

SOUTH DAKOTA
STATE BOARD OF TECHNICAL PROFESSIONS
Board Minutes

Minutes of the regular meeting Friday, September 17, 2010

The South Dakota State Board of Technical Professions held its regular meeting on Friday, September 17, 2010 in its Board Room, Rushmore Building, Rapid City, South Dakota; Chairman Jeff Hazard, presided.

The meeting was called to order at 8:32 a.m.

The following board members were present: Chairman Jeff Hazard, Vice Chairman Drake Olson, Secretary Hani Shafai, Randy Bacon, Dale Jans, Leonard Neugebauer, and David Stafford. Others present were staff members Mark Humphreys, Mary Ann Myers, and Kathryn Patterson. Staff Attorney Aaron Arnold was also present for a portion of the meeting.

Agenda Items:

- 1) Approval of July 30th 2010 Minutes (Motion)
- 2) Approval of vouchers since last meeting (Motion)
- 3) Activities report ending August 2010 & Review of Deposits (FYI)
- 4) Investigation reports
- 5) Old Business
- 6) New Business
- 7) PDH Audits (Motion)
- 8) Approval to take the LA examination for December 2010 (Appendix A, Motion)
- 9) Approval of applicant by examination PR (Appendix B, Motion)
- 10) Approval of Comity applications (Appendix C, Motion)
- 11) Approval of Business applications (Appendix D, Motion)
- 12) Review previous applications, Reinstate (Appendix E Motion)
- 13) Annual, zone, committee meeting reports & upcoming meetings
- 14) Correspondence
- 15) Future board meeting schedule
- 16) Adjournment (Motion)

AGENDA ITEM #1 APPROVAL OF JULY 30, 2010 BOARD MEETING MINUTES (MOTION)

Chairman Hazard noted that he felt there should have been more detail on the rules and statutes revisions discussion that was held during the July 30, 2010 meeting.

MOTION: By Neugebauer, seconded by Shafai, for approval of minutes of July 30, 2010

ACTION: 7-0 AYE (Bacon, Hazard, Jans, Neugebauer, Olson, Shafai, Stafford)

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

MOTION: By Jans , seconded by Bacon, for approval of vouchers since last meeting.

ACTION: 7-0 AYE (Bacon, Hazard, Jans, Neugebauer, Olson, Shafai, Stafford)

AGENDA ITEM #3 ACTIVITES REPORT ENDING AUGUST 2010, REVIEW OF DEPOSITS (FYI)

Jans discussed that it was interesting to see how some of the numbers of the professions seem to have moved around; South Dakota resident licenses have increased in some professions; the out-of-state license numbers have decreased by the same number with the total number remaining the same. Overall there is an increase in new licenses.

AGENDA ITEM #4 INVESTIGATION REPORTS

Case 09-03 Failure to report Disciplinary Action - Neugebauer noted that there was a hearing held in May regarding this case, a response from the Board's counsel has been made and a brief from opposing counsel have been received. The parties involved are waiting for the hearing examiner to forward his findings.

Case 09-06 Competency and Professional Conduct - Humphreys noted that the investigative committee is trying to negotiate an informal agreement with this individual and if no movement is made along this line, he may come back to the Board for further action.

Case 09-07 Competency and Professional Conduct - Neugebauer noted that this case is currently on hold.

Case 11-01 Practicing without a Certificate of Authorization (CoA) for Business - Hazard has been assigned to this case and the investigative committee is awaiting paperwork from the individual.

AGENDA ITEM #5 OLD BUSINESSES

Action Items - reports - Humphreys reviewed action items as a reminder to the Board of what was on the list.

Rules and Statutes - reports - Hazard reported that this is still a work in progress for all, and that the land surveyors are coming along well. Humphreys commented that at the NCEES Annual Meeting in Denver discussion was held on electronic seals and signatures and that the purpose of them is to be general in nature without having to be updated for any software changes. Chairman Hazard requested any of the Board members that had volunteered to work on the various rules and statutes revisions to please provide their input.

