STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL ENGINEERS,

Petitioner,

v. FEMC Case No. 2019041047

JAMAL S. NAGAMIA, 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 February 18, 2021 via Video 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 02 day of March, 2021.
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 and email to Jamal Nagamia, P.E. by service upon his attorney of record Kevin Sparkman, Esquire, at The Florida Law Group, 407 North Howard Avenue, Suite 100, Tampa, Florida 33606 this 3 day of March, 2021.

Rebecca Valentine
Rebecca Valentine,
Paralegal
STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL ENGINEERS,

Petitioner,

v. 

JAMAL S. NAGAMIA, P.E.

Respondent,

FEMC Case No. 2019041047

SETTLEMENT STIPULATION

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

STIPULATED FACTS

1. For all times pertinent hereto, Respondent, JAMAL S. NAGAMIA, P.E., was a licensed engineer in the State of Florida, having been issued license number PE 19241.

2. Respondent was charged with violations of Chapter 471, Florida Statutes, in an Administrative Complaint filed by the Florida Engineers Management Corporation, and properly served upon Respondent. True and correct copies of the filed Administrative Complaints are attached hereto and incorporated herein by reference as "Composite Exhibit A to Settlement Stipulation".
STIPULATED CONCLUSIONS OF LAW

1. Respondent, in Respondent's capacities as a licensed professional engineer admits that, in such capacity, Respondent is subject to the provisions of Chapter 471, Florida Statutes, and the jurisdiction of the Department of Business and Professional Regulation ("Agency" or "Department"), FEMC, and the Board.

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

STIPULATED DISPOSITION OF LAW

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

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

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

4. Respondent shall APPEAR before the Board when this Stipulation is presented. Respondent must be prepared to discuss: how this situation occurred, what improvements and quality control measures Respondent plans to implement to improve Respondent's work product, and how Respondent intends to prevent this circumstance from occurring in the future.

5. Respondent shall pay an ADMINISTRATIVE FINE of $2,000.00 ($500.00 per Count) and COSTS of $13,939.30 to be paid in One (1) Payment of $1,992.43 and Seven (7) Payments of $1,992.41 to the Board due Two (2) Years from the date that the Final Order adopting this Stipulation is filed with the Agency Clerk.
6. Respondent's license shall be **RESTRICTED** from creating, producing, or certifying any **Structural Engineering** documents until such time as Respondent takes and passes the NCEES 16 hour Structural examination. As used herein the term "**Structural**" encompasses any engineering services that are regulated by the provisions of the Board’s Responsibility Rules 61G15-31. Respondent may only recommence practice of Structural Engineering upon passage of the NCEES 16 hour Structural examination.

a. Subsequent to taking and passing the NCEES 16 hr. Structural Examination, Respondent shall submit to the Board a detailed list of all completed Structural Engineering projects (signed, sealed, and dated), by the Respondent for **PROJECT REVIEW** at six (6) and eighteen (18) month intervals from the date on which Respondent passes the examination. The projects shall include: all Structural Engineering projects and reports signed and sealed by Respondent.

b. A FEMC Consultant will select two (2) projects from each submitted list for review. The Respondent is responsible for promptly furnishing any set of completed plans (signed, sealed, and dated), calculations, and any other supporting documentation requested by the Consultant. The Respondent must sign, date, and seal all materials that are submitted for project review using a non-embossed, rubber stamp seal. Sealed project review materials may be copied and submitted electronically, if desired, by the Respondent. Respondent is also responsible for the Consultant's fees for reviewing the projects, and shall remit payment in the amount of $2,000.00 by check or money order made payable in the name of the Board's Consultant at the time that the project lists are submitted to FEMC. In the event that the project reviews cost exceed $2,000.00, then the Respondent is responsible for the deficiency. In the event that the cost of the reviews is less than $2,000.00, then the unused portion will be refunded to Respondent. Should the
Consultant return an unfavorable report concerning Respondent’s projects, that report shall be submitted to the Probable Cause Panel for determination of whether additional disciplinary proceedings should be initiated.

