probable Cause Panel: Matthews, Fleming & Drury

Mr. Ritzer was present and sworn in prior to addressing the board. Mr. Rimes outlined the facts of the case. The charges relate to a violation of Statute or Rule at Issue: 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) Hours.

Probable Cause was found on July 08, 2020 on the issue of Respondent. An Administrative Complaint was authorized and filed on July 20, 2020. A signed Election of Rights requesting an Informal hearing was returned to the FBPE office August 27, 2020.

The Probable Cause Panel recommendation was an administrative complaint;; administrative fine of \$ 1,000.00, administrative costs of \$81.90, reprimand, and successful completion of the board's study guide.

Mr. Ritzer addressed the board.

Upon motion by Mr. Albergo, seconded by Mr. Shah, that the respondent was properly served with the administrative complaint and filed an election of rights electing a Chapter 120.57(2) hearing not involving disputed issue of material facts, to convene such hearing, to accept the Statement of Undisputed Material Facts presented as the Board's findings of fact, to accept

the entire investigative file of the case including the supplemental materials into evidence, to adopt the allegations in the administrative complaint as the Board's conclusions of law, and to find a violation of the practice act upon which discipline may be imposed, the motion passed.

Upon motion by Mr. Albergo, seconded by Mr. Shah, to reduce the penalty to administrative costs of \$81.90, successful completion of the Auburn University Professionalism and Ethics course, and successful completion of the board's study guide, the motion passed.

#5. Sanon, Jeffery, P.E.
P.E. Number: 70946
FEMC Case Number: 2020008424
Probable Cause Panel Date: July 08, 2020
Probable Cause Panel: Matthews, Fleming & Drury
Represented by: Clyde Mathis, Esq.

Mr. Sanon was present along with counsel, Mr. Mathis. Mr. Jeffery was sworn in prior to addressing the board.

Mr. Rimes outlined the facts of the case. The charges relate to a violation of 455.227(1)(c), FS: Being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the...ability to practice, a licensee's profession; Section 471.033(1)(d), Florida Statutes, provides that disciplinary action may be taken against a Professional Engineer for "[b]eing convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of engineering or the ability to practice engineering."

The Probable Cause Panel recommendation was administrative complaint, administrative fine of \$ 1,000.00, administrative costs of \$93.60, reprimand, appearance before the board to discuss how this situation occurred, what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future, 1-year suspension, successful completion of the Board Approved Basic Engineering Professionalism and Ethics course; and successful completion of the board's study guide and 2 years' probation.

Mr. Mathis addressed the board.

Upon motion by Mr. Albergo, seconded by Mr. Shah, that the respondent was properly served with the administrative complaint and filed an election of rights electing a Chapter 120.57(2) hearing not involving disputed issue of material facts, to convene such hearing, to accept the Statement of Undisputed Material Facts presented as the board's findings of fact, to accept the entire investigative file of the case including the supplemental materials into evidence, to adopt the allegations in the administrative complaint as the board's conclusions of law, and to find a violation of the practice act upon which discipline may be imposed, the motion passed.

Upon motion by Mr. Albergo, seconded by Mr. Shah, to accept the PCP recommendation with following amendments of three years probation and no suspension and all other items remain the same, the motion passed.

#6. Shaver, Joshua, P.E. (CE Case)
P.E. Number: 85049
FEMC Case Number: 2020010472
Probable Cause Panel Date: July 08, 2020
Probable Cause Panel: Matthews, Fleming & Drury

Mr. Shaver 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) Hours.

Probable Cause was found on July 08, 2020 on the issue of Respondent. An Administrative Complaint was authorized and filed on July 20, 2020. A signed Election of Rights requesting an Formal hearing was returned to the FBPE office August 17, 2020.

The Probable Cause Panel recommendation was an administrative complaint, administrative fine of \$ 1,000.00, administrative costs of \$79.95, reprimand, and successful completion of the board's study guide.

