

MINUTES

December 14, 2004

The State Board of Registration for Professional Engineers and Land Surveyors met on December 14, 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
Gloria B. Ransom, Ph.D., Public Member

BOARD MEMBERS ABSENT:

none

STAFF PRESENT:

J. Darren Mickler – Board Executive Director
Sharon Harrison – Board Secretary
Vivian Stephens – Board Application Specialist

GUESTS PRESENT:

Eldon Evans, PE, representing American Society of Civil Engineers (ASCE) Georgia Section
Chad Epple

Call to order:

Chairman Dean called the meeting to order at 9:30 am and presented a proposed agenda. Mr. Mickler requested to add agenda items 1) Use of the term “Engineer”, 2) Policy on Forensic Testimony, 3) Question on as-builts, and 4) 43-15-9(4) comity versus 43-15-9(4) with exam. Mr. Little moved to add the items and adopt the amended agenda. Mr. Ritter seconded. Motion carried.

Approval of Minutes:

Chairman Dean asked for any additions or deletions to the minutes of the November 09 2004 Board Meeting. Ms. Willmer stated that on page seven, Board Policy 04-07, the last line was deleted. Mr. Little moved to adopt the minutes as corrected. Mr. Vickery seconded. Motion carried.

Professional Societies and Guests

Chairman Dean recognized the guests present, Eldon Evans, representing the American Society of Civil Engineers, Georgia Section, and Chad Epple.

Executive Director's Report

Mr. Mickler reported that he has been reviewing old complaint cases and trying to expedite completion of some of the oldest cases still open. Mr. Mickler reported the case statistics as follows:

99 Open Cases

1 opened in 1996	12 closed
0 opened in 1997	29 closed
6 opened in 1998	36 closed
3 opened in 1999	46 closed
2 opened in 2000	39 closed
13 opened in 2001	35 closed
20 opened in 2002	18 closed
25 opened in 2003	22 closed
29 opened in 2004	10 closed
1 opened in 2005	0 closed

Mr. Mickler presented a proposed 2005 Board Meeting Schedule as follows:

January 11
February 8 Work Session
March 8
April 12 Work Session
May 10
June – To Be Determined with ACEC annual meeting
August 9
September 13
October 4 Work Session
November 15
December 13 Work Session

Ms. Willmer moved to accept. Mr. Little seconded. Motion carried.

Old Business:

Larry Kelly Reinstatement Request:

Mr. Little moved to deny Mr. Kelly's request for temporary permit to practice as a Professional Engineer to expire June 01, 2005, until he is able to reinstate by re-examination. Ms. Willmer seconded. Motion carried.

New Business:

Jim Hamilton:

Jim Hamilton, representing Georgia Soil and Water Conservation Commission, GSWCC, deferred until the January Board meeting, as requested by Ms. Willmer.

Task Force Report:

Ms. Willmer presented the PELS 2004 Task Force Report. A general discussion followed Ms. Willmer's presentation. Chairman Dean assigned the following tasks to Board members and staff:

- 1. Ms. Willmer** agreed to write a letter to the engineering and surveying professional organizations informing them that the Georgia Professional Engineer and Land Surveyor Board has adopted the recommendations of the 2004 Task Force and invite these professional organizations to form a coalition to facilitate collaboration and coordinate advocacy.
- 2. Ms. Willmer** agreed to seek and request opportunities to meet with engineering consumer groups to communicate discipline procedures and actions.
- 3. Mr. Chastain and Mr. Ritter** agreed to work with **Mr. Mickler** to establish a data collection system to benchmark performance related to the disposition of disciplinary cases and applications.
- 4. Mr. Vickery** agreed to work with **Ms. Stephens** to establish a data collection on the length of time to process and approve or deny Professional Engineer exam requests or grant/deny comity and report back to board.
- 5. Mr. Mickler** agreed to investigate additional resources available to staff members to properly and efficiently adjudicate complaints and applications.
- 6. Mr. Little** agreed to work with **Mr. Waddle** to seek speaking opportunities at meetings of registrants to communicate new Board rules/policies, issues under

consideration, items of concern, general trends of other State Boards per NCEES and continuing ethical obligations of the profession.

7. Mr. Vickery agreed to research methods to communicate new rules/policies, Board performance measured against performance objectives, disciplinary actions taken and general information on exam pass/fail rates and staff assignments.

8. Mr. Mickler agreed to investigate resources that can be made available for the PELS Board members and staff to attend the NCEES Southern Region and national meetings on an annual basis.

9. Mr. Sweitzer agreed to work on clarifying the PELS Board's Rules of Professional Conduct; Chapter 180-6 based on the current laws and rules in order to create a "Code of Conduct" or "Code of Ethics" that can be utilized as an easy reference and answer guide.

10. Ms. Harrison agreed to work with **Ms. Willmer** to condense the current complaint form to a one-page, user-friendly document.

11. Mr. Vickery and Ms. Willmer agreed to work on identifying peer review groups to reinstate and strengthen the "Peer Review System" for complaint investigation, including defining what the board needs as peer reviewer, what the peer reviewer will do, the amount the peer reviewer will be paid for services, how the peer reviewer will be protected. They will also create a one-page agreement form for the peer reviewer to sign.

