

Meeting Minutes
SOUTH DAKOTA BOARD OF TECHNICAL PROFESSIONS

Thursday, November 15, 2018
Board Office, Clock Tower Plaza
2525 W. Main St., Suite 211, Rapid City, SD

A. Call to order at 8:30 A.M. Mountain Time for regularly scheduled meeting

B. Roll Call

Members present: Chairman Mike Albertson, Vice Chairman Jeff Nelson, Secretary Steve Thingelstad, Dennis Micko, and Steve Williams.

Members absent: Steve Peters and Alissa Matt were unable to attend.

Others present: Guest John Riker, staff members Kathryn Patterson and Susan Neuf and Staff Attorney Graham Oey.

C. Review of September 21, 2018 Minutes

Williams made a motion to approve the September 21, 2018 Minutes. Thingelstad seconded the motion. **MOTION PASSED**

D. Public Comments:

The board discussed email from Chamber of Commerce on military spouse licensing and John Riker spoke on behalf of AIA South Dakota giving his organizations position on the issue.

E. Review of vouchers paid since last meeting

Board reviewed the vouchers paid since last meeting and found everything to be in good order.

F. Activities report ending October, Review of Deposits

Board reviewed the Activities report, Deposits, and the Quarterly Report and found everything to be in good order.

G. Investigation reports

Case 18-05 AR – Consent Agreement to Approve – Fine not paid by original deadline. Board agreed to amend deadline for fine to be received. Agreement accepted by Board as amended.

Micko made a motion to provisionally accept the Consent Agreement once it has been updated and signed by the licensee. Nelson seconded the motion. Steve Williams abstained. **MOTION PASSED**

Case 18-07 PE – Consent Agreement to Approve

Micko made a motion to approve the Consent Agreement. Thingelstad seconded the motion. Albertson abstained. **MOTION PASSED**

Case 19-01 Firm – Ethics – Investigative committee chosen

Chairman Albertson led a discussion on creating a disciplinary policy to aid board member decision-making.

H. Unfinished Business

Action Items

Item 1: Research hiring of compliance officer – Position to be reposted after two applicants decline the job offer.

Item 2: 20:38:38 Fire Protection Systems – Independent committee formed to study this issue. On-going.

I. New Business

ARE Update – Fee Increase

NCARB – Reinstatement of Commonwealth of Northern Mariana Islands

NCEES / NCARB FTC Options to Enhance Occupational License Portability

CLARB Annual Meeting Recap

NCARB Fast Facts - October

NCARB MBE / MBC 2018 Summit Summary

NCARB History of NCARB

NCARB Update October

The board briefly discussed each of the above topics.

Meeting dates set for 2019

Meeting dates for 2019 were set for January 18; March 22; May 17; July 19; September 20; and November 21.

J. PDH Audits

New Audits: William Blount Arthur, PE; Eric Nils Gaasland, PE; George E. Griffith, LS; Lisa Marie Kalaher, AR; Evangel Kokkino, AR; Carey Paul Lege, LS; Jason A. Mangan, PE; Loren Morschen, AR; James Michael Powers, LS; Robert Aaron Prann, R; Joseph Montraville Rozmiarek, PE; Ryan Christopher Tobin, PE; and Thomas Ellis Vivian, PE.

Micko made a motion to approve the audits of William Blount Arthur, PE; Eric Nils Gaasland, PE; Joseph Montraville Rozmiarek, PE; and Ryan Christopher Tobin, PE. Albertson seconded the motion. **MOTION PASSED**

Nelson made a motion to approve the audits of Lisa Marie Kalaher, AR; and Loren Morschen, AR. Williams seconded the motion. **MOTION PASSED**

Thingelstad made a motion to approve the audits of George E. Griffith, LS; and Carey Paul Lege, LS. Micko seconded the motion. **MOTION PASSED**

Micko made a motion to approve the audit of Robert Aaron Prann, R. Albertson seconded the motion. **MOTION PASSED**

Micko made a motion to deny the audits of Jason A. Mangan, PE; and Thomas Ellis Vivian, PE, pending receipt of additional information. Albertson seconded the motion. **MOTION PASSED**

Thingelstad made a motion to deny the audit of James Michael Powers, LS, pending receipt of additional information. Micko seconded the motion. **MOTION PASSED**

Nelson made a motion to deny the audit of Evangel Kokkino, AR, pending receipt of additional information. Williams seconded the motion. **MOTION PASSED**

Previous Audits: Gary Charles Fisher, PE, and Philip Raydon Hahn, PE.

Micko made a motion to approve the audit of Gary Charles Fisher, PE, on second review. Albertson seconded the motion. **MOTION PASSED**

Micko made a motion to deny the audit of Philip Raydon Hahn, PE, pending receipt of additional technical information. Albertson seconded the motion. **MOTION PASSED**

K. Approval of Examinees passing NCEES Examinations (Appendix A)

Motion by Micko, seconded by Albertson for approval of the examinees passing the Fundamentals of Engineering (FE) Exam. **MOTION PASSED**

Name	Certificate #	Exam
Ruppert, Samuel James	E-12581	FE
Williams, Morgan Maureen	E-12582	FE
Gunderson, Trevor	E-12583	FE
Edwards, Nicholas Alan	E-12584	FE
Woodworth, Ray	E-12585	FE
Van Keulen, Justin Daniel	E-12586	FE
Fredrick, Isaac L.	E-12587	FE
Urban, Rebeca Lynn	E-12588	FE
Volesky, Eric David	E-12589	FE
Robinson, Jacob Earl	E-12590	FE
Meintsma, Allison Mary	E-12591	FE
Roemen, Mitchell	E-12592	FE
Tran, Nav Ha	E-12593	FE
Wales, Jennifer Elyse	E-12594	FE
Dando, Adam Joseph	E-12595	FE

L. Approval to take the NCEES Examinations as available (Appendix B)

Motion by Micko, seconded by Albertson for approval of the examinees to take the Fundamentals of Engineering (FE) Exam. **MOTION PASSED**

Name	Exam
Ahlstrom, Zachary	FE
Al-wreidat, yousel Amin	FE
Babcock, Tyler Adam	FE
Blair, Samuel David	FE
Booton-Popken, Amanda J.	FE
Buck, Brady Brian	FE
Cameron, Benjamin L.	FE
Chmela, Lucas Daniel	FE
Coughlin, Natalie	FE
Coupe, Brittany S.	FE
Deveaux, Everette	FE
DeVos, Joshua Thomas	FE
Eitreim, Daniel	FE
Facciano, Griffin	FE
Fast, Joshua	FE
Frosig, Austin	FE
Gangelhoff, Jacob Daniel	FE
Geffre, Adam Lee	FE
Girard, Jenna Brooke	FE
Green, Quintan Evan	FE
Hage, Kinslee	FE
Hagge, Emily Louise	FE
Hale, Raymond	FE
Harm, McKimley	FE
Heck, Riley W	FE
Helfenstein, Victoria Jo	FE

Name	Exam
Hotchkiss, Madelynn	FE
Johnson, Avery Hudson	FE
Jones, Gabriel Allen	FE
Kitoy, Ronald Lwamba	FE
Koepke, Alexander James	FE
Kusch, Aaron	FE
Landes, Scott	FE
Lippert, Stetson Lane	FE
McBurney, Jonathan Bolton	FE
Mentele, Kurtis Dean	FE
Metzger, Grant Eugene	FE
Morrow, John William	FE
Nomeland, Jacob Robert	FE
Novellino, Rosanna Maria	FE
Peterson, Anthony James	FE
Peterson, Nicholas August	FE
Petrich, Geneva Lynn Marie	FE
Popham, Taylor Aaron	FE
Rawlings, Sarah Elizabeth	FE
Rehmeier, Tyler	FE
Rysavy, Merritt	FE
Selby, Clairissa Ruth	FE
Sextro, Zachary Douglas	FE
Skaff, Thomas Aquinas	FE
Skillingstad, Gage	FE
Smith, William Allen	FE

Name	Exam
Heuer, Alex James	FE
Hilmoe, Ezekial Eldon	FE
Holomshek, Andrew James	FE

Name	Exam
Stearns, John	FE
Stone, Blake	FE
Villbrandt, Tyler John	FE

Motion by Thingelstad, seconded by Micko do deny the examinee to take the Fundamentals of Surveying (FS) Exam based on a lack of surveying education. **MOTION CARRIED**

Name	Exam
Petersen, Jason	FS

Motion by Micko, seconded by Albertson for approval of the examinees to take the Principles of Engineering (PE) Exam. Thingelstad abstained. **MOTION PASSED**

Name	City	State
Hinnerichs, Travis Jay	Yankton	SD
Walters, Trenton	Spearfish	SD

M. Approval of applicants by examination (Appendix C)

Motion by Nelson, seconded by Williams for approval of the Architect (AR) by exam application. **MOTION PASSED**

Name	City	State	Profession
Weiss, Matthew James	Brookings	SD	AR

Motion by Albertson, seconded by Micko for approval of the Petroleum Release Remediators (R) by exam. **MOTION PASSED**

Name	City	State	Profession
Baker, Jennifer Marie	Ankeny	IA	R
Burggraff, Zachary John	Sturgis	SD	R
Schonteich, Leif Hans	Fargo	ND	R

N. Approval of Comity applications (Appendix D)

Motion by Nelson, seconded by Williams for approval of the Architect (AR) by Comity Applications. **MOTION PASSED**

Name	City	State	Profession	License #
Bartels, Arthur Albert	Minneapolis	MN	AR	13986
Bohrer, Richard P.	Bismarck	ND	AR	8829
Buzard, William Samuel	Powell	OH	AR	14052