Upon motion by Mr. Albergo, seconded by Mr. Shah, that the respondent was properly served with the administrative complaint and filed an election of rights electing a Chapter 120.57(2) hearing not involving disputed issue of material facts, to convene such hearing, to accept the Statement of Undisputed Material Facts presented as the board's findings of fact, to accept the entire investigative file of the case including the supplemental materials into evidence, to adopt the allegations in the administrative complaint as the board's conclusions of law, and to find a violation of the practice act upon which discipline may be imposed, the motion passed.

Upon motion by Mr. Albergo, seconded by Mr. Shah, to reduce the penalty to an administrative complaint, successful completion of the Auburn University Professionalism and Ethics course, and successful completion of and successful completion of the board's study guide, the motion passed.

#7. Wells, James, P.E. (CE Case)
P.E. Number: 52818
FEMC Case Number: 2020008817
Probable Cause Panel Date: July 08, 2020
Probable Cause Panel: Matthews, Fleming & Drury

Mr. Wells 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) Hours.

Probable Cause was found on July 08, 2020 on the issue of Respondent. An Administrative Complaint was authorized and filed on July 20, 2020. A signed Election of Rights requesting an Informal hearing was returned to the FBPE office August 21, 2020.

The Probable Cause Panel recommendation was administrative complaint, administrative fine of \$ 1,000.00, administrative costs of \$68.25, reprimand, appearance before the board to discuss how this situation occurred, what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future, and successful completion of the board's study guide.

Upon motion by Mr. Albergo, seconded by Mr. Shah, that the respondent was properly served with the administrative complaint and filed an election of rights electing a Chapter 120.57(2) hearing not involving disputed issue of material facts, to convene such hearing, to accept the Statement of Undisputed Material Facts presented as the board's findings of fact, to accept the entire investigative file of the case including the supplemental materials into evidence, to adopt the allegations in the administrative complaint as the board's conclusions of law, and to find a violation of the practice act upon which discipline may be imposed, the motion passed.

Upon motion by Mr. Albergo, seconded by Mr. Shah, to reduce the penalty to an administrative complaint, fine of \$500; costs, successful completion of the Auburn University Professionalism and Ethics course, and successful completion of the board's study guide, the motion passed.

#8. Worline, Timothy J., P.E.
 P.E. Number: 65906
 FEMC Case Number: 2020009004
 Probable Cause Panel Date: May 13, 2020
 Probable Cause Panel: Matthews, Fleming & Drury

Mr. Worline was present and sworn in prior addressing the board. 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) Hours.

Probable Cause was found on May 13, 2020 on the issue of Respondent. An Administrative Complaint was authorized and filed on May 26, 2020. A signed Election of Rights was returned to the FBPE office June 18, 2020. This case went before the Board at the August 2020 board

meeting as a settlement stipulation. Respondent decided to rescind his settlement stipulation and opted to come back for an Informal hearing. The Board accepted the rescission. A Request for Admissions went out to Respondent on August 07, 2020. A response to the Request for Admissions was received on or about September 02, 2020.

Mr. Woreline addressed the board.

Upon motion by Mr. Albergo, seconded by Mr. Shah, that the respondent was properly served with the administrative complaint and filed an election of rights electing a Chapter 120.57(2) hearing not involving disputed issue of material facts, to convene such hearing, to accept the Statement of Undisputed Material Facts presented as the board's findings of fact, to accept the entire investigative file of the case including the supplemental materials into evidence, to adopt the allegations in the administrative complaint as the board's conclusions of law, and to find a violation of the practice act upon which discipline may be imposed, the motion passed.

Upon motion by Mr. Albergo, seconded by Mr. Shah, to reduce the penalty to an administrative complaint, costs, successful completion of the Auburn University Professionalism and Ethics course, and successful completion of the board's study guide, the motion passed.

L. Settlement Stipulation

Mr. Rimes outlined the facts of these cases. The charges relate to a violation of §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) hours.

