

**Minutes for
The Florida Board of Professional Engineers
October 13, 2021 beginning at 1:00 p.m. or soon thereafter and
October 14, 2021 beginning at 8:30 a.m., or soon thereafter
Via video conferencing**

Part I – Wednesday, October 13, 2021

A. Call to Order

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

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

Board Members Present:

Kevin Fleming, P.E., Chair
Scott Drury, P.E., Vice Chair
Dylan Albergo, P.E.
Jeb Mulock, P.E.
Yassi Myers, P.E.
John Pistorino, P.E.
Denise Ramsey, P.E.
Pankaj (PJ) Shah, P.E.
Babu Varghese, P.E., S.I.



Attorney General's Office:

Lawrence Harris, Senior Assistant Attorney General, Counsel to the Board

Staff Members Present:

Zana Raybon, Executive Director
John J. Rimes, III, Chief Prosecuting Attorney
Rebecca Sammons, Assistant Executive Director

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

William Lampkin, FBPE Public Information Officer
Safiya Brea, P.E., FEMC Observer
Angelina Fairchild, P.E., FES
Andrew Lovenstein, P.E., FSEA
Art Nordlinger, P.E., IEEE
Chris Knotts, P.E., Immediate Past President of NCEES

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. Mulock, seconded by Ms. Ramsey, to approve the agenda, the motion passed.

F. Approval of Consent Agenda

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

#1. Minutes from August 11-12, 2021 FBPE Board Meeting

Approved under consent agenda.

#2. Minutes from September 8, 2021 FBPE Probable Cause Panel Meeting

Approved under consent agenda.

#3. Minutes from September 8, 2021 FBPE Board Meeting

Approved under consent agenda.

#4. 20-21 FEMC Annual Report

Approved under consent agenda.

#5. Application for Retired Status

Approved under consent agenda.

G. Committee Reports

#1. Probable Cause Panel **(Next Meeting: November 3, 2021 at 8:30am via video conference – Panel B)**

(Panel A: Robert Matthews, P.E., Chair; Babu Varghese, P.E., S.I.; Warren Hahn, P.E.) and
(Panel B: Robert Matthews, P.E., Chair; Dylan Albergo, P.E.; John Pepper, P.E., S.I.)

(a) Committee Chair's Report.

#2. Applications Review **(Next Meeting: November 3, 2021, at 1pm via video conference)**

(PJ Shah, P.E., Chair; Dylan Albergo, P.E.; Scott Drury, P.E.; Kevin Fleming, P.E.;
Jeb Mulock, P.E.; Yassi Myers, P.E.; John Pistorino, P.E.; Denise Ramsey, P.E.;
Babu Varghese, P.E., S.I.)

(a) Committee Chair's Report.

(b) Application Review – Education and Experience will be done at one time and
ratified the following day (Thursday morning)

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

(Kevin Fleming, P.E., Chair; Scott Drury, P.E.; John Pistorino, P.E., S.I.; Denise
Ramsey, P.E.; PJ Shah, P.E.)

(a) Committee Chair's Report.

#4. 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)

H. NCEES

(Kevin Fleming, P.E., FBPE Liaison)

#1. 2021 NCEES Annual Meeting Report

Provided for informational purposes.

#2. Presentation by Chris Knotts

NCEES Past President Christ Knotts made a presentation to the board about NCEES.

I. Advisory Attorney's Report

#1. Rules Report

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

#2. Discussion on Rule 61G15-20.006

Mr. Harris discussed the rule and the reason for the rule. Discussion followed.

This item was referred to the Rules Committee for review and bring it back to the board for final approval.

#3. Public Hearing on Rule 61G15-22.0002

Mr. Harris discussed the proposed rule amendments and the JAPC concerns with the sunset language for items #3, #4 and #6. Discussion followed.

Upon motion by Mr. Albergo, seconded by Ms. Myers, to accept the proposed language as presented in the meeting materials, the motion passed.

Upon motion by Mr. Albergo, seconded by Ms. Myers, 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, 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.

#4. Public Hearing on Rule 61G15-33.003

This item was addressed under item #3.

#5. Discussion on recent FTC Decision

Mr. Harris discussed recent FTC decision and how it could impact the board.

#6. Public Hearing on Rule 61G15-34.003, .004 and .007

This item was addressed under item #3.

