

MINUTES

STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

Meeting held
Thursday, September 17, 2009

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

I. CALL TO ORDER at 8:35 a.m.

Mr. Downey called the meeting to order at 8:35 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
Vincent Drvenich
John Sauer
Ken Spaulding
Harold Snead

Members Not Present

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 /AMENDMENTS TO THE MINUTES OF JULY 16, 2009

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

Drnevich/Snead
Motion carried 5/0/0

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

No report was given.

IV. PERSONAL APPEARANCES

A. Keith Lytton (Reinstatement)

He appeared before the board for the reinstatement of his license. He used his stamp on three different projects and he was not working under a principle during that time. His license expired in 2002. The Board referred to the Mark Thompson case as it felt it was a comparable case. His deadlines are as follows: October 30th for the first deadline of the November meeting, and December 31st for the date to have the letters submitted (2nd deadline). He agrees with the terms of the Thompson probation, which are as follows:

Mr. Lytton may petition for withdrawal of probation upon completion of the requirements.

1. He is to provide a listing of the clients/permitting agencies for which he used his seal plus a list of the projects--forwarded to the board by October 30th. He will make a personal appearance at the November meeting and have a draft of the letter for the board's approval.
2. He is to send notification to the clients. He is to go back through his records and notify clients/permitting agency from 2002 to the present and let them know he used his seal without being registered.
3. Then he must submit verification/proof of receipt that he sent the letters out to be sent to the board by December 31st and he is to appear at the January meeting, a copy of each letter sent to the clients is to be provided to the board.
4. He may petition for termination of probation once he has shown compliance.

The letter: is to list the projects where he used his stamp for that client/permitting agency during that time. It will also include his quality control and quality assurance to show that the standard of care was delivered and the quality of work meets the requirements of the state.

Board Action: A motion was made to reinstate the license on probation with terms listed above.

Sauer/ Drnevich
Motion carried 6/0/0

V. CONTINUING EDUCATION

Discussion by the Board

The following changes were made to the rules:

1. Add the "activity" language to the rules per the code modification from this past legislative session.
2. Number of hours: Change from 24 to 30 hours

Drnevich/Snead
5/1/0 Motion carried (Spaulding) opposed.

3. Carry-over: Allow 15 hours of carry-over from the effective date of the rule as published in the register, but which was earned prior to August 1st, 2010. In general allow 15 hours carry-over each renewal cycle.

Drnevich/Sauer
Motion carried 6/0/0

4. Ethics: Require 1 hour in ethics and 1 hour in Indiana statutes and rules regarding the engineering code.

Sauer/Erb
Motion carried 6/0/0

5. Students/Professors: Students get 3 x 15 if taking a 3 hour course (a total of 45 hours credit) and professors/instructors get 2 times that (a total of 90 CE hours) for courses taught.

Snead/Drnevich
Motion carried 6/0/0

6. Activity - clarified:

- a. Author/Patent: If the applicant is published in a professional journal, then credit will be given.

Drnevich/Sauer

Motion died 2/4/0

- b. Service on Boards: Allow credit for service on boards, societies, etc.

Drnevich/Sauer
Motion died 2/4/0

7. Exemptions: Leave them as in the draft rule regarding waiver.

Sauer/Spaulding
5/1/0 (Drnevich opposed)

Board Action: A motion to proceed with the rule language as drafted today. Angela Smith Jones and Jim Schmidt have permission to bounce the draft version off of Mark Downey.

Sauer/Snead
Motion carried 6/0/0

VI. PETITIONS FOR REVIEW

- A. Yinghui Sui
B. Michael Duffy

Board Action: A motion was made to grant the above petitions for review.

Erb/Snead
Motion carried 6/0/0

VII. ADMINISTRATIVE HEARINGS

- A. **In the Matter of Mark Thompson**
Administrative Cause No.: SBRPE 09-05
Re: Withdrawal of Probation

Parties Present:

Mr. Thompson was present without counsel
The State was not present.

