

FILED
Florida Engineers Management Corp
CLERK Rebecca Valentis
DATE 12/13/2022

FILED
Department of Business and Professional Regulation
Senior Deputy Agency Clerk
CLERK: Brandon Nichols
Date: 12/13/2022
File #: 2022-09625

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2021021749, 2020055905

ROBERT T. HAUG, P.E.,

Respondent,
_____ /

FINAL ORDER ADOPTING SETTLEMENT STIPULATION

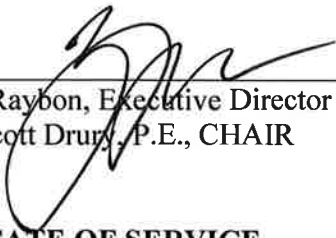
THIS CAUSE came before the FLORIDA BOARD OF PROFESSIONAL ENGINEERS (“Board”), pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on December 8, 2022 in Tallahassee, Florida, for the purpose of considering a Settlement Stipulation (attached hereto as “Exhibit A to Final Order”) entered into between the parties in this cause. Upon consideration of the stipulation, the documents submitted in support thereof, and the arguments of the parties, it is hereby:

ORDERED AND ADJUDGED that the Settlement Stipulation as submitted be and is hereby adopted *in toto* and incorporated herein by reference. Accordingly, the parties shall adhere to and abide by all the terms and conditions of the stipulation.

This Final Order shall take effect upon being filed with the Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this 12 day of December, 2022.

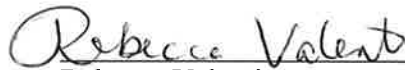
FLORIDA BOARD OF PROFESSIONAL ENGINEERS



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 Robert Haug, P.E. by service upon her attorney of record: Jeff Peters, Esquire at 3551 Blirstone Road, Suite 105, Tallahassee, Florida 32301 and jgpesq@msn.com this 14 day of December, 2022.



Rebecca Valentine,
Paralegal

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2021021749, 2020055905

ROBERT T. HAUG, P.E.,

Respondent,

SETTLEMENT STIPULATION

ROBERT T. HAUG, 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 24575.
2. Respondent was charged by Two Administrative Complaints filed by FEMC, and properly served upon Respondent with violations of Chapters 471 and 455, Florida Statutes. Copies of the Administrative Complaints are 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 \$1,000.00 and **COSTS** of \$4,858.80 to the within Board One (1) year of 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.

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 **INTERMEDIATE ENGINEERING PROFESSIONALISM AND ETHICS** within one (1) year of the date the Final Order adopting this Stipulation is filed with the Agency Clerk. Prior to that date, Respondent shall submit to the Board a Certificate of Completion of the course. It is the Respondent's responsibility to notify the Board that he has completed the course in a timely manner. Respondent may contact the Florida Engineering Society ("FES"), 125 South Gadsden St., Tallahassee, FL 32301, (850)224-7121, for information regarding the availability of such courses in Florida; however, if the FES provides any information regarding such a course to the Respondent, the Respondent must submit that course information to the FEMC for review and

determination as to whether or not it will comply with the Board's requirements. Respondent may also elect to complete one of the following correspondence courses offered by:

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 completed engineering disciplines, which do not necessarily need all to appear in the same project, but all four disciplines must be available for review,**

d. Due to the variety of engineering disciplines for which projects need to be reviewed, **two FEMC Consultants** will select two (2) project each from each submitted list for

review. One FEMC Consultant will review the structural project and a different FEMC Consultant will review the mechanical, electrical, and plumbing 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 6.c., 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, Florida Statutes, 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 Consultants both return a favorable reports after reviewing the sets of plans reviewed 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.

7. 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.

8. 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.

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

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

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

12. 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
Robert T. Haug, P.E.
Respondent
Case No. 2021021749, 2020055905
Dated: 10-28-22

APPROVED this 28th day of October, 2022.

Zana Raybon, Executive Director
Florida Board of Professional Engineers



John Rimes (Oct 28, 2022 13:30 EDT)
BY: JOHN J. RIMES, III
Prosecuting Attorney

FILED
Florida Engineers Management Corp
CLERK Rebecca Valentine
DATE March 29, 2022

FILED	
Department of Business and Professional Regulation	
Deputy Agency Clerk	
CLERK	Evelle Lawson-Proctor
Date	3/29/2022
File #	

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2021021749

ROBERT T. HAUG, 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 ROBERT T. HAUG, 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 24575. Respondent's last known address is 1619 Lawton Lane, Lakeland, Florida 33803.