J. Executive Director's Report

#1. Office Relocation Update

Ms. Raybon stated that the move is complete and went smoothly and that we are 90% unpacked in the new office. Ms. Raybon stated that everyone seems to like the new office. Discussion followed.

#2. 2021 FBPE/FEMC Meeting Calendar

Provided for informational purposes.

K. Chief Prosecutor's Report

#1. 300-day report

Provided for informational purposes.

#2. Profile of legal cases by year

(a) Cases open for 1 year plus

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.

#5. Discussion on Rule 61G15-19.008

Mr. Rimes discussed the rule and how to proceed. Discussion followed.

Mr. Fleming referred this item to the Rules Committee.

Mr. Harris stated that he would publish a notice of rulemaking for this rule to open the rule for development.

#6. Discussion on Range of Penalties for failing CE Audit – attached is list of what was done during the last CE audit

Mr. Fleming discussed the list of penalties that were imposed for the last CE Audit.

Discussion followed.



The list of penalties will be provided to the PCP members for their consideration when reviewing cases for the CE Audit.

L. Engineering Association and Society Reports

#1. FSEA

#2. FES

#3. IEEE

#4. ASCE

M. Chair's Report

#1. Appoint Nominations Committee

Mr. Fleming appointed Ms. Myers, Mr. Mulock and Mr. Varghese to the Nominations committee.

N. Action Items from Previous Board Meetings

#1. Email from Mr. Bill Dunn, P.E. – Re: Will his course “Sexual Harassment Prevention” satisfy the Ethics requirement for renewal.

O. Correspondence to the Board

#1. Discussion on response to email from Mr. David Herbert – Re: is the ABC Course required for a PE doing and submitting geo-tech reports

Mr. Fleming and Mr. Harris discussed the proposed response. Discussion followed on the response and email. This item was referred to the Rules Committee for further discussion.

P. Public Forum

Q. Community Involvement

R. Review of Applications – Education and Experience will be done at one time and ratified at the Thursday morning board meeting on October 14, 2021 – in separate meeting book

Part II
Informal Hearing Agenda
(Thursday, October 14, 2021)

S. Ratification of Actions from Application Review, October 13, 2021

Upon motion by Ms. Myers, seconded by Ms. Ramsey, to approve the list, the motion passed.

Description of Educational Committee Process by Kevin Fleming, P.E.

T. Informal Hearing on Application for Licensure by Endorsement

#1. Fatema Farzana

Ms. Farzana was present and sworn in prior to addressing the board. Mr. Harris outlined the basis for denial. Ms. Farzana holds a BS in Civil Engineering from Khulna University of Engineering and Technology and MS in Civil Engineering from FIU. The basis for denial was education and experience. Ms. Farzana lacks one hour of general education. Ms. Farzana lacks 48 months of verified engineering experience.

Ms. Farzana addressed the board. Discussion followed.

Upon motion by motion by Mr. Albergo, seconded by Mr. Shah, to approve the application of Ms. Farzana based on her testimony, the motion passed.

#2. Muhammed Hussain

Mr. Hussain was present and sworn in prior to addressing the board. Mr. Harris outlined the basis for denial. Mr. Hussain holds a BS in Naval and Marine Civil Engineering from Bangladesh University of Engineering and Technology and a MS in Mechanical Engineering from New York University. The basis for denial was education. Mr. Hussain lacks three hours of general education.

Mr. Hussain addressed the board. Discussion followed.

Upon motion by Mr. Albergo, seconded by Ms. Ramsey, to allow Mr. Hussain six months to CLEP the required courses, the motion passed.

#3. James Pittman

Mr. Pittman was present and sworn in prior to addressing the board. Mr. Harris outlined the basis for denial. Mr. Pittman holds a BS in Environmental Science from the University of

Delaware and a MS in Water Resources & Environmental Engineering from Villanova University. The basis for denial was education. Mr. Pittman lacks eight hours in ES&D.

Mr. Pittman addressed the board. Discussion followed.

Mr. Pittman withdrew his application.

Upon motion by Mr. Drury, seconded by Mr. Shah, to vacate the notice of intent to deny and allow the application's withdrawal, the motion passed.