c. If the Respondent has not performed engineering services on a sufficient number of projects to make the submissions required by 6a., above, the initial or, if applicable, the subsequent submission required by the terms of the project review shall be extended for a period of six (6) months to allow Respondent to perform the services necessary for the required review. However, if, after the extension has expired, Respondent does not perform sufficient engineering services to meet the requirements of the terms of probation, Respondent’s license will be placed on voluntary inactive status as defined in Section 455.227, Florida Statutes, by the Board, without any further necessity for action on the part of Respondent. Respondent’s license shall remain on such status, provided Respondent meets the requirements of Section 455.227, unless and until Respondent notifies the Board that he wishes to recommence practice and obtains Board authorization to reactivate his license under such terms of probation that the Board deems appropriate at that time.

d. Should the FEMC Consultant return a favorable report after reviewing the set of plans reviewed during the first project review, the requirements for the second project review may be waived. A “favorable report” is herein defined as a report that, in the sole opinion of the Consultant with the concurrence of the Board, finds that the plans reviewed were considered to be free of any material deficiencies.

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

7. Respondent 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 **Intermediate Engineering Professionalism and Ethics** within one (1) year of the date the Final Order adopting this Stipulation is filed with the Agency Clerk. Prior to that date, Respondent shall submit to the Board a Certificate of Completion of the course. It is the Respondent's responsibility to notify the Board that he has completed the course in a timely manner. Respondent may contact the Florida Engineering Society ("FES"), 125 South Gadsden St., Tallahassee, FL 32301, (850)224-7121, for information regarding the availability of such courses in Florida; however, if the FES provides any information regarding such a course to the Respondent, the Respondent must submit that course information to the FEMC for review and determination as to whether or not it will comply with the Board's requirements. Respondent may also elect to complete one of the following correspondence courses offered by:

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

     **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.

10. 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 completed mechanical, electrical and plumbing engineering projects and reports signed and sealed by Respondent.

a. A FEMC Consultant will select two (2) projects from the 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. 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.

b. If the Respondent has not performed engineering services on a sufficient number of projects to make the submissions required by 10a., 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.

11. 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.

12. 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.

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

14. This Stipulation is executed by Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to, or in conjunction with, consideration of this Stipulation. Furthermore, should this Stipulation not be
accepted by the Board, it is agreed that presentation to and by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration, or resolution of these proceedings and the Respondent, will not be prejudiced from further participation, consideration or resolution, either.

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

16. Respondent waives the right to seek any attorney’s fees or costs from the Board in connection with this disciplinary proceeding unless the Board does not accept this Stipulation.

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

Jamal S. Nagamia, P.E.,
Respondent
Case No. 2019041047
Dated: 11/18/2020

APPROVED this 9 day of December, 2020
Zana Raybon, Executive Director
Florida Board of Professional Engineers

BY: John J. Rimes, III
Chief Prosecuting Attorney
FLORIDA BOARD OF PROFESSIONAL ENGINEERS,

Petitioner,

v.

JAMAL S. NAGAMIA, P.E.,

Respondent,

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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 JAMAL S. NAGAMIA, 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 19241. Respondent's last known address is 11104 N 61st Street, Tampa, Florida 33617.

3. On or about July 8, 2019 Respondent signed, sealed and dated 13 pages of engineering design documents for a private dwelling project consisting of a 6,176 square feet (SF) three-story building located at 6405 Marbella Blvd. (Apollo Beach), Tampa (Marbella Project).

4. 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 the Marbella Project, 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 Structural, Electrical and Mechanical (HVAC and Plumbing) Engineer of Record for the Marbella Project as that term is defined in Rules 61G15-30.002(1), 61G15-31.002(1), 61G15-33.002(1) and 61G15-34.002(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 ...61G15-31, 61G15-33, and 61G15-34, F.A.C., and be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the Florida Building Code[FBC], adopted in Section 553.73, F.S., and applicable laws, ordinances, rules and regulations, as determined by the Agency Having Jurisdiction (AHJ). The Documents shall include:

(a) Information that provides material specifications required for the safe operation of the system that is a result of engineering calculations, knowledge and experience.

