

FILED
Florida Engineers Management Corp

CLERK Rebecca Valentia

DATE 6/16/2022

FILED
Department of Business and Professional Regulation
Senior Deputy Agency Clerk
CLERK: Brandon Nichols
Date: 6/16/2022
File #: 2022-04997

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2021007881

LUIS R. PEREZ, P.E.,

Respondent,
_____ /

FINAL ORDER ADOPTING SETTLEMENT STIPULATION

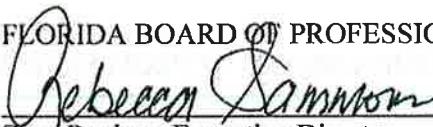
THIS CAUSE came before the FLORIDA BOARD OF PROFESSIONAL ENGINEERS (“Board”), pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on June 9, 2022 Orlando, Florida, for the purpose of considering a Settlement Stipulation (attached hereto as “Exhibit A to Final Order”) entered into between the 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 13 day of June, 2022.

FLORIDA BOARD OF PROFESSIONAL ENGINEERS


Zana Raybon, Executive Director
For Scott Drury, 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 to Luis R. Perez, P.E. by service upon his attorney of record: Jeff G. Peters, Esq. at 3551 Blairstone Road, Suite 105, Tallahassee, Florida 32311 and jgpessq@msn.com this 16 day of June, 2022.


Rebecca Valentine, Paralegal

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2021007881

LUIS R. PEREZ, P.E.,

Respondent,

_____ /

SETTLEMENT STIPULATION

LUIS PEREZ, P.E. ("Respondent") and the Florida Board of Professional Engineers ("Board") by and through the Florida Engineers Management Corporation ("FEMC"), hereby stipulate and agree to the following joint stipulation and Final Order of the Board, incorporating this Stipulation in the above-styled manner.

STIPULATED FACTS

1. For all times pertinent hereto, Respondent was a licensed engineer in the State of Florida, having been issued license number PE 69529.
2. Respondent was charged by an Administrative Complaint ("Compliant") filed by FEMC, and properly served upon Respondent with violations of Chapters 471 and 455, Florida Statutes. A true and correct copy of the filed Administrative Complaint is attached hereto and incorporated by reference as "Exhibit A to Settlement Stipulation".

STIPULATED CONCLUSIONS OF LAW

1. Respondent, in his capacity as a licensed engineer, admits that in such capacity he is subject to provisions of Chapters 455 and 471, Florida Statutes, and the jurisdiction of the Department of Business and Professional Regulations ("Agency"), FEMC, and the Board.

2. Respondent admits that the facts set forth in the Complaint, if proven, constitute violations of Chapters 455 and 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 shall pay an ADMINISTRATIVE FINE of \$1,000.00 and COSTS of \$9,550.45 to the Board to be paid in Eight (8) Payments of \$1,318.81 to the Board. The payments shall be made at Three (3), Six (6), Nine (9) months, Twelve (12) months, Fifteen (15) months, Eighteen (18) months, Twenty-One (21) months, and Two (2) Years from the date that the Final Order adopting this Stipulation is filed with the Agency Clerk.

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 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 BASIC 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

An Accredited College or University course if that course information is first submitted to the FEMC for review and determination as to whether or not it will comply with the Board's requirements.

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.

c. 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 structural, mechanical & electrical engineering projects signed and sealed by Respondent.**

d. Due to the variety of engineering disciplines for which projects need to be reviewed, **two FEMC Consultants** will select one (1) project each from each of the three disciplines, structural, mechanical electrical, contained in the list. One FEMC Consultant will review the structural project and a different FEMC Consultant will review the mechanical and electrical disciplines. **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 Consultants.** 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 Consultants' fees for reviewing the projects. Since there are two consultants involved in these project reviews, Respondent shall remit payment in two separate checks (or money orders) in the amount of \$2,000.00, made payable in the name of each of the Board's Consultants who will be reviewing the projects. These payments shall be submitted at the time that the project lists are submitted to FEMC. Respondent will be advised prior to submitting the projects lists and payment to whom to make the checks or money orders payable. In the event that the project review costs exceed \$2,000.00 by either consultant, then the Respondent is responsible for the deficiency. In the event that the cost of the reviews is less than \$2,000.00 by either consultant, then the unused portion will be refunded to Respondent. Should either 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.

