

FILED
Florida Engineers Management Corp
CLERK Rebecca Valentine
DATE 06/25/2024

FILED
Department of Business and Professional Regulation
Senior Deputy Agency Clerk
CLERK: Brandon Nichols
Date: 6/25/2024
File #: 2024-05886

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2022022585

VANDIN CALITU, P.E.,

Respondent,
_____ /

FINAL ORDER ADOPTING SETTLEMENT STIPULATION

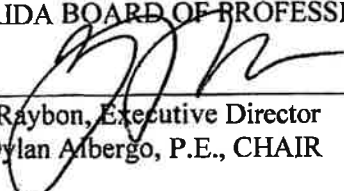
THIS CAUSE came before the FLORIDA BOARD OF PROFESSIONAL ENGINEERS (“Board”), pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on June 20, 2024 in Kissimmee, Florida, for the purpose of considering a Settlement Stipulation (attached hereto as “Exhibit A to Final Order”) entered into between 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 24 day of June, 2024.

FLORIDA BOARD OF PROFESSIONAL ENGINEERS

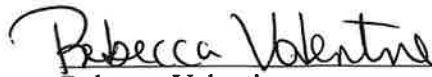


Zana Raybon, Executive Director
For Dylan Abergro, P.E., CHAIR

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, Vandin Calitu, P.E. by service upon his attorney of record: Rachel W. Clark, Esquire at 429 E Call Street, Tallahassee, Florida 32301 and rwclark.esq@gmail.com this 24 day of June, 2024.



Rebecca Valentine,
Paralegal

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

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FEMC Case No. 2022022585

VANDIN CALITU, P.E.,

Respondent,

_____ /

SETTLEMENT STIPULATION

VANDIN CALITU, P.E. hereinafter referred to as “Respondent” and the Florida Engineers Management Corporation, hereinafter referred to as “FEMC,” hereby stipulate and agree to the following Joint Settlement Stipulation (“Stipulation”) and Final Order of the Florida Board of Professional Engineers, hereinafter referred to as “Board,” incorporating this Stipulation in the above-styled manner.

STIPULATED FACTS

1. For all times pertinent hereto, Respondent, Vandin Calitu, P.E., was a licensed engineer in the State of Florida, having been issued license number PE 57982.
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 Regulations, hereinafter referred to as "Department," FEMC, and the Board.

2. Respondent admits that the facts set forth in the Administrative 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. Respondent shall pay an ADMINISTRATIVE FINE of \$1,000.00 and COSTS of \$2,654.90 to the Board within thirty (30) days of the date that the Final Order adopting this Stipulation is filed with the Agency Clerk.

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

4. Respondent shall APPEAR before the Board when this Stipulation is presented. Respondent must be prepared to discuss how this situation occurred, what improvements and quality control measures Respondent plans to implement to improve Respondent's work product, and how Respondent intends to prevent this circumstance from occurring in the future

5. Respondent shall take and pass the Auburn University Online Professional Development Course "Engineering Ethics and Professionalism," Course No. V10F-22, within ninety (90) days of the filing date of this Final Order.

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

6. Should the Respondent fail to timely comply with the terms of the Final Order 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.

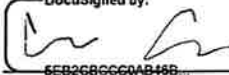
8. It is expressly understood that this Stipulation is subject to approval of the Board and FEMC and has no force or effect until the Board issues a Final Order adopting this Stipulation.

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 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.

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

11. Respondent waives the right to seek any attorney's fees or costs from the Board in connection with this disciplinary proceeding.

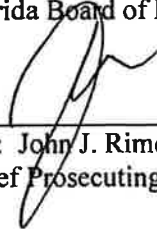
WHEREFORE, the parties hereto request the Board to enter a Final Order accepting and implementing the terms contained herein.

DocuSigned by:

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Vandin Calitu, P.E.,
Respondent
Case No. 2022022585

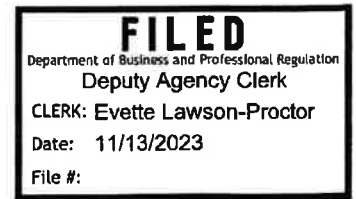
APPROVED this 19 day of April, 2023.

Zana Raybon, Executive Director
Florida Board of Professional Engineers



BY: John J. Rimes, III
Chief Prosecuting Attorney

FILED
Florida Engineers Management Corp
CLERK Rebecca Valentine
DATE 11/13/2023



STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2022022585

VANDIN CALITU, 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 VANDIN CALITU, 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 57982. Respondent's last known address is 955 Hollywood Boulevard, Hollywood, Florida 33019.

