

NEWSWATCH

Volume 10, Issue 2
Spring 2007



Members of the Board of Professional Engineers

Henn Rebane, P.E., Chair (*Electrical*)
11/29/99 – 10/31/07

John C. Burke, P.E., Vice Chair (*Electrical*)
1/9/04 – 10/31/06

Robert Matthews, P.E. (*Civil*)
11/29/99 – 10/31/06

Vacant (*Civil*)

Albert E. Rose, P.E. (*Civil*)
1/9/04 – 10/31/07

Christian S. Bauer, Ph.D., P.E. (*Industrial*)
4/20/05 – 10/31/08

David O. Charland, P.E. (*Structural*)
4/20/05 – 10/31/08

Vacant (*Mechanical*)

Vacant (*Educator*)

Daniel J. Rivera (*Public Member*)
1/9/04 – 10/31/07

Vacant (*Public Member*)

Counsel to the Board

Michael Flury, Esquire
Assistant Attorney General

Board of Directors

Florida Engineers Management Corporation

Gary Kuhl, P.E., Chair

Roger Jeffery, P.E., Vice Chair

Melvin W. Anderson, Ph.D., P.E.

John W. Springstead, P.E., P.L.S.

Robert J. Lombardo, P.E.

Robert H. Hosay, Esquire

Bert Combs, Esquire

Officers of Florida Engineers Management Corporation And Staff to the Board of Professional Engineers

Carrie A. Flynn..... *Interim FEMC President*

Patrick Creehan *Chief Prosecuting Attorney and FEMC Vice President*

Carrie A. Flynn..... *Assistant Executive Director*

Marvin Vickers..... *FEMC Comptroller*

John H. Rimes, III..... *Prosecuting Attorney*

Jerry Ongley *FBPE Investigator*

Jack Beamish *FBPE Investigator*

Paul Siddall..... *FBPE Investigator*

Vacant..... *FBPE Legal Assistant*

July Tomasi..... *FBPE Legal Assistant*

Brian Lynch..... *Licensure Technician*

Frances Ingram..... *Licensure Technician*

Phyllis Powell..... *Licensure Technician*

Alan Levin..... *Licensure Technician*

Amanda Day-Janecek..... *Licensure Technician*

Sean Benjamin..... *CE Coordinator*

Leigh Ann Dollar..... *Executive Assistant*

Striker Langston..... *IT Specialist*

Sharon Lowe..... *FEMC Accountant*

Bill Flynn..... *Administrative Assistant*

Claudia Belen..... *Receptionist*



CHARLIE CRIST, GOVERNOR

HOLLY BENSON, SECRETARY
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board Chair nominated to National Office

The Florida Board of Professional Engineers is proud to announce the nomination of Mr. Henn Rebane, PE, Chair of the Florida Board of Professional Engineers to the office of President-Elect of the National Council of Examiners, for Engineering and Surveying (NCEES). This action occurred in the NCEES Southern Zone Meeting held in Lexington, Kentucky on April 26, 27, and 28, 2007. Mr. Rebane has served on the Applications Committee, the Probable Cause Committee and other Board Committees as needed. He is presently completing his second term as Chairman of the Board. To achieve the office of President-Elect is a true honor and serves as a tribute to Mr. Rebane's outstanding service to the Florida Board of Professional Engineers, the profession of engineering and to the citizens of this state.



Henn Rebane, PE
FBPE Chair

Continuing Education Update

To all Professional Engineers successful in completing the on-line renewal, Congratulations! To the Professional Engineers who encountered difficulties in completing your first on-line renewal as a result of insufficient explanation regarding the renewal process or insufficient updates to current rules applicable to continuing education, we want to assure you, the licensees, of our goal to provide needed information for the 2009-2011 renewal.

We have received numerous suggestions for improving the renewal process and we want to assure you that we are taking all suggestions and recommendations under consideration.

We are planning for the 2009-2011 renewal by providing directions and assistance on an ongoing basis between now and the opening of renewal in November of 2008. The first information we wish to provide is changes in the requirement

for the Board to approve Laws and Rules courses. The Board must now approve laws and rules courses pursuant to Rule 61G15-22.015, Florida Administrative Code.

With required course approval of laws and rules courses, the approved providers will submit data on attendees directly to the Department of Business and Professional Regulation. With submission of the data, the licensee's continuing education record automatically updates to reflect four hours in laws and rules. You may verify on Myfloridalicense.com after a reasonable time to allow the provider to submit the information.

