

MINUTES

STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

Meeting Held
Thursday, May 19, 2011

Indiana Government Center South
302 West Washington Street, Room W064
Indianapolis, Indiana

I. CALL TO ORDER

Mr. Harold Snead called the meeting to order at 8:32a.m. in 402 West Washington Street, Room W064, Indianapolis, Indiana and declared a quorum in accordance with IC§ 25-31.

Members Present

Harold Snead (Board Chairman)
Mark Downey
Vincent Drnevich
John Sauer
Kenneth Spaulding

Members Absent

Jim Erb

Staff Present

Christina Wiseley, Board Director, Indiana Professional Licensing Agency
Crystal Heard, Assistant Director, Indiana Professional Licensing Agency
James Schmidt, Board Advisor, Office of the Attorney General

II. ADOPTION OF THE AGENDA

Board Action: Vincent Drnevich moved to adopt the agenda with the amendment of adding the discussion of the cease and desist statutory change. Kenneth Spaulding seconded the motion. The motion carried unanimously with a vote of 5-0-0.

III. ADOPTION /AMENDMENTS TO THE MINUTES OF MARCH 17, 2011

Board Action: John Sauer moved to adopt the minutes of the November 18, 2010 meeting of the State Board of Registration for Professional Engineers. Vincent Drnevich seconded the motion. The motion carried unanimously with a vote of 5-0-0.

IV. ADMINISTRATIVE HEARINGS

A. In the Matter of the License of Michael Bojack

Case Summary:

Mr. Bojack was present in person and waived the right to counsel. Sherri Rutledge was the court reporter for this hearing. The board held a hearing at the request of Mr. Bojack to reconsider the denial of his petition of the denial of his application for registration as a professional engineer.

It was determined that Mr. Bojack's petition was not received in a timely manner and the board upheld their decision to deny his petition.

The board advised Mr. Bojack to research the examination requirements in New York and provide proof that New York's requirements at the time he took the examination were equivalent to the examination in accordance with Ind. Code § 25-31-1-14.

Parties Present:

Mr. Bojack was present without counsel.

Members Present:

Harold Snead (Hearing Officer)

Mark Downey

Vincent Drnevich

John Sauer

Kenneth Spaulding

Board Action: Mark Downey moved to deny Mr. Bojack's petition for review of the denial of his petition for review of the denial of his application for registration as a professional engineer. Kenneth Spaulding seconded the motion. The motion carried unanimously with a vote of 5-0-0.

B. In the Matter of the License of William Keller

Case Summary:

Mr. Keller was present in person with counsel, Michael Riley. Natalie Stidd, Deputy Attorney General, represented the State of Indiana. Sherri Rutledge was the court reporter for this hearing. At the joint request of the parties, the hearing was converted to a brief pre-hearing conference.

During the pre-hearing conference, the State indicated that it anticipated dismissing Count IV concerning material deception. Mr. Keller admitted to the remaining allegations that he practiced with an expired license. Mr. Keller also indicated that he had not renewed his license due to a tax issue with the Indiana Department of Revenue in 2004. Mr. Keller was advised by board staff that there is no longer a tax hold on his license file preventing him from renewing his license. It was determined that Mr. Keller should explore the option of renewing his license.

Board Action: Vincent Drnevich moved to issue a pre-hearing order to document the pre-hearing conference. Kenneth Spaulding seconded the motion. The motion carried unanimously with a vote of 5-0-0.

C. In the Matter of Owen Keenan

Case Summary:

Mr. Keenan was present in person and waived the right to counsel. Sherri Rutledge was the court reporter for this hearing.

Mr. Keenan entered into evidence the following:

Exhibit A: Letter from Mr. Keenan to the board, dated May 19, 2011, requesting that the board confirm that he will have met the requirements for registration if he completes the *Physics 201* course at William Rainey Harper College.

Exhibit B: Letter from Dr. Deborah L. Damcott, Ph.D. at William Rainey Harper College attesting that the course, *Physics 201 General Physics I-Mechanics*, is a calculus-based physics course consisting of five credit hours, which should correct the deficiency in Mr. Keenan's education that predicated the board's denial of his registration.

Exhibit C: Receipt showing payment of the tuition and fees for the above-mentioned course.

Exhibit D: Landmark Award presented to Mr. Keenan by the Western Society of Engineers for his contributions to the engineering profession.

Mr. Keenan indicated that he acknowledges that he does not currently meet the requirements for registration as a professional engineer in the State of Indiana. He asked the board to confirm that completing the *Physics 201 General Physics I-Mechanics* at William Rainey Harper College would remedy the deficiency in his education. After reviewing the evidence, it was determined by the board that the course would correct the deficiency. Mr. Keenan was advised that he would need to reapply for registration.

