

MINUTES

June 15, 2004

The State Board of Registration for Professional Engineers and Land Surveyors met on June 15, 2004 in Conference Room 202 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
Richard K. Little, PE
Guy F. Ritter, PE

BOARD MEMBERS ABSENT:

Theodore W. Waddle, LS, PE
Mark E. Chastain, LS
Gloria B. Ransom, Ph.D., Public Member

STAFF PRESENT:

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

OTHERS PRESENT:

Tom Hurley, SAMSOG Representative

Call to order:

Chairman Dean called the meeting to order at 9:30 am and presented a proposed agenda. Ms. Willmer requested to add one item, Task Force Report. Mr. Ritter requested to add one item, Structural Engineers' Responsibilities. Mr. Vickery moved to adopt the amended agenda. Mr. Little seconded. Motion carried.

Approval of Minutes:

Chairman Dean asked for any additions or deletions to the minutes of the May 4, 2004 Board Meeting. There being no changes, Mr. Little moved to adopt the minutes as presented. Ms. Willmer seconded. Motion carried.

Professional Societies and Guests

Chairman Dean recognized Mr. Hurley, the representative from SAMSOG, who had no report.

Executive Director's Report

- Mr. Mickler reported that he and the staff had been reviewing old complaint cases.
- Mr. Mickler reported that June 1, 2004 was the Board deadline for the October exam applications, and September 8, 2004 will be the ELSYS deadline. All application reviews must be completed by September 1, 2004 to give staff time to notify all applicants before the deadline.

Old Business:

2004 Annual NCEES Meeting – Cleveland, Ohio

Chairman Dean reminded the Board members that the deadline for registration for the 2004 Annual NCEES Meeting in Cleveland is July 9, 2004.

Mr. Vickery reported on the ACEC meeting held last week, saying that there was a discussion of the definitions of “outsourcing” and “outshoring.” This led to a discussion of the Board law regarding “supervision on a daily basis.”

Complaint Statistics:

Ms. Busbee reported that the Board currently has a total of 114 open complaint cases, with 3 being in the Attorney General's office, 39 in Investigations, 20 in Legal Services, and 52 in Board review.

Task Force:

Ms. Willmer reported that she is tabulating complaint statistics from neighboring states, including the number of active cases and penalty schedule guidelines and hopes to have a presentation for the legislature by September or October. The next meeting of the Task Force will be June 29, 2004.

New Business:

Board Policies:

Chairman Dean presented the following as a compilation of the current Board policies and proposed that they be posted in a link titled “Board Policies” on the Board website:

“CURRENT BOARD POLICIES

- 04-01 *Proctoring by another jurisdiction will not be offered to any exam candidate for the initial sitting for any exam.*
- 04-02 *Out of state residents will only be considered for comity licensing, with the single exception of active military personnel on assignment outside of the state.*
- 04-03 *No temporary permits will be issued.*
- 04-04 *O.C.G.A. 43-15-9(4) applicants, once approved, will be extended only four offerings of the PE exam. If they do not sit or fail all four offerings, any future offerings will require them to be evaluated under O.C.G.A. 43-15-9(1), 9(2) or 9(3).*

Policies prior to 2004

- 03-01 *All prospective structural engineers seeking registration by comity who have been tested in a discipline other than structural are required to have 60 months of structural engineering experience following the date of their examination.*
- 03-02 *All materials required to satisfy the application requirements will be submitted to the board by the applicant in a single package, and received prior to the published deadline.*
- 03-03 *Experience will only be considered prior to the date of the notarized application.*
- 03-04 *A maximum of six months of Co-op experience may be granted by the board for experience prior to graduation.*
- 03-05 *All foreign education shall be evaluated by ECI to receive any educational credit.*
- 03-06 *A maximum of one proctored offering may be extended to any test candidate. The request for proctoring by another jurisdiction must be sent in writing.*
- 03-07 *O.C.G.A 43-15-8(3) and 43-15-9(3) applicant’s material will be reviewed by all board members prior to offering the candidates the opportunity to sit for the exam.*

Other board policies described on the web page that are vague or need further explication or clarification:

- *Land Surveying Courses and Education*
- *Memorandum of Understanding with Board of Professional Geologists*
- *Resolution and Statement of Policy between Engineers and Architects*
- *EIT Exemption: The provisions in O.C.G.A. 43-15-9(4) shall not be automatically denied to applicants who have previously failed the EIT examination, but each case should be judged on its own merit. (A similar way to say this one could be: Once a candidate has sat and failed the fundamental’s exam, he is not precluded from being evaluated for sitting for the professional engineer’s exam via O.C.G.A. 43-15-9(4).)”*

Mr. Vickery moved to post the following policies: 04-01, 04-02, 04-03, 04-04, 03-01, 03-02, 03-03, 03-04, 03-05, 03-06 and 03-07. Mr. Ritter seconded. After discussion regarding removing the policies after they become Board Rules, Ms. Willmer amended the motion to strike item 03-03 and post the other ten policies on the Board website. Mr. Vickery accepted the amendment. Motion carried, with Mr. Sweitzer opposed.

Agreement between Architects and Professional Engineers:

Mr. Mickler distributed the agreement. The Board will review and discuss it at the next regular Board meeting.

