

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2020000551

ALEXANDER F. ZUENDT, P.E.,

Respondent,

_____ /

FINAL ORDER ADOPTING SETTLEMENT STIPULATION

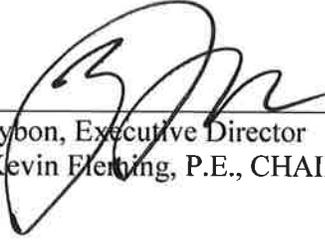
THIS CAUSE came before the FLORIDA BOARD OF PROFESSIONAL ENGINEERS ("Board"), pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on August 12, 2021 via Video Teleconference in Tallahassee, Florida, for the purpose of considering a Settlement Stipulation (attached hereto as "Exhibit A to Final 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 19 day of August, 2021.

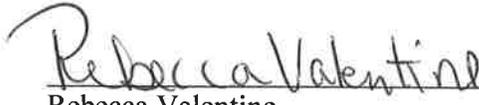
FLORIDA BOARD OF PROFESSIONAL ENGINEERS



Zana Raybon, Executive Director
For C. Kevin Fleming, P.E., CHAIR

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing filed *Final Order Adopting Settlement Stipulation* has been furnished by U.S. First Class Mail and email Alexander Zuentd, P.E. by service upon his attorney of record: E. Dylan Rivers, Esq., at 123 S. Calhoun St., Tallahassee, FL 32301 and drivers@ausley.com this 20 day of August, 2021.



Rebecca Valentine,
Paralegal

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2020000551

ALEXANDER ZUENDT, P.E.,

Respondent,

SETTLEMENT STIPULATION

ALEXANDER ZUENDT, 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, ALEXANDER ZUENDT, P.E., was a licensed engineer in the State of Florida, having been issued license number PE 81552.
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 neither admits or denies the allegations in the Administrative Complaint, however, Respondent admits that the facts set forth in the Administrative Complaint, if proven, constitute violations of Chapters 455 and 471, Florida Statutes, as alleged in the Administrative Complaint. The parties further concur that the agreements, stipulations, or statements herein are not intended to be used for purposes other than actions or proceedings arising under the administrative authority of the Petitioner.

STIPULATED DISPOSITION OF LAW

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

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

3. Respondent shall pay an ADMINISTRATIVE FINE of \$1000.00 and COSTS of \$2,500.00 to the Board within One (1) year of the date that the Final Order adopting this Stipulation is filed with the Agency Clerk. The Fine and Costs shall be paid in Quarterly Payments of \$875.00 with the first payment due Ninety (90) days of the date that the Final Order adopting this Stipulation is filed with the Agency Clerk. Payments can made early.

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.

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

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

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

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

b. Respondent shall successfully complete the **STUDY GUIDE** which has been prepared by the Board and which will be furnished to Respondent, regarding the Engineering Practice Act, Chapter 471, Florida Statutes, and the Rules of the Board. Respondent is required to provide a personal email address that will be used to access the on-line study guide. The study guide must be

completed within thirty (30) days of the date on which the Final Order incorporating this Stipulation is filed with the Agency Clerk.

5. Respondent's license shall be PERMANENTLY RESTRICTED from the practice of ELECTRICAL Power and Mechanical HVAC. For purposes of this stipulation, the scope of what constitutes The terms "Electrical Engineering" and "Mechanical Engineering" encompasses all services encompassed by Rule Chapter 61G15-33 and 61G15-34, Florida Administrative Code.

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

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

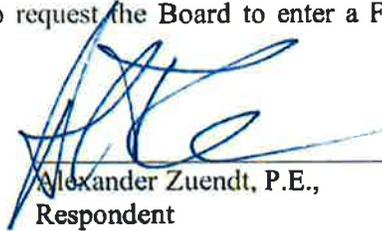
8. It is expressly understood that this Stipulation is subject to approval of the Board and FEMC and has no force or effect until the Board issues a Final Order adopting this Stipulation.

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

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

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

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



Alexander Zuendt, P.E.,
Respondent
Case No. 2020000551
Dated: 7-12-2021

APPROVED this 13 day of July, 2021.