The board considered these cases as a group unless noted otherwise and took the following action:

Upon motion by Mr. Shah, seconded by Mr. Albergo, to accept the settlement stipulation for the CE Cases including the cases that required an appearance, the motion passed.

- #9. Buholtz, Brian, P.E. (CE Case)
 - P.E. Number: 57979
 - FEMC Case Number: 2020002165
 - Probable Cause Panel Date: September 09, 2020
 - Probable Cause Panel: Matthews, Fleming & DruryCE Case

- #10. Claxton, Samuel P.E. (CE Case)
 - P.E. Number: 68647

FEMC Case Number: 2020004977
Probable Cause Panel Date: July 08, 2020
Probable Cause Panel: Matthews, Fleming & Drury
CE Case

#11. Cunningham, Frank, P.E. (Regular (Non-CE) Case)
P.E. Number: 19665
FEMC Case Number: 2018046673, 2018007945
Probable Cause Panel Date: January 08, 2020, September 09, 2020
Probable Cause Panel: Matthews, Fleming & Drury

Mr. Cunningham was present and sworn in prior to addressing the board. Mr. Rimes outlined the facts of case. The charges relate to a violation of 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 for case number 2018046673 was an administrative complaint administrative fine of \$ 7,000.00 (\$1,000.00 per count), administrative costs of \$10,854.35, reprimand, appearance before the board to discuss how this situation occurred, what improvements and quality control f will be implemented to prevent this circumstance from occurring in the future, 2 years' probation, successful completion of the Board Approved Basic Engineering Professionalism and Ethics course, project/plan reviews on 1 project from each of the four disciplines (structural, mechanical electrical and life safety) at 6 and 18 month intervals, and successful completion of the board's study guide.

The Probable Cause Panel Recommendation for case number 2018007945 was an administrative complaint, administrative fine of \$ 3,000.00 (\$1,000.00 per count), administrative costs of \$9,880.25, reprimand, appearance before the board to discuss how this situation occurred, what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future, 2 years' probation, successful completion of the Board Approved Basic Engineering Professionalism and Ethics course, project/plan reviews on 1 project from each of the four disciplines (structural, mechanical electrical and life safety) at 6 and 18 month intervals, and successful completion of the board's study guide.

The Settlement Stipulation is an administrative complaint, administrative fine of \$ 3,000.00) administrative costs of \$4,767.93, reprimand, appearance before the board to discuss how this situation occurred, what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future, 2 years' probation, successful completion of the Board Approved Basic Engineering Professionalism and Ethics course; project/plan reviews on structural engineering projects at 6 and 18 month intervals, and successful completion of the board's study guide.

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

#12. Daffinrud, Thomas, P.E. (Required Attendance-Tabled from October) (CE Case)
P.E. Number: 75286
FEMC Case Number: 2020004994
Probable Cause Panel Date: May 13, 2020
Probable Cause Panel: Matthews, Fleming & Drury

Mr. Daffinrud was present and sworn in prior to addressing the board. 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) hours.

This case previously went before the board in October 2020. Subject was due to appear and did not. The board decided to table this case until the December 2020 Board meeting.

The Probable Cause Panel recommendation was an administrative complaint, administrative fine of \$ 1,000.00, administrative costs of \$58.50, appearance before the board to discuss how this situation occurred, what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future, and successful completion of the board's study guide.

The Settlement Stipulation is the same as the Probable Cause Panel recommendation.

Mr. Daffinrud addressed the board.

Upon motion by Mr. Shah, seconded by Mr. Albergo, to amend the settlement stipulation as follows: administrative complaint, administrative costs of \$58.50, appearance before the board to discuss how this situation occurred, what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future, successful completion of the Auburn University Professionalism and Ethics course and successful completion of the board's study guide, the motion passed.