Name	City	State	Profession	License #
Carrell, Joshua Wells	Antioch	CA	AR	14050
Chitwood, Debra M.	Mount Pleasant	SC	AR	14056
Downey, Christopher V.	Piedmont	CA	AR	13987
Escobar, James Louis	Maridian	ID	AR	14048
Jenefsky, Marc	Seattle	WA	AR	14053
Kollin, Michael	Long Beach	CA	AR	14051
Krager, Michael Leo	Chandler	AZ	AR	14049
Labeth, Michael Shane	Oklahoma City	OK	AR	14055
Ubl, Jeffrey John	Bismarck	ND	AR	9946

Motion by Nelson, seconded by Williams for approval of the Landscape Architects (LA) by Comity Applications. **MOTION PASSED**

Name	City	State	Profession	License #
Johnson, Joshua James	Sioux Falls	SD	LA	10327
McKenzie, Jana Dewey	Fort Collins	CO	LA	14054

Motion by Thingelstad, seconded by Micko for approval of the Land Surveyor (LS) by Comity Application. **MOTION PASSED**

Name	City	State	Profession	License #
Warner, Dennis Joseph	Warba	MN	LS	14102

Motion by Thingelstad, seconded by Micko for denial of the Land Surveyor (LS) by Comity Application based on lack of meeting current qualifying criteria. **MOTION PASSED**

Name	City	State	Profession
Davis, Gerald Theophil	Peoria	AZ	LS
Hopp, Christina M.	Ellsworth	WI	LS

Motion by Micko, seconded by Albertson for approval of the Professional Engineer (PE) by Comity Applications. **MOTION PASSED**

Name	City	State	Profession	License #
Ali, Alaa I.	West Palm Beach	FL	PE	14057
Altstadt, Steven Allan	Third Lake	IL	PE	14074
Bates, Brian Scott	Mount Pleasant	SC	PE	14058
Becker, Amy Kozel	Glen Ellyn	IL	PE	14059
Blenker, John S.	Albany	NM	PE	14060
Clarcq, Fletcher J.	Phoenix	AZ	PE	14061
Clinebell, Nickolaus Joseph	Newcastle	NE	PE	14062

Name	City	State	Profession	License #
Cook, Logan Joseph	Indianapolis	IN	PE	14075
Csonka, Samuel Lee	Pineville	LA	PE	14063
Custard, Traci J.	Omaha	NE	PE	14064
Dixon, Eric	Lincoln	NE	PE	14065
Downes, Alan Michael	Oconomowoc	WI	PE	14066
Dtuyvestein, Paul Jon	Missoula	MT	PE	14067
Engelstad, Randy Gavin	Fargo	ND	PE	14068
Fallick, Jay	Waverly	NE	PE	14069
Fischer, Hayden James	Castle Rock	CO	PE	14070
Fisher, Eric M.	Waunakee	WI	PE	14071
Forch, Cody	Carroll	IA	PE	14072
Freeman, Corry	Minneapolis	MN	PE	14073
Gibbs, Michael	Rigby	ID	PE	14076
Gleason, Michael F.	Naperville	IL	PE	14077
Hall, Erik R.	Harrisburg	SD	PE	14078
Hanslik, Jeffrey Todd	Tulsa	OK	PE	14079
Hebert, Larry Edward	San Pedro	CA	PE	14080
Higgins, James Kent	Lenexa	KS	PE	14081
Jehling, Bryan Paul	Tempe	AZ	PE	14082
Kolanko, Joseph Ted	Denton	TX	PE	14083
Kussmann, William	Apple Valley	MN	PE	14084
Lang, Eric Farrel	Murfreesboro	TN	PE	14085
Lewis, Taylor L.	Wichita	KS	PE	14086
Mirovsky, Jacob	Lincoln	NE	PE	14087
Molle, Ross	Benton	KY	PE	14088
Most, Paul Nathan	Garland	TX	PE	14089
Olsen, Roger Edwin	New Underwood	SD	PE	14090
Rank, Stephan E.	Parker	CO	PE	14091
Reinheimer, Gary Wayne	Bettendorf	IA	PE	14092
Rubik, Brian	Homer Glen	IL	PE	14093
Schwenk, David Bruce	Huntington Beach	CA	PE	14094
Smith, Jared H.	Haile	ID	PE	14095
Sullivan, Bradley William	Minneapolis	MN	PE	14096
Sullivan, Douglas Alan	West Des Moines	IA	PE	14097
Uyak, Mark A.	Mount Pleasant	SC	PE	14098
Waltz, Jean Ann	Harrisburg	SD	PE	14099
Wilson, Kory James	Andover	KS	PE	14100

Name	City	State	Profession	License #
Costello, David Andrew	The Woodlands	TX	PE	14103
Houghton, Nestor James	Mandeville	LA	PE	14104
Peeva, Teodora	Ada	MI	PE	14105
Soppe, Travis	Boise	ID	PE	14106
Stiver, John Maury	Houston	TX	PE	14107
Tarbet, Valta Brent	Plano	TX	PE	14108

Motion by Micko, seconded by Albertson to deny the Professional Engineer (PE) Comity Applications based on lack of qualifying. **MOTION PASSED**

Name	City	State	Profession
Cala, Arian	Webster	TX	PE
Nelson, Michael Gregory	Richmond	MN	PE

Motion by Micko, seconded by Albertson to deny the Professional Engineer (PE) application based on only having taken the Structural Engineering I exam. **MOTION PASSED**

Name	City	State	Profession
Vail, Amber Thyme	Littleton	CO	PE

O. Approval of Business applications (Appendix E)

Motion by Albertson, seconded by Williams for approval of the following Business Applications. **MOTION PASSED**

Company Name	City	State	Profession	License #
Apex Engineering, PLLC	Calvert City	KY	PE	C-7893
Architectural Concepts Inc.	Bismarck	ND	AR	C-2617
Bryant Consultants, Inc.	Carrollton	TX	PE	C-7890
CFS Engineering, LLC	Denton	TX	PE	C-7892
Chris Downey, Architect	Piedmont	CA	AR	C-7855
Cornerstone Architectural Group	Seattle	WA	AR	C-7881
Cornerstone Architecture	Oklahoma City	OK	AR	C-7883
CST Industries, Inc.	Kansas City	MO	PE	C-7885
Design Resources Group	Fargo	ND	AR	C-7876
DWG Inc. Consulting Engineers	Mount Pleasant	SC	PE	C-7889
Integrated Process Solutions	Fosston	MN	PE	C-7891

Company Name	City	State	Profession	License #
Kollin Altomare Architects	Long Beach	CA	AR	C-7879
Logan Simpson Design Inc.	Tempe	AZ	LA	C-7882
Marasco & Associates, Inc.	Denver	CO	AR	C-7880
neUdesign Architecture	Meridian	ID	AR	C-7877
Novus Architects, Inc.	Mount Pleasant	SC	AR	C-7884
Om Nangia	Saint Louis	MO	PE	C-7894
PrairieSons, Inc.	Brandon	SD	PE	C-7886
Structuneering	Houston	TX	PE	C-7854
STS Consulting Services, LLC	Longview	TX	PE	C-7853
TerraSite INC	Rapid City	SD	LA	C-7887
Truman Howell Architects & Associates, Inc.	Monticello	MN	AR	C-1440
Ubl Design Group, P.C.	Bismarck	ND	AR	C-7878
Unified Building Sciences & Engineering, Inc.	Richardson	TX	PE	C-1190
Walker Reid Strategies, Inc.	Lake Worth	FL	PE	C-7888

Motion by Micko, seconded by Albertson to approve the following Business Applications. **MOTION PASSED**

Company Name	City	State	Profession	License #
Gill Group, Inc.	Dexter	MO	PE	C-7895
Nestor Houghton, Inc.	Mandeville	LA	PE	C-7896
Stiver Engineering	Houston	TX	PE	C-7897
WE Gundy & Associates, Inc.	Boise	ID	PE	C-7898

Motion by Micko, seconded by Albertson to deny the following Business application based on lack of denial of a comity application. **MOTION PASSED**

Company Name	City	State	Profession
MTX Systems Engineering, LLC	Houston	TX	PE

P. Review previous comity, business applications (Appendix F)

Motion by Thingelstad, seconded by Micko for denial of the Land Surveyor (LS) Comity Application below based on lack of qualifying experience. **MOTION PASSED**

Name	City	State	Profession
Barnett, James Keith	Pea Ridge	AR	LS

Q. Annual, zone, & upcoming meetings
Travel Matrix

November 30 – December 1, 2018 NCARB Experience Committee Meeting – Atlanta, GA – Patterson attending.

Micko made a motion to approve Patterson to travel to NCARB Experience Committee Meeting in Atlanta, GA. Albertson seconded the motion. **MOTION PASSED**

R. Correspondence
Governor Email regarding holidays
NCARB Secretary Announcement

The board briefly discussed each of the above topics.

S. Adjournment

Micko made a motion to adjourn the meeting. Nelson seconded the motion. **MOTION PASSED**

There being no further business, at the hour of 10:07 a.m. Mountain Time the Board meeting of the South Dakota Board of Technical Professions adjourned.