Budget, FTE & Investigator Duties - Humphreys noted that the budget was due since the last meeting and that the request for a fourth FTE (full time employee) was met with concerns from the umbrella agency for the Board. Renewal and new license numbers were given since 2006 in support of another employee. It was also noted in discussions with DOL (Department of Labor) that Humphreys and a Board member may need to testify before the Legislature about the need of a fourth employee. Shafai noted that a fourth FTE could be designated for Investigator duties and help with office work as needed. Neugebauer spoke about the meeting he attended at the NCEES meeting and the practice of North Carolina in using prior law enforcement personnel as investigators. Chairman Hazard offered to write a letter in support of a fourth FTE with primary duties as an investigator.

NCEES Credentials Evaluations Services (formerly CPEES) evaluations of domestic degrees - Shafai spoke on this process being moved to Clemson, SC. There will be a new process in effect for reviewing the education submitted by applicants. The task force that he was a member of has completed its process, but some members may be asked to review the new process that will be put into place. The new process will look at the whole education package which may include classes taken while the applicant was still in high school. As a result of the education changes, South Dakota may need to change laws in the future.

Licensee's report of Felony Conviction - Staff Attorney Arnold noted that notification by certified mail on two separate occasions has not been accomplished and that service by sheriff that was sent out has been returned as not being able to be served. All reasonable efforts to notify Craig Donald McClatchey, License #7282, having been exhausted; it is the decision of the Board that the license of this individual be revoked.

MOTION: By Stafford, seconded by Neugebauer, for revocation of license.

ACTION: 7-0 AYE (Bacon, Hazard, Jans, Neugebauer, Olson, Shafai, Stafford)

Executive Order 2010-10, Workgroup - Stafford reported that this workgroup was formed to comply with requirements of federal stimulus money for energy codes for commercial and residential buildings. The State is required to adopt an energy code and this is a slow process.

Candidate ID numbers - Staff Attorney Arnold and Humphreys are both working on this item. Humphreys noted that the exam applications serve a dual purpose of applying for examination and also for licensure upon passing the examination. Staff Attorney Arnold has been in contact with the State Attorney General's office and Secretary Roberts' office regarding the use of Social Security Numbers. The Department of Labor believes that including a waiver on the applications may be the best way to proceed with this issue. Wording will need to be worked out that will inform the applicants what their rights are and what they are waiving. Applicants will need to know exactly what the punishment/consequences would be if they did not waive their rights. Under federal law individuals are required to provide the Social Security Number for licensure. Waiver language will be written to be placed on exam applications and linking to the NCEES identification number in the Board database will be added to the Action Items List.

ABET - State Board Observer for site visit - Shafai reported that he was present during the review of nine programs by ABET (Accreditation Board for Engineering and Technology) at South Dakota School of Mines & Technology. ABET had 12 evaluators on site from Sunday through Tuesday for this process. A preliminary report was given to the school showing that all programs can be accredited. The school would have 7 days to address any concerns raised but there were no deficiencies found.

SDSM&T - Mining program received accreditation - Humphreys stated that an email had been received from the school but that the Board will need confirmation from ABET that the mining program has been accredited.

AGENDA ITEM #6 NEW BUSINESSES

NCEES Elections, Dale Jans is NCEES President - Elect - Congratulations were extended to Dale Jans for being elected as NCEES President-Elect.

Schedule the Board Meeting Dates for 2011 - Calendar was reviewed and Board meeting dates for calendar year 2011 were set as follows: January 28; March 18; May 20; July 29; September 23 and November 18, 2011.

SDBOTP Audit - Scheduled for October - Humphreys noted that an audit of the Board office has been scheduled for the week of Oct. 11-15, 2010 by Ketel Thorstenson, LLP. Recommendations made after the previous audit have been implemented.

NCEES - FE & FS examinations will be moved to Computer Based Testing (CBT) - NCEES has several vendors that are being considered to implement the computer based testing. A vendor will be chosen in Nov. and a process will then begin with the FS testing to be followed by the FE testing depending upon the vendor chosen.

SD Codified Law question by a contractor - A contractor posed a question as to whether an architect should have been used in the expansion of a building in eastern South Dakota. It was the decision of the Board that an architect should have been employed to work with building officials on this project.

