

FILED
Florida Engineers Management Corp
CLERK Rebecca Valent
DATE 4/21/2022

FILED	
Department of Business and Professional Regulation AGENCY CLERK	
CLERK	Ronda L. Bryan
Date	4/21/2022
File #	2022-03229

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL ENGINEERS,

Petitioner,

v.

FEMC Case No. 2020002589

ZEYN B. UZMAN, 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 April 15, 2022 in 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 18 day of April, 2022.

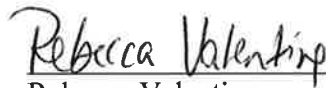
FLORIDA BOARD OF PROFESSIONAL ENGINEERS



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 Zeyn B. Uzman, P.E. at 305 Charleston Green, Malvern, Pennsylvania 19355 and zeynu@aol.com this 21 day of April, 2022.



Rebecca Valentine,
Paralegal

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

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Respondent,
_____ /

SETTLEMENT STIPULATION

ZEYN B. UZMAN, 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 58874.
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's shall pay an ADMINISTRATIVE FINE of \$2,000.00(\$1,000.00 per count) and COSTS of \$2,634.00 to the Board thirty (30) days of the date that the Final Order adopting this Stipulation is filed with the Agency Clerk.

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

5. 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.

6. 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 engineering projects signed and sealed by Respondent.

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

e. If the Respondent has not performed engineering services on a sufficient number of projects to make the submissions required by 6c., 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 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.

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

7. Respondent 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 and effect until the Board issues a Final Order adopting this agreement.


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 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.

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



Signature
Zeyn Usman, P.E.
Respondent
Case No. 2020002589
Dated: 12/22/21

APPROVED this 3rd day of January, 2021.

Zana Raybon, Executive Director
Florida Board of Professional Engineers



John Rimes (Jan 4, 2022 13:33 EST)
BY: JOHN J. RIMES, III
Prosecuting Attorney

FILED
Florida Engineers Management Corp
CLERK: Rebecca Valenti
DATE: 11/30/2021

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Evette Lawson-Proctor
Date	11/30/2021
File #	

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

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FEMC Case No. 2020002589

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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 ZEYN B. UZMAN, 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 58874. Respondent's last known address is 305 Charleston Greene, Malvern, Pennsylvania 19355.

3. On December 11, 2017 Respondent signed sealed and dated structural engineering design documents and calculations for two timber pedestrian bridges over a water channel located in Boca Raton, (Boca Bayou Project). On April 26, 2021 Respondent signed, sealed and dated updated structural engineering design calculation for the Boca Bayou 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. Section 471.033(1)(a) 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.

6. Rule 61G15-23.001(4) (a) & (b) provides in material part:

(a) Plans and Prints. Every sheet within the plans and prints must be signed, dated and sealed by the professional engineer in responsible charge.

1. A title block shall be used on each sheet of plans or prints and shall contain the printed name, address, and license number of the engineer who has signed, dated and sealed the plans or prints.

(b) An index sheet shall be used and shall be signed, dated and sealed by each professional engineer who is in responsible charge of any portion of the engineering specifications or calculations.

1. The index sheet must be signed, dated and sealed by those professional engineers in responsible charge of the production and preparation of each section of the engineering specifications or calculations, with sufficient information on the index sheet so that the user will be aware of each portion of the specifications or calculations for which each professional engineer is responsible.

2. The index sheet shall include at a minimum:

a. The printed name, address and license number of each engineer in responsible charge of the production of any portion of the calculations or specifications.

b. If the engineer signing, dating and sealing calculations or specifications is practicing through a duly qualified engineering business organization; the printed name and address of the qualified engineering business organization.

c. Identification of the project, by address or by lot number, block number, section or subdivision and city or county.

d. Identification of the applicable building code and chapter(s) and Florida Fire Prevention Code, when applicable, that the design is intended to meet.

e. Identification of any computer program used for engineering the specifications or calculations.

7. Rule 61G15-30.002(1), Fla. Admin. Code, mandates that Respondent, as the engineer of record as that term is defined in Rules 61G15-30.002(1), 61G15-31.002(1), Fla. Admin. Code for all engineering work delineated for the Boca Bayou Project, is professionally responsible for the documents prepared.

