

**SOUTH DAKOTA  
STATE BOARD OF TECHNICAL PROFESSIONS  
Board Minutes**

Minutes of the regular meeting Friday, May 20, 2011

The South Dakota State Board of Technical Professions held its regular meeting on Friday, May 20, 2011 in its Board Room, Rushmore Building, Rapid City, South Dakota; Chairman Jeff Hazard, presided.

The meeting was called to order at 8:33 a.m.

The following board members were present: Chairman Jeff Hazard, Vice Chairman Drake Olson, Secretary Hani Shafai, Randy Bacon, Dennis Micko, and Jeffrey Nelson. Others present were staff members Mark Humphreys and Kathryn Patterson. Also present was Staff Attorney Aaron Arnold via telephone. Board member Leonard Neugebauer was absent.

**Agenda Items:**

- 1) Approval of March 18, 2011 Minutes (Motion)
- 2) Approval of vouchers since last meeting (Motion)
- 3) Activities report ending April 2011, Review of Deposits & Quarterly report (FYI)
- 4) Investigation reports
- 5) Old Business
- 6) New Business
- 7) PDH Audits (Motion)
- 8) Approval of applicants by examination (Appendix A, Motion)
- 9) Approval of Comity applications (Appendix B, Motion)
- 10) Approval of Business applications (Appendix C, Motion)
- 11) Review previous applications, disciplinary action & Exam App (Appendix D, Motion)
- 12) Annual, zone, committee meeting reports & upcoming meetings
- 13) Correspondence
- 14) Future board meeting schedule
- 15) Adjournment (Motion)

**AGENDA ITEM #1 APPROVAL OF MARCH 18, 2011 BOARD MEETING MINUTES (MOTION)**

**MOTION:** By Shafai, seconded by Bacon, to approve the Minutes.

**ACTION:** 6-0 AYE (Bacon, Hazard, Micko, Nelson, Olson, Shafai)

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**AGENDA ITEM #2 APPROVAL OF VOUCHERS SINCE LAST MEETING (MOTION)**

**MOTION:** By Bacon, seconded by Olson, to approve the Vouchers.

**ACTION:** 6-0 AYE (Bacon, Hazard, Micko, Nelson, Olson, Shafai)

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**AGENDA ITEM #3 ACTIVITES REPORT ENDING APRIL 2011 & REVIEW OF DEPOSITS & QUARTERLY REPORT (FYI)**

Discussion was held regarding the depositing of monies prior to approval of applications and it was noted that the State of South Dakota does not allow the office to hold monies. There was also a discussion on the postage amount on the quarterly report and it was noted that rates have increased for weights over one ounce and there are more mailings going out of office.

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## AGENDA ITEM #4 INVESTIGATION REPORTS

- Case 09-03 Failure to report Disciplinary Action (Appeal)**  
Humphreys updated the Board on the status of this case and the appeal filed by the licensee, Nathan T. Hunke. Staff Attorney Arnold noted that the stay against revoking the licenses of Nathan T. Hunke and Coteau Environmental had been granted and briefs are to be sent for Circuit Court.
- Case 09-06 Competency and Professional Conduct**  
Humphreys updated the Board on the status of pending case.
- Case 09-07 Competency and Professional Conduct**  
Case is currently on hold.
- Case 11-01 Practicing without a Certificate of Authorization (CoA) for Business Consent Agreement has been received and signed by the licensee. MOTION: By Shafai, seconded by Olson, to approve the Consent Agreement. ACTION: 6-0 AYE (Bacon, Hazard, Micko, Nelson, Olson, Shafai)**
- Case 11-02 Engineer cross practicing as a Land Surveyor**  
Humphreys reported as of this date there is there is no update but hopes to have a recommendation by the next Board meeting.
- Case 11-03 Possible practice of an unlicensed Engineer (Need to assign a Board Member)**  
Humphreys noted that a new Board member would need to be assigned to this case considering the new appointees to the Board. Dennis Micko is to be assigned to the investigative committee.
- Case 11-04 Land Surveying issue**  
Humphreys reported that this case is in the investigative stages.

