

MINUTES
May 4, 2004

The State Board of Registration for Professional Engineers and Land Surveyors met on May 4, 2004 in Conference Room 102 at the office of the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia 31217.

BOARD MEMBERS PRESENT:

William W. Dean, PE - Chairman
John H. Sweitzer, PE
Doris I. Willmer, PE
E. Charles Vickery, PE
Theodore W. Waddle, LS, PE
Mark E. Chastain, LS

BOARD MEMBERS ABSENT:

Richard K. Little, PE
Gloria B. Ransom, Ph.D., Public Member
Guy F. Ritter, PE

STAFF PRESENT:

J. Darren Mickler – Board Executive Director
Julie Busbee – Board Secretary
Vivian Stephens – Board Application Specialist
Ajay Gohil – Attorney General Representative

OTHERS PRESENT:

Greg Carter
April Carter

Call to order:

Chairman Dean called the meeting to order at 9:32 am and presented a proposed agenda. Ms. Willmer requested to add one item, Task Force Report. Mr. Vickery moved to adopt the amended agenda. Mr. Sweitzer seconded. Motion carried.

Approval of Minutes:

Chairman Dean asked for any additions or deletions to the minutes of the March 16, 2004 Board Meeting. There being no changes, Mr. Sweitzer moved to adopt the minutes as presented. Mr. Vickery seconded. Motion carried.

Professional Societies and Guests

Chairman Dean recognized the guests present. There were no representatives from professional societies present.

Executive Director's Report

- Mr. Mickler reported that approximately 1100 candidates sat for the various exams in April.
- Mr. Mickler reported that staff has been diligently working on the complaint cases.
- Mr. Mickler reported that ELSYS gave exams in 25 states to approximately 18,000 candidates in April. Out of that number, they confiscated approximately 25 illegal calculators, none of which were in Georgia.

Old Business:

Sealing of Documents – Board Rule 180-12-.02:

Mr. Sweitzer presented a proposed draft of Board Rule 180-12-.02, Sealing of Documents. Mr. Sweitzer moved to post the draft as presented. Mr. Chastain seconded. After discussion specifically regarding sealing of the title page, Mr. Chastain moved to postpone this item until after revisions could be made to this item, copies distributed and reviewed. Mr. Vickery seconded. Motion to postpone carried. Later in the meeting, this item was brought back and Mr. Chastain moved to post Rule 180-12-.02 as revised. Mr. Vickery seconded. Motion carried.

Penalty Schedule – Land Surveyor Cases:

This item was deferred to the next meeting. No action taken.

Complaint Statistics:

Ms. Busbee reported that the Board currently has a total of 113 open complaint cases, with 3 being in the Attorney General's office, 39 in Investigations, 20 in Legal Services, and 51 in Board review.

Mr. Mickler reported that the staff had been reviewing all the cases and asked the Board members to each take approximately ten (10) cases each to handle until they were complete. The Board Members agreed and assignments were handed out.

Four Exam Offerings:

This item was deferred to the next meeting. No action taken.

2004 Southern Zone NCEES Meeting – Asheville, NC:

Mr. Mickler reported that one staff person had been approved to attend the 2004 Southern Zone NCEES Meeting in Asheville, NC and that staff person would be Mr. Mickler. Mr. Sweitzer, Mr. Vickery and Chairman Dean also indicated that they would attend. Chairman Dean reported that he had sent a letter of request asking for three staff members to be funded to attend, and has not received any response.

2006 Southern Zone Meeting – Savannah, GA:

Mr. Mickler had no report this meeting.

2004 Annual National NCEES Meeting – Cleveland, OH:

Chairman Dean asked for a count of those interested in attending the 2004 Annual National NCEES Meeting in Cleveland, OH in August. Chairman Dean instructed Mr. Mickler to request funds in the FY2005 budget for all Board members to attend. He also asked that the budget request include funds for all Board members to attend the 2005 Southern Zone Meeting in Oklahoma City, OK.

Bidding of Professional Services:

Mr. Sweitzer presented a letter from Mr. Wayne Barrett regarding bidding of professional services. After discussion, Chairman Dean directed Mr. Sweitzer to respond to Mr. Barrett that the Board cannot prohibit bidding, but due to the Board's role in safeguarding the public, it would not be in the client's best interest to select services on the basis of price only. Also, cite the Board Rule 180-6-.06 regarding professional ethics.

