

MINUTES
May 20, 2003

The State Board of Registration for Professional Engineers and Land Surveyors met on May 20, 2003 in Conference Room 2 of the Capitol Education Center at 180 Central Ave., Atlanta, GA 30303.

BOARD MEMBERS PRESENT:

John H. Sweitzer - Chairman
Robert T. Armstrong
Torben S. Madson
Richard K. Little
E. Charles Vickery
William W. Dean
Gloria B. Ransom
Guy F. Ritter

BOARD MEMBERS ABSENT:

Tom D. Moreland

STAFF PRESENT:

J. Darren Mickler – Executive Director
Julie Busbee – Board Secretary
Vivian Stephens – Application Specialist
Ajay Gohil – AG Representative
Aracilis Cardallo, Office of the Attorney General

OTHERS PRESENT:

Trent Turk, President of Surveying and Mapping Society of Georgia
George Fisher, Former Executive Director
Lane S. Bishop
Gary Higginbotham
Tej Kaul
Marilyn Moore
Michael D. Munteron

Call to order:

Chairman Sweitzer called the meeting to order at 9:34 am and presented a proposed agenda. Chairman Sweitzer proposed the addition of items 7.9, Letter from Georgia Water & Sewerage Authority and 7.10, Exemption of Certificate of Authorization. Mr. Madson added items 7.11, Notification of LSIT/EIIT Examinees of Accepted Experience

and 7.12, E-Mail Newsletters. Without objection, the agenda was adopted with the proposed additions.

Approval of Minutes:

Mr. Sweitzer asked for any additions or deletions to the minutes of the March 4, 2003 Board Meeting. There were none. Mr. Ritter moved to adopt the minutes. Mr. Madson seconded. Motion carried.

Professional Societies and Guests:

Chairman Sweitzer recognized the designated representative of each professional society and welcomed the other visitors present, with special recognition given to Mr. George Fisher, former Board Executive Director.

5. Executive Director's Report :

Mr. Mickler reported that the April exams were successfully completed. The exams were the first administered for the Georgia Board under the new contact with the National Council of Examiners for Engineering and Surveying (NCEES). He announced that, because of venue conflicts, future fall exams may be held in Atlanta while keeping the spring exams in Macon. Mr. Mickler also announced that he has been named Executive Director the Water and Wastewater Certification Board and that the board has been shifted to his section in the office of the Professional Licensing Boards, along with one staff member, Colleen Roehm, who handles the business operations of that Water and Wastewater Certification Board.

In response, Chairman Sweitzer, Mr. Ritter and Dr. Ransom voiced strong objections to this move, citing effects on the budget and current staff time being divided between Boards, as well as the Board of Professional Engineers and Land Surveyors not being consulted before the move occurred.

Old Business:

6.1 Southern Zone Meeting – April 27-29, 2006 in Georgia:

There was no report on the Southern Zone Meeting to be held in Georgia in April, 2006. Mr. Dean reported that the Southern Zone Meeting held in Charleston in March, 2003 was very informative. Mr. Sweitzer, Mr. Dean and Ted Stivers, PE attended as representative of the Georgia Board. Mr. Dean also presented Mr. Mickler with a gift bag from Jay Pitts, Executive Director of the South Carolina Board.

6.2 NCEES Annual Conference – August 14-17, 2003 in Baltimore, MD:

Chairman Sweitzer commented that it was essential for Board Members and staff to be able to attend the Annual Conference in Baltimore in August. Mr. Mickler advised the

Board that the Secretary of State's office has prohibited all out of state travel and therefore no one would be funded for this or any other meeting out of state. Dr. Ransom voiced concern that the Georgia Board cannot stay properly informed and have input on a national level if no one is allowed to attend national meetings. Mr. Dean stated that there were issues discussed at the Southern Zone and National conferences that Georgia needed to stay abreast of, and he expressed particular concern because Georgia is hosting the 2006 Southern Zone meeting and Georgia Board members need to be involved. Mr. Madson moved for the Board to direct Mr. Mickler to request funding in the current budget for at least the Executive Director, one Land Surveyor and one Professional Engineer to attend the Baltimore meeting. Mr. Armstrong seconded. Motion carried.

