

MINUTES

October 19, 2004

The State Board of Registration for Professional Engineers and Land Surveyors met on October 19, 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
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
Doris I. Willmer, PE

BOARD MEMBERS ABSENT:

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
Patricia Downing – Attorney General Representative

GUESTS PRESENT:

J. Hardwick Butler – Professor at Middle Georgia College, 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, GSPE Interface. 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 September 14, 2004 Board Meeting. There being no changes, Mr. Little moved to adopt the minutes as presented. Mr. Ritter seconded. Motion carried.

Chairman Dean asked for any additions or deletions to the minutes of the October 7, 2004 Conference Call Meeting. There being no changes, Mr. Ritter moved to adopt the minutes as presented. Mr. Waddle seconded. Motion carried.

Professional Societies and Guests

Chairman Dean recognized the guest present, Mr. Hardwick Butler, a professor at Middle Georgia College. Mr. Gohil introduced the Board's new Attorney General representative, Patricia Downing.

Executive Director's Report

Mr. Mickler asked for the Board's opinion on a letter received from a former LSIT applicant who was denied in 1992 for gaining experience under the supervision of a Land Surveyor with multiple sanctions. The old application file has been destroyed by the Records Center because of retention dates. The Board advised Mr. Mickler to request a new application and a letter of explanation as to the circumstances of his denial.

New Business:

Board Rule 180-03-.02 (b):

Ms. Willmer presented a draft of this Board Rule change that refers to Qualifications for Professional Engineers and Engineers-In-Training as follows:

Kind of Experience: The experience should involve the application of special knowledge of the mathematical, physical, and engineering sciences; the organization and implementation of testing procedures or methodologies for the collection of engineering data; the preparation of engineering data; the interpretation of engineering data; and the involvement in engineering during construction by the design engineer to verify his/her engineering design.

Mr. Vickery moved to post Rule 180-03-.02 as amended, and furthermore moved that the formulation and adoption of Board Rule 180-3-.02 does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-15-4(a) (Adoption of rules and regulations), O.C.G.A. § 43-15-6(a) (General Powers of the Board), O.C.G.A. § 43-15-8 (Engineer-in-training certificate; eligibility), O.C.G.A. § 43-15-9 (Professional engineer certificate of registration; eligibility), O.C.G.A. § 43-15-10 (Evaluation of engineering experience), O.C.G.A. § 43-15-11 (Professional Engineers exam), and O.C.G.A. § 43-15-15 (Applications for certificates) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the fields of engineering and land surveying. Mr. Ritter seconded. Motion carried.

Chairman assigned Mr. Vickery the task of reporting back to the Board about “design build.”

Task Force Recommendations:

This item was deferred.

Application Draft:

Ms. Willmer presented a draft of the Endorsement Form and Experience page of the Professional Engineer’s application. After some discussion, the Board members and staff were encouraged to review and send comments back to Ms. Willmer in time for her to compile and return a new draft for the November 9 meeting.

Renewal Fee:

Chairman Dean led discussion on this item. There being no new information regarding the budget figures showing a need to raise the fee, the renewal fee will remain at \$50 for the next renewal cycle.

New Business:

Land Surveyor Minimum Education Requirements:

Mr. Chastain moved to establish a Board policy that effective immediately, the first acceptable land surveying course work to satisfy the requirements of 43-15-12(2) shall be plane surveying and will not include prerequisite material. Chairman Dean assigned Mr. Chastain and Mr. Waddle to review and bring a draft to the November 9 meeting.

Mr. Chastain moved to establish a Board policy that effective after the December 1 deadline for April exams, the Hydrology course deemed acceptable to the Board to satisfy the requirements of 43-15-12(2) shall not contain prerequisite material, but shall be solely the study of Hydrology. After much discussion, Chairman Dean assigned Mr. Chastain and Mr. Waddle to review and bring a draft to the November 9 meeting.

Mr. Chastain also will present a draft policy regarding acceptable correspondence schools for land surveyor coursework at the November 9 meeting.