#4. Aishwarya Sandineni

Ms. Sandineni was present and sworn in prior to addressing the board. Mr. Harris outlined the basis for the denial. Ms. Sandineni holds a BS in Civil Engineering from the Osmania University and a MS in Construction Management from University of Texas, Arlington. The basis for denial was experience. Ms. Sandineni lacks seven months of verified engineering experience. The MS degree can't count because it is in construction management.

Ms. Sandineni addressed the board. Discussion followed.

Ms. Sandineni withdrew her application.

Upon motion by Mr. Drury, seconded by Mr. Shah, to vacate the notice of intent to deny and allow the application's withdrawal, the motion passed.

U. Informal Hearing on Application for Special Inspector Certification

#1. Esther Calle

Ms. Calle was present along with her counsel, Ms. Henderson. Ms. Calle was sworn in prior to addressing the board. Mr. Harris outlined the basis for the denial. Ms. Calle's application was denied because of the following reasons: lacks required design experience; experience provided was in concrete restoration; and overlapping months for both design and experience.

Ms. Calle and Ms. Henderson addressed the board. Discussion followed. Mr. Varghese stated that Ms. Calle needs to sign the application in the meeting materials.

Upon motion by Mr. Varghese, seconded by Mr. Pistorino, to approve the SI Limited application, the motion passed.

Upon motion by Mr. Varghese, seconded by Mr. Pistorino, to allow the applicant to withdraw the SI Application, the motion passed.

Discussion followed on the SI rules.

Upon motion by Mr. Pistorino, seconded by Mr. Varghese, to open Rule 61G15-Chapter 35 for development, the motion passed.

Part III
Disciplinary Hearings
(Thursday, October 14, 2021)

V. Settlement Stipulation

#1. Kastner, Stephen, P.E.

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|----------------------------|----------------------------|
| P.E. Number: | 39528 |
| FEMC Case Number: | 2021001918 |
| Probable Cause Panel Date: | July 14, 2021 |
| Probable Cause Panel: | Matthews, Albergo & Pepper |
| Represented by: | Edwin Bayó, Esquire |

Mr. Kastner was present along with counsel, Mr. Bayo. Mr. Kastner was 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)(g), F.S., & Rule 61G15-19.001(4) by engaging in negligence in the practice of engineering.

The Probable Cause Panel recommendation was an administrative fine of \$1,000.00, administrative costs of \$4,893.05, 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, two years' probation;, successful completion of the board-approved Advanced Engineering Professionalism and Ethics course, project/plan reviews on structural and civil at 6 and 18 month intervals, and successful completion of the board's study guide.

The Settlement Stipulation is the same as the PCP recommendation.

Mr. Bayo addressed the board.

Mr. Kastner addressed the board.

Discussion followed.

Upon motion by Mr. Varghese, seconded by Mr. Pistorino, to accept the settlement stipulation, the motion passed.

#2. Noble, Andrew, P.E.

P.E. Number: 54063
FEMC Case Number: 2020027145
Probable Cause Panel Date: July 14, 2021
Probable Cause Panel: Matthews, Albergo & Pepper
Represented by: Edwin Bayó, Esquire

Mr. Noble was present along with counsel, Mr. Bayo. Mr. Noble was 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)(g), F.S., & Rule 61G15-19.001(4) by engaging in negligence in the practice of engineering.

The Probable Cause Panel recommendation was an administrative fine of \$1,000.00, administrative costs of \$4,590.00, 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, two years' probation, successful completion of the board-approved Basic Engineering Professionalism and Ethics course, project/plan reviews at 6 and 18 month intervals and successful completion of the board's study guide.

The Settlement Stipulation is an administrative fine of \$1,000.00, administrative costs of \$4,590.00, 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, two years' probation, successful completion of the board-approved Basic Engineering Professionalism and Ethics course, project/plan reviews at 6 and 18 month intervals, and successful completion of the board's study guide.

Mr. Bayo addressed the board.

Mr. Noble addressed the board.

Discussion followed.

Upon motion by Mr. Varghese, seconded by Mr. Pistorino, to accept the settlement stipulation, the motion passed.

#3. Spinnenweber, James, P.E.

P.E. Number: 52106
FEMC Case Number: 2020025775
Probable Cause Panel Date: May 12, 2021
Probable Cause Panel: Matthews, Varghese & Hahn

Represented by: Edwin Bayó, Esquire

Mr. Spinnenweber was present along with counsel, Mr. Bayo. Mr. Spinnenweber was 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)(g), F.S., & Rule 61G15-19.001(4) by engaging in negligence in the practice of engineering.