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## AGENDA ITEM #5 OLD BUSINESS

**Action Items** - reports - Reported that Randy Bacon, Leonard Neugebauer and Warren Fisk have updated the South Dakota Land Survey Take Home Exam. Discussion was held on other items on the Action Item list and the status of each.

**Rules and Statutes** - reports - Discussion was held on the revisions of the rules and statutes. Chairman Hazard suggested a Wednesday arrival for the July Board meeting with a Thursday morning review of the revisions to Rules and Statutes and Thursday afternoon to review files for the Friday Board meeting.

**FTE & Investigator Duties** - Humphreys noted that he will need to get a better definition of the .5 FTE that has been approved. The position of Secretary has been posted and closed with 58 applications being received for the position.

**Candidate ID numbers** - Discussion was held by the Board with Humphreys and Staff Attorney Arnold noting that they will need to get together on this item.

**Board Members reappointed:** Bacon & Shafai. Congratulations were given to Bacon and Shafai for being reappointed to the Board for another term.

**Transition to new DLR liaison for SDBOTP** - report - DLR has decided there will not be a transition to a new liaison for SDBOTP as previously reported. Todd Kolden will continue to be the liaison for the Board.

**SDBOTP's presentation to SDSM&T Seniors on benefits of licensure** - Humphreys did a presentation to the seniors at SDSM&T on the benefits of licensure. It is hoped that next year this may also be presented to the juniors.

**ABET** - Data on ABET's website regarding accreditation dates and ranges was/is inaccurate. - Humphreys noted nothing new to report on this item.

**Construction Administration Services** - Humphreys and Staff Attorney Arnold have worked together for a resolution to this issue.

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## **AGENDA ITEM #6 NEW BUSINESS**

**Welcome New Board Members:** Dennis Micko PE and Jeffrey Nelson AR - Chairman Hazard welcomed the new Board members.

### **Election of Board Officers**

**MOTION:** By Bacon, seconded by Micko to nominate Drake Olson for Chairman of the Board effective July 1, 2011.

**ACTION:** 6-0 AYE (Bacon, Hazard, Micko, Nelson, Olson, Shafai)

**MOTION:** By Bacon, seconded by Micko to nominate Hani Shafai for Vice Chairman of the Board effective July 1, 2011.

**ACTION:** 6-0 AYE (Bacon, Hazard, Micko, Nelson, Olson, Shafai)

**MOTION:** By Bacon, seconded by Micko to nominate Leonard Neugebauer for Secretary of the Board effective July 1, 2011.

**ACTION:** 6-0 AYE (Bacon, Hazard, Micko, Nelson, Olson, Shafai)

### **Emeritus Status with NCEES for former Board Member, Dale Jans**

**MOTION:** By Nelson, seconded by Bacon for Chairman Hazard to draft a letter to NCEES giving emeritus status to Dale Jans.

**ACTION:** 6-0 AYE (Bacon, Hazard, Micko, Nelson, Olson, Shafai)

**Design Competition - Definition** - Humphreys requested a clarification between Design Competition and Request for Proposals. By a consensus of the Board entering a competition is offering to practice and in conflict with other statutes and rules. Recommend review by the Board's Rules Committee for removal of design competition.

**NCEES 2016 Annual Meeting, RFP for Host Cities in the Central Zone.** - Humphreys has contacted the Rapid City Chamber of Commerce and Visitor's Bureau regarding the feasibility of hosting the Annual Meeting here. A proposal will be put together and sent to NCEES for consideration.

**Due Process** - Discussion was held by Humphreys, the Board and Staff Attorney Arnold regarding the due process that an applicant has regarding the denial of an application.

**Bid Law Requirements** - Item to be carried over to next Board meeting for discussion.

**CLARB - LARE Graphics portion. SDBOTP to proctor examinations in June.** - Two candidates will be taking exams in the Board office on June 13 and 14.

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## **AGENDA ITEM #7 PDH AUDITS (MOTION)**

**NEW AUDITS:** Kenneth R. Brown, AR; Conn Davis, LS; Gary M. Eldevik, LS; Stephen Roger Elliott, PE/AR; Stephen Frankosky, PE; Brian C. Korte, AR; Kent A. Orvik, LS; Kent A. Quail, PE; Robert A. Rothermel, PE; and N. Ray Thornton, Jr., PE.