Structural Engineers' Responsibilities:

Mr. Ritter will write a report outlining the responsibilities of Structural Engineers in regards to pre-fabricated wood and other structures and have it ready for the next regular Board meeting. Mr. Sweitzer suggested that this report could expand to include all disciplines.

Executive Session:

At 11:00 am, Mr. Ritter moved to enter into Executive Session to deliberate on applications and enforcement matters and to receive information on applications and investigative reports. Mr. Little seconded. Motion carried.

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

Reconvened Open Session at 2:30 PM with the following Board members present - Chairman Dean, Mr. Sweitzer, Mr. Vickery, Mr. Little, Ms. Willmer, Mr. Ritter:

Investigations and Complaints:

Mr. Little moved to accept a signed Cease and Desist Order from William Fernandez. Mr. Vickery seconded. Motion carried.

Mr. Vickery moved to accept a signed Consent Order and \$1000 penalty from Kevin V. Ringo, LS002278 on behalf of Ringo/Abernathy & Associates, LSF000315 for use of another land surveyor's stamp on a plat. Mr. Little seconded. Motion carried.

PELS020142 – This case involved unlicensed practice of professional engineering. Ms. Willmer moved to issue a Cease and Desist Order. Mr. Ritter seconded. Motion carried.

PELS040040 – This case involved possible criminal activity of a Professional Engineer. Mr. Mickler reported that the information has been sent to the Lead Council for the Governor for forwarding to the GBI. Ms. Willmer moved to close the case after confirmation that the GBI has received the information. Mr. Little seconded. Motion carried.

PELS01200082 – This case involved assisting unlicensed practice by a Professional Engineer. Mr. Ritter moved to issue a Consent Order with \$1000 penalty, Public Reprimand and one year Probation.

PELS01200083 – This case involved unlicensed practice of professional engineering. Mr. Little moved to issue a Cease and Desist Order. Mr. Ritter seconded. Motion carried.

PELS00100062 – This case involved allegations of unethical practice of a professional engineer who took intellectual property from a firm. Mr. Ritter moved to send a Letter of Concern and close the case. Ms. Willmer seconded. Motion carried.

PELS00100061 - This case involved allegations of unethical practice of a professional engineer who took intellectual property from a firm. Mr. Ritter moved to send a Letter of Concern and close the case. Ms. Willmer seconded. Motion carried.

PELS999900082 – This case involved unlicensed practice of land surveying by a former registrant whose license has been revoked. Because the respondent has not been located in several years, Mr. Ritter moved to close the case administratively and flag the file in case he ever tries to reinstate the license. Mr. Little seconded. Motion carried.

PELS0053 – This case involved a Professional Engineer practicing on an expired license. Mr. Vickery moved to issue a Cease and Desist Order with a \$1000 penalty, and require that the respondent return his seal to the Board. Mr. Little seconded. Motion carried.

PELS0057 – This case involved allegations of unlicensed practice of professional engineering. Mr. Sweitzer moved to close with no violations. Mr. Vickery 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:

29491 Gabrysewski, Thaddeus P	29492 Usry, Bobby M.	29493 Barringer, James H M
29494 Bear, Robert L	29495 Harris, Charles A	29496 Henneke, Gene A
29530 Admas, Christopher J	29531 Bergen Jr, George E	29532 Cardinal, Gregory J
29533 Manske, Kyle A	29534 Melcher, Travis C	29535 Schurk, Mark J
29536 Steffen, Victor G	29537 Washing, Mark H	29538 Gabriel, Glen
29539 Whitfield, Phillip W	29540 Nissen, John M	29541 Rutledge, John L
29542 Tyndall, Barry W	29673 Harris, Joel W	29674 Hume, Robert M
29675 LaMere, Ronald J	29676 Luttrell, Christopher L	29677 Pennell, Brian D

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:

Babatunde, Kolapo S.	Colon, Alexis Antonio	Floyd, Tamara M.
Gardner, LaVeitra M.	Harrison, Kevin Allen	Hayse, Kenneth S.
Heath, David Wayne	Jones, James Edward	Khanidokht, Kheibar
Mazur, Neil Arthur	Mincey, Jeremy Slade	Nodora, Maria Angelica
Souder, Maria Vanesa B.	Tyre, William David	Vernon, Emily Eileen
Wagner Jr., William J.		

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

Reinstatements:

The following Professional Engineers were approved for reinstatement@43-15-20(a):

Stanley Goldstein, PE010593
Vytautas P. Las, PE021152
Donald D. Ross, PE010021
Howard D. Maulding, PE022513
Robert F. G. Hutcheson, PE018283

Mr. Little moved to accept these candidates for reinstatement. Mr. Ritter seconded. Motion carried.

At 3:00 pm, Mollie Fleeman, Division Director entered the meeting to discuss the budget and the impact the budget has on the Board sending staff and Board members to national and zone conferences. She indicated that because the legislative session went into April this year, then returned for a special session, she had not yet received a breakdown of available funds. She said she is hopeful to be able to send one person. Chairman Dean emphasized his and the Board's concerns about the lack of funding for Board and staff to attend national and zone meetings and hiring additional Board staff.

There being no further business before the Board, Chairman Dean asked for a motion to adjourn. Mr. Little so moved. Mr. Ritter seconded. Motion carried and the meeting was adjourned at 3:45 pm. Board members remained after the meeting to complete reviews of applications until they were finished.

Board Chairman

Division Director

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