The Probable Cause Panel recommendation was an administrative complaint, administrative fine of \$ 1,000.00, administrative costs of \$4,117.30, 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 board-approved Basic Engineering Professionalism and Ethics course.

The Settlement Stipulation is administrative costs of \$1,200.00, Letter of Guidance;, 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 study guide.

Mr. Bayo addressed the board.

Mr. Spinnenweber addressed the board.

Discussion followed.

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

#4. DeStefano, Mark, P.E.

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|----------------------------|----------------------------|
| P.E. Number: | 61657 |
| FEMC Case Number: | 2018024868 |
| Probable Cause Panel Date: | July 14, 2021 |
| Probable Cause Panel: | Matthews, Albergo & Pepper |
| Represented by: | David Rankin, Esquire |

Mr. DeStafano was present along with counsel, Mr. Rankin. Mr. DeStano was 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)(g), F.S., & Rule 61G15-19.001(4) by engaging in negligence in the practice of engineering.

The Probable Cause Panel recommendation was an administrative complaint, administrative fine of \$ 1,000.00, administrative costs of \$8,920.7, 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, two years' probation, successful completion of the board-approved Intermediate Engineering Professionalism and Ethics course; Project/Plan Reviews on structural at 6 and 18 month intervals, and successful completion of the board's study guide.

The Settlement Stipulation is the same as PCP recommendation.

Mr. Rankin addressed the board. Discussion followed.

Upon motion by Ms. Myers, seconded by Mr. Mulock, to accept the settlement stipulation, the motion passed.

#5. Zoller, Brian, P.E.

P.E. Number: 63933
FEMC Case Number: 2021015235
Probable Cause Panel Date: July 14, 2021
Probable Cause Panel: Matthews, Albergo & Pepper

Mr. Zoller was present and sworn in prior to addressing the board.

Mr. Rimes outlined the facts of the case. The charges relate to violation of Section 471.023(2), F.S.: Practicing engineering under a fictitious name without being properly Registered; Section 471.033(1)(f), F.S.: Advertising goods or services in a manner that is fraudulent, false, deceptive, or misleading in form or content.

The Probable Cause Panel recommendation was an administrative complaint, administrative costs of \$407.25, appearance before the board to discuss how this situation occurred, and Letter of Guidance.

The Settlement Stipulation is the same as the PCP recommendation.

Mr. Zoller addressed the board. Discussion followed.

Upon motion by Ms. Ramsey, seconded by Ms. Myers, to accept the settlement stipulation, the motion passed.

W. Default

#6. Cole, Sam, P.E, (Suspended) & Structural and Site Engineering, LLC
P.E. Number: 49262(Suspended) & RY 26218(N&V)

FEMC Case Number: 2020037566,2020037576
Probable Cause Panel Date: January 20, 2021
Probable Cause Panel: Matthews, Fleming & Hahn

Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.023, F.S.: Offering engineering services without Registration; §471.031(1)b.1., utilizing the Protected Title of PE while Suspended; §471.033(1)(i), F.S.

Probable Cause was found on January 20, 2021, and an administrative complaint was authorized. The administrative complaint was filed with the Department of Business and Professional Regulation (“DBPR”) on February 02, 2021.

The Probable Cause Panel recommendation was administrative complaint , administrative fine of \$ 5,000.00 for Firm, and revocation of PE license.

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

Upon motion by Mr. Pistorino, seconded by Ms. Myers, to accept the recommendation of the Probable Cause Panel as the penalty of the board, the motion passed.

#7. Cruz Carrasco, Carlos, P.E. (CE Case)

P.E. Number: 82046
FEMC Case Number: 2020002330
Probable Cause Panel Date: November 10, 2020
Probable Cause Panel: Matthews, Fleming & Drury

Mr. Rimes outlined the facts of the case. The charges relate to a violation Section 471.033(1)(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 November 10, 2020, and an administrative complaint was authorized. The administrative complaint was filed with the Department of Business and Professional Regulation (“DBPR”) on November 20, 2021.