Zana Raybon, Executive Director
Florida Board of Professional Engineers



John Rimes (Jul 13, 2021 09:43 EDT)
BY: John J. Rimes, III
Chief Prosecuting Attorney

FILED
Florida Engineers
Management Corporation
2/2/2021 Clerk: Rebecca Valentine

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK **Evele Lawson-Proctor**
Date **2/2/2021**
File #

**STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS**

**FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,**

Petitioner,

v.

FEMC Case No. 2020000551

ALEXANDER F. ZUENDT, P.E.,

Respondent,

_____ /

ADMINISTRATIVE COMPLAINT

COMES NOW the Florida Engineers Management Corporation (FEMC) on behalf of Petitioner, Florida Board of Professional Engineers, hereinafter referred to as "Petitioner," and files this Administrative Complaint against ALEXANDER F. ZUENDT, 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 81552. Respondent's last known address is 100 North Antigo Court, Greer, South Carolina 29650.

3. On April 22, 2019, Respondent sealed, signed and dated a one page electrical and mechanical engineering document for a 1,024 square feet (SF) Concrete Insulated, Steel Reinforced, Shotcrete Coated, two bedroom, one bathroom new dwelling, and a detached 288 SF shed, at 12028 Smokey Lake Loop; New Port Richey, Florida (Smokey Lake 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.”

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

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 Smokey Lake 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 Electrical and Mechanical (Plumbing & HVAC) Engineer of Record for the Smokey Lake Project as that term is defined in Rules 61G15-30.002(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 61G15-33, 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 all applicable standards, codes, 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) If the Engineering Documents are intended to comply with requirements of any edition of federal, state, municipal, or county standards, codes, ordinances, laws, or rules, other than those currently in effect, the Engineering Documents must clearly state the edition and effective dates the 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”

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: (a) Power Distribution Riser Diagram. (b) Conductor sizes (AWG or kcmil) and insulation type, . . . ; (c) Circuit interrupting devices and fault current interrupting capability. (f) Circuitry of all outlets, equipment and devices. (g) Feeder and service capacity calculations. (i) Grounding and bonding requirements. (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: Mechanical Engineering Documents shall 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 [and the] documents shall define the required mechanical systems, including plumbing components, processes, equipment and material . . .

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. (c) Cooling coil requirements based on sensible heat, latent heat and total heat gains. (d) Heating equipment requirements. (e) Outside and inside design dry and wet bulb conditions. (f) Condensate discharge piping layout with pipe sizes. (g) All data needed to complete the Florida Energy Code calculations as applicable.

15. 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: (a) Equipment schedules for all plumbing fixtures, water heaters, boilers, pumps, grease traps, septic tanks, storage tanks, expansion tanks, compression tanks and roof and floor drains. (b) Potable Water isometric diagrams with pipe sizes and total water fixture units. (c) Sanitary riser diagrams with pipe sizes and total sanitary waste fixture units. (d) Storm riser diagrams with pipe sizes and cumulative drain area square footages. (e) 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.

ELECTRICAL DESIGN DOCUMENTS- Smokey Lake Project

16. Respondent's Electrical Engineering Design Documents for the Smokey Lake Project are materially deficient as follows:

(a) The Electrical Drawing Sheet 3 contains no Electrical Riser Diagram for the Dwelling or the Shed. This omission of an Electrical Riser Diagram constitutes a violation of Rule 61G15-33.003(2)(a).

(b) The MPE Sheets contain no circuit interrupting devices, ratings and fault current interrupting capability, no conductor sizes and no insulation types and no circuitry of devices, equipment, and lighting fixtures.

(c) Electrical Note 2 states: "The Electrical Contractor is to size most branch circuits." Note 4 states: "The Electrical Contractor is to coordinate with other trades to make certain that all air conditioning power and control work and conduits are in the bid." Note 5 states: "Electrical Contractor is to coordinate all service requirements with the power company before bidding to be certain that all work necessary to meet the power company specifications is in the bid." Violations of NEC requirements involve 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. This

requirement is violated by Respondent's Electrical Note 4 of 7, Sheet 3, which reads: Arc – Fault Protection in all bedrooms.