Board Action: John Sauer moved to affirm the previous denial of Mr. Keenan's application for registration. Mark Downey seconded the motion. The motion carried unanimously with a vote of 5-0-0.

D. In the Matter of Peter Bastien

Case Summary:

Mr. Bastien was not present. He had submitted a petition for review of the board's denial of his application for registration as a professional engineer. Subsequent to receiving the hearing notice sent to him on April 8, 2011, Mr. Bastien requested to withdraw his application. The board determined that would be set by approving the request for withdrawal of Mr. Bastien's application for registration could be problematic with future applications and determined that they did not wish to take action at this time. The board instructed board staff to contact Mr. Bastien to determine how he wishes to proceed.

Board Action: None

E. In the Matter of Radhakrishna Daita

Case Summary:

Mr. Daita was present in person and waived the right to counsel. Sherri Rutledge was the court reporter for this hearing. Mr. Daita requested a hearing to petition the denial of his application for registration based on a deficiency in his education. Mr. Daita presented evidence indicating that he does meet the physical sciences educational requirement in accordance with 864 IAC 1.1-2-2 in that he completed 1) a four-hour differential equations course, 2) a course in India entitled *Probability and Statistics* which was a calculus course.

Vincent Drnevich recused himself from this hearing due to the fact that he instructed Mr. Daita in a course at Purdue University. The board, after reevaluating Mr. Daita's application, and taking into consideration Mr. Daita's testimony, determined that there was a miscalculation in the original determination and that he does meet the physical sciences requirement and meets the requirements for registration as a professional engineer.

Board Action: John Sauer moved to grant Mr. Daita's application for registration as a professional engineer by comity because he has met the math and science requirements. Kenneth Spaulding seconded the motion. Vincent Drnevich abstained. The motion carried with a vote of 4-0-1.

F. In the Matter of Jaymin Patel

Case Summary:

Mr. Patel entered into evidence the following:

Exhibit A: Transcript from the Gujarat Secondary Education Board, Gandhinagar.

Mr. Patel testified that the physics courses, *Physics-Theory* and *Physics-Practicals*, are the equivalent of college-level courses, and that it was not evaluated on his file with NCEES.

The board determined that because of the possibility that Mr. Patel meets the requirements due to this new information, they would like him to resubmit a request for NCEES to reevaluate his credentials, including the evidence he presented. The board gave Mr. Patel until August 31, 2011 to obtain a reevaluation of his education from NCEES so that they may accurately determine whether or not he meets the calculus and chemistry requirements at a future board meeting.

Board Action: Mark Downey moved to table the decision on Mr. Patel's petition for review of the denial of his application for registration as a professional engineer for a NCEES reevaluation that must be obtained by August 31, 2011. John Sauer seconded the motion. The motion carried unanimously with a vote of 5-0-0.

V. DISCUSSION ITEMS

A. Response from NCEES on double admission to examinations

The board received a response from NCEES regarding the board's request that NCEES limit the number of examinee attempts due to the issue of students who have failed the examination reregistering to take the examination when they are not eligible. NCEES sent a response to the request indicating that they are not able to limit the number of attempts that a licensee has to take the examination and that the board would need to take steps to remedy the situation.

The board discussed the problem of ineligible applicants taking the examination a second time prior to reapplying with the board. The board instructed staff to write a letter to Indiana engineering schools to ask the schools to inform the students of the requirements for taking the examination, and their eligibility for repeating the examination, when necessary. The board noted that all of the applications received from applicants who took and passed the examination prior to becoming eligible to do so would need to be reviewed by the board.

B. INDOT CE Request

A representative from INDOT appeared before the board to ask that the board give their approval on a continuing education course that INDOT had developed for their staff. It was conveyed to INDOT they are considered a pre-approved provider and they have the capability to approve courses.

C. Ceremony Discussion (requested by Harold Snead)

The board discussed the possibility of having a ceremony for new licensees to acknowledge their accomplishments. It was offered that the Indiana Professional Licensing Agency may be able to supply a venue for the ceremony if the idea is pursued.

D. Review of Applications – possible change in procedure

The board discussed the review of applications. It was determined that:

- 1) Staff will make available only the part of the application that needs to be reviewed;
- 2) The applications will be distributed equally among board members;
- 3) Approved applications need to be signed off by one board member;
- 4) Applications deemed insufficient will be denied and must be signed off by two board members;
- 5) Any applications for which there are differing opinions, the board will review at the next meeting;
- 5) Approved applications may be processed immediately by staff; and
- 6) The board will vote on the applications deemed insufficient at the board meeting following the review.

