

SOUTH DAKOTA
STATE BOARD OF TECHNICAL PROFESSIONS
Minutes of the regular meeting of Friday, November 14, 2008

The South Dakota State Board of Technical Professions held a regular meeting on Friday, November 14, 2008 in the Rushmore Building, Board Room. Vice Chairman, Randy Bacon, presided.

The meeting was called to order at 8:35 a.m.

The following board members were present: Vice Chairman Randy Bacon, Jeffery Hazard, Leonard Neugebauer, and David Stafford. Others present were Investigator Warren Fisk, and staff members Mark Humphreys, Wendy Whipple, and Mary Ann Myers. Special Assistant Attorney General Shannon George-Larson attended via telephone at 12:00 p.m. The following board members were absent: Chairman Dale Jans, and Secretary Hani Shafai.

Agenda Items:

- 1) Approval of September 19th & 20th 2008 Minutes (Motion)
- 2) Approval of vouchers since last meeting (Motion)
- 3) Activities report ending October 2008, Review of Deposits and Quarterly Report
- 5) PDH Audits (Motion)
- 6) Approval of Comity applications (Motion)
- 7) Approval of Business applications (Motion)
- 8) Review previous applications (Motion)
- 9) Executive Director reports
- 4) Investigation reports
- 11) Old Business
- 9) Executive Director reports (continued)
- 10) Annual, zone, committee meeting reports & upcoming meetings
- 11) Old Business (continued)
- 12) New Business
- 13) Correspondence
- 14) Future board meeting schedule
- 15) Adjournment (Motion)
- APPENDIX A
- APPENDIX B

AGENDA ITEM #1 APPROVAL OF SEPTEMBER 19, 2008 BOARD MEETING MINUTES (MOTION).

MOTION: By Neugebauer, seconded by Hazard for approval of the Minutes of the regular meeting of September 19, 2008.

Approved by the following vote:

ACTION: 4-0 AYE (Bacon, Hazard, Neugebauer, and Stafford)

APPROVAL OF SEPTEMBER 20, 2008 STRATEGIC PLANNING MINUTES (MOTION).

Neugebauer suggested that a change in wording be made under **STAMPS - Usage** on page 2 from "each page and the cover sheet" to "each plan sheet and on the cover sheet", under **BETTER COMMUNICATION WITH OUR CONSTITUENTS** on page 4 from "two page spread about exemptions" to "two pages of exemptions, Humphreys and the board made the following corrections under **LEGISLATIVE PROCESS, STATUTE CHANGES, WATCHDOG & HB1107** on page 4 from "Gail Childs" to "Gail Boddicker" and "Don Painter" to "Dan Painter".

MOTION: By Neugebauer, seconded by Stafford for approval of the Minutes of the Strategic Planning Meeting of September 20, 2008 with the above changes and corrections.

Approved by the following vote:

ACTION: 4-0 AYE (Bacon, Hazard, Neugebauer, and Stafford)

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

MOTION: Stafford, seconded by Neugebauer for approval of the vouchers since last meeting.

Approved by the following vote:

ACTION: 4-0 AYE (Bacon, Hazard, Neugebauer, and Stafford)

AGENDA ITEM #3 ACTIVITES REPORT ENDING OCTOBER 2008. REVIEW OF DEPOSITS AND QUARTLEY REPORT

Humphreys mentioned the recommended checks and balance forms are now being used by the Board office.

AGENDA ITEM #5 PDH AUDITS (MOTION)

NEW AUDITS: Michael Clark, AR; Gerhard Petri, AR; Bradley Danielson, LS; Eric Schaben, LS; Wayne Higgins, PE; Garland Krabbenhoft, PE; Matthew Rasmusson; and Jay Tople, PE, were audited.

MOTION: Stafford, seconded by Neugebauer for approval of the audits named above. The audits of Jack Poling, AR, and Clifford Cameron, LS are to be held for further information.

Approved by the following vote:

ACTION: 4-0 AYE (Bacon, Hazard, Neugebauer, and Stafford)

REVIEW PREVIOUS AUDITS:

MOTION: Neugebauer, seconded by Stafford for the audit of Scott Flynn, PE to be held for further information.

Approved by the following vote:

ACTION: 4-0 AYE (Bacon, Hazard, Neugebauer, and Stafford)

AGENDA ITEM #6 APPROVAL OF COMITY APPLICATIONS (MOTION)

MOTION: Neugebauer, seconded by Stafford for denial of licensure by comity of Robyn Hamill as a Land Surveyor based on having not taken the NCEES Principles & Practice of Land Surveying (PLS) examination.

