

**Minutes for  
The Florida Board of Professional Engineers  
November 2, 2022, beginning at 1 p.m. or soon thereafter  
Via video conference**

- A. Call to Order, Roll Call, Determination of Quorum, and Address Absences.

Mr. Drury called the meeting to order. Ms. Sammons called roll call.

**Board Members Present:**

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

**Board Members Absent:**

Babu Varghese, P.E., S.I.

**Attorney General's Office:**

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

**Staff Members Present:**

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



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

Rebecca Valentine, FBPE Paralegal  
David Cox, NCEES CEO

Mr. Cox addressed the board about Position Statement 34 Diversity, Equity, and Inclusion. Discussion followed.

Upon motion by Mr. Albergo, seconded by Mr. Shah, to excuse the absence Mr. Varghese, the motion passed.

Mr. Rimes stated that he would like to talk to the board about engaging Mr. Warren Hahn as a consultant for the board and the Mr. Hahn would resign from PCP.

C. FBPE Mission and Scope

#1. FBPE's Mission: To protect the health and safety of the public by properly regulating the practice of engineering within the State of Florida.

#2. FBPE's Scope: To meet its statutory obligation and exercise its legislative authority by reviewing and approving engineering applications; managing, updating and enforcing the rules that govern the practice of engineering and to guard against the unlicensed practice of engineering within the State of Florida.

D. Approval of the Agenda

Upon motion by Mr. Pistorino, seconded by Mr. Mulock, to approve the agenda, the motion passed.

## Disciplinary Hearings

### Description of Disciplinary Process by Scott Drury, P.E.

E. Settlement Stipulation

#1. Khouri, Badwi, P.E. (CE Case)

|                            |                             |
|----------------------------|-----------------------------|
| P.E. Number:               | 48372                       |
| FEMC Case Number:          | 202203685                   |
| Probable Cause Panel Date: | September 14, 2022          |
| Probable Cause Panel:      | Matthews, Pistorino, & Hahn |

Mr. Khouri was present and sworn in prior to addressing the Board. Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1)(a), F.S.: Violating ... any other provision of this chapter or rule of the board or department. Rule 61G15-19.001(6)(s), F.A.C.: Renewing or reactivating a license without completion of Continuing Education (CE) hours.

The Probable Cause Panel recommendation was administrative costs of \$70.20, appearance before the Board to discuss how this situation occurred and what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future, Auburn P&E Course, and successful completion of the Board's Study Guide.

The Settlement Stipulation is the same as the PCP recommendation.

Mr. Khouri addressed the Board.

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

#2. Spitznagel, Mark, P.E.

P.E. Number: 36946  
FEMC Case Number: 2020044848  
Probable Cause Panel Date: November 9, 2021, May 11, 2022  
Probable Cause Panel: Matthews, Albergo, Pepper, Pistorino, & Hahn  
Represented by: Wesley Reeder, Esq.

Mr. Spitznagel was present along with counsel, Mr. Reeder. Mr. Spitznagel was sworn in prior to addressing the Board. Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1)(g), F.S., & Rule 61G15-19.001(4) by engaging in negligence in the practice of engineering.

The Probable Cause Panel recommendation was an administrative complaint, administrative fine of \$ 3,000.00 (\$1,000.00 per count), administrative costs of \$19,076.35, reprimand, appearance before the Board to discuss how this situation occurred, what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future, two years' probation, successful completion of the Board Approved Basic Engineering Professionalism and Ethics course, project/plan reviews on MEP design at 6 and 18 month intervals, and successful completion of the Board's Study Guide.

The Settlement Stipulation is a Letter of Guidance, appearance before the Board to discuss how this situation occurred and what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future, successful completion of the Board Approved Basic Engineering Professionalism and Ethics course, and successful completion of the Board's Study Guide.

Mr. Reeder addressed the Board.

Mr. Spitznagel addressed the Board.

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

#3. Schultz, Matthew, P.E. (CE Case) (required appearance)

P.E. Number: 63132  
FEMC Case Number: 2022021373  
Probable Cause Panel Date: July 13, 2022  
Probable Cause Panel: Matthews, Ramsey, & Pepper

Mr. Schultz was present and sworn in prior to addressing the Board. Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1)(a), F.S.: Violating ... any other provision of this chapter or rule of the board or department. Rule 61G15-19.001(6)(s), F.A.C.: Renewing or reactivating a license without completion of Continuing Education (CE) hours.

The Probable Cause Panel recommendation was administrative costs of \$79.95, appearance before the Board to discuss how this situation occurred and what improvements and quality control measures will be implemented to prevent this circumstance from occurring in the future, Auburn P&E Course, and successful completion of the Board's Study Guide.

The Settlement Stipulation is the same as the PCP recommendation.

Mr. Schultz addressed the Board.

