

**FILED**  
Department of Business and Professional Regulation  
Deputy Agency Clerk  
CLERK Brandon Nichols  
Date **12/23/2009**  
File # **2009-10727**

STATE OF FLORIDA  
BOARD OF PROFESSIONAL ENGINEERS

**FILED**  
Florida Engineers Management Corporation  
Clerk

CLERK *Suzanne Mause*  
DATE 12/29/09

FLORIDA ENGINEERS MANAGEMENT CORPORATION,

Petitioner,

FEMC Case Nos.: 2008062822

License No.: PE 45631

COSTA VATIKIOTIS, P.E.

Respondent.

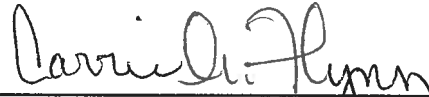
**FINAL ORDER ADOPTING SETTLEMENT STIPULATION**

THIS CAUSE came before the BOARD OF PROFESSIONAL ENGINEERS (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on December 3, 2009, in Tallahassee, Florida, for the purpose of considering a stipulation (attached hereto as Exhibit A) entered into between the parties in this cause on November 18, 2009. Upon consideration of the stipulation, the documents submitted in support thereof, the arguments of the parties, it is hereby:

ORDERED AND ADJUDGED that the 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.

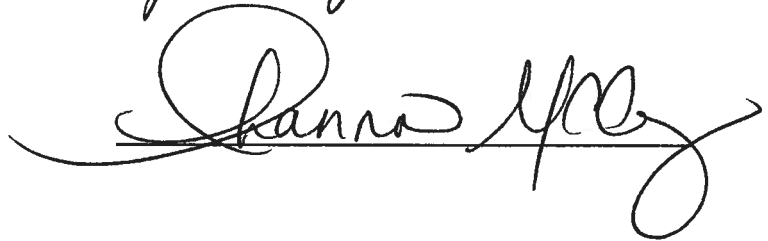
DONE AND ORDERED this 23<sup>rd</sup> day of December, 2009, by the Florida Board of Professional Engineers.



Carrie A. Flynn, Executive Director  
For John Burke, P.E., Chair

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been furnished by U. S. Mail to Costa Vatikiotis, P.E., 2110 Sandpiper Pointe Court, Tarpon Springs, Florida 34689 and by interoffice mail to Michael T. Flury, Assistant Attorney General, PL-01 The Capitol, Tallahassee, Florida 32399-1050, and John J. Rimes, Esquire, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303, this 4<sup>th</sup> day of January, 2009<sup>2010</sup>.



STATE OF FLORIDA  
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL  
ENGINEERS,

Petitioner,

v.

FEMC Case No. 2008062822

COSTA VATIKIOTIS, P.E.,

Respondent,

\_\_\_\_\_ /

SETTLEMENT STIPULATION

Costa Vatikiotis, 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 stipulation and to entry of a Final Order of the Board, incorporating this Stipulation in the above-styled matter.

STIPULATED FACTS

1. For all times pertinent hereto, Respondent, Costa Vatikiotis, P.E., was a licensed engineer in the State of Florida, having been issued license number PE 45631.
2. Respondent was charged with violations of Chapter 471, Florida Statutes, in an Administrative Complaint filed by the Florida Engineers Management Corporation, and properly served upon Respondent. True and correct

copies 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 Chapter 471, Florida Statutes, and the jurisdiction of the Department, FEMC, and the Board.

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

#### RESPONDENT'S STATEMENT

The Respondent does not agree with the facts, either materially or in the context presented herein. Moreover, the Respondent does not admit guilt or liability for any of the counts of alleged wrongdoing. Since the Respondent is near retirement, he believes that voluntary relinquishment of his license is the most practical resolution of this matter given the circumstances.

#### STIPULATED DISPOSITION OF LAW

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

2. Should Respondent fail to timely comply with the terms of the Final Order, this case will be submitted to the Board for review and determination of whether additional disciplinary action should be taken.