(b) List Federal, State, Municipal, and County standards, codes, ordinances, laws, and rules, with their effective dates, that the Engineering Documents are intended to conform to.

(c) Information, as determined by the Engineer of Record, needed for the safe and efficient operation of the system.

(d) List engineering design criteria; reference project specific studies, reports, and delegated Engineering Documents.
(e) Identify clearly elements of the design that vary from the governing standards and depict/identify the alternate method used to ensure compliance with the stated purpose of these Responsibility Rules.

9. The Florida Building Code (2017) – Building (FBC-B) Section 107.2.1 “Information on construction documents” states: “Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations,...” FBC-B Section 2701.1 “Scope” states: “This chapter governs the electrical components, equipment and systems used in buildings and structures covered by this code. Electrical components, equipment and systems shall be designed and constructed in accordance with the provisions of the NFPA 70, National Electrical Code (NEC).” FBC-B Section 2801.1 “Scope,” states: Mechanical appliances, equipment and systems shall be constructed, installed and maintained in accordance with the Florida Building Code, Mechanical (FBC-M). FBC-B Section 2901.1 “Scope,” states: Plumbing systems and equipment shall be constructed, installed and maintained in accordance with the Florida Building Code, Plumbing (FBC-P).

10. Rule 61G15-33.001 “Responsibility Rules of Professional Engineers Concerning the Design of Electrical Systems” “General Responsibility” states in material part that: “Electrical Engineering documents shall be prepared in accordance with applicable technology and with the requirements of the authority having jurisdiction. The documents shall identify the Engineer of record for the electrical systems project. Electrical Engineering documents shall demonstrate compliance with the requirements of the applicable codes and standards . . . . Electrical Engineering Documents for construction shall indicate the nature and character of the electrical...
work and shall describe, label and define the required electrical systems components, processes, equipment and material and its structural support systems.”

11. Rule 61G15-33.003(2) “Design of Power Systems,” requires in material part that “Electrical Engineering Documents applicable to the design of electrical power systems shall, at a minimum, indicate the following: (b) Conductor sizes (AWG or kcmil) and insulation type, . . . ; (c) Circuit interrupting devices and fault current interrupting capability. (e) Main and distribution equipment, control devices, locations and sizes. (f) Voltage drop calculations for the feeders and customer-owned service conductors . . . (g) Feeder and service capacity calculations. (k) Engineering documents applicable to power systems filed for public record shall also contain information required by the Florida Building Code.

12. Rule 61G15-33.004(2) Design of Lighting Systems, requires that Electrical Engineering Documents applicable to the design of lighting systems shall, at a minimum, indicate the following: (a) Lighting fixture performance specifications and arrangements. (d) Lighting control and circuiting.

13. Rule 61G15-34.001 “Mechanical Systems” states that construction documents shall “. . . define the required mechanical systems components, processes, equipment and material . . . be prepared in accordance with the applicable technology and with the requirements of the authority having jurisdiction. The documents shall identify the Engineer of Record for the mechanical systems project. Mechanical Engineering documents shall demonstrate compliance with the requirements of the applicable codes and standards . . .”

14. Rule 61G15-34.003(4) “Design of Heating, Ventilation and Air Conditioning (HVAC) Systems,” requires that Mechanical Engineering Documents pertaining to HVAC systems . . . shall indicate the following: (a) Demonstrate and provide adequate information for
the AHJ to determine compliance with codes and ordinances. (b) Equipment selection schedule for each piece of mechanical equipment. All equipment shall have capacities listed including efficiencies, electrical or fuel requirements, static pressure and fan air quantities as applicable to the system . . . (e) Cooling coil requirements based on sensible heat, latent heat and total heat gains. (g) Outside and inside design dry and wet bulb conditions. (k) Condensate discharge piping layout with pipe sizes. (n) All data needed to complete the Florida Energy Code calculations as applicable.