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

#### F. Informal Hearing

##### #1. Worley, Russel, P.E. (CE Case)

P.E. Number: 75653  
FEMC Case Number: 2022028088  
Probable Cause Panel Date: July 13, 2022  
Probable Cause Panel: Matthews, Ramsey, & Pepper

Mr. Worley was present and sworn in prior to addressing the Board. Mr. Rimes outlined the facts of the case. The charges relate to a violation of Section 471.033(1)(a), F.S.: Violating ... any other provision of this chapter or rule of the board or department. Rule 61G15-19.001(6)(s), F.A.C.: Renewing or reactivating a license without completion of Continuing Education (CE) hours.

Probable Cause was found on July 13, 2022 on the issue of Respondent. Administrative Complaint was authorized and filed on July 29, 2022. A signed Election of Rights requesting an Informal hearing was returned to the FBPE office August 18, 2022.

The PCP Recommendation was an administrative complaint, administrative fine of \$1,000.00, administrative costs of \$68.25, reprimand, Auburn P&E Course, and successful completion of the Board's Study Guide.

Upon motion by Mr. Fleming, seconded by Mr. Pistorino, that the respondent was properly served with the administrative complaint and filed an election of rights electing a Chapter 120.57(2) hearing not involving disputed issue of material facts, to convene such hearing,

to accept the Statement of Undisputed Material Facts presented as the Board's findings of fact, to accept the entire investigative file of the case including the supplemental materials into evidence, to adopt the allegations in the administrative complaint as the Board's conclusions of law, and to find a violation of the practice act upon which discipline may be imposed, the motion passed.

Mr. Worley addressed the Board. Discussion followed.

Upon motion by Mr. Pistorino, seconded by Ms. Myers, to issue a penalty of administrative costs of \$68.25, Auburn P&E Course, and successful completion of the Board's Study Guide, the motion passed.

Mr. Rimes stated that he would like engage Mr. Warren Hahn as a mechanical consultant for the Board. Discussion followed. Staff was directed to provide the CVs for Mr. Hahn along with any other mechanical engineer that the Board has looked into being a consultant at the December 2022 FBPE board meeting and the Board will take a formal vote at the meeting on this request.

- G. Review of Applications – Education and Experience will be done at one time and ratified at the same time
- PE Licensure Applications
  - SI Limited Applications
  - FRSE Applications

Ms. Sammons read the list of the applicants and the reasons for review for each application. The Board proceeded through the list with discussion as appropriate to the decision.

Upon motion by Mr. Shah, seconded by Ms. Ramsey, that the list read by Ms. Sammons and the lists of applications approved by staff are approved as the decisions of the board, the motion passed.

- H. Old Business
- I. New Business
- J. Adjourn

November 2022 FBPE Application Review List

|    | Name               | Application Type                 | Received Date | Approved: | Denied: | Board Member Assigned: | Comments:  |
|----|--------------------|----------------------------------|---------------|-----------|---------|------------------------|--|
| 1  | Anderson, Robert   | FRSE App                         |               | DA        |         | Albergo                |  |
| 2  | Chung, Hung-Wen    | P.E. NCEES Endorsement           | 9/22/2022     |           | DA/SD   | Albergo/Drury          | Lacks 48 mo. experience. Lacks 5 hrs M&BS including 2 science courses. Possible remedy: take CLEP courses for science and have foreign experience verifiers provide credentials. |
| 3  | Sarker, Shibli     | P.E. NCEES Endorsement           | 8/29/2022     |           | DA/SD   | Albergo/Drury          | No previous license. NCEES ed evaluation meets FBPE standards. Claiming Phd 12 mos   |
| 4  | Burt, Bruce        | FRSE App                         |               | SD        |         | Drury                  |  |
| 5  | Hees, Karl         | FRSE App                         |               | KF        |         | Fleming                |  |
| 6  | Patel, Pathik      | P.E. NCEES Endorsement           | 9/28/2022     |           | KF/JM   | Fleming/Mulock         | Lacks 2.3 hours of gen ed  |
| 7  | Gleich, Harry      | FRSE App                         |               |           | JM      | Mulock                 |  |
| 8  | Miller, Thomas     | FRSE App                         |               |           | YM      | Myers                  |  |
| 9  | Gomaa, Amin        | P.E. NCEES Endorsement           | 8/29/2022     |           | YM/PS   | Myers/Shah             | Lacks 7.7 hrs. general ed. per NCEES eval.   |
| 10 | Montgomery, Scott  | FRSE App                         |               | JP        |         | Pistorino              |  |
| 11 | Nesim, Basem       | P.E. NCEES Endorsement           | 4/1/2022      |           | JP/BV   | Pistorino/Varghese     | Missing 7 hrs of gen ed.   |
| 12 | Chunn, Brian       | FRSE App                         |               | DR        |         | Ramsey                 |  |
| 13 | Kansara, Chirantan | P.E. NCEES Endorsement           | 9/15/2022     |           | DR/JM   | Ramsey/Mulock          | Lacks 6 hours of M&BS including one science course.  |
| 14 | Johnston, Brian    | FRSE App                         |               | PS        |         | Shah                   |  |
| 15 | Woods, Len         | FRSE App                         |               | BV        |         | Varghese               |  |
| 16 | Rand, Henry        | P.E. Special Inspector - LIMITED | 9/26/2022     | BV        |         | Varghese/Albergo       |  |