Kathryn Patterson

Kathryn Patterson
Executive Director

Submitted by Susan Neuf, Secretary, SDBTP

ACTIVITIES REPORT FOR THE YEAR 2018

DATE	ASSESSOR			AR			AR/LA			LA			LS			PE			PE/AR		
	RES	NON	TOT	RES	NON	TOT	RES	NON	TOT	RES	NON	TOT	RES	NON	TOT	RES	NON	TOT	RES	NON	TOT
1/31	5	4	9	122	776	898	1	0	1	19	44	63	114	295	409	944	3388	4332	1	2	3
2/28	5	4	9	122	777	899	1	0	1	19	44	63	116	294	410	945	3390	4335	1	2	3
3/31	4	4	8	121	779	900	1	0	1	20	44	64	116	293	409	947	3403	4350	1	2	3
4/30	3	4	7	121	779	900	1	0	1	20	44	64	116	294	410	946	3397	4343	1	2	3
5/31	3	4	7	125	780	905	1	0	1	21	45	66	117	294	411	964	3439	4403	1	2	3
6/30	3	4	7	124	781	905	1	0	1	20	46	66	115	294	409	962	3440	4402	1	2	3
7/31	5	5	10	128	799	927	1	0	1	20	48	68	115	295	410	967	3477	4444	1	2	3
8/31	5	4	9	127	812	939	1	0	1	20	51	71	115	295	410	967	3472	4439	1	2	3
9/30	5	4	9	127	817	944	1	0	1	21	52	73	115	297	412	963	3509	4472	1	2	3
10/31	5	4	9	127	812	939	1	0	1	21	52	73	115	296	411	966	3537	4503	1	2	3
11/30	4	3	7	128	805	933	1	0	1	21	51	72	114	296	410	961	3519	4480	1	1	2
12/31	4	3	7	127	799	926	1	0	1	21	52	73	110	290	400	948	3508	4456	1	1	2

DATE	PE/LA			PE/LS			PE/LS/R			PE/R			REMIADIATOR			LICENSEES			BUSINESS		
	RES	NON	TOT	RES	NON	TOT	RES	NON	TOT	RES	NON	TOT	RES	NON	TOT	RES	NON	TOT	RES	NON	TOT
1/31	0	1	1	56	13	69	1	1	2	14	5	19	20	20	40	1297	4549	5846	271	2058	2329
2/28	0	1	1	55	13	68	1	1	2	14	5	19	19	20	39	1298	4551	5849	269	2061	2330
3/31	0	1	1	55	13	68	1	1	2	14	5	19	19	20	39	1299	4565	5864	274	2062	2336
4/30	0	1	1	55	13	68	1	1	2	14	5	19	19	20	39	1297	4560	5857	271	2066	2337
5/31	0	1	1	55	14	69	1	1	2	14	5	19	18	21	39	1320	4606	5926	272	2071	2343
6/30	0	1	1	55	14	69	1	1	2	14	5	19	18	21	39	1314	4609	5923	272	2078	2350
7/31	0	1	1	55	15	70	1	1	2	14	5	19	18	21	39	1325	4669	5994	277	2093	2370
8/31	0	1	1	56	14	70	1	1	2	14	5	19	18	21	39	1325	4678	6003	277	2106	2383
9/30	0	1	1	56	14	70	1	1	2	14	5	19	18	21	39	1322	4723	6045	277	2137	2414
10/31	0	1	1	55	14	69	1	1	2	14	5	19	18	21	39	1324	4745	6069	279	2140	2419
11/30	0	1	1	55	14	69	1	1	2	14	5	19	19	23	42	1319	4719	6038	279	2128	2407
12/31	0	1	1	50	13	63	1	1	2	14	5	19	19	23	42	1296	4696	5992	278	2144	2422

	JAN	FEB	MAR	APR	MAY	JUNE
Business	2329	2330	2336	2337	2343	2350
Active	5846	5849	5864	5857	5926	5923
Inactive	260	262	262	264	264	260
Retired	184	187	186	187	187	188
TOTAL	8619	8628	8648	8645	8720	8721

	JULY	AUG	SEPT	OCT	NOV	DEC
Business	2370	2383	2414	2419	2407	2422
Active	5994	6003	6045	6069	6038	5992
Inactive	260	256	259	259	260	247
Retired	186	185	187	188	195	197
TOTAL	8810	8827	8905	8935	8900	8858

FINANCIAL COMPARISON FOR SECOND QUARTER JULY - DEC
FY2019

	FY2019	FY2018	FY2017	FY2016	FY2015	FY2014
BEGIN BALANCE	473,684.59	521,181.71	794,794.65	695,629.16	616,975.64	632,153.60
EXAMS		2,640.00	-	-	1,595.00	1,119.00
RENEWALS	153,530.00	106,470.00	165,080.00	108,840.00	174,240.00	104,330.00
APPLICATIONS	36,260.00	32,050.00	29,200.00	33,850.00	35,440.00	28,710.00
MISCELLANEOUS	70.00	6,846.65	100,574.59	6,530.00		
LATE PENALTY	7,400.00	6,000.00	6,700.00	7,100.00	7,000.00	5,300.00
INTEREST	7,698.80	10,304.33	9,760.37	7,984.30	6,109.53	8,019.40
REVENUE	204,958.80	164,310.98	311,314.96	164,304.30	224,384.53	147,478.40
TOTAL REVENUE	678,643.39	685,492.69	1,106,109.61	859,933.46	841,360.17	779,632.00
WAGES/STAFF	54,848.05	54,401.15	53,599.37	34,611.24	50,561.27	47,892.05
WAGES/COMM	3,780.00	3,300.00	4,200.00	4,440.00	6,360.00	7,620.00
BENEFITS	19,318.87	20,911.35	20,767.45	12,783.65	20,128.06	17,859.44
TRAVEL/IN-STATE	3,075.30	2,378.24	2,009.37	4,866.36	3,084.09	5,119.34
TRAVEL/OUT	2,512.08	4,960.32	-	1,636.86	1,684.03	4,141.40
LEGAL FEES	-	-	18,012.33	14,270.50	30,196.92	7,961.30
CONSULTANTS	-	245.00	695.00		2,160.00	4,002.50
DUES	4,215.00	5,295.00	5,095.00	5,180.00	11,680.00	11,680.00
EXAMS	-					
STATE SVCS	5,899.65	5,946.15	6,617.34	7,275.79	14,194.43	13,721.47
REGISTRATION	900.00	703.00	-	365.00	450.00	1,800.00
RENT/OFFICE	12,900.00	12,900.00	12,900.00	12,900.00	12,900.00	8,125.02
RENT/EXAMS	-	-	-			
RENT/EQUIP	388.98	526.00	827.82	552.66	912.66	636.33
EQUIP MTN	368.16		670.06	604.86	593.19	90.50
TELEPHONE	3,265.10	3,770.82	7,511.97	696.98	4,041.21	929.37
SUPPLIES	1,634.51	1,290.13	2,038.11	1,259.37	1,200.37	793.69
PRINTING	450.80	514.64	-			
POSTAGE		5,000.00	10,000.00		5,000.00	5,000.00
BANK Chgs-Other Contractural	4,668.32	3,377.84	4,240.17	3,219.21	10,184.80	2,655.43
ADS	146.97		124.41			394.41
INSURANCE						
AUDITS						
MISC-Impressions	938.60	1,017.80	869.80	749.58	723.50	1,162.50
ASSETS-ComputersPrinters	272.16			4,431.40	7,330.25	
CREDIT CARD		111.93	114.85			
OPER TRANS	3,723.54	3,905.50	3,783.92	2,216.54	2,724.11	3,047.92
TOT EXPENSES	123,306.09	130,554.87	154,076.97	112,060.00	186,108.89	144,632.67
Grants	28,000.00					
END BALANCE	527,337.30	554,937.82	952,046.64	747,873.46	655,251.28	635,479.33

ACTION ITEMS

	Initial Date	Action	Decision	Responsible Person(s)	Status
1	10/30/2018	Research hiring of compliance officer	Position 1 FTE	Board/Legal Counsel/Staff	Position re-posted / phone interviews / one in-person interview
2	05/18/2018	20:38:38 Fire Protection Systems	Rules review for streamlining Fire Protection	Committee formed by Albertson and Williams	Fact Gathering stage
3	11/15/2018	Discipline for embezzlement by licensee	Research and set precedent	Board/Legal Counsel/Staff	Fact Gathering stage

01/10/2019

TerraSite Design

Regular Business Hours

TerraSite Design
1115 West Boulevard
Rapid City, SD
Phone: 605-348-6999
Fax: 605-348-1679

Landscape Architecture

Eirik Heikes, PLA

Monday - Friday 8am - 5 pm

Cell: 406-698-7192

Civil Engineering

Shane Matt, PE

Wednesdays 1-5 pm

Or by Appt. Cell: 605-415-2715

Patterson, Kathryn

From: Philip Gundvaldson <PhilG@infrastructuredg.com>
Sent: Wednesday, December 5, 2018 11:12 AM
To: Patterson, Kathryn
Subject: RE: [EXT] Business License Certificate
Attachments: doc05252920181205121337.pdf

Thank you. Attached is the authorization form. The hours for consideration of approval by the Board are below. We will immediately post the schedule accordingly at the Mitchell office.

Regular in-office hours of Professionally Licensed staff:

Philip L. Gundvaldson, PE (Reg. #9234) – Tuesday 8:00 to 5:00, and by appointment
Robert D. Kummer, PLS (Reg. #8298) – Thursday 8:00 to 5:00, and by appointment

In addition to the regular hours above, we are in the Mitchell office various other days of the week dependent upon project needs.

Please forward to the Board for consideration.

Thank You!

Phil Gundvaldson, PE

infrastructure
design group, inc.

www.infrastructureDG.com



MEMO**DATE:** December 20, 2018**TO:** Member Board Administrators and Testing Services**FROM:** Tim Miller, P.E., Director of Examination Services**RE:** Notice of Future Changes to NCEES Exams and Supporting Materials

This provides Member Boards and testing services with the 1-year notice required by the NCEES *Manual of Policy and Position Statements*, Exam Development Policy (EDP) 9.