6.3 Review of Quality Based Selections (Mini-Brooks Act):

Ajay Gohil, Assistant Attorney General assigned to the Board, discussed the subject of bidding professional services for public projects. He stated that the Board had asked him to research statutory authority and reported he found nothing other than Board Rule 180-6-.06 which addresses the subject. Mr. Little commented that he recalled a "Mini-Brooks" Act being enacted in the 1980's or early 1990's in Georgia. Chairman Sweitzer had the same recollection but commented that the bill may have been repealed since then and may not exist anymore. Chairman Sweitzer appointed Mr. Ritter and Mr. Little to a committee to study this issue further and report to the Board in a future meeting.

6.4 Report on Board Rules Review Committee:

Chairman Sweitzer reported that the Board Rules Review Committee met twice and discussed the definition of a land surveyor as it relates to hydrology studies and addressed the need for a Rule to clarify the definition. The committee's conclusion was that the present law is unclear and a Rule would not be appropriate. Instead the committee drafted proposed legislation which was endorsed at the previous meeting of the Board. Mr. Sweitzer reported that the proposed legislation has been passed by both the House and Senate of the Georgia Assembly in essentially the identical language endorsed by the Board and it is awaiting the Governor's signature. Chairman Sweitzer recognized and thanked the members of the committee for their successful efforts. The committee members were: Robert T. Armstrong, LS and Richard K. Little, PE from the Board, Trent D. Turk, LS and Tommie M. Donaldson, LS representing SAMSOG, Mike S. Twiner, PE and Darrell K. Rochester, PE representing ACEC/G, Gordon C. Story, Jr, LS and Terry M. Scarborough, LS representing AGS, and Francis (Ed) Fiegle, Jr., PE and Frank H. Gudger, Jr., LS, PE representing GSPE.

Mr. Armstrong moved to disband the committee. Mr. Ritter seconded. In the discussion, Mr. Madson expressed his opinion that a permanent rules committee is needed to better review Rules for Board consideration. Chairman Sweitzer suggested that future reviews would be handled on a case-by-case basis. Mr. Madson moved to amend the motion to make the Rules Review Committee permanent. The amendment died for lack of a second. The original motion was approved, with Mr. Madson voting against.

6.5 Report on Status of Investigations of Complaint Cases:

No report was given because there was no member of the Licensing Boards Division Enforcement staff present. Mr. Madson moved to for the Board to direct the Executive Director to send a letter to the Enforcement Section with a copy to the Governor's office, expressing strong concerns about the lack of cooperation by the Enforcement staff to dispose of complaint cases in a timely manner and stating that the letter should use the words "malfeasance, misfeasance and nonfeasance" to describe the Board's concerns. After discussion, Mr. Madson amended his motion to simply direct the Executive Director to write a letter expressing the Board's concerns. Mr. Dean seconded. Motion carried with Dr. Ransom opposed.

6.6 Board Rule 180-2-.01 (5):

Mr. Madson moved to change the word "amendment" to "amendment or supplement" and post this rule regarding applications and notary dates. Mr. Ritter seconded. After discussion as to whether Board Rule 180-8-.03 (4) may address the same issue, Mr. Madson amended his motion to postpone posting the rule changes until the next Board meeting when the wording can be discussed further. Mr. Mickler agreed to research this question and re-write the rule and e-mail it to the Board before the next meeting. Motion carried.

6.7 Board Rule 180-7-.04(3):

Mr. Madson moved to adopt the rule regarding Minimum Technical Standards of Land Surveying. Mr. Armstrong seconded. Motion carried.

