

**State Board of Registration for Professional Engineers
Indiana Government Center South
402 West Washington Street, Room W064
Indianapolis, Indiana 46201
Minutes of the November 15, 2012 Board Meeting**

CALL TO ORDER

Mr. John Sauer called the meeting to order at 8:42 a.m. in 402 West Washington Street, Room W064, Indianapolis, Indiana and declared a quorum in accordance with Ind. Code § 25-31.

Members Present:

John Sauer
Mark Downey
Harold Snead
Vincent Drnevich
Kenneth Spaulding

Members Absent:

Jim Erb

Staff Present:

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

ADOPTION OF THE AMENDED AGENDA

Board Action: Harold Snead moved to adopt the amended agenda. Vincent Drnevich seconded the motion. The motion carried with a vote of 5/0/0.

ADOPTION /AMENDMENTS TO THE MINUTES OF SEPTEMBER 20, 2012

Board Action: Vincent Drnevich moved to adopt minutes with amendments of the September 20, 2012 meeting. Mark Downey seconded the motion. The motion carried with a vote of 5/0/0.

REPORT FROM ATTORNEY GENERAL'S OFFICE

John Sauer liaison for board has no report.

Natalie Stidd represented the Attorney General Office. She reported to the board the number of consumer complaints filed with the board and the number of litigation cases pending.

PERSONAL APPEARANCES

Al Wolczyk – Mr. Wolczyk appeared before the board telephonically. His license expired in 2004. He admitted in a written statement he has practice engineering on an expired license.

Board Action: James Schmidt read the order of SBRPE 12-02. And the board will follow the terms and conditions found in that order. Mark Downey made motion to follow the terms set in SBRPE 12-02. Vincent Drnevich seconded motion. Motion carried 5/0/0

ADMINISTRATIVE HEARINGS

In the Matter of the Application of Bruce Bellen Cause Number: SBRPE 08-08

Case Summary: Mr. Bruce Bellen appeared before the board to petition to be removed from probation. Mr. Bellen's license was issued on probation due to a disciplinary action taken by the Oklahoma Board. Mr. Bellen plan stamped documents without a license.

Board Action: Harold Snead made motion to have Mr. Bellen's license be returned to active status. Kenneth Spaulding seconded motion. Motion carried 5/0/0

DISCUSSION ITEMS

Deficient in mandatory hours automatically pay \$250. The base deficiency is \$250 + 25 for each hour deficient. 16+ hours is 5x higher. If deficient 3 hours and that include the 2 mandatory hours it is \$325.

1. Bernard Owens – civil penalty of \$250 assessed he is deficient mandatory hours
2. Richard Graham- civil penalty of \$550 assessed he is deficient 12 hours
3. Troy Robertson – civil penalty of \$250 assessed he is deficient mandatory hours
4. Lawrence Thomas – civil penalty of \$250 assessed he is deficient mandatory hours
5. David Melroy – civil penalty of \$250 assessed he is deficient mandatory hours
6. Richard Proppe – civil penalty of \$250 assessed he is deficient mandatory hours
7. Francis Brenzy – CE audit

Mark Downey made motion to issue a Notice of Noncompliance and issue civil penalties as discussed in meeting. Vincent Drnevich seconded motion. Motion carried 5/0/0

8. E-Participation Policy

Vincent Drnevich made motion to adopt a policy based on policy set by Manufactured Home Installer Licensing Board as discussed with James Schmidt. A copy is attached as exhibit A. Mark Downey seconded motion. Motion carried 5/0/0

Election of Officers: Harold Snead made motion for the below officers. Kenneth Spaulding seconded motion. Motion carried 5/0/0

Chairman- Vincent Drnevich

Vice Chair- Mark Downey

Liaison- John Sauer

PERMIT/LICENSURE APPLICATIONS

Applications for Registration as Engineer Interns

Yunusa Balogun- approved

Applications for Registration as Professional Engineers by Comity

Rameshwar Karton- approved

Kevin O'Neill, Jr. - approved

Robert Powell - approved

Eduardo Escobar- approved

Stacy Morgan - approved

David Abbey - approved

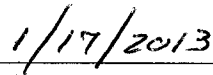
Donald Dinh- approved
Robert Millies- approved

CORRESPONDENCE

John Nixon – Foreign Evaluation contact Mr. Nixon and inform him if he wants to apply for licensure in the state of Indiana he would need to apply for examination. He can use the old evaluation.