Response to Governor's inquiry & E-Forms - Humphreys spoke about a 'portal' that is on the State website with links to forms for the Board but there is confusion between the state website and the Board website as to where exactly the forms are being sent and what exactly is needed from an applicant. A listing of all forms and what they are used for was compiled and sent in response to this inquiry.

Move to Windows 7 - New computers & Office 2010 - New computers for the office staff have been ordered, received and are awaiting BIT to set up and install them.

Approximately 1,700 renewals due in December 2010 - Humphreys brought to the Board's attention that approximately 1700 renewals of individual and business licenses are due to renew in December. Humphreys asked that he be allowed to request a part time person from mid-November through mid-January based on work need.

MOTION: By Stafford, seconded by Shafai, to hire a part time person to help with December renewals.

ACTION: 7-0 AYE (Bacon, Hazard, Jans, Neugebauer, Olson, Shafai, Stafford)

AGENDA ITEM #7 PDH AUDITS (MOTION)

NEW AUDITS: Russell J. Busher, PE; Rodney Mark Ceroll, LS; William Hoch, AR; Gary T. Kurth, PE; John Gilbert Lindvig, LS; Todd D. Mitzel, AR; Sandeep N. Patel, PE; Russell John Schultz, AR; Steven L. Shelton, PE; and John S. Westmoreland, AR, were audited.

MOTION: By Bacon, seconded by Neugebauer, for approval of the following audits: Rodney Mark Cerol, LS; and John Gilbert Lindvig, LS.

ACTION: 7-0 AYE (Bacon, Hazard, Jans, Neugebauer, Olson, Shafai, Stafford)

MOTION: By Shafai, seconded by Stafford, for approval of the following audits: William Hoch, AR; Todd D. Mitzel, AR; Russell John Schultz, AR; and John S. Westmoreland, AR.

ACTION: 7-0 AYE (Bacon, Hazard, Jans, Neugebauer, Olson, Shafai, Stafford)

MOTION: By Jans, seconded by Shafai, that the audits of Russell J. Buscher, PE; and Steven L. Shelton, PE, be held for further information.

ACTION: 7-0 AYE (Bacon, Hazard, Jans, Neugebauer, Olson, Shafai, Stafford)

MOTION: By Jans, seconded by Shafai, that the audit of Gary T. Kurth, PE, be held for further information

ACTION: 6-0 AYE (Bacon, Hazard, Jans, Olson, Shafai, Stafford) Neugebauer abstained.

MOTION: By Jans, seconded by Shafai, that the audit of Sandeep N. Patel, PE, be tabled based on his failure to respond; and that a certified letter be mailed to Mr. Patel.

ACTION: 7-0 AYE (Bacon, Hazard, Jans, Neugebauer, Olson, Shafai, Stafford)

REVIEW PREVIOUS AUDITS: Les L. Brack, PE was reviewed with new submission of information since the July 30, 2010 Board Meeting.

MOTION: By Neugebauer, seconded by Shafai, for approval of the following audit: Les L Brack, PE.

ACTION: 7-0 AYE (Bacon, Hazard, Jans, Neugebauer, Olson, Shafai, Stafford)

AGENDA ITEM #8 APPROVAL TO TAKE LA EXAMINATION FOR DECEMBER 2010 (MOTION)

MOTION: By Stafford, seconded by Jans, for approval of Tanya Olson to take the Landscape Architect Graphic Examinations in December 2010.

ACTION: 7-0 AYE (Bacon, Hazard, Jans, Neugebauer, Olson, Shafai, Stafford)

AGENDA ITEM #9 APPROVAL OF APPLICANTS BY EXAMINATION, PETROLEUM REMEDIATOR (MOTION)

MOTION: By Jans, seconded by Neugebauer, for approval of the following Petroleum Release Remediator Applications by examination.

