



# Florida Board of Professional Engineers

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(Electrical)01/09/2004-  
10/31-2010

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10/14/2008-10-31-2011

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10/14/2008-10/31/2011

The Florida Legislature found that it was necessary in the interest of public health and safety to regulate the practice of engineering in the State of Florida and thus created Chapter 471, Florida Statutes, the Engineering Registration Law. Under this law the Florida Board of Professional Engineers is responsible for reviewing applications, administering examinations, licensing qualified applicants, and regulating the practice of engineering throughout the state.

## Chairman of the Board

Chapter 471 does not contain a blanket provision that limits the use of the generic title "engineer" to Professional Engineers. So long as a person does not perform or offer to perform any of the activities described in the definition of "engineering" set out in Section 471.005(7), Florida Statutes, or, even if one does, but acts under certain of the exemptions from Chapter 471, those set out in Section 471.003(2)(c)(e) or (j), Florida Statutes, then simply using the term "engineer" is not a violation.

Chapter 471 does, however, specifically prohibit the use of any term in conjunction with the term "engineer" that in any way connotes that one is licensed to practice "engineering" unless the person using the term is a licensed Florida Professional Engineer. Thus, if a person who is not licensed as a Professional Engineer offers any services to the public and promotes the utilization of those services by advertising that he or she is a "certified," "registered," "licensed," "authorized," "permitted," engineer, or uses any similar terms, when he or she doesn't hold a license from the Board of Professional Engineers, then the law is violated.

But the improper use of terms that directly imply



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Mary M. Young (Public)  
10/14/2008-10/31/2011

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Assistant Attorney  
General

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**to the Board of**  
**Professional**  
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Carrie A. Flynn, FBPE  
Executive Director  
FEMC President

John Rimes, FBPE

licensure, such as those referenced in the preceding paragraph, are not the only restrictions the use of specific "titles" in conjunction with the generic term "engineer." Chapter 471 also generally prohibits the use of 25 specific "titles" to non PEs. These titles are listed in Section 471.031(1)(b) 1, Florida Statutes, and consist of a combination of an accepted professional engineering area of practice, such as "mechanical," when placed alongside or used in conjunction with the term "engineer." The law also precludes the use of any other term that reasonable persons would conclude would also indicate that the person using the "title" holds a license as a PE when no such license is held by that person.

Unlicensed persons who are regular, full-time employees of a company that does not practice engineering as such and whose practice is limited to the design and fabrication of manufacture products and the servicing of same (activity which is permitted under Section 471.003(2)(c)) and persons who are employees of a firm that holds a certificate of authorization and are working under the responsible charge of a Professional Engineer (activity which is permitted under Section 471.003(2)(e)) can use the term "engineer" when offering or performing services but not the other protected titles. This authorization is limited to those persons who are graduates of an approved engineering curriculum as defined in Rule 61G15-20. Once again, these unlicensed persons still are prohibited from using any term that directly implies licensure in conjunction with the term "engineer."

Graduate engineers in engineering firms, who can use the title "engineer" as set out above, can also identify the fact that they are "Engineer Interns" if they have achieved that attainment. An Engineer Intern can use the term "Engineer Intern" or "E.I." in all communications to the public and/or within the firm, such as being so identified on letterhead, business cards, websites, and other advertisements or communications.

As noted above, the limits on the use of specific titles contained in Section 471.031 are not, however, the only prohibitions on the use of terms by non-licensees. It must be remembered that the statute also prohibits the use of "any other title, designation, words, letters, abbreviations, or device tending to indicate that such person holds an active license as an engineer when the person is not licensed under [Chapter 471]...." Therefore, an unlicensed person cannot escape the prohibition on the use of the title "structural engineer" by simply offering "structural engineering services." Because of the legislative preclusion on the use of the specific title, it is clear that the use of a descriptor which incorporates the same information as that contained in the title would also be a violation of the law.

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Needless to say, except for the specific prohibitions on specific titles each analysis is context driven but one can use as a guide that if a reasonable person would think that licensure as a PE is being indicated then the term is not acceptable.

### *from the Executive Director*

The delivery of this newsletter in electronic format is an effort to reduce cost associated with publishing newsletters. We believe the electronic newsletter will promote better customer service to licensees through a personal notification to your email address of the latest newsletter publication. You will be able to save this to your own personal file for future review.



