

November 9, 2007

## REGULAR MEETING OF THE SOUTH DAKOTA STATE BOARD OF TECHNICAL PROFESSIONS

**MEETING** The regular meeting of the South Dakota State Board of Technical Professions was held on Friday, November 9, 2007, at 8:00 a.m. in the board office in Rapid City. Chair David Stafford presided. Mark Humphreys, new executive director, was welcomed to the Board and gave a brief history of his previous employment. Whipple was presented yellow roses and a Memories Book. Humphreys gave her a calendar to count down the days until retirement and future days of fun.

**ROLL CALL** Other board members present were Randy Bacon, Jeff Hazard, Dale Jans, Hani Shafai, Len Neugebauer, and Tom Geraets. Others present were Warren Fisk, investigator; Shannon George-Larson, Special Assistant Attorney General; Joshua Valder, PhD; and staff members Ann Whipple; Mark Humphreys, and Wendy Whipple.

**MINUTES** On motion by Jans and seconded by Shafai, minutes of the September 10, 2007, meeting were unanimously approved.

On motion by Geraets and seconded by Neugebauer, the minutes of special telephone conference meeting on September 26, 2007 were unanimously approved.

**FISCAL** On motion by Shafai and seconded by Neugebauer, vouchers from the last Board meeting were approved. The financial comparison report for the first quarter of 2008 was reviewed. The activities report was supplied. Discussion was held regarding the scanning and sending correspondence to members. Staff will continue to experiment with BPro and BIT. Board members will continue to give feedback.

**LICENSES** On motion by Shafai and seconded by Neugebauer, Matthew Korb is denied a waiver for medical conditions if he fails to pass this exam three times.

On motion by Geraets and seconded by Jans, Joshua Valder, PhD, is denied to take the FE exam as he has no undergraduate degree in engineering.

On motion by Shafai and seconded by Jans, Bijay Aryal is denied to take the FE exam for failure to meet CPEES evaluation as equivalent to an ABET accredited school.

On motion by Neugebauer and seconded by Shafai, Justin Petersen and Weston Philips lacks sufficient experience to take the PE exam at this time and is denied.

On motion by Neugebauer and seconded by Shafai, Mark Hoffman is approved to take the PE exam. On motion by Neugebauer and seconded by Jans, Galen Kyle Hoogestraat is approved to take the FE exam. Both of these applicants took the Environmental Engineering program at South Dakota School of Mines and Technology that was recently ABET accredited.

On motion by Shafai and seconded by Jans, the following are licensed as Petroleum Remediators:

Nerison, Jared Mark  
Svingen, David Michael  
Witzel, Matt Wade

On motion by Jans and seconded by Geraets, the following names have been tabled until office gets more information: Balraj Lamba and Robert Luther Stallings.

On motion by Bacon and seconded by Neugebauer, Rodney Mark Ceroll needs more details on his application and Don E. Johnson may not have taken proper exams and applications are rejected.

On motion by Hazard and seconded by Jans, Doug Hoppens is approved as an Architect/PE, dual licensee.

On motion by Bacon and seconded by Neugebauer, the following are licensed as land surveyors by comity; On motion by Hazard and seconded by Jans, the following are licensed as architects by comity; On motion by Shafai and seconded by Jans, the following are licensed by comity as professional engineers:

PROFESSIONAL LICENSES				
Name	City	State	Profession	#
Gerber, Robert V.	Charleston	SC	AR	9327
Stroik, Duncan G.	South Bend	IN	AR	9328
Zerjav, Leo C.	St. Charles	MO	AR	9330
Kinsel, Thomas E.	Canal Winchester	OH	PE	9331
Fleming, Michael D.	Denver	CO	AR	9332
Gerbner, John Christopher	Philadelphia	PA	AR	9333
Grantham, Mark Robert	Holt	MO	AR	9334
Olesak, Thomas A.	Saint Paul	MN	AR	9335
Souther,	Billings	MT	AR	9336
Wertzberger, Thomas Gregory	Marshalltown	IA	AR	9337
Dutkiewicz, Gregory Bernard	Hudson	WI	LS	9338
Hillmer, Nicholas Mark	Minneapolis	MN	LS	9339
Johnson, Michael Alan	Marshfield	MO	LS	9340
Pemberton, David Brock	Wayzata	MN	LS	9341
Raml, Christopher Ronald	Highlands Ranch	CO	LS	9342
Robinson, Timothy John	Fremont	NE	LS	9343
Scheil, David Louis	Waterloo	IA	LS	9344
Amann, Wendy Lee	Denver	CO	PE	9345
Anderson, Matthew Robert	Bozeman	MT	PE	9346
Barrett, Lee Thomas	Houston	TX	PE	9347
Baur, John C	Boulder	CO	PE	9348
Beardmore, Richard R	Topeka	KS	PE	9349
Bigbie, Mark Neal	Highland village	TX	PE	9350
Boehnen, Jr., Thomas R.	Madison	WI	PE	9351
Bradley, Michael L.	Madison	WI	PE	9352
Bruce, Trent E	Rock Rapids	IA	PE	9353
Burchett, William Brian	Raleigh	NC	PE	9354
Day, Robert L.	Tulsa	OK	PE	9355
Duong, Chay Nguon	Pensacola	FL	PE	9356
Faiman, Aaron J.	Fargo	ND	PE	9357
Ferguson, Jeffery Don	Tulsa	OK	PE	9358
Foster, Scott James	Cedar Park	TX	PE	9359
Gardner, Leonard Mark	Kansas City	MO	PE	9360
Goedken, John Paul	Des Moines	IA	PE	9361
Green, Christopher Brian	Fargo	ND	PE	9362
Greenwood, David J.	Alexandria	VA	PE	9363
Helms, Jr., E. Steven	Chicago	IL	PE	9364
Hembree, Jack Shane	Tulsa	OK	PE	9365

<b>PROFESSIONAL LICENSES</b>				
<b>Name</b>	<b>City</b>	<b>State</b>	<b>Profession</b>	<b>#</b>
Hollrah, David Fredric	Omaha	NE	PE	9366
Knudsen, Troy Ryan	Spicer	MN	PE	9367
Lenker, Jr., William R.	Greenville	SC	PE	9368
Love, Jason Thomas	Rapid City	SD	PE	9369
Makarov, Vadim	Omaha	NE	PE	9370
McLaren, Michael Joseph	Dunlap	IL	PE	9371
Metzger, Troy William	Little Rock	IA	PE	9372
Murphree, Matthew S	Greer	SC	PE	9373
Naeger, William Joseph	Topeka	KS	PE	9374
Niemann, David Donald	Kansas City	MO	PE	9375
Nordness, Kathleen J.	Fargo	ND	PE	9376
Ormsby, Stanley Gordon	Corvallis	OR	PE	9377
Parent, Serge	Ontario, Canada		PE	9378
Riddick, Jr., James A.	Fredericksburg	VA	PE	9379
Riley, Rodney Dewayne	Fenton	MO	PE	9380
Ruby, David Irvin	Farmington	MI	PE	9381
Sellon, Jeffrey Lynn	Englewood	CO	PE	9382
Stroschein, Robert D.	Lakewood	CO	PE	9383
Swing, Vernon E.	Minneapolis	MN	PE	9384
VanCleve Jr., Ronnie D.	Omaha	NE	PE	9385
Westergard, Mark Alan	Omaha	NE	PE	9386
Whitley, Larry Kenneth	Statesville	NC	PE	9387
Williams, Keith A.	Rogers	AR	PE	9388
Witt, Eric Micheal	Brookings	SD	PE	9389
Witt, Frank Allen	Hiawatha	IA	PE	9390
Wynne, Gerald T	Sugar Land	TX	PE	9391
Hoppens, Douglas Jay	Eau Claire	WI	PE/AR	9392

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

<b>BUSINESS LICENSES</b>				
<b>Company Name</b>	<b>City</b>	<b>State</b>	<b>Profession</b>	<b>#</b>
Duncan G. Stroik Architect LLC	South Bend	IN	AR	C-5907
Ventura Engineering	Columbus	OH	PE	C-5908
Apex Engineering Services, Inc.	Missoula	MT	PE	C-5909
Applied Engineering and Design, LLC	Spicer	MN	PE	C-5910
C&D Engineers & Associates, LLC	Duluth	GA	PE	C-5911
Commercial Site Design, PLLC	Raleigh	NC	PE	C-5912
DeVita & Associates, Inc.	Greenville	SC	PE	C-5913
Ford, Bacon & Davis, LLC	Baton Rouge	LA	PE	C-5914

