

MINUTES

March 9, 2010

The State Board of Registration for Professional Engineers and Land Surveyors met on March 9, 2010, in Conference Room 102 at the office of the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia 31217.

BOARD MEMBERS PRESENT

Elmo A. Richardson, Jr., PE/LS Chairman
Mark E. Chastain, LS, Vice-Chairman
William W. Dean, PE
Stephen R. Richards, PE
Michael S. Fletcher, PE
James W. Butler, LS
Danny Bennett, PE
Lanny Thomas, PE

BOARD MEMBERS ABSENT

E. Scott Evans, Public Member

STAFF PRESENT

J. Darren Mickler – Executive Director
Julie Busbee – Licensing Supervisor
Annette Wimberly – Complaint and Compliance Analyst
Kimberly Fransioli – Board Support Specialist

GUEST

Roger Purcell, SAMSOG

ATTORNEY GENERAL REPRESENTATIVE

Graham Barron, Assistant Attorney General via Video Conference

1.0 Call to order

At 9:30 am, Chairman Richardson called the meeting to order.

2.0 Adopt Agenda

Chairman Richardson asked for any additions or deletions to the proposed agenda.

Mr. Chastain moved to adopt the agenda as presented. Mr. Deans seconded. The motion carried unanimously.

3.0 Approval of Minutes

Chairman Richardson presented a draft of the February 09, 2010 minutes and asked for any additions or deletions. Mr. Dean moved to adopt the minutes. Mr. Fletcher seconded the motion. The motion carried unanimously.

4.0 Recognition of Guest

Chairman Richardson recognized the following guest that attended the Board Meeting:

- Roger Purcell – SAMSOG

5.0 Executive Director's Report

- Nothing to report.

6.0 Old Business

6.1 Proposed rule change regarding Land Surveyors' experience requirements

General Discussion on the changes that were made to the Land Surveyors' experience requirements. Mark Chastain will check with Ms. Baker in the Attorney General's office to ensure that the changes are appropriate. Once Ms. Baker approves, Mr. Mickler will start the process to post the changes.

Roger Purcell from SAMSOG and MGC came in to speak about some of the changes and the effects that it has on their students. He voiced concern over the time frame it will take to get his students licensed. Mr. Chastain and Mr. Butler explained to Mr. Purcell that the new rule doesn't really change anything other than to address the incorrect and inconsistent policies of the past. This rule clarifies the Board's position on the law and is intended to insure fair and consistent treatment of all applicants. Mr. Chastain also stated that the track of professional licensure is supposed to include a professional internship period, and this should come after the formal education, not before. The past instances of an individual completing the bare minimum education requirements and then immediately taking the LSIT and LS exams in succession do not accomplish this and does not comply with Georgia law, thus the need for the rule.

It was noted that the Board had voted at the February meeting to proceed with posting and adopting this rule, and that we should expect to have the required public hearing and vote at the next meeting which will be June.

6.2 Land Surveyor Continuing Education Audits (MEC)

Mr. Mickler advised that the new system has not come online yet. He advised that once the system is in place he will voice the Boards recommendation that Land Surveyors would like to pilot the Audit module.

7.0 New Business

7.1 Discussion of Southern Polytechnic State University new Engineering Program

Southern Polytechnic State University expanded its mission beyond Engineering Technology programs into the realm of Engineering. In 2006, the University System of Georgia Board of Regents approved three new programs for SPSU, a Bachelor of Science in Construction Engineering, a Bachelor of Science in Mechatronics Engineering, and a Bachelor of Science in Systems Engineering. Southern Polytechnic State University would like to allow the students in these programs to take the FE examination. Mr. Chastain made a motion to allow students in this program to take the FE examination. Mr. Richards seconded this motion. The motion carried unanimously.

7.2 Non-Engineers taking the FE exam (Inquiry)

The Board reviewed an inquiry from an individual expressing interest in taking the FE exam without the qualifications. Mr. Dean made a motion to decline this request and add that individuals who do not meet the qualifications cannot take the FE exam. Mr. Bennett seconded this motion. The motion carried unanimously.

7.3 Discussion on GSWCC

The Board had a general discussion on Georgia Soil and Water Conservation Commission. The Board is asking for an opinion from the Attorney General regarding the legality of individuals certified through Certified Professional in Erosion and Sediment Control (CPESC) performing services covered under OCGA title 43.

