

FILED
Florida Engineers Management Corp
CLERK Rebecca Valentine
DATE 11/15/2024

FILED
Department of Business and Professional Regulation
Senior Deputy Agency Clerk
CLERK: Brandon Nichols
Date: 11/15/2024
File #: 2024-10600

STATE OF FLORIDA
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2023023856

ALEXANDER F. ZUENDT, P.E.,

Respondent,
_____ /

FINAL ORDER ADOPTING SETTLEMENT STIPULATION

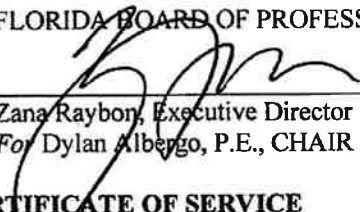
THIS CAUSE came before the FLORIDA BOARD OF PROFESSIONAL ENGINEERS (“Board”), pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on November 6, 2024 by Videoconference, for the purpose of considering a Settlement Stipulation (attached hereto as “Exhibit A to Final Order”) entered into between 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 November, 2024.

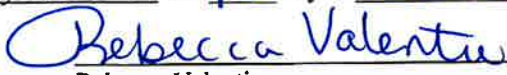
FLORIDA BOARD OF PROFESSIONAL ENGINEERS



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 Alexander F. Zuendt, P.E. by service upon his attorney of record: Katrina S. Brown, Esq., Bush Ross, PA, 1801 North Highland Ave., Tampa, Florida 33602 and kbrown@bushross.com this 15 day of November, 2024.



Rebecca Valentine,
Paralegal

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Respondent,

_____ /

SETTLEMENT STIPULATION

ALEXANDER F. ZUENDT, 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 81552.
2. Respondent was charged by an Administrative Complaint (“Compliant”) filed by FEMC, and properly served upon Respondent with violations of Chapters 471 and 455, Florida Statutes. A true and correct copy of the filed Administrative Complaint is attached hereto and incorporated by reference as “Exhibit A to Settlement Stipulation”.

STIPULATED CONCLUSIONS OF LAW

1. Respondent, in his capacity as a licensed engineer, admits that in such capacity he is subject to provisions of Chapters 455 and 471, Florida Statutes, and the jurisdiction of the Department of Business and Professional Regulations (“Agency”), FEMC, and the Board.

2. Respondent admits that the facts set forth in the Complaint, if proven, constitute violations of Chapters 455 and 471, Florida Statutes, as alleged in the Complaint.

STIPULATED DISPOSITION OF LAW

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

2. Should Respondent fail to comply with the terms of the Final Order, an administrative complaint for failure to comply with final order will automatically be opened against Respondent.

3. Respondent shall pay an ADMINISTRATIVE FINE of \$1,000.00 and COSTS of \$2,800.00 to the Board thirty (30) days of the date that the Final Order adopting this Stipulation is filed with the Agency Clerk.

4. Respondent 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 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 take and pass the Auburn University Online Professional Development Course "Engineering Ethics and Professionalism," Course No. V10F, 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

b. Respondent shall successfully complete the STUDY GUIDE which has been prepared by the Board and which will be furnished to Respondent, regarding the Engineering Practice Act, Chapter 471, Florida Statutes, and the Rules of the Board. Respondent is required to provide a personal email address that will be used to access the on-line study guide. The study guide must be completed within thirty (30) days of the date on which the Final Order incorporating this Stipulation is filed with the Agency Clerk.

c. Respondent shall submit to the Board a detailed list of all completed projects (signed, sealed, and dated), by the Respondent for PROJECT REVIEW at six (6) and eighteen (18) month intervals from the date the Final Order adopting this Stipulation is filed with the Agency Clerk. The projects shall include: all structural engineering projects signed and sealed by Respondent.

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

e. If the Respondent has not performed engineering services on a sufficient number of projects to make the submissions required by 5c., above, the initial or, if applicable, the subsequent submission required by the terms of probation shall be extended for a period of six (6) months to allow Respondent to perform the services necessary for the required review. **However, if, after the extension has expired, Respondent does not perform sufficient engineering services to meet the requirements of the terms of probation, Respondent's license will be placed on voluntary inactive status as defined in Section 455.227, Florida Statutes, by the Board, without any further necessity for action on the part of Respondent.** Respondent's license shall remain on such status, provided Respondent meets the requirements of Section 455.227, unless and until Respondent notifies the Board that he wishes to recommence practice and obtains Board authorization to reactivate his license under such terms of probation that the Board deems appropriate at that time.

f. Should the FEMC Consultant return a favorable report after reviewing the plans submitted during the first year of probation, the requirements for the second year of probation may be waived and the probation may be terminated. A "favorable report" is herein defined as a report that, in the sole opinion of the Consultant with the concurrence of the Board, finds that the plans reviewed were considered to be free of any material deficiencies.

