

MINUTES

STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

**Meeting held
Thursday, March 19, 2009**

**Indiana Government Center South
402 West Washington Street, Rm. W072
Indianapolis, Indiana**

I. CALL TO ORDER

Mr. Downey called the meeting to order at 8:40 a.m. in 402 West Washington Street, Room W072, Indianapolis, Indiana and declared a quorum in accordance with IC § 25-31.

Members Present:

Mark Downey, Chairman
Jim Erb, Vice-Chairman
John Beery
Vince Drnevich
John Sauer
Kenneth Spaulding

Members Not Present:

Harold Snead

Staff Present:

Angela Smith Jones, Board Director, Indiana Professional Licensing Agency
James Schmidt, Board Advisor, Office of the Attorney General

II. ADOPTION /AMENDMENTS TO THE MINUTES OF JANUARY 15, 2009

Board Action: A motion was made to approve the minutes with changes.

Sauer/Erb
Motion carried 6/0/0

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

John Beery reported that he has been working with the AG's office in reviewing matters. He has reviewed 4 cases so far.

Gabrielle Owens appeared before the board, per their request. She introduced herself and explained the complaint process to the board. The board is concerned that there are so few complaints being filed by consumers.

IV. PERSONAL APPEARANCES

None.

V. PETITIONS FOR REVIEW

A. Adam Higgins

Board Action: The petition for review was granted and the matter was set for a hearing.

Spaulding/Drnevich
Motion carried 6/0/0

B. Amanda Fox

Board Action: The petition for review was granted and the matter was set for a hearing.

Drnevich/Spaulding
Motion carried 6/0/0

C. Anupam Verma (special request)

Board Action: A motion was made to vacate the denial and table the application until he provides proof of completion.

Drnevich/Spaulding
Motion carried 6/0/0

D. Perre Burns

He applied in 2002 for the E.I. and the engineering design requirement became a requirement in 2003, so he did not need that course for the E.I. Therefore, additional education is not required, according to 864 IAC 1.1-2-2(l). He had until July 10, 2010 to apply without having to get that course, such as the advanced calculus math, [he substantiated for his original application upon appeal that he met that requirement.] Jim believes that too was instituted after he applied for the E.I. and that application was approved.

Board Action: A motion was made to admit him to the exam and find his petition for review moot.

Drnevich/Sauer
Motion carried 6/0/0

E. Brandon Morgan

Board Action: A motion was made to grant the petition and the matter was set for a hearing.

Sauer/Erb
Motion carried 6/0/0

VI. ADMINISTRATIVE HEARINGS

A. In the Matter of Roland Klockow

Administrative Cause No.: SBRPE 02-03

Re: Withdrawal of Probation

Parties Present:

Mr. Klockow was present without counsel
Natalie Stidd was present on behalf of the State.

Board Members Present:

Jim Erb is the hearing officer
Mark Downey recused himself
John Beery
Vince Drnevich
John Sauer
Kenneth Spaulding

Witnesses:

Roland Klockow

Case Summary: He was previously on probation and his petition for withdrawal of probation was denied in 2006 for lack of submission of quarterly reports.

Board Action: A motion was made to grant the withdrawal from probation.

Sauer/Drnevich
Motion carried 5/0/1 (Downey abstained)

B. In the Matter of Jo-Walter Spears, Jr.

Administrative Cause No.: SBRPE 08-05

Re: Final Hearing - Denial of Registration as a Professional Engineer by Comity

Petitioner submitted a letter requesting the withdrawal of his petition for review.

Board Action: A motion was made to accept the withdrawal of the petition.

Erb/Sauer
Motion carried 6/0/0

C. In the Matter of Farid Fozouni

10:20 a.m.

Administrative Cause No.: SBRPE 09-01

Re: Denial of comity registration

Parties Present:

Mr. Fozouni is present without counsel.

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

Board Members Present:

Mark Downey is the hearing officer

John Beery recused himself

Vince Drnevich

John Sauer

Kenneth Spaulding

Jim Erb

Case Summary: Mr. Fozouni was denied based upon not having completed the fundamentals in engineering exam. He took and passed the PE exam in 1982. He took the FE many times in good faith, but did not pass it. He is requesting the board waive the requirement of the exam and grant him licensure. He is currently only registered in Wisconsin. The board does not have waiver authority.

Board Action: A motion was made to deny the application.