Fall 2019 Exam Changes

- **PE Control Systems Engineering**—The PE Control Systems Engineering exam has new specifications starting in October 2019. The specifications are posted on the NCEES website.
- **PE Petroleum**—The PE Petroleum exam will transition to computer-based testing in October 2019. This will be a single-day testing event similar to paper-based exam administrations and the PE Nuclear computer-based exam administration. The test date is **Tuesday, October 15, 2019**. Registration with NCEES for this exam began November 6, 2018. Examinees may reserve their seat at a Pearson VUE test center once they are registered with NCEES and approved by their board. Member Boards who manually approve candidates are encouraged to approve candidates as they register to allow them to reserve their seat for this single-day event as early as possible. The PE Nuclear exam will be offered on the same day.
- **PE Fire Protection**—The PE Fire Protection exam will be offered for the last time in pencil-and-paper format in October 2019 and transition to CBT in October 2020.
- **PE Mechanical**—The PE Mechanical exams will be offered for the last time in pencil-and-paper format in October 2019 and transition to CBT in April 2020.

Spring 2019 Exam Changes

As a reminder, the following changes are in place for the Spring 2019 exam administration.

- **Principles and Practice of Surveying**—The PS exam has new specifications starting in January 2019. The specifications are attached and are posted on the NCEES website.
- **PE Environmental**—The PE Environmental exam had its last paper administration in October 2018. Since November 26, 2018, examinees have been able to register and schedule CBT appointments, which are available year-round starting on April 1, 2019.
- **PE Software Engineering**—The PE Software Engineering exam will have its last administration in April 2019.
- **PE Industrial and Systems**—The PE Industrial and Systems exam will have its last pencil-and-paper administration in April 2019 and transition to CBT in October 2020. **Note that there will be 18 months between these two administrations.**

Spring 2019 NCEES Pencil and Paper Registration Deadlines

- **Spring 2019 Exam Dates**—The spring pencil-and-paper exams will be administered on **April 5 and 6, 2019**. The PE exams and the Vertical Forces component of the SE exam will be administered only on Friday, April 5. The Lateral Forces component of the SE exam will be administered only on Saturday, April 6.
- **Spring 2019 Registration**—Registration for the spring exams opened on **November 26, 2018**, and closes for examinees at 3:00 p.m. eastern time on **February 7, 2019**. The deadline for boards/testing services to mark candidates approved and confirm shipping information is 3:00 p.m. eastern time on **February 21, 2019**. To meet the fulfillment and shipping requirements, we cannot add candidates after this time.
- **Special Accommodations**—All requests for testing accommodations must be submitted through the E3 system by the registration deadline of **February 7, 2019**. These include accommodations for ADA and religious reasons and for active military service. More information about special accommodations is posted on the NCEES website. Member boards/testing services must provide all override information for approved ADA and religious accommodations to ensure that correct information is shown on a candidate's exam authorization. Any other requests for deviations from the schedule must be submitted to Bob Whorton, P.E., Manager of Compliance and Security, at bwhorton@ncees.org.
- **Exam Shipping**—The earliest day an exam order will be delivered to a site is **March 18**. The last day an exam order will be delivered to a site is **April 1**. Inventory must be completed by **April 2**. A packing list will be included with each shipment, identifying the exam booklet serial numbers. Discrepancies between the packing list and the actual contents of the boxes should be reported to Bob Whorton at bwhorton@ncees.org as soon as they are found.

If you have any questions about these changes or require additional information, please contact me at tmiller@ncees.org.

C: NCEES Board of Directors

Chris Duhamel, P.E., EPE Chair
Mohammed Qureshi, Ph.D., P.E., EPE Vice-Chair
Scott Bishop, P.S., EPS Chair
Aaron Morris, P.L.S., EPS Vice-Chair
David Cox, Chief Executive Officer
Davy McDowell, P.E., Chief Operating Officer
Steven Matthews, Chief Technology Officer
Bob Whorton, P.E., Manager of Compliance and Security
Ashley Cheney, Manager of Exam Publications
Keri Anderson, Manager of Corporate Communications

Patterson, Kathryn

From: Albizo, Joel <jalbizo@clarb.org>
Sent: Saturday, December 29, 2018 2:27 PM
To: Patterson, Kathryn
Subject: [EXT] With Sadness

Click [here](#) if you are having trouble viewing this message.

CLARB

Council of Landscape Architectural Registration Boards

CLARB Members, Past Presidents and Friends:

It is with great sadness that we share that 2016 CLARB President Randy Weatherly passed away suddenly on Friday.

A memorial service is set for Wednesday, January 2 at First Church in Bartlesville, Oklahoma. More information is available at this link: <https://www.stumpff.org/obituaries/Randy-Weatherly/#!/Obituary>

Randy was a dedicated, talented and tireless leader—and a great man. We are all better for his selfless service to a cause greater than himself. It was an honor and a privilege to work alongside him.

Phil Meyer and Joel Albizo



Council of Landscape Architectural Registration Boards (CLARB)
1840 Michael Faraday Drive, Suite 200, Reston, Virginia 20190
info@clarb.org / www.clarb.org / 571-432-0332

Click [here](#) to unsubscribe or change your subscription preferences.

A Proven Path to Mobility

This fall we had opportunities to discuss, explore, and clarify how NCARB engages with the licensure process in other countries, as well as how we facilitate mobility in the United States. While the United States' approach to licensure may appear complex, it is clear that the mobility of U.S. architects across jurisdictional boundaries is not a privilege shared by many other vocations. In the current regulatory climate, explaining what we do—and its value—matters, and we will continue to help tell the story of how our model has worked for the past 100 years.

[READ THE MESSAGE FROM THE CEO](#)



NCARB President David L. Hoffmann signed an updated version of the Tri-National Mutual Recognition Agreement in January 2018.

November Highlights

Tri-National Update

NCARB recently met with its counterparts in Canada and Mexico to discuss the ongoing Tri-National Mutual Recognition Agreement, where several members of NCARB's leadership were honored for their commitment to international mobility.

[READ SENIOR OFFICER AND EXECUTIVE OFFICE OUTREACH](#)

New NCARB Office

Construction is underway at NCARB's new office, located at 1401 H Street. Staff are expected to move in to the new space in March. See photos of the progress!

[READ ORGANIZATIONAL DEVELOPMENT](#)

Recent News



- [Owen Recognized by National Architecture Group](#)
- [Students Compete in Interschool Design Competition](#)

Top Blog Posts



- [Design Your Future: Tips for Architecture Students](#)
- [What the Architecture Profession Can Learn About Mentorship From the Military](#)
- [Architect Spotlight: Grace Anne Friedhoff](#)

Message From The CEO

Dear Colleagues:

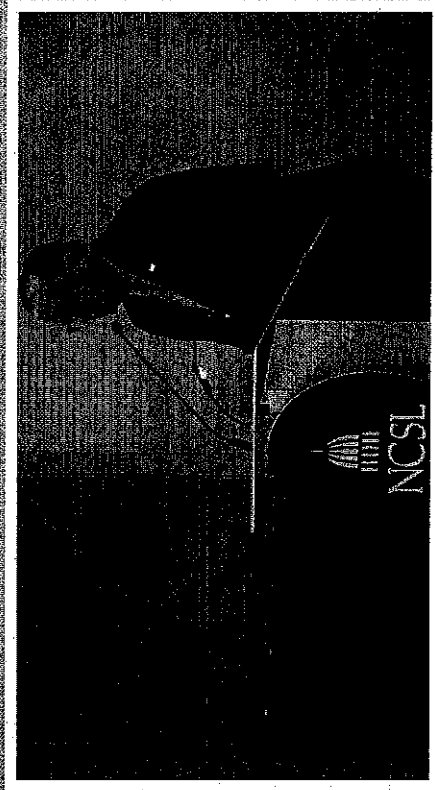
This fall we had opportunities to discuss, explore, and clarify how NCARB engages with the licensure process in other countries. Currently, NCARB has mutual recognition agreements/arrangements (MRAs) with Canada, Australia, and New Zealand, and a Tri-National Agreement with Canada and Mexico. We have a path to NCARB certification for foreign licensees. And individuals pursuing U.S. licensure with a foreign educational degree can have their transcript evaluated by the National Architectural Accrediting Board (NAAB) to identify shortfalls in complying with education requirements.

Nevertheless, we often are asked about the potential for global licensure along with opportunities to expand our mutual recognition agreement portfolio. And at the same time we also are compelled to restate and go further in showing how the NCARB model has a demonstrated track record for encouraging mobility and reinforcing the public protection mission of our boards.

In October I participated in a panel discussion held at the annual Administrators Conference of the Association of Collegiate Schools of Architecture (ACSA), focused on international commonalities and opportunities. The conference's theme addressed the growing interest of ACSA in deepening its relationships around the globe and was held in Quebec City, Quebec, Canada.

In mid-November I traveled with Board leaders and staff to Mexico City, where we continued our discussions with Canadian and Mexican members of the Tri-National monitoring committee, and with Mexico's regulatory and professional society architects. In addition, we are continuing to monitor the "Brexit" situation involving the exit of the United Kingdom from the European Union. Because not all EU member nations utilize licensure processes similar

CONTINUE READING



CEO Armstrong spoke on a panel about professional mobility during NCSL, CSA and CSG's Multi-State Learning Consortium held November 28-30 in Clearwater, Florida. Photo Source: NCSL

CEO Outreach



November

Alabama Board Meeting

Oklahoma City, OK | November 6-7

Missouri Board Meeting

Springfield, MO | November 8-9

Tri-National Committee

Mexico City, Mexico | November 14-17

Rhode Island Board Visit

Cranston, RI | November 18-19

National Conference of State

Legislators (NCSL) Meeting
Clearwater Beach, FL | November 29

Upcoming in December

Virginia Board Visit

Richmond, VA | December 4-5

Council of State Governments

(CSG) Annual Meeting

Cincinnati, OH | December 6-7

New Jersey Board Visit

Newark, NJ | December 13-14

(Continued)

to that of the United States, a simple MRA between the EU and NCARB is not feasible. However, the ability to negotiate separately with the UK, due to similarities in our licensure processes, could lead to a future MRA.

