

MINUTES

September 14, 2004

The State Board of Registration for Professional Engineers and Land Surveyors met on September 14, 2004 in Conference Room 104 at the office of the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia 31217.

BOARD MEMBERS PRESENT:

Doris I. Willmer, PE
William W. Dean, PE - Chairman
E. Charles Vickery, PE
Richard K. Little, PE
Guy F. Ritter, PE
John H. Sweitzer, PE
Theodore W. Waddle, LS, PE
Mark E. Chastain, LS
Gloria B. Ransom, Ph.D., Public Member

BOARD MEMBERS ABSENT:

None

STAFF PRESENT:

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

GUESTS PRESENT:

Don Horton, Southern Polytechnic State University, GSPE
Nancy Manley, Robins AFB, GSPE
Jerry D. Kahn, GSPE
Tom Leslie, GSPE
Ed Fiegle, GSPE
Patrick Rhodes, GSPE

Call to order:

Chairman Dean called the meeting to order at 9:30 am and presented a proposed agenda. Mr. Chastain requested to add one item, Surveying Education Requirements, and Mr. Dean requested to add Re-Exam Offerings. Mr. Little moved to adopt the amended agenda. Mr. Chastain seconded. Motion carried.

Approval of Minutes:

Chairman Dean asked for any additions or deletions to the minutes of the July 27, 2004 Board Meeting. There being no changes, Mr. Ritter moved to adopt the minutes as presented. Mr. Vickery seconded. Motion carried.

Professional Societies and Guests

Chairman Dean recognized the guests present, all representing the Georgia Society of Professional Engineers.

Executive Director's Report

- Mr. Mickler reported that he and Chairman Dean had attended the annual NCEES conference in Cleveland, Ohio in August. He reported that several issues were discussed and there was a clear divisiveness in ideas of the older, more conservative members and the younger, more progressive members. Some of the issues that were discussed were:
 - To allowing candidates to take the PE exam immediately following the EIT before they meet other requirements to be licensed. Georgia voted against this issue, which was defeated in a vote of 32-30.
 - To allow Ph.D. candidates to waive the EIT exam. Georgia voted against this issue, which was approved in a vote of 32-30. It will be referred to committee and will be brought to the conference next year for a vote to adopt.

Mr. Mickler also reported that the exam applications have been completed and all applicants have been notified for the October 2004 exam.

New Business:

Board Rule 180-03-.02:

Ms. Willmer discussed this Board Rule that refers to Qualifications for Professional Engineers and Engineers-In-Training. Ms. Willmer stated that she would like to define it more precisely so that it will be clearer to applicants. Mr. Ritter commented that using the language of O.C.G.A. § 43-15-10(b) may help with this issue. Chairman Dean assigned Ms. Willmer, Mr. Little and Mr. Sweitzer to draft a proposed policy regarding the definition of "construction supervision" experience and bring it back to the next Board meeting.

Task Force Recommendations:

Ms. Willmer reported that she has met with all the professional societies and the Board staff to get input for her final report of the Task Force Recommendations and presented a draft of the report for the Board members to review. She reported that in her meetings,

the response has been very positive. She stated that the goal of the Task Force is for the Board to be “fair, just and expeditious.” Mr. Ritter commended Ms. Willmer for her leadership and the hard work she has put into this mission. Ms. Willmer asked the Board members not serving on the Task Force to provide feedback on the draft report.

Tom Leslie, Executive Director of Georgia Society of Professional Engineers (GSPE) spoke in favor of the recommendations of the Task Force. He discussed a letter sent to the Board regarding Certification for Preparation of Erosion and Sedimentation Control Plans. Mr. Sweitzer moved that Chairman Dean appoint a committee to draft a response to the Soil and Water Commission in this regard and bring to the next meeting. Mr. Ritter seconded. Motion carried. Chairman Dean appointed Mr. Sweitzer, Ms. Willmer, Mr. Chastain and Tom Leslie to provide input to him for the response letter.

Ed Fiegle, representative of Georgia Society of Professional Engineers and the Georgia Engineering Alliance, spoke in regard to the Task Force recommendations and state agencies (i.e., EPD, DOT, Fire Marshal’s office, etc.) filing complaints with the Board.