The Probable Cause Panel recommendation was an administrative complaint, administrative fine of \$ 1,000.00, administrative costs of 58.50, reprimand ,6 month Suspension of license upon reactivation of PE license, appearance before the board to discuss how this situation occurred, successful completion of the board’s study guide, and Intermediate P&E course.

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

Upon motion by Ms. Myers, seconded by Mr. Pistorino, to accept the recommendation of the Probable Cause Panel as the penalty of the board, the motion passed.

#8. Gonzalez, Miguel, P.E. (CE Case)
P.E. Number: 71594
FEMC Case Number: 2020002302
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 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 9, 2020, and an administrative complaint was authorized. The administrative complaint was filed with the Department of Business and Professional Regulation (“DBPR”) on September 22, 2001.

The Probable Cause Panel recommendation was an administrative complaint, administrative fine of \$ 2,000.00, administrative costs of \$54.60, 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.

Upon motion by Ms. Myers, seconded by Ms. Ramsey, that the respondent was properly served with the administrative complaint and failed to file an election of rights or other response as required by law within the required time, and that by failing to respond in writing as required

by law the respondent has waived the right to request a hearing, and to grant the motion that the respondent has forfeited the right to select an administrative hearing under section 120.569 and 120.57(1), and to convene a hearing under section 120.57(2), F.S., to accept the entire investigative file of the case including the supplemental materials was accepted into evidence, that the Board adopt the findings of facts contained within the administrative complaint as the Board's findings of facts and to adopt the conclusions of law contained in the administrative complaint as the Board's conclusions of law, the motion passed.

Upon motion by Ms. Myers, seconded by Mr. Pistorino, to accept the recommendation of the Probable Cause Panel as the penalty of the board, the motion passed.

#9. Hinojosa, Raul, P.E. (CE Case)

P.E. Number: Unlicensed
FEMC Case Number: 2019046157
Probable Cause Panel Date: March 11, 2020
Probable Cause Panel: Matthews, Fleming & Drury

Mr. Rimes outlined the facts of the case. The charges relate to a violation Section 471.031(1)(a) practicing engineering without a license.

Probable Cause was found on March 11, 2020, and an administrative complaint was authorized. The administrative complaint was filed with the Department of Business and Professional Regulation ("DBPR") on March 24, 2020.

The Probable Cause Panel recommendation was an administrative complaint, administrative fine of \$ 5,000.00, and administrative costs of \$375.50.

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

Upon motion by Mr. Shah, seconded by Ms. Ramsey, to accept the recommendation of the Probable Cause Panel as the penalty of the board, the motion passed.

#10. Warnick, Pastora, P.E. (CE Case)

P.E. Number: 83198
FEMC Case Number: 2020008777

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

Ms. Warnick was present and sworn in prior to addressing the board.

Mr. Rimes outlined the facts of the case. The charges relate to a violation 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, and an administrative complaint was authorized. The administrative complaint was filed with the Department of Business and Professional Regulation ("DBPR") on September 22, 2020.

The Probable Cause Panel recommendation was an administrative fine of \$ 500.00, administrative costs of \$56.55, and successful completion of the board's study guide.

Upon motion by Mr. Albergo, seconded by Mr. Mulock, that the respondent was properly served with the administrative complaint and failed to file an election of rights or other response as required by law within the required time, and that by failing to respond in writing as required by law the respondent has waived the right to request a hearing, the motion passed.

Upon motion by Mr. Albergo, seconded by Ms. Ramsey, to grant the motion that the respondent has forfeited the right to select an administrative hearing under section 120.569 and 120.57(1), and to convene a hearing under section 120.57(2), F.S., to accept the entire investigative file of the case including the supplemental materials was accepted into evidence, that the Board adopt the findings of facts contained within the administrative complaint as the Board's findings of facts and to adopt the conclusions of law contained in the administrative complaint as the Board's conclusions of law, the motion passed.

Ms. Warnick addressed the board. Discussion followed.

Upon motion by Mr. Pistorino, seconded by Mr. Shah, to accept the recommendation of the Probable Cause Panel as the penalty of the board. Motion was withdrawn.

Upon motion by Mr. Shah, seconded by Ms. Myers, to impose the penalties of costs, successful completion of the board's study guide, and the Auburn Professional Ethics course, the motion passed.