#13. Dally, Fred P.E. (CE Case)
P.E. Number: 80206
FEMC Case Number: 2020005011
Probable Cause Panel Date: September 09, 2020
Probable Cause Panel: Matthews, Fleming & Drury

#14. Klink, Robert P.E.(Required appearance) (CE Case)
P.E. Number: 51011
FEMC Case Number: 2020006214

Probable Cause Panel Date: September 09, 2020
Probable Cause Panel: Matthews, Fleming & Drury

Mr. Klink 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) hours.

The Probable Cause Panel recommendation was administrative complaint, administrative fine of \$ 2,000.00, administrative costs of \$87.75, reprimand, suspension of license until in compliance and then appearance before the board, successful completion of the board's Study Guide, and an appearance before the board to discuss how this situation occurred, what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future.

The Settlement Stipulation is the same as the Probable Cause Panel recommendation.

Upon motion by Mr. Shah, seconded by Mr. Albergo, to amend the stipulation by removing the required board appearance but all other items remain, the motion passed.

#15. Mikuski, Amanda P.E. (Required Attendance-Tabled from October) (CE Case)
P.E. Number: 65118
FEMC Case Number: 2020010231
Probable Cause Panel Date: July 08, 2020
Probable Cause Panel: Matthews, Fleming & Drury

Ms. Mikuski was present and sworn in prior to addressing the board. 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) hours.

The Probable Cause Panel recommendation was an administrative complaint, administrative fine of \$ 1,000.00, administrative costs of \$48.75, reprimand, appearance before the board to discuss how this situation occurred, what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future, and successful completion of the board's study guide.

The Settlement Stipulation is the same as the Probable Cause Panel recommendation.

Upon motion by Mr. Shah, seconded by Mr. Albergo, to amend the stipulation as follows:

administrative complaint, administrative costs of \$48.75, reprimand, appearance before the board to discuss how this situation occurred, what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future, successful completion of the Auburn University Professionalism and Ethics course and successful completion of the board's study guide, the motion passed.

#16. Noldan, Matthew P.E. (CE Case)
P.E. Number: 85055
FEMC Case Number: 2020006505
Probable Cause Panel Date: July 08, 2020
Probable Cause Panel: Matthews, Fleming & Drury

#17. Ramos, Frank P.E. (CE Case)
P.E. Number: 50275
FEMC Case Number: 2020007962
Probable Cause Panel Date: July 08, 2020
Probable Cause Panel: Matthews, Fleming & Drury

Mr. Ramos 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) hours.

The Probable Cause Panel recommendation was administrative complaint, administrative fine of \$ 500.00, administrative costs of \$62.40a Auburn P&E course, and successful completion of the board's study guide.

The Settlement Stipulation is the same as the PCP recommendation.

Discussion followed.

Upon motion by Mr. Shah, seconded by Mr. Albergo, to amend the settlement stipulation to remove the fine but keep all other penalties, the motion passed.

#18. Rennebaum, Robert P.E. (Regular case)
P.E. Number: 41168
FEMC Case Number: 2020015431
Probable Cause Panel Date: September 09, 2020
Probable Cause Panel: Matthews, Fleming & Drury

Mr. Rennebaum was present and sworn in prior to addressing the board. Mr. Rimes outlined the facts of the case. The charges relate to a violation of §471.025, F.S.: Failure to sign, seal and date a final engineering document. §471.033(1)(c), F.S.: Having a license to practice engineering revoked, suspended, or otherwise acted against...by the licensing authority of

another state...for any act that would constitute a violation of this chapter or chapter 455. §471.033(1)(j), F.S.: Affixing or permitting to be affixed his or her seal, name, or digital signature to any final drawings, specifications...that were not prepared by him or her or under his or her responsible supervision, direction, or control.

The Probable Cause Panel recommendation was administrative complaint, administrative costs of \$2,608.65, reprimand, appearance before the board to discuss how this situation occurred, what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future, and successful completion of the board's study guide.

The Settlement Stipulation is the same as the PCP recommendation.

Mr. Rennebaum addressed the board.