Mr. Ritter reported that he is writing an article regarding disciplinary actions to be published in the Georgia Engineering Magazine’s November issue.

Ms. Busbee reported that the current computer system allows for a ListServ to be utilized for subscribers to receive newsletters and updates via e-mail from the Board. She is still researching this possibility at this time. Mr. Chastain moved to allow staff to proceed with. Mr. Ritter seconded. Motion carried.

Vote on Application Policies:

Mr. Mickler presented the following as proposed policy on handling of PE Applications:

1. 43-15-9(1) Applications by Comity:

The staff has authority from the Board to process and license individuals who meet the requirements of OCGA 43-15-9(1) which consist of ABET degree, 16 hours of NCEES exams and 48 months experience. Structural applicants would require additionally the Structural 1 exam or 60 months experience since passing the P.E. Exam. The Applicants will be presented to the Board as a Board memo at the next scheduled meeting.

2. 9(1) applicants for P.E. exam or 9(2) applicants for comity:

The procedure for evaluating these applicants shall be (a) review by a Board member and in the case of approved comity, licensure by staff, and (b) presented to the Board as a Board memo at the next scheduled meeting.

3. 9(2),(3) applicants for P.E. exam or 9(3) comity:

The procedure for evaluating these applicants shall be (a) review by Board member and (b) finalized by Chairman and in the case of approved comity, licensure by staff and (c) presented to the Board as a Board memo at the next scheduled meeting.

4. 9(4) applicants for P.E. exam or comity:

The staff requests that the procedure for evaluating these applicants be (a) review by all Board members, (b) vote by the Board with a majority of those present to approve.

5. Informal Conferences:

The staff requests that conferences should (a) take place within 30 days of being placed with a Board member, (b) the results of said meeting should be forwarded to the Board office by fax and (c) the final disposition should there be a change should be forwarded by fax to the Chairman within 2 days of receipt by the staff. The Chairman would then approve or disapprove the change and return to staff for notification of the applicant and licensure as applicable. The final decision would be ratified by the Board at the next scheduled meeting.

6. Temporary Permits:

Temporary permits will not be currently available.

Mr. Sweitzer moved to adopt this policy. Mr. Ritter seconded. Motion carried.

Re-Exam Policy:

Mr. Dean presented a proposed policy requiring additional college education credit for applicants who have failed the exam four times, rather than the current policy of a refresher course. Mr. Ritter moved to adopt the policy. Mr. Waddle seconded. After much discussion, Mr. Vickery moved to table this item until the next meeting. Mr. Ritter seconded. Motion carried.

The Board recessed for lunch at 12:15 pm and reconvened at 1:00 pm.

Letter from Out-Of-State Applicant:

The Board received a letter from an applicant from Alabama asking for reconsideration of his application because he was unaware of the change in policy to not allow out-of-state residents to apply after June 2, 2004. Mr. Sweitzer moved to allow the applicant to be considered for exam as an exception to the policy. Mr. Ritter seconded. Mr. Chastain

moved to amend, adding “because the policy was not published.” Mr. Vickery seconded. Motion carried as amended.

Executive Session:

At 1:40 pm, 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, Mr. Chastain, Mr. Waddle, Dr. Ransom.

Reconvened Open Session at 2:20 PM with the following Board members present - Chairman Dean, Mr. Sweitzer, Mr. Vickery, Mr. Little, Ms. Willmer, Mr. Ritter, Mr. Chastain, Mr. Waddle, Dr. Ransom.

Renewal Fees:

Mollie Fleeman, Division Director and Tanya Battle, Assistant Division Director entered the meeting to discuss budgets and the changes in the renewal process. Ms. Fleeman told the Board that because of budget cuts, the Division is changing the renewal process to encourage licensees to renew online with an easier internet procedure. Rather than the renewal form with coupon previously sent out, the Division will issue a reminder postcard with instructions to go to the website to renew. There will also be a phone line set up with a voice response system to handle those licensees who do not want to use the internet to renew. These changes will be in place for the engineers and surveyors to use to renew this year.