Possible Options for 43-15-9(4) (Waiver Candidates):

Chairman Dean led discussion regarding PE exam applicants who ask for a waiver of the EIT based on 43-15-9(4) which states:

- (4)(A) Graduate in an engineering or related science curriculum of not less than four academic years;
- (B) Acquire a specific record of not less than 16 years' experience in engineering work, of which at least eight years have been in responsible charge of important engineering work of a character satisfactory to the board, which indicates the applicant is competent to practice professional engineering; and
- (C) Subsequently pass a written examination in the principles and practice of engineering (professional engineer's examination).

Chairman Dean proposed that those applicants be given four offerings to pass the PE exam. Then if they do not pass or fail to appear, they must take the EIT exam and fail

under either category 43-15-9(1), 43-15-9(2) or 43-15-9(3). The acceptance letter would detail this policy to those applicants. Mr. Chastain moved to adopt this as Board policy. Mr. Sweitzer seconded. Motion carried.

Task Force:

Ms. Willmer reported that the Board Task Force met on April 20, 2004 to discuss complaint statistics from neighboring states, including the number of active cases and penalty schedule guidelines.

Out of State Applicants:

Mr. Vickery moved to adopt a Board policy requiring first time exam applicants to have either a resident or business address in Georgia, with the exception of active duty military personnel. This policy will become effective June 2, 2004, after the deadline for the October 2004 exam. Mr. Chastain seconded. Motion carried.

New Business:

Procedure for Board Members Filing Complaints:

Mr. Mickler requested for Board members wishing to open complaints to furnish a notarized official complaint and direction on specific investigation needs. This will prevent cases from sitting in the files without any action taken.

Exam Results:

Mr. Craig Fluck from the Exams Section had asked for this item to be added to the agenda, but was unable to attend the meeting. Ms. Busbee reported that Mr. Fluck had mailed out invitations to various active land surveyors to participate in a session to rewrite some of the questions for the state portions of the Land Surveyors' exam. Mr. Fluck will be asked to attend the next Board meeting if he needs to elaborate on this item.

Compilation of Board Policies:

Mr. Chastain asked for all Board policies to be compiled and made available on the Board website. Chairman Dean directed Mr. Mickler to complete this task.

Applicants on Probation:

Mr. Chastain requested the Board adopt a policy regarding accepting applications from applicants who are actively on probation.

Executive Session:

At 1:40 pm, Ms. Willmer moved to enter into Executive Session to deliberate on applications and enforcement matters and to receive information on applications and investigative reports. Mr. Vickery seconded. Motion carried.

The following Board members were present during Executive Session – Chairman Dean, Mr. Sweitzer, Mr. Vickery, Mr. Waddle, Ms. Willmer, Mr. Chastain:

Reconvened Open Session at 4:05 PM with the following Board members present - Chairman Dean, Mr. Sweitzer, Mr. Vickery, Mr. Chastain, Ms. Willmer, Mr. Waddle:

Investigations and Complaints:

Mr. Sweitzer moved to deny renewal to David W. Lynah, LS001845. Mr. Vickery seconded. Motion carried.

PELS999900036 – This case involved the use of a Professional Engineer’s stamp by an unlicensed individual. Mr. Vickery moved to send the Professional Engineer a Letter of Concern and a Cease and Desist Order for the unlicensed individual. Mr. Chastain seconded. Motion carried.

PELS01100010 – This case involved a Land Surveyor Firm using the stamp of a deceased Land Surveyor. Mr. Chastain moved to issue a Consent Order with \$1000 penalty. Mr. Vickery seconded. Motion carried.

PELS030011 – This case involved a Land Surveyor applicant advertising in the Yellow Pages as a Land Surveyor. Mr. Vickery moved to close this case as resolved since the Yellow Pages ad has been removed from the phone book. Mr. Waddle seconded. Motion carried.

PELS030024 – This case involved allegations of Plat Act violations of a Land Surveying Firm. Mr. Sweitzer moved to close this case with no violations. Mr. Vickery seconded. Motion carried.