**MOTION:** By Nelson, seconded by Olson for approval of the following AR audits:  
Stephen Roger Elliott, PE/AR; and Brian C. Korte, AR.

**ACTION:** 6-0 AYE (Bacon, Hazard, Micko, Nelson, Olson, Shafai)

**MOTION:** By Nelson, seconded by Olson that the AR audit of Kenneth R. Brown, AR, be held for further information.

**ACTION:** 6-0 AYE (Bacon, Hazard, Micko, Nelson, Olson, Shafai)

**MOTION:** By Bacon, seconded by Shafai for approval of the following LS audits:  
Conn Davis, LS; Gary M. Eldevik, LS; and Kent A. Orvik, LS.

**ACTION:** 6-0 AYE (Bacon, Hazard, Micko, Nelson, Olson, Shafai)

**MOTION:** By Shafai, seconded by Olson for approval of the following PE audits:  
Stephen Roger Elliott, PE/AR; Stephen Frankosky, PE; Robert A. Rothermel, PE; and N. Ray Thornton, Jr., PE.

**ACTION:** 6-0 AYE (Bacon, Hazard, Micko, Nelson, Olson, Shafai)

**MOTION:** By Shafai, seconded by Olson the PE audit of Kent A. Quail, PE, be held for further information.

**ACTION:** 6-0 AYE (Bacon, Hazard, Micko, Nelson, Olson, Shafai)

**REVIEW PREVIOUS AUDITS:** Kevin P. Bauman, PE; Dennis P. Carlisle, LS; Rickert C. Henriksen, PE; and Richard D. Turley, PE.

**MOTION:** By Shafai, seconded by Olson for approval of the audit of Kevin P. Bauman, PE, with the stipulation of an automatic audit at the next renewal.

**ACTION:** 6-0 AYE (Bacon, Hazard, Micko, Nelson, Olson, Shafai)

**MOTION:** By Shafai, seconded by Olson for approval of the audit of Richard D. Turley

**ACTION:** 6-0 AYE (Bacon, Hazard, Micko, Nelson, Olson, Shafai)

**MOTION:** By Olson, seconded by Shafai the audit of Rickert C. Henriksen, PE, be held for further information.

**ACTION:** 6-0 AYE (Bacon, Hazard, Micko, Nelson, Olson, Shafai)

Requested information has not been received from Dennis P. Carlisle, LS.

**MOTION:** By Shafai, seconded by Micko for Staff Attorney Arnold to draft a Notice to Revoke License for Dennis P. Carlisle, LS for not complying with audit request for information.

**ACTION:** 6-0 AYE (Bacon, Hazard, Micko, Nelson, Olson, Shafai)

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**AGENDA ITEM # 8 APPROVAL OF APPLICANTS BY EXAMINATION, AR (MOTION)**

**MOTION:** By Nelson, seconded by Bacon for approval of the following Architect (AR) by Examination.

**ACTION:** 6-0 AYE (Bacon, Hazard, Micko, Nelson, Olson, Shafai)

Name	City	State	Profession	#
Kranz, Ryan Christopher	Sioux Falls	SD	AR	10913

**AGENDA ITEM # 9 APPROVAL OF COMITY APPLICATIONS (MOTION)**

**MOTION:** By Nelson, seconded by Olson for approval of the following Architects (AR) by Comity.

**ACTION:** 6-0 AYE (Bacon, Hazard, Micko, Nelson, Olson, Shafai)

Date Licensed	Name	City	State	Profession	#
05/20/2011	Schmitz, Robert Joseph	Cincinnati	OH	AR	10916
05/20/2011	Walker, Forrest Lynn	Wichita	KS	AR	10918
05/20/2011	Black, Michael Ray	Arlington	TX	AR	10914
05/20/2011	Matthews, Gregory Lee	Billings	MT	AR	10915
05/20/2011	Strobel, Russel A	Redlands	CA	AR	10917

**MOTION:** By Shafai, seconded by Nelson for approval of the following Landscape Architect (LA) Comity Application.

**ACTION:** 6-0 AYE (Bacon, Hazard, Micko, Nelson, Olson, Shafai)

Date Licensed	Name	City	State	Profession	#
05/20/2011	Oslund, Thomas Richard	Minneapolis	MN	LA	10919

**MOTION:** By Bacon, seconded by Olson, Glen Joseph Davis is denied for comity as a Land Surveyor (LS) pending more information on experience.