Mr. Dean presented a proposal to raise the renewal fees to \$70 per biennial renewal cycle to provide funds for additional support. There was much discussion regarding budgets and the need to raise the renewal fees. Ms. Fleeman reported that based on the figures from FY02 and FY03, the Board’s expenses (both direct and indirect costs) exceed revenue, with expenses being approximately \$694,000 and revenue being approximately \$608,000. Ms. Fleeman was asked to provide the Board with a report showing how a \$5.00 and \$10.00 raise in fees would affect the budget. She will send the report after the figures for FY04 come in sometime in mid-October.

Mr. Sweitzer moved to hold a called Board meeting to discuss the budget figures and renewal fees in October after Ms. Fleeman’s report is submitted. Ms. Willmer seconded. Motion carried. The meeting is tentatively set for October 12 in Macon.

At 3:40 pm, Ms. Willmer moved to re-enter into Executive Session to deliberate on applications and enforcement matters and to receive information on applications and investigative reports. Mr. Ritter seconded. Motion carried.

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

Reconvened Open Session at 4:20 PM with the following Board members present - Chairman Dean, Mr. Sweitzer, Mr. Vickery, Mr. Little, Ms. Willmer, Mr. Ritter, Mr. Chastain, Mr. Waddle, Dr. Ransom.

Investigations and Complaints:

PELS030020 – This case involved a Professional Engineer who practiced on an expired license. Mr. Little moved to issue a Consent Order with a Public Reprimand and \$500 penalty. Dr. Ransom seconded. Motion carried.

PELS030023 – This case involved unlicensed practice of professional engineering. Dr. Ransom moved to issue a Voluntary Cease and Desist Order. Mr. Little seconded. Motion carried.

PELS030037 – This case involved allegations of misrepresentation of an engineering firm. Mr. Vickery moved to close the case with no violations found. Mr. Waddle seconded. Motion carried.

PELS040011 – This case involved a firm practicing without a Certificate of Authorization. Mr. Sweitzer moved to issue a Consent Order with probation through the next renewal date of June 30, 2006 and \$1000 penalty. Mr. Little seconded. Motion carried.

PELS040039 – This case involved assisting unlicensed practice of land surveying. Ms. Willmer moved to issue a Consent Order with one year probation and \$5000 penalty. Mr. Vickery seconded. Motion carried.

PELS030029 – This case involved assisting unlicensed practice of land surveying. The respondent has refused to sign a Voluntary Surrender. Mr. Sweitzer moved to send this case to the Attorney General's office to proceed with a hearing. Mr. Vickery seconded. Motion carried.

Dr. Ransom moved to accept a signed Voluntary Cease and Desist Order from East Metro Surveying and Engineering. Mr. Little seconded. Motion carried.

Mr. Sweitzer moved to accept a signed Voluntary Cease and Desist Order from Howard Harper, PE018341 (expired) and to notify the Albany building official and the church involved with a letter and a copy of the Voluntary Cease and Desist Order to require the owner to hire a professional engineer to review the building foundations for safety. Mr. Little seconded. Motion carried.

Mr. Waddle moved to accept a signed Voluntary Cease and Desist Order from Polaris Surveyors and Developers for unlicensed practice of engineering. Mr. Vickery seconded. Motion carried.

Mr. Little moved to accept a signed Cease and Desist Order from William Sommerville, with a \$500 penalty for unlicensed practice of land surveying. Mr. Waddle seconded. Motion carried.

Mr. Vickery moved to accept a signed Cease and Desist Order from Claude White, with \$1000 penalty. Mr. Sweitzer seconded. Motion carried.

Mr. Ritter moved to accept a signed Consent Order from Earnest Baucom, PE020333, with Public Reprimand and \$500 penalty for assisting unlicensed practice of professional engineering. Mr. Sweitzer seconded. Motion carried.

Mr. Gohil presented a proposal to dismiss from the attorney of a respondent with allegations of unlicensed practice of professional engineering and land surveying. Mr. Little moved to not accept the proposal and file for a hearing regarding the engineering charge. Mr. Vickery seconded. Motion carried.