7.4 Discussion on new 16 hour structural exam

Mr. Fletcher voiced some concerns over the 16 hour structural exam that will start in the spring of 2011. He advised that while structural engineers in the state believe the 16 hour exam is appropriate for the State of Georgia, it will be more difficult and pass rates may be much lower. The test will have much more depth in seismic and wind questions. The Board discussed adding a Rule which requires the 16 hour structural exam for structural applicants and adjusts the requirements for registration of structural engineers by comity.

7.5 Discussion of impending Board of Regents budget cuts

General discussion about the Board of Regents budget cuts. Mr. Richardson advised that it was outside the scope of the Board.

7.6 Policy to accept all Public and Private Board Orders upon receipt

The Board voted the following policy:

It is the policy of the Georgia Board of Registration for Professional Engineers and Land Surveyors to accept all signed public and private board orders upon receipt. When an order is received with a notarized signature from the licensee or applicant, it shall be signed by the Executive Director on behalf of the Board President, then signed by the Division Director, and given to Legal Services for docketing. If the board wishes to review an order at its next scheduled board meeting instead of accepting it upon receipt, it shall so note in its motion with respect to the particular case.

7.7 Proposed changes to Board Rule 180-12-.02

Mr. Dean presented some changes to Board Rule 180-12-.02 (Sealing of Documents). Changes are as follows:

180-12-.02 Sealing of Documents.

1) The term, "documents," as used herein shall mean engineering and/or land surveying work issued in the form of plans, drawings, maps, surveys, reports, specifications, design information, and calculations, including such work issued in digital form. This Rule shall not apply to recordable property plats governed under O.C.G.A. 15-6-67(b)(2)(E).

- 2) The term "issued" as used herein shall mean documents in the final form which bear the seal and signature of the registrant.
- 3) The registrant shall seal and sign (~~with signature across the seal~~) all original final documents which are issued to a client or any public agency. The sealing of documents by the registrant shall certify that the work was performed by the registrant or under the direct supervisory control of the registrant on a daily basis. For engineering documents, the date of signature shall be placed immediately under the seal and signature.
- 4) No registrant shall issue an incomplete, preliminary, in-progress, or for-review document or any type unless such document displays the date of issue and a notation in bold lettering, such as "PRELIMINARY," "NOT FOR CONSTRUCTION," "NOT FOR RECORDING PURPOSES," or "FOR REVIEW ONLY," which clearly identifies the purpose for which the document is issued.
- 5) Seals, signatures, dates, and/or other notations required by this Rule shall be placed on original documents such that the seal, signature, date and/or notations, will be reproduced when copies are made. ~~All dates and signatures shall be hand written. O.C.G.A. 10-12-4 does not apply.~~
- 6) Documents containing more than one sheet shall be sealed and signed on the first or title page by all registrants responsible for the work therein. Each drawing sheet, whether bound or unbound, shall be sealed and signed by the registrant(s) responsible for the work on that sheet. If a document is sealed and signed by more than one registrant, the portion of the work for which each registrant is responsible shall be clearly noted.
- 7) Each document that is sealed and signed by a registrant shall contain the name, address, and contact information of the firm or sole practitioner certifying the work.
- 8) ~~Documents that are electronically transmitted shall have the computer generated seal removed from the original file. All electronically transmitted documents shall have displayed, in lieu of the seal, signature and date, the following statements, "The original of this document was sealed and signed by {registrant's printed name and registration number on {date of signature}." And in bold lettering, "THIS REPRODUCTION IS NOT A CERTIFIED DOCUMENT."~~ Documents as defined in Paragraph (1) that are transmitted electronically beyond the direct control of the licensee shall have the computer-generated seal removed from the original file, unless signed with an electronic signature as defined in Paragraph (9) of this Rule. After removal of the seal the electronic media shall have the following inserted in lieu of the signature and date: "This document originally issued and sealed by (name of sealer), (license number), on (Date of sealing). This medium shall not be considered a certified document." Hardcopy documents containing the original seal, signature and date of the licensee may be duplicated by photocopy or electronic scanning processes and distributed either in hardcopy or electronic medium. The scanned digital files of certified documents are not subject to the requirements of this Paragraph. The electronic transmission beyond the direct control of the licensee of CAD, vector or other files subject to easy editing are subject to the requirements of this paragraph. Easy editing is based on the file consisting of separate elements that can be individually modified or deleted.
- 9) Documents to be electronically transmitted beyond the direct control of the licensee that are signed using an electronic signature shall contain the authentication procedure in a secure mode and a list of the hardware, software and parameters used to prepare the document(s). Secure mode means that the authentication procedure has protective

measures to prevent alteration or overriding of the authentication procedure. The term "electronic signature" shall be an electronic authentication process that is attached to or logically associated with an electronic document. The electronic signature shall be:

a) Unique to the licensee using it;

b) Capable of verification;

c) Under the sole control of the licensee; and

d) Linked to a document in such a manner that the electronic signature is invalidated if any data in the document is changed.