(d) Additional NEC violations at the ground level involve the lack of a receptacle outlet at the front entry and the other entry. NEC 210.52(E)(1) states: For a one-family dwelling . . . at grade level, at least one receptacle outlet readily accessible from grade and not more than 6 ½ ft above grade level shall be installed at the front and back of the dwelling. There are no receptacles installed at or near the front of the dwelling nor at the side entry or the egress windows in the two bedrooms, thus violating NEC 210.52 (E)(1).

(e) Other violations of NEC requirements are documented as follows: Receptacle spacing in the dwelling design violates the NEC in many instances. NEC 210.52(A) General Provisions states: In every kitchen, family room, dining room, living room, parlor, library, den, sunroom, bedroom, recreation room, or similar room or area of dwelling units, receptacle outlets shall be installed in accordance with the following general provisions: (1) Spacing. Receptacles shall be installed such that no point measured horizontally along the floor line of any wall space is more than 6 ft from a receptacle outlet. (2) Wall Space. As used in this section, a wall space shall include the following: (1) Any space 2 ft or more in width (including space measured around corner) and unbroken along the floor line by doorways and similar openings, fireplaces, and fixed cabinets. (3) The space afforded by . . . freestanding bar-type counters . . . There are instances where these NEC requirements are violated. These include the Great Room, both Bedrooms and the wall that creates the kitchen counter.

(f) Receptacle spacing in the kitchen design violates applicable NEC requirements. NEC 210.52(C) states: In kitchen, pantries, breakfast rooms, dining rooms, and similar areas of dwelling units, receptacle outlets for countertop spaces shall be installed as follows: (1) Wall Countertop spaces. A receptacle outlet shall be installed at each wall countertop

space that is 12 in. or wider. Receptacle outlets shall be installed so that no point along the wall line is more than 24 in. measured horizontally from a receptacle outlet in that space. The placement of receptacles in the kitchen countertops violates NEC 210.52(C)(1).

(g) The lack of specification of current interrupting capacity (circuit breakers), the absence of addressing fault current interrupting capability, the absence of specifying wire sizes and insulation, and the lack of circuitry for outlets, equipment (A/C's, water heaters, washer, dryer, kitchen appliances), devices and lighting fixtures, constitutes a violation of Rule 61G15-33.003(2)(c), (b) and (f), and Rule 61G15-33.004(2)(d).

(h) The Electrical Drawing (Sheet 3) shows a 200 Amp Panel (No voltage or number of phases), but contains no calculations to justify the utility service capacity or feeder size. The absence of calculations to justify utility service and feeder size violates Rule 61G15-33.003(2)(g).

(i) The Electrical Drawing (Sheet 3) contains no reference to requirements for grounding or bonding of any aspect of the electrical systems at the dwelling or the shed (which is designed to contain a washer, dryer and water heater). The absence of calculations to justify utility service and feeder size violates Rule 61G15-33.003(2)(i).

(j) Electrical Note 1 of 6 (on Sheet 3) requires that "Electrical Work shall comply with the National Electric Code and Applicable Local Code – Current Code NEC. Latest Edition" and Note 5 of 7 requires that "All Wiring Per Latest Addition (sic) of N.E.C." These requirements constitute a violation of Rule 61G15-30.003(1)(b), which states in part: ". . . the Engineering Documents must clearly state the edition and effective dates the Documents are intended to conform to."

(k) The project drawings contain no specifications for the lighting fixtures, even though the Legend (Sheet 3) contains fourteen lighting fixture symbols. The absence of lighting fixture specifications for all lighting fixtures violates Rule 61G15-33.004(2)(a).

MECHANICAL (HVAC) DESIGN DOCUMENTS- Smokey Lake Project

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

(a) The project drawing (Sheet 3) shows three A/C's with a note stating "Mini Split Air Conditioners Compressors Installed on Roof," but contain no HVAC equipment schedule for each piece of mechanical equipment. The MPE drawings do not contain cooling coil requirements based on sensible heat, latent heat and total heat gains, nor outside and inside design dry and wet bulb conditions, nor heating equipment requirements. These omissions constitute violations of Rule 61G15-34.003(4)(b),(e),(f), and (g).

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

(c) The drawings do not contain all data required to complete the Florida Energy Code calculations, as required by the FBC-B, Chapter 13 and the Florida Building Code – Energy Conservation; and do not contain adequate information to allow the AHJ to determine compliance with codes and ordinances. The absence of all data required to complete the Florida Energy Code calculations and to provide adequate information to allow the AHJ to determine compliance with codes and ordinances constitutes a violation of Rule 61G15-34.003(4)(a) and (n).