Rule 61G15-34.007(2) “Design of Plumbing Systems,” requires that “Mechanical Engineering Documents applicable to Plumbing Systems shall when applicable, include but are not limited to the following: (c) Potable Water isometric diagrams with pipe sizes and total water fixture units. (d) Sanitary riser diagrams with pipe sizes and total sanitary waste fixture units. (e) Storm riser diagrams with pipe sizes and cumulative drain area square footages. (f) Cold water, hot water, sanitary, and storm drainage piping layouts. (i) List of ASHRAE, ASME, ASPE, ANSI and other applicable codes, design standards and requirements. (l) All plumbing fixtures, valves, pumps, tanks, accessories, specialties, enclosures, and such equipment shall be described and located on the drawings. (m) Materials for tall plumbing systems shall be specified.

15. Rule 61G15-31.001 “General Responsibility” states: The Engineer of Record is responsible for all structural aspects of the design of the structure including the design of all of the structure’s systems and components. As noted herein the engineer of record may delegate responsibility for the design of a system or component part of the structure to a delegated engineer. In either case the structural engineering documents shall address, as a minimum, the items noted in the following subsections covering specific structural systems or components. The Engineer of Record’s structural engineering documents shall identify delegated systems and components. Both the Engineer of Record for the structure and the delegated engineer, if utilized, shall comply with
the requirements of the general responsibility rules, Chapter 61G15-30, F.A.C., and with the requirements of the more specific structural responsibility rules contained herein. The Engineer of Record for the Structural System(s) shall provide design requirements in writing to the delegated engineer if one is used and shall review the design documents of the delegated engineer for conformance with his written instructions in accordance with Rule 61G15-30.005, F.A.C. When information collected from the engineer or the engineer’s authorized representative from a site visit is part of the engineer’s deliberative process, the engineer is responsible for the accuracy of such information.

16. Rule 61G15-31.002(5) "Structural Engineering Documents" states: The structural drawings, specifications and other documents setting forth the overall design and requirements for the construction, alteration, repair, removal, demolition, arrangement and/or use of the structure, prepared by and signed and sealed by the engineer of record for the structure. Structural engineering documents shall identify the project and specify design criteria both for the overall structure and for structural components and structural systems. The drawings shall identify the nature, magnitude and location of all design loads to be imposed on the structure. The structural engineering documents shall provide construction requirements to indicate the nature and character of the work and to describe, detail, label and define the structure’s components, systems, materials, assemblies, and equipment.

Electrical Documents

17. Respondent’s Electrical Engineering Design Documents for the Marbella Project are materially deficient as follows:
(a) The Electrical Drawing (Sheet 5) contains no conductor ampacities or insulation types for any power or lighting circuit, ... These omissions constitute violations of Rules 61G15-33.003(2)(b) and (f) and 61G15-33.004(2)(d).

(b) The power service for the elevator is not shown; and the load calculations on Sheet 5 do not include the elevator load.

(c) Additional violations of NEC requirements involve Respondent’s specifications of Arc-Fault Circuit-Interrupter (AFCI) protection. NEC 210.12(A) states: Dwelling Units. All 120-volt, single-phase, 15- and 20-ampere branch circuits supplying outlets or devices installed in dwelling unit kitchens, family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreation rooms, closet, hallways, laundry areas, or similar rooms or areas shall be protected by AFCI devices. Respondent’s design fails to comply with this requirement in numerous instances.

(d) No Panel Schedule is shown on the drawings, thus no circuit interrupting devices are shown and no reference is made regarding fault current interrupting capability; and there is no explanation on the electrical drawing for this deviation by the Respondent. Respondent’s failure to address the issue of fault current interrupting capability and the errors pertaining to the omission of circuit interrupting devices and conductor sizing constitutes a violation of Rule 61G15-33.003(2)(c).