6.8 Answer to Letter on Delineation of Evidence:

Mr. Mickler reported that he had received a letter of request from Mr. Lane Bishop, LS asking for clarification regarding delineation of evidence in land surveys. Mr. Armstrong reported that Board Rule 180-7-.02(1) addresses this. Mr. Armstrong moved to direct Mr. Mickler to draft an answer to Mr. Bishop, but have Mr. Gohil, Mr. Armstrong and Mr. Madson review the letter before it is mailed. Mr. Madson seconded. Mr. Mickler agreed to present a draft letter before the Board at the next meeting. Motion carried.

New Business:

7.1 Board Rule 180-2-.02:

The Board considered an amendment to this rule regarding changing the deadlines for exam applications from June 15 to June 1 and December 15 to December 1. Mr. Ritter moved to post. Mr. Madson seconded. Motion carried.

7.2 Board Rule 180-2-.03:

Mr. Madson moved to defer consideration of this rule to the next meeting. Dr. Ransom seconded. Motion carried.

7.3 Board Rule 180-8-.02:

The Board considered an amendment to this rule regarding clarifying continuing education requirements and exemptions for inactive status reinstatement applications. Mr. Madson moved to post. Mr. Ritter seconded. After discussion, Mr. Madson withdrew his motion. No changes will be made.

7.4 Board Rule 180-11.08:

The Board considered an amendment to this rule regarding clarifying continuing education requirements and exemptions for reinstatement applications. After some discussion, Mr. Madson moved to amend to add the phrase “prior to being placed on inactive or suspended status immediately following the words, “consecutive years.” Mr. Madson moved to post the amended rule. Dr. Ransom seconded. Motion carried.

7.5 Surveyors Required Coursework:

Mr. Armstrong stated that he would like to see a list of Board approved accepted surveying programs. Mr. Ritter agreed. Mr. Madson suggested setting up a list as a guideline only. No action was taken.

7.6 Masters Students in Night School:

This item was deferred to discussion in an Executive Session.

7.7 Exam Deadlines:

This item was previously discussed in combination with item 7.1, Board Rule 180-2-.02.

7.8 Georgia Association of Residential Engineers:

Mr. Mickler reported that the Georgia Association of Residential Engineers has written a letter requesting clarification on several issues regarding building codes and contractors' responsibilities. Several member of the association were present and addressed the Board. Mr. Madson moved that Chairman Sweitzer assign specific questions to Board Members to address. Dr. Ransom seconded. Motion carried. Chairman Sweitzer assigned the matter to Mr. Ritter for review and recommendation at a future Board meeting.

7.9 Letter from Georgia Water and Sewerage Authority:

Chairman Sweitzer pointed out that the new definition of land surveying included language allowing land surveyors to design water distribution piping and sewage

collection gravity services incidental to subdivision of land, provided that the designs are approved by Georgia Environmental Protection Division or local governments which have been granted approval authority. Mr. Sweitzer discussed the need for the Board to know which municipalities and counties have been designated approval authority to review water and sewerage plans. Mr. Madson moved to direct the Executive Director to send a letter to the Environmental Protection Division to request a list of those municipalities, counties and other governmental authorities which have been granted such approval authority and to include the request that the Board be advised whenever that list changes. Mr. Ritter seconded. Motion carried.

7.10 Exemption of Certificate of Authorization:

Chairman Sweitzer stated that questions have arisen about the requirements of certificates of authorization and whether or not a sole proprietor needs to obtain a certificate of authorization. Chairman Sweitzer asked Mr. Gohil to review the law and rules regarding this issue and report back to the Board.

7.11 Notification of Experience for LSIT/EIT Exam Applicants:

Mr. Madson expressed his desire to change the acceptance letter to LSIT and EIT candidates to include the Board's determination of months of experience upon which the Board's approval was based so the applicants will know how much more experience is needed to qualify for the LS and PE exams. Dr. Ransom agreed, but stated manpower of staff may prevent this from happening. Mr. Mickler agreed to research the capabilities of the Licensing Boards Division's software and report back at the next meeting.