E. Statutory change in the Cease and Desist Order

James Schmidt, advisory counsel to the board, informed the board of the statutory change in the cease and desist order. Christina Wiseley was appointed to act on behalf of the board to

file complaints with the Office of the Attorney General. It was determined that the process is as follows:

- 1) The board may file a complaint with the Office of the Attorney General against a person that is suspected to be engaged in unlicensed practice;
- 2) The Office of the Attorney General will investigate and may file a motion for a cease and desist order with the board;
- 3) The board approves or denies the motion for a cease and desist order and issues a show cause order for a hearing at which the affected person may appear and show cause as to why the person should not be subject to licensing;
- 4) If the board finds that the person is engaged in unlicensed practice, the board may issue a cease and desist order which is enforceable in the circuit or superior courts.

VI. CORRESPONDENCE

A. Request for continuing education waiver from Walter Goldstein, PE60011900, (Active)

It was determined that Mr. Goldstein's license's status is active and does not expire until July 31, 2012. There was not enough information to grant a waiver of 864 IAC 1.1-15-8 and that he has requested this waiver too soon. The board directed staff to write a letter to Mr. Goldstein informing him that he is too early in requesting the waiver.

B. Email from Roy Sonoco, PE (Request for CE for writing publications)

It was determined that no continuing education credits can be awarded for writing publications. The board directed staff to write a letter to Mr. Goldstein denying his request for continuing education credit for writing publications.

C. Memo from NCEES regarding changes to NCEES Exams and Supporting Material

The board reviewed the memo from NCEES regarding changes to NCEES exams and supporting material. They acknowledged that the last pencil-and-paper examination would be administered in October of 2013 and that computer-based-testing would be implemented beginning in April of 2014.

VII. PERMIT/LICENSURE APPLICATIONS

- a) Applications for Registration as Professional Engineers by Examination
- b) Applications for Registration as Professional Engineers by Comity
- c) Applications for Engineer-in-Training (EIT) Permits
- d) Applications for Professional Corporations
- e) Requests for Reinstatement of Registrations
- f) Continuing Education Providers

1. Eli Lilly and Company – Request for Approved Organization Status

Two representatives from Eli Lilly appeared and delivered a presentation about the courses they offer to their employees, and requested that the board approve Eli Lilly as an approved organization. During discussion, Vincent Drnevich determined that some of the information received from Eli Lilly may be used to further clarify rules regarding continuing education for the board.

Board Action: Vincent Drnevich moved to approve the Request of Eli Lilly to become an approved organization with four stipulations. Eli Lilly will be required to:

- 1) Be consistent with the continuing education statutes and rules currently in place;
- 2) Must appoint an internal expert to provide internal approval of continuing education courses;
- 3) Submit an annual report to the board listing all courses and instructors approved in that year; and
- 4) Acknowledge that they are subject to audits of the process that they employ for approving and providing continuing education.

Due to time constraints, the board did not review applications for registration at this meeting. The board members determined that the new method of review will be effective immediately and that the applications would be reviewed after the meeting adjourned; and that the applications deemed insufficient would be voted on at the following board meeting.

VIII. BOARD DIRECTOR'S REPORT

Christina Wiseley reported that she has assumed the role and accepted the duties as the new director with the State Board of Registration for Professional Engineers, replacing Elizabeth Kiefner Crawford who is now the director of the State Board of Nursing.

IX. OLD/NEW BUSINESS

A. Discussion of Investigative Fund

The board was informed that the rules outlining fee increases for an investigative fund were denied by the Office of Management and Budget.

B. Report on Email Blast

Crystal Heard reported on the E-Gov delivery that was sent to licensees informing them of the new requirement for continuing education to renew their licenses on active status. Many requests for patents were received as a result of the delivery, and it was revealed that some registrants were not in favor of the continuing education requirement. It was discussed by the board that periodic reminders should be sent to licensees, as this is a requirement for renewal.

C. Definition of approved organizations policy and procedure

Continuing education courses approved by another state licensing board will be accepted by the Indiana Board.

D. NCEES Delegate(s) for Annual Conference August 24-27, 2011 in Providence, Rhode Island

Harold Snead reported that he and Christina Wiseley will be attending the NCEES Annual Conference as voting delegates.

X. ADJOURNMENT

There being no further business and having completed its duties, the meeting of the Engineering Board adjourned at 3:15 p.m.



Harold Snead – Chairperson
State Board of Registration for Professional Engineers

21 Jul 2011

Date