Carrie A. Flynn  
Executive Director

We will also post the newsletter on our web site [www.fbpe.org](http://www.fbpe.org).

As reported in our last publication, continuing education providers are now uploading (reporting) CE in the areas of practice & laws and rules. This procedure involves a detailed process for our staff; however, the rewards are worth the effort.

This is a major step toward increasing the ease and convenience of on-line renewal. In the future licensees will be able to complete renewal on-line with a simple one step process of payment of the renewal fee. The licensee will not enter their continuing education hours on the ONLINE license portal at [www.myfloridalicense.com](http://www.myfloridalicense.com). If you have any questions, please email Cindy Lucas - CE Licensure Analyst at [clucas@fbpe.org](mailto:clucas@fbpe.org).

To assist licensees who serve in the military a Military Status Renewal Form will be available. This allows our military licensees to confirm their ongoing military status and their exemption from continuing education.

The Florida Engineers Management Corporation on behalf of the Florida Board of Professional Engineers would like to receive your comments regarding electronic newsletters. Send comments to [fbpenewsletter@fbpe.org](mailto:fbpenewsletter@fbpe.org).

Your comments will be shared with the Board.

## Statutory Change to F.S. 455.227(1)(t)

Effective July 1, 2009, a new statutory obligation has been placed on licensed professional engineers. Pursuant to Section 455.227(1)(t), Florida Statutes any professional engineer who has been convicted or found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction, is required to report it to FEMC within 30 days of the disposition. Failure to do so can result in disciplinary action.

A professional engineer who has been convicted or found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction prior to July 1, 2009, was required to report it within 30 days of the effective date of the statute, which was July 30, 2009. Due to the short notice given to licensees regarding this particular provision of the new statutory change, the Board has decided that anyone who has a criminal disposition as enumerated above prior to July 1, 2009, and who has failed to report it prior to July 30, 2009 will be issued a Notice of Noncompliance, which does not constitute discipline on the Professional Engineer's license.

## Disciplinary Enforcement Activity

**Irving Abcug, P.E.**  
PE 28376

Licensee was charged with one (1) count of negligence in the practice of engineering and violation of Section 471.0331(1)(g), Florida Statutes. Based on a settlement stipulation, the Board imposed costs of \$6,403.64, reprimand, probation of two (2) years, completion of the Laws & Rules study guide, project review at six (6) and eighteen (18) months, and completion of a Engineering Professionalism & Ethics course. Final Order issued 2-24-09.

**Winthrop Barnett, P.E.**  
PE 25576

Licensee was charged with one (1) count of practicing on a delinquent license and violating Section 471.033(1)(i), Florida Statutes. The Board approved a settlement stipulation imposing a fine of \$5,000.00, costs of \$1215.00, appearance, probation of two (2) years, and project review at six(6) and eighteen (18) months. Final Order issued 07/31/2009.

**Gary Bishop, P.E.**  
PE 25357

Licensee was charged with one (1) count of engaging in fraud or deceit in the practice of engineering and violation of Section 471.033(1)(g), Florida Statutes and one (1) count in making or filing a report that the licensee know to be false and being untruthful in a professional report and violation of Section 471.033(1)(e), Florida Statute. The Board approved a settlement stipulation imposing a fine of \$4,000.00, costs of \$1648.12, reprimand, and probation of two (2) years, Intermediate Level Engineering Professionalism & Ethics course, project review at six(6) and eighteen (18) months. Final Order issued 2-24-09.

**Joseph Bombassaro, P.E.**

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PE 50702

Licensee was charged with one (2) counts by violating Section 471.033(1)(e), Florida Statutes, in making or filing a report of record that the licensee knows to be false and being untruthful and deceptive in a professional report with regards to two projects. The Board approved a settlement stipulation imposing a fine of \$3,000.00, costs of \$573.00, reprimand, and probation of two (2) years, study guide, Engineering Professionalism & Ethics course, project review at six(6) and eighteen (18) months. Final Order issued 7-1-09.

**Remberto Contreras, P.E.**  
PE 21522

Licensee was charged with one (1) count of engaging in negligence in the practice of engineering and violating Section 471.033(1)(g), Florida Statutes. The Board approved a settlement stipulation imposing costs of \$500.00, reprimand, and probation of two (2) years, licensed restricted until he takes and passes and submits proof of passing NCEES Structural 1 Exam or equivalent, study guide and completion of Engineering Professionalism & Ethics course. Final Order issued 4-27-09.

