

September 19, 2008

**REGULAR MEETING OF THE  
SOUTH DAKOTA  
STATE BOARD OF TECHNICAL PROFESSIONS  
September 19, 2008**

**MEETING** The regular meeting of the South Dakota State Board of Technical Professions was held on Friday, September 19, 2008, at 8:28 a.m. in the board office in Rapid City. **Chairman**, Dale Jans, presided.

1. **REVIEW** Board members reviewed applications.

2. **ROLL CALL** Other board members present were Randy Bacon, **Vice Chairman**, Jeffery Hazard, **Secretary**, Hani Shafai, Leonard Neugebauer, and David Stafford. Others present were Warren Fisk, Investigator, Shannon George-Larson, Special Assistant Attorney General, Catherine Duenwald, Special Assistant Attorney General, and staff members Mark Humphreys, Wendy Whipple, and Mary Ann Myers. Todd Kolden attended via telephone at 1:50 p.m.. The Public Member seat is vacant as the replacement has yet to be appointed by the State as of this date.

3. **SPECIAL ANNOUNCEMENTS** Jans thanked Shannon George-Larson for her services for the six plus years of providing legal representation for our Board. She will be stepping down and taking the position of hearing officer in Sisseton, SD. Jans welcomed Catherine Duenwald as the new legal representative for our Board.

4. **MINUTES** On motion by Bacon and seconded by Shafai, minutes of the July 11, 2008 meeting were approved.

5. **FISCAL** On motion by Neugebauer and seconded by Bacon, vouchers from the last Board meeting were approved.

**Review of Deposits** – Discussed by Humphreys. Board office implementing check and balance recommendations by Ketel Thorstenson LLC, CPA after their audit.

**Activities Report for the Year** – Discussed by Jans. There have been 107 additional active licensees from January 2008 to present.

**13. INVESTIGATION REPORTS**

**Case 08-06** Discussion by George-Larson. Stafford and Humphreys reported updates. Duenwald further checked on current updates during this Board meeting and reported updates to the Board.

**On motion** by Bacon and seconded by Shafai, Duenwald is instructed by the Board to write a letter to the attorney for the owner of the building on Tuesday, September 23, 2008 giving them thirty days to complete all requirements if they have not satisfactorily started digging by that date, or if they have satisfactorily started digging, giving them a response to previous discussions and giving them a timeline of thirty days to complete all requirements.

Came out of regular Board Meeting at 8:52 a.m.

6. **Hearing for Case 08-14** Judge Hillary Brady, Administrative Law Judge, presided. Present were Court Reporter Jean Carlson, Special Assistant Attorney General Catherine Duenwald, Special Assistant Attorney General Shannon George-Larson, Robert W. Jones, Board Chairman Dale Jans, Vice Chairman Randy Bacon, Secretary Jeffery Hazard, Hani Shafai, Leonard Neugebauer, and David Stafford. Others present were Warren Fisk, and staff members Mark Humphreys, Wendy Whipple, and Mary Ann Myers.

Special Assistant Attorney Catherine Duenwald, representing the Board, presented the Board's case. Robert W. Jones represented himself and presented his case before the Board. After discussion by both parties, Judge Brady closed the hearing and asked the Board to go into executive session for discussion and to make a decision.

**EXECUTIVE SESSION** On motion by Shafai and seconded by Stafford, the Board went into Executive Session at 10:27 a.m.

**On motion** by Stafford and seconded by Neugebauer, the Board came out of executive session at 10:52 a.m.;

**On motion** by Neugebauer and seconded by Stafford, the Board approves Robert W. Jones' comity application as a Professional Engineer in South Dakota; and

**On motion** by Neugebauer and seconded by Stafford, the Board denies Robert W. Jones' comity application as a Land Surveyor in South Dakota based on his lack of experience.

Resumed regular Board Meeting at 10:27 a.m.

**13. INVESTIGATION REPORTS** (continued)

**Case 08-12** Building without A&E services – Discussion by Humphreys. Remediation plan in place and soon to be completed.