e. If the Respondent has not performed engineering services on a sufficient number of projects to make the submissions required by 5c., 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.

f. 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.

g. Should the FEMC Consultant return a favorable report after reviewing the plans submitted during the first year of probation, the requirements for the second year of probation may be waived and the probation may be terminated. 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.

6. 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.


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

8. 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 the Stipulation. Furthermore, should this joint 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.

9. 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 Stipulation of Facts, Conclusions of Law, imposition of discipline and the Final Order of the Board incorporating said Stipulation.

10. 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.



Signature
Luis Pérez, P.E.
Respondent
Case No. 2021007881
Dated: 5-4-22

APPROVED this 4th day of May, 2022.

Zana Raybon, Executive Director
Florida Board of Professional Engineers



John Rimes (May 4, 2022 15:15 EDT)
BY: JOHN J. RIMES, III
Prosecuting Attorney

FILED
Florida Engineers Management Corp
CLERK Rebecca Valentine
DATE 01/24/2022

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Evette Lawson-Proctor
Date	1/24/2022
File #	

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2021007881

LUIS R. PEREZ, 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 LUIS R. PEREZ, 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 80653. Respondent's last known address is 1313 Blarney Street, Minneola, Florida 34715.

3. In 2019, Respondent sealed, signed and dated 13 sheets of Architectural Documents, Mechanical, Plumbing and Electrical (MPE) and Structural engineering documents for a 594 square feet (SF) second-story addition above the garage of a 2,850 SF dwelling located at 687 Shady Court, Altamonte Springs (Seminole County), Florida (Shady Court Project).

4. Section 471.033(1)(a), Florida Statutes, provides in material part: “(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(a) Violating any ... rule of the board or department.

5. All thirteen sheets contain the seal and signature of Respondent, but the date of the signature appears on none of the drawings. This violates Rule 61G15-23.002 Seal, Signature and Date Shall be Affixed, which follows: 61G15-23.002(1) Seal, Signature and Date Shall Be Affixed. (c) In addition, the date that the signature and seal is affixed as provided herein shall be entered on said plans, specifications, reports, or other documents immediately adjacent to the signature of the professional engineer.

6. 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.”

7. 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 these Rules.

8. 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.”

9. Rule 61G15-30.002(1), Fla. Admin. Code, mandates that Respondent, as the engineer of record for the Shady Court 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.

10. Respondent acted as the Mechanical, Plumbing and Electrical (MPE) and Structural Engineer of Record for the Shady Court 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.

11. The Florida Building Code (2010) – 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,…”

12. 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 2901.1 “Scope,” states: Plumbing systems and equipment shall be constructed, installed and maintained in accordance with the Florida Building Code, Plumbing (FBC-P).

13. 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 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.

14. 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.

15. 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”

16. Section 61G15-34.001 “Responsibility Rules of Professional Engineers Concerning the Design of Mechanical Systems” “General Responsibility” states in material part: “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”

17. Rule 61G15-33.003(2) “Design of Power Systems,” requires in material part that “Electrical Engineering Documents for power systems must include the following information, if applicable to the particular project: (a) Power Distribution Riser Diagram. (b) Conductor sizes (AWG-American Wire Gauge-or kcmil- One thousand circular mils) and insulation type, ... ; (c) Circuit interrupting devices, ratings, and fault current interrupting capability. (e) Main and distribution equipment . . . locations . . . (f) Circuitry of all outlets, equipment and devices. (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.

18. 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.