Joseph Gilberti, P.E.  
PE 56079

Licensee was charged with one (1) with violating Sections 455.227(1)(c) and 471.033(1)(d), Florida Statutes, by adjudicated guilty of a crime, which directly relates to the practice of engineering or the ability to practice engineering. The Board approved a settlement stipulation that imposed a fine of \$2,000.00, costs of \$117.00, probation of two (2) years. Final Order issued 7-1-09.

David Giles, P.E.  
PE 45676

Licensee was charged with one (1) count of making or filing a report or record that the licensee knows to be false, violating Section 471.033(1)(e), Florida Statutes

and negligence in the practice of engineering and violation of Section 471.0331(1)(g), Florida Statutes, and Responsibility Rule 61G15-19.001(4), F.A.C. Following a hearing not involving disputed issues of material fact pursuant to Sections 120.569 and 120.57(2), Florida Statutes. The Final Order imposed a fine of \$5,000.00, costs of \$1010.00, reprimand, suspension of one (1) 1 year and thereafter until Respondent appears before the Board to lift the suspension, and be able to explain his understanding of signing, sealing and dating certifications as an engineer, completion of the study guide and completion of a Engineering Professionalism & Ethics course. Final Order issued 3-19-09.

Mouaffak Hassoun, P.E.  
PE 33678

Licensee was charged with one (1) count of violating the provisions of Rule 61G15-27.001 and violating Section 471.033(1)(a), Florida Statutes, by failing to notify the original engineer on a project required by the rule and by not performing adequate engineering analysis by prior acting a successor engineer; and one (1) count of engaging in negligence in the practice of engineering violating Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4). Based on a settlement stipulation, the Board imposed fine of \$2,000.00, costs of \$2,020.00, reprimand, one (1) year probation, completion of the Laws & Rules Study Guide, and completion of a Engineering Professionalism & Ethics course; if licensee engages in sealing and signing engineering documents then he will be placed on two (2) years probation with project reviews at (6) and (18) months. Final Order Issued on 4-27-09.

W. Gray Hodge, P.E.  
PE 45676

Licensee was charged with one (1) count of negligence in the practice of engineering and violation of Section 471.0331(1)(g), Florida Statutes. Based on a settlement stipulation, the Board imposed fine of \$2,500.00, costs of \$2,000.00, reprimand, probation of two (2) years, completion of the Laws & Rules Study Guide, project review at six (6) and eighteen (18) months, and completion of a Engineering Professionalism & Ethics course. Final Order issued 2-24-09.

Fred C. Jones, P.E.  
PE 54476

Licensee was charged with multiple violations including 471.033(1)(a), F.S., violating a rule of the board; 471.033(1)(g), F.S., engaging in negligence in the practice of engineering; 471.033(1)(j), F.S., affixing a seal and name to drawings that were not prepared by him or under his supervision, direction, or control; 471.003(3), F.S., practicing architecture

not incidental to his engineering practice; 61G15-27.001(2), F.A.C., prior to sealing and signing work a successor professional engineer shall be required to notify the original professional engineer, his successor's, by certified letter the successor's intention to use or reuse the original professional engineer's work; 61G15-30.005, F.A.C., failing as engineer of record to require submission of delegated engineering documents prepared by the delegated engineer and shall review those documents for compliance with his written engineering requirements; 61G15-31.008(1), F.A.C., failing to designate the foundation capacity or indicating material anticipated; 61G15-30.002(1), F.A.C., failing as engineer of record to be responsible for the preparation, signing, dating, sealing, and issuing of any engineering documents for any engineering service or creative work; and 61G15-31.002(5), F.A.C., failing to have the requisite information provided for structural drawing. Based on the Final Order and approved Settlement Stipulation approved by the Board, Mr. Jones' has voluntarily relinquished his license and agrees to never reapply for licensure as a Professional Engineer in the State of Florida. Final Order issued 08-13-09.

James K. Kimes, P.E.  
PE 33678

Licensee was charged with two (2) counts of violating the provisions of Section 455.227(1) (k), Florida Statutes by not complying with the provisions of a statute placing specific obligations upon a Professional Engineer, specifically by not complying with the requirements of Section 106.6 of the Florida Building Code. The Board approved a settlement stipulation imposed a fine of \$2,000.00, costs of \$3,318.00 and completion of Engineering Professionalism & Ethics course, study guide. Final Order issued 3-19-09.

