

May 8, 2008

**REGULAR MEETING OF THE  
SOUTH DAKOTA  
STATE BOARD OF TECHNICAL PROFESSIONS  
May 8, 2008**

**MEETING** The regular meeting of the South Dakota State Board of Technical Professions was held on Thursday, May 8, 2008, at 8:30 a.m. in the board office in Rapid City. **Chairman**, David Stafford presided.

**ROLL CALL** Other board members present were Dale Jans, **Vice Chairman**, Randy Bacon, **Secretary**, Hani Shafai, and Leonard Neugebauer. Jeffery Hazard and Tom Geraets were absent. Others present were Brett Koenecke, Keith Flanagan, Todd Kolden, Warren Fisk, investigator; and staff members Mark Humphreys, Wendy Whipple and Mary Ann Myers. Shannon George-Larson attended via telephone.

**EXECUTIVE SESSION** **On motion** by Jans and seconded by Bacon, the Board went into Executive Session. **On motion** by Jans and seconded by Neugebauer, the Board came out of executive session. Shafai excused himself from executive session.

**Case 04-08** **On motion** by Jans and seconded by Neugebauer, the hearing examiner's proposed decision is adopted. Stafford signed the final decision, and Attorney Brett Koenecke will send to George-Larson & Ed Carpenter.

**MINUTES** **On motion** by Neugebauer and seconded by Bacon, minutes of the March 28, 2008 meeting were approved.

**FISCAL** **On motion** by Jans and seconded by Neugebauer, vouchers from the last Board meeting were approved. The quarterly report and activities report was supplied.

**Review of previous applicants with additional information:**

Discussion by Neugebauer regarding Michael W. Brandt.

**On motion** by Neugebauer and seconded by Jans, Michael W. Brandt's Professional Engineering comity application was approved.

Discussion by Neugebauer and Shafai regarding Robert Wesley Jones.

**On motion** by Neugebauer and seconded by Bacon, Robert Wesley Jones' Land Surveyor comity application was denied based on inadequate experience.

**On motion** by Shafai and seconded by Jans, Robert Wesley Jones' Professional Engineering comity application was denied based on his past disciplinary record.

Discussion by Board regarding Keith Curtis Flanagan. Mr. Flanagan appeared in person before the Board presenting his case.

**On motion** by Neugebauer and seconded by Shafai, Keith Curtis Flanagan's Professional Engineering exam application was approved.

**Review of Fundamentals of Engineering exam applications:**

Discussion by Neugebauer regarding Chiranjeevi Pydi with a CPEES evaluation.

**On motion** by Neugebauer and seconded by Bacon, Chiranjeevi Pydi's Fundamentals of Engineering exam application is denied due to the non equivalent determination by CPEES. Motion to deny approved.

Discussion by Neugebauer regarding Mark David Dilts with a non-ABET BS degree.

**On motion** by Neugebauer and seconded by Bacon, Mark David Dilts Fundamentals of Engineering exam application is denied. Motion to deny approved.