ACTION: 7-0 AYE (Bacon, Hazard, Jans, Neugebauer, Olson, Shafai, Stafford)

Date Licensed	Name	City	State	Profession	#
09/17/2010	Clough, Herbert F	Beaverton	OR	Remediator	10193
09/17/2010	Eisen, Kevin Andrew	Minneapolis	MN	Remediator	10282
09/17/2010	Johnson, Barbara S	Saint Paul	MN	Remediator	8426
09/17/2010	Koons, Brad William	Saint Paul	MN	Remediator	10295
09/17/2010	Renier, Joseph Maurice	Maple Lake	MN	Remediator	10318

AGENDA ITEM # 10 APPROVAL OF COMITY APPLICATIONS (MOTION)

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

ACTION: 7-0 AYE (Bacon, Hazard, Jans, Neugebauer, Olson, Shafai, Stafford)

Date Licensed	Name	City	State	Profession	#
09/17/2010	Aughtry, Pascal Alain	Oklahoma City	OK	AR	10319
09/17/2010	Cummings, Michael Alan	Kansas City	MO	AR	10320
09/17/2010	Haines, Vince Edward	El Dorado	KS	AR	10321
09/17/2010	Hickey, William Dean	Stillwater	MN	AR	10322
09/17/2010	Holleb, Matthew A	Fort Worth	TX	AR	10323
09/17/2010	Kanning, Jeffery A	Billings	MT	AR	10324
09/17/2010	Mecum, John Douglas	Minneapolis	MN	AR	10325
09/17/2010	Wagner, Randy Ray	Esko	MN	AR	10326

MOTION: By Stafford, seconded by Bacon, for approval of the following Landscape Architects (LA) Comity Applications.

ACTION: 7-0 AYE (Bacon, Hazard, Jans, Neugebauer, Olson, Shafai, Stafford)

Date Licensed	Name	City	State	Profession	#
09/17/2010	Johnson, Joshua James	Rochester	MN	LA	10327
09/17/2010	Odens, Joel Christopher	Saint Paul	MN	LA	10328

MOTION: By Bacon, seconded by Neugebauer, for approval of the following Land Surveyors (LS) Comity Applications.
ACTION: 7-0 AYE (Bacon, Hazard, Jans, Neugebauer, Olson, Shafai, Stafford)

Date Licensed	Name	City	State	Profession	#
09/17/2010	Fredrickson, Mark William	Elkhorn	NE	LS	10329
09/17/2010	Morton, Randy Mitchell	Mandan	ND	LS	10330

MOTION: By Stafford, seconded by Shafai, Tahir Malik is denied for comity based on not meeting the requirements of a substantially equivalent foreign degree as determined by CPEES.

ACTION: 7-0 AYE (Bacon, Hazard, Jans, Neugebauer, Olson, Shafai, Stafford)

MOTION: By Shafai, seconded by Jans, for approval of the following Professional Engineers (PE) Comity Applications.

ACTION: 7-0 AYE (Bacon, Hazard, Jans, Neugebauer, Olson, Shafai, Stafford)

Date Licensed	Name	City	State	Profession	#
09/17/2010	Alexander, Thomas David	Tulsa	OK	PE	10331
09/17/2010	Bollig, Brian Frank	Willmar	MN	PE	10332
09/17/2010	Branch, John Claude	Halstead	KS	PE	10333
09/17/2010	Brown, Gary Edward	Osseo	MN	PE	10334
09/17/2010	Cannizzaro, Carl Steven	Tulsa	OK	PE	10335
09/17/2010	Carnes, Alec R	Dayton	OH	PE	10336
09/17/2010	Claycomb, Elmer Lee	Custer	SD	PE	10337
09/17/2010	Clower, Gary W.	Vienna	OH	PE	10338
09/17/2010	Durkee, Dean Brian	Phoenix	AZ	PE	10339
09/17/2010	Hougland, Fredrick Gene	Tulsa	OK	PE	10340
09/17/2010	Leland, Simon William	Nipomo	CA	PE	10341
09/17/2010	McGlamery, Samuel Tom	Denver	CO	PE	10342
09/17/2010	Mergen, Thomas J	Muscatine	IA	PE	10343
09/17/2010	Mixer, Kenneth Andrew	Bloomington	IL	PE	10344
09/17/2010	Moore, Erik Paul	Pace	FL	PE	10345
09/17/2010	Raker, Erik Emerson	Des Moines	IA	PE	10346
09/17/2010	Romer, Daniel Christopher	Memphis	TN	PE	10347
09/17/2010	Runge II, Robert John	Springville	NY	PE	10348
09/17/2010	Smith, Robert Paul	Cheyenne	WY	PE	10349
09/17/2010	Spindler, Adam Dodd	Gillette	WY	PE	10350
09/17/2010	Stewart, Darren Nils	Durango	CO	PE	10351
09/17/2010	Thomas, Charles Scott	Excelsior	MN	PE	10352
09/17/2010	Thompson, Matthew Jeffrey	Sioux Falls	SD	PE	10353
09/17/2010	Warne, James Robert	Rapid City	SD	PE	10354
09/17/2010	Wilson, Stuart Kevin	Ft Myers	FL	PE	10355