It was noted that the process to change this rule would run concurrent with the other rule changes being considered.

Mr. Dean made a motion to accept the changes made to Board Rule 180-12-.02. Mr. Butler seconded the motion. The motion carried unanimously.

7.8 Inquiry from a PE located in Alabama

The Board discussed this inquiry and recommended that Executive Director Darren Mickler answer the inquiry per the Georgia law and Board Rules.

8.0 Executive Session

At 11:15 am, Mr. Dean made a motion to enter into Executive Session in accordance with O.C.G.A. 43-1-2(k) and 43-1-19(h) to deliberate on applications and investigative matters and to receive an investigative report. Mr. Fletcher seconded the motion. Voting in favor of the motion were those members present who included Board Members Chairman Richardson, Chastain, Dean, Butler, Thomas, Bennett, Fletcher, and Richards.

9.0 Open Session

The Board reconvened at 11:53 am with the following Board members present – Chairman Richardson, Chastain, Dean, Butler, Thomas, Bennett, Fletcher, and Richards.

9.1 Investigations and Complaints

Mr. Chastain moved to accept the following recommendations regarding investigative cases:

PELS090026 – This case involves allegations of substandard work. The Board made a recommendation to close the case.

PELS040056 – This case involves allegations of performing PE work on a lapsed license. The Board made a recommendation to table pending further review.

PELS060010 – This case involves allegations of substandard PE services. The Board made a recommendation to table pending further review.

Maurice Ukadike d/b/a Geoderm Engineers & Associates, Inc.; Jonesboro – This case involves allegations of unlicensed practice by firm. The Board made a recommendation to accept the Cease and Desist and refer to legal for a Consent Order.

PELS080068 – This case involves allegations of unprofessional conduct. The Board made a recommendation to send to legal services for voluntary surrender of PE license and \$5000.00 fine.

PELS080061 – This case involves allegations of unlicensed PE services by South Carolina licensee. The Board made a recommendation to send to legal for a Cease and Desist order assessing a \$500.00 fine and forward to the South Carolina Board and to the Georgia Residential General Contractor's Board.

PELS090005 – This case involves allegations of advertising PE services. The Board made a recommendation to close and forward to the New York Board.

PELS090037 – This case involves allegations of unlicensed practice. The Board made a recommendation to close the case and forward to the New York Board.

PELS090024 – This case involves allegations of advertising PE services. The Board made a recommendation forward to law enforcement agency currently holding a warrant for respondent and close the case.

PELS090039 – This case involves allegations of advertising PE services. The Board recommended contacting respondent to edit their website and close the case.

PELS090056 – This case involves allegations of fraud/misrepresentation and unlicensed practice. The Board made a recommendation to close the case.

PELS080050 – This case involves allegations of substandard work. The Board made a recommendation to close the case.

PELS100043 – This case involves sanctions from another State Board upon renewal. The Board made a recommendation to renew with no sanctions.

PELS090008 – This case involves allegations of unlicensed practice. The Board made a recommendation to send to legal for voluntary surrender of license.

PELS030010 – This case involves allegations of assisting unlicensed practice. The Board made a recommendation to table until the June 08, 2010 Board Meeting.

PELS090057 – This case involves allegations of substandard work. The Board made a recommendation to amend the proposed Consent Order.

PELS100030 – This case involves allegations of substandard work. The Board made a recommendation to amend the proposed Consent Order.

PELS090036 – This case involves allegations of unlicensed practice. The Board made a recommendation to dismiss without prejudice the Cease and Desist hearing and requested

an opinion from the Attorney General's office. This case was tabled until the June 08, 2010 Board Meeting.

PELS080081 – This case involves allegations of unlicensed practice. The Board made a recommendation to table until the June 08, 2010 Board Meeting.

