

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

RAHUL PARAB, )  
 )  
 Petitioner, )  
 )  
 vs. ) Case No. 07-5804  
 )  
 BOARD OF PROFESSIONAL )  
 ENGINEERS, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

RECOMMENDED ORDER

A formal hearing was conducted in this case on February 11, 2008, by video teleconference between Tallahassee, Florida, and Jacksonville, Florida, before Suzanne F. Hood, Administrative Law Judge with the Division of Administrative Hearings.

APPEARANCES

For Petitioner: Rahul Parab, pro se  
496 Monet Avenue  
Ponte Vedra, Florida 32081

For Respondent: Michael T. Flury, Esquire  
Office of the Attorney General  
The Capitol, Plaza Level 01  
Tallahassee, Florida 32399-1050

STATEMENT OF THE ISSUE

The issue is whether Petitioner is eligible to take the Principles and Practices Examination for licensure as a professional engineer.

PRELIMINARY STATEMENT

By letter dated August 1, 2007, Respondent Board of Professional Engineers (Respondent) advised Petitioner Rahul Rarab (Petitioner) that his application to take the Principles and Practices Examination was denied based on a determination of educational deficiencies.

On August 29, 2007, Petitioner filed a request for an administrative hearing to challenge Respondent's decision. Respondent referred Petitioner's request to the Division of Administrative Hearings on August 29, 2007.

On January 8, 2008, the undersigned issued a Notice of Hearing. The notice scheduled the hearing for February 11, 2008, by video teleconference.

During the hearing, Petitioner testified on his own behalf and presented the testimony of one additional witness. Petitioner offered two exhibits (P1 and P2) that were accepted as evidence. Respondent presented the testimony of one witness and offered one exhibit (R1) that was accepted as evidence. The parties offered one joint exhibit (JE1) that was accepted as evidence.

The parties filed the Transcript on March 10, 2008. Respondent filed a Proposed Recommended Order on March 20, 2008. As of the date of issuance of this Recommended Order, Petitioner had not filed proposed findings of fact and conclusions of law.

## FINDINGS OF FACT

1. In 1994, Petitioner passed the Secondary School Certificate Examination (a ten-year academic course) in India. Petitioner passed this high school course of study with classes in the core subjects of English, Sanskrit, Hindi, Mathematics, Science, and Social Sciences.

2. In 1996, Petitioner passed the Higher Secondary School Certificate Examination in India. For this two-year high school course of study, Petitioner completed classes in English, Mathematics and Statistics, Physics, Chemistry, and Comprehensive Science.

3. Petitioner completed his undergraduate degree in December 2001. He graduated from the Sardar Patel College of Engineering (SPCE), an affiliate of the University of Mumbai in Mumbai, India, with a Bachelor of Engineering Degree (Civil).

4. The SPCE is accredited by the National Board of Accreditation of the All India Council for Technical Education (NBA-AICTE). At the time of Petitioner's graduation, the SPCE was not accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc. (ABET).

5. For 75 years, ABET has accredited college and university programs in the United States in the following areas: (a) applied science; (b) computing; (c) engineering; and

(d) technology. It is a federation of 28 professional and technical societies representing these fields. ABET accredits approximately 2,700 programs at over 550 colleges and universities nationwide.

6. In April 2003, Petitioner passed the Engineer Intern Examination. Petitioner passed this eight-hour written examination in Ohio. In May 2003, Petitioner earned a Master of Science in Civil Engineering at the University of Toledo, Toledo, Ohio.

7. Petitioner worked for a design engineer located in Vicksburg, Mississippi, from July 2003 to April 2004. Since May 2004, Petitioner has worked for an engineering firm located in Jacksonville, Florida.

8. The Washington Accord, signed in 1989, is an international agreement among bodies responsible for accrediting engineering degree programs. It recognizes the substantial equivalency of programs accredited by signatories and recommends that graduates of programs accredited by any signatory be recognized by the other signatories as having met the academic requirements for entry to the practice of engineering.

9. ABET, as a signatory of the Washington Accord, recognizes the substantial equivalency of foreign academic programs accredited by other signatory members; it does not accredit them. Further, ABET only recommends that graduates of

programs from the signatories be recognized as substantially equivalent.

10. Respondent does not follow the recommendations of ABET regarding the substantial equivalency of foreign academic programs in part because ABET and the other signatories of the Washington Accord recognize engineering technology degrees. Respondent has statutory authority to recognize engineering technology degrees only if the applicant was enrolled in a state university system prior to July 1, 1979. See § 471.013(1)(a)2., Fla. Stat.

11. In 2007, the Washington Accord members granted provisional membership status to the NBA-AICTE. As a provisional member, the NBA-AICTE must demonstrate that the accreditation system for which it has responsibility, appears to be conceptually similar to those of the other signatories of the Washington Accord. By conferring provisional status, the signatories have indicated that they consider the provisional signatory to have the potential capability to reach full signatory status; however, the awarding of provisional status does not in any way imply a guarantee of the granting of full signatory status.

12. April 2007, Petitioner applied to take the Principles and Practices Examination for licensure as a professional

engineer. He specifically sought to be recognized as a civil engineer with proficiency in water resources.

13. In order to show substantial equivalency pursuant to Florida Administrative Code Rule 61G15-20.007(1), Petitioner had his engineering degree from SPCE evaluated by Joseph Silny and Associates, Inc. (Silny). Respondent has approved Silny to conduct the substantial equivalency evaluations required by Florida Administrative Code Rule 61G15-20.007(3).

14. Silny's evaluation showed that Petitioner's degree from SPCE lacked 13.59 semester credit hours of math and basic sciences, and 16 semester credit hours of humanities and social sciences. Silny concluded that Petitioner's SPCE degree failed to meet the substantial equivalency requirements rule requirements.