**APPLICATIONS**

**On motion** by Shafai and seconded by Jans, Luay Subhi Esho has been denied based on EECI evaluation non-equivalent.

**On motion** by Bacon and seconded by Neugebauer, the following businesses have been denied: TEMO, Inc.

**On motion** by Jans and seconded by Shafai, the following are licensed as architects by comity;

**On motion** by Bacon and seconded by Neugebauer, the following are licensed as landscape architects by comity;

**On motion** by Bacon and seconded by Neugebauer, the following are licensed as land surveyors by comity;

**On motion** by Shafai and seconded by Jans, the following are licensed as professional engineers by comity;

**On motion** by Jans and seconded by Shafai, the following are licensed by comity as petroleum release.

Name	City	State	Profession	#
Donat, Brett Justin	Mandan	ND	AR	9541
Hoefler, Michael Gerald	Lake Elmo	MN	AR	9542
Hulne, Gregory S.	Minneapolis	MN	AR	9543
Kimsey, Jr., Edwin Raymond	Atlanta	GA	AR	9544
McCauley, Andrew Frank	North Little Rock	AR	AR	9545
Moore, G. Dennis	Urbandale	IA	AR	9546
Roarty, Daniel James	Green Bay	WI	AR	9547
Schmidt, Kimberly Kay	Rapid City	SD	AR	9540
Sargenti, Jr, Robert Jon	Paramus	NJ	AR	9548
Winner, John R	Chicago	IL	AR	9549
Gray, Richard L.	Saint Paul	MN	LA	9550
Carlisle, Dennis P.	Spanish Fork	UT	LS	9551
Nelson, Henry Deane	Minnetonka	MN	LS	9552
Powers, James Michael	Oklahoma City	OK	LS	9553
Bice, Kent Michael	Haines City	FL	PE	9554
Brandt, Michael W	Helena	MT	PE	9555
Brightwell, Kevin Hunter	Herndon	VA	PE	9556
Burtner, Philip Arthur	Bethlehem	PA	PE	9557
Cox, Theodore M	Omaha	NE	PE	9558
Dehler, Robert Frank	Osseo	MN	PE	9559
Drake, Dain R.	Houston	TX	PE	9560
Eberle, Ross John	Rapid City	SD	PE	9561
Ferguson, John Dale	Centerton	AR	PE	9562
Fitzgerald, Peter J	Richfield	OH	PE	9563
Forsyth, Roy A	Milwaukee	WI	PE	9564
Fredrickson, Daniel S	Minneapolis	MN	PE	5374
Glynn, Mark W	Lockport	NY	PE	9565
Herzig, Robert Louis	Kansas City	MO	PE	9566
Hilton, Kenneth William	Casper	WY	PE	9567
Hinson, Joshua Kirk	Madison	WI	PE	9568
Hodge, Dewain William	Rogers	AR	PE	9569
King, Paul Horace	Pelican Rapids	MN	PE	9570
Luster, Michael Jay	Rochester	MN	PE	9571
McLaughlin, Jeremy Lee	Fargo	ND	PE	9572
Morrone, David John	Albuquerque	NM	PE	9573

Name	City	State	Profession	#
Nemeth, David Lee	Richfield	OH	PE	9574
Nevers, Edward Steven	Sheboygan	WI	PE	9575
Ntambakwa, Eric Mulenga	Dana Point	CA	PE	9576
Opel, Alan W.	Kansas City	MO	PE	9577
Pinkerton, Robert Brandon	Rogers	AR	PE	9578
Qualls, Christopher Wayne	Cabot	AR	PE	9579
Rauvola, Stuart Oscar	Saint Paul	MN	PE	9580
Reed, John William	Cabot	AR	PE	9581
Schlautman, Dale Joseph	Lincoln	NE	PE	9582
Smith, Clyde Ray	Billings	MT	PE	9583
Steckler, Mitchell Alan	Bismarck	ND	PE	9584
Steinert, Nicholas E	Richfield	OH	PE	9585
Tauby, James R.	Hauppauge	NY	PE	9586
Torosian, Arek A	Richfield	OH	PE	9587
Voboril, Dwaine Jerold	Lincoln	NE	PE	9588

**On motion** by Jans and seconded by Shafai, the following petroleum releases are licensed by exam:

Name	City	State	Profession	#
Cameron, Kathleen A.	Omaha	NE	R	9589
Gerber, Brady Allen	Watertown	SD	A	9590