3. Respondent through a company VLC ONE, Inc contracted with the general contractor, Johnnie C. Cope Jr., Inc. to provide After-the Fact Inspections and certifications for completed construction at a single-family residence located at 1512 Calhoun Ave., Panama City, FL 32405 (Calhoun Project). Respondent prepared five separate inspection reports (Reports). The Reports included the following inspections: Damaged floor joists; Mechanical system; Window and door installation; Drywall installation; Electrical systems. The Reports were addressed to the City of Panama City, Building Department and were sealed, signed, and dated by Respondent as of June 2, 2021. The Reports show an inspection date of May 24, 2021. The Reports find that all the completed construction work at the Calhoun Project had been completed in accordance with the Florida Building Code 2020, 7th Edition.

4. The Reports are engineering “certifications” as that term is defined in Rule 61G15-18.011(4), Florida Administrative Code, (“a statement signed and/or sealed by a professional engineer representing that the engineering services addressed therein, as defined in Section 471.005(6), F.S., have been performed by the professional engineer, and based upon the professional engineer’s knowledge, information and belief, and in accordance with commonly accepted procedures consistent with applicable standards of practice,...”). “Certifications” are subject to the standards set out in Rule 61G15-29.001.

5. Rule 61G15-29.001 requires that if an engineer is presented with a “certification” that “...involve[s] matters which are beyond the engineer’s scope of services actually provided...” that the engineer must “... (a) modify such certification to limit its scope to those matters which the engineer can properly sign and/or seal, or (b) decline to sign such certification.”

6. The Reports were materially inadequate and misstated insofar as Respondent (1) did not perform analysis that should have been performed to comply with engineering standards and (2) did not adequately limit the scope of the certifications to reflect that certain material analysis was not performed.

7. Specifically, the Reports were materially deficient as follows:

A. Respondent stated in Respondent's Report concerning the Damaged Floor Joists that the damaged floor joists had been repaired by sistering with new 2x8 joists. A site visit would have revealed that the floor joists were 2x6 not 2x8 and one damaged floor joist had not been repaired. Additionally new beams added were not in contact with the joists.

B. Respondent stated in Respondent's Report that the Mechanical system was installed in accordance with the building code requirements, however the HVAC system never functioned.

C. Respondent stated in Respondent's Report concerning the windows and doors installation that the wood bucks were anchored to the CMU walls, however, there are no CMU walls, the walls are wood frame.

D. Respondent stated in Respondent's Report concerning the ceiling drywall installation that the drywall was installed with screws at 8" on center in accordance with the building code requirements. In fact, the screw spacing was between 16" and 22" on center.

E. Respondent stated in Respondent's Report concerning the Electrical systems that the systems had been installed in accordance with the building code requirements. Based upon an inspection by others that there was an exposed wire nut and wiring, a convenience outlet was not properly attached to the wall and had no cover plate, the electrical service panel

had no blanking cover for circuit #15 and loose wiring coming out of a junction box with no cover on the exterior of the residence.

8. 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.”

9. Section 471.033(1)(a), Florida Statutes, provides in material part: “[t]he following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken: (a) [v]iolating any other provision of [Chapter 471] or rule of the [B]oard”

10. Based upon the facts set forth in Paragraph Three (3) through Paragraph Seven (7) Respondent was negligent in the practice of engineering by preparing and issuing the Reports without having performed material engineering analysis necessary to justify the stated conclusion(s). Respondent’s failure to perform the necessary analysis resulted in the Reports being issued in a manner not in “...accordance with commonly accepted procedures consistent with applicable standards of practice.”,

11. Based on the foregoing, Respondent is charged with violating Section 471.033(1)(a), Florida Statutes, by violating Rule 61G15-29.001, and Section 471.033(1)(g), Florida Statutes, by engaging in negligence in the practice of engineering as defined in Rule 61G15-19.001(4), Fla. Admin Code,

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 13th day of November, 2023.

Zana Raybon
Executive Director


John Rimes III 2023 11 27 EST

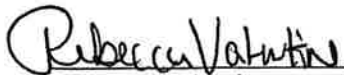
BY: John J. Rimes, III
Prosecuting Attorney

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 01, 2023
PCP Members: MATTHEWS, PISTORINO & RAMSEY

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Respondent Vandin Calitu, P.E. by service upon his attorney of record: Rachel W. Clark, Esquire at 429 E Call Street, Tallahassee, Florida 32301, by certified mail and First-Class U. S. Mail, on the 15 of November, 2023.


Rebecca Valentine, Paralegal