MECHANICAL (PLUMBING) DESIGN DOCUMENTS- Smokey Lake Project

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

(a) No equipment schedule is provided. Sheet 3 contains only a sanitary riser diagram, but no specifications for fixtures, valves, water heaters, and other accessories, . . . This omission of a complete plumbing fixture schedule and specifications for fixtures and equipment constitutes violations of Rule 61G15-34.007(2)(a) and (l).

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

(c) A sanitary waste isometric diagram is shown on Sheet 3; however, total flow waste fixture units are not shown on any of the project drawings. The omission of total water fixture units constitutes a violation of Rule 61G15-34.007(2)(d).

(d) The project drawings contain no storm water riser diagrams and no statement of cumulative drain area square footages. The absence of a storm water riser diagram and statement of cumulative drain area square footages constitutes violation of Rule 61G15-34.007(2)(e).

(e) Sheet 3 contains sanitary drainage riser diagram, but no piping layouts for cold water, hot water, or sanitary drainage . . . The omission of cold water, hot water and sanitary drainage piping layouts constitutes a violation of Rule 61G15-34.007(2)(f).

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

COUNT I

ELECTRICAL DESIGN DOCUMENTS- Smokey Lake Project

19. Petitioner realleges and incorporates Paragraphs One (1) through Twelve (12) and Sixteen (16), as if fully set forth in this Count One.

20. Respondent's electrical engineering drawings for the Smokey Lake Project contain deficiencies including; but not limited to, those set forth in Paragraph Sixteen (16). 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 Smokey Lake Project and (2) the final engineering documents for the Smokey Lake Project were not issued in compliance with acceptable engineering principles.

21. 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- Smokey Lake Project

22. Petitioner realleges and incorporates Paragraphs One (1) through Thirteen (13), Fourteen (14), and Seventeen (17), as if fully set forth in this Count Two.

23. Respondent's mechanical (HVAC) engineering drawings for the Smokey Lake 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 mechanical (HVAC) engineering documents that were issued and filed for public record when such documents were materially deficient in that Respondent: (1) did not exercise due care in the preparation of the final engineering documents for the Smokey Lake Project and (2) the final

engineering documents for the Smokey Lake Project were not issued in compliance with acceptable engineering principles.

24. 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- Smokey Lake Project

25. Petitioner realleges and incorporates Paragraphs One (1) through Nine (9), Thirteen (13), Fifteen (15) and Eighteen (18), as if fully set forth in this Count Three.

26. Respondent's mechanical (Plumbing) engineering drawings for the Smokey Lake Project contain deficiencies including; but not limited to, those set forth in Paragraph 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 mechanical (Plumbing) engineering documents that were issued and filed for public record when such documents were materially deficient in that Respondent: (1) did not exercise due care in the preparation of the final engineering documents for the Smokey Lake Project and (2) the final engineering documents for the Smokey Lake Project were not issued in compliance with acceptable engineering principles.

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

WHEREFORE, the Petitioner respectfully requests the Board of Professional Engineers to enter an order imposing one or more of the following penalties: permanent revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of an

administrative fine, issuance of a reprimand, placement of the Respondent on probation, the assessment of costs related to the investigation and prosecution of this case, other than costs associated with an attorney's time, as provided for in Section 455.227(3), Florida Statutes, and/or any other relief that the Board deems appropriate.

SIGNED this 29 day of January, 2021.

Zana Raybon
Executive Director



BY: John J. Rimes, III
Prosecuting Attorney

COUNSEL FOR FEMC:

John J. Rimes, III
Prosecuting Attorney
Florida Engineers Management Corporation
2639 North Monroe Street, Suite B-112
Tallahassee, Florida 32303
Florida Bar No. 212008
JR/rv
PCP DATE: January 20, 2021
PCP Members: MATTHEWS, FLEMING & HAHN

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Alexander Zuendt, P.E. at 100 North Antigo Court, Greer, South Carolina 29650, by certified mail and First Class U. S. Mail, on the 4 of February, 2021.


Rebecca Valentine, Paralegal