

FILED
Florida Engineers Management Corp
CLERK Rebecca Valent
DATE 12/21/2023



STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2020010497

ABBAS BORUJERDI, 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 07, 2023 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:

Upon consideration of the stipulation, the documents submitted in support thereof, and the arguments of the parties, the Board determined the Accept the existing Settlement Stipulation with the following Amendments agreed to by the Parties:

1. The portion regarding the project review in Paragraph 6d under the Stipulation Disposition of Law is to be changed to remove mechanical engineering and add electrical engineering.
2. Paragraph 6d under the Stipulation Disposition of Law of the settlement stipulation now reads:

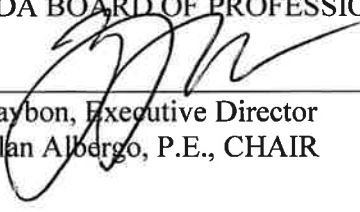
6d. Due to the variety of engineering disciplines for which projects need to be reviewed, **two FEMC Consultants** will select two (2) projects each from each of the two disciplines, structural, and electrical, contained in the list. One FEMC Consultant will review the structural projects and a different FEMC Consultant will review the electrical disciplines.

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 December, 2023.

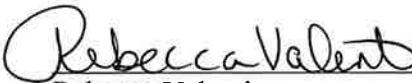
FLORIDA BOARD OF PROFESSIONAL ENGINEERS



Zana Raybon, Executive Director
For Dylan Albergo, 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 Respondent Abbas Borujerdi by service upon his attorney of record: John L. Reid, Esq. at Post Office Box 6272, Tallahassee, Florida 32314 and jr@johnreidlaw.com this 8 day of January, 202~~3~~₄.



Rebecca Valentine,
Paralegal

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

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FEMC Case No. 2020010497

ABBAS BORUJERDI, P.E.,

Respondent,

SETTLEMENT STIPULATION

ABBAS BORUJERDI, 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 Settlement Stipulation (“Stipulation”) and Final Order of the Board incorporating this Stipulation in the above-styled matter.

STIPULATED FACTS

1. For all times pertinent hereto, Respondent, ABBAS BORUJERDI, P.E., was a licensed engineer in the State of Florida, having been issued license number PE 38553.
2. Respondent was charged by an Administrative Complaint filed by FEMC, and properly served upon Respondent with violations of Chapters 471 and 455, Florida Statutes. A copy of the Administrative Complaint is attached hereto and incorporated by reference as Exhibit “A”.

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 Florida Department of Business and Professional Regulation (“the Agency”), FEMC, and the Board.

2. Respondent admits that the facts set forth in the Administrative Complaint, if proven, constitute violations of Chapter 471, Florida Statutes, as alleged in the Complaint.

3. Respondent hereby dismisses Count II of the Administrative Complaint filed with the Department of Business and Professional Regulations on September 27, 2022

STIPULATED DISPOSITION OF LAW

1. The Board dismisses with prejudice Count II of the Administrative Complaint. *See* Admin. Compl. at ¶¶ 12, 16, and 21-23.

2. Respondent shall, in the future, comply with Chapters 471 and 455, Florida Statutes, and the Rules promulgated pursuant thereto.

3. Should Respondent fail to comply with the terms of the Final Order in this case, an administrative complaint for failure to comply with said Final Order can automatically be opened against Respondent.

4. Respondent shall **APPEAR** before the Board when this Stipulation is presented to explain how this situation occurred and what plans have been formulated and actions put in place to prevent this circumstance from occurring in the future.

5. Respondent shall pay an **ADMINISTRATIVE FINE** of \$2,000(\$1,000.00 Per Count) and **ADMINISTRATIVE COSTS** of \$5,781.80 to the Board within thirty (30) days of the date that the Final Order adopting this Stipulation is filed with the Agency Clerk.

6. Respondent's license to practice engineering shall be **REPRIMANDED**.

7. 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

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 Structural and Electrical, engineering projects and reports 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 two (2) projects each from each of the two disciplines, structural, and mechanical (plumbing), contained in the list. One FEMC Consultant will review the structural projects and a different FEMC Consultant will review the electrical and mechanical

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 7c., 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 shall be waived and the probation shall 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 that create and present a substantial and specific danger to the public’s health, safety, and welfare.

8. 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.

9. 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.

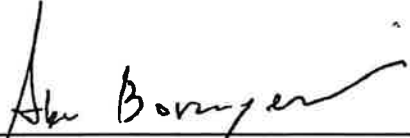
10. It is expressly understood that this Stipulation is subject to approval of the Board and FEMC and has no force or effect until the Board issues a Final Order adopting this Stipulation.

11. 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.

12. 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.

13. 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.



Abbas Borujerdi, P.E.,
Respondent
Case No: 2020010497
Dated: 9/11/23

APPROVED this 12th day of September, 2023.