Mr. Waddle moved to deny professional engineering comity registration for Mahalingam Bahiradham. Mr. Vickery seconded. Motion carried.

Dr. Ransom moved to deny Joseph Harder for professional engineering exam. Mr. Vickery seconded. Motion carried.

Board Memo Comity Model Law Applicants:

29739 Rauch, Timothy W.	29748 Smith, Lawrence N.	29749 Gagne, Jeffrey L
29750 Herzig, Robert L.	29751 Hall, Raymond D.	29753 Toscano, John R.
29754 Price, Christopher L.	29756 Byrum, Pady B	29757 Freeman, Mark A
29758 Gaudes, Robert J	29759 Grace, Christopher J	29760 Gundry, James A
29761 Hamilton, Harry H	29762 Kendrick, Jack E	29763 Kristoff, Tanya
29764 Lowe, John M	29765 Mohler, Scott E	29766 Murray, Andrew J
29767 Pike, Jeffrey H	29768 Spence, Gregory S	29769 Tyrell, Miran G
29770 Chu, Pau T.	29771 Compton, Robert B.	29772 Crawford, Jerry G.
29773 Edenfield, Allen B.	29774 Farias, Rolando M.	29775 Goddard, James K Jr.
29776 Grow, Jay D.	29777 Horton, Richard A.	29778 Hotchkiss, Walter M
29779 Kidwell, Paul D.	29780 Less, John L.	29781 Miller, Timothy J
29782 Mullikin, Jeffrey E.	29783 Murphree, Matthew S.	29784 Sapp, Timothy A
29785 Stratman, Paul G.	29786 Wheeler, Charles E.	29787 Abel, Sandra D.
29788 Meyer, James R	29789 Paredes, Manuel I	29790 Rhoades, Douglas B
29791 Runge, Donald E	29792 Stowe, Gary W.	29793 Weiland, David M

29794 Willard, Joe N	29795 Zajac, Charles D	29797 Davis, James C.
29798 Daering, Jason A	29799 Jarem, Edward S	29800 Morrison, Matthew J
29801 Oeth, Laurence B.	29805 Wutz, Mark A.	29806 Kohn, Gregory F.
29809 Sell, Peter M	29810 Parker, John S	29812 Pisula, Richard S.
29813 Pults, Charles B.	29814 Putnam, Samuel F.	29815 Robillard, Troy B
29816 Nolen, Bobby M.	29817 Thompson, Marc W	29818 Ulmer, Michael W

Mr. Little 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.

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

Applicants for certification as an Engineer-In-Training by examination who are currently enrolled as seniors in ABET approved programs in schools, colleges or universities in Georgia, who have filed with the Board five acceptable references, who have had no convictions for moral turpitude or other substantive reasons, and in every way comply with the provisions of the appropriate law(s) are as follows:

Georgia Institute of Technology

Dervan, Jaren Ashley	Gjone, James Magnus	Laniak, Carl T.
Long, David, Garth	Mraz, Brian Charles	Murphy, Michael C.

University of Georgia

Sylvester, David Watson

Mercer University

Champlin, Joshua Lee	Roberts Jr., William Franklin
----------------------	-------------------------------

Southern Polytechnic State University

Aragon, Kimberly Diane

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

Reinstatements:

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

Maynard W. Robertson, PE016203
 Richard G. Roberts, PE022051
 Andrew J. Reese, PE023433
 Lawrence A. Paine, PE010323
 James F. Gieselman, PE010963

Curt A. Beckemeyer, PE019304
Ronald D. Bailey, PE024092
Birkie Ayer, PE008852

Dr. Ransom moved to accept these candidates for reinstatement. Mr. Vickery seconded. Motion carried.

There being no further business before the Board, Chairman Dean asked for a motion to adjourn. Mr. Chastain so moved. Mr. Vickery seconded. Motion carried and the meeting was adjourned at 4:50 pm. Board members remained after the meeting to complete reviews of applications until they were finished.

Board Chairman

Division Director

14Sept04.doc