**On motion** by Bacon and seconded by Neugebauer, the following business entities are licensed:

<b>BUSINESS LICENSES</b>				
Company Name	City	State	Profession	#
Alpine Structural Consultants	Haines City	FL	PE	C-6000
Bob Herzig & Associates, Inc.	Kansas City	MO	PE	C-6001
Building Design Services, Inc.	Cabot	AR	PE	C-6002
CMX Inc.	Manalapan	NJ	PE	C-6003
Core Engineering & Consulting, LLC	Chamberlain	SD	PE	C-6004
DeStefano + Partners	Chicago	IL	AR	C-6005
Donohue & Associates, Inc.	Sheboygan	WI	PE	C-6006
EA Engineering, Science, and Technology, Inc.	Hunt Valley	MD	PE	C-1163
Engineering Analytics, Inc.	Fort Collins	CO	PE	C-6007
Garrad Hassan America	San Diego	CA	PE	C-6008
Glynn Geotechnical Engineering	Lockport	NY	PE	C-6009
HAF Architects	Lake Elmo	MN	AR	C-6010
HDMS, Inc.	North Little Rock	AR	AR	C-6011
HP Engineering, Inc.	Rogers	AR	PE	C-6012
Idea House, Inc	Green Bay	WI	AR	C-6013
JKH Engineering	Madison	WI	PE	C-6014
KPE-Consulting Engineers, Inc.	Bellevue	NE	PE	C-2001
Miller Dunwiddie Architecture, Inc.	Minneapolis	MN	AR	C-6015

<b>BUSINESS LICENSES</b>				
<b>Company Name</b>	<b>City</b>	<b>State</b>	<b>Profession</b>	<b>#</b>
Nel-Struct, LLC	Eau Claire	WI	PE	C-6016
Niles Bolton Associates	Atlanta	GA	AR	C-6017
Red Plains Surveying Company	Oklahoma City	OK	LS	C-6018
Sargenti Architects, PC	Paramus	NJ	AR	C-6019
WHPacific, Inc.	Anchorage	AK	PE/AR/LS	C-6020

**AUDITS**

**NEW:** Christopher R. Baer, PE; Frederick W. Becker III, AR; Thomas Bergseth, AR; Allen Richard Casey, AR; Timothy J. Coleman, PE; Steven C. Harris, PE; Nathan T. Hunke, Pet; Charles K. Miller, PE; Mark A. Olson, AR; and Gary Perowitz, Petroleum, were audited.

**On motion** by Jans and seconded by Bacon, the Board will accept the AR audits named.

**On motion** by Jans and seconded by Shafai, the Board will accept the PE audits named.

**On motion** by Jans and seconded by Shafai, the Board will accept the Petroleum Release audits named.

**OLD:** David A. Paluck, PE, was audited.

**On motion** by Jans and seconded by Neugebauer, the Board will accept the audit named.

**ELECTION OF BOARD OFFICERS** - Discussion and nominations by Board.

**On motion** by Neugebauer and seconded by Shafai, the following Board Officers were elected to serve for a period of one year beginning July 1, 2008:

Chairman, Dale Jans; Vice Chairman, Randy Bacon; and Secretary, Jeffery Hazard.

**OLD BUSINESS**

**NCARB, confirmed option 2 for A.R.E. testing**, Discussion by Humphreys and Stafford.

**LS Take Home Exam**, update by Fisk will be followed up at the next meeting.

**Retreat/Strategic Planning**, Scheduled for September 19, 2008 following the regular September 19, 2008 Board Meeting, and the morning of September 20, 2008 possibly scheduled to be held at the Board office. Humphreys will work on the agenda, with suggestions from Board members. The agenda will be further discussed at the July 11, 2008 Board Meeting.

**SDCL 9-14-24**, Neugebauer discussed Preliminary Draft of Proposed Revision to SDCL 9-14-24. Neugebauer has been working on revisions with the South Dakota Municipal League.

**On motion** by Bacon and seconded by Shafai, the Board will support Neugebauer to move the revisions of SDCL 9-14-24 forward on behalf of the Board. Accepted.

**Office Lease**, Humphreys has made the decision not to move to another office location in Rapid City. Negotiations are still being worked out because of clauses in the lease.

**Advertisement concerns**, Humphreys discussed. Humphreys is to contact the business in question again regarding changing their website to conform to the Board's original request.

**NEW BUSINESS**

**GOAC, SDBOTP funding. May 14<sup>th</sup> @ Pierre**, discussed by Kolden.

**Stamps-Diameter**, Humphreys discussed with Board.

**Fire Marshall's request**, Discussed by Humphreys. Humphreys is working with the Fire Marshall. It was reiterated that our Board is in the business of licensing and regulating licensure procedures.