PELS040021 – This case involved a professional engineering firm with no Certificate of Authorization. Mr. Vickery moved to close the case as resolved. Mr. Waddle seconded. Motion carried.

PELS030039 – This case involved a professional engineering firm with no Certificate of Authorization. Ms. Willmer moved to close the case as resolved. Mr. Vickery seconded. Motion carried.

PELS040002 – This case involved a professional engineering firm with no Certificate of Authorization. Mr. Chastain moved to close the case as resolved. Mr. Vickery seconded. Motion carried.

Mr. Chastain moved to accept a signed Cease and Desist Order signed by the owner of Deco International, Inc. for unlicensed practice of professional engineering. Mr. Vickery seconded. Motion carried.

The following companies were approved for Certificate of Authorization, paying a penalty of \$500:

Site Engineering, Inc.
Southside Surveying & Planning
KSI Structural Engineers

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:

29410 Desai, Prakash R.	29412 Bartels, Terry M.	29413 Craig, David A
29414 Loizias, Marcos P	29416 Dullanty, Robert E.	29417 Haas, Brian G.
29418 Hotop, Christopher G	29419 Lambert, Kyle M.	29420 Rettich, Kevin C.
29421 Adams, Joseph R.	29422 Archila, Roberto	29423 Atkins, Todd C.
29424 Bible, David W.	29425 Bledsoe, Gary O.	29426 Canatella, Carl. E.
29427 Baker, Curtis A.	29428 Cribbs, Ronald A	29429 Cunningham, William A
29430 Gipson, Anthony D	29431 Itum, Karim	29432 Jasper, Scott S
29433 Kluzak, Richard L.	29434 Maier, Dustin J	29435 Myers, Leigh G.
29436 Pelzer, Paula W.	29437 Perlmutter, Michael W.	29438 Rowse, William J.
29440 Kazin, Bryan E.	29441 Turner, Jeffrey R	29442 Wiechel, John F.
29443 Gobbi-Belcredi, Kristen M	29444 Pearson, Matthew J	29445 Robinson, Dale J
29446 Schelton, Gary W	29448 Burns, Frank	29449 Lenhart, Michael M.
29450 Maddox, Scott G	29451 Peck, James G.	29452 Squires, Christopher A
29453 Tibbitts, Jeffrey A	29454 Whisenhunt, Philip A	29455 Ziegenfuss, Robert
29457 Rish, Jeffrey L	29458 Dorman, Jonathan M.	29459 Ferguson, Craig A.
29460 Johnson, Francis T.	29461 Lane Jr, Bobby F.	29462 Miller, Kevin E.
29463 Tucker, Paul D.	29464 Ahola, Mikko P	29465 Amirhosseni, Massoud
29466 Bice, Kent M.	29467 Bishop, Steven E	29468 Bradford, John F.
29469 Courtney, Grant S.	29470 Ferguson, Charles D	29471 Freeman, Dennis R.
29472 Juedemann, Keith C	29473 Lawinger, Matthew B	29474 Leathers, Daniel A
29475 Moore, Brenda L	29476 Pelkola, Richard W	29477 Townsend, Peter A.
29478 Vanek, Michael D	29479 Waugh, William F	29480 Williams, James H
29481 Burkhart, Brian G.	29482 Dunn, Gary L.	29483 Mangin, Francis P.
29484 Quenemoen, William M.	29485 Saleh, Yousef A.	29486 Trevin, Pedro L.

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

Board Memo Regular Applicants for Engineer-In-Training Exam:

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:

Austin, Mark Edward	Bailey, Andrea Patrice	Bhatia, Amit R.
Dolan, Thomas Hilary	Ernst, Michael David	Guffey, Christopher Michael
Humphries, Wendell P.	McGee, Tom Harold	Pretzlaf, Jason Aaron
Rose, Zachary Jonathan	Shine, Vincent E.	Stevenson, MacKenzie Q.

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

There being no further business before the Board, Chairman Dean asked for a motion to adjourn. Mr. Waddle so moved. Mr. Chastain seconded. Motion carried and the meeting was adjourned at 4:35 pm. Board members remained after the meeting to complete reviews of applications until they were finished.

Board Chairman

Division Director