How does this work and what does it mean for our Member Boards and U.S. licensees? Simply put, we always lead with the explanation that NCARB is somewhat unique compared to regulation organizations in other countries. Many countries license individuals at the national level; if licensure occurs at the sub-national level, there is rarely a non-governmental counterpart to NCARB who would promote consistency in laws and regulations or offer a national license "passport" similar to the NCARB Certificate. NCARB's advisory role, with legal authority vested by the U.S. Constitution to the states and other jurisdictions, takes some explaining when we dialogue with other countries.

We then indicate that mutual recognition can only be pursued if there is evidence of education, experience, and examination criteria being required as a precursor to licensure. That requirement usually eliminates further discussion with many countries. We do this as a means of representing the intent of our Member Boards as licensing authorities. In cases where the "three Es" exist, a standing committee of NCARB volunteer experts will map the other country's process, including its sub-elements, to NCARB *Model Law and Regulations*. A determination that we could, with a "speed bump" of certain years of licensed practice in the home country, accept a foreign license for mutual recognition may then ensue.

While abroad it may appear overly complex to negotiate the United States' approach to licensure, domestically it is clear that the mobility of U.S. architects across jurisdictional boundaries is not a privilege shared by many other vocations. In the closing days of November, I spoke to a meeting of state elected officials and staff participating in a "Multi-State Learning Consortium" hosted by the National Conference of State Legislators

(NCSL), the National Governors Association (NGA) and the Council of State Governments (CSG). The lack of a mobility vehicle for "occupations"—a list of some 30-plus vocations requiring less than a four-year degree—is causing jurisdictions to address the value of regulation and options to override or eliminate perceived regulatory barriers.

At this event, I made the point that architects, along with some other "professions" (as distinct from "occupations") have mobility models that are working effectively and should not be eviscerated by overreaching legislation. NCARB and its Member Boards are in a great and unique position to demonstrate the value of a national mobility model that is founded on model laws and regulations, respectful of individual jurisdictional variables, and committed to protecting the public.

This brings us full circle to why explaining what we do—and its value—matters in this current climate of challenging the value of regulation. We will continue to be open to how similar processes can work across national boundaries, and continue to help tell the story of how it has worked across jurisdictional boundaries for 100 years.

Thanks for working with us and guiding us along this ever-evolving journey!

Mike

Strategic Plan

- The NCARB Board of Directors will take another look at the draft of the refreshed NCARB Strategic Plan at its January meeting. Feedback from the Member Board Chairs/Executives Leadership Summit and the September Board meeting is being utilized to edit the draft for further review. The final version will be unveiled at the June 2019 Annual Business Meeting.



NCARB's Re-Think Tank met at the annual Committee Summit in Atlanta, GA.

Collateral Engagement



November

Pan-American Federation of
Associations of Architects (FPAA)
Executive Committee Meeting
Washington, DC | November 1

Five Executives Breakfast
Washington, DC | November 27

Upcoming in December:

AIA Virginia
Richmond, VA | December 4

AIA Presidential Inaugural
Washington, DC | December 7

AIA New Jersey
Newark, NJ | December 14

AIA SF Forum
Seattle, WA | December 28-31



@AIAANJEPIC

Our own #EPIC member Grace Friedhoff was featured on @NCARB Spotlight series. She shares advice about studying for the AREs & her path to licensure journey. Check it out! #AIAANJEPIC

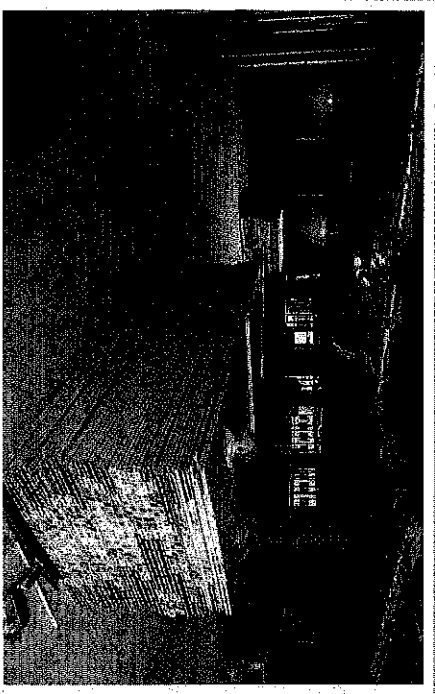
NCARB Update

November 2018

NCARB

Organizational Development and Office Life

- Several "clean-up" days have been scheduled to prepare for the office move next March. Storage opportunities will be consolidated and downsized to reflect current realities of electronic archiving. The new office space will elevate the concept of impromptu and casual collaboration areas along with contemporary office design elements.



Construction is underway at NCARB's new office space at 1401 H Street.

Senior Officer and Executive Office Outreach

- Tri-National Monitoring Committee members President David L. Hoffman, FAIA, NCARB, Hon. FCARM; President-elect Terry L. Allers, NCARB, AIA, Hon. FCARM; CEO Mike Armstrong; and Director of Experience + Education Harry M. Falconer Jr., FAIA, NCARB, Hon. FCARM, attended the Federacion de Colegios de Arquitectos de la Republica Mexicana (FCARM) Annual Meeting on November 15-16. President Hoffman and CEO Armstrong were honored with CONARC medals for service. President-elect Allers and Director Falconer received recognition as Honorary FCARM members. Past President Gregory L. Emy, FAIA, NCARB, Hon. FCARM; and former Senior Architect/Advisor to the CEO Stephen Nutt, FAIA, NCARB, were also invited by FCARM to attend. Past President Emy was honored with a CONARC medal for service and Stephen Nutt was recognized for his years of service to the Tri-National Monitoring Committee and support in the development of the Tri-National Mutual Recognition Agreement.



@NCSLorg

Architects in fact have a legal role in the licensing of building practices, says Michael Armstrong @NCARB. Follow #stateslicense for updates from Clearwater FL #NCSL <http://bit.ly/XSj2bEG>

Administration

- Black Spectacles® received approved provider designation for their study materials for the Architect Registration Examination® (ARE®) Construction & Evaluation division. Black Spectacles has now received approved status for their study materials for all six divisions of the ARE.
- The Meeting Planning team is focused on final logistical planning for the Committee Summit to be held in Atlanta, Georgia, at the end of November.
- Construction has begun on our new office space at 1401 H Street. We are on track for our planned move in early March 2019.



F&D GRANTS



@AIASorg

Through a partnership with the @NCARB, the AIAS is able to grant over \$8,000 this fall to eight different schools to implement their community-based design projects. Congratulations to all the schools who were awarded grants! #AIASfnd
<http://ow.ly/c5jn70mGZOx>

Spotlight on the Centennial

As we celebrate our 100th year, we're looking back at important moments from NCARB history. This month, learn more about the creation of the NCARB Record.



In NCARB's early days, the concept of creating an official record of an architect's credentials was one of the Council's top priorities. First proposed in 1920 by Wisconsin architect **Arthur Peabody, FAIA**, at NCARB's first Annual Meeting the record would include education history, work experience, examination results, and references, verified and securely maintained by NCARB.



By 1930, the NCARB Record had officially been implemented, and **McDonald Lovell** of Illinois became the first NCARB Record holder. He used his Record to get licensed in Indiana and Wisconsin.

Eager for more of NCARB's history? Our Centennial microsite will launch on January 22, 2019, to kick off the 100-day countdown to our 100th birthday on May 21.

NCARB Update

November 2018

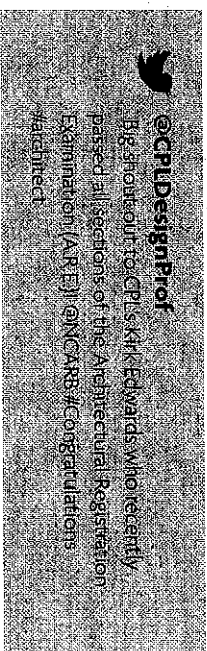
NCARB

Council Relations

- In collaboration with the National Organization of Minority Architects (NOMA), the Council Relations team co-sponsored an outreach event with the District of Columbia's Board of Architecture, Interior Design and Landscape Architecture and Howard University's School of Architecture to engage students and recent graduates on the path to licensure and provide helpful and useful information regarding various NCARB programs.
- Staff met with design industry partners from the American Council of Engineering Companies, American Society of Civil Engineers, National Council of Structural Engineers Associations, National Society of Professional Engineers, American Society of Landscape Architects, Council of Landscape Architectural Registration Boards, and the American Institute of Architects to identify state-level coalition and advocacy efforts for the 2019 legislative session. The group also discussed the recent state election outcomes and the opportunities for policymaker education regarding reasonable regulation.
- The Member Board Executives (MBE) Committee held a teleconference in November to continue planning the Member Board Executives Workshop, review feedback received via the Member Board Transmittal Feedback tool, and finalize the MBE Operations Manual.
- Director of Council Relations Josh Batkin and Director of Examination Jared Zurn, AIA, NCARB, attended the Massachusetts Board of Architects meeting to share information on NCARB programs and initiatives.
- Staff supported the CEO presentation at a panel discussion during the NCSL, NGA, and the CSG's 2018 Multi-State Learning Consortium Meeting in Clearwater, Florida. The panel also included the American Institute of Certified Public Accountants and the National Council of State Boards of Nursing, and the discussion focused on the portability models used by these professions while still ensuring the protection of the public. This was the first time NCARB engaged on a national panel with these specific groups regarding the licensure process for architects, and it proved to be a great educational opportunity for the various policymakers in the audience.