12. Dr. Ransom agreed to investigate methods of verifying Professional Development Hours of all registrants for each Professional Engineer renewal cycle.

13. Julie Busbee, board secretary, agreed to work on modifying and updating the current website to educate and inform by posting instructional material, such as, exam application deadlines, list of proposed rule changes as extracted from Board minutes, disciplinary actions, etc.

14. Mr. Dean agreed to use existing media outlets such as professional societies' magazines and newsletters to advertise meetings, law changes, and other Board activities.

Mr. Waddle requested that the staff ask for feedback from each organization that the PELS 2004 Task Force was sent to.

Board would like the PELS 2004 Task Force placed on the website.

Place the PELS 2004 Task Force on old business to always refer back to.

Mr. Vickery moved to accept the PELS 2004 Task Force recommendations. Mr. Ritter seconded. Motion carried.

Mr. Vickery suggested a meeting with the Professional Licensing Boards Division Director, Mollie Fleeman and Secretary of State, Cathy Cox. Mr. Dean asked staff to request this meeting and send an approved copy of the PELS 2004 Task Force to Ms. Fleeman and Ms. Cox.

Vote on Officers for 2005:

For Board Chairman: Charles Vickery was nominated by Dr. Ransom; seconded by Ms. Willmer. Motion carried unanimously.

For Vice Chairman: Guy Ritter was nominated by John Sweitzer; seconded by Richard Little. Motion carried unanimously.

Mr. Dean opened the floor for nominations for a chairperson for the Board's 2006 Zone Meeting Subcommittee. Mr. Ritter made a motion to nominate Mr. Dean as chairman of the subcommittee. Mr. Sweitzer seconded. Mr. Dean accepted. Dr. Ransom and Mr. Little volunteered to help Mr. Dean. Motion carried.

2005 Board Meeting Dates

Mr. Mickler presented a proposed calendar for 2005 board meeting dates. Mr. Ritter suggested changing the May 10th meeting date to May 17th and the June meeting to be scheduled for June 2nd in conjunction with the annual joint meeting of American Council of Engineering Companies of Georgia and the Georgia Society of Professional Engineers. Mr. Little moved to accept the 2005 proposed schedule as amended. Mr. Ritter seconded. Motion carried.

Letter from Landtech Services, Inc.

Board discussed letter from Landtech in reference to selling field crew time to work under the direct supervision of a licensed land surveyor in another state. Mr. Sweitzer requested that Mr. Mickler, Executive Director, send a response letter to Landtech Services, Inc. stating that any work performed in another state, by a Georgia registered land surveyor, must conform to the laws of that state.

Use of the term Engineer

Board discussed letters received from Tom Leslie and Chester Parver in reference to the use of the term "Engineer". Mr. Vickery suggested that the key phrase is "offering services to the public." Discussion followed. Mr. Switzer recommended researching this topic before answering. Chairman Dean asks for someone to volunteer to take this task of

research on. Mr. Ritter suggested Mr. Mickler ask the assistant attorney general, Patricia Downing for clarification on the law in reference to the use of the term “Engineer”.

Policy on Forensic Testimony

Mr. Dean requested that Mr. Ritter take on the Policy on Forensic Testimony. Mr. Mickler will check previous meetings from November 2003 for information on this subject.

Land Surveyor Question about As-builts

Board discussed letter received in reference to as-builts. Mr. Chastain moved that Mr. Sweitzer should draft a letter to respond. Mr. Ritter seconded. Motion carried.

Executive Session:

At 1:30 pm, Mr. Vickery 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. Mr. Ritter seconded. Motion carried.

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

Reconvened Open Session at 2:00 pm with the following Board members present - Chairman Dean, Mr. Sweitzer, Mr. Vickery, Ms. Willmer, Mr. Ritter, Mr. Chastain, Mr. Little and Mr. Waddle.

Investigations and Complaints:

PELS040012 – This case involved unlicensed practice of engineering by a firm. Because the firm has gone out of business, Mr. Ritter moved to close the case with no action. Mr. Vickery seconded. Motion carried.

PELS09010200091 – This case involved an unlicensed instructor conducting a seminar in Georgia using the term “Professional Engineer” by his name. Mr. Little moved to issue a cease & desist order. Mr. Ritter seconded. Motion carried.

PELS0053 – This case involves an individual performing engineering in Georgia with a lapsed PE license. Mr. Little moved to issue a cease & desist order and \$2,000.00 fine for unlicensed practice. Mr. Waddle seconded. Motion carried.

PELS040028- This case involved an unlicensed individual practicing land surveying in Georgia. Mr. Chastain moved to issue a cease & desist order and \$1,000.00 fine. Ms. Willmer seconded. Motion carried.

PELS0092- This case involved substandard practice of land surveying by a licensee. Mr. Chastain moved to request further investigation. Mr. Ritter seconded. Motion carried.

PELS050058- This case involved unlicensed practice. Ms. Willmer moved to close and send a letter of concern to the respondent. Mr. Chastain seconded. Motion carried.

Board Chairman

Division Director

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