

MINUTES
April 12, 2005

The State Board of Registration for Professional Engineers and Land Surveyors met on April 12, 2005 in Conference Room 102 at the office of the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia 31217.

BOARD MEMBERS PRESENT:

E. Charles Vickery, PE - Chairman
William W. Dean, 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
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
Sharon Harrison – Compliance Secretary

ATTORNEY GENERAL REPRESENTATIVE:

Patricia Downing

GUESTS PRESENT:

Major Thompson, representing American Society of Civil Engineers (ASCE)
Eric Sluder

Call to order:

Chairman Vickery called the meeting to order at 9:30 am and presented a proposed agenda. Mr. Dean moved to adopt agenda as presented. Mr. Ritter seconded. Motion carried.

Approval of Minutes:

Chairman Vickery asked for any additions or deletions to the minutes of the March 8, 2005 Board Meeting. Mr. Ritter moved to adopt the minutes as written. Mr. Waddle seconded. Motion carried.

Professional Societies and Guests

Chairman Vickery recognized the guests present: Major Thompson, representing American Society of Civil Engineers (ASCE) and Eric Sluder.

Executive Director's Report

Mr. Mickler presented a list of the complaint cases open at this time with names extracted. The columns shown indicate Complaint Number, Complaint Status, Date Received, Profession Type, Cognizant Board Member assigned and Complaint Disposition. Ms. Willmer requested additional columns to be added to show a timeline of disposition of the case, (i.e., Cognizant Board Member, Investigations, Legal, Attorney General, etc.) Mr. Sweitzer requested a separate report of closed cases.

Mr. Mickler discussed budget allowances for three positions to attend the 2005 NCEES Southern Zone Meeting in Oklahoma City, Oklahoma. Administration has approved Mr. Mickler as Executive Director, one Professional Engineer and one Land Surveyor to be funded to attend. If either of the professional positions is not filled, then alternatively the public member may attend in that position.

Executive Session:

At 10:00 am, Mr. Ritter moved for the Board to enter into Executive Session to deliberate on investigate matters and receive information regarding complaints. Dr. Ransom seconded. Motion carried.

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

Reconvened Open Session at 10:25 am with the following Board members present - Chairman Vickery, Mr. Sweitzer, Mr. Dean, Mr. Little, Ms. Willmer, Mr. Ritter, Mr. Chastain, Dr. Ransom and Mr. Waddle.

Old Business:

Professional Engineer Application:

Ms. Willmer presented a proposed draft of the Professional Engineer Exam Application and led discussion pertaining to suggestions for final edits. Ms. Willmer requested the Board members and staff to e-mail suggestions to her as soon as possible to allow her to

finalize the form. Ms. Willmer moved to approve the application with final edits and to send the finalized form to Mr. Mickler to be posted on the website as soon as possible. Dr. Ransom seconded. Motion carried.

2006 NCEES Southern Zone Meeting

Chairman Vickery led discussion on the plans for the 2006 NCEES Southern Zone Meeting to be held in Savannah May 4-6, 2006. A suggestion was made to recruit former Board members to volunteer to help. This item will be kept on the agenda to discuss plans.

Task Force Assignment Reports:

Chairman Vickery reported that he had been asked to write an article for Georgia Engineering Magazine regarding outsourcing. Chairman appointed Mr. Little to investigate contract engineers who are not registered and are advertising and whether or not the public is being misled.

Ms. Willmer reported that she had been invited to speak at the Society of American Military Engineers (SAME) meeting in Warner Robins, Georgia on April 13, 2005. Mr. Waddle and Mr. Mickler agreed to also attend the meeting.

At 11:10 am, Ms. Willmer moved for the Board to enter into Executive Session to deliberate on an application. Dr. Ransom seconded. Motion carried.

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

Reconvened Open Session at 1:25 pm with the following Board members present - Chairman Vickery, Mr. Sweitzer, Mr. Dean, Mr. Little, Ms. Willmer, Mr. Ritter, Mr. Chastain, Dr. Ransom and Mr. Waddle.

Memo of Agreement with Environmental Protection Division (EPD)

Ms. Willmer reported that she had edited a memo of agreement between the State Board of Registration for Professional Engineers and Land Surveyors and the Environmental Protection Division (EPD.) Mr. Sweitzer requested to add to the PELS responsibilities that the Board will “endeavor” to forward written notification to EPD of revisions to the PELS Board’s Code of Professional Conduct and operating procedures for filing a complaint against a registrant with the PELS Board and EPD responsibilities that the EPD will distribute a copy of the agreement to all EPD staff and other delegated authorities.