15. Petitioner submitted his transcript from the University of Toledo to Respondent for further evaluation. After reviewing the transcript, Respondent gave Petitioner credit for coursework in Numerical Analysis I and Numerical Analysis II, totaling six semester credit hours toward the math and basic science requirements. The credit reduced Petitioner's academic deficiency to 7.59 semester credit hours in math and basic science.

16. During the hearing, Petitioner submitted transcripts and his secondary school certificates as evidence of coursework

prior to his Bachelor of Science degree at SPCE. This coursework is not acceptable to meet the substantial equivalency rule requirements because they are college preparatory classes taken in high school for which Petitioner received no college credit.

17. Many of Petitioner's high school courses cover subjects also taken in his undergraduate program, such as physics, chemistry, math, and statistics. Petitioner has already received credit for these courses that cannot be counted twice.

#### CONCLUSIONS OF LAW

18. The Division of Administrative Hearings has jurisdiction over the parties and subject matter of this case pursuant to Sections 120.569, and 120.57(1), Florida Statutes (2007).

19. Petitioner has the burden of proving by a preponderance of the evidence that he is eligible to take the Principles and Practices Examination for licensure as a professional engineer. See Dept. of Banking and Finance, Div. of Securities and Investor Protection v. Osborne Sterne and Company, 670 So. 2d 932 (Fla. 1996); Espinoza v. Dept. of Business and Professional Regulation, 739 So. 2d 1250 (Fla. 3rd DCA 1999); Fla. Dept. of Trans. v. J.W.C. Co., Inc., 396 So. 2d

778 (Fla. 1st DCA 1981); and Balino v. Dept. of Health and Rehabilitative Services, 348 So. 2d 349 (Fla. 1st DCA 1077).

20. Chapters 455 and 471, Florida Statutes (2007), regulate the licensure and practice of engineering. As to prerequisites for examination, Section 471.013(1), Florida Statutes (2007), states as follows in pertinent part:

(1)(a) A person shall be entitled to take an examination for the purpose of determining whether he or she is qualified to practice in this state as an engineer if the person is of good moral character and:

1. Is a graduate from an approved engineering curriculum of 4 years or more in a school, college, or university which has been approved by the board and has a record of 4 years of active engineering experience of a character indicating competence to be in responsible charge of engineering;

2. Is a graduate of an approved engineering technology curriculum of four years or more in a school, college, or university within the State University System, having been enrolled or having graduated prior to July 1, 1979, and has a record of four years of active engineering experience of a character indicating competence to be in responsible charge of engineering . . .

21. The required examination is a national examination provided by the National Council of Examiners for Engineers and Surveyors (NCEES) and consists of two parts. See Fla. Admin. C. Rule 61G15-21.001. Petitioner has passed Part I of the examination in Ohio. He now seeks certification to take Part II of the examination.



22. Respondent's approved engineering program is defined in Florida Administrative Code Rule 61G15-20.001(2) as an engineering program accredited by ABET. If the engineering program is not ABET accredited, it must be substantially equivalent as provided in Florida Administrative Code Rule 61G15-20.007, which states as follows in relevant part:

61G15-20.007 Demonstration of Substantial Equivalency.

(1) Applicants having engineering degrees from programs that are not accredited by [ABET] must demonstrate:

(a) 32 college credit hours of higher mathematics and basic sciences.

1. The hours of mathematics must be beyond algebra and trigonometry and must emphasize mathematical concepts and principles rather than computation. Courses in probability and statistics, differential calculus, integral calculus, and differential equations are required. Additional courses may include linear algebra, numerical analysis, and advanced calculus.

2. The hours in basic sciences, must include courses in general chemistry and calculus-based general physics, with at least a two semester (or equivalent) sequence of study in either area. Additional basic sciences courses may include life sciences (biology), earth sciences (geology), and advanced chemistry or physics. Computer skills and/or programming courses cannot be used to satisfy mathematic or basic science requirements.

(b) 16 college credit hours in humanities and social sciences. Examples of traditional courses in this area are philosophy, religion, history, literature, fine arts, sociology, psychology, political science, anthropology, economics,

professional ethics, social responsibility and no more than 6 credit hours of languages other than English or other than the applicant's native language. Courses such as accounting, industrial management, finance, personnel administration, engineering economics and military training are not acceptable. Courses which instill cultural values are acceptable, while routine exercises of personal craft are not.

23. In this case, Petitioner has not met his burden of showing that he is qualified to take the Principles and Practices Examination. He lacks 7.59 semester credit hours in math and basic science. He also lacks 16 semester credit hours in humanities and social science.

24. Petitioner's high school coursework cannot be counted for substantial equivalency. Even if Respondent could grant Petitioner credit for his high school classes, many of them would be eliminated because Petitioner took the same courses at SPCE. In any event, the record contains no evidence as to the amount of college credit Petitioner might receive for his high school classes.

25. SPCE is accredited by NBA-AICTE, which has provisional membership in the Washington Accord. However, Respondent does not recognize the Washington Accord and does not follow ABET's "recommendations" regarding foreign engineering programs. Instead, Respondent recognizes programs "accredited" by ABET or

the substantial equivalency thereof as set forth in Florida  
Administrative Code Rule 61G15-20.007.

RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of  
Law, it is

RECOMMENDED:

That Respondent enters a final order denying Petitioner's  
application to take the second part of the professional engineer  
examination.

DONE AND ENTERED this 14th day of April, 2008, in  
Tallahassee, Leon County, Florida.



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Filed with the Clerk of the  
Division of Administrative Hearings  
this 14th day of April, 2008.

COPIES FURNISHED:

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NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.