**SB186 & SB199**, Discussed by Kolden. Kolden is currently talking with the Attorney General's office to get an interpretation regarding SB186. SB199 to be discussed at the next meeting.

**NCEES, Nomination of Dale Jans for Central Zone Vice President**, Discussed by Humphreys. Mailing will go out on May 9, 2007 to NCEES Central Zone Board of Directors supporting Jans.

### **EXECUTIVE DIRECTOR**

**Updates on: Signature & Stamp on "Not for Construction" or "Preliminary" plans**, Discussion by Stafford and Shafai.

**Exam Site Enforcement**, Discussion by Humphreys.

**Fiscal Year Audit scheduled for May 21 & 22**, Discussion by Humphreys.

**NCEES MLE, mentoring/supervision not necessarily under a P.E.**, Discussion by Humphreys.

**Questions generated by SDES, ACEC & Fire Marshall's office**, Discussion by Humphreys. Humphreys addressed SDES and ACEC meeting. Fire Marshall's office discussion by Humphreys (see NEW BUSINESS above).

**CLARB attendance**, Correspondence by Hazard stating he is unable to attend CLARB annual meeting in September, 2008 in San Diego.

### **INVESTIGATION REPORTS**

**Case 06-02**, Discussion by George-Larson. She has received the engineer and architect's report showing that the items in need of correction have been corrected. George-Larson recommends closing the file. **On motion** by Jans and seconded by Shafai, the case is closed, motion approved.

**Case 08-06**, Discussion by Humphreys, Stafford and George-Larson. Stafford to work with George Larson in preparing a letter to the owner requiring a complete remediation plan for the building and completing the work required to bring the building up to code.

**On motion** by Neugebauer and seconded by Bacon, the Board went into Executive Session.

**On motion** by Jans and seconded by Shafai, the Board came out of Executive Session.

**Case 08-07**, **On motion** by Jans and seconded by Neugebauer, the case is dismissed, motion approved.

**Case 08-08**, Discussion by Humphreys and Shafai. George-Larson to send an advisory letter to the licensee reiterating that when a licensee receives a complaint from the board, the licensee must respond within the time required by law.

**Case 08-09**, pending.

**Case 08-10**, pending. Neugebauer assigned to this case.

**Case 08-11**, pending. Bacon assigned to this case.

### **CORRESPONDENCE**

**ASHE**, Discussed by Humphreys.

**Kudo's to SDBOTP**, Discussed by Humphreys.

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**MBE list results**, Discussed by Humphreys.

**Rural Land Surveyor Bill in AL**, Discussed by Neugebauer.

Other various board correspondence and emails were reviewed and discussed.

**COMMITTEES/MEETINGS**

**PREVIOUS**

4/3/08 to 4/5/08 - Stafford reported on NCARB Regions II & V Meeting in Omaha. Stafford was elected as Region V Treasurer.

**UPCOMING**

5/15/08 to 5/17/08 – NCEES Central/Western zones, N.D. – Jans, Shafai, Neugebauer, Bacon and Humphreys attending.

6/25/08 to 6/28/08 – NCARB annual, Pittsburg – Stafford, Hazard, Humphreys attending.

8/13/08 to 8/16/08 – NCEES annual, Minneapolis – Jans, Shafai, Neugebauer, Bacon and Humphreys attending. (Board already approved, need to submit to State)

9/04/08 TO 9/06/08 – CLARB annual, San Diego – Stafford and Hazard will not be attending.

**On motion** by Jans and seconded by Bacon, the Board authorized Humphreys to act as proxy at the CLARB annual meeting. Approved.

11/08 – NCARB MBE, Washington, DC – Humphreys attending.

**BOARD MEETING SCHEDULE** The next Board meeting is scheduled for **Friday, July 11, 2008.**

Scheduled: **September 19, 2008; November 14, 2008.**

**ADJOURN** **On motion** by Jans and seconded by Shafai, the meeting was adjourned at 3:35 pm.



Mark Humphreys, Executive Director