**ACTION:** 6-0 AYE (Bacon, Hazard, Micko, Nelson, Olson, Shafai)

**MOTION:** By Bacon, seconded by Olson, Robert Martin McEntee is denied for comity as a Land Surveyor (LS) pending more information on experience.

**ACTION:** 6-0 AYE (Bacon, Hazard, Micko, Nelson, Olson, Shafai)

**MOTION:** By Bacon, seconded by Olson for approval of the following Land Surveyor (LS) Comity Applications.

**ACTION:** 6-0 AYE (Bacon, Hazard, Micko, Nelson, Olson, Shafai)

Date Licensed	Name	City	State	Profession	#
05/20/2011	Farley, LeRoy Wayne	Catoosa	OK	LS	10920
05/20/2011	Haddick, William Joseph	Cambridge	MN	LS	10921
05/20/2011	Swanson, David Lawrence	Loveland	CO	LS	10923
05/20/2011	Saxton, Kimberly Anne	Niceville	FL	LS	10922
05/20/2011	Trosen, Scott C	Shakopee	MN	LS	10924

**MOTION:** By Shafai, seconded by Nelson, Mythili Chaganti is denied comity as a Professional Engineer (PE) based on not meeting the requirements of a substantially equivalent ABET Bachelors of Science Engineering degree as determined by NCEES Credentials Evaluations (formerly known as CPEES).

**ACTION:** 6-0 AYE (Bacon, Hazard, Micko, Nelson, Olson, Shafai)

**MOTION:** By Shafai, seconded by Nelson, Vito Schifano is denied comity as a Professional Engineer (PE) based on not meeting the educational requirements of having a Bachelors of Science degree from an ABET

accredited program and for not having met the requirements of NCEES Fundamentals of Engineering Examination.

**ACTION:** 6-0 AYE (Bacon, Hazard, Micko, Nelson, Olson, Shafai)

**MOTION:** By Shafai, seconded by Nelson, Wissam Zalzali is denied comity as a Professional Engineer (PE) based on not meeting the requirements of a substantially equivalent ABET Bachelors of Science Engineering degree as determined by CPEES (now known as NCEES Credentials Evaluations).

**ACTION:** 6-0 AYE (Bacon, Hazard, Micko, Nelson, Olson, Shafai)

**MOTION:** By Olson, seconded by Shafai for approval of the following Professional Engineer (PE) Comity Applications.

**ACTION:** 6-0 AYE (Bacon, Hazard, Micko, Nelson, Olson, Shafai)

Date Licensed	Name	City	State	Profession	#
05/20/2011	Abbott, Richard Thomas	Elko New Market	MN	PE	10925
05/20/2011	Aldave, Andres A.	Bountiful	UT	PE	10926
05/20/2011	Antequino, Ronnald F	Hoffman Estates	IL	PE	10927
05/20/2011	Cook, Lynn Walter	Eugene	OR	PE	10928
05/20/2011	Ding, Yongcong	Minneapolis	MN	PE	10929
05/20/2011	Drake, Daniel Blaine	Osseo	MN	PE	10930
05/20/2011	Dzwonczyk, John Gregory	Avon Lake	OH	PE	10931
05/20/2011	Effenberger, Anthony James	Mankato	MN	PE	10932
05/20/2011	Egerton, Ted T.	Las Vegas	NV	PE	10933
05/20/2011	Erickson, Brent R	Bismarck	ND	PE	10934
05/20/2011	Falbe, Michael J	Kansas City	MO	PE	10935
05/20/2011	Goss, Martin Joseph	Cincinnati	OH	PE	10955
05/20/2011	Herzog, Joshua Eric	Minneapolis	MN	PE	10936
05/20/2011	Johnson, Matthew Odell	Burnsville	MN	PE	10937
05/20/2011	Keller, Chad A	Omaha	NE	PE	10938
05/20/2011	Kennell, Brian Bradford	Tulsa	OK	PE	10939
05/20/2011	Killian, Daniel M.	Plano	TX	PE	10940
05/20/2011	Kuehl, Bradley J	Luxemburg	WI	PE	10941
05/20/2011	Lindhahl, David C.	Saint Paul	MN	PE	10942
05/20/2011	Maag, Kenneth Alan	Defiance	OH	PE	10943
05/20/2011	Madden, Michael John	La Palma	CA	PE	10944
05/20/2011	Makin, Mark L.	Payson	UT	PE	10945
05/20/2011	Mueller, Aaron R.	Saint Paul	MN	PE	10946
05/20/2011	Pemberton, Kimberly Leigh	Kansas City	MO	PE	10947
05/20/2011	Rollins, Brad John	Sacramento	CA	PE	10948
05/20/2011	Schott, David Gene	Phoenix	AZ	PE	10949
05/20/2011	Secary, Daniel William	Aurora	CO	PE	10950
05/20/2011	Smithback, Jerhod Thomas	Mankato	MN	PE	10951
05/20/2011	Stanek, Richard Henry	Mokena	IL	PE	10952
05/20/2011	Tretter, David Anthony	Saint Louis	MO	PE	10953
05/20/2011	Walsh, Scott Michael	Gainesville	VA	PE	10954