3. The Respondent agrees to the **VOLUNTARY RELINQUISHMENT** of his license under the following terms and agrees that he shall never reapply for licensure as a Professional Engineer or Certificate of Authorization holder in the State of Florida. The terms of the relinquishment are as follows:

A. The effective date of the **RELINQUISHMENT** of Respondent's P. E. license shall be April 1, 2010. On that date Respondent's license shall become null and void with no further action necessary by the Board.

B. Until April 1, 2010 Respondent may continue to practice as a Professional Engineer with his practice limited to completing existing engineering engagements with the following clients only (each of these clients are aware of the terms of this Stipulation and have determined that they desire Respondent to complete the terms of their engagements with Respondent):

i. Mr. Michael L. Lowe Riverside Venue Banquet Facility and Docks, Tarpon Springs, FL (formerly Pappas' Riverside Restaurant) – Design for second story deck (in progress);

ii. Landing at Tarpon Springs Marina, Tarpon Springs, FL – Dock as-built certification for DEP Permit #52-0156811-002 and -003. Maintenance

dredge permit from Pinellas; County Water & Navigation Authority (in progress); Development agreement for property rezoning from Pinellas County (in progress); Building permit for new grease interceptor tanks for restaurant kitchen (in progress); Building permit for roof top platform for kitchen hood blower exhaust (in progress).

iii. Catches Waterfront Restaurant and Docks, Port Richey – Letter modification followed by as-built certification for DEP Dock Permit #51-0206625-003; Ground floor slab and awning design for waterfront deck; Bi-annual surface water management operational inspection for parking lot and main restaurant.

iv. Port Hudson Marina, Hudson FL – DEP compliance resolution of structures built beyond submerged land lease boundary (in progress); New State, Army Corps, and Pasco County permits restoring marina to existing conditions after marina was reconfigured to obtain DEP compliance (plans 90 percent complete but cannot be submitted until marina is deemed in compliance).

v. Mar Mar, LLC, Mar Marina, Tarpon Springs, FL – Environmental resource permit for remodeling existing docks and adding new docks and slips (in progress).

vi. Mrs. Julie Russell, Pelican Pointe Seafood, Tarpon Springs, FL – Revising existing submerged land lease boundary to encompass a larger area as requested by DEP (in progress).

vii. Mr. John Cox , Cox Seafood, Tarpon Springs, FL – Developing site plan for rezoning and expanding existing processing facilities;

viii. Panagia Vlahernon Greek Men’s Monastery property, Ocala, FL – Design of an in-ground cistern for holding firefighting water; Complete final actions (as-built, certification. etc.) concerning Orthodox Monastery construction of a cemetery chapel and a potable water well pump house.

ix. Annunciation of Theotokos Woman’s Monastery property, Ocala, FL – Design of an in-ground cistern for holding firefighting water (in progress); Building permit for remodeling of an existing Greek Orthodox Monastery building (in progress, interior remodel plus adding a small addition for a church sanctuary); Design of remodeling attic storage space for berthing quarters (in progress, building permit not applied for).

x. Sea Ranch Marina, Hudson, FL – Phase II as-built, Phase I as-built had been completed and the Phase II as-built is pending completion of construction.

C. Unless approved by the Board, no further services requiring the practice of engineering by a professional engineer shall be performed by Respondent for the clients noted in Paragraph 3B after April 1, 2010. Additionally, Respondent shall not enter into any engagements with any additional clients, other than those listed in Paragraph 3B. Performance of any such

unapproved engineering services by Respondent shall result in the immediate **REVOCAION** of Respondent's license by FEMC staff with no additional action required of the Board.

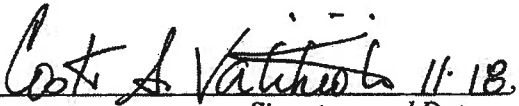
4. It is expressly understood that this Stipulation is subject to approval of the Board and FEMC and has no force and effect until the Board issues a Final Order adopting this agreement.

5. 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.

6. 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.

7. Notwithstanding anything to the contrary herein, each party shall bear its own attorney's fees and costs. In consideration of executing this Stipulation Agreement, Petitioner expressly waives its rights to seek attorney's fees and costs from Respondent, and Respondent expressly waives his rights to seek attorney's fees and costs from Petitioner. By entering into this Stipulation Agreement, the Parties agree that there shall be no monetary penalty, fee or costs, of any nature, imposed against Respondent.