3. The First Baptist Church of Imperial Lake contracted with Respondent to prepare structural design plans for a new fellowship hall, called the Family Center (Baptist Project). The Baptist Project was located at 1905 Shepherd Road in Lakeland and involved adding a free-standing building to the existing church. The plans for the Baptist Project were signed and sealed by Respondent on March 02, 2017. The plans were approved by Polk County in March 27, 2017 and construction commenced shortly thereafter. In May of 2017, the roof collapsed on the structure while still under construction. The roof was repaired, but collapsed again in June of 2017, taking down with it most of the newly constructed walls.

4. Section 471.033(1)(g), Florida Statutes, provides that an engineer is subject to discipline for engaging in negligence in the practice of engineering. Rule 61G15-19.001(4), Fla. Admin. Code, provides that negligence constitutes “failure by a professional engineer to utilize due care in performing in an engineering capacity or failing to have due regard for acceptable standards of engineering principles.”

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

6. Rule 61G15-19.001(4), Fla. Admin. Code, also provides that “[f]ailure to comply with the procedures set forth in the Responsibility Rules as adopted by the Board of Professional Engineers shall be considered as non-compliance with this section unless the deviation or departures therefrom are justified by the specific circumstances of the project in question and the sound professional judgment of the professional engineer.”

7. Respondent acted as the Structural Engineer of Record for the Baptist Project as that term is defined in Rules 61G15-30.002(1), 61G15-31.002(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 Chapter ...61G15-31, 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.

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. The Florida Building Code (2014) – 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.

11. Respondent’s Structural Engineering Design for the Baptist Project is materially deficient as follows:

A. Rule 61G15-30.005(2) requires that “[a]n 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 criteria. (c) That the effect of the delegated engineer’s work on the overall project generally conforms with the intent of the engineer of record.” Rule 61G15-31.003(2) further requires that “[t]he 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 Respondent’s design for the Baptist Project Respondent did not provide the delegated roof and floor truss engineer with all the loads required for proper design of the truss systems and did not review the design documents of the delegated engineer(s).

B. In the “Wall Section” on sheet A-6, Respondent did not show a load path from the roof diaphragm to the shear wall below. Additionally, in the “Wall Section” on A-6, Respondent shows the load bearing masonry wall eccentrically loading a continuous 1’-0” wide monolithic footing. As a result, the foundation system is severely overstressed as shown in the drawings.

C. The masonry walls, as shown on the documents, are significantly overstressed for the load combinations required by the 2014 Florida Building Code (FBC).

D. The following masonry design data was not provided on Respondent’s drawings as required by Section 1.2.2 of ACI 530-11 (ACI 530-11 is referenced in Chapter 35 “Referenced Standards” of the 2014 Florida Building Code): Name and date of issue of code and supplement to which the design conforms; Loads used for the design of masonry structures; Provision for dimensional changes resulting from elastic deformation, creep, shrinkage, temperature, and moisture, e.g., wall control joints.

E. Respondent created no calculations for the Baptist Project. This failure violates Rule 61G15-30.003, which requires that engineering documents “...shall include: Information that provides material specifications required for the safe operation of the system that is a result of engineering CALCULATIONS, knowledge and experience.”

12. Respondent’s structural engineering design and drawings for the Baptist Project documents 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 Baptist Project documents and (2) the final engineering documents for the Baptist Project documents were not issued in compliance with acceptable engineering principles.

13. 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 March, 2022.

Zana Raybon
Executive Director



John Rimes (Mar 29, 2022 09:41 EDT)

BY: John J. Rimes, III
Prosecuting Attorney

COUNSEL FOR FEMC:

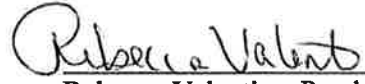
John J. Rimes, III
Prosecuting Attorney
Florida Engineers Management Corporation
2400 Mahan Dr.
Tallahassee, Florida 32308
Florida Bar No. 212008
JR/rv

PCP DATE: March 16, 2022

PCP Members: MATTHEWS, ALBERGO & PEPPER

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Robert T. Haug, P.E. at 1619 Lawton Lane, Lakeland, Florida 33803, by certified mail and First-Class U. S. Mail, on the 30 of March, 2022.



