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Common Engineering Oversight Which May Result in Disciplinary Actions to Engineers

Florida Licensed Professional Engineers ("PE's"), well-known for their level of detail and high ethical standards, unfortunately on occasion may make oversights which on the whole could result in disciplinary action. One can readily see that this is a sensitive subject; however, it is worthy to note that exploring the issues will ultimately achieve the goal of providing guidance in assisting the engineering profession in avoiding disciplinary proceedings.

PE's are regulated by the Board of Professional Engineers ("Board"). The most common oversight resulting in discipline involves engaging in negligence in the practice of engineering. Negligence is defined by the Board as the 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.

PE's are disciplined pursuant to Rule 61G15-19.004(2)(g)2., F.A.C., as follows: for a first offense, the

Board typically imposes a \$1,000 fine per count; two years probation with plans review, the costs of which are borne by the PE; an approved course on Engineering Professionalism and Ethics; and completion of the Board's Study Guide. When there are repeated instances of negligence, the Board will impose a greater fine, for instance, suspension for a minimum of one year, and where necessary, limit the ability of a PE to practice a specific discipline (i.e., prohibited from performing structural/ electrical/mechanical).

According to Doug Sunshine, a senior attorney with Williams, Wilson & Sexton, P.A., and former Chief Prosecuting Attorney for the Florida Board of Professional Engineers and Vice President of the Florida Engineers Management Corporation, "one of the overriding aspects to nearly every prosecution involves a PE underestimating the importance of their professional responsibility, particularly where the project is sim-

ple in nature. That the engineering issues involved may be rudimentary does not conversely mean that a PE's responsibility lessens."

The most common negligence cases prosecuted by the Board involve engineers practicing outside of their discipline, with the majority of prosecutions involving PE's performing structural engineering involving single-family residential structures. Typically, the Board is confronted with civil-site engineers delving into the realm of structural design for what invariably amounts to an insignificant amount of compensation compared to the potential risk of license discipline and the financial burden of defending an administrative prosecution through final order.

Similarly, the Board has routinely disciplined PE's who were either helping out a friend to get a permit or volunteering their professional time. These types of disciplinary cases routinely involve the arguments by PE's that because a homeowner can pull a permit himself without drawings signed and sealed by a PE, the PE's signing and sealing of the drawings should not result in a charge of negligence even if the plans are deficient. Additionally, PE's often argue that because the work was done for free, the laws and rules governing the engineering practice should not apply. The Board has historically held otherwise.

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and least optimistic in Wuhan.

"The Finance/Insurance/Real Estate sector is the driving force in this quarter's significantly improved employment outlook for Singapore, however, employers across all industry sectors expect to accelerate hiring from 12 months ago in a very tight market for talent," said Joerres. "The strong outlook in the Japanese market is being fueled, in part, by the Wholesale/Retail Trade sector and in India there is notable improvement reported in the Mining & Construction sector, where employers expect to more than double the pace of hiring from one year ago."

HNTB Awarded City of Orlando Transportation Engineering and Planning Contract

ORLANDO – The city of Orlando has selected HNTB Corporation to provide transportation engineering and planning services for its continuing services contract.

This on-call project will include parking and traffic studies, design of roads and intersections, transit planning, bicycle and pedestrian studies and other traffic or transportation analyses and planning as needed.

"This area's transportation infrastructure is reaching its limit," said Luis Diaz, HNTB project manager. "This contract will support the transportation needs of both the existing and future populations of the city."

The city of Orlando encompasses 93.5 square miles, includes the University of Central Florida and is host to 52 million tourists each year. The city has an estimated year-round population of 206,000, including approximately 27,000 University of Central Florida students.

HNTB has been working on various projects with the city since 1992, and HNTB's knowledge of local roadway network and infrastructure demands is key for this project, Diaz said. "We look forward to working with the city on developing new and innovative transportation infrastructure solutions." ■



Another common oversight made by PE's involves "plan stamping," which is defined by the Board as a PE affixing their seal and/or signature to plans, specifications, drawings or other documents when the document has not been personally prepared by the PE or prepared under their responsible supervision, direction or control.

PE's are frequently placed in the position of being asked to sign and seal plans and other engineering documents prepared by either draftsman, other PE's or by individuals not known to the PE. It is considered misconduct by a PE to sign and seal such documents, as they were not in "responsible charge" of the preparation of the document. Responsible charge means that degree of control an engineer is required to maintain over engineering decisions made personally or by others over which the engineer exercises supervisory direction and control authority. When placed in such an untenuous position, a PE must decline to sign and seal the document unless the PE is brought into the project at a point where they can adequately establish that they are in responsible charge as defined in Rule 61G15-18.011(1), Florida Administrative Code.

Finally, being untruthful, deceptive, or misleading in any professional report, statement, or testimony, whether or not the PE is under oath or omitting relevant and pertinent information from such report, statement or testimony when the result of such omission would or reasonably could lead to a fallacious conclusion on the part of the client, employer or the general public, is a common oversight of PEs that often lead to disciplinary action against their license. A PE does not need to actually succeed in misleading a third-party for the professional misconduct to have occurred.

In conclusion, P.E.'s routinely practice at a high ethical level. However, it is important to always be aware of possible pitfalls that can occur in the professional practice to ensure that disciplinary action is avoided. ■

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