

Members of the Board of Professional Engineers

- John C. Burke, P.E., Chair (*Electrical*)
1/9/04 – 10/31/10
- David O. Charland, P.E., Vice Chair (*Structural*)
4/20/05 – 10/31/08
- Zafar Hyder, Ph.D., P.E. (*Civil*)
6/22/07-10/31/10
- Paul Tomasino, P.E. (*Civil*)
2/11/02-10/31/10
- Christian S. Bauer, Ph.D., P.E. (*Industrial*)
4/20/05 – 10/31/08
- Jonathan F.K. Earle, Ph.D., P.E. (*Educator*)
2/12/08 – 10/31/09
- Nola Garcia de Quevedo (*Public Member*)
2/12/08 – 10/31/10
- Henn Rebane, P.E. (*Electrical*)
11/29/99 – 10/31/07
- Vacant (*Civil*)
- Vacant (*Mechanical*)
- Vacant (*Public Member*)
- Counsel to the Board**
- Michael Flury, Esquire
Assistant Attorney General

Board of Directors

Florida Engineers Management Corporation

- Roger Jeffery, P.E., Chair
- Robert J. Lombardo, P.E., Vice Chair
- Melvin W. Anderson, Ph.D., P.E.
- Ernest Cox, III, P.E.,
- Robert H. Hosay, Esquire
- Bert Combs, Esquire
- Gary Kuhl, P.E.

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

- Carrie A. Flynn.....*Executive Director and FEMC President*
- Zana Raybon*Assistant Executive Director*
- Patrick Creehan*Chief Prosecuting Attorney and FEMC Vice President*
- Deborah Head.....*FEMC Comptroller*
- Frances Ingram*Coordinator of Applications/Licensure*
- John H. Rimes, III.....*Prosecuting Attorney*
- Jerry Ongley*FBPE Senior Investigator*
- Jack Beamish*FBPE Investigator*
- Wendy Gregory*FBPE Legal Assistant*
- July Tomasi*FBPE Legal Assistant*
- Brian Lynch*Licensure Analyst*
- Andrea Becraft*Licensure Analyst*
- Alan Levin.....*Licensure Analyst*
- Amanda Day-Janecek*Licensure Analyst*
- Sean Benjamin.....*Licensure Analyst*
- Kathy Coleman.....*Licensure Analyst*
- Vacant.....*Licensure Analyst*
- Lisa Simmons*Licensure Analyst Assistant*
- Leigh Ann Dollar*Executive Assistant*
- Striker Langston*IT Specialist*
- Sharon Lowe.....*FEMC Accountant*
- Claudia Belen.....*Customer Service Representative*



CHARLIE CRIST, GOVERNOR

**CHUCK DRAGO,
INTERIM SECRETARY**
DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION



www.fbpe.org

Volume 11, Issue 2
Summer 2008

Chair's Corner

Acceptable Practices for "Record/As-Builts"



John Burke, PE
FBPE Chair, 2008

Engineers are sometimes asked to sign & seal documents that reflect completed construction and/or which opine upon actual post-construction conditions. These documents are commonly called "record/as-built" drawings or certifications.

Classically, PEs are asked to certify, in many cases using specific language provided by the permitting entity, that the construction has been completed in a manner that is "materially" in compliance with the design documents that originally formed the basis for the issuance of the building or other construction permit. Many times these certifications or "statements of completion" are accompanied by post-construction surveys performed by Professional Land Surveyors (PLS) or others, and sometimes by engineering drawings sealed by a PE, that reflect the actual on-site nature of the construction. Usually, the PE will be asked to delineate substantive deviations from the original design documents and to state whether the deviations are such that the original engineering design intent has or has not been "materially" accomplished by the finished construction.

There are no specific Board responsibility rules that address the degree of site work and engineering analysis that must be performed by a PE before sealing and signing a "record/as-built" drawing or certification. However, as a result of Board disciplinary actions, certain general minimal parameters of acceptable practice have become apparent.