The agreement reads as follows:

*“A Memorandum of Agreement between the
Georgia State Board of Registration for Professional Engineers and Land Surveyors and
the
Georgia Environmental Protection Division*

The State Board of Registration for Professional Engineers and Land Surveyors ("PELS Board") is a board created by Georgia law and authorized to license engineers and surveyors, in order to help safeguard life, health and property and to promote the public welfare.

The Georgia Environmental Protection Division (EPD) is responsible for a wide variety of environmental protection regulatory programs authorized by state law. Frequently, these programs require technical analysis and/or design, most often by engineers licensed by the PELS Board. EPD relies upon competently prepared analyses and designs to ensure compliance with environmental standards and protection of public health, safety, and welfare.

The purpose of this Memorandum of Agreement (herein after referred to as “agreement”) is to reinforce the PELS Board’s commitment to the competent practice of engineering and surveying, and EPD’s commitment to refer to the PELS Board apparent violations of the Board's Rules of Professional Conduct for disciplinary action.

The PELS Board will in accordance with its applicable laws, rules and policies:

- 1. Meet with EPD staff to describe the PELS Board’s purpose, operating procedures, Rules of Professional Conduct, and disciplinary process.*
- 2. Forward written notification to EPD of revisions to the PELS Board’s Code of Professional Conduct and operating procedures for filing a complaint against a registrant with the PELS Board.*
- 3. Take appropriate action on any complaint filed by EPD.*

The EPD will:

- 1. Distribute a copy of this agreement to all EPD staff and other EPD delegated authorities who review, or may review, technical documents and designs prepared by an engineer and/or surveyor.*
- 2. Encourage its staff to be aware of the PELS Board’s Rules of Professional Conduct and file a formal complaint against a PELS Board registrant where it appears a violation has occurred.*
- 3. Be cognizant of the obligations of a licensed engineer and surveyor to abide by the Rules of Professional Conduct in preparing the regulations and guidelines for implementation of EPD’s legislatively authorized programs.*

By executing this document, EPD and the PELS Board each agree to assist the other in achieving its mission.

Accepted on the _____ day of _____, 2005.

Name

Name

Title

Title

Department

Department”

Mr. Sweitzer moved to approve the agreement as amended. Mr. Ritter seconded. Motion carried.

June 2, 2005 Board Meeting in Calloway Gardens

Chairman Vickery led discussion regarding the Board Meeting to be held on June 2, 2005 in Calloway Gardens. Mr. Dean commented that he did not feel that the Board should approve continuing education credit for attending the meeting, as it would then set a precedent for other continuing education credits to be pre-approved.

New Business:

Board of Registration Coalition – First Meeting:

Ms. Willmer reported that the Board of Registration Coalition met for the first time on March 9, 2005. There were twelve (12) associations represented. Bill Jorden has been appointed as the chairman of the coalition. The Coalition’s purpose was defined “to channel a concern by registrants for the Board of Registration into a plan for, and long-term advocacy of, a high-performance Board of Registration.”

Executive Session:

At 1:45 pm, Mr. Dean moved for the Board to enter into Executive Session to deliberate on applications and enforcement matters and to receive information on complaints and investigative reports. Dr. Ransom seconded. Motion carried.

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

Reconvened Open Session at 3:25 pm with the following Board members present - Chairman Vickery, Mr. Sweitzer, Mr. Little, Mr. Dean, Ms. Willmer, Mr. Ritter, Mr. Chastain, Dr. Ransom and Mr. Waddle.

Investigations and Complaints:

PELS9818 – This case involved a Professional Engineer who stamped architectural drawings with his PE stamp in 1997. The Professional Engineer's license expired on 12/31/1998. Mr. Ritter moved to close the case with no action and to flag the license in case the licensee ever tries to reinstate, with a Board recommendation that he only be allowed to reinstate with a Consent Order. Dr. Ransom seconded. Motion carried.

PELS050075 – This case involved a Professional Engineering firm who's qualifying licensee moved away leaving no PE in charge. The same original qualifying PE has moved back and the firm is now in compliance. Mr. Dean moved to issue a Consent Agreement with Public Reprimand and \$500 penalty. Mr. Sweitzer seconded. Motion carried.

PELS030038 – This case involved unlicensed practice of professional engineering and land surveying. Mr. Dean moved to issue a Cease and Desist Order with a \$5,000 penalty and surrender of a fraudulent seal. Mr. Sweitzer seconded. Motion carried.

PELS050061 – This case involved a Land Surveyor with allegations of assisting unlicensed practice. Dr. Ransom moved to issue a Consent Order with a \$10,000 penalty, Public Reprimand and five years probation.

PELS050062 – This case involved unlicensed practice of land surveying. Dr. Ransom moved to issue a Cease and Desist Order with \$10,000 penalty and to immediately forward the investigative file to the Whitfield County Sheriff. Mr. Little seconded. Motion carried.