AGENDA ITEM #11 APPROVAL OF BUSINESS APPLICATIONS (MOTION)

MOTION: By Jans, seconded by Bacon, for approval of Business licenses.

ACTION: 7-0 AYE (Bacon, Hazard, Jans, Neugebauer, Olson, Shafai, Stafford)

Date Licensed	Company Name	City	State	Profession	#
09/17/2010	Pascal Aughtry & Associates, PC	Oklahoma City	OK	AR	C-6425
09/17/2010	DSGW Architects	Duluth	MN	AR	C-6417
09/17/2010	Collaborative Design Architects, Inc.	Billings	MT	AR	C-6413
09/17/2010	PKHLS Architecture PA	El Dorado	KS	AR	C-6426
09/17/2010	Collaborative Design Group, Inc.	Minneapolis	MN	AR	C-6414

Date Licensed	Company Name	City	State	Profession	#
09/17/2010	Bollig Inc	Willmar	MN	PE	C-6410
09/17/2010	RJR Engineering, PC	Springville	NY	PE	C-6429
09/17/2010	Gannett Fleming, Inc.	Harrisburg	PA	PE	C-6419
09/17/2010	Robert P. Smith	Beulah	WY	PE	C-6430
09/17/2010	Safety through Engineering, Inc.	New Carlisle	OH	PE	C-6432
09/17/2010	Claycomb Engineering	Custer	SD	PE	C-6412
09/17/2010	Horizon Engineering Services Co.	Tulsa	OK	PE	C-6421
09/17/2010	Powder River Development Services, LLC	Laramie	WY	PE	C-6427
09/17/2010	Dilling Group, Inc.	Logansport	IN	PE	C-6416
09/17/2010	Tank Builders, Inc.	Euless	TX	PE	C-6433
09/17/2010	Lochsa Engineering of Idaho	Boise	ID	PE	C-6423
09/17/2010	The McGlamery Structural Group, Inc.	Denver	CO	PE	C-6434
09/17/2010	Raker Rhodes Engineering, LLC	Des Moines	IA	PE	C-6428
09/17/2010	IPS Engineering, LLC	Tulsa	OK	PE	C-6422
09/17/2010	O'Brien Precast Engineering and Design, Inc.	Taylors	SC	PE	C-6424
09/17/2010	Thompson Environmental Consulting, Inc.	West Des Moines	IA	PE	C-6435
09/17/2010	Hawkinson Associates, LLC	Manchester	MO	PE	C-6420
09/17/2010	Russell Planning and Engineering, Inc.	Durango	CO	PE	C-6431
09/17/2010	D Halter & Associates, LLC	Flandreau	SD	PE	C-6415
09/17/2010	Branch Engineering, Inc.	Lead	SD	PE	C-6411
09/17/2010	42nd Street Design Studio, LLC	Rapid City	SD	LA	C-6418

AGENDA ITEM #12 REVIEW PREVIOUS APPLICATIONS, REINSTATE & RENEWAL (MOTION)

MOTION: By Neugebauer, seconded by Bacon, after second review, Don Michael Brady application for comity be denied based on not taking the NCEES Principles & Practice of Land Surveying Examination.

ACTION: 7-0 AYE (Bacon, Hazard, Jans, Neugebauer, Olson, Shafai, Stafford)

MOTION: By Jans, seconded by Shafai, to approve the licensee renewal application of Kathleen Marie Spilman, PE.

ACTION: 7-0 AYE (Bacon, Hazard, Jans, Neugebauer, Olson, Shafai, Stafford)

AGENDA ITEM #13 ANNUAL, ZONE, COMMITTEE REPORTS & UPCOMING MEETINGS

PREVIOUS - 08/18/10 to 08/21/10 - NCEES Annual Meeting, Denver, CO - Jans, Bacon, Neugebauer Shafai and Humphreys. (NCEES Paid for Jans & Bacon.)

Discussion by Jans, Bacon, Neugebauer, Shafai, and Humphreys regarding the Annual meeting they attended. Humphreys reported that there was a lot of good information presented. He also reported on the law enforcement seminar he attended at the meeting and discussion that was held on candidate ID numbers and how other jurisdictions are handling this issue with applicants.

Jans noted that it was interesting how things have changed over the years at NCEES with what was not passed a couple of years ago is now being passed. Discussion was also held on the move to CBT (Computer Based Testing) for engineers.

Bacon and Neugebauer mentioned that NCEES is planning to do a Professional Activities and Knowledge Study (PAKS) on the FS exam. There is a move on a national basis to drop the word 'land' from land surveying and make it just surveying. Shafai spoke on additional education beyond a Bachelor of Science and licensure. This discussion will continue in future meetings.

08/26/10 to 08/28/10 - CLARB Annual Meeting, Baltimore MD - Stafford. (CLARB paid)

Stafford reported that many of the attendees at the CLARB meeting were actually members of NCARB and participation in CLARB is low. Stafford approached CLARB staff and the current president about the possibility of amending CLARB's by-laws to allow member Boards to appoint a Landscape Architect to represent them at CLARB meetings.

AGENDA ITEM #14 CORRESPONDENCE (FOR REVIEW AND DISCUSSION, IF DESIRED)

Compliments - Several were noted for the office staff that were received from applicants.

NCEES New 16 - Hour Structural Exam - Board staff will need to decide how to notate in their database when an applicant has taken the 16-hour exam and how to report to other boards. Humphreys noted that staff will need to see what NCEES is reporting as a notation for this test. Shafai suggested noting this as STE rather than ST16 as this 16 hour may change in the future. Jans noted that some states have stated that if an applicant passes 8 hours of this testing they will give them a license as a PE. There will be language coming out from NCEES later this year in reference to licensure after taking this test.

Continuation of Uses - After review by the Board, it was agreed that this is a city code issue.

Editorials - Humphreys presented emails received for informational purposes only.

Question concerning the use of Professional Title - The Board determined that the Rules and Statutes on this subject are very clear that a foreign licensed architect who is not licensed in any jurisdiction in the United States may not use the title of Architect in association with their name.

Other various board correspondence/Email - Reviewed by the Board for informational purposes. One from NCARB on what the Board has planned to do to implement the Part 2 Rolling Clock (5 year rolling clock). Another email of proposed legislation that DOL wants to receive all proposed legislation by a certain deadline if this Board would have any.

Outstanding documents - Humphreys noted to the Board that documentation for travel vouchers for prior attendance at meetings needs to be turned in for completion of vouchers.

AGENDA ITEM #15 FUTURE BOARD MEETING SCHEDULE

November 19, 2010

January 28, 2011; March 18, 2011; May 20, 2011; July 29, 2011; September 23, 2011; and November 18, 2011

AGENDA ITEM #16 ADJOURNMENTS (MOTION)

MOTION: By Olson, seconded by Shafai that the meeting be adjourned.

ACTION: 7-0 AYE (Bacon, Hazard, Jans, Neugebauer, Olson, Shafai, Stafford)

There being no further business, at the hour of 1:00 p.m., the South Dakota Board of Technical Professions adjourned.



Mark Humphreys, Executive Director

Submitted by Kathryn Patterson, Secretary, SDBOTP