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

6. 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.

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

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

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


10. 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.



Alexander F. Zuendt, P.E.
Respondent
Case No. 2022060671

APPROVED this 16th day of September, 2024.

Zana Raybon, Executive Director
Florida Board of Professional Engineers


John Rimes (Sep 16, 2024 07:53 EDT)
BY: John J. Rimes, III
Chief Prosecuting Attorney

FILED
Florida Engineers Management Corp
CLERK Rebecca Valentine
DATE 7/22/2024

FILED
Department of Business and Professional Regulation
Deputy Agency Clerk
CLERK: Evette Lawson-Proctor
Date: 7/22/2024
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STATE OF FLORIDA
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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 ALEXANDER F. ZUENDT, 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 81552. Respondent's last known address is 5340 Gulf Drive, Suite 201, New Port Richey, Florida 34652.

3. On October 12, 2020, Respondent signed and sealed structural, engineering drawings for a remodeling of a residence located at 409 59th Avenue, St. Petersburg Beach, Florida (Fenyves 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 Fenyves 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 Structural Engineer of Record for the Fenyves 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 to 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. 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.

10. 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.

11. Respondent's Structural Engineering Design Documents for the Fenyves Project are materially deficient as follows:

(a) The documents do not specify the design soil bearing pressure of the soil as required by Section 1603.1.6 of the 2017 Florida Building Code (FBC).

(b) The documents do not specify the material grade of the steel members as required by AISC 360-10, Section 3.1 (referenced in Chapter 35 of the FBC).

(c) The documents do not specify the masonry requirements as required by Section 1.2.1 of TMS 402/602-16 (referenced in Chapter 35 of the FBC).

(d) The foundation plan, S1.03, appears to show 2'-0"x2'-0"x12" spread footers under the steel columns. Using an allowable bearing pressure of 2,000 psf, which is common in Florida, at least one of the footers is overstressed in bearing.

(e) The documents do not show a connection between the masonry walls and the steel framing, so the masonry walls cannot be relied upon as shear walls (provides lateral stability to the structure).

(f) The steel detailing provided within the construction documents does not specify moment connections, because of this, the steel frames cannot be relied upon for lateral stability of the building. The combination of no shear walls and no moment frames would indicate that the building is laterally unstable.

(g) Two different base plate sizes and anchor bolts are shown in the documents: 18"x18"x5/8" base plate with four 1-1/2" diameter anchor bolts and a 12"x12"x1/2" base plate with four 1/2" diameter anchor bolts. A 12"x12"x unknown thickness base plate with 5/8" diameter anchor bolts was detailed on the approved steel shop drawings.

(h) Respondent does not account for the concrete floor weight, any floor finishes weight, ceiling weight, insulation weight, or mechanical, electrical, plumbing weight in his calculations. The 12K5 joists specified in the documents are severely under-designed when all of these loads are applied.

(i) There were inadequate dimensions noted on the plans.

(j) No continuous concrete tie beam/reinforced knock-out block is noted on detail 4/S1.06.

(k) Wall reinforcing spacing is noted in the documents, however reinforcing is not specified at all corners and each side of each opening. The walls are not structurally sound without these.

(l) The documents do not specify the plywood sheathing thickness or plywood sheathing fastening for the roof sheathing.

(m) In Respondent's "Risa Calcs" it appears as though only a three-dimensional model analysis using gravity loads only is provided. Vertical and lateral wind load do not appear to have been applied.

(n) Respondent has modeled the columns as being fixed at the top and bottom of each column (this requires a moment connection). There are no moment connections specified in the documents.

(o) Respondent does not provide the delegated roof truss engineer with all the required loads for roof truss design as required by Rule 61G15-31.003(2): "The 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 in accordance with rule 61G15-30.005, F.A.C.."

12. Respondent's engineering drawings for Fenyves Project contain deficiencies including but not limited to, those set forth in Paragraph Eleven (11). As a result of those deficiencies, Respondent violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by sealing and signing structural engineering documents that were issued and filed for public record when such documents were materially deficient in that Respondent: (1) did not exercise due care in the preparation of the final engineering documents for Fenyves Project and (2) the final engineering documents for Fenyves Project 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 22nd day of July, 2024.

Zana Raybon
Executive Director


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: July 10, 2024
PCP Members: MATTHEWS, PISTORINO, & MYERS

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to Respondent Alexander F. Zuendt, P.E. by service upon his attorney of record: Katrina S. Brown, Esq., Bush Ross, PA, 1801 North Highland Ave., Tampa, Florida 33602, by certified mail and First-Class U. S. Mail, on the 26 of July, 2024.


Rebecca Valentine, Paralegal