GSPE Interface:

Ms. Willmer shared an invitation to the Board to attend a meeting of GSPE in Savannah on November 18, 2004 to explain the Task Force recommendations. Mr. Sweitzer, Mr. Little and Mr. Vickery expressed an interest to attend.

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

Board Rule 180-2-.04(3)(d):

Mr. Chastain discussed changes to Board Rule 180-2-.04(3)(d) regarding requirements for licensure of Land Surveyors. He will bring back a draft for a proposed rule change to the November 9 Board meeting.

Cognizant Land Surveyor Report:

Mr. Chastain presented a report on the process of complaints. General discussion followed. No action taken.

Policy Regarding Four Offerings:

Mr. Dean presented a draft of a Board policy regarding the number of offerings for examinees who fail after four offerings and additional education requirements. Mr. Ritter moved to adopt the policy Mr. Dean had presented. Mr. Little seconded. After much discussion, Mr. Ritter moved to table this item until the November meeting until Chairman Dean rewrites the policy. Mr. Chastain seconded. Motion carried.

Comments on Board Rule 180-12-.02:

Mr. Mickler presented a letter from John Smart, PE020986 asking questions regarding the posted changes to proposed Board rule 180-12-.02. Mr. Smart asked if the signature should be in a particular color ink. The Board's answer was there is no preference. Mr. Smart asked if copies would need to be resigned and sealed. The Board said yes. Mr. Smart asked if it was best practice to use black ink. The Board said yes, it was. Mr. Smart asked if it is the Board's intent to prohibit sending a signed and sealed document via fax of a scanned copy via e-mail without removing the seal and signature. The Board's answer was no, it was not its intent.

Executive Session:

At 2:10 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.

Reconvened Open Session at 3:35 pm with the following Board members present - Chairman Dean, Mr. Sweitzer, Mr. Vickery, Mr. Little, Ms. Willmer, Mr. Ritter, Mr. Chastain, Mr. Waddle.

Investigations and Complaints:

PELS040046 – This case involved a Land Surveyor practicing on an expired license and without a Certificate of Authorization for his firm. The respondent is deceased. Mr. Ritter moved to close the case. Mr. Vickery seconded. Motion carried.

PELS040023 – This case involved a national broker of surveys contracting local surveyors for surveys in their state. Mr. Ritter moved to send a Letter of Concern mentioning that advertising must be clear that this firm is a “coordinator of surveying services” and not a land surveying firm and to close the case. Mr. Waddle seconded. Motion carried.

PELS030002 – This case involved allegations of unlicensed practice of land surveying. Mr. Chastain moved to close the case with no violations found. Mr. Waddle seconded. Motion carried.

PELS00100103 and PELS030001 – These two cases involved allegations of unlicensed practice of land surveying. Mr. Waddle moved to close the cases with no violations found. Mr. Chastain seconded. Motion carried.

PELS030013 – A Voluntary Cease and Desist Order was sent to the respondent for unlicensed practice of land surveying. The respondent sent a letter refusing to sign the Order, however did send a check for the fine amount. Mr. Little moved to pursue the Cease and Desist Order and not accept the fine without the signed Order. Mr. Ritter seconded. Motion carried.

PELS040037 – This case involved allegations of unethical conduct of a Land Surveyor. Mr. Little moved to close the case with no violations found. Mr. Vickery seconded. Motion carried.

PELS01100112 – This case involved plan stamping by a Land Surveyor. Previous recommendations for this case have been a Consent Order with \$50,000 penalty, a white paper and ethics course. Mr. Ritter moved to reduce the penalty to \$1000, but to issue a Voluntary Surrender. Mr. Chastain seconded. Motion carried.

PELS040016 – This case involved allegations of unlicensed practice of professional engineering. Mr. Little moved to close the case with no violations found. Mr. Vickery seconded. Motion carried.

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

Mr. Chastain moved to accept a Voluntary Surrender from William Bouldin, LS002566.
Mr. Sweitzer seconded. Motion carried.