Vincent Drnevich – Chairperson



Date



**STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS
ELECTRONIC MEANS PARTICIPATION POLICY**

Posted on the public SBRPE webpage and copies available from main office

The following policy (the "Policy") regarding electronic participation in the State Board Professional Engineers ("Board") meetings was approved as set forth herein at the public meeting of January 17, 2013 by due consideration and ~~5~~vote of the Board.¹

I. Recitals: Policy and Legal Considerations

This Policy is adopted, and shall be interpreted to:

- A. Balance ease of Board member's access and participation with orderly proceedings, including best practices for meetings including administrative hearings conducted in meeting.;
- B. Follow Ind. Code § 5-14-1.5-3.6 and any other applicable provisions of the Open Door Law and other applicable law, and be interpreted in a manner consistent with such laws;
- C. Require Board members to physically attend meetings, except in the case of emergency or unforeseeable extenuating circumstances when the quorum may not be otherwise be achievable.²
- D. Ind. Code § 5-14-1.5-6 applies to electronic participation in Board meetings and establishes various requirements, including Board members may participate electronically only if a means of communication is used that permits the Board member, all other Board members, and members of the public physically present at the place where the meeting is conducted to simultaneously communicate with each other during the meeting; at least three Board members must be physically present as the place where the meeting in conducted; all votes in electronic meetings shall be roll call votes; each Board member must be physically present at least one meeting of the Board annually; absent adopted policy to the contrary, a Board member who participates by electronic communication is considered present, may be counted in establishing a quorum, and vote at the meeting; and the Board must comply with the Open Door Law and adopt a policy under Ind. Code § 5-14-1.5-6(g)

¹ Statutory Background. P.L. 134-2012 (HEA No. 1003-2012) affected the Open Door Law (ODL) and the Access to Public Records Act (APRA). A notable change would allow a State agency such as the State Board of Registration for Professional Engineer to allow its Board Members to attend meetings via electronic means on or after January 1, 2013. In order to permit participation in such a fashion, the Board has adopted this Policy. The Board is authorized and required to develop such a policy through Ind. Code § 5-14-1.5-3.6.

² Physical attendance is also important to maintain the minimum three members at the designated meeting site.

II. Policy Provisions

Based on the foregoing Recitals, the following Policy is hereby adopted by the Board under Ind. Code § 5-14-1.5-6(g):

1. At least three (3) Board members must be physically present at the designated meeting site. In case of difficulty of scheduling or multiple Board Members requesting electronic participation, the Chairman of the Board in conjunction with the Board's director, shall determine who may attend electronically.
2. Consistent with Ind. Code § 5-14-1.5-3.6(b), a Board member participating via electronic means can do so by telephone, computer, video conferencing, or any other method of communication that allows for simultaneous communication and is capable of being recorded by members of the public present at the designated meeting site.
3. A Board member appropriately participating via electronic means is considered present, is counted for quorum purposes, and may vote at the meeting on all matters. A Board member participating via electronic means may cast the deciding vote on any matter properly before the Board and may fully participate in the meeting.
4. A Board member participating in a meeting via electronic means is not required to do so in a setting that is open to the public.
5. A Board member attending via electronic means shall notify the Chairman and Board Director reasonably in advance of the meeting, but in no case less than three (3) days. The Chairman may waive the three day notice requirement in case of an unforeseeable emergency. The Chairman may object to electronic participation if members' physical participation is required in order to have 3 Board members physically present at the place where the meeting is conducted.
6. The Chairman is delegated to supervise and coordinate electronic participation with the assistance of the Board Director and in consultation, as necessary, with the Deputy Attorney General assigned to the Board.
7. Board members are encouraged to attend in person all meetings especially where administrative hearings are scheduled. This Policy endeavors to balance convenience and greater membership participation with operational efficiency and quality.



Vincent Drnevich, Chair

1/17/2013