PELS090018 – This case involves allegations of unlicensed practice. The Board made a recommendation to table pending review by the Attorney General's office.

Mr. Richards seconded. The motion carried unanimously.

9.2 Applications

Reinstatements

Mr. Dean made a motion to approve the following reinstatement of licensure by fine:

- Michael Boyer
- Kenneth Bryson
- John Rutte
- Parshottan Sheladia
- Douglas Isleman

Mr. Richards seconded the motion. The motion carried unanimously.

9.3 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:

PE034763	Norman, James Roger	PE034799	Scott, Norman A
PE034764	McClan, Marquerite G.	PE034800	Herscher, David John
PE034765	Scott, Christopher Milton	PE034801	Nelson, Mark Hillier
PE034766	Okrent, Mauice Michael	PE034802	Martini, Lazlo H.
PE034767	Lewis, Dale Edward	PE034803	Barber, Jon
PE034768	Caylor, Paul A	PE034804	Harrison, Nathan
PE034769	Bonura, Timothy Paul	PE034805	Vatan, Mohammad Ali
PE034770	Hathaway, Dwain Garrett	PE034808	Mudd, Rachel Anne
PE034771	Webber, Brooks Justin	PE034809	Dicks, Kate Allison
PE034772	Wood, Kyle Andrew	PE034810	Tallon, Casey L
PE034773	Buholtz, Brian Tony	PE034811	Moore, Robeert A

PE034774	Smith, Kevin Eugene	PE034812	January, Ryan
PE034775	Rivers, Gregory P.	PE034813	Lawrence, Jeffrey Francis
PE034776	Reigner, Walter R.	PE034814	Macatee, Dayton Charles
PE034777	Wachsmuth, Paul R.	PE034815	Cady, Everett W.
PE034778	Craig, Michael W.	PE034816	Bednash, David
PE034779	Gallagher, Paul J.	PE034817	Shelton, Jennifer A.
PE034780	Wall, Terry W. Jr.	PE034818	Lindburg, Richard John
PE034781	Howard, Joel Christian	PE034819	Benedict, Paul E.
PE034782	Skrelga, George	PE034820	Kyle, Dennis Allen
PE034783	Feloni, Edmund F.	PE034821	Doody, Eldon L
PE034784	Bernhardt, Paul A.	PE034823	Latta, Trent E
PE034785	Dyk, Melinda M.	PE034824	Knight, Andrew S.
PE032786	Lebena, Adrian	PE034825	Frink, Paul G.
PE034787	Adamiak, Henry E.	PE034826	Poot, Aaron C.
PE034788	Olson, Kent R.	PE034827	Bruno, David Lee
PE034789	Namuduri, Pardhasaradhi	PE034828	Erbilen, Bora
PE034790	Tuz, Peter	PE034829	Walsh, Scott M
PE034791	Munce, Charles William	PE034830	Gribb, Adam
PE034792	Townsend, Scott E.	PE034831	Barrett, David B.
PE034793	Baysden, Robert M.	PE034832	Cundiff, Jeffrey J.
PE034794	Branham, David Todd	PE034833	Watts, Craig
PE034795	Baker, Robert Allan	PE034834	Hartman, Eric K.
PE034796	Grein, Joshua J.	PE034835	Storey, Jonathan H.
PE034797	Hartke, Theodore P.	PE034836	Bradley, Jeffrey L.
PE034798	Quillen, Justin K.	PE034837	Zetlser, Mikail A.

Presented to the Board this 9th day of March 2010.

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

Applications for Registration as a Professional Engineer by Exam - Model Law

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, and who comply in every way with the provisions of the appropriate law are as follows:

There were no applications for PE by exam – Model Law

Presented to the Board this 9th day of March, 2010.

Applications for Regular Applicants seeking certification as an Engineer-in-Training by 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:

There were no applications for regular EIT's by exam.

Presented to the Board this 9th day of March 2010.

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

Applicants for certification as an 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:

There were no applications for Senior as EIT's by exam.

Presented to the Board this 9th day of March 2010.

Adjournment

There being no further business, at 11:58 a.m., Chairman Richardson requested a motion to adjourn. Mr. Chastain moved to adjourn. Mr. Dean seconded. The motion carried unanimously. Some Board members remained to review applications until they were finished.

Recorded By Board Secretary

Executive Director

Board Chairman

These minutes were approved at the June 08, 2010 Board meeting.