The Board is presently working on methods for updating the area of practice courses. Stay tuned for updates.

PLEASE NOTE. This does not apply to Area of Practice courses, only Laws and Rules.

FROM THE CHAIR

Quality Engineering Required for Public Safety

By HENN REBANE, P.E., CHAIR

You probably did not know this, but I am retired from the engineering business. It has been years since I prepared a proposal, and even longer since I had to collect receivables and meet payroll. It takes that experience in order to be current with the profession, so I welcomed the letter from James S. Gillespie, P.E., who pointed out several omissions and posed questions that he felt should

be answered by the Board. Good for you to be concerned, and thank you for helping to write this column.

Let's address the issue of negligently prepared plans and engineers sealing work not prepared under their direction and control.

You may recall that Richard Dixon, P.E., Executive Director of the Florida Building Commission, took the engineers to task for submitting designs that do not comply with the Building Code.

He correctly pointed out that designing is the task of the design engineer, and not of the building official. The engineer who has the education and experience in design may make mistakes, but when pointed out, will take responsibility and effect corrections -- this is not what Mr. Dixon was talking about.

His remarks are directed to those who assume the responsibility for the design as the Engineer of Record, but do not have the prerequisite qualifica-

tions to be in responsible charge of that facet of the design.

Additionally, these remarks are directed at those who may be qualified, but due to expediency or economic pressure decide not to provide necessary details, leaving such to the contractor and AHJ to figure out; or worse, require the contractor to hire an engineer to complete the design.

I assure you that there are sufficient laws, rules and codes currently on the books to enable the Board of Professional Engineers to prosecute those who do, or aid and abet those who are doing, substandard engineering listed above. The Board is committed to prosecute such cases, to do otherwise would betray the public trust.

Some say that meeting the minimum standards for engineering costs too much because it takes more care, more education, and more time. This is not true, quality engineering is required for public safety, it saves money and further, as licensed engineers, we have no other options.

What is the Board doing to deter poor engineering? Here we need the cooperation of the building officials, and we are getting it. The majority of complaints of negligence in engineering are originated by building officials, because they do not have the time to do the investigation and research that it takes to prove negligence.

Time is money, and withholding a permit until the engineering meets minimum standards, is a powerful deterrent to poor engineering.

A suggestion to improve the quality of engineering is to license engineers by discipline, as do several states, such as Nevada. Several variations of that theme have

been proposed. I do not hold that view. Over time, many engineers change their field of expertise and it is counterproductive to have these engineers demonstrate their competence by passing an examination. Actually, it is difficult to devise practice examinations (examinations that require four years of engineering practice after graduation, a.k.a. the PE exam) that are fair to engineers who choose a narrow discipline or those who specialize in many of the emerging disciplines of engineering. The Board decided to codify minimum standards of engineering, and to enforce them. The Prime Professional has the obligation to make sure the project design team has qualified professionals doing the design (61G15-30.007). These qualified professionals become the Engineers of Record for design of the many systems that make up a project. Many of these systems have minimum requirements that are spelled out in 61G15-30 to 61G15-35. Thus the Board is able to determine whether the Engineer of Record was in charge of the work, and had the training and experience required for that assignment - see 61G15-18.011.

The Board takes the enforcement of these laws seriously and will prosecute the engineers, usually for negligence or misconduct. The Board also prosecutes individuals and companies that offer engineering services without a license. You, because you are a licensed engineer, are required to call these violations to the Board's attention: see 61G15-19.001 (6) (m). Failure to do so may subject you to discipline by the Board.

Time is money, and withholding a permit until the engineering meets minimum standards, is a powerful deterrent to poor engineering.

DISCIPLINARY ENFORCEMENT ACTIVITY

Roy L. Aach, P.E. *PE 18011*

The licensee was charged with one count of negligence for deficient plans for a Checkpoint Expansion project, one count for failing to date plans, and one count for failing to submit a Certificate of Completion for the required Building Code Core course. After conducting an informal hearing, the Board imposed a reprimand, \$2,000.00 fine and costs of \$1,459.00 and suspension of license until he submits the Building Code course certificate. Following suspension, he will be placed on two years probation with plan review at 6 and 18 months, shall complete a Board approved course in Engineering Professionalism and Ethics, shall complete the Board's study guide, and an appearance before the Board to explain his understanding of 471.0195, F.S. and Rule 61G15.32004, F.A.C., and the basic requirements of a water based fire protection system.