19. 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, ... and floor drains. (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) Material for all plumbing systems shall be specified.

ELECTRICAL DESIGN DOCUMENTS- Shady Court Project

20. Respondent's Electrical Engineering Design Documents for the Shady Court Project are materially deficient as follows:

(a) The Electrical drawings (Sheets E-1 and E-2) contain no Power distribution riser diagram for the dwelling, no main and/or distribution panels and their locations, and no load calculations to confirm capacity for feeders and/or service conductors. These omissions constitute a violation of Rules 61G15-33.003(2)(a), (e) and (g).

(b) No Panel Schedule is shown on the electrical drawings, thus no circuit interrupting devices are shown, no reference is made regarding fault current interrupting capability, and no conductor sizes and insulation types are shown. Also, there is no explanation on the electrical drawings for these deviations by the Respondent. The failure of the Respondent to

address the issue of fault current interrupting capability and the omission of circuit interrupting devices and conductor sizing constitutes a violation of Rules 61G15-33.003(2)(b), (c), and (f), and 61G15-33.004(2)(d).

(c) The Electrical Drawings do 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, services, feeders and branch circuits, overcurrent protection, . . ., wiring methods and materials, 7. Load calculations. The absence of these FBC-B requirements, overcurrent protection, and Load calculations constitutes a violation of Rule 61G15-33.003(2)(k).

(d) The drawings contain no specifications for any lighting fixture, even though the Legend (Sheet E-1) contains three different lighting symbols. The absence of lighting fixture specifications violates Rule 61G15-33.004(2)(a).

MECHANICAL (PLUMBING) DESIGN DOCUMENTS- Shady Court Project

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

(a) No equipment schedule is provided. Sheet P-1 contains a water supply and sanitary and water riser isometrics, but no specifications for plumbing fixtures, and other plumbing accessories, or plumbing systems materials. This omission of a plumbing fixture schedule, specifications for fixtures, equipment, and materials constitutes violations of Rules 61G15-34.007(2)(a), (l) and (m).

(b) A Potable cold and hot water service Isometric water supply diagram is shown on Sheet P-1. Total water fixture units are not shown on the drawings. The omission of total water fixture units constitutes a violation of Rule 61G15-34.007(2)(c).

(c) A sanitary isometric diagram is shown on Sheet P-1; however, total sanitary waste fixture units are not shown on the project plumbing drawing. The omission of total sanitary waste fixture units constitutes a violation of Rule 61G15-34.007(2)(d).

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

(e) The Domestic Water Plan on Sheet P-1 shows no piping and no pipe sizes for cold and/or hot water. The omission of water 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).

STRUCTURAL DESIGN DOCUMENTS- Shady Court Project

22. Respondent's Structural Engineering Design Documents for the Shady Court Project are materially deficient as follows:

(a) No geotechnical design data was provided on Respondent's drawings as required by Section 1603.1.6 of the 2017 Florida Building Code.

(b) The following masonry design data was not provided on Respondent's drawings as required by Section 1.2.1 of ACI 530-13 (ACI 530-13 is referenced in Chapter 35 "Referenced Standards" of the 2017 Florida Building Code):

- o Name and date of issue of code and supplement to which the design conforms.
- o Loads used for the design of masonry structures.
- o Specified compressive strength of masonry.
- o Grade of reinforcement.

(c) As provided in Rule 61G15-30.005(1) "An engineer of record who delegates a portion of his responsibility to a delegated engineer is obligated to communicate in writing his engineering requirements to the delegated engineer." Also, as provided in Rule 61G15-30.005(2) "An engineer of record who delegates a portion of his design responsibility to a delegated engineer shall require submission of delegated engineering documents prepared by the delegated engineer and shall review those documents for compliance with his written engineering requirements and to confirm the following: (a) That the delegated engineering documents have been prepared by an engineer. (b) That the delegated engineering documents of the delegated engineer confirm with the intent of the engineer of record and meet the written criterion (c) That the effect of the delegated engineer's work on the overall project generally conforms with the intent of the engineer of record." Lastly, as provided to Rule 61G15-31.003(2) "The structural Engineer of Record shall provide design requirements in writing to the Delegated Engineer and shall review the design documents of the delegated engineer for conformance to his written instructions and accordance with Rule 61G15-30.005, F.A.C." In violation of the foregoing,

Respondent did not provide the truss engineer with the top and bottom chord dead and live loads for delegated design.