Mr. Ritter moved to accept a signed Cease and Desist Order from Ricky Pritchett for unlicensed practice of land surveying. Mr. Waddle seconded. Motion carried.

Mr. Ritter moved to accept a signed Cease and Desist Order from Gene Martin for unlicensed practice of land surveying. Mr. Waddle seconded. Motion carried.

Mr. Dean moved to renew three Professional Engineer's licenses under Consent Order with Public Reprimand and one year probation for disciplinary actions taken by other states. 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 are as follows:

30172 Kearney, Dennis M	30173 Lial, Alan D	30174 Mitchell, Jeffrey J
30175 Nyanjom, Joseph	30176 Harris, Randall S.	30177 McRae, Stephen R.
30178 Weeks, James	30179 Allen, Grover C. Jr.	30180 Bossong, Frank G. IV
30181 Cahalan, Timothy D.	30182 Cicero, James T.	30183 Clark, Huston M.
30184 Cully, Bryan L.	30185 Ekberg, Brandon C.	30186 Ezyk, Richard J.
30187 Frye, Debra L.	30188 Gibbs, Daniel R.	30189 Hayes, John T. Jr.
30190 Hedayati, Majid	30191 Hochanadel, Jeffrey P.	30192 Israelsen, Roanld E.
30193 Kuntz, Philip L.	30194 Kurkjian, Christopher W.	30195 Lohr, Jeffrey T.
30196 Martin, John III	30197 McDonald, Chad S.	30198 Metz, Lee A
30199 Michot, Brian J	30200 Pusser, Victor B.	30201 Rinker, William C.
30202 Sanders, Matthew L.	30203 Schmit, Jeffrey R.	30204 Story, Richard H
30205 Tucker, Bryson D.	30206 Warren, E. Lee	30207 McCown, Allen L.
30208 Gardner, John M.	30209 Bomboy, Kevin D.	30210 Flores, George K.
30211 Justiniano, Hugo W.	30212 McDaniel, Gevin J.	30213 McNamara, Sean P.
30214 Sprayberry, Stacy S.	30215 Thurman, Julie A.	30216 Walker, Steven D
30217 Wessel, Dennis J.	30218 Nield, Dennis G	30219 Ruhsam, William M Jr.
30220 Skowronski, James R	30221 Taylor, John D.	30222 Vanwhervin, Donald A.
30223 Walsh, William J.	30224 Young, Bradley R.	30225 Friedl, Addam A.
30226 Frost, Mark S.	30227 Gooch, Eric W.	30228 Harrison, Mark C.
30229 Holland, Kimberly A.	30230 Hui, Abraham C.	30231 Huffman, Trent E.
30232 Lupi, William M.	30233 Martin, Johnny D.	30234 McCormick, Ryan S.
30235 Mitchell, Steven D.	30236 Pitzer, Jeffrey W.	30237 Raberding, Timothy L.
30238 Rella, Robert J.	30239 Welch, Richard C.	30240 Pena, Jeffrey M.
30241 Simerl, Benjamin R.	30242 Welch, George H.	30243 Chambers, R Brian
30244 Cox, Gary G	30245 Croasmun, Kirk D.	30246 Meade, Stephen J.
30247 Sewing David W.	30248 Van Tassel, Erica L.	30249 Benner, Douglas E
30250 Campbell, Tye	30251 Collette, Donald A III	30252 Johnson, Shawn
30253 D'Angelo, Michael P.	30254 Lehman, Carl J.	30255 Schieb, Linda J.

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

Applications for Senior Applicants seeking certification as an Engineer-in-Training by Exam

Applicants for certification as Engineers-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

Hill, James Warren

Laniak, Carl Thompson

Waddell, Angelyn Brooke

Motion was made by Mr. Dean to approve these applicants for EIT certification @ 43-15-8(1) or 43-15-8(2). The motion was seconded by Mr. Ritter. The motion carried.

Reinstatements:

Mr. Ritter moved to reinstate the following Professional Engineers' licenses:

Glenn Lyle Short, PE024890
Alfonso E. Lopez, PE023630
Kevin Grattan Casey, PE018013
Warren Scott Goodrich, PE021813
Dahyabhai Ramdas Patel, PE009576
Ralph E. Oulton, PE026210
Hamid Reza Alizadeh-Moghadam, PE019456
Phillip L. Fretwell, LS001547
William Reed LaCross, PE014680

Mr. Dean seconded. Motion carried.

Mr. Dean moved to issue a Consent Order with a Public Reprimand and \$1000 penalty for a Professional Engineer who applied for reinstatement. Mr. Chastain seconded. Motion carried.

There being no further business, at 3:45 pm, Mr. Chastain moved to adjourn. Mr. Dean seconded. Motion carried. The Board members remained to review applications until they were finished.

Board Chairman

Division Director

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