7.12 E-Mail Newsletter:

Mr. Mickler reported that the Licensing Boards Division's software capabilities would allow the Board to set up a "listserve" to send e-mail notifications to subscribers, including newsletters and updates. Several Board members commented that they strongly supported this and encouraged Mr. Mickler to investigate further.

Executive Session:

At 11:55 AM, Mr. Madson moved for the Board to enter into Executive Session to deliberate on applications and enforcement matters and to receive information on applications and investigative reports. Dr. Ransom seconded. Motion passed.

Reconvened Open Session at 1:15 pm with the following Board members present - Chairman Sweitzer, Mr. Armstrong, Mr. Dean, Dr. Ransom, Mr. Little, Mr. Vickery, Mr. Madson, Mr. Ritter:

Investigations and Complaints

PELS989900059 - Mr. Madson moved that Mr. Gohil send a letter to the local District Attorney and U.S. Internal Revenue Service regarding criminal involvement of the

respondent in this case involving unlicensed practice of land surveying. Mr. Armstrong seconded. Motion carried.

PELS01100117 – This case involved a land surveyor with allegations of violations of technical standards. Mr. Armstrong moved to send a letter of concern. Mr. Madson seconded. Motion carried.

PELS987 – This case involved a land surveying firm with allegations of an incorrect plat. Mr. Madson moved to close the case with no violations found. Dr. Ransom seconded. Motion carried.

PELS030029 - This case involved a professional engineer with allegations of assisting unlicensing practice. Dr. Ransom moved to revoke the respondent's PE license. Mr. Armstrong seconded. Motion carried.

PELS030030 - This case involved an EIT with allegations of unlicensed practice of engineering. Dr. Ransom moved to revoke the EIT certification and issue a cease and desist order. Mr. Armstrong seconded. Motion carried.

Board Memo Reinstatements

Mr. Armstrong moved to reinstate Hugh Taylor, LS001447. Mr. Madson seconded. Motion carried.

Mr. Madson moved to reinstate Walter Richard Karasiewicz, PE006856 with a public reprimand for sealing documents without an active license. Mr. Vickery seconded. Motion carried.

Mr. Madson moved to reinstate John M. Riley, PE016201. Mr. Vickery seconded. Motion carried.

Mr. Madson moved to reinstate Dhar N. Prabhakar, PE019482. Mr. Vickery seconded. Motion carried.

Mr. Madson moved to reinstate Ronald Ralph Fiore, PE023662. Mr. Vickery seconded. Motion carried.

Mr. Madson moved to reinstate Rogan Stearns, PE013368. Mr. Vickery seconded. Motion carried.

Mr. Vickery moved to reinstate Gilberto Rivera-Huertas, PE019563. Dr. Ransom seconded. Motion carried.

Mr. Vickery moved to reinstate Raymond Claud Chassevent, PE019984. Dr. Ransom seconded. Motion carried.

Mr. Madson moved to deny Michael Davis's letter of request to accept his unaccredited degree from the University of North Florida. Mr. Ritter seconded. Motion carried.

Mr. Ritter moved to allow Stephen Haddad to renew his PE license. Mr. Little seconded. Motion carried.

Mr. Madson moved to allow Gary Pfau to renew his PE license and to issue a Consent Order with public reprimand. Mr. Vickery seconded. Motion carried.

Mr. Armstrong moved to deny the reactivation from inactive status for Richard Nutt, LS001797. Mr. Madson seconded. Motion carried.

Mr. Armstrong moved to deny Blair Surveyors Certificate of Authorization application. Mr. Madson seconded. Motion carried.

? Mr. Dean discussed the Reinstatement Applications not requiring endorsements for experience listed. Mr. Dean stated that because the applicant has already been licensed and previously shown acceptable experience, there was no need in showing further experience to reinstate. The requirements to reinstate only include fee, continuing education and demonstration of not practicing in Georgia without a license. He felt that by listing experience on the application since the license was initially granted, that would suffice. Mr. Mickler will make changes to the application to expand the area in Section 3, Experience and bring a draft to the next meeting.