Board Members Present:

Mark Downey is the hearing officer
Jim Erb
Harold Snead
Vince Drnevich
John Sauer
Kenneth Spaulding

Witnesses:

Mark Thompson

Case Summary: He was previously on probation for the reinstatement of his license and this is his petition for withdrawal of probation. He has completed the requirements.

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

Sauer/Erb
Motion carried 6/0/0

- B. **In the Matter of Christopher Rockey**

Administrative Cause No.: 09-07
Re: Final Hearing

Parties Present:

Mr. Rockey was present without counsel
The State was not present.

Board Members Present:

Mark Downey is the hearing officer
Jim Erb
Harold Snead
Vince Drnevich
John Sauer
Kenneth Spaulding

Witnesses:

Christopher Rockey

Case Summary: He was previously denied licensure for deficiency in the course work. He is basing his argument for eligibility on having more than eight (8) years of work experience. Years of experience does not preclude you from having the required education. They are two separate and distinct matters. (IC 25-31-1-12 and **864 IAC 1.1-2-2**) This board does not have any waiver authority.

Petitioner's Exhibit 1: Mr. Rockey's Resume

Board Action: A motion was made to deny the application and uphold the board's previous decision.

Sauer/Erb
Motion carried 5/1/0 (Drnevich opposed)

C. In the Matter of Andrew Wait

Administrative Cause No.: 09-08
Re: Final Hearing

Parties Present:

Mr. Wait was present without counsel
The State was not present.

Board Members Present:

Mark Downey is the hearing officer
Jim Erb
Vince Drnevich
John Sauer
Harold Snead
Kenneth Spaulding

Witnesses:

Andrew Wait

Case Summary: He was previously admitted to take the FE, however he had the exact same course deficiencies then as are required now, yet it was not addressed at that time. He also has a deficiency in experience and needs 72 months of experience when he documented having 48 months of experience. He does not have evidence that he has successfully completed the deficient course work; the code reference for his argument is 864 IAC 1.1-2-2(I).

Board Action: A motion was made to deny the application based upon lack of education and experience because he does not have the "required" course work according to code.

Drnevich /Sauer
Motion carried 6/0/0

D. In the Matter of Harrigan Williams
Administrative Cause No.: 09-09
Re: Final Hearing

Parties Present:

Mr. Williams was present without counsel
The State was not present.

Board Members Present:

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

Witnesses:

Harrigan Williams

Case Summary: He was denied for lack of work applicable work experience. His worked under a licensed PE during this time.

Board Action: A motion was made to grant him admission to the exam.

Drnevich/Snead
Motion carried 6/0/0

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. Continuing Education Rules

Discussion completed earlier.

2. Investigative Fund Fee Rules

Board Action: A motion was made to add the investigative fund fees for \$20.00 and to decrease the renewal fee from \$100.00 to \$80.00 so that the total amount due is \$100.00.

Drnevich/Erb
Motion carried 6/0/0

Board Action: A motion was made to have one Flat fee for \$400.00 for both types of applications, by comity and by exam.

Drnevich/

After discussion the fees were modified to be \$350.00 and \$550.

Drnevich/Erb
Motion carried 6/0/0

XII. CORRESPONDENCE

- A.** Institute of Industrial Engineers
Re: Opposition to BS Plus 30 Model Law Proposal

This is just an FYI for the board.

The highlight of the National Conference was the BS + 30. The projected implementation date is 2020.

- B.** Foreign Evaluation Services
Re: Josef Silny & Associates, Inc.

The board is requesting that they provide evidence that other state boards will accept their evaluations. Is there some sort of organization that regulates and oversees foreign evaluation companies? Harold Snead and Vince Drnevich will look into this and report back to the board.

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.

Sauer/Drnevich
Motion carried 5/0/0

XIV. BOARD DIRECTOR'S REPORT

No report was given.

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 3:33 p.m.



Mark Downey – Chairperson
State Board of Registration for Professional Engineers

11-19-09
Date