

## MINUTES

### STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

Meeting Held  
Thursday, July 17, 2008

Indiana Government Center South  
402 West Washington Street, Rm. W064  
Indianapolis, Indiana

#### I. CALL TO ORDER

Mr. Sauer called the meeting to order at 8:43 a.m. in 402 West Washington Street, Room W064, Indianapolis, Indiana and declared a quorum in accordance with IC § 25-31.

##### Members Present:

John Sauer, Chairman  
Chris A. Gwaltney, Vice-Chairman  
Harold Snead  
Kenneth Spaulding  
Mark Downey  
John Beery

##### Members Not Present:

Jim Erb

##### Staff Present:

Angela Smith Jones, Board Director, Indiana Professional Licensing Agency  
Mary Kate Adams, Assistant Director, Indiana Professional Licensing Agency  
Camia Footman, Case Manager, Indiana Professional Licensing Agency  
Jim Schmidt, Legal Counsel, Office of the Attorney General

#### II. ADOPTION /AMENDMENTS TO THE MINUTES OF MAY 15, 2008

**Board Action:** A motion was made to adopt the minutes of May 15<sup>th</sup>.

Snead/Gwaltney  
Motion carried 6/0/0

#### III. REPORT REGARDING CONSUMER COMPLAINTS FROM THE OFFICE OF THE ATTORNEY GENERAL By Liaison for the Board

Mr. Erb was not present thus no report was given.

#### IV. PERSONAL APPEARANCES

##### A. Stephen C. Byers

Mr. Byers appeared before the board to discuss the deficiencies in his application. Upon review and discussion, he was still deficient and will need to take additional courses. Mr. Byers withdrew his application.

##### B. Nelson Consumo

Mr. Consumo has not taken the required national board examinations and does not qualify, thus the board accepted the withdrawal of his application.

C. Anupam Verma

Mr. Verma appeared before the board to discuss the deficiencies in his application. The board tabled the application to allow him time to seek another foreign education evaluation.

V. PETITIONS FOR REVIEW

None.

VI. ADMINISTRATIVE HEARINGS

A. In the Matter of Richard Durham

Administrative Cause No.: SBRPE 08-01

Re: Final Hearing

**CONTINUED**

B. In the Matter of Glenn Trednick

Administrative Cause No.: SBRPE 08-04

Re: Appeal of Denial of Registration by Comity

**Parties Present:**

Mr. Trednick was not present.

The State of Indiana was not present as this is an initial application matter.

**Board Members Present:**

John Sauer, Hearing Officer

Harold Snead

Kenneth Spaulding

Chris A. Gwaltney

John Beery

Mark Downey

**Witnesses:**

None.

**Board Action:** A motion was made to issue a notice of proposed dismissal.

Downey/Snead  
Motion carried 6/0/0

VII. CONSIDERATION OF ADMINISTRATIVE LAW JUDGE ORDERS

None.

VIII. DELIBERATIONS AND POSSIBLE ISSUANCE OF FINAL ORDER

A. In the Matter of Gary Wylie

Administrative Cause No.: SBRPE 06-39

Re: Appeal of Denial of Registration by Comity

**Board Action:** A motion was made to remove the matter from the ALJ and reassign this matter to the full board; and approve the application as he now meets the requirements for licensure.

Downey/Snead  
Motion carried 6/0/0

B. In the Matter of Kurt E. Feuerstein

Administrative Cause No.: SBRPE 06-51

Re: Appeal of Denial of Registration by Comity

**Board Action:** A motion was made to remove the matter from the ALJ and reassign this matter to the full board; and approve the application as he now meets the requirements for licensure.

Downey/Spaulding  
Motion carried 6/0/0

**C. In the Matter of Michael Ryer**

Administrative Cause No.: SBRPE 07-03

Re: Appeal of Denial of Registration by Comity

**Board Action:** A motion was made to remove the matter from the ALJ and reassign this matter to the full board; and approve the application as he now meets the requirements for licensure.

Downey/Snead  
Motion carried 6/0/0

**D. In the Matter of Chares A. Mitchell**

Administrative Cause No.: SBRPE 05-30

Re: Appeal of Denial of Registration by Comity

**Board Action:** A motion was made to remove the matter from the ALJ and reassign this matter to the full board; and approve the application as he now meets the requirements for licensure.

Spaulding/Downey  
Motion carried 6/0/0

**E. In the Matter of James E. Pfluger**

Administrative Cause No.: SBRPE 06-42

Re: Appeal of Denial of Registration by Comity

**Board Action:** A motion was made to remove the matter from the ALJ and reassign this matter to the full board; and approve the application as he now meets the requirements for licensure.