Board Memo Comity Model Law Applicants:

29819 Sayles, Douglas M.	29820 Parsell, Bryan A.	29822 McClintock, Scott
29823 Heinrich, Geary F.	29824 Abad-Fitts, Carmen B	29825 Anderson, Gary S
29826 Booth, Gregory L	29827 Clutts, David Lee	29828 Crow, Carl A.
29829 Denning, Tyler M	29830 Divito, Randall C.	29831 Kemp, Ramey F
29832 Schulze, William F	29833 Weston, Bruce S	29834 Amadon, Richard M
29835 Klausen, Kraig L.	29836 McGuire, Michael J.	29837 Penwell, Christopher A.
29838 Phaup, Arthelius A. III	29839 Seraji, Mohammad R	29840 Walraven, Michael J
29841 Yongho, Sylvester N	29842 Paulus, Jeff R.	29843 Bernagozzi, Jeffrey W
29844 Cannon, Clayton W	29845 Cutshaw, Timothy R.	29846 Dowbiggin, William B.
29847 Evans, Mark E.	29848 Fitz, Arthur S	29849 Hargraves, Malcolm D.
29850 Harrison, Clifford J III	29851 Hughes, Kris	29852 Karacostas, Timothy J.
29853 Koch, Paul R.	29854 Lee, Cara L	29855 Bissett, James A. Jr.
29856 Huffine, Eric M	29857 Lindquist, James R.	29858 McMillan, Michael S.
29859 Robinson, Gary W.	29860 Brantley, Matthew C.	29861 Casey, Thomas J.
29862 Corbett, Melissa G.	29863 Covington, Andrew S.	29864 Franyie, Antonio
29865 Franyie, Viviana	29866 Hood, W. S.	29867 Kahn, Jerry D.
29868 Macrina, Mario V.	29869 Southard, John H.	29870 Baber, Thomas J
29871 Bianco, Albert C.	29872 DeBenedictis, Lance J	29873 Gomez, Robert S.
29874 Higdon, Angela C	29875 Larson, Robert C.	29876 Presley, John M.
29877 Ramm, James M	29878 Varley, John O.	29879 Lehnertz, William P.
29880 Lacy, Hugh S.	29881 McGucken, Stephen H.	29882 Old, Jeffrey W.
29883 Scarce, Jonathan K	29884 Siverling, Brian E.	29885 Smiles, Thomas E.
29886 Smith, Kevin M.	29887 Stone, Alan H	29888 Tornberg, John F.
29889 Weldy, John W.	29890 Creel, Wayne	29891 Franz, Steven D.
29892 Havens, Thomas G.	29893 Grubb, Jay S.	29894 Dacus, Donald N.
29895 Deering, Joseph C.	29896 Horns, Kenneth W.	29897 Kennoy, Kevin
29898 McKeithan, Kathleen R	29899 Rafalsky, Stephen G.	

Mr. Ritter 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. Little seconded. Motion carried.

Board Memo Senior 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

Williams, Shaun L.

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

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

Applicants for certification as an Engineer-In-Training by examination whose degrees were earned in engineering or engineering technology programs which attained ABET/CAB accreditation within two years of 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:

Benedek, Corinne Laura
Patterson, Rafe Thomas
Wesley, Bernard Samuel

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

Reinstatements:

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

Mr. Chastain moved to accept Jeffrey Barrett, PE018655 for reinstatement. Mr. Sweitzer seconded. Motion carried.

Mr. Ritter moved to accept Leslie Grant, PE023225 for reinstatement. Mr. Vickery seconded. Motion carried.

Ms. Willmer moved to accept James Sarver, PE017200 for reinstatement. Mr. Sweitzer seconded. Motion carried.

Mr. Little moved to accept Randall Spence, PE023098 for reinstatement. Mr. Chastain. Motion carried.

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 4:10 pm. Board members remained after the meeting to complete reviews of applications until they were finished.

Board Chairman

Division Director

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