Approved by the following vote:

ACTION: 4-0 AYE (Bacon, Hazard, Neugebauer, and Stafford)

MOTION: Neugebauer, seconded by Stafford to table licensure by comity of Harold Marshall as a Land Surveyor pending receiving further information.

Approved by the following vote:

ACTION: 4-0 AYE (Bacon, Hazard, Neugebauer, and Stafford)

MOTION: Neugebauer, seconded by Hazard to table the licensure by comity of Sandip Guha as a Professional Engineer pending further evaluation.

Approved by the following vote:

ACTION: 4-0 AYE (Bacon, Hazard, Neugebauer, and Stafford)

MOTION: Hazard, seconded by Stafford for approval of licensure of the following Professional Engineers by comity:

Approved by the following vote:

ACTION: 4-0 AYE (Bacon, Hazard, Neugebauer, and Stafford)

MOTION: Hazard, seconded by Stafford for approval of licensure of the following Architects by comity:

Approved by the following vote:

ACTION: 4-0 AYE (Bacon, Hazard, Neugebauer, and Stafford)

MOTION: Neugebauer, seconded by Stafford for approval of licensure of the following Landscape Architects by comity:

Approved by the following vote:

ACTION: 4-0 AYE (Bacon, Hazard, Neugebauer, and Stafford)

MOTION: Neugebauer, seconded by Hazard for approval of licensure of the following Land Surveyors by comity:

Approved by the following vote:

ACTION: 4-0 AYE (Bacon, Hazard, Neugebauer, and Stafford)

Comity Licenses					
Date Licensed	Name	City	State	Profession	#
11/14/2008	Embers, Richard L	Shawnee Mission	KS	AR	9703
11/14/2008	Kraft, Kenneth James	Shakopee	MN	AR	9704
11/14/2008	Peirsol, John Whiting	Minneapolis	MN	AR	9705
11/14/2008	Rafferty, Craig E	Saint Paul	MN	AR	9706
11/14/2008	Sholar, Ronald O	Golden	CO	AR	9707
11/14/2008	Widder, James Rice	Minneapolis	MN	AR	9708
11/14/2008	Gillies, Jason James	Portland	OR	LA	9709
11/14/2008	Jones, Matthew Fair	Minneapolis	MN	LA	9710
11/14/2008	Bolton, Robert Thomas	Hill City	SD	LS	9711
11/14/2008	Ford, Gerald Thomas	Holland	MI	LS	9712
11/14/2008	Alexander, Todd Eugene	Graettinger	IA	PE	9713
11/14/2008	Anderson, Jeremy Emil	Alexandria	MN	PE	9714
11/14/2008	Bartlett, Joel David	Des Moines	IA	PE	9715
11/14/2008	Birge, Bonita Louise	Aurora	CO	PE	9716
11/14/2008	Brickey, Jeremy L.	Ft. Wayne	IN	PE	9747
11/14/2008	Butler, Michael Joseph	Olathe	KS	PE	9717
11/14/2008	Christensen, Ruth Darlene	Saint Paul	MN	PE	9718
11/14/2008	Christofferson, Jack Robert	Baxter	MN	PE	6063
11/14/2008	Davey, David John	North Vancouver BC	Canada	PE	9719
11/14/2008	Denevan, Jeffrey Mark	Omaha	NE	PE	9720
11/14/2008	Desens, John William	Aberdeen	SD	PE	9721
11/14/2008	Dilts, Thomas Virgil	Ankeny	IA	PE	9722
11/14/2008	Dungar, James Bernard	Greenville	WI	PE	9723
11/14/2008	Emmons, Douglas Ray	Jackson	MI	PE	9724
11/14/2008	Ficken, Jon Adam	Kansas City	MO	PE	9725
11/14/2008	Fuller, Kenneth A	Wayne	NJ	PE	9726
11/14/2008	Gallant, Steven Joseph	Fenton	MI	PE	9727
11/14/2008	Gander, Jerry Wade	Kansas City	MO	PE	9728
11/14/2008	Haase, Randall C	Rogers	AR	PE	9729
11/14/2008	Haldane, Andrew Timothy	Raleigh	NC	PE	9730
11/14/2008	Headrick, Reggie D	Oakdale	TN	PE	9731
11/14/2008	Hunt, Stephen E	Soddy Daisy	TN	PE	9732
11/14/2008	Kreutz, Thomas Michael	Littleton	CO	PE	9733
11/14/2008	Kueter, Patrick Paul	Johnston	IA	PE	9734
11/14/2008	Lund, David Eugene	Fillmore	UT	PE	9735
11/14/2008	Marshall, Harold Nelson	Vernal	UT	PE	9736
11/14/2008	Maxwell, David Finley	Cedar Rapids	IA	PE	9737
11/14/2008	Nohavec, Kristi Marie	Lincoln	NE	PE	9738
11/14/2008	North, Timothy L	Norcross	GA	PE	9739
11/14/2008	Robinson, Alden Charles	Fillmore	UT	PE	9740
11/14/2008	Schwider, Arthur John	Saint Paul	MN	PE	9741
11/14/2008	Shumaker, Dale Butler	Austin	TX	PE	9742
11/14/2008	Sliper, Michael John	Rapid City	SD	PE	9743
11/14/2008	Thorson, Michael G	Richfield	OH	PE	9744
11/14/2008	Upman, William Dietrich	Lees Summit	MO	PE	9745
11/14/2008	Whitaker, Jr, Bob Varnell	Kansas City	MO	PE	9746