Donald Arpin, P.E. and Associates *PE 28585*

The licensee was charged with negligence in the practice of engineering relating to a design for a fabric awning installation in Coral Gables, Florida. The design contained deficiencies that did not conform to acceptable standards to the practice of engineering. Based on a stipulation and Mr. Arpin's appearance before the Board to explain the quality control process he currently uses and what steps he plans to take to improve this process in the future, the Board imposed a reprimand, \$1,000.00 fine and costs of \$990.00, two years probation, completion of a Board approved course in Engineering Professionalism and Ethics, project review and completion of the Board's Study Guide.

John B. Benson, P.E. and Benson Engineering, Inc. *PE 20638 • CA 1649*

The licensees were charged with one count of misconduct for signing and sealing a tie down plan for a mobile home installation project with the certification, "This plan complies with Section 15C1.003, 1.0104 FAC". The tie down plan does not comply with the applicable rule. In addition, Mr. Benson was charged with one count of negligence when he inappropriately signed, sealed, and dated two pages of foundation and tie down plans for said project. Based on a stipulation and an appearance before the Board to explain what he plans to do while under suspension, the Board imposed a reprimand, \$5,000.00 fine and costs of \$690.00, an additional six months suspension following the suspension in the Final Order issued in case number 2004061521, and two years probation. Following his suspension, Mr. Benson is required to make a second appearance before the Board to explain what procedures he will initiate to improve quality

control, and an understanding of his responsibility as an engineer to insure the safety, health, and welfare of the public.

Benson Engineering, Inc. & John B. Benson, P.E. *PE 20638 • CA 1649*

The licensee was charged with one count for filing a false Building Permit Affidavit and an Inspection for Permit by Affidavit to the Manatee County Building Department, one count for engaging in fraud or deceit regarding the affidavits, and one count of negligence in the practice of engineering. Based on a stipulation and an appearance before the Board to explain what his firm will do for a qualifier while under suspension, the Board imposed a reprimand, \$6,000.00 fine and costs of \$165.00. In case number 2004057423, Mr. Benson's suspension is scheduled to end on September 12, 2007; however, he has agreed to an additional six months suspension ending on March 12, 2008. Mr. Benson is required to appear before the Board following the suspension period to lift the suspension and to discuss his understanding of how his quality control impact the health, safety, and welfare of the public and his understanding of ethical practice.

Terrance L. Kepple, P.E. *PE 41953*

The licensee was charged with one count of fraud or deceit when he delivered false documents as if it were an authentic permit, and with one count for violating a provision of Chapter 471, F.S. by violating providing engineering services through an entity, Kepple Engineering, Inc., that does not have a Certificate of Authorization. After conducting an informal hearing, the Board revoked his license and imposed a reprimand, \$10,000.00 fine and \$1,527.00 in costs.

Philip J. Matonte, P.E. *PE 45941*

The licensee was charged with two counts of negligence for signing and sealing deficient calculations for residential irrigation piping sheets for two projects. Based on his failure to timely file an Election of Rights form and the allegations in the Administrative Complaint, FEMC filed a Motion for Default. The Board revoked his license and imposed a \$5,000.00 fine.

David D. Pelham, P.E. *PE 14555*

The licensee was charged for failing to submit his project review list as required by a Board order filed in a previous case. After conducting an informal hearing, the Board imposed an additional year of probation, plan review that would include his Hangar Doors project, and a \$5,000.00 fine. If Mr.

Pelham does not have a list of projects to submit, he will go inactive until he reactivates his license. He will be placed on probation and he will be required to complete the plan review.

John F. Sheils *Unlicensed*

Mr. Sheils was charged with two counts for practicing engineering on a suspended license, and with one count for failing to complete the required continuing education course. After conducting an informal hearing, the Board revoked his license, and imposed a \$7,000.00 fine and \$165.00 in costs.

James Lee Smith, P.E. *PE 36177*

Mr. Smith was charged with one count for practicing architecture and seven counts of negligence (one of those counts also includes incompetence and misconduct) relating to his Emergency Insurance Restoration project, and one count for failing to include the name, address and Certificate of Authorization number on each sheet.

Based on a stipulation and Mr. Smith's appearance before the Board, the Board imposed a reprimand, \$5,000.00 fine and costs of \$3,909.90, two years probation, completion of a Board approved course in Engineering Professionalism and Ethics, restriction from engaging in the design of any electrical systems as stated in Rule 61G15-33.002(4), F.A.C., unless and until he takes and passes Part Two of the NCEES electrical engineering examination, and project review.