First, a PE should fully and completely delineate the scope of the PE's work on all "record/as-built" documents, including drawings and certifications that are sealed and signed. Placing an "as built-not for building permit" statement (or similar language) on a drawing is sufficient to place the user on notice as to the purpose of the document. On "as built" certifications, a PE should attempt to delineate, at least briefly, what services were performed by the PE or the PE's firm (such as, that site inspections were performed) upon which the opinion in the certificate is based. The National Council of Engineering Examiners & Surveyors (NCEES) suggests that such a statement should include statements noting (1) that the "record/as-built" drawing is a compiled representation of the constructed project; (2) a listing of the sources and the basis of information used in the preparation of the "record/as-built" drawing; (3) that the drawing is believed to be correct to the best of the engineer's knowledge; and (4) that the accuracy of the information cannot be guaranteed.

Some certifications are not amenable to such tailored language. For example, they may be provided on a form by the agency having jurisdiction. In such circumstances, the PE should keep contemporaneous notes delineating the data upon which the certification was based.

Second, PEs must note material site deviations from the design documents on the

continued on page 2

Chair's Corner (cont'd)

"record/as-built" plans and/or as part of the "record/as-built" certification. The determination as to what is a "material" deviation is within the realm of an engineer's professional judgment. However, many complaints to the Board are generated when a "record/as-built" certification of completion does not address or comment upon site modifications that facially appear to be material deviations from the permitted design documents. Appropriate notes on the "record/as-built" plans or disclosures accompanying the certification can clarify a PE's determination that such "record/as-built" modifications do or do not materially affect the permitted design.

Another issue that arises relates to the fact that an engineering engagement to provide "as built" design documents is not the same professional service as performing engineering design services. While many PEs design and provide "as built" services for the same project, there is no requirement that the same PE who designs the project must perform the "as built" services. Therefore, since the services being provided are different in each case, a PE who only prepares, seals and signs the "as built" drawings is not a "successor engineer" as discussed in Rule 61G15-27.001 and need not follow the provisions of that Rule.

From the Desk of the Executive Director

The Florida Board of Professional Engineers voted to amend Rule 61G15-22.010(3), Florida Administrative Code during their meeting held in Tampa, Florida

Professional Engineers will no longer receive laws and rules continuing education credits for attending the disciplinary proceedings held on the second day of the Board meetings. The December 2008 meeting will be the final meeting for completing laws and rules credit for the 2009 renewal cycle. The Board extends a thank you to all licensees who have attended the Board meetings to achieve their CE laws & rules credit. The Board would like to remind all licensees that the Board meetings are open to the public and encourages you to attend.



Carrie A. Flynn
Executive Director

LICENSE RENEWAL INSTRUCTIONS

Current/Active Renewal

Eight (8) Professional Development Hours (PDH's) are required for license renewal if your license is in the current/active status. These hours include four (4) hours of Laws & Rules and four (4) hours of Areas of Practice.

All hours must be completed on or before February 28, 2009. (471.017 F.S.) If you have already completed these hours, you do not need to send the certificate(s) to the Board. You can now self-report your Areas of Practice PDH's at www.myfloridalicense.com. The Laws & Rules course is reported by your provider. If you would like to see if your Laws & Rules course has been reported, login to your account at www.myfloridalicense.com. Once you have logged into your account, Select > "View Continuing Education" link. Renewal forms will be mailed in November 2008.

The Renewal Fee for the 2009 Renewal will be \$5.00 pursuant to a 2007 Legislative Act. If you have any questions about the 2009 Renewal, send an email to current-active-renewal@fbpe.org.

For a list of all CE Providers, go to www.fbpe.org; Select > Continuing Education; Select > Area of Practice Provider List. The provider on the list will be able to assist you further.

If you have any questions about Current/Active Renewal, send an email to:

Current-Active-Renewal@fbpe.org.

Current/Inactive

Current/Inactive Licensees will only be required to pay the renewal fees. The Renewal Fee for the 2009 Renewal will be \$5.00.

Renewal forms will be mailed in November 2008.

If you have any questions about Current/Inactive License Renewal please send an email to:

Current-Inactive-Renewal@fbpe.org.