Customer Relations

- Staff met with licensure candidates at Howard University along with representatives from NOMA and the District of Columbia's Board of Architecture, Interior Design and Landscape Architecture. The event provided the opportunity to answer questions regarding establishing an NCARB Record, taking the ARE, licensure, fees, and general information.
- The Professional Conduct Committee (PCC) reviewed staff actions in accordance with the PCC Rules of Procedure for recent disciplinary actions reported by Member Boards via the NCARB Disciplinary Database. The committee directed additional procedures to be taken for several cases.
- Several new Member Boards have agreed to participate in reporting disciplinary actions through the NCARB Disciplinary Database. Danielle Brokenborough (dbrokenborough@ncarb.org) is the dedicated staff resource supporting Member Board staff with training and data entry to the Disciplinary Database. Danielle will contact Member Boards directly for updates following Member Board meetings.



Examination

- The Item Development Subcommittee continued this year's effort to complete a quality control review of every item in the ARE 5.0 item bank.
- Staff completed research into a multi-candidate misconduct case in preparation for an upcoming meeting of the Professional Conduct Committee.
- Michelle Cohn, AIA, NCARB, LEED AP, PMP, a four-year member of the Examination Directorate, was promoted to Assistant Director, Examination.
- Nick Respecki, AIA, NCARB, Manager, Examination, presented at the Institute for Credentialing Excellence's (ICE) national conference on the results of using innovative item types on ARE 5.0.
- Jared Zurn, Director, Examination, and Guillermo Ortiz de Zarate, CIO, presented as part of the innovation track at ICE's national conference on best practices in nurturing an innovative culture at the office.



NCARB staff worked with DC Board members and NOMA to engage with students at Howard University in Washington, DC.

Experience + Education

- The Interior Architecture Work Group met November 4-5, welcoming representatives from the Council on Interior Design Accreditation (CIDA) and the Interior Design Educators Council (IDEC) to their meeting. The work group is charged to establish collaborative relationships with the organizations representing interior design to gain consensus on description and public understanding of the roles of architects and interior designers. Specific attention is being given to descriptions of academic programs to clarify what career opportunities the degree leads to with respect to licensure as an architect or licensure/certification as an interior designer. The work group also developed surveys planned to be delivered to our NCARB Certificate holders and our MBEs to better understand the extent of the practice of interior design nationally.
- The Tri-National Monitoring Committee (representing the 2014 Tri-National Mutual Recognition Agreement between the United States, Canada, and Mexico) recently discussed the application status of our first applicant from Mexico seeking certification in the U.S. and licensure in Canada. The committee reviewed proposed guidelines for applicants and evaluators, which are being developed to more succinctly guide and provide transparency in the expectations of the requirements and process.
- Released a new mini-monograph, *Security Planning and Design Part 7: Security and Emergency Operations*.

@mdumich



Great insights on leadership and mentoring from an emerging professional/ future #architect & Marine Corps veteran @NCARB bit.ly/2F7X4H

NCARB Update

November 2018

NCARB

Information Systems

- Staff welcomed the new Director of Information Systems, Rouel (Roo) De Guzman. We are excited to have him join us and look forward to all the good things he will contribute to the team and organization.
- The team launched the Licensing System on November 5 for the Louisiana State Board of Architectural Examiners (LSBAE). As of today, 928 architects have renewed at LSBAE using the new system.
- Working with Experience + Education and Customer Relations staff, IS developed a process for exporting Certificate portfolios in a streamlined manner.
- NCARB's other proprietary software system, Lineup, was introduced at the ICE Exchange Conference in Austin, TX. The opportunity provided a number of new leads for potential clients in an effort to diversify the NCARB portfolio by providing an additional revenue stream for the Council.

Marketing & Communications

- Staff finalized and distributed the FY18 Annual Report microsite, which provides an archived summary of the Council's work and highlights key accomplishments.
- As a part of a new initiative to supplement Member Board capacity, M&C assisted the New Jersey State Board of Architects with review and layout of their annual report.
- The Marketing & Communications Directorate is experimenting with new ways to raise awareness of licensure processes with younger demographic groups. Accordingly, it launched online applications for participants in a Hip Hop Architecture Camp. NCARB is sponsoring this educational camp, planned for February 2019, which will provide the opportunity to introduce architecture to disenfranchised children in the DC community.
- A Destination Architect Newsletter was distributed to 57,000+ licensure candidates.
- A video version of NCARB's outreach presentation for students was shared via the NCARB blog.

November Outreach



Schools

- 11/5 | University of California, Berkeley - Berkeley, CA
- 11/6 | California College of the Arts - San Francisco, CA
- 11/6 | Academy of Art University - San Francisco, CA
- 11/6 | Virginia Tech (VQAQ) - Alexandria, VA
- 11/7 | University of Texas at Arlington - Arlington, TX
- 11/14 | Howard University with DC Board and NOMA - Washington, DC
- 11/27 | Northeastern University - Boston, MA

Conferences

- 11/3 | Equity by Design - San Francisco, CA
- 11/7-9 | Architecture Exchange East - Richmond, VA
- 11/8-10 | Texas Society of Architects Convention - Fort Worth, TX
- 11/28-29 | Architecture Boston Expo - Boston, MA

Upcoming Outreach



Conferences

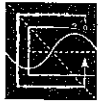
- 12/29-31 | AIA's Forum - Seattle, WA



@NSBAIDRD

In 1988, Nevada implemented the requirement that all architects complete an NCARB's Internship Development Program (now MAXP) as a prerequisite of registration.

LET'S GO FURTHER



NCEES

advancing licensure for
engineers and surveyors

P.O. Box 1686 (280 Seneca Creek Rd.), Clemson, SC 29633 USA T: (864) 654-6824 F: (864) 654-6033 NCEES.ORG

2018-19
BOARD OF DIRECTORS/OFFICERS

December 3, 2018

James J. Purcell, P.E.
President

Dean C. Ringle, P.E., P.S.
President-Elect

Patrick J. Tami, P.L.S.
Past President

Timothy W. Rickborn, P.E.
Treasurer

Marlon W. Vogt, P.E.
Central Zone Vice President

Paul J. Tyrell, P.E., P.L.S.
Northeast Zone Vice President

Christopher P. Knotts, P.E.
Southern Zone Vice President

Brian G. Robertson, P.E.
Western Zone Vice President

B. David Cox
Chief Executive Officer

MEMORANDUM

TO: Member Board Administrators
FROM: David Cox, Chief Executive Officer
SUBJECT: Funded Delegate and Member Board Administrator (MBA) Notification
for the 2019 Central/Northeast Zone Interim Meeting

The 2019 Central/Northeast zone interim meeting will be held May 2-4 in Portsmouth, New Hampshire. A meeting summary is attached.

In accordance with NCEES Financial Policy 3C, the Council shall pay the travel expenses and registration fee of three delegates from each member board to that board's respective zone interim meeting as specified by the member board. The Council shall also pay the travel expenses and registration fee of the designated member board administrator (MBA) from each member board to that board's respective zone interim meeting. When an MBA represents more than one board, the funding shall be for the designated MBA only and not for the assistant MBA or for member board staff. Expenses shall be paid according to current expense payment policies of NCEES. The cost of optional functions not included in the registration fee shall not be paid by NCEES.

To qualify for this funding (up to three nights), designated delegates and MBAs must attend the business sessions on Friday, May 3 and Saturday, May 4. For designated attendees to receive this funding, their respective member boards must be in active status as defined in *Bylaws* 10.012.

Please notify NCEES of your member board's funded delegates by completing and returning the attached form by **Wednesday, January 30**. Delegates will not be allowed to register or book travel until this form is received.

As required by the NCEES *Bylaws*, member board chairs must notify NCEES in writing on board letterhead by January 30 if an associate member is to be designated as the board's sole voting delegate. For boards that require authorization from the state, such designation may come from the agency director for that board.

Please provide contact information for the funded attendees, not the board office. When meeting registration opens in late January, NCEES will send an invitation to each funded attendee via email with meeting information and instructions for registering and making travel arrangements. NCEES will make the hotel reservations for all funded attendees based on information provided during registration.

For questions regarding NCEES-funded delegates, contact Sherrie Dyer at sdyer@ncees.org or 800-250-3196.