X. Change of Status/Discussion

#10. Goel, Ram, P.E.
P.E. Number: e 47431

FEMC Case Number: 2016014130
Probable Cause Panel Date: January 10, 2018
Probable Cause Panel: Fleming, Bracken & Matthews
Represented by: Charles Larsen, Esq

Mr. Goel was present along with his counsel, Mr. Larsen. Mr. Goel was sworn in prior to addressing the board.

Mr. Shah recused himself from this case.

The Final Order in the above-referenced case was filed with the Department of Business and Professional Regulation on April 19, 2018. Final Order required penalties of fine, costs, P&E Course, study guide, 6 and 18 month project review for structural and MEP (mechanical, electrical, plumbing) engineering.

The Respondent, Mr. Goel, completed the study guide on May 16, 2018, completed his P& E course on March 12, 2019, and paid his fine and cost by April 10, 2019.

Mr. Goel's 6-month project review list was due May 31, 2018. He completed the structural review receiving a favorable review from FEMC Consultant Roger Jeffery, P.E. Per the settlement stipulation there is a 6-month extension allowable for project reviews if the engineer has not performed any projects for review. He received a 1-year extension of time to provide this list due to COVID19. Mr. Goel has requested that, due to the fact that he is not currently performing any MEP engineering, a restriction from the practice of MEP engineering be placed on his license until such time he decides to commence MEP engineering in the state of Florida. At that time, Respondent will submit a request to the Board to lift the MEP restriction in order that plan review can occur. If the board approves the request to lift the restriction, the MEP project review list will be due at six and eighteen month intervals. This case is being presented to the board, for consideration of Mr. Goel's request to add the restrictions to his license.

Mr. Larsen addressed the board. Discussion followed.

Upon motion by Mr. Pistorino, seconded by Ms. Ramsey, to grant the request of a permanent restriction of MEP work on Mr. Goel's license, the motion passed.

#11. Klink, Robert, P.E. (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 along with his daughter. Mr. Klink was 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.

By Final Order filed on February 15, 2021, Mr. Klink was charged with and disciplined for violating a Florida Statute or Rule of the board or department. As a condition of that Final Order, Mr. Klink was required to take and complete the required continuing education, take and pass the study guide, and pay a fine of \$2,000.00. Final Order Compliance Officer, Rebecca Valentine emailed a reminder to Mr. Klink regarding the due dates and past due dates of the Final Order obligations with an explanation that Mr. Klink would be sent to FEMC Investigator Wendy Anderson for non-compliance of the Final Order if the obligations were not met. Mr. Klink's daughter contacted Ms. Valentine and explained that Mr. Klink has been diagnosed with Alzheimer's and therefore will not be able to complete the obligations and asked if there was another avenue to resolve the current situation. After discussion with Investigator Anderson and FEMC Attorney John Rimes, it was decided to discuss possible voluntary relinquishment with Mr. Klink. Ms. Valentine contacted Mr. Klink and his daughter and explained to them that he could complete the voluntary relinquishment form and emailed the form to them. Mr. Klink signed the voluntary relinquishment form and returned it to FBPE offices.

Upon motion by Mr. Mulock, seconded by Ms. Myers, to accept the request of Mr. Klink to relinquish his PE license, the motion passed.

Y. Appeal of DCA Case

#12. Earl Henry Appeal

– DCA Case Number: 2D21-2775; LT Case Number: 21-1019PL, 2020001816

Mr. Rimes discussed the case and the reason for it being on the agenda. Discussion followed.

Motion made by Mr. Fleming and seconded by Mr. Shah to issue the requirement to pay \$4,000 by November 14, 2021 and then \$4,000 every 90 days until the costs are paid in full. The motion was withdrawn.

Discussion followed.

Motion made by Mr. Drury and seconded by Mr. Shah to impose the following timeline for obligations for the final order:

- Costs- \$16,000.00- 30 Days- Due November 14, 2021
- P&E Course- 60 Days- Due December 14, 2021
- Study Guide- 60 Days- Due December 14, 2021
- 6-month Project Review List- Due November 14, 2021

- 6-month project review plans/documents once requested - Due 30 days from date of Requested plans from the Board consultant(s).

The motion passed.

Z. Old Business

AA. New Business

BB. Adjourn

Next Board Meeting: December 8, 2021, @8:30am in Tallahassee