Change of Status to Inactive during the Renewal Cycle

If you are interested in going inactive during the renewal cycle, you will need to complete the renewal form checking the "Inactive" Certification and complete the rest of the renewal form. In addition, you will need to send in a letter requesting that you would like to be placed on inactive status and that you understand that upon going active you would be required to submit a Change of Status to Active Application with applicable fees and continuing education

as prescribed by the 61G15-22001 (3), FAC. This letter is sent to the Board in original copy. No faxes or scan emails will be accepted to change this status. You will need to remit the full renewal fee with this form to change this status.

If you have any questions about changing your license Status, send an email to ChangeofStatus@fbpe.org.

Delinquent Renewal

In order to renew your license, make sure you have completed sixteen (16) Professional Development Hours that are comprised of eight (8) hours of Laws & Rules and eight (8) hours in your Areas of Practice. You will also be required to submit a renewal fee of \$235.00. You can complete this online at www.myfloridalicense.com by reporting your Areas of Practice hours and paying your renewal fee. If you completed the Laws & Rules course before April 2007, please send an email to Delinquent-Renewal@fbpe.org with your Laws & Rules certificate attached. Once all courses have been updated on the system and the fees paid, your license will renew.

If you choose to renew by mail, there is a renewal form you will need to complete in order to update your license status. You may download this form by going to www.fbpe.org; Select > “Applications,” pull your scroll bar down and under > “Attention” you will then Select > “Delinquent PE Renewal Form.” This is the form that you will use in order to update your license status.

If you have any questions about Delinquent License Renewal, send an email to:

Delinquent-Renewal@fbpe.org.

PIN Information

The Florida Board of Professional Engineers does not have access to User IDs and/or PIN's. Please contact the Dept. of Business and Professional Regulation for more information at (850) 487-1395. You can use prompts 1, 1, 4, 0, 9 to navigate the system to speak with an agent who can reset your pin.

Exemptions from Continuing Education

Pursuant to Florida Administrative Code (F.A.C.) Rule 61G15-22.009 Section 1, Exemptions. “New Licensees who have achieved licensure by examination, pursuant to 471.013, F.S., shall be exempt from Continuing Education their first renewal cycle.” If you did not achieve your license by examination and you were licensed by

Endorsement, you will be required to complete eight (8) PDH's hours as a condition for license renewal. Four (4) hours shall relate to your Areas of Practice and four (4) hours shall relate to the Chapter 471, F.S. and the rules of the Board, Chapter 61G15, F.A.C. known as Laws & Rules.

You may complete this renewal online at www.myfloridalicense.com by opening an account.

You may obtain information about Continuing Education by going to the Board's website at www.fbpe.org; Select > “Continuing Education.” In addition, you may download a copy of the approved CE Providers by going to the Areas of Practice and Laws & Rules Provider List. The providers on the list will be able to assist you further.

All licensees will be required to pay the Renewal Fee for the 2009 Renewal Cycle. This fee will be \$5.00 pursuant to a 2007 Legislative Act.

If you have any questions about the 2009 Renewal, send an email to RenewalDesk@fbpe.org.

Self-Reporting of Continuing Education Hours

It is the responsibility of the provider to electronically report all attendance for Florida PE's taking Continuing Education courses. Although it is the provider's responsibility to report the attendance, it is the Licensee's responsibility to self-report the Area of Practice hours to the license portal at www.myfloridalicense.com and maintain a copy of these records for a minimum of two renewal cycles or four years. You also have the option of waiting to receive your renewal form in the mail and report the hours on the renewal form. Faxed certificates will not be accepted. Laws & Rules courses are automatically reported by the provider and cannot be self-reported. Select “View Continuing Education” to make sure the course has been reported. If the course is not reported, contact your course provider.

If you have any questions about CE Hours, send an email to RenewalDesk@fbpe.org.

Certificate of Authorization Renewal

Your company/business Certificate of Authorization will expire on 02/28/2009. The renewal fee is \$230.00. Contact CA-renewal@fbpe.org if you have any questions.