Zana Raybon, Executive Director
Florida Board of Professional Engineers



John Rimes (Sep 12, 2023 13:17 EDT)
BY: **John J. Rimes, III**
Chief Prosecuting Attorney

FILED
Florida Engineers Management Corp
CLERK Rebecca Valentine
DATE 9/27/2022



STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2020010497

ABBAS BORUJERDI, 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 ABBAS BORUJERDI, 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 38553. Respondent's last

known address is American Building Engineers, 1842 East Oakland Park Boulevard, Ft. Lauderdale, Florida 33306.

3. In 2017 Respondent signed, sealed, and dated engineering plans for a single-floor shell building located at 1544 E. Commercial Blvd., Oakland Park, Broward County, Florida (Shell Building Project). Respondent acted as Civil, Structural, Mechanical (HVAC and Plumbing) and Electrical Engineer of Record for the Shell Building 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. 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.

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

8. Respondent acted as the Civil, Structural, Electrical and Mechanical (Plumbing & HVAC) Engineer of Record for the Shell Building 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, 61G15-32, 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 all applicable standards, codes, laws, ordinances, rules and regulations in effect at the time the Documents are sealed, signed and dated, as determined by the 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) If the Engineering Documents are intended to comply with requirements of any edition of federal, state, municipal, or county standards, codes, ordinances, laws, or rules, other than those currently in effect, the Engineering Documents must clearly state the edition and effective dates the 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. 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,…” 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).

10. 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 generally accepted engineering standards. The Electrical Engineering Documents shall identify the Engineer of Record. Electrical Engineering Documents shall comply with the requirements of the applicable codes and standards . . .”

11. Rule 61G15-33.003(2) “Design of Power Systems,” requires in material part that “Electrical Engineering Documents applicable to the design of electrical power systems must include the following information if applicable to the particular project:

- (a) Power distribution riser diagram.
- (e) Main and distribution equipment, control devices, locations and ratings.
- (g) Feeder and service capacity calculations.
- (i) Grounding and bonding requirements.
- (k) Engineering Documents applicable to power systems filed for public record shall also contain information required by the Florida Building Code, . . .

12. 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:

- (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.

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 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.

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.

ELECTRICAL DOCUMENTS

15. Respondent's Electrical Engineering Design Documents for the Shell Building Project are materially deficient as follows:

(a) Sheet E-3 contains a Power distribution riser diagram (ERD), which contains errors. The voltage and phases are not labeled on the ERD, but Panel B1 Schedule states the service to be 120/208 V, 1 PH, 3W. The ERD shows a 100 amp, 3 pole (100/3) three phase disconnect switch serving 100 Amp Panel A through 3 #3 and 1 #8 ground in a 1 ¼" Conduit (C). The 100/3 disconnect switch should be specified as 100 amp, 2 pole (100/2) for single phase service. Similarly, the ERD shows a 200 amp, 1 pole (200/1) disconnect switch serving 200 Amp Panel B through 2 #3/0 in 1 ¼" C., which serves "Tenant Space" through 3 #3/0 in 2" C. The 200/1 disconnect switch should be specified as 200/2 for single phase service. The numbers of conductors shown on the ERD and serving the "Tenant Space" violate NEC 310.17 by specifying 2 #3/0, 1 ¼" C. serving the 200 Amp disconnect switch, then 2 #3/0, 1 #6 G., 1 ¼" C. serving 200 Amp Panel B, then 3 #3/0, 2" C. serving the Tenant Space. The #6 Ground violates NEC Table 250.102(C)(1) which requires a #4 copper ground conductor for #3/0 copper ungrounded conductors. Additionally, the specification of 2 #3/0, 1 #6 G., 1 ¼" C. violates NEC Chapter 9, Tables 1, 4 and 5, which requires a 2" conduit for these conductors. These errors and NEC violations constitute a violation of Rule 61G15-33.003(2)(a) and (i).

(b) The Electric meter, two disconnect switches, Panel A and Panel B are shown on the Electrical Riser Diagram (Sheet E-3). A Panel Schedule for Panel

B1 is shown on Sheet E-1; however, the physical location of Panel B1 is not shown on the Electrical Plan (Sheet E-1). This omission constitutes a violation of Rule 61G15-33.003(2)(e).

(c) The electrical load calculations on Sheet E-1 contain a major error. Future Build-out loads are estimated to be 20.0 volt-amps (watts) per square foot. The enclosed space is drawn to be 1,425 SF, for a total calculated load of 28.5 kVA. The required amps were calculated by Respondent to be 79 amps. That calculation would be correct if the service voltage was 208/120 v., 3 phase. But that is the major error; the voltage is 208/120 v., single phase. The required amp calculation should be 137 amps vs. 79 amps. This error observed in the load calculations violates Rule 61G15-33.003(2)(g).