/ld
Attachment



NCEES

advancing licensure for
engineers and surveyors

P.O. Box 1686 (280 Seneca Creek Rd.), Clemson, SC 29633 USA T: (864) 654-6824 F: (864) 654-6033 NCEES.ORG

NCEES Central/Northeast Zone Joint Interim Meeting Summary

Location	Sheraton Portsmouth Harborside Hotel 250 Market Street Portsmouth, New Hampshire 03801
Meeting summary	The zone interim meeting is held each spring. The primary purpose of the meeting is for representatives from the licensing boards to hear and discuss reports from the NCEES board of directors, CEO, standing committees, and task forces. The work of the committees and task forces results in motions that will be presented for Council vote at the annual meeting in August. Zone meeting delegates have the opportunity to ask questions and discuss possible annual meeting motions, and they are encouraged to take information back to their boards for further discussion. Additionally, delegates will provide individual board updates to their respective zones, the Central Zone will elect a zone secretary-treasurer, and the Northeast Zone will elect a zone vice president and assistant vice president.
Meeting dates and agenda	May 2-4, 2019 The business meeting begins at 8:00 a.m. on Friday, May 3 and concludes at noon on Saturday, May 4. The awards luncheon takes place Saturday after the last business meeting. A draft business meeting agenda follows on the next page. A full schedule of events will be posted at www.ncees.org/zones when registration opens.
Registration fee	\$345 delegates Meals include Thursday's welcome dinner; Friday's breakfast, lunch, and dinner; and Saturday's breakfast and awards luncheon.
Hotel room block rate	\$179/night for standard rooms The rate includes complimentary Internet access in the guest rooms. The rate does not include sales tax (currently 9 percent).
Airport ground transportation	Delegates who fly to this meeting will most likely need to rent a car or to share a ride with someone else who does. Portsmouth has a small airport with limited flights. Most attendees will need to fly into Boston Logan International Airport, Manchester-Boston Regional Airport, or Portland International Jetport. Each airport is 60-90 minutes from the hotel. NCEES-funded attendees who fly to the meeting will be permitted to rent a car if it is booked through Travel Inc. Rental charges will be direct-billed to NCEES. More information will be available in individual invitations and at ncees.org/zones .
Hotel parking costs	Self-parking is \$20 per day. Valet parking is \$25 per day. Self-parking will be direct-billed to NCEES for all funded attendees who drive to the meeting or rent a car through Travel Inc.
NCEES funding summary	The Council will fund the meeting registration, travel, and lodging expenses for up to three nights (May 2-4) for three delegates from each board and each member board administrator. Rental cars booked through Travel Inc. and hotel parking will be direct-billed to NCEES. Following the meeting, each funded delegate will receive a \$200 check to cover incidentals.

NCEES Central/Northeast Zone Joint Interim Meeting
Portsmouth, New Hampshire
May 2-4, 2019
Meeting Agenda

Thursday, May 2

3:00-5:00 p.m.	Colonial States Boards of Surveyor Registration meeting
3:00-6:00 p.m.	Registration desk open
5:45-6:30 p.m.	First-time attendee reception
6:30-8:00 p.m.	Welcome dinner

Friday, May 3

7:00-8:00 a.m.	Breakfast buffet
7:00 a.m.-noon and 2:00-5:00 p.m.	Registration desk open
8:00 a.m.-noon	Business session 1 <ul style="list-style-type: none">▪ Call to order▪ Invocation▪ Pledge of Allegiance▪ Welcome▪ Roll call of member boards<ul style="list-style-type: none">○ Central Zone○ Northeast Zone▪ Introduction of guests and attendees▪ Review of schedule for the day▪ NCEES officer and CEO reports▪ NCEES committee and task force reports<ul style="list-style-type: none">○ Advisory Committee on Council Activities (ACCA)○ Committee on Education○ Committee on Examination Policy and Procedures (EPP)○ Committee on Examinations for Professional Engineers (EPE)○ Committee on Examinations for Professional Surveyors (EPS)○ Committee on Finances○ Committee on Law Enforcement○ Committee on Member Board Administrators (MBA)○ Committee on Uniform Procedures and Legislative Guidelines (UPLG)○ Special Committee on Bylaws○ Public Outreach Task Force○ Surveying Exam Module Task Force
12:15-1:15 p.m.	Luncheon

- 1:30–2:30 p.m. Business session 2
- NCEES committee and task force reports (continued)
- 2:45–4:30 p.m. Individual zone meetings
- Call to order
 - Approval of zone meeting minutes from NCEES annual meeting
 - Call for resolutions
 - Call for additional agenda items
 - Financial report
 - Zone committee and task force reports
 - Site-Selection Committee
 - Awards Committee
 - Leadership Development Committee
 - Nominating Committee (elections on Saturday morning)
 - Nominations for zone offices and candidate remarks
 - Central Zone: Secretary-treasurer
 - Northeast Zone: Vice president and assistant vice president
 - Mobility Task Force (Central Zone)
 - Outreach Task Force (Central Zone)
 - Update on state activities
- 6:00–8:30 p.m. Dinner
- Saturday, May 4**
- 7:00–8:00 a.m. Breakfast
- 8:00–9:30 a.m. Breakout forums
- Engineers
 - Surveyors
 - Member board administrators
- 9:45–11:00 a.m. Individual zone meetings
- Elections
 - Central Zone: Secretary-treasurer
 - Northeast Zone: Vice president and assistant vice president
 - Site-Selection Committee report
 - Update on state activities (continued)
- 11:15 a.m.–noon Business session 3 (closing session)
- Forum reports
 - New business
 - Other
 - Invitation to 2020 combined zone interim meeting in Houston
 - Closing comments and adjournment
- 12:30–1:30 p.m. Awards luncheon and Resolutions Committee report

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2019 Regional Summit

Registration for the 2019 Regional Summit is now available ☑. The Regional Summit is the Council's second largest meeting and is planned and executed by the Regional Leadership Committee. It provides a forum where issues important to the regions and licensing boards are addressed. This year's agenda will cover several topics including:

1. The future of architectural practice and how regulatory boards can keep pace with evolving technology.
2. The current regulatory environment and what boards can do to ensure they are communicating the important work they do to protect the health, safety, and welfare of the public.
3. How boards can continue to enact their statutory to protect the public by enforcing appropriate architectural practice.
4. Regional business and regional issues, including regional elections.

As a benefit to licensing boards, NCARB covers the cost of registration, travel, and lodging for up to four representatives from each board. This funding is available for two board members, a public member, and the board executive or their designee. Please register for the event on the Regional Summit website ☑ no later than February 1, 2019. For more information on the Regional Summit, please visit the Member Board Community ☑ or contact your regional executive.

- Region 1 Executive: Dawne Broadfield ☑
- Region 2 Executive: Judy Belcher ☑
- Region 3 Executive: Jenny Owen ☑

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the health, safety, and
welfare of the public.*

1801 K Street, NW
Suite 700K
Washington, DC 20006
202/783-6500
WWW.NCARB.ORG ☑

- Region 4 Executive: [Glenda Loving](#) ✉
 - Region 5 Executive: [Stacy Krumwiede](#) ✉
 - Region 6 Executive: [Gina Spaulding](#) ✉
-

Survey of Registered Architects

Every year, NCARB collects data from our Member Boards that is used in the annual *NCARB by the Numbers* publication. This information helps Member Boards, collateral organizations, and press organizations assess and report on the state of the profession and helps promote the value of the public health, safety, and welfare work our Member Boards do.

The report includes information on in-state and reciprocal registrations, and disciplinary data. We need your help to ensure that we are accurately reporting information for your state. We will send an email to all Member Board Executives (MBEs) in early January to collect this information, or you can send it directly to Council Relations at council-relations@ncarb.org ✉ before the end of the year.

Reduced Transmittal Fee

NCARB will lower the fee for transmitting an NCARB Record from \$400 to \$385 on January 3, 2019. The \$15 reduction is the first stage in a multi-year effort to gradually lower transmittal fees for architects seeking reciprocal licensure. As professional mobility becomes increasingly important in the regulatory environment, reducing the transmittal fee over the next several years should help make this important benefit of the NCARB Certificate more accessible to our customers and highlight architecture's existing mobility pathway. With more than 125,000 reciprocal licenses issued in the United States—far more than the number of residential licenses—reducing the financial burden of holding multiple licenses is an essential step toward enabling regulation to meet the needs of the evolving profession.

NCARB CEO Michael Armstrong Presents at NGA-Sponsored NCSL and CSG Panels

NCARB CEO Michael Armstrong recently participated in two panels on professional licensing and mobility at the National Conference of State Legislatures' (NCSL) [2018 Multi-State Learning Consortium Meeting](#) ✉ and the Council of State Governments' (CSG) [2018 National Conference](#) ✉ in Northern Kentucky Greater Cincinnati. Partially sponsored by the National Governors Association (NGA), these meetings occurred as part of the [U.S. Department of Labor's grant](#) ✉ to study occupational licensing portability and reform. Armstrong presented on the value of professional licensing, the differences between occupations and professions, and the pathways to mobility in architecture at the CSG "National Center for Interstate Compacts Summit of the States: How State Collaboration Can Strengthen the Workforce" and NCSL "Making a License Portable" panels. Both events were opportunities to promote

ways in which architect regulatory boards have developed a model for licensure that other professions could benefit from adopting. The architecture profession's pathways to licensure and mobility are proven and effective—and are critical to protecting the public's health, safety, and welfare.

Contact Advocacy and External Engagement Assistant Director Marta Zaniewski (mzaniewski@ncarb.org) for questions about these panels.

Revised Policy on Access to Electronic Portfolio Submissions

Based on concerns expressed by our Member Boards, NCARB has revised our policies to allow for Member Boards to request the electronic portfolios used in determining certification eligibility or compliance with the Architectural Experience Program® (AXP®). An NCARB portfolio may be requested by the Member Board Executive through their designated NCARB Customer Relations Liaison. The transmittal from NCARB will assure that the Member Board has access to the information that has been reviewed and verified to meet the program requirements by NCARB. To read the full announcement from CEO Armstrong, [visit the Member Board Community](#).

New Advocacy Tools in Your Toolkit

As we begin to navigate emerging legislative and political challenges in the 2019 legislative session, NCARB has developed two new guides on trending issues and the resources available to you. These infographics are separated into two tiers: Tier 1 "[Significant Threats to the Board's Authority](#)" and Tier 2 "[Opportunities for Educating Policymakers](#)." Through these documents you will learn:

- The types of threats and opportunities presented to licensing boards
- Recent examples of these threats
- How the NCARB Council Relations team can help your board

We encourage you to familiarize yourself with these infographics and reference them during the upcoming legislative session. As always, reach out to Marta (mzaniewski@ncarb.org) or Maurice (mbrown@ncarb.org) with any questions or concerns.