(e) The Electric meter, Main Breaker, and 200 Amp MLO Panel are shown on the Electrical Riser Diagram (Sheet 5). However, the physical location of the 200 Amp Panel is not shown on the Electrical Plan These omissions constitute a violation of Rule 61G15-33.003(2)(e).
(f) The electrical load calculations on Sheet 5 contain errors. The loads are calculated for 1,740 Square Feet (SF) when the space is shown on Sheet 3 to be 6,176 SF with the two residential floors amounting to 4,414 SF. A major error with the load calculations is the failure to show any electrical load for the elevator or its controls. These errors observed in the load calculations constitute a violation of Rule 61G15-33.003(2)(g).

(g) The Electrical Drawing does not contain information as required by the FBC. FBC-B Section 107.3.5 "Minimum plan review criteria for buildings" states: The examination of the documents by the building official shall include the following minimum criteria and documents: Electrical 1. Electrical wiring, . . . branch circuits, overcurrent protection, . . ., wiring methods and materials, GFCI's. 2. Equipment 7. Load calculations. The absence of these FBC-B requirements, overcurrent protection and branch circuits, and erroneous electrical load calculations constitutes a violation of Rule 61G15-33.003(2)(k).

(h) The drawings contain no specifications for any lighting fixture, even though the Legend (Sheet 5) contains eleven different lighting symbols. The absence of lighting fixture specifications violates Rule 61G15-33.004(2)(a).

(j) The specified design for smoke detectors is inadequate to comply with the National Fire Alarm Code (NFPA 72). Subsection 11.5.1.1(1) requires a smoke alarm to be installed “in all sleeping rooms.” Subsection 11.5.1.1(2) requires the installation of smoke alarms “outside of each separate sleeping area, in the immediate vicinity of the sleeping room.” No detectors or alarms are shown for any 2nd Floor sleeping rooms.

**Mechanical (HVAC) Documents**

18. Respondent’s Mechanical Engineering (HVAC) Design Documents for the Marbella Project are materially deficient as follows:
(a) The mechanical plan (Sheet 7) does not contain the criteria as required by FBC-B Section 107.3.5, nor the data needed to complete the Florida Energy Code calculations. FBC-B Section 107.3.5 “Minimum plan review criteria for buildings” states: The examination of the documents by the building official shall include the following minimum criteria and documents: Mechanical 1. Energy calculations, 3. Equipment, 9. Combustion air, 10. Chimneys, fireplaces and vents. The mechanical plan (Sheet 7) and the case file contain no energy calculations, incomplete equipment schedules, no combustion air calculations, and no sketchy specifications for the fireplace and chimney. These omissions constitute violations of Rules 61G-34.003(4)(a) and (n).

(b) The air conditioning equipment schedule shown on the mechanical drawing is incomplete. The schedule does not contain key parameters such as electrical sizing and fan air quantities. The drawing does not contain outside and inside design dry and wet bulb conditions, nor cooling coil requirements based on sensible heat, latent heat and total heat gains. These omissions constitute violations of Rules 61G15-34.003(4)(b), (e), and (g).

(c) Condensate discharge piping is not shown for the indoor AHU unit. The absence of condensate discharge piping and pipe sizes constitutes a violation of Rule 61G15-34.003(4)(k).

**Mechanical (Plumbing) Documents**

19. Respondent’s Mechanical Engineering (Plumbing) Design Documents for the Marbella Project are materially deficient as follows:

(a) No potable water isometric diagram is shown on the drawings. Total water fixture units do not appear on the drawings. The absence of a potable water isometric diagram with pipe sizes and total water fixture units constitutes a violation of Rule 61G15-34.007(2)(c).
(b) A sanitary waste isometric diagram is shown; however, total sanitary waste fixture units are not shown on the Drawings. There is confusion involving the water closets. The Plumbing Riser shows two water closets; but five appear on the plumbing plan (Sheet 6). The error is with the riser diagram. An additional error is detected on the Plumbing Riser. Florida Building Code-Plumbing (FBC-P) Table 709.1 requires a 3” sanitary drain for a residential water closet. The Riser violates the code requirement by designating a 2” sanitary drain for one of the two water closets shown. The noted errors and the omission of the total sanitary waste fixture units constitutes a violation of Rule 61G15-34.007(2)(d).