8. Rule 61G15-31.001 "General Responsibility" states: The Engineer of Record is responsible for all structural aspects of the design of the structure including the design of all of the structure's systems and components. As noted herein the engineer of record may delegate responsibility for the design of a system or component part of the structure to a delegated engineer. In either case the structural engineering documents shall address, as a minimum, the items noted in the following subsections covering specific structural systems or components. The Engineer of Record's structural engineering documents shall identify delegated systems and components. Both the Engineer of Record for the structure and the delegated engineer, if utilized, shall comply with the requirements of the general responsibility rules, Chapter 61G15-30, F.A.C., and with the requirements of the more specific structural responsibility rules contained herein. The Engineer of Record for the Structural System(s) shall provide design

requirements in writing to the delegated engineer if one is used and shall review the design documents of the delegated engineer for conformance with his written instructions in accordance with Rule 61G15-30.005, F.A.C. When information collected from the engineer or the engineer's authorized representative from a site visit is part of the engineer's deliberative process, the engineer is responsible for the accuracy of such information.

9. 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.

10. Respondent's Structural Engineering Design Documents for the Boca Bayou Project are materially deficient as follows:

(a) The provided supporting calculations do not include a lateral analysis for the structure (FBC 1609).

(b) The lateral capacity of the piles is not indicated in the calculations (FBC 1810).

(c) No geotechnical report was requested to confirm lateral or vertical capacity assumptions of the piles. Florida Building Code (FBC) Section 1803 and 1603.1.6.

(d) The wind design data was not provided in accordance with FBC 1603.1.4. Calculations do not show that piles have been designed for combined flexural and axial loads, in accordance with AASHTO 8.10.

(e) Design values specified on plans for visually graded southern pine dimensioned lumber (2"-4" thick) exceeds the values found in the March 2013 Addendum to the National Design Specification for Wood Construction (NDS). The design values used appear to be the design values superseded by said addendum.

11. The structural calculation submittal for the Boca Bayou Project was missing an index sheet, the P.E. license number, the project address, and the relevant codes and chapters. The plan sheets for the Boca Bayou Project were missing the title block with the printed name, address, and license number of the engineer. The piling log for the Boca Bayou Project was missing a signature page/cover letter, information identifying the engineer, and the project address.

COUNT I

STRUCTURAL DESIGN DOCUMENTS

12. Petitioner realleges and incorporates Paragraphs One (1) through Ten (10), and as if fully set forth in this Count One.

13. Respondent's electrical engineering drawings for the Boca Bayou Project documents contain deficiencies including; but not limited to, those set forth in Paragraph (10). As a result of those deficiencies, Respondent violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by sealing and signing structural engineering documents that were issued and filed for public record when such documents were

materially deficient in that Respondent: (1) did not exercise due care in the preparation of the final engineering documents for the Boca Bayou Project documents and (2) the final engineering documents for the Boca Bayou Project documents were not issued in compliance with acceptable engineering principles.

14. 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

FAILURE TO PROPERLY SEAL DOCUMENTS

15. Petitioner realleges and incorporates Paragraphs One (1) through Six (6), and Eleven (11) as if fully set forth in this Count Two.

16. Respondent's sealed engineering documents for the Boca Bayou Project contain deficiencies including; but not limited to, those set forth in Paragraph Eleven (11). As a result of those deficiencies, Respondent violated Section 471.033(1)(a) and Rule 61G15-23.001(4) (a) & (b).

17. Based on the foregoing, Respondent is charged with violating Section 471.033(1)(a), Florida Statutes, and Rule 61G15-23.001(4) (a) & (b), by being failing to comply with the Board's Rules governing the sealed and signing of engineering documents.

18. Respondent's structural engineering drawings for the Boca Bayou Project contain deficiencies including; but not limited to, those set forth in Paragraph Eleven (11). As a result of those deficiencies, Respondent violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by sealing and signing structural engineering documents that were issued and filed for public record when such documents were materially deficient in


that Respondent: (1) did not exercise due care in the preparation of the final engineering documents for the Boca Bayou Project and (2) the final engineering documents for the Boca Bayou Project were not issued in compliance with acceptable engineering principles.

19. 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 29th day of November, 2021.

Zana Raybon
Executive Director


John Rimes (Nov 29, 2021 09:50 EST)

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: November 09, 2021

PCP Members: MATTHEWS, ALBERGO & PEPPER

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Zeyn B. Uzman, P.E. at 305 Charleston Green, Malvern, Pennsylvania 19355, by certified mail and First-Class U. S. Mail, on the 7 of December, 2021.



Rebecca Valentine, Paralegal