**AGENDA ITEM #10 APPROVAL OF BUSINESS APPLICATIONS (MOTION)**

**MOTION:** By Nelson, seconded by Shafai for denial of Zalzali & Associates, Inc. for a business license based on denial of individual Comity Application of Wissam Zalzali.

**ACTION:** 6-0 AYE (Bacon, Hazard, Micko, Nelson, Olson, Shafai)

**MOTION:** By Nelson, seconded by Shafai for denial of the land surveying portion of the business license of Lochsa Survey and Engineering based on denial of the individual Comity Applications of Glen Joseph Davis (LS) and Robert Martin McEntee (LS).

**ACTION:** 6-0 AYE (Bacon, Hazard, Micko, Nelson, Olson, Shafai)

**MOTION:** By Nelson, seconded by Shafai for approval of the following Business Applications.

**ACTION:** 6-0 AYE (Bacon, Hazard, Micko, Nelson, Olson, Shafai)

<b>Date Licensed</b>	<b>Company Name</b>	<b>City</b>	<b>State</b>	<b>Profession</b>	<b>#</b>
05/20/2011	Aldave & Associates	Bountiful	UT	PE	C-6523
05/20/2011	Bob D. Campbell and Company	Kansas City	MO	PE	C-6524
05/20/2011	Braun Intertec Geothermal, LLC	Bloomington	MN	PE	C-6525
05/20/2011	Capital Land Services, Inc	Edmond	OK	PE	C-6526
05/20/2011	ClarkDietrich Engineering Services, LLC	Mcdonough	GA	PE	C-6527
05/20/2011	Electric Supply Co.	Sioux Falls	SD	PE	C-6528
05/20/2011	ESDC, Inc.	Tulsa	OK	PE	C-6529
05/20/2011	Gustin, Cothorn & Tucker, Inc.	Niceville	FL	LS	C-6530
05/20/2011	Herzog Engineering, LLC	Minneapolis	MN	PE	C-6531
05/20/2011	J.F. Sato and Associates, Inc.	Littleton	CO	PE	C-6532
05/20/2011	JGD Associates, Inc.	Avon Lake	OH	PE	C-6533
05/20/2011	KO Productions, LLC dba PMT Consulting	Brookings	SD	PE	C-6534
05/20/2011	KZF Design Inc.	Cincinnati	OH	AR	C-6535
05/20/2011	Landform Professional Services	Minneapolis	MN	PE/LS	C-6536
05/20/2011	Lee Technologies Services, Inc.	Fairfax	VA	PE	C-6537
05/20/2011	Lochsa Survey and Engineering	Las Vegas	NV	PE	C-6548
05/20/2011	Olympus Technologies, Inc	Eugene	OR	PE	C-6538
05/20/2011	Oslund and Associates	Minneapolis	MN	LA	C-6539
05/20/2011	PDMS Design Group	Arlington	TX	AR	C-6540
05/20/2011	Poggemeyer Design Group, Inc.	Bowling Green	OH	PE	C-6541
05/20/2011	Point 2 Structural Engineers, Inc.	Sacramento	CA	PE	C-6542