AGENDA ITEM #7 APPROVAL OF BUSINESS APPLICATIONS (MOTION)

MOTION: Hazard, seconded by Stafford for denial of licensure of the following businesses because the application of the only individual to be licensed with their business has been denied licensure: Atlantic Surveying & Mapping, Inc. (Robyn Hamill, applicant); and Uintah Engineering & Land Surveying for the profession of land surveying (Harold Marshall, applicant).

Approved by the following vote:

ACTION: 4-0 AYE (Bacon, Hazard, Neugebauer, and Stafford)

MOTION: Hazard, seconded by Stafford to approve licensure of the following businesses:

Approved by the following vote:

ACTION: 4-0 AYE (Bacon, Hazard, Neugebauer, and Stafford)

Business Licenses					
Date Licensed	Company Name	City	State	Profession	#
11/14/2008	All American Homes	Decatur	IN	PE	C-6067
11/14/2008	Applied Revegetation, Inc.	Rapid City	SD	PE	C-6068
11/14/2008	Archithesis.net, Corp	Minneapolis	MN	AR	C-6069
11/14/2008	Baker Group	Des Moines	IA	PE	C-6070
11/14/2008	C Faulkner Engineering, LP	Austin	TX	PE	C-6072
11/14/2008	Cannon	San Luis Obispo	CA	PE	C-6071
11/14/2008	David A. Youse, Architect	Columbus	OH	AR	C-2406
11/14/2008	Holland Engineering, Inc.	Holland	MI	LS	C-6073
11/14/2008	HuLa Design-Build LLC	Aberdeen	SD	AR	C-6074
11/14/2008	ICI Design Group	Minneapolis	MN	AR	C-6075
11/14/2008	John Mark Bartel, P.E.	Greencastle	PA	PE	C-6076
11/14/2008	Johnson, Spellman & Associates, Inc.	Norcross	GA	PE	C-6077
11/14/2008	KRS - Architect	Deerwood	MN	AR	C-6078
11/14/2008	L.W. Survey Engineering and Design	Duluth	MN	LS	C-6079
11/14/2008	Malone Finkle Eckhardt & Collins, Inc.	Springfield	MO	PE	C-686
11/14/2008	Matthew Fair Jones LLC	Minneapolis	MN	LA	C-6080
11/14/2008	Mesa Associates, Inc.	Knoxville	TN	PE	C-6081
11/14/2008	Mortarless Systems Engineering, Inc.	Rochester	MN	PE	C-6082
11/14/2008	Rafferty Rafferty Tollefson Lindeke Architects, In	Saint Paul	MN	AR	C-6083
11/14/2008	Randall C Haase, PE	Rogers	AR	PE	C-6084
11/14/2008	Robert T. Bolton, LS	Hill City	SD	LS	C-6085
11/14/2008	Sacre-Davey Engineering	North Vancouver BC	Canada	PE	C-6086
11/14/2008	Schneider Electric Engineering Services, LLC	Palatine	IL	PE	C-6087
11/14/2008	Sholar Architecture, PC	Golden	CO	AR	C-6088
11/14/2008	Sunrise Engineering, Inc.	Fillmore	UT	PE	C-6089
11/14/2008	TeleCAD Wireless Site Design	Hixson	TN	PE	C-6090
11/14/2008	Timothy H. Hielkema, AIA	Clive	IA	AR	C-6091
11/14/2008	Tower Engineering Professionals, Inc.	Raleigh	NC	PE	C-2148
11/14/2008	Uintah Engineering & Land Surveying	Vernal	UT	PE	C-6092
11/14/2008	Wilson Johnson Embers	Shawnee Mission	KS	AR	C-6093

AGENDA ITEM #8 REVIEW PREVIOUS APPLICATIONS (MOTION)

MOTION: Neugebauer, seconded by Stafford to mail Stephen Arant a letter reminding him of the December 18, 2008 deadline for the Board to receive the additional information requested of him by the Board for his PE comity application, or his file will be destroyed, per ARSD 20:38:13:06.