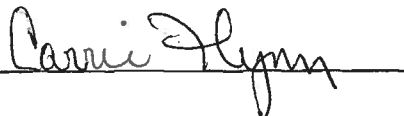
WHEREFORE, the parties hereto request the Board to enter a Final Order accepting and implementing the terms contained herein.

 11-18, 2009

Signature and Date  
COSTA VATIKIOTIS, P.E.  
Respondent  
Case No. 2008062822

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Carrie Flynn, Executive Director  
Florida Board of Professional Engineers



<b>FILED</b>	
<small>Department of Business and Professional Regulation Deputy Agency Clerk</small>	
CLERK	Brandon Nichols
Date	10/13/2009
File #	

STATE OF FLORIDA  
FLORIDA BOARD OF PROFESSIONAL ENGINEERS

FLORIDA BOARD OF PROFESSIONAL  
ENGINEERS,

Petitioner,

v.

COSTA VATIKIOTIS, P.E.,

Respondent,

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FILED  
Florida Engineers Management Corporation  
Clerk

CLERK  
DATE

*Sandra Maige*  
10/13/09

FEMC Case No. 2008062822

**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 COSTAS VATIKIOTIS, 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 45631. Respondent's last known address is 2110 Sandpiper Pointe Court, Tarpon Springs, FL 34689.

3. On July 30 and August 15, 2006 Respondent signed and sealed a set of engineering documents for the replacement of the windows at the Bishara residence located at 1230 Gulf Boulevard, Apt. 901, Clearwater, FL., 33767 (Bishara Project).

4. Respondent's engineering documents for the Bishara Project are materially deficient in that the component and cladding wind loading as calculated by Respondent in accordance with Chapter 16 of the 2004 FBC (with 2006 Supplements) exceeds the uniform load capacity of the nominal 48"x 48" Atlantic – Royal A-135 Series - Double Hung window installation set forth in the documents.

5. Respondent's engineering documents for the Bishara Project are materially deficient in that they include a signed and sealed "Engineering Evaluation" document that sets forth an allowable uniform wind load capacity of 180 psf for all of the Atlantic - Royal A-135 Series window sizes to be installed. However, State Product Approval documents adopted by the Department of Community Affairs set forth a uniform load capacity of +/- 45.0 psf for the Atlantic – Royal A-135 series windows. Even allowing for the variation in the sizes of windows evaluated by Respondent, none of the windows evaluated provide a wind load capacity that is close to the 180 psf asserted by Respondent.

6. Respondent's engineering documents for the Bishara Project are also materially deficient in that contained therein is a document, which was signed and sealed by Respondent on July 30, 2006 (although dated March 29, 2005), from Respondent to Atlantic Vinyl Window & Door, Inc setting forth a description of the analysis of the mullion connection between two

'Atlantic Vinyl Window & Door, Inc.' windows. There are no mullion elements specified between the windows, and, as a result, this document erroneously contains an analysis of the mullions for the multiple window installations of the Bishara Project which purports to have been performed by Respondent. Moreover, the assumption set forth in Respondent's analysis to the effect that the window frame is rigid is incorrect. The technical concept set forth in the signed & sealed document from Respondent to Atlantic Vinyl Window & Door, Inc, that the multiple windows span their openings horizontally is implausible, ill considered and not based upon accepted engineering principles.

7. Respondent's engineering documents for the Bishara Project set forth multiple window installation configurations (at locations numbered 3, 4, and 5 on the permit sketches) for which the Atlantic Royal A-135 Series windows were not tested. Moreover, Respondent failed to provide structurally adequate, independent tested or engineered mullions between the windows of the multiple window configuration as is required by Chapter 1714.5.5.1 of the 2004 FBC (with 2006 Supplements).

8. The "Engineering Evaluation" document described in Paragraph 5 although sealed, signed and dated by Respondent and included in the permit application package submitted to and approved by the Clearwater Building Department was by Respondent's own statements to the Board, not personally prepared by Respondent and was not prepared under his responsible supervision, direction and control. Respondent's statements to the Board set forth that the document was not personally prepared by Respondent and was not prepared under his responsible supervision, direction and control. The document was created and placed in the file by Mr. John Griffin of Consumer's Choice Home Improvements.