(d) 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, grounding, . . . 7. Load calculations. The conflicts in the service feeders, grounding, and erroneous electrical load calculations constitutes a violation of Rule 61G15-33.003(2)(k).

MECHANICAL (Plumbing) DOCUMENTS

16. Respondent's Mechanical (Plumbing) Engineering Design Documents for the Shell Building Project are materially deficient as follows:

- (a) A water isometric diagram is shown on Sheet P-1; but pipe sizes do not appear on the drawings. The absence of pipe sizes on the water isometric diagram constitutes a violation of Rule 61G15-34.007(2)(c).
- (b) A sanitary waste isometric diagram is shown; however, pipe sizes are not shown on the drawings. The omission of pipe sizes on the sanitary waste isometric diagram constitutes a violation of Rule 61G15-34.007(2)(d).
- (c) No storm water riser diagrams are shown on the drawings. No area drainage calculations are shown on the drawings. The omission of a storm water riser diagram and area drainage calculations constitutes a violation of Rule 61G15-34.007(2)(e).
- (d) The drawings have no piping layouts for cold water, sanitary drainage or storm drainage. These omissions constitute violations of Rule 61G15-34.007(2)(f).
- (e) There is no list of applicable plumbing codes, design standards or requirements shown on the drawings. The omission of applicable codes, design standards and requirements constitute a violation of Rule 61G15-34.007(2)(i).

STRUCTURAL DOCUMENTS

17. Respondent's Structural Engineering Design Documents for the Shell Building Project are materially deficient as follows:

- (a) The plans and sections do not show any diaphragm transfer mechanism from the roof to the shear walls.

(b) Respondent's buoyancy calculations provided show the 5" slab-on-grade requiring #6 bars top and bottom. The drawings call out welded wire fabric, which is much less reinforcement than calculated.

(c) Respondent's buoyancy calculations show the slab-on-grade analyzed as a structural element pinned at the ends to resist the calculated uplift from hydrostatic pressure. The drawings show the slab-on-grade to be constructed as a "floating" slab; the edges of the slab have no physical connection to the surrounding structure to provide that uplift resistance.

(d) Respondent's calculations indicate the structure was analyzed and designed with a maximum parapet height of 2'-6", however the construction documents indicate the parapet can be around 5'-0" tall in areas. This would increase the lateral load to the entire structure.

(e) Respondent's calculations show a model generated with only 8"x16" concrete columns. There are also 8"x8" and 8"x12" concrete columns shown on the construction documents. Incorporating the smaller column sizes into the model would affect the overall relative stiffness of the building, as load goes to stiffness, and larger concrete members are stiffer than smaller concrete elements.

COUNT I

ELECTRICAL DESIGN DOCUMENTS

18. Petitioner realleges and incorporates Paragraphs One (1) through Eleven (11) and Fifteen (15) as if fully set forth in this Count One.

19. Respondent's electrical engineering drawings for the Shell Building Project documents contain deficiencies including but not limited to, those set forth in Fifteen (15). 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 Shell Building Project documents and (2) the final engineering documents for the Shell Building Project documents were not issued in compliance with acceptable engineering principles.

20. 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

MECHANICAL (PLUMBING) DESIGN DOCUMENTS

21. Petitioner realleges and incorporates Paragraphs One (1) through Nine (9), Twelve, (12), and Sixteen (16) as if fully set forth in this Count Two.

22. Respondent's mechanical (Plumbing) engineering drawings for the Shell Building Project documents contain deficiencies including but not limited to, those set forth in Paragraph Sixteen (16). 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 Shell Building Project documents and (2) the final engineering documents for the Shell Building Project documents were not issued in compliance with acceptable engineering principles.

23. 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

STRUCTURAL ENGINEERING DOCUMENTS

24. Petitioner realleges and incorporates Paragraphs One (1) through Nine (9), Thirteen (13), Fourteen (14), and Seventeen (17) as if fully set forth in this Count Three.

25. Respondent's structural engineering drawings for the Shell Building Project documents contain deficiencies including but not limited to, those set forth in Paragraph Seventeen (17). 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 Shell Building Project documents and (2) the final engineering documents for the Shell Building Project documents were not issued in compliance with acceptable engineering principles.


26. 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 26th day of September, 2022.

Zana Raybon
Executive Director

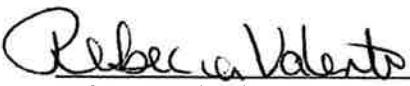

John Rimes (Sep 26, 2022 06:49 EDT)
BY: John J. Rimes, III
Prosecuting Attorney

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: September 14, 2022
PCP Members: MATTHEWS, PISTORINO & HAHN

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Respondent Abbas Borujerdi by service upon his attorney of record: John L. Reid, Esq. at Post Office Box 6272, Tallahassee, Florida 32314, by certified mail and First-Class U. S. Mail, on the 29 of September, 2022.


Rebecca Valentine, Paralegal