Approved by the following vote:

ACTION: 4-0 AYE (Bacon, Hazard, Neugebauer, and Stafford)

MOTION: Stafford, seconded by Neugebauer to table reinstatement of Joseph Cragin license as a Professional Engineer pending receiving further information.

Approved by the following vote:

ACTION: 4-0 AYE (Bacon, Hazard, Neugebauer, and Stafford)

MOTION: Neugebauer, seconded by Stafford to mail Richard Gonzales a letter reminding him of the January 22, 2009 deadline for the Board to receive the additional information requested of him by the Board for his PE comity application, or his file will be destroyed, per ARSD 20:38:13:06.

Approved by the following vote:

ACTION: 4-0 AYE (Bacon, Hazard, Neugebauer, and Stafford)

MOTION: Neugebauer, seconded by Stafford for approval of Robert Berquist to take the Fundamentals of Engineering Examination upon review of his second Fundamentals of Engineering examination application.

Approved by the following vote:

ACTION: 4-0 AYE (Bacon, Hazard, Neugebauer, and Stafford)

MOTION: Neugebauer, seconded by Stafford for approval of licensure by comity for Jeremy Brickey as a Professional Engineer.

Approved by the following vote:

ACTION: 4-0 AYE (Bacon, Hazard, Neugebauer, and Stafford)

MOTION: Hazard, seconded by Stafford for approval of business license for Timothy H. Hielkema, AIA.

Approved by the following vote:

ACTION: 4-0 AYE (Bacon, Hazard, Neugebauer, and Stafford)

MOTION: Stafford, seconded by Neugebauer to set a board policy to require all future reinstatement and reactivation applications to submit a PDH log showing that they have obtained 30 PDH hours of continuing education for the 2 prior inactive years.

Approved by the following vote:

ACTION: 4-0 AYE (Bacon, Hazard, Neugebauer, and Stafford)

AGENDA ITEM #9 EXECUTIVE DIRECTOR REPORTS

CPEES Evaluation - Discussed by Humphreys and the Board. Tabled for further discussion.

AGENDA ITEM #4 INVESTIGATION REPORTS

Case 08-06 Harrisburg, SD Building without A&E services - Discussion by George-Larson. Humphreys and Stafford reported updates.

MOTION: Hazard, seconded by Neugebauer for Board to hire private counsel to represent the Board to pursue this case.

Approved by the following vote:

ACTION: 4-0 AYE (Bacon, Hazard, Neugebauer, and Stafford)

George-Larson to go through procedures required by the State for the Board to hire private counsel.

Case 08-12 Belle Fourche, SD Building without A&E services - Discussion by Humphreys. Board is waiting to receive confirmation that the remediation plan which was put in place is complete.

Case 08-13 Motel addition built without A&E services - Humphreys received confirmation through the Fire Marshall and the Department of Health that the remaining items of the remediation plan had been completed.

MOTION: Neugebauer, seconded by Stafford to close.

Approved by the following vote:

ACTION: 4-0 AYE (Bacon, Hazard, Neugebauer, and Stafford)

Case 08-14 Signature of the order for Case 08-14 - Discussion by George-Larson. Board reviewed Findings of Fact and Conclusions of Law, and Order.

MOTION: Hazard, seconded by Stafford for the Board to go into Executive Session.

Approved by the following vote:

ACTION: 4-0 AYE (Bacon, Hazard, Neugebauer, and Stafford)

Board entered into Executive Session at 10:56 a.m.

Board came out of Executive Session at 11:04 a.m.

MOTION: Neugebauer, seconded by Stafford to approve Findings of Fact and Conclusions of Law, and Order.

Approved by the following vote:

ACTION: 4-0 AYE (Bacon, Hazard, Neugebauer, and Stafford)

MOTION: Hazard, seconded by Stafford to authorize Vice Chairman to sign the Order in Chairman's absence.