Upon motion by Mr. Shah, seconded by Mr. Albergo, to amend the settlement stipulation to remove the reprimand but keep the remaining penalties, the motion passed.

#19. Skulstad, Erik H. P.E. (CE Case)
P.E. Number: 84054
FEMC Case Number: 2020008029
Probable Cause Panel Date: May 13, 2020
Probable Cause Panel: Matthews, Fleming & Drury

#20. Stone, A. Nelson P.E. (CE Case)
P.E. Number: 79138
FEMC Case Number: 2020002320
Probable Cause Panel Date: September 09, 2020
Probable Cause Panel: Matthews, Fleming & Drury

#21. Touloumis, John P.E. (Required Appearance) (CE Case)
P.E. Number: 32340
FEMC Case Number: 2020002114
Probable Cause Panel Date: September 09, 2020
Probable Cause Panel: Matthews, Fleming & Drury

#22. Whitley, Timothy P.E. (CE Case)
P.E. Number: 6 2642
FEMC Case Number: 2020008865
Probable Cause Panel Date: September 09, 2020
Probable Cause Panel: Matthews, Fleming & Drury

M. Voluntary Relinquishment

#23. Menen, Joseph, P.E. (CE Case)
P.E. Number: 44745
FEMC Case Number: 2020002145
Probable Cause Panel Date: September 09, 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) hours.

Mr. Menen is asking to voluntarily relinquish is license.

Upon motion by Mr. Shah, seconded by Mr. Albergo, to accept the request to allow Mr. Menen to relinquish his license, the motion passed.

N. Committee Reports

#1. Probable Cause Panel **(Next Meeting: January 13, 2021 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.)

#2. Applications Review – Experience Committee **(Next Meeting: January 13, 2021 at 1pm)**

(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.

(b) Application Review.

List has been supplied to the board members (Ratification of Actions will happen as action is taken on the applications)

Ms. Sammons read the list of recommended actions for each application.

Upon motion by Mr. Fleming, seconded by Mr. Shah, that the list read by Ms. Sammons is approved as the decisions of the board, the motion passed.

Application Review Ratification list is attached at the end of the minutes.

#3. Applications Review – Education Committee **(Next Meeting: January 13, 2021 at 1pm)**

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

(a) Committee Chair's Report.

(b) Application Review.

#4. Rules Committee **(Next Meeting: March 9, 2021 at 1pm)**

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

(a) Committee Chair's Report.

#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.

#6. Multidimensional Electronic Model Task Force **(Next Meeting: January 15, 2021 @1pm; January 22, 2021 @1pm; January 29, 2021 @1pm)**

(FBPE Board Members: Dylan Albergo, P.E.; Scott Drury, P.E.; PJ Shah, P.E.)

(Public Advisors: Vern Danforth; Will Sharp; Mo Harmon; Anath Prasad;

William Bracken, P.E., S.I.; Steve Stanfill; Mark Lemieux; Dylan Richard; Casey Sveiven; Nick Benedico)

(a) Committee Chair's Report.

#7. Joint FBPE-FEMC Committee **(Next Meeting: TBD)**

(FBPE Board Members: Kevin Fleming, P.E.; Dylan Albergo, P.E.)

(FEMC Board Members: Barney Bishop, Committee Chair, Public Member; John Stewart, Public Member)

O. NCEES

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

#1. Appoint One Funded Delegate for 2021 Southern Zone Meeting – April 15-17 – North Carolina

Ms. Raybon stated that the in-person meeting has been moved to a virtual meeting.

P. Advisory Attorney's Report

#1. Rules Report

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

#2. Final Order from Rule Challenge—Update/Information/Discussion

Mr. Harris provided an update on the rule challenge and stated that the applicant is trying to continue actions against FBPE/FEMC through the governor's office and the attorney general's office.

Discussion followed.