Date Licensed	Name	City	State	Profession	#
05/20/2011	Sage Engineers, Inc.	Meridian	ID	PE	C-6543
05/20/2011	Strobel Architects	Redlands	CA	AR	C-6544
05/20/2011	TREKK Design Group, LLC	Kansas City	MO	PE	C-6545
05/20/2011	United Excel Design, PC	Saint Louis	MO	PE/AR	C-6546
05/20/2011	Western Research and Development, Ltd.	Cheyenne	WY	LS	C-6547

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**AGENDA ITEM #11 REVIEW PREVIOUS APPLICATIONS, DISCIPLINARY ACTION & EXAM APPLICATION**

**MOTION:** By Shafai, seconded by Nelson for approval of the following PE Comity Application on second review following NCEES education evaluation.

**ACTION:** 6-0 AYE (Bacon, Hazard, Micko, Nelson, Olson, Shafai)

Name	City	State	Profession
Goss, Martin Joseph	West Chester	OH	PE

After reviewing the additional experience presented to the Board, the following candidates should be encouraged to re-apply for the next examination administration.

Name	Profession/ Discipline
Hartwell, Aaron Joel	CE
Tideman, Blake Michael	CE

**MOTION:** By Shafai, seconded by Micko for approval of the following PE Licensee self-report of Disciplinary action in another jurisdiction.

**ACTION:** 6-0 AYE (Bacon, Hazard, Micko, Nelson, Olson, Shafai)

Name	City	State	Profession
Allen, Chad M.	Appleton	WI	PE

**MOTION:** By Shafai, seconded by Micko for approval of the following Business License self-report of Disciplinary action in another jurisdiction.

**ACTION:** 6-0 AYE (Bacon, Hazard, Micko, Nelson, Olson, Shafai)

Name	City	State	Profession
TCGroup Inc.	Appleton	WI	PE



**AGENDA ITEM #12 ANNUAL, ZONE, COMMITTEE REPORTS & UPCOMING MEETINGS**

**PREVIOUS** - 05/05/11 to 05/07/11 - NCEES Central Zone Meeting, Detroit, MI - Shafai and Neugebauer attended. Shafai assigned as delegate. (NCEES pays for Shafai, SDBOTP pays for Neugebauer)  
Board member Leonard Neugebauer sent a report on the meeting for review by the Board.

**UPCOMING** - 06/22/11 to 06/25/11 - NCARB Annual Meeting & Conference, Washington, D.C. - Hazard & Humphreys. Reassigned funded delegate position to Hazard. (NCARB pays for delegate. SDBOTP pays others)  
Humphreys received permission for Jeffrey Nelson to attend this Meeting but he will not be attending due to previous commitments.

08/24/11 to 08/27/11 - NCEES Annual Meeting, Providence, RI. - Shafai, Neugebauer, Bacon, Micko & Humphreys. Board needs to assign delegate. (NCEES pays for delegate & possibly first time attendee. SDBOTP pays for others). (Motion)  
Board assigned Shafai as delegate. Humphreys noted that first-time attendee funding may be available for Micko, will verify prior to next Board meeting.

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**AGENDA ITEM #13 CORRESPONDENCE (FOR REVIEW AND DISCUSSION, IF DESIRED)**

Compliments  
National Museum of Surveying  
Architecture Licensure Concerns  
NCEES BOD Meeting  
STR16 Examination and Reporting acceptable results.  
AAES Newsletter  
Other various board correspondence/Email - Provided as informational for Board review.

**AGENDA ITEM #14 FUTURE BOARD MEETING SCHEDULE**

July 29, 2011; September 23, 2011; November 18, 2011

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**AGENDA ITEM #15 ADJOURNMENT (MOTION)**

**MOTION:** Olson, seconded by Nelson, to adjourn.

**ACTION:** 6-0 AYE (Bacon, Hazard, Micko, Nelson, Olson, Shafai)

There being no further business, at the hour of 4:45 p.m., the South Dakota Board of Technical Professions adjourned.



Mark Humphreys, Executive Director

Submitted by Kathryn Patterson, Senior Secretary, SDBOTP