

## MINUTES

### STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

Meeting Held  
Thursday, May 21, 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 8:30 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  
Vince Drnevich  
John Sauer  
Kenneth Spaulding  
Harold Snead

##### Members Not Present:

Jim Erb, Vice-Chairman  
John Beery

##### Staff Present:

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

#### II. ADOPTION OF THE AGENDA

**Board Action:** A motion was made to adopt the agenda.

Drnevich/Sauer  
Motion carried 5/0/0

#### III. ADOPTION /AMENDMENTS TO THE MINUTES OF MARCH 19, 2009 AND APRIL 15, 2009

**Board Action:** A motion was made to approve both sets of minutes as amended.

Drnevich/Sauer  
Motion carried 5/0/0

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

No report was given.

#### V. PERSONAL APPEARANCES

9:00 a.m.

A. Timothy Holtermann (*reinstatement*)

**Board Action:** A motion was made to approve the reinstatement of his license.

Sauer/Drnevich  
Motion carried 5/0/0

B. Joseph Buedel (*reinstatement*)

**Board Action:** A motion was made to approve the reinstatement of his license.

Sauer/Snead  
Motion carried 5/0/0

C. Patrick Fitzsimons (*reinstatement*)

He appeared before the board to have his license reinstated.

**Board Action:** A motion was made to approve the reinstatement of his license.

Drnevich/Sauer  
Motion carried 5/0/0

D. Kelly Graves (*reinstatement*)

He appeared before the board to have his license reinstated. He has not practiced in Indiana during the lapse of his license.

**Board Action:** A motion was made to approve the reinstatement of his license.

Drnevich/Snead  
Motion carried 5/0/0

E. Constance Wingard Emerson (*reinstatement*)

This application for reinstatement is tabled because she did not appear before the board. The board wants a letter sent to her referring her to the code section where she needs to show remediation and request that she submit a plan that would provide what she believes to be the required CE to assure the board that she is up to speed on her specialty area of engineering practice. Regarding the lapse of time involved, the board would like a work plan or what she has done to address this situation. She requested making a personal appearance via SKYPE and Jim said that it is permitted.

**Board Action:** A motion was made to table this application and request another personal appearance.

Drnevich/Snead  
Motion carried 5/0/0

F. Donald Schaefer (*reinstatement*)

Staff is to send another letter asking questions number 3 – 6 and he is to have his response submitted to our offices within 2 weeks. If he has practiced in Indiana then request a personal appearance and we'll call a special meeting for the month of June, certainly prior to July 2<sup>nd</sup>. (Ask John Beery if he can be the Board designee.)

G. Ronald Brown

He did not appear before the board, but answered the questions in detail to the satisfaction of the board. After careful review of the timeline, this license is reinstated by lapse of time and operation of law.

**VI. PETITIONS FOR REVIEW**

**A. Adam Higgins (special request)**

Adam requested that his application be tabled until such time as he is able to complete the course work he is deficient.

**Board Action:** A motion was made to grant his request. This application is tabled.

Drnevich/Snead  
Motion carried 5/0/0

**VII. ADMINISTRATIVE HEARINGS**

**A. In the Matter of Amanda Fox**

Administrative Cause No.: 09-03

Re: Denial of Application for Admission to the Exam

**Parties Present:**

Ms. Fox 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

Vince Drnevich

John Sauer

Kenneth Spaulding

Harold Snead

**Case Summary:** Ms. Fox was denied admission to the exam based upon not having completed a calculus based physics course. She does not want to take the course. The board does not have waiver authority.

Petitioner's Exhibit 1: Letter from Professor M.F. Dahab, PhD, PE, of University of Nebraska

**Board Action:** A motion was made to admit Ms. Fox to the exam based upon the fact that she took physics in her bachelor's program

Drnevich/Spaulding  
Motion carried 5/0/0

**B. In the Matter of Brandon Morgan**

Administrative Cause No.: 09-04

Re: Denial of Application for Certification as an Engineering Intern

**CONTINUED**

**VIII. CONSIDERATION OF ADMINISTRATIVE LAW JUDGE ORDERS**

None

**IX. DELIBERATIONS AND POSSIBLE ISSUANCE OF FINAL ORDER**

None

**X. PROPOSED DISMISSAL**

None

## XI. DISCUSSION ITEMS

### A. Statute and Rules Re: Possible Modifications

#### 1. CE Rules

HB 1573 included a change in the latitude boards have in approving continuing education. This change allows our board to have rules more in line with the other states. The bill was signed on May 13, 2009. The board discussed the possibility of OMB not processing the rules, and the strong desire of the associations to have CE in Indiana. Vince wants to work with Angela and Jim to edit the rules to reflect what the other states have for required hours and to address what is allowable as credit.

**Board Action:** A motion was made to put this on the next board meeting agenda.

Drnevich/Sauer  
Motion carried 5/0/0

### B. Goal Setting Re: Board Goal Setting

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

Nothing new was discussed regarding this goal.

#### 2. IN Requirements vs. ABET

ABET changed in the year 2000 and Vince is not sure our code reflects those changes. They were more prescriptive and now are more performance based. The onus is on the program to be sure they get what is required to be successful. ABET has come up with criteria that the programs must have. Can the board waive a requirement for an individual or are they bound by the statute? The board does not have waiver authority; however the board can modify the rules to address the required course issue. ABET is looking at making the person a more holistic engineer. We should look at the accreditations criteria of ABET and incorporate that into our rules. ABET is now accrediting master's degrees.

### C. Mark Thompson Re: Review of Letter to Clients

The letters meet the intent of the board's request and were well written. The board members appreciate his honesty.

**Board Action:** A motion was made to approve the letters and direct Mr. Thompson to proceed with sending the letters out in accordance with his order.

Drnevich/Sauer  
Motion carried 5/0/0

### D. PE and FE Exams Re: Proctoring of out of state candidates (NCEES)

The board is not willing to discontinue proctoring of out of state candidates at this time and will table this discussion until the next meeting.

## XII. CORRESPONDENCE

None

**XIII. 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.

Spaulding/Snead  
Motion carried 5/0/0

**XIV. BOARD DIRECTOR'S REPORT**

**A. NCEES Annual Meeting**

Jim Erb and Angela will be attending the Annual Meeting in Louisville, Kentucky.

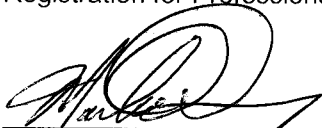
**B. Update on ILS Project**

Angela reported that based upon the average number of files being entered into ILS on a daily basis; it will take at least 18 months for the data entry to be completed.

**C. Staff informed board there will no longer be hard copies of the agenda available at the meeting. All meeting rooms are now wireless accessible and they were encouraged to bring their laptops.**

**XV. ADJOURNMENT**

There being no further business and having completed its duties, the meeting of the State Board of Registration for Professional Engineers adjourned at 1:12 p.m.



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Mark Downey – Chairperson  
State Board of Registration for Professional Engineers

7-16-09  
Date