Joseph Kosinski, P.E.  
PE 52288

Licensee was charged with one (1) count of negligence in the practice of engineering and violation of Section 471.033(1)(g), Florida Statutes. Based on a settlement stipulation, the Board imposes costs of \$2,073.19, reprimand, completion of the Laws & Rules Study Guide and completion of an Engineering Professionalism & Ethics course. Final Order issued 2-24-09.

Luis A. Lopez, P.E.  
PE 59805

Licensee was charged with one (1) count of negligence in practice of engineering, Section 471.033(1)(g), Florida Statutes. The Board approved a settlement stipulation imposing costs of \$4,350.00, reprimand, probation of two (2) years, project review at six (6) and eighteen (18) months and completion of Engineering Professionalism & Ethics course, study guide. Final Order issued 7-1-09.

Antonio Lucia, P.E.  
PE 60160

Licensee was charged with one (1) count of negligence in practice of engineering, Section 471.033(1)(g), Florida Statutes. The Board approved a settlement stipulation imposing costs of \$3,977.00, probation of two (2) years, project review at six (6) and eighteen (18) months and completion of Engineering Professionalism & Ethics course, study guide. Final Order issued 7-1-09.

Roger Malone, P.E.  
PE 56496

Licensee was charged with one (1) count of engaging in misconduct in the practice of engineering and violating Section 471.033(1)(g), Florida Statutes. Based on the approved Settlement Stipulation, the Board has imposed a fine of \$5,000.00, costs of \$9,172.00, reprimand, appearance, project review upon recommencement of practice in the State of Florida, successful completion of an Engineering Professionalism & Ethics course and study guide. Final Order issued 08-13-09.

David R. Norris, P.E.

PE 33880

Licensee was charged with one (1) count of negligence in the practice of engineering, Section 471.033(1)(g), Florida Statutes, Rule 61G15-19.001(4), Florida Administrative Code; one (1) count of violating Sections, 455.227(1)(k), and 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(6)(n), Florida Administrative Code, by not sealing, signing and dating each page of engineering design documents; not complying with the provisions of Section 489.113(9)(b) 2, Florida Statutes, and thus violating the provisions of Section 455.227(1)(k), Florida Statutes by not complying with the provisions of a statute placing specific obligations upon a Professional Engineer; violating the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(6), Florida Administrative Code, by committing misconduct in the practice of engineering by certifying to matters beyond his competence and involving matters which were beyond the scope of services provided. The Board approved a settlement stipulation imposing a fine of \$1,000.00, costs of \$2,500.00, reprimand, restriction on producing structural engineering manuals until passage of NCEES Structural 1 Exam, , probation of two (2) years, Intermediate Engineering Professionalism and Ethics Course, project review at six(6) and eighteen (18) months. Final Order issued 7-1-09.

Seng-Chai Tan, P.E.

PE 46765

Licensee was charged with violating Section 471.033(1)(g), Florida Statutes and Rule 61G15-19.001(4), F.A.C., by engaging in negligence in the practice of engineering. Based on the Board-approved Settlement Stipulation, the Board has imposed costs of \$3131.83, reprimand, appearance, probation for two (2) years, study guide, successful completion of an Engineering Professionalism & Ethics course and project review at six(6) and eighteen (18) months. Final Order issued 08-13-09.

Manuel Valdes-Linares, P.E.

PE 14393

Licensee was charged with three (3) counts of engaging in negligence in the practice of engineering and violating Section 471.033(1)(g), Florida Statutes. The Board imposed a fine of \$3,000.00, costs of \$1,668.20, suspension for one (1) year, reprimand, probation of two (2) years, study guide and completion of Engineering Professionalism and Ethics course. Final Order issued 1-09-09.

James A. Zaleski, P.E.

PE 51544

Licensee was charged with one (1) count of engaging in misconduct in the practice of engineering and violating Section 471.033(1)(g), Florida Statutes. The Board approved a Settlement Stipulation that imposes a fine of \$2,000.00, costs of \$1,112.00, reprimand, appearance, probation of two (2) years, Engineering Professionalism & Ethics course, study guide and project review at six(6) and eighteen (18) months. Final Order issued 8-13-09.

Charlie Crist, Governor



Chuck Drago, Secretary

Department of Business and Professional Regulation