Erb/Spaulding
Motion carried 5/0/1 (Beery abstained)

VII. CONSIDERATION OF ADMINISTRATIVE LAW JUDGE ORDERS

None

VIII. DELIBERATIONS AND POSSIBLE ISSUANCE OF FINAL ORDER

None

IX. PROPOSED DISMISSAL

None

X. DISCUSSION ITEMS

- A. Statute and Rules
Re: Possible Modifications

Frances appeared to discuss rules with the board. She discussed the rule promulgation process with the board. The agency's position is to put forth any rule the board desires and allow it to go through the process. Historically the roadblock has been OMB because they do not have a time clock within which to respond to any proposed rules, everyone else in the process has a timeline. The rules of this board have a fiscal impact, however, regardless of there being a fiscal impact; there still must be fiscal approval. The agency bill, HB 1573, is still alive. Let's get a routine that the two board chairs (former and incoming) meet with Angela and Frances at the exchange of the gavel in December or January.

- B. Goal Setting
Re: Board Goal Setting

1. **Foreign Evaluations:** By CPEES only (ASJ)

What can be done to empower the board and utilize other entities to do the evaluation? Can the board use CPEES, and take that evaluation to determine whether it is equivalent or not and once we get that equivalency statement, then it is acceptable to the board. This will streamline the process for the board and make it easier for an applicant to complete a complete evaluation. The board would like more info from CPEES.

2. **IN Requirements vs. ABET**

In light of the EC2000 criteria, the board needs to address this issue this year and possibly change the rules.

- C. Request for Emeritus Status with the IN Board for the NCEES
Re: Chris Gwaltney

Board Action: A motion was made to grant Chris Gwaltney Emeritus Status with the IN Board in order to remain involved with NCEES.

Erb/Spaulding
Motion carried 6/0/0

- D. Request for Waiver of Exam Timeline
Re: Altantuya Baldorj

Ms. Baldorj is requesting a waiver and extension of time to take the exam light of her health issues. The rule states that after being admitted to the exam the actual exam must be taken at that exam or at least one of the next two. This board does not have waiver authority; therefore, if she does not take the spring exam her application is terminated and she will need to reapply. The requirement to get additional education does not apply. The applicable code section is 864 IAC 1.1-4.1-5(b).

Board Action: A motion was made to deny her request for a waiver.

Sauer/Erb

Motion carried 6/0/0

- E. Request for Reinstatement for Professional Engineers registration
Re: Joseph W. Buedel, (PE60017785)

Board Action: A motion was made to have him make a personal appearance at the May meeting. He must bring proof that he has not utilized his seal and get a written statement from the PE that was in charge and supervised Mr. Buedel on any projects.

Sauer/Erb
Motion carried 6/0/0

- F. Request for Reinstatement for Professional Engineers registration
Re: Tzu-His Ban, (PE6900562)

Board Action: A motion was made to ask him the question regarding placing his seal in the State of Indiana during this time. If his response is satisfactory then reinstated if his response is not satisfactory then he is to make a personal appearance before the board at the May meeting. Mark Downey will be the board designee for the review of his response.

Erb/ Drnevich
Motion carried 6/0/0

- G. Request for Reinstatement for Professional Engineers registration
Re: Thomas Wilson, (PE19600186)

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

Sauer/Spaulding
Motion carried 6/0/0

- H. Request for Reinstatement for Professional Engineers registration
Re: Mark Thompson, (PE60870288)

Board Action: A motion was made to request a personal appearance of Mr. Thompson at a special April board meeting, date to be determined. The board members who agreed to attend the special April meeting also agreed to waive their per diem and come without compensation.

Erb/ Sauer
Motion carried 6/0/0

XI. CORRESPONDENCE

None

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.

Sauer/Drnevich
Motion carried 5/0/0

XIII. BOARD DIRECTOR'S REPORT

- A. Washington Accord/Foreign Evaluations

Staff is to require NCEES evaluations based upon the report by Angela-Eva Edan of CPEES and the more recent memo from Jerry Carter concerning the substandard education that some applicants have received as noted by recent CPEES evaluations.

B. IN On-line Verifications

ASJ explained the process for on-line verification and the nominal fees associated with them. She also explained the microfilm project to update ILS of the records of all engineers.

C. NCEES Board President's Meeting

It was an excellent meeting and well worth the while of our presence.

D. Other NCEES Meetings

The Annual Meeting in August in Louisville, KY is the next meeting. Jim Erb will go.

Board action: A motion was made to authorize Angela to attend any meeting that is being offered by NCEES.

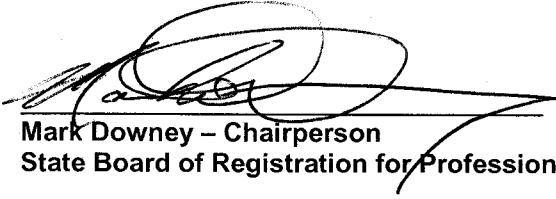
Erb/Sauer
Motion carried 5/0/0

Board Action: Jim Erb will be one of the representatives to the next meeting.

Sauer/Downey
Motion carried 5/0/0

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 2:45 p.m.



Mark Downey – Chairperson
State Board of Registration for Professional Engineers

5-21-09
Date