DISCIPLINARY ENFORCEMENT ACTIVITY

Robert Dunlea, P.E.

PE 42835

Licensee was charged with one count of negligence in the practice of engineering. Mr. Dunlea's negligence was the result of non-compliance with the Responsibility Rules, related to a pool screen enclosure design, adopted by the Board of Professional Engineers. Based on a Counterstipulation, the Board imposed a reprimand, \$5,000.00 administrative fine, costs of \$3,075.00, probation of two years, project review at six and eighteen months, completion of a Board-approved course in Professionalism and Ethics, an on-site Investigator visit, and completion of the Board's Study Guide.

Oliver J. Turzak, P.E.

PE 18230

Licensee was charged with four counts of engaging in negligence in the practice of engineering. Mr. Turzak's negligence charges were the result of: 1) affixing his name to final drawings, plans or documents that were not prepared by him or under his responsible supervision, direction or control; 2) failing or refusing to document and produce upon request evidence that he had recreated work done by the original engineer; 3) failing to utilize due care for engineering standards; and 4) failing to notify the original engineer of his intent to use that engineer's original plans. Based on the Settlement Stipulation and Mr. Turzak's appearance before the Board to discuss his responsibility in adopting another engineer's work, the Board imposed an administrative fine of \$5,000.00 and costs of \$750.00 within 30 days of the Final Order, two years probation, and project review at six and 18 months.



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

PSRT STD
US POSTAGE
PAID
PERMIT NO 520
TALLAHASSEE, FL

If your mailing address contains red stars, you need to check the status of your license.

Christopher Lynch, P.E.

PE 40174

Licensee was charged with one count of negligence and one count of making or filing a false report. Mr. Lynch's negligence was a result of failing to utilize due care or due regard for engineering standards in his role as engineer or record and making a report he knew to be false. Based on a stipulation and Mr. Lynch's appearance before the Board to discuss the improvements he has implemented in the quality control process within his firm, the Board imposed a reprimand, \$2,000.00 administrative fine, costs of \$1,539.90, completion of a Board-approved course in Professionalism and Ethics, and completion of the Board's Study Guide.

Judy A. Perkins, P.E.

PE 62332

Licensee was charged with one count of negligence. Ms. Perkins negligence was failing to comply with the 2004 Florida Building Code in her specifications and calculations. Based on a stipulation and Ms. Perkins appearance before the Board to discuss what steps she's taken to improve her practice in adhering to the current building codes, and the courses she has taken or plans to take to improve her engineering proficiency, the Board imposed a reprimand, \$1,000.00 administrative fine, costs of \$1,524.75, two years probation, project review at six and eighteen months, completion of a Board-approved course in Professionalism and Ethics, and completion of the Board's Study Guide.

Costa S. Vatikiotis, P.E.

PE 45631

Licensee was charged with one count of negligence in the practice of engineering. Mr. Vatikiotis' negligence was the result of failing to review enough information in compliance with the Responsibility Rules adopted by the Board of Professional Engineers in an "as-built" report. Based on a stipulation and Mr. Vatikiotis's appearance before the Board to discuss his understanding of the scope of work and extent of participation required by an engineer when providing an installation certification letter, the Board imposed a reprimand, \$1,000.00 administrative fine, costs of \$556.00, completion of a Board-approved course in Professionalism and Ethics, and completion of the Board's Study Guide.

Dennis Wood, P.E.

PE 17646

Licensee was charged with one count of engaging in negligence in the practice of engineering. Mr. Wood's negligence was the result of a signed and sealed "Statement of Completion," when in fact, the project was not completed in accordance with the permitted construction plans. Based on the Settlement Stipulation and Mr. Wood's appearance before the Board to explain his understanding of the scope of work and extent of participation required by an engineer when providing a statement of completion, the Board dismissed one count of engaging in negligence in the practice of engineering against McVay-Wood & Associates, Inc., and imposed costs of \$1,378.00 within 30 days of the Final Order, a Letter of Guidance, completion of a Board-approved course in Professionalism and Ethics, and completion of the Board's Study Guide.