#3. Recommendations from Dec. 9th Rules Committee Meeting (these items will be sent after the Dec. 9th Rules Meeting and will be in a separate book)

- a. Public Hearing on Rule 61G15-23.001 and 23.004
- b. Public Hearing on Rule 61G15-Chapter 32
- c. Public Hearing on Rule 61G15-Chapter 35
- d. Discussion on DBPR Rule Review – Rules identified by DBPR for Repeal

Mr. Harris explained the proposed rule language.

Discussion followed.

Upon motion by Mr. Fleming, seconded by Mr. Drury, to open rule 61G15-31.003 and 61G15-31.006 for development and amend the rules as presented in the meeting packet, the motion passed.

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

Upon motion by Mr. Fleming, seconded by Mr. Shah, 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 to use the standard sunset language for this rule, the motion passed.

Mr. Harris explained the proposed rule amendments to Chapter 35 of the rules. Mr. Varghese discussed the proposed rule amendments. Discussion followed.

Upon motion by Mr. Fleming, seconded by Mr. Drury, to open chapter 35 and incorporate the proposed changes from Mr. Varghese and Mr. Lovenstein, the motion passed.

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

Upon motion by Mr. Fleming, seconded by Mr. Drury, that the proposed rule amendments 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 to use the standard sunset language for this rule, the motion passed.

Mr. Harris discussed the recommendations from DBPR in regard to rules repeal. Discussion followed.

Upon motion by Mr. Fleming, seconded by Mr. Drury, to repeal Rule 61G15-22.008 and keep all remaining rules that DBPR suggested for repeal, the motion passed.

Q. Executive Director's Report

#1. Renewal Update

Ms. Raybon provided a renewal update.

#2. Discussion on Board Compensation for meetings

Ms. Raybon discussed board compensation for meetings. Discussion followed. Ms. Raybon was asked to talk to DBPR about FBPE board members forgoing compensation for board business.

#3. Report/Follow Up on SpanTran Sample Evaluations

Ms. Raybon discussed the sample evaluations that had been done by SpanTran. Discussion followed. The board decided that we would continue to only use the two evaluators that we have currently.

#4. Report on October Exam Sites

Provided for informational purposes.

#5. 2021 FBPE/FEMC Meeting Calendar

Provided for informational purposes.

R. Chief Prosecutor's Report

#1. 300-day report

Provided for informational purposes.

#2. Profile of legal cases by year

(a) Cases open for 1 year plus

Provided for informational purposes.

(b) Total open cases by year

Provided for informational purposes.

#3. Non-Compliance Report

Provided for informational purposes.

#4. Open case report

Provided for informational purposes.

S. Engineering Association and Society Reports

#1. FSEA

#2. FES

#3. IEEE

#4. ASCE

T. Chair's Report

U. Action Items from Previous Board Meetings

V. Correspondence to the Board

#1. Email from Carmelo Giglio, PE, SI Re: new SI Limited

Provided for informational purposes.

#2. Letter from FES – Re: new SI Limited

Provided for informational purposes.

W. Election of Chair and Vice Chair for 2021

Mr. Varghese opened the floor for nominations for chair and vice chair for 2021.

Mr. Varghese recommended Mr. Fleming for chair and Mr. Drury for vice chair.

Upon motion by Mr. Shah, seconded by Mr. Albergo, to appoint Mr. Fleming as chair and Mr. Drury as vice chair for 2021, the motion passed.

X. Public Forum

Y. Community Involvement

Z. Old Business

AA. New Business

Mr. Harris discussed the disciplinary guidelines and that the board may want to incorporate the discipline for CE violation into the rule.

Ms. Sammons stated that Mr. Matthews would like to know if the board would grant him a waiver of the required CE hours for the renewal cycle since he is currently the chair of PCP.

Upon motion by Mr. Fleming, seconded by Mr. Drury, to grant a variance/waiver of the required CE hours to Mr. Robert (Bob) Matthews for the current renewal cycle, the motion passed.

BB. Adjourn