

MINUTES

STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

Will Meet On
Thursday, July 15, 2010
at 9:00 a.m.

Indiana Government Center South
302 West Washington Street, Room W072
Indianapolis, Indiana

I. CALL TO ORDER

Mr. John Beery called the meeting to order at 9:00 a.m. in 402 West Washington Street, Room W072, Indianapolis, Indiana and declared a quorum in accordance with IC § 25-31.

Members Present:

John Beery
Harold Snead
Mark Downey
Vincent Drnevich
Ken Spaulding
John Sauer

Members Not Present

Jim Erb

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 MAY 20, 2010

Board action: A motion was made to adopt the minutes with changes.

Drnevich/Downey
5/0/1 (Beery abstained)

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

There is only 1 report alleging incompetence. (Sauer)
James Schmidt updated the board on new legislation which was enacted July 1st. There is a new \$5.00 fee assessed for all disciplinary matters for the AG's office. The fee goes towards storing medical records, etc. and any other confidential information which must be stored by the AG's office. It is not discretionary and will appear in every order. There is also new Cease and Desist language which addresses a situation when someone is found to be practicing without a license, the board can file a complaint with the AG's office and there will be a hearing before the board on the matter and then that order issued by the board is enforceable by the Courts.

IV. PERSONAL APPEARANCES

A. C. Rodney McComas (*Positive Response*)

Mr. McComas was to appear before the board via teleconference. Upon review of his documents, it was determined that he was disciplined for something which was not a violation of the law in Indiana; therefore the board is fine with renewing him.

Board action: A motion was made to renew the license.

Drnevich/Downey
Motion carried 6/0/0

B. Lee Nagai (*Reinstatement*)

Mr. Nagai appeared before the board to request the reinstatement of his license. He has practiced engineering in Indiana during the time his license was expired. His license expired in 2006. The board agreed that having the license on probation was appropriate and he may not petition for withdrawal until all conditions are met. The list and letter can be submitted electronically – of course.

Board action: A motion was made to reinstate the license on probation with terms similar to the Thompson and Lytton orders.

Downey/Snead
Motion carried 6/0/0

C. Raja Venkateswar

Mr. Venkateswar did not appear before the board as requested.

D. Scott Siple (*Pending Application*)

He appeared to request a waiver of the requirement to take the additional 9 credit hours based upon the failure or failure to appear at the exams for the next three administrations. He would like to retake the exam in October because he did not actually sit for the last administration – his 3rd attempt. He had serious family issues which prevented him from taking the PE exam. The board has no waiver powers.

Board action: A motion was made to interpret the **864 IAC 1.1-4.1-7 (e)** which deals with 2nd and 3rd attempts on exams for the PE. It will be interpreted that the 2 regularly scheduled exams constitutes 1 year of attempts. The 3rd exam would follow the end of the 2nd attempt which gives another year, so it essentially gives 2 years to complete the exam.

Snead/Drnevich
Motion carried 6/0/0

Board action: Mr. Siple is admitted to the exam and he may take the exam in October 2010 or April 2011 and it will be considered his 3rd attempt. If he fails or does not sit then he must earn the additional 9 credit hours.

E. Bart Bretsch (*Reinstatement*)

His license expired in 2004. He works in the telephone industry and has been so employed for the past 22 years. He described his duties to the board. He was an outside plant engineer for a few years, but does not practice engineering right now.

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

Drnevich/Sauer
Motion carried 6/0/0

V. PETITIONS FOR REVIEW

A. Luay S. Esho

Board action: A motion was made to grant the petition for review.

Sauer/Beery
Motion carried 5/0/0

VI. ADMINISTRATIVE HEARINGS

None

VII. CONSIDERATION OF ADMINISTRATIVE LAW JUDGE ORDERS

None

VIII. DELIBERATIONS AND POSSIBLE ISSUANCE OF FINAL ORDER

None

IX. NOTICE OF PROPOSED DEFAULT

A. In the Matter of Keith Corban

Administrative Cause No.: SBRPE 09-10
Re: Notice of Proposed Default

Parties Present:

Mr. Corban was not present nor was counsel present on his behalf.
The State of Indiana was represented by Natalie Stidd.

Witnesses:

Philip Turner

Board Members Present:

John Beery, is the hearing officer
Harold Snead
Mark Downey
John Sauer
Ken Spaulding
Vince Drnevich

Case Summary:

State's Exhibit A: License 2000 print out of Respondent's Records
State's Exhibit B: Resurface plan to which Respondent's seal is affixed dated 10/16/2007
State's Exhibit C: Resurface plans certified by Keith Corban 11/16/2007

Board Action: A motion was made to find Respondent in default and proceed in his absence on the record.

Sauer/Snead
Motion carried 6/0/0

Board action: The board found him to be in violation of Count I, in the Complaint.

Sauer/Snead
Motion carried 6/0/0

Board action: The board found him to be in violation of Count II, in the Complaint.

Sauer/Snead
Motion carried 6/0/0

Board action: A motion was made to permanently revoke the license and implement civil penalties in the amount of \$2000 to be paid 90 days from the date of the final order and to pay costs for the State and IPLA.

Beery/Spaulding

Drnevich made a motion to amend the motion on the floor and make it indefinite suspension rather than revoke. Beery and Spaulding concur with the amendment.

Motion carried 6/0/0

X. DISCUSSION ITEMS

A. Statute and Rules
Re: Possible Modifications

B. Patrick Knoll
Re: Review of Letter to Clients

Mr. Knoll was expected to make a personal appearance and provide a list of clients to the board. He only met 1 of the 3 requirements of the order for today. He needs to change the language of the letter and he did not provide us with his list nor appear and this could delay his probationary period. He must send 2 me post-haste the list of clients.

Staff is to send a letter explaining that he was supposed to be at the meeting and to submit the list of clients. He is to appear at the September board meeting.

C. Daniel Compagno
Re: Correspondence – the practice of engineering

Upon review the board determined that this does require a stamp, because it is under responsible charge. Remote access is no different.

The information previously provided is accurate and Angela need not supplement the original letter. Please refer to 864 IAC 1.1-7-3 (a) application of seal – only on such documents which have been prepared by the registrant or directly supervised employee.

XI. CORRESPONDENCE

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.

Drnevich/Sauer
Motion carried 5/0/0

XIII. BOARD DIRECTOR'S REPORT

A. NCEES Reporting. Enforcement Exchange. In process and needs improvement but being stressed by NCEES and encouraging states—all states to use this.

XIV. OLD/NEW BUSINESS

A. Investigative Fund – Fee Rules

A motion was made to deny the request to keep the fees as they are and to add the investigative fund fee of \$20.00 on top of the application and issuance fees. The board wants to leave the rule draft as is. They will not change the decision that was made last year.

Downey/Sauer
Motion carried 6/0/0

B. CE Rules – Status

The rules were filed with the Governor's office on June 18th, 2010, the board has not heard back from the Governor. There is language which permits the agency to file the rules with the Register if the Governor's office does not respond.

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 3:30 p.m.



Harold Snead – Chairperson
State Board of Registration for Professional Engineers

16 Sep 2010
Date