? Board Memo EIT Exam Applicants:

Applicants for certification as an Engineers-in-Training by examination whose degrees were earned in engineering or engineering technology programs which attained ABET/CAB accreditation within two years of their having received their degrees, who have filed with the Board five acceptable references, who have had no convictions for moral turpitude or substantive reasons, and who comply in every way with the provisions of the appropriate law(s), are as follows:

Agharahimi, Kamron	Furdge, Larry L.	Le, Hung T.
McCullough, Aaron M.	Raines, Eisenhower	Smith, Kisha Dawan
Walker, Ben Lacount	Weston Jr., William R.	
Uchil, Vinay Sunder	Vello, Kevin Anthony	

Mr. Madson moved to approve these applicants for EIT certification @ 43-15-8(1) or 43-15-8(2). Dr. Ransom seconded. Motion carried.

? Board Memo Comity Model Law Applicants:

Applicants for registration as Professional Engineers by comity, who have an ABET engineering degree, who have taken and passed an 8-hour fundamentals of engineering (EIT/FE) exam, who have a minimum of 48 months post graduation engineering experience as determined by a staff evaluation using the present Board guidelines, who

have taken and passed an 8-hour principles and practice of engineering exam (PE Exam-taken at least 4 years after BS degree), and who comply in every way with the provisions of the appropriate law(s), are as follows:

Andersen, Barbara J 28560	Bausman, Anita R 28561	Barnhill Jr, Delwood R 28562
Desautel, Michael D 28563	Gagliardo, Reginald S. 28564	Mungkonpanich, Vinyoo 28565
Townsend, Pamela B 28566	English, David A Jr. 28572	Gelfo, Mark A. 28573
Hall, David J. 28574	Kreimborg, James R 28575	Manos, Jordan T. 28576
Mingle, Stephen A. 28577	Moon, David M. 28578	Paul, Robert L. 28579
Rayl, Alan L. 28580	Roberts, Donald J. 28581	Stronberg, Daniel G. 28582
Wolf, Lawernce D. 28583	Burgess, David A. 28584	Cotner, Stephen C. 28585
Jordan, Jacob A. 28586	Rayburn, Stuart W. 28587	Brackett, Carol L. 28588
D'Ambrosio, Anthony 28589	Huffman, Paul W. 28590	Semaan, Robert I. 28591
Moore, Timothy Joe 28611	Alles, Tim M. 28615	Thomas, Dwain J. 28614
Bouche, James 28616	Higher, Peter A. 28617	Moore IV, Robert R. 28618
Parks, Robert L. 28619	Rains, John F. 28620	Rogers, Ronald H. 28621
Sparkman, Jon A. 28622	Walker, Kevin C. 28623	Kanter, David 28625
Dovas, David B 28629	Pross, Heidi A. 28630	Senechal, Gary D. 28631
Cross, Thomas B 28632	Shah, Dhiren H. 28633	Cooper, David B. 28634
Collins, Michael P. 28635	Devoy, Michael J. 28636	Stugg, Heiko K. 28637
Thompson, John S. 28638	Wagner, Charlotte W. 28639	Ward, Timothy D. 28640
Weatherly, David G. 28641	Miller, Scott W. 28642	Silverstein, William B. 28643
Stevenson, Robert A. 28644	Wieszchowski, Michael R. 28645	Duke Jr., James H. 28646
Chell, Steven E. 28647	Haake, David D. 28648	Valero, Stephen N. 28649
Bogarty, Anton C. 28650		

Mr. Madson moved to approve these applicants for PE registration by comity @ 43-15-16(a), via 43-15-8(1) and 43-15-9(1). Dr. Ransom seconded. Motion carried.

There being no further business before the Board, Chairman Sweitzer asked for a motion to adjourn. Mr. Madson so moved. Dr. Ransom seconded. Motion carried and the meeting was adjourned at 1:30 pm. Some Board members remained to review applications until they were finished.

Board Chairman

Division Director