

**State Board of Registration for Professional Engineers
Indiana Government Center South
402 West Washington Street, Room W064
Indianapolis, Indiana 46201
Minutes of the March 21, 2013 Board Meeting**

CALL TO ORDER

Mr. Vincent Drnevich called the meeting to order at 8:44 a.m. in 402 West Washington Street, Room W064, Indianapolis, Indiana and declared a quorum in accordance with Ind. Code § 25-31.

Members Present:

Vincent Drnevich, Chairperson
John Sauer
Mark Downey
Kenneth Spaulding
Harold Snead (Electronic Participation)

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 AGENDA

Harold Snead moved to adopt agenda. Kenneth Spaulding seconded the motion.

Roll Call-
Harold Snead
Vincent Drnevich
John Sauer
Kenneth Spaulding
Mark Downey

Motion carried 5/0/0.

ADOPTION/AMENDMENTS TO THE MINUTES OF JANUARY 17, 2013

John Sauer made motion to approve minutes as presented for the January 17, 2013 meeting.

Harold Snead seconded the motion.

Roll Call-
Harold Snead
Vincent Drnevich
John Sauer
Kenneth Spaulding
Mark Downey

Motion carried 5/0/0.

REPORT FROM ATTORNEY GENERAL'S OFFICE

Natalie Stidd represented the Attorney General Office. Ten consumer complaints and four litigation cases were open at the date of the report. The board has two older cases in which they will decide on whether or not to accept the recommended proposed settlement.

PERSONAL APPEARANCES

Charles Weber- Mr. Weber appeared before the board to reinstate his license. His license has been expired since 2006. During this time he has practiced while his license was expired. Mr. Weber expressed to the board he has 14 different clients in which he does industrial environmental engineering.

Board Action: Kenneth Spaulding made motion to reinstate license on probation. Mr. Weber will submit a list of projects and permitting agencies in which he worked on while his license was expired. John Sauer seconded motion.

Roll Call-

Harold Snead

Vincent Drnevich

John Sauer

Kenneth Spaulding

Mark Downey

Motion carried 5/0/0

ADMINISTRATIVE HEARINGS - NOTICE OF PROPOSED DEFAULT/DISMISSAL

Ruth Davis was the court reporter for all administrative hearings for this meeting

In the Matter of the Registration of James Gorman Cause Number SBRPE 12-11

Case Summary: Natalie Stidd State's Attorney asked the board find Mr. Gorman in default. John Sauer made motion to find James Gorman in default. Kenneth Spaulding seconded motion.

Roll Call-

Harold Snead

Vincent Drnevich

John Sauer

Kenneth Spaulding

Mark Downey

Motion carried 5/0/0

Mr. Gorman's license is set to expire July 31, 2014. The complaint was filed with the board on behalf of the Office of the Attorney General because he failed to report on 2010 renewal pending conviction.

- State's Exhibit A- Case Summary from Decatur County Superior Courts
- State's Exhibit B- Judgment of Conviction
- State's Exhibit C- Sentencing Order
- State's Exhibit D- Certified Copy of Online renewal for 2010

Board Action: Mark Downey made motion to find Mr. Gorman in violation of all three counts found in the complaint. Kenneth Spaulding seconded motion.

Roll Call-

Harold Snead

Vincent Drnevich

John Sauer

Kenneth Spaulding

Mark Downey

Motion carried 5/0/0

Board Action: John Sauer made motion place Mr. Gorman's license on indefinite suspension; a waiting period of two years before he can petition for lifting the suspension; and impose a fine of \$1000, fine has to be paid within 90 days. He is to also pay the \$5 fine to the Attorney General Office. Cost from State and IPLA to claim. Mark Downey seconded motion.

Roll Call-
Harold Snead
Vincent Drnevich
John Sauer
Kenneth Spaulding
Mark Downey
Motion carried 5/0/0

PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDERS

Proposed Findings of Fact, Conclusions of Law for Rex Jones
Board Action: Mark Downey made motion to accept proposed findings of fact. Kenneth Spaulding seconded motion.

Roll Call-
Harold Snead
Vincent Drnevich
Ken Spaulding
Mark Downey
John Sauer recused
Motion carried 4/0/0

Proposed Findings of Fact, Conclusions of Law for William Daniel Keller
Board Action: Mark Downey made motion to approve proposed findings of fact. Harold Snead seconded motion.

Roll Call-
Harold Snead
Vincent Drnevich
Ken Spaulding
Mark Downey
John Sauer recused
Motion carried 4/0/0

PETITIONS FOR REVIEW

Arthur Metzler- submitted a petition for review for the board to rescind Notice of Noncompliance for his failure to respond to the audit letter. He did submit hours after the Notice of Noncompliance was issued.

Board Action: John Sauer made motion to rescind Notice of Noncompliance issue a new one in which he did have 24 hours during the renewal period. He did make up the deficient hours and those hours cannot be used for the 2014 renewal. Since he did not respond to the audit letter the fine will stand. Mark Downey seconded motion.

Roll Call-
Harold Snead
Vincent Drnevich
John Sauer
Kenneth Spaulding
Mark Downey
Motion carried 5/0/0

Joseph Fu- submitted a letter stating he wants to surrender his license considering he is retired and no longer practices engineering.

Mark Downey made motion to accept surrendering license and if he wishes to be reinstated he will have to comply the terms of the Notice of Noncompliance. John Sauer seconded motion.

Roll Call-

Harold Snead

Vincent Drnevich

John Sauer

Kenneth Spaulding

Mark Downey

Motion carried 5/0/0

DISCUSSION ITEMS

Investigative fund- Mark Downey made motion when the time comes and the rule moratorium is lifted for the board to proceed with the rule change to increase the renewal and application fees by \$20 for the investigative fund. Kenneth Spaulding seconded motion.

Roll Call-

Harold Snead

Vincent Drnevich

John Sauer

Kenneth Spaulding

Mark Downey

Motion carried 5/0/0

Rules- Mark Downey made motion to approve rules as written from the Rules Committee Meeting held on March 20, 2013. John Sauer seconded motion. Motion carried 4/0/0

PERMIT/LICENSURE APPLICATIONS

John Sauer made motion to approve applications as recommended by board members. Kenneth Spaulding seconded motion.

Seth Keller- grant registration by endorsement

Madhusudhana Karri – denied

Michael Aitken – denied

Dennis Sherman- approved

Verya Nasri – approved

Paul Malamen- denied

Henry Nodzak- approved

Adam Lantvit- denied

Renewals/Reinstatements

Robert Lukas- approved reinstatement

John Ferowich- denied

Tobias Lioka- denied

Roll Call-

Vincent Drnevich

John Sauer

Ken Spaulding

Mark Downey

Motion carried 4/0/0

CONTINUING EDUCATION: The below organizations submitted their yearend reports to the board.

Eli Lilly

Duke Energy

Commonwealth Engineering

CORRESPONDENCE

Stephen Hoffman- board accepted correspondence sent from Mr. Hoffman.

There being no further business and having completed its duties, the meeting of the State Board of Registration for Professional Engineers adjourned at 2:35 p.m.



Vincent Drnevich – Chairperson

5/16/2013
Date