Approved by the following vote:

ACTION: 4-0 AYE (Bacon, Hazard, Neugebauer, and Stafford)

Case 09-01 Branch Office Violation: Central & West River

MOTION Neugebauer, seconded by Hazard to dismiss Case 09-01.

Approved by the following vote:

ACTION: 4-0 AYE (Bacon, Hazard, Neugebauer, and Stafford)

Case 09-02 Petroleum Remediator Issue: East River

MOTION Stafford, seconded by Hazard to dismiss Case 09-02.

Approved by the following vote:

ACTION: 4-0 AYE (Bacon, Hazard, Neugebauer, and Stafford)

AGENDA ITEM #11 OLD BUSINESSES

Lawrence County Planning revised letter for preliminary plats - Discussion by George-Larson regarding recent letters mailed to Brad Ellis and Lawrence County. George-Larson to keep Board apprised of all future developments.

AGENDA ITEM #9 EXECUTIVE DIRECTOR REPORTS (continued)

NCEES 2008 results & correspondence - Discussed by Humphreys and Board.

Electronic Plans Distribution and signature - Discussion by Humphreys and Board. Humphreys directed to respond to inquiry.

AGENDA ITEM #10 ANNUAL, ZONE OR COMMITTEE REPORTS & UPCOMING MEETINGS

- PREVIOUS** - 09/25/08 to 09/27/08 - NCARB A.R.E. Committee, Washington, DC - report from Stafford.
10/02/08 to 10/04/08 - NCEES Board Member Orientation, Clemson, SC - no report (Jans absent).
10/15/08 - NCEES MBA, Clemson, SC - report from Humphreys.
10/29/08 to 10/30/08 - NCEES CPEES Advisory Council, Miami, FL - no report (Shafai absent).
11/07/08 to 11/08/08 NCARB MBE, Pentagon City, VA - Humphreys unable to attend.
- UPCOMING** - 11/14/08 to 11/15/08 - NCEES Board of Directors Meeting, Monterey, CA - Jans (NCEES pays)
12/11/08 to 12/13/08 - NCEES B+30 Committee, San Antonio, TX - Jans (NCEES pays)
01/09/09 to 01/10/09 - NCARB A.R.E. Structural Committee, Scottsdale, AZ - Stafford (NCARB pays)
02/08/09 to 02/10/09 - NCEES B+30 Committee, Phoenix, AZ - Jans (NCEES pays)
02/21/09 - NCEES Board Presidents Meeting, Atlanta, GA - Jans, Bacon & Humphreys (NCEES pays)
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AGENDA ITEM #11 OLD BUSINESSES (continued)

- LS take home exam** - Bacon and Neugebauer are in the process of working on the exam.
- SDCL 9-14-24** - Neugebauer reported that the Statute has been reviewed and has been turned over to the South Dakota Municipal League to carry it through the legislature.
- HB1107 statute changes for fee caps** - Discussion by Humphreys. This is now in the legislative process.
- Resignation of public member** - Discussion by Humphreys. The public member seat on the Board has not yet been filled.
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AGENDA ITEM #12 NEW BUSINESS

- Architectural Program in South Dakota** - Discussion by Stafford and Hazard. The State is looking into the feasibility of creating an architectural program.
- SDBOTP Website update** - Discussion by Humphreys.
- Board Attorney** - Discussion by Humphreys. The State is in the process of filling the position of the board's attorney.
- Action Items** - Discussion by Humphreys. Presented new forms for board use for short term goals and long term goals.
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AGENDA ITEM #13 CORRESPONDENCE (FOR REVIEW AND DISCUSSION, IF DESIRED)

- Segregation of duties** -
LEED -
Residential Fire Sprinklers -
State Board Cease and Desist Order -
University degree scam - Humphreys discussed.
Question -
- Other various board correspondence/Email**
-

AGENDA ITEM #14 FUTURE BOARD MEETING SCHEDULE

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

AGENDA ITEM #15 ADJOURNMENT (MOTION)

MOTION Hazard, seconded by Neugebauer that the meeting be adjourned.

Approved by the following vote:

ACTION: 4-0 AYE (Bacon, Hazard, Neugebauer, and Stafford)

There being no further business, at the hour of 12:44 p.m. the South Dakota State Board of Technical Professions adjourned.

A handwritten signature in black ink that reads "Mark Humphreys". The signature is written in a cursive, slightly slanted style.

Mark Humphreys, Executive Director

Submitted by Mary Ann Myers, Secretary SDBOTP