<b>BUSINESS LICENSES</b>				
<b>Company Name</b>	<b>City</b>	<b>State</b>	<b>Profession</b>	<b>#</b>
GJS Architects, LLC	Charleston	SC	AR	C-5915
Hall & Hall Engineers, Inc.	Hiawatha	IA	PE	C-5916
J.C. Baur & Associates, Inc.	Boulder	CO	PE	C-5917
JP-SE, LLC	Des Moines	IA	PE	C-5918
kaas wilson architects	Minneapolis	MN	AR	C-5919
Keith A. Williams, PE	Rogers	AR	PE	C-5920
KL Process Design Group LLC	Rapid City	SD	PE	C-5921
Michael Johnson PLS, LLC	Marshfield	MO	LS	C-5922
Michael L. Wright, P.E.	Rogers	AR	PE	C-5923
O S Engineering, LLC	Battlefield	MO	PE	C-5924
Poppen Land Surveying	Aberdeen	SD	LS	C-5925
Progressive Architecture Group, Inc.	Saint Paul	MN	AR	C-5926
PSA-Dewberry Inc.	Fairfax	VA	PE	C-5927
Reid Engineering Company, Inc.	Fredericksburg	VA	PE	C-5928
Ruby + Associates, Inc.	Farmington	MI	PE	C-5929
Sathre Bergquist, Inc	Wayzata	MN	LS	C-5930
TriAxis Engineering	Corvallis	OR	PE	C-5931
Wertzberger Architects, PC	Marshalltown	IA	AR	C-5932
York Engineering Services, Inc.	Denver	CO	PE	C-5933

**INVESTIGATION REPORTS** **Case 04-08**, Shannon received the transcript from the court reporter. Shannon now has 30 days to write a brief and the other attorney has 30 days to write a brief. Then Shannon will have 15 days to write a reply brief. The administrative law judge will provide a recommended decision to the Board. The Board will review the evidence, deliberate and make a decision of whether to reject, or accept, or modify the law judge's decision.

On **Case 06-02**, Shannon wrote a letter to the new owner and his attorney. The attorney said the letter will be addressed immediately. The Board expects an architect's report of the problems, a remediation plan, and schedule by the next meeting on January 18.

Whipple had contacted several other jurisdictions on how they handle cases such as 06-02. Many of them prosecuted the building's owner for unlicensed practice as the owner was acting as an architect. Shannon was given a case from the Minnesota Board as an example. SDCL 36-18A-57(7) says the Board can pursue a person legally by injunction. It is a Class 2 misdemeanor. Hazard asked if the Board could hire another attorney for a civil suit if Shannon was too busy. Members of the Board indicated that they could hire an outside attorney.

**EXECUTIVE SESSION** **On motion** by Hazard and seconded by Jans, the Board went into Executive Session. **On motion** by Hazard and seconded by Jans, the Board came out of executive session

**Case 07-10** **On motion** by Hazard and seconded by Jans, case is closed and an advisory warning letter will be sent.

**Case 07-12** **On motion** by Hazard and seconded by Jans, case is closed and an advisory warning letter will be sent.

**Case 08-05** **On motion** by Neugebauer and seconded by Bacon, the Consent Order is accepted and closed.

**AUDITS** Daniel K. Borsos, PE; Kerry G. Ellis, PE; Gene A. Fennell, AR; Jon E. Jacobson, LA; Philip A. Kuttner, AR; Alvin A. Munsch, PE; Michael J. Gorman, PE; Damon M. Powers, R; Donald K. Sargent, PE; and Alan L. Wieskamp, AR, were audited. To provide more information to the Board, the office will begin requiring audit logs for renewals beginning January 1st. These audit logs can be found on the Board's web site.

**On motion** by Shafai and seconded by Neugebauer, the Board will accept the audits named and have requested that two other audits be held for further information. These licensees have 90 days to respond.