Rebecca Valentine, Paralegal

FILED

Florida Engineers Management Corp

CLERK Rebecca Valent

DATE March 29, 2022

FILED

Department of Business and Professional Regulation
Deputy Agency Clerk

CLERK Evelle Lawson-Proctor

Date 3/29/2022

File #

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

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Respondent,

ADMINISTRATIVE COMPLAINT

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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 24575. Respondent's last known address is 1619 Lawton Lane, Lakeland, Florida 33803.

3. Respondent acted as a Delegated Structural Engineer for a proposed school located in Odessa, FL, in Pasco County-the Creative World School. Respondent was delegated the task of designing the structural design for the light gauge metal framing and the relevant connections to be used in the construction of the Creative World School. On November 14, 2020 Respondent signed, sealed and dated Four (4) pages of engineering documents for the Creative World School.

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

5. 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.

6 As a Delegated Engineer, Respondent was required to comply with the provisions of Rule 61G15-30.006 which provides as follows:

(1) It is the delegated engineer's responsibility to review the Engineer of Record's written engineering requirements and authorization for the delegated engineering document to determine the appropriate scope of engineering.

(2) The delegated engineering document shall comply with the written engineering requirements received from the engineer of record. They shall include the project identification and the criteria used as a basis for its preparation. If a delegated engineer determines there are details, features or unanticipated project limits which conflict with the written engineering requirements provided by the engineer of record, the delegated engineer shall timely contact the engineer of record for resolution of conflicts.

(3) The delegated engineer shall forward the delegated engineering document to the engineer of record for review. All final delegated engineering documents require the impressed seal and signature of the delegated engineer and include:

- (a) Drawings introducing engineering input such as defining the configuration and structural capacity of structural components and/or their assembly into structural systems.
- (b) Calculations.

(c) Computer printouts which are an acceptable substitute for manual calculations provided they are accompanied by sufficient design assumptions and identified input and output information to permit their proper evaluation. Such information shall bear the impressed seal and signature of the delegated engineer as an indication that said engineer has accepted responsibility for the results.

7. In addition to complying with the foregoing, Respondent's structural engineering design for the Creative World School must comply with the provisions of Rule 61G15-31.002(5) which states that "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."

8. Respondent's design documents for the Creative World School also were required to 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 Chapter ...61G15-31, F.A.C., and be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the Florida Building Code[FBC], adopted in Section 553.73, F.S., and applicable laws, ordinances,

rules and regulations, as determined by the Agency Having Jurisdiction (AHJ). The Documents shall include:

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

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

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

(d) List engineering design criteria; reference project specific studies, reports, and delegated Engineering Documents.

(e) Identify clearly elements of the design that vary from the governing standards and depict/identify the alternate method used to ensure compliance with the stated purpose of these Responsibility Rules.

9. 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.”

10. 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.”

11. Respondent’s Delegated Structural Engineering Design for the Creative World School is materially deficient insofar as the Respondent’s design is not constructable, because there was no actual design. Based upon the information contained in Respondent’s drawings any construction based upon on the drawings would likely have resulted in structural failure. The design of the structural components and connections of the light gauge metal framing in the submitted signed and sealed delegated engineer design is mostly incomplete. Furthermore, while Respondent provided structural calculations for a single metal stud, a metal 8” floor joist, a metal box header, and a metal girder no calculations were provided for any of the connections.

12. Respondent’s drawings for the Creative World School failed to comply with the above cited Responsibility Rules and, in addition, failed to utilize due care in performing in an engineering capacity and failed to have due regard for acceptable standards of engineering principles.


13. 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 March, 2022.

Zana Raybon
Executive Director

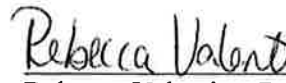

BY: John J. Rimes, III
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JR/rv
PCP DATE: March 16, 2022
PCP Members: MATTHEWS, ALBERGO & PEPPER

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Robert T. Haug, P.E. at 1619 Lawton Lane, Lakeland, Florida 33803, by certified mail and First-Class U. S. Mail, on the 30 of March, 2022.


Rebecca Valentine, Paralegal