9. The document described in Paragraph 6 from Respondent to Atlantic Vinyl Window & Door, Inc was signed and sealed by Respondent on July 30, 2006. However, based upon Respondent's own statements to the Board, this document was not personally prepared by him or was not prepared under his responsible supervision, direction and control.

10. Section 471.033(1)(j), Florida Statutes, provides that a Professional Engineer's license is subject to disciplinary action by the Board for "...affixing or permitting to be affixed his or her seal, name, or digital signature to any final drawings, specifications, plans, reports, or documents that were not prepared by him or her or under his or her responsible supervision, direction, or control." Rule 61G15-19.001(6)(j), Florida Administrative Code, provides that it is misconduct in the practice of engineering for a Professional Engineer to affix his seal and/or signature to plans, specifications, drawings or other documents required to be sealed pursuant to 471.025(1), Florida statutes, when such documents have not been personally prepared by the engineer or prepared under his responsible supervision, direction and control.

11. The Board has adopted Responsibility Rules of Professional Engineers (Responsibility Rules). These Rules are contained in Chapter 61G15-30 to Chapter 61G15-36, Florida Administrative Code.

12. Rule 61G15-30.002(1), F. A. C., mandates that Respondent, as the engineer of record, be in responsible charge for the preparation, signing, dating, sealing and issuing of the Bishara Project documents referenced in Paragraphs 5-9.

13. Respondent acted as Engineer of Record for the Bishara Project as that term is defined in Rule 61G15-31.002(1), F. A. C. As such all structural documents prepared, signed, sealed and dated by Respondent must contain the information set out in Rule 61G15-31.002(5), F. A. C., as mandated by Rule 61G15-31.001, F. A. C., setting out the General Responsibility

standards for engineers designing structures. The plans and specification for the Bishara Project fail to contain this information and thus fail to comply with the Responsibility Rules.

14. 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.”

### COUNT I

15. Petitioner realleges and incorporates Paragraphs One (1) through Three (3) and Eight (8) through Twelve (12) as if fully set forth in this Count One.

16. Respondent sealed, signed and dated the documents for the Bishara Project described in Paragraphs Eight (8) and Nine (9) without being in responsible supervision, direction and control of the preparation of the data contained in those documents.

17. Based on the foregoing, Respondent is charged with violating Section 471.033(1)(g), Florida Statutes, by engaging in misconduct in the practice of engineering; with violating Section 471.033(1)(j), Florida Statutes, by sealing and or signing and dating engineering documents and containing engineering data and opinions that were not prepared by him or under his responsible direction and control; with violating Section 471.033(1)(a), Florida Statutes, by violating Rule 61G15-19.001(6)(j) Florida Administrative Code.

### COUNT II

18. Petitioner realleges and incorporates Paragraphs One (1) through Seven (7) and Paragraphs Eleven (11) through Fourteen (14) as if fully set forth in this Count Two.

19. The Respondent's drawings and calculations for the Bishara Project contain deficiencies including; but not limited to, those set forth in Paragraphs Four (4) through Seven (7). Respondent has therefore violated the provisions of Section 471.033(1)(g), Florida Statutes, and Rule 61G15-19.001(4), F. A. C., by sealing, signing and dating engineering documents that were issued and filed for public record when such documents were materially deficient in respect to and not in compliance with applicable code requirements or acceptable engineering principles.

20. 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 8<sup>th</sup> day of October, 2009.

Carrie Flynn  
Executive Director

  
BY: John Rimes  
Prosecuting Attorney

COUNSEL FOR FEMC:

John Rimes  
Prosecuting Attorney  
Florida Engineers Management Corporation  
2507 Callaway Road, Suite 200  
Tallahassee, Florida 32303  
Florida Bar No. 212008  
JR/sm  
PCP DATE: September 15, 2009  
PCP Members: Rebane, Charland, Halyard

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished to, Costa S. Vatikiotis, 2110 Sandpiper Pointe Court, Tarpon Springs, Florida 34689 by certified mail, on the 14<sup>th</sup> of October 2009.