**NEW/OLD BUSINESS** The Board must change statute 36-18A-44 to allow a reduction of the seal. Neugebauer spoke about the seal reduction on 11" x 17" plans such as the Highway Department requires. Fisk said there were also reports and letters on 8-1/2" x 11" sheets that were a problem. If the 2" seal is on the original and is then reduced there is not a problem. The Department of Transportation may help the Board change the statute to reduce the seal. Jans asked it to be put on a list for future legislation.

**On motion** by Jans and seconded by Shafai, the Board office will remain in Rapid City. Humphreys has been authorized to investigate moving to a different location or working out the mechanical problems to stay at our present location.

The **CLARB Award** was displayed. Neugebauer suggested it be noted in our next newsletter. The State's "**Good Samaritan Act**" was discussed and although not what the Board had suggested last year, it appeared to be sufficient. The latest rules have been approved and **new Blue Books** should be ready before the next Board meeting. Membership in the **SD Building Officials' Association** will include all Board members except Bacon. Geraets suggested that all members who want to remain on the Board write to the Governor immediately. Neugebauer also suggested that the members' societies may need to know you are willing to serve again so they can support you and perhaps write a letter on your behalf. Members who are eligible for re-appointment on April 14 are **Shafai, Jans, Bacon, and Stafford**. The office will continue to proceed with a secure web site for members only.

**CORRESPONDENCE** Regarding the NCEES Central Zone in 2009, the Board wanted to know if the governor would allow meetings out of the country. Banff in Canada is actually closer than Miami. Humphreys will continue with the request. The time sheets that are distributed among members will no longer have **social security numbers** on them. **Strip malls** require A/E services if the square footage is over 7,000 square feet for the total strip mall. Geraets brought up the fact that **Sanitary Districts** do not require PE's to design sanitary sewers. Cabins or trailer parks can link into the Sanitary District but do not maintain them. Jans said that if unlicensed individuals design private developments that may want to be turned over to the City someday, they must have PE's design it. Geraets said the "key" was ownership of the developments. The Board discussed **SDSU's Electronics Engineering Technology and Manufacturing Engineering Technology** programs that are ABET-accredited effective October 1, 2005. Students will be accepted to take the Fundamentals of Engineering. According to his Consent Order, **David Baumann's** plans for a Holiday Inn Express were reviewed by Hazard and Stafford.

**COMMITTEES/MEETINGS** Hazard reported on CLARB Annual Meeting in Cleveland on September 6-9, 2007. Hazard asked if this Board should do some **strategic planning** to discuss future plans? As an example, should we add a landscape architect to this group? The Board regulates them without representation. It seems we should have one on the Board. None of us want to lose a member so we will need to add one. Jans reported that Idaho goes on a retreat to perform strategic planning. He does not know how they get around the open meeting laws though. That is another thing for Humphreys to look into. Hazard suggested the Board have an annual meeting **calendar with no changes**. Stafford spoke about **changing the exemptions**. Whipple warned the Board that if they do not have the architects and engineers supporting them, the Board will not be able to change the exemptions. Bacon reported on the **GIS conference** in Rapid City in September. He found other land surveyors attending. The land surveyors reported that unlicensed persons be diligent that they should contact a professional in this area and have him do that groundwork. County surveyor from the St. Cloud, Minnesota area was there and they have their whole county, land corners, everything on GIS. It is a beautiful system. They are going down the right path. There are lots of data from all these agencies. A lot of governmental agencies were in attendance. Nationally, GIS and photogrammetry are combining these systems with the land surveyor license. Stafford reported on the **NCARB Chairs meeting** in Memphis on October 4-7 that it was somewhat disappointing. Last year's was more dynamic. Neugebauer reported on Brookings trip to speak to the **junior class** of engineering students.

**BOARD MEETING SCHEDULE** The next Board meeting is scheduled for **Friday, January 18, 2008**  
Scheduled: **March 28, 2008; May 9, 2008; July 11, 2008; September 19, 2008; November 14, 2008.**

**ADJOURN** **On motion** by Jans and seconded by Neuberger, the meeting was adjourned at 2:35 pm.



Ann Whipple, Executive Director