If Mr. Smith has not performed engineering services on a sufficient number of projects to make a submittal, the period of probation addressed to his electrical practice will be extended indefinitely. Mr. Smith's remaining engineering practice regarding his probation may continue to the following terms, which state he must submit a list of acceptable commercial structural design projects, exclusive of interior build outs.

If he has not performed engineering services on a sufficient number of projects to make a submittal the terms of probation shall be extended for six months; however, if the extension has expired or if he does not perform sufficient engineering services to meet the requirements of the terms of probation, his license shall be placed on voluntary inactive status and shall remain on such status, provided he meets the requirements of Section 455.227, F.S., unless he 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, he shall successfully complete the Board's study guide.

Paul C. Welch, P.E., and Paul Welch, Inc. *PE 29945*

The licensee was charged with one count of negligence in the practice of engineering relating to his McClendon house addition project plans. The plans do not comply with the Florida Building

(continued on next page)

Code or the Responsibility Rules governing Florida Professional Engineers. In addition, Mr. Welch has been charged with one count for violating a rule of the Board when he signed and sealed said plans which were incomplete. Based on a stipulation and an appearance before the Board to discuss the importance of limiting terminology for drawings that are signed and sealed, and the consequences if it is included, the Board imposed a \$2000.00 fine and costs of \$779.25, a reprimand, two years probation, completion of a Board approved course in Engineering Professionalism and Ethics, project review, and completion of the Board's Study Guide.

In another case, the licensee was charged with negligence relating to his ARP Screen Room

project. Mr. Welch's ARP Screen Room design does not conform to acceptable engineering practice and does not conform to the Specifications for Aluminum Structures, Aluminum Design Manual, Part 1 of the Aluminum Association as required by the 2001 Florida Building Code, Chapters 202.1 and 202.2. Based on a stipulation and an appearance before the Board to explain his understanding of the sealing rule, and how he plans to control work within his company, the Board imposed a reprimand, a \$2000.00 fine and costs of \$1,114.75, two years probation, project review, completion of a Board approved course in Engineering Professionalism and Ethics, and completion of the Board's Study Guide.

Robert Y. White, P.E.
PE 13191

The licensee was charged with one count of plan stamping, two counts of negligence, and one count for violating a rule of the Board pertaining to plans for an Owens Residence project.

In another case, the licensee was charged with four counts relating to drawings submitted for his required project review. Mr. White was charged with misconduct and negligence.

Based on a stipulation consolidating case numbers 2006027031 and 2006052707, the Board imposed \$1,062.45 in costs and he agreed to Voluntarily Relinquish his license and never reapply for licensure as a Professional Engineer in the State of Florida.



Florida Board of Professional Engineers
2507 Callaway Road, Suite 200
Tallahassee, FL 32303

PRSR STD
US POSTAGE
PAID
PERMIT NO 520
TALLAHASSEE, FL

2007 FBPE Board/Committee Meeting Schedule

**These meetings can be attended for continuing education credit in laws and rules. (second day only)*

Board Meeting*	June 20-21, 2007 - 8:30 a.m.	Tampa, Florida
Application Review / Educational Advisory Committees	July 18, 2007 - 8:30AM	Board Office, Tallahassee
Probable Cause Panel Meeting	July 19, 2007 - 8:30AM	Board Office, Tallahassee
Conference Call Board Meeting	July 27, 2007 - 10:00AM	
Board Meeting*	August 1-2, 2007 - 8:30AM	Marco Island, Florida
NCEES Annual Meeting	August 15-19, 2007	Philadelphia, Pennsylvania
Application Review / Educational Advisory Committees	September 12, 2007- 8:30AM	Board Office, Tallahassee
Probable Cause Panel Meeting	September 13, 2007- 8:30AM	Board Office, Tallahassee
Conference Call Board Meeting	September 21, 2007 - 10:00AM	
Board Meeting*	October 17-18, 2007 - 8:30AM	West Palm Beach, Florida
Application Review / Educational Advisory Committees	November 14, 2007 - 8:30AM	Board Office, Tallahassee
Probable Cause Panel Meeting	November 15, 2007 - 8:30AM	Board Office, Tallahassee
Conference Call Board Meeting	November 30, 2007 - 10:00AM	
Board Meeting*	December 5-6, 2007 - 8:30AM	Tallahassee, Florida

Check your license status at www.myfloridalicense.com

As of the printing of this newsletter 27,611 Professional Engineers have renewed their license for 2007-2009.