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

(d) The drawings have no piping layouts for cold water, hot water, sanitary drainage or storm drainage. These omissions constitute violations of Rule 61G15-34.007(2)(f).

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

(f) The drawings contain no descriptions of plumbing fixtures, valves, accessories, specialties, and such equipment, and no specifications for materials for all plumbing systems. The omission of descriptions and/or specifications of plumbing fixtures and other plumbing equipment and for materials for all plumbing systems constitutes a violation of Rule 61G15-34.007(2)(l) and (m).
Structural Engineering Documents

20. Respondent’s Structural Engineering Design Documents for the Marbella Project are materially deficient as follows:

   (a) Based on the location of the proposed residence Exposure D should have been used in at least one direction and Exposure C from the other directions. Respondent used Exposure C, which has a significantly lower calculated wind pressure than D.

   (b) Vult, Vasd, and Risk category are not incorporated into the construction documents as required by 2017 Florida Building Code (FBC), Section 1603.1.4.

   (c) The design values used by Respondent for #2 Southern Yellow Pine have been obsolete since 2013. The new lower design values to be used can be found in the March 2013 Addendum to the National Design Specification for Wood Construction (NDS).

   (d) ACI 318-99 is referenced in the drawings as the concrete code used. The 2017 FBC references ACI 318-14 in Chapter 35, “Referenced Standards” The 1991 NDS is referenced in the drawings as the wood code used, 2015 NDS is referenced in Chapter 35, “Referenced Standards”. 2001 FBC referenced for termite protection, 2017 FBC is the code to be used for this project.

   (e) On Sheet 4 “Design Criteria” section references 110 mph wind. This is incorrect. “Design Criteria” shows Roof, First, and Second Floor Live Loads, but no Dead loads are given. This is required for the truss engineer to design the trusses. The structure as shown from first-to-second floor (8x8 wood posts with laminated veneer lumber (LVL) beams), does not have lateral resistance capacity from the foundation to the second floor, and therefore the structure is laterally unstable. Concrete masonry unit (cmu) wall reinforcement as shown, will not work for 14’-0” with wind pressures required at this site. Control joints are not shown on the slab on grade.
Note 5 indicates a 6” thick slab, 4” thick slab is shown on plan. Section “A” on the foundation shows a perimeter cmu wall, and yet the first floor is to be open to allow flood waters to pass through. Only one section is physically cut on the foundation plan, 4/S4, and this section is not found in the set of drawings. The second floor LVL beams are overstressed for gravity loading alone (beams would have additional end moments and axial load if they were used in a moment frame as shown in Respondent’s structural model). Second and third floor framing show 2x10 wood floor joists at 16" on center (o.c.). They are overstressed. Footings shown on foundation plan are overstressed. Wood 8x8 posts are overstressed.

(f) On Sheet 8 there is no lateral load path from cupola roof to main roof shown.

(g) On Sheet 9 2x4 studs at 16” o.c. are shown for the load bearing exterior walls. They are overstressed. The Sheet shows load bearing cmu walls from first floor to second floor. However, the first floor is an open structure and thus this design is incorrect. There is no load path from the roof diaphragm to the top of the shear walls shown (usually blocking or shear panels are used to fill the gap between the bottom of the plywood sheathing to the top of the shear wall). The Roofing is shown as asphalt shingles in one section and shown as a metal roof in another. The large section on this sheet shows a double roof truss system; a hip roof over a flat roof.

(h) On Sheet 10 the window and door openings show precast lintels but the walls are wood stud walls.

(i) On Sheet 11 General notes refer to The Standard Building Code and not the FBC. In cmu notes, reference is made to ASTM C90-70, which is from 1970. ASTM C90-14 is the ASTM referenced in Chapter 35 of the FBC.

