

The State Board of Registration for Professional Engineers and Land Surveyors met on Tuesday, November 13, 2012, in Conference Room 104 at the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia.

The following Board members were present:

Elmo A. Richardson, Jr., PE/LS Chairman
Michael S. Fletcher, PE, Vice-Chairman
James W. Butler, LS
Brian K. Upson, PE
Mark E. Chastain, LS
George Howroyd, PE
L.H. (Dan) Davis, PE
William Womack, PE

Board members absent:

Matthew W. Baxter, Consumer Member

Staff present:

Darren Mickler, Executive Director
Swan LeGrand-Fleming, Board Support Specialist
Julie Busbee, Licensure Supervisor
Annette Wimberly, Complaint Compliance Analyst

Attorney General Representative:

Amelia Baker, Senior Assistant Attorney General

Guests present:

Gary F. Self
Phillip O. Brown, SAMSOG
Robert N. Shupe
Jim Anderson, SAMSOG
Charles L. Johnson
Stuart Spencer, SAMSOG

Call to Order

At 9:30 a.m., Chairman Richardson established that a quorum was present and called the meeting to order.

Public Hearing

At 9:34 a.m., a public hearing to adopt two new Board Rules was conducted. Chairman Richardson presented Board Rule 180-2-.04 for adoption. Mr. Chastain made a recommendation to adopt as presented. Mr. Fletcher seconded. The motion carried unanimously.

180-2-.04 Examinations, General

(1) Examinations will be held at such times and places as the Board directs. The Board shall determine the passing grade on examinations. All examinations shall be approved by the entire Board.

(2) With exception of a locally prepared examination on hydrology and the legal aspects of land surveying in Georgia, all examinations will be in accordance with the National Council of Examiners for Engineering and Surveying (NCEES).

(3) Written examinations may be taken only after the applicant has met the other minimum requirements as set forth in O.C.G.A. 43-15-8 and 43-15-9 and has been approved by the Board for admission to the examination as follows:

(a) Fundamentals of Engineering. Consists of an eight-hour examination on the fundamentals of engineering. Passing this examination qualifies the examinee for an engineer-in-training certificate, provided he has met all other requirements for certification by this Chapter.

(b) Principles and Practice of Engineering. Consists of an ~~eight-hour~~ examination on applied engineering as determined by the Board. Passing this examination qualifies the examinee for registration as a professional engineer, provided he has met the other requirements for registration required by this Chapter.

(c) Fundamentals of Land Surveying. Consists of an ~~eight-hour~~ examination on the elementary disciplines of land surveying. Passing this examination qualifies the examinee for a land surveyor-in-training certificate provided he has met all other requirements for certification of this Chapter.

(d) Principles and Practice of Land Surveying and the Laws of Georgia. The examination is administered in three parts. One part (the national land surveying examination) tests the applicant's understanding of the theory and practice and land surveying. A second part focuses on the application of hydrology to land surveying. The third part tests the applicant's knowledge of the law of Georgia as it applies to land surveying. An applicant must obtain a passing score in each of the three parts in order to pass the examination.

(4) After administration of an examination, the contents of the examination will be treated as confidential and will not be disclosed, except in such circumstances and under such conditions as may be approved by the Board. No reuse, copying or reproduction in any manner of any portion of the examination materials is permitted without the Board's permission.

(5) The Board will not conduct with examinees reviews of any portion of any examination. Further, the Board will not permit an examination to be re-scored.

Authority O.C.G.A. Secs. 43-15-8, 43-15-12, 43-15-13.

Chairman Richardson presented Board Rule 180-7-.07 for adoption. The Board received several letters from surveyors asking for more time before adopting, to allow for additional input and consideration. Three surveyors were also present that spoke and requested the same, Mr. Bobby Shupe, LS; Mr. James Anderson, LS and President of the Surveying and Mapping Society of Georgia; and Stuart Spencer, LS. After discussion, Mr. Chastain moved to postpone the adoption of this Board Rule as presented and to appoint a 5 person special committee to give the proposed changes additional consideration, with Mr. Mark Chastain, LS and Mr. James Butler serving on the committee, with three additional members to be appointed, one by Mr. Chastain, one by Mr. Butler, and one by Mr. Richardson. Mr. Butler seconded and the motion carried unanimously. The schedule for the special committee is to have a public hearing and adoption of the rule change, as

refined, at the March 2013 meeting, with a special called meeting via conference call possible in February, if necessary, in order to vote to post the rule change and call for the public hearing.

Adopt Agenda

Chairman Richardson asked members for any additions or deletions to the proposed agenda. Mr. Upson moved to adopt the agenda with addition item of Election of Officers for 2013. Mr. Fletcher seconded. The motion carried unanimously.

Approval of Minutes

Chairman Richardson presented a draft of the September 11, 2012 Meeting minutes and asked for any additions or deletions. Mr. Fletcher moved to approve the minutes with one correction. Mr. Howroyd seconded. The motion carried unanimously.

Professional Societies and Guests

No report.

Executive Director Report

Mr. Mickler reported that he and Ms. Busbee had their annual visit to Mercer University to speak with the students about the importance of licensure, the application and exam process. The meeting was well attended.