(d) Respondent used an existing non-load bearing interior wood stud wall as a load bearing wall for the new second floor trusses and new high roof without reinforcing the wall. The structural drawings did not include the assumed spacing, species or grade of the existing wood stud wall and thus the ability of the wall to bear the new load was not determined. In fact, the interior wall needed to be reinforced as found by a successor engineer for the Shady Court Project who modified the drawings to include a new steel post and new foundation within the existing wall to support the new second floor addition.

COUNT I

FAILURE TO DATE DOCUMENTS

23. Petitioner realleges and incorporates Paragraphs One (1) through Four (4) as if fully set forth in this Count One.

24. As set for in Paragraph Five (5) Respondent signed and sealed the final engineering documents for the Shady Court Project but Respondent did not date any of the documents with the date that the signature and seal were placed upon the documents.

25. Based upon the foregoing respondent violated Section 471.033(1)(a) and Rule 61G15-23.002(1)(c).

COUNT II

ELECTRICAL DESIGN DOCUMENTS

26. Petitioner realleges and incorporates Paragraphs One (1) through Twelve (12), and Fifteen (15) Seventeen (17), Eighteen (18) and Twenty (20) as if fully set forth in this Count Two.

27. Respondent's electrical engineering drawings for the Shady Court Project documents 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 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 Shady Court Project documents and (2) the final engineering documents for the Shady Court Project documents were not issued in compliance with acceptable engineering principles.

28. 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

29. Petitioner realleges and incorporates Paragraphs One (1) through Eleven (11), Sixteen (16), Nineteen (19) and Twenty-One (21) as if fully set forth in this Count Three.

30. Respondent's mechanical (Plumbing) engineering drawings for the Shady Court Project documents contain deficiencies including; but not limited to, those set forth in Paragraph Twenty-One (21). 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 Shady Court Project

documents and (2) the final engineering documents for the Shady Court Project documents were not issued in compliance with acceptable engineering principles.

31. 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 ENGINEERING DOCUMENTS

32. Petitioner realleges and incorporates Paragraphs One (1) through Eleven (11), Thirteen (13), Fourteen (14) and Twenty-Two (22) as if fully set forth in this Count Four.

33. Respondent's structural engineering drawings for the Shady Court Project documents contain deficiencies including; but not limited to, those set forth in Paragraph Twenty-Two (22). 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 Shady Court Project documents and (2) the final engineering documents for the Shady Court Project documents were not issued in compliance with acceptable engineering principles.

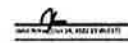
34. Based on the foregoing, Respondent is charged with violating Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by being negligent in the practice of engineering.

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 24th day of January, 2022.

Zana Raybon
Executive Director

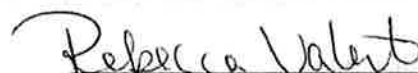

BY: John J. Rimes, III
Prosecuting Attorney

COUNSEL FOR FEMC:

John J. Rimes, III
Prosecuting Attorney
Florida Engineers Management Corporation
2400 Mahan Dr.
Tallahassee, Florida 32308
Florida Bar No. 212008
JR/rv
PCP DATE: January 12, 2022
PCP Members: MATTHEWS, VARGHESE & HAHN

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Luis R. Perez, P.E. at 1313 Blarney Street, Minneola, Florida 34715, by certified mail and First-Class U. S. Mail, on the 25 of January, 2022.


Rebecca Valentine, Paralegal