(j) On Sheet 12 Wind speed is called out as 150 mph but does not identify the wind speed as ultimate or allowable as required in section 1603.1.4 of the FBC. Wind exposure is
called out as Exposure B. This site is Exposure D in at least one direction and a minimum of Exposure C in the other directions. The internal pressure coefficient is called out as +/-0.55 (a partially enclosed structure), which is incorrect. The wind section is incorrectly called out as 1606 of the 2017 FBC (it is section 1609). The wind importance factor is called out as 1.0 and is no longer applicable. Importance factors have been replaced with Risk Categories in the 2017 FBC.

COUNT I

ELECTRICAL DESIGN DOCUMENTS

21. Petitioner realleges and incorporates Paragraphs One (1) through Twelve (12) and Seventeen (17) as if fully set forth in this Count One.

22. Respondent’s electrical engineering drawings for the Marbella Project contain deficiencies including; but not limited to, those set forth in Paragraph Seventeen (17). As a result of those deficiencies, Respondent violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by sealing and signing electrical engineering documents that were issued and filed for public record when such documents were materially deficient in that Respondent: (1) did not exercise due care in the preparation of the final engineering documents for the Marbella Project and (2) the final engineering documents for the Marbella Project were not issued in compliance with acceptable engineering principles.

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

COUNT II

MECHANICAL (HVAC) DESIGN DOCUMENTS
24. Petitioner realleges and incorporates Paragraphs One (1) through Thirteen (13), and Eighteen (18) as if fully set forth in this Count Two.

25. Respondent’s electrical engineering drawings for the Marbella Project contain deficiencies including; but not limited to, those set forth in Eighteen (18). As a result of those deficiencies, Respondent violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by sealing and signing electrical engineering documents that were issued and filed for public record when such documents were materially deficient in that Respondent: (1) did not exercise due care in the preparation of the final engineering documents for the Marbella Project and (2) the final engineering documents for the Marbella Project were not issued in compliance with acceptable engineering principles.

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

COUNT III

MECHANICAL (Plumbing DESIGN DOCUMENTS)

27. Petitioner realleges and incorporates Paragraphs One (1) through Fourteen (14) and Nineteen (19) as if fully set forth in this Count Three.

28. Respondent’s mechanical (plumbing & HVAC) engineering drawings for the Marbella Project contain deficiencies including; but not limited to, those set forth in Paragraph Nineteen (19). As a result of those deficiencies, Respondent violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by sealing and signing mechanical (HVAC & plumbing) engineering documents that were issued and filed for public record when such documents were materially deficient in that Respondent: (1) did not exercise
due care in the preparation of the final engineering documents for the Marbella Project and (2) the final engineering documents for the Marbella Project were not issued in compliance with acceptable engineering principles.

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

COUNT IV
STRUCTURAL DESIGN DOCUMENTS

30. Petitioner realleges and incorporates Paragraphs One (1) through Sixteen (16) and Twenty (20) as if fully set forth in this Count Two.

31. Respondent’s structural engineering drawings for the Marbella Project contain deficiencies including; but not limited to, those set forth in Paragraph Twenty (20). As a result of those deficiencies, Respondent violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by sealing and signing structural engineering documents that were issued and filed for public record when such documents were materially deficient in that Respondent: (1) did not exercise due care in the preparation of the final engineering documents for the Marbella Project and (2) the final engineering documents for the Marbella Project were not issued in compliance with acceptable engineering principles.

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

WEREFORE, 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 September, 2020.

Zana Raybon
Executive Director

BY: John J. Rimes, III
Prosecuting Attorney

COUNSEL FOR FEMC:

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JR/rv
PCP DATE: September 09, 2020
PCP Members: MATTHEWS, FLEMING & DRURY

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Respondent Jamal Nagamia, P.E. by service upon his attorney of record Kevin Sparkman, Esquire, at The Florida Law Group, 407 North Howard Avenue, Suite 100, Tampa, Florida 33606, by certified mail and First Class U. S. Mail, on the 23 of September, 2020.

Rebecca Valentine, Paralegal