

Swaysland Engineering Complaint

The Jupiter Bay Condominium Association used Swaysland Professional Engineering Consultants to perform Milestone Inspections of its 9 buildings that are three stories or higher. All Phase One inspections were completed by 7/31/24.

Two concrete restoration projects were recommended by Swaysland: 1) East C Building Concrete Remediation in 2024 and 2) Site-wide Concrete Remediation in 2025.

1) East C Remediation

On January 24, 2024, Swaysland completed a concrete (not Milestone) inspection of the Association's 5-story 40-unit East C Building. The inspection revealed no unit balconies with severe damage and 23 (57.5%) with moderate damage. Based on their findings, Swaysland said that "there is enough concrete deterioration present to perform a comprehensive concrete repair project." Evan Swaysland, Vice President of Swaysland Engineering, said "Per the new milestone requirements, you are mandated to make repairs of substantial structural damage. We consider the concrete spalling located at the building to be substantial structural damage per its' definition. So minimally, all the concrete spalling located at the building needs to be fixed. That would include even spalls on minor units."

Based on Swaysland's direction, the Association signed a \$857,555 concrete remediation contract in April 2024 with Daniello, Salazar & Sons, Inc. for "repairing" all 40 units. Swaysland performed inspections and construction oversight for this project.

Swaysland's January 2024 report of substantial structural damage with mandated repairs was made four months before the Milestone Inspection of this building. A massive repair project was authorized without the benefit of an inspection of the building's structural components as required by Florida statutes 718.112(2)(h) and 553.899(2)(a).

The Milestone Inspection, completed in 5/20/24, reported "The building is reasonably structurally safe for continued occupancy; however, there are concrete repairs that are required. Repairs are required at isolated areas of concrete deterioration of the building structure which includes the balcony slabs, walkway slabs, building walls and columns." No "substantial structural deterioration" of this East C building was reported, and a Phase Two inspection was not recommended, completed, or reported to unit owners or to the local enforcement agency.

Swaysland Engineering Complaint

2) Site-wide Concrete Remediation Project

Milestone inspections of the remaining 8 buildings reported findings similar to the East C building. “All buildings were reasonably structurally safe for continued occupancy; however, some concrete repairs were required.” No Phase Two inspections were recommended or reported in 2024 when the Phase One inspections were performed.

However, based again on recommendations from Swaysland, the Association agreed to perform a site-wide Concrete Remediation Project involving all buildings and units even though only 28.3% of the unit balconies had severe or moderate damage as determined by separate concrete inspections. A contractor was selected with Swaysland’s bid-review assistance on 4/3/25, and on 5/6/25 the Association approved a \$6.86 million unfunded Concrete Remediation Project with Custom Group, Inc.

Many Jupiter Bay unit owners believe that concrete remediation is only necessary for units with the most damage. This is the approach used over the last 30 years and has resulted in relatively favorable inspection results. Over 100 owners signed a petition to halt and reduce the scope of this expensive project, and over 40 of these owners hired an attorney to consider filing for injunctive and declaratory relief to seek to immediately stop work on the project. On 5/16/25 the owners’ attorney sent a letter to the Association’s attorney saying that:

“As you are aware, Section 553.899(7)(b) Florida Statutes requires a Phase Two inspection if “any substantial structural deterioration is identified during phase one.” Given the Board’s decision, it appears that they believe that there is substantial structural deterioration. We are also under the understanding that the Board feels that the milestone report is incorrect and that there is substantial structural deterioration necessitating the expenditure despite not completing a phase two inspection.”

The Association’s attorney responded on 5/28/25 as follows:

“In consultation with the Engineer of Record, Swaysland Professional Engineering Consultants, Inc. (SPEC), SPEC performed a more intensive inspection than the minimum required for the Phase One inspection; therefore, no further inspections were required to identify the best course of action to repair the distressed and damaged portions of the building.”

One day after their attorney sent this letter, the Association posted nine (9) Phase Two Inspection Reports that were alleged to have been performed in 2024 along with the Phase One inspections. Despite the earlier completion dates shown in these reports, they were prepared and signed by Swaysland V-P Stanley Swaysland on 5/29/25. All reports contradicted the previous Phase One reports by saying that “the buildings have Substantial Structural Deterioration and are considered dangerous.” If these Phase Two

Swaysland Engineering Complaint

results were available last year, why weren't owners and the local enforcement agency properly notified as required by Section 553.899(8) Florida Statutes which provides:

“Upon completion of a Phase One or Phase Two milestone inspection, the architect or engineer who performed the inspection must submit a sealed copy of the inspection report with a separate summary of, at minimum, the material findings and recommendations in the inspection report to the condominium association and to the building official of the local government which has jurisdiction.”

The new Phase Two reports state that “upon completion of the corrective action the Design Professional in charge of the Milestone Inspection must submit an amended Phase 1 Milestone Inspection Report per Chapter 18 of the Florida Building Code - Existing Buildings.” Swaysland did not amend their Phase One inspection reports, and these new Phase Two reports were never reported to owners or the local enforcement agency as required by Florida statute 718.112(2)(h).

Summary

In summary, Swaysland has, on multiple occasions, exaggerated the seriousness of concrete damage of Jupiter Bay's buildings and has utilized the new inspection requirements to claim that these concrete remediation projects are mandated by Florida statute. Swaysland management has contradicted their engineer's inspection reports to generate additional utilization of their services. This has resulted in significant revenue for Swaysland. They are the same engineering firm being used for milestone inspections, bid review, project inspections, and construction oversight causing concern over a possible conflict of interest.

Sample Reports (not attached)

1. Phase One Milestone Inspection Report for Jupiter Bay's East C Building.
(A Phase Two Inspection was never done for East C)
2. Phase Two Milestone Inspection Report for Jupiter Bay's East B Building.
("Document Properties", obtained by a right mouse click, will show that this report was created on 5/29/25 and not in 2024.)