Lobbying Ability Survey

While all boards can educate the public and policymakers about their role protecting public health, safety, and welfare, boards' authority varies from jurisdiction to jurisdiction. Some boards may have the ability to take positions on specific pieces of legislation and lobby or hire a lobbyist to help convey their views to legislators, while others may not. We have created [a brief survey](#) to help us get a better understanding of our Member Board's

lobbying abilities. Please take a moment to complete the survey and feel free to reach out to Marta (mzaniewski@ncarb.org) or Maurice (mbrown@ncarb.org) if you have any questions.

FY20 NCARB Board of Directors Nominations and Elections

Credentials Committee Chair Knox H. Tumlin, FCSI, CDT, AIA, NCARB, has issued a call for candidates interested in seeking office on the NCARB Board of Directors. The Policy for Elections of the NCARB Board of Directors includes information on nominations, campaigns, and elections.

- Nominations for MBE and regional director candidates will occur in March during the MBE Workshop and Regional Summit, respectively. Recommended candidates will be forwarded for formal ratification by the full membership at the June Annual Business Meeting (ABM).
- Elections for the officer positions of secretary, treasurer, second vice president, first vice president/president-elect, and public director will occur at the Annual Business Meeting through a vote of the full membership. Nominations and seconds for those positions occur at ABM.

For more information regarding rules and procedures governing candidacy, including qualification requirements, please review the [NCARB Bylaws](#) and/or regional rules where applicable. Information is also available on the Member Board Community.

Please note that officer and public director candidates must send candidate statements and resumes to Josh Batkin (jbatkin@ncarb.org) by Friday, February 8, 2019, to be included in the Regional Summit packet of information.

Legislative Update

With state legislatures returning to session in the coming weeks, we wanted to provide you with an update on a few bills:

- [Michigan House Bill 6110](#): MI H 6110 seeks to limit the extent a criminal record can impact eligibility to be licensed, and appears to be moving closer to enactment. Essentially, a board would not be prohibited from considering a criminal conviction as proof of lack of good moral character and would need to use further criteria to disqualify a candidate. H 6110 recently passed the Senate Committee on Regulatory Reform with minor amendments.
- [Ohio Senate Bill 255](#): OH S 255 proposes automatic sunset provisions for all licensing boards and would allow individuals to practice without a license if a regulatory board has been sunset. It exempts professions where licensing is required by state statute but does not protect those respective boards from being dissolved. The House Committee on Federalism and Interstate Relations passed S 255 with minor amendments.
- [Ohio Senate Bill 320](#): OH S 320 would require boards to issue temporary licenses to active duty military and spouses at no cost as long as they are licensed in good standing in

another jurisdiction. Individuals can practice under the temporary license for up to one year and then must apply for a reciprocal license through the established processes. Interestingly, the Ohio Architects Board already has expedited licensure for these individuals (three days after receiving documents and fees). This bill was recently recommended forward with minor amendments by the Senate Committee on Transportation, Commerce and Workforce.

We will continue to monitor the progress of these bills and anticipate more bills will drop with legislative sessions pre-file dates approaching soon. You can access the full text of bills we're tracking, as well as regulations, through the StateNet platform on the [Member Board Community](#) under the "Advocacy" heading. As always, feel free to contact Marta Zaniewski (mzaniewski@ncarb.org) or Maurice Brown (mbrown@ncarb.org) regarding any legislative issues you would like us to monitor.

Joint NCARB/ACSA Professional Practice Review

The Association of Collegiate Schools of Architecture (ACSA) and NCARB have completed the initial phase of a data collection project on the different approaches of teaching professional architectural practice courses in degree programs accredited by the National Architectural Accrediting Board (NAAB). The data collection included a survey of professional practice professors and an analysis of syllabi and curriculum models from programs across the country. Key insights from the report include:

- 87 percent of respondents are currently a licensed architect.
- 70 percent of respondents are still professionally practicing architecture.
- 56 percent are either currently, or have previously, been an architect licensing advisor or Intern Development Program (IDP) coordinator.

You can read the full report on the [ACSA website](#).

FARB Forum

Registration for the Federation of Associations of Regulatory Boards (FARB) Forum in New Orleans is available now! The forum, held January 24-27, 2019, will focus on an analysis and articulation of government involvement in professional and occupational regulation. Regulatory boards are under increased political and legal scrutiny. It is time for the regulatory community to shine by inviting scrutiny and welcoming opportunities to address the need for government regulation. Further details can be found on the [2019 FARB Forum Registration Page](#).

Welcome New Member Board Member

We'd like to introduce the following new Member Board Member:

- Emily Coe joined the Alabama Board of Architects as an architect member.

Upcoming Meetings

NCARB committee work and volunteer engagement is in full swing. Please be sure to mark your calendars for the upcoming events:

- **MBE Workshop:** March 7, 2019, in Nashville, TN
- **Regional Summit:** March 8 – 9, 2019, in Nashville, TN
- **2019 Centennial Annual Business Meeting:** June 20-22, 2019, in Washington, DC
- **Architect Licensing Advisors Summit:** August 1-3, 2019, in Minneapolis, MN

reason

FREE MINDS AND FREE MARKETS

Judge Confirms: Oregon Engineer Has a First Amendment Right to Call Himself an Engineer

Even if the Oregon Board of Examiners for Engineering and Land Surveying disagrees.

Eric Boehm | Jan. 2, 2019 10:50 am



Institute for Justice

A federal judge has ruled that the Oregon Board of Examiners for Engineering and Land Surveying violated the First Amendment when it tried to fine Mats Järnlström—an Oregonian with a degree in engineering and years of experience in the field—for describing himself as "an engineer."

In a ruling issued Friday, U.S. Magistrate Judge Stacie F. Beckerman issued a permanent injunction against the board's enforcement of the relevant rules, which had included trying to fine Järnlström \$500 for describing himself as an engineer in a non-professional context.

Järnlström got on the board's bad side because he tried to challenge a traffic ticket given to his wife by a red light camera in Beaverton, Oregon, in 2013. He challenged the ticket by questioning the timing of the yellow lights at intersections where the cameras had been installed, using knowledge from his degree in electrical engineering and his experience working as an airplane camera mechanic in the Swedish Air Force. His research landed him in the media spotlight—in 2014, he presented his evidence on an episode of *60 Minutes*—and earned him an invitation to present his findings at an annual meeting of the Institute of Transportation Engineers, a trade group.

It also got him some unwanted attention from the Oregon State Board of Examiners for Engineering and Land Surveying, which said Järnlström's research into red light cameras and their effectiveness amounts to practicing engineering without a license. The board told Järnlström that even calling himself an "electronics engineer" and the use of the phrase "I am an engineer" in his letter were enough to "create violations."

Those regulations and enforcement actions, Beckerman ruled, are unconstitutional violations of the First Amendment. The judge directed the board to remove the definition of "engineer" from its rules and to limit its enforcement to individuals who falsely claim to be a "professional engineer."

The ruling means that "thousands of Oregon engineers are now free to describe themselves—truthfully—as 'engineers,' without fear of government punishment," says Sam Gedge, an attorney with the Institute for Justice, a libertarian law firm that represented Järström in the lawsuit against the board.

"The regulation of the title 'engineer' is more burdensome than necessary to protect the public from the unlicensed practice of engineering," wrote Beckerman. "The record demonstrates that the threat to free expression is not merely hypothetical."

Indeed, the record is full of overzealous enforcement on the part of the Oregon State Board of Examiners for Engineering and Land Surveying. The board investigated a Portland city commissioner in 2014 for publishing a campaign pamphlet that mentioned his background as an "environmental engineer"—even though the commissioner had a bachelor's degree in environmental and civil engineering from Cornell University, had a master's degree from MIT's School of Civil Engineering, and was a member of the American Society of Civil Engineers. The board spent more than a year investigating the commissioner's background before voting to issue an official "warning" against using the word *engineer* incorrectly.

In another case, the state board investigated a gubernatorial candidate for using the phrase "I'm an engineer and a problem-solver" in a campaign ad. The candidate in question, Allen Alley, had a degree in engineering from Purdue University and worked as an engineer for Boeing (and, of course, wasn't trying to lie about his lack of an Oregon-issued license; he was making a freaking campaign ad).

It doesn't stop there. In 2010, the state board fined a local activist \$1,000 for illegally practicing engineering. More specifically, the activist had told the La Pine, Oregon, city council that a proposed power plant would be too loud for nearby residents.

The board once investigated *Portland Monthly* for running a story that described a young immigrant woman as "an engineer behind Portland's newest bridge." The woman in the story did not describe herself as an engineer, but the magazine's editors had included that description in their headline.

"For years, Oregon's engineering board has operated as if the First Amendment didn't apply to it," Gedge tells *Reason*. "As the court's ruling confirms, that could not be more wrong."

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MATS JÄRLSTRÖM,

Plaintiff,

v.

CHRISTOPHER D. ALDRIDGE, WILLIAM
J. BOYD, DAREN L. CONE, SHELLY MC
DUQUETTE, JASON J. KENT, LOGAN T.
MILES, RON SINGH, DAVE M. VAN
DYKE, SEAN W. ST. CLAIR, AMIN
WAHAB, and OSCAR J. ZUNIGA JR., in
their official capacities as members of the
Oregon State Board of Examiners for
Engineering and Land Surveying,

Defendants.

Case No. 3:17-cv-00652-SB

OPINION AND ORDER

BECKERMAN, U.S. Magistrate Judge.

Plaintiff Mats Järlström ("Plaintiff") brings this action against members of the Oregon State Board of Examiners