Old Business

The Board had a discussion on changes to Board Rule 180-7-.07.

New Business

The Board had a discussion on Masters or equivalent.

The Board had a discussion on stamping of As-Built Drawings.

The Board had a discussion on reference materials permissible in the PSI exam and determined that handwritten notes are acceptable.

The Board had a discussion on manufacturing companies using “engineering” in their name. The Board made a recommendation to send Action Engineering a Letter of Concern instructing them not to offer engineering services.

The Board had a discussion electronic signing of survey plats.

The Board reviewed the 2013 Board meeting dates as follows: January 8 2013, March 12, 2013, May 14, 2013, August 13, 2013, October 8, 2013, and December 10, 2013.

Mr. Davis made a motion to accept the Board meeting dates as presented. Mr. Womack seconded. The motion carried unanimously.

Election of Officers

Mr. Chastain made a motion to nominate Mr. Fletcher as the 2013 Chairman of the State Board of Registration for Professional Engineers and Land Surveyors. Mr. Womack seconded. The motion carried unanimously.

Mr. Butler made a motion to nominate Mr. Chastain as the 2013 Vice Chairman of the State Board of Registration for Professional Engineers and Land Surveyors. Mr. Howroyd seconded. The motion carried unanimously.

Mr. Fletcher made a motion to appoint Mark Chastain the Cognizant for the remainder of his term on the Board. Mr. Womack seconded. The motion carried unanimously.

Executive Session

At 11:38 a.m., Mr. Chastain moved 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. Upson seconded. Voting in favor of the motion were those members present who included Board Chairman Elmo Richardson, Michael Fletcher, James Butler, Mark Chastain, George Howroyd, Dan Davis, Bill Womack, and Brian Upson.

The Executive Session of the Georgia State Board of Registration for Professional Engineers and Land Surveyors meeting was closed at 12:54 p.m. and Chairman Richardson declared the Georgia State Board of Registration for Professional Engineers and Land Surveyors to be “open” pursuant to the Open Meetings Act, O.C.G.A. §§ 50-14-1 et seq. The following Board Members were present – Chairman Elmo Richardson, Michael Fletcher, James Butler, George Howroyd, Mark Chastain, Bill Womack and Dan Davis. No votes were taken in Executive Session.

Approval of Executive Session Minutes

Chairman Richardson presented a draft of the September 11, 2012 Executive Session Meeting minutes and asked for any additions or deletions. Mr. Womack moved to approve the minutes with one correction. Mr. Chastain seconded. The motion carried unanimously.

Licenses Issued Since Last Meeting

The Board reviewed a list of applicants that have been previously reviewed and approved. Mr. Chastain made a motion to ratify licenses issued from August 14, 2012 – September 10, 2012. Mr. Howroyd seconded. The motion carried unanimously.

Board Office/Investigations:

PELS130014 – The Board made a recommendation to close with a Letter of Concern. Mr. Chastain

recused himself from the vote.

PELS120045 - The Board made a recommendation to close with a Letter of Concern.

PELS120047 - The Board made a recommendation to close with a Letter of Concern.

PELS120058 – The Board made a recommendation to table this case pending Cognizant review.

PELS130006 - The Board made a recommendation to table this case pending Cognizant review.

PELS130007 - The Board made a recommendation to tabled pending response to Letter of Explanation to be sent.

PELS130018 – The Board made a recommendation to close due to license will be “revoked by operation of the law” as of 12/31/2012.

PELS120051 - The Board made a recommendation to close with a Letter of Concern regarding unlicensed practice.

PELS120042 – The Board made a recommendation to close with a Letter of Concern regarding the use of the word “engineer.”

PELS130009 – This case involves allegations of Professional Engineer qualifying two companies at the same time. The Board made a recommendation to table this case pending advice from Attorney General’s Office.

Legal Services:

No Report

Assistant Attorney General:

Mr. Womack moved to adopt the recommendations of the report of the Senior Assistant Attorney General.

PELS130001 – The Board made a recommendation to close with no action.

PELS120038 – The Board made a recommendation to deny renewal due to criminal conviction.

PELS120056 – The Board made a recommendation to amend previous decision to now issue a private consent order assessing a \$500.00 fine for Professional Engineer stamping a land survey.

PELS130002 – The Board made a recommendation to close due to license will be “revoked by operation of the law” as of 12/31/12.

Mr. Fletcher seconded. The motion carried unanimously.

Mr. Chastain moved to accept the consent order for unethical conduct assessing a \$500.00 fine and close case. Mr. Fletcher seconded. The motion carried unanimously.

- Henry Lawson Graham, Augusta

Reinstatements:

Mr. Fletcher moved to approve the following reinstatement of licensure upon passing the Professional Engineer Chemical Exam. Mr. Butler seconded. The motion carried unanimously.

- Donald Thompson, PE011536

With no other business to discuss, Mr. Chastain moved to adjourn. Mr. Fletcher seconded. The meeting adjourned at 1:00 p.m.

Elmo Richardson, Board Chairman

Darren Mickler, Executive Director

These minutes were adopted at the Tuesday, November 13, 2012 meeting. The next scheduled meeting is Tuesday, January 8, 2013.