Snead/Spaulding  
Motion carried 6/0/0

**IX. PROPOSED DISMISSAL**

None

**X. DISCUSSION ITEMS**

**A. Statute and Rules**

Re: Possible Modifications

1. There is no word from OMB on the CE rules yet.
2. LSA # 07-665 staff is to show the board the draft language and the board was told that the NOI was filed last year and that the fiscal impact is in progress.
3. Statutory Changes:

The Board would like to see the following changes:

**IC 25-1-4-0.5**

**"Continuing education" defined**

Sec. 0.5. As used in this chapter, "continuing education" means an orderly process of instruction or an activity defined by the board:

This modification is important to the board, and the board would like to be sure that this modification gets inserted, even if only for engineers (similar to the appraisers' language).

**B. Goal Setting**

Re: Board Goal Setting

1. **The BS + 30:** This is set to go into effect in 2015 and will require legislation.
2. **Comity:** Look at the NCEES model law.
3. **Communication:** Newsletter.

IPLA staff still has not received training on Microsoft Publisher.

4. **New Members:** Prepare for the future.

**C. Work Experience:**

Re: Is Out of Country Experience Acceptable?

(How do we confirm that the work experience is earned under a responsible in charge?)

Yes out of country experience is acceptable.

Are you gaining engineering experience if your supervisor is not a P.E.? (Downey) Just because your supervisor is not a P.E. does not disqualify or negate your experience. It depends more on your experience and knowledge in the position.

**D. Request for Reinstatement for Professional Engineers registration**

Re: John T. Walter, 20393

Jim reviewed the reinstatement code as instituted this July 1, 2008 under IC 25-1-8-6. Mr. Walters decided to apply for a brand new license and not reinstatement thus he now has a new license number.

**E. Request for Reinstatement for Professional Engineers registration**

Re: Barry Alexin, PE19300337

Board Action: A motion was made to reinstate the license.

Downey/Snead  
Motion carried 6/0/0

**F. Foreign Evaluation – Application**

Re: Status of Nitesh Ahuja's Application and Exams

Because he took and passed the EI, he is an EIT. However, now he is before the board as a PE applicant and although the education requirements are the same, it is a new application and the board can review the information as such. He still does not have a foreign education evaluation.

This application was tabled because he needs more experience and must present information/documentation from 11/2001 to the present to show his experience and he needs to get a foreign evaluation.

- G. Vince Drnevich, PhD, PE  
Re: Offering CE Credits

He will be presenting across the State of Indiana to the ISPE local chapters and will be discussing the pending CE rules to the members. In so doing, he would like to offer one hour of ethics for those attending the meeting. He would also like to invite the board members to accompany him to these presentations. Jim reminded the board that the NOI was published on October 10<sup>th</sup> and must be signed by the Governor by that date of 2008. If it is not done, then the board will need to restart the rule promulgation process.

## XI. CORRESPONDENCE

- A. NCEES  
Re: Irregular Behavior Report

A motion was made to instruct NCEES to follow their rules as set out in their protocol and apply it uniformly to all persons taking the exam and to do so in this case. As a result of this, this test is void. This will be considered as an attempt—failed attempt.

Downey/Gwaltney  
Motion carried 6/0/0

Why are they asking the board to be the bad guy? If this was done at 2:00 p.m. the board would not see it, right?

- B. Request to take the Structural Engineering Exam Part II  
Re: Graeme Sharpe

The board grants permission for Mr. Sharpe to take the Structural exam Part II.

- C. Professional Engineer License – Under Grandfather Clause  
Re: Subhen "Ben" Ghosh

He must complete an application, as the board does not pre-evaluate applications and there is no grandfather clause. A letter is to be sent to Mr. Ghosh to that affect.

## XII. PERMIT/LICENSURE APPLICATIONS

A motion was made and seconded to approve all recommendations and decisions made by the Board members on applications for licensure that were reviewed throughout the Board meeting.

Gwaltney/Snead  
Motion carried 6/0/0

## XIII. BOARD DIRECTOR'S REPORT

- A. New Security Entry into Building

The board was informed about the new security entrance into the building at 302 W. Washington Street.

- B. Legislative Proposals

See earlier notes pertaining to the modification of IC 25-1-4.

- C. Engineering Comity Rule Day!!

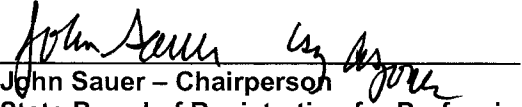
Engineering Comity Rule Day was July 10<sup>th</sup>, 2008, and thus apply to all current applicants and those pending applicants who may meet the requirements.

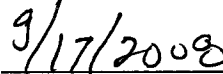
D. Number of ENG licensed over last month:

Professional Engineers        78

**XIV. ADJOURNMENT**

There being no further business and having completed its duties, the meeting of the State Board of Registration for Professional Engineers adjourned at 3:55 p.m.

  
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John Sauer – Chairperson  
State Board of Registration for Professional Engineers

  
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Date