**Case 08-13** Motel addition built without A&E services – Discussion by George-Larson and Humphreys. Issue with egress windows is still outstanding. The Fire Marshall gave the motel a conditional use permit with a 90-day window to correct issue, with the deadline of October 10, 2008.

**Case 09-01** Pending.

**Case 09-02** Pending.

**EXECUTIVE SESSION** **On motion** by Shafai and seconded by Stafford, the Board went into Executive Session at 11:06 a.m.

**On motion** by Stafford and seconded by Neugebauer, the Board came out of executive session at 11:13 a.m.

**Case 08-09** Surveying Issue: West River.

**On Motion** by Bacon and seconded by Shafai, Case 08-09 is dismissed.

**Case 08-11** Surveying Issue: West River.

**On Motion** by Neugebauer and seconded by Bacon, Case 08-11 is dismissed.

**10. OLD BUSINESS**

**Lawrence County Planning: Preliminary Plats** Discussion by George Larson and Board. George Larson to draft a letter correcting the wording of September 12, 2008 letter to Lawrence County States Attorney.

**8. APPLICATIONS**

**On motion** by Shafai and seconded by Neugebauer, William John Alcock has been denied licensure by comity as a professional engineer based on his not having taken and passed the Fundamentals of Engineering exam;

**On motion** by Shafai and seconded by Neugebauer, Jeremy L. Brickey has been denied licensure by comity as a professional engineer based on his having a non-ABET accredited degree;

**On motion** by Shafai and seconded by Neugebauer, Nae-Sheng Chang has been denied licensure by comity as a professional engineer based on his having a non-equivalent EECI evaluation;

**On motion** by Shafai and seconded by Neugebauer, Stephen Banks Arant's comity application as a professional engineer is tabled until next board meeting pending additional information from applicant; and

**On motion** by Shafai and seconded by Neugebauer, Richard Gonzalez' comity application as a professional engineer is tabled until next board meeting pending additional information from applicant.

**On motion** by Stafford and seconded by Hazard, the following are licensed as architects by comity;

**On motion** by Hazard and seconded by Stafford, the following is licensed as a landscape architect by comity;

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

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

Comity Licenses				
Name	City	State	Profession	#
Dykstra, Gregory John	Philadelphia	PA	AR	9650
Erickson, Douglas H.	Woodinville	WA	AR	7578
Hielkema, Timothy Henry	Clive	IA	AR	9651
Hill, Martin L.	Seattle	WA	AR	9652
Hoefer, Mitchell R	Kansas City	MO	AR	9653
Korte, Brian C	San Antonio	TX	AR	9654
O'Brien, Daniel S.	Eden Prairie	MN	AR	4055
Phillips, Randy Owen	Wichita	KS	AR	9655

<b>Comity Licenses</b>				
<b>Name</b>	<b>City</b>	<b>State</b>	<b>Profession</b>	<b>#</b>
Stahl, Philip Sean	Fargo	ND	AR	9656
Wohl, La Vonne Ellen	Mitchell	SD	AR	9657
Yoshimura, Michael S	Chicago	IL	AR	9658
Beauchamp, Mark Edwin	Philadelphia	PA	LA	9659
Farber, Damon B	Minneapolis	MN	LA	9660
Faetanini, James Anthony	Abingdon	IL	LS	9661
Howell, Lyle Cameron	Kansas City	MO	LS	9662
Klinkenborg, Derek James	Shawnee Mission	KS	LS	9663
Obrigewitsch, Quentin James	Dickinson	ND	LS	9664
Thomasson, Shawn Michael	Detroit Lakes	MN	LS	9665
Abshagen, Timothy Christin	Knoxville	TN	PE	9666
Ashbaugh, John Ray	Cincinnati	OH	PE	9667
Beeson, Anthony Charles	Englewood	CO	PE	9668
Bohan, Sean Patrick	Menomonie	WI	PE	9669
Boyette, Kerrie Leigh	Duluth	GA	PE	9670
Brandt, Michael Clayton	Elk River	MN	PE	9671
Bridger, Larry W.	Sheridan	WY	PE	9672
Brousseau, Guy Bennett	Boise	ID	PE	9673
Brunner, Jason Frances	Billings	MT	PE	9674
Carter, Joseph Andrew	Chesterfield	MO	PE	9675
Clancy, James A.	Pittsgrove	NJ	PE	9676
Cramer, Scott S.	Shawnee Mission	KS	PE	9677
Dixon, Jonathan Ryan	Sebree	KY	PE	9678
Flake, Caleb J	Shawnee Mission	KS	PE	9679
Galloway, Richard Charles	Thibodaux	LA	PE	9680
Hanlon, Jason Steven	Stillwater	MN	PE	9681
Hanson, Rodney Lee	Sioux City	IA	PE	9682
Hedgepeth, Robert Arthur	Des Moines	IA	PE	9683
Jones, Robert Wesley	Smithville	MO	PE	9684
Lux, Dennis Charles	Omaha	NE	PE	9685
Maher, Robert David	Sioux Falls	SD	PE	9686
Martin, Jason Loyd	Sioux Falls	SD	PE	9687
Myers, James R	Sheridan	WY	PE	9688
Oakey, William Robert	Billings	MT	PE	7784
Obszarski, John M	Cincinnati	OH	PE	9689
Pedersen, Charles Allen	Johnston	IA	PE	9690
Pofahl, Travis Joseph	Greeley	CO	PE	9691
Poulin, Emmanuel	Orlando	FL	PE	9692
Rinke, Brian Jerome	Menomonee Falls	WI	PE	9693
Schrock, Jeffrey James	Minneapolis	MN	PE	9694
Shae, Jerry B	Bismarck	ND	PE	9695
Sweatman, Trav Colby	Frisco	TX	PE	9696
Teuscher, Jason A	Goose Creek	SC	PE	9697
Wagener, Bruce D	Chaska	MN	PE	9698
Weckerlin, Bradley Alan	Omaha	NE	PE	9699
Winje, Andrew Scott	Manhattan Beach	CA	PE	9700

Comity Licenses				
Name	City	State	Profession	#
Wood, McKinley Dwight	Gillette	WY	PE	9701
Young, Robert Lynn	Saint Paul	MN	PE	9702

**On motion** by Hazard and seconded by Bacon, the following architect is licensed by exam:

AR by Exam Licenses				
Name	City	State	Profession	#
Hurlbert, Thomas Jesse	Aberdeen	SD	AR	9649

**On motion** by Neugebauer and seconded by Bacon, the following businesses are denied licensure because the comity application of the only individual to be licensed with their businesses has been denied licensure at this time: All American Homes (Jeremy L. Brickey, applicant); and Sacre-Davey Engineering (William John Alcock, applicant);

**On motion** by Stafford and seconded by Neugebauer, Eagle Construction, Inc., is tabled until next board meeting pending additional information from the business stating that Timothy Henry Hielkema is a full-time employee of Eagle Construction, Inc. in their South Dakota office; and

**On motion** by Neugebauer and seconded by Bacon, the following business entities are licensed as businesses: The Board stated that the letters of approval for businesses should include a reminder that a licensed person in responsible charge has to be a full-time employee:

Business Licenses				
Company Name	City	State	Profession	#
Arup USA, Inc.	New York	NY	PE	C-6042
AW Solutions, Inc.	Longwood	FL	PE	C-6043
BLUEWater Design Group	San Pedro	CA	PE	C-6044
Brungardt Honomichl & Company, P. A.	Shawnee Mission	KS	PE	C-6045
CLR Design, Inc.	Philadelphia	PA	AR	C-6046
Cluts, O'Brien, Strother Architects, Inc.	Eden Prairie	MN	AR	C-6047
Damon Farber Associates	Minneapolis	MN	LA	C-6048
DaVinci Engineering, Inc.	Santa Maria	CA	PE	C-6049
Design 3 Engineering Inc.	Billings	MT	PE	C-2069
Dynatec Mining Corporation	Salt Lake City	UT	PE	C-6050
Engineering Design & Testing Corp.	Columbia	SC	PE	C-6051
Hoefer Wysocki Architects, LLC	Kansas City	MO	AR	C-6052
ImagePoint, Inc.	Knoxville	TN	PE	C-6053
James A Clancy	National Park	NJ	PE	C-6054
Lake Flato Architects, Inc.	San Antonio	TX	AR	C-6055
Maas and Son Company	Overland Park	KS	PE	C-6056
O'Donnell Wicklund Pigozzi and Peterson, Inc.	Chicago	IL	AR	C-6057
Pearl Field Services, LLC	Sheridan	WY	PE	C-6058
Powder River Heating & Air Conditiong, Inc.	Gillette	WY	PE	C-6059
Process Plus, LLC	Cincinnati	OH	PE	C-6060
ProjectWorks, LLC	St. Francis	MN	PE	C-6061
Spangenberg Phillips, LLC	Wichita	KS	AR	C-6062
Stahl Architects, PLLC	Fargo	ND	AR	C-6063
Stantec Architecture Inc	Fort Collins	CO	AR	C-6064
TEC Design, Inc.	Eau Claire	WI	PE	C-6065
Thomas Hurlbert Design	Aberdeen	SD	AR	C-6066

**10. OLD BUSINESS** (continued)

**Resignation of Public Member** Discussed by Kolden. Public Member seat on the Board is vacant at this time. Names may be submitted for consideration.

**GOAC, SDBOTP Reciprocity requirements request** Discussed by Kolden and Humphreys.

**GOAC, HB 1107 letter drafted by DOL & SDBOTP, Statute changes for fee caps** Discussed by Kolden. GOAC to draft a bill for review by our Board; and the Board to then respond to GOAC with changes. Kolden is to keep us informed with updates.

**11. NEW BUSINESS**

**Travel Matrix** Discussed by Humphreys and Kolden.

**7. Special Review of Applicants:**

**Clancy, James A.** – **On motion** by Stafford and seconded by Neugebauer, James A. Clancy's license as a Professional Engineer in South Dakota is approved.

**Esho, Luay Subhi** – **On motion** by Shafai and seconded by Neugebauer, Luay Subhi Esho's license as a Professional Engineer in South Dakota is not approved based on his non-equivalent CPEES evaluation.

**Hall, Harvey S.** – **On motion** by Shafai and seconded by Bacon, Harvey S. Hall's application to take the professional engineer test in South Dakota is not approved based on lack of additional education after failing the professional engineering exam more than three times.

**9. AUDITS**

**NEW:** Patrick G. Blee, AR; James L. Cohen, AR; Todd Alan Moss, AR; Robert Duane Kummer, LS; Wayne Charles Linderman, PE; and Alison Renee Sumption, PE, were audited.

**On motion** by Hazard and seconded by Stafford, the Board will accept the audits named above. The audits of Dennis Donald Smith, AR; Scott Raymond Flynn, PE; Kathryn H. Schmit, PE; and Laura Faye Stern, PE, are to be held for further information.

**OLD:** Tristan Trent Grover, R; and Joel A. Kath, PE, were re-evaluated.

**On motion** by Bacon and seconded by Shafai, Tristan Trent Grover, R; and Joel A. Kath, PE have successfully been audited.

**10. OLD BUSINESS** (continued)

**LS Take Home Exam** Bacon and Neugebauer reported they are planning on working on the exam this winter.

**SDCL 9-14-24** Discussed by Neugebauer. Board recommended the Municipal League enter the final version of Revision to SDCL 9-14-24 as a bill to the legislature.

**Prime Professional Concern** Discussed by Stafford.

**Application updated for candidates applying from other States with 3 fails** Discussed by Whipple. Two additional questions have been added to the exam applications to help identify 3 failed attempts at taking the exam.

**Fiscal Year Audit completed, corrective action implemented** Humphreys discussed. Board office implementing check and balance recommendations by Ketel Thorstenson LLC, CPA after their audit.

## 11. NEW BUSINESS

**Experience requirements for comity applicants** Discussed by Humphreys. The Board determined that even though some jurisdictions may have an exemption for non-mentored experience, which has usually been gained in a manufacturing or sole proprietor setting, and those jurisdictions may have allow either initial or comity licensure, this is in direct conflict with our requirements. Experience must be gained under the supervision of a licensed professional. In order to protect the public's Health, Safety and Welfare and integrity of the professions. We will not consider deviating from this standard.

**Board Meeting Dates for Calendar year 2009: On Motion** by Bacon and seconded by Stafford, the following meeting dates for 2009 are approved:

January 23, 2009  
March 13, 2009  
May 15, 2009  
July 17, 2009  
September 18, 2009  
November 20, 2009

**CLARB Mentoring – Alaska's Model** Discussed by Humphreys. Board suggested the individual present the Board with a proposal for mentoring.

**Newsletter submittals** Discussed by Humphreys. Humphreys encouraged Board members to submit information for the annual newsletter as soon as possible.

**Sovereign Status** Discussed by Humphreys.

**Travel Matrix** Discussed by Humphreys.

## 12. EXECUTIVE DIRECTOR Updates on:

**NCEES MLE Mentoring/supervision not necessarily under a P.E.** Discussed by Humphreys.

**Exempt project requirements** Discussed by Humphreys and Board. Any work done by a licensed professional on an exempt project requires a signature and stamp, however this should not be interpreted that status of the project has changed or that it mandatory falls under Construction Administration requirements.

## 14. CORRESPONDENCE

**SDBOP letter to Wendy Whipple for longevity** Board extended congratulations and thanks to Whipple for her completion of seven years of employment with the Board.

**MBA list results** Discussed by Humphreys.

**NCEES Annual meeting report** Discussed by Neugebauer.

**Licensure Exchange article, Q & A with Dale Jans** Discussed by Jans.

**SDSPLS Website now available** Whipple mentioned that this website is now available.

**Falls Center** Discussed by Humphreys.

**NCEES Annual Meeting action items** Discussed by Humphreys.

**SDES Fall Conference** Discussed by Jans.

**SDBO Fall Meeting** Discussed by Board.

**AIA State Meeting, October 15 – 17** Discussed by Board.

**Independent Study** Discussion by Humphreys and Board. Board recommended licensee get additional education before further testing.

Other various board correspondence/emails were reviewed and discussed.

## 15. COMMITTEES/MEETINGS

### PREVIOUS

8/13/08 to 8/16/08 – NCEES annual, Minneapolis, report from Neugebauer

9/04/08 to 9/06/08 – CLARB annual, San Diego – report from Humphreys

**UPCOMING**

09/25/08 to 09/27/08 NCARB A.R.E. Committee, Washington, DC – Stafford (NCARB pays)  
10/02/08 to 10/04/08 – NCEES Board Member orientation, Clemson, SD – Jans (NCEES pays)  
10/15/08 NCEES MBA, Clemson, SC – Humphreys (NCEES pays)  
11/07/08 to 11/08/08 – NCARB MBE, Washington, DC – Humphreys (NCARB pays)  
11/14/08 to 11/15/08 – NCEES Board Presidents Meeting, Monterey, CA – Jans (NCEES pays)

**16. COMMISSION MEETING SCHEDULE** The next Board meeting is scheduled for **Friday, November 14, 2008**. Chairman Dale Jans will be absent. Vice Chairman Randy Bacon will preside.

**ADJOURN** On motion by Hazard and seconded by Bacon, the meeting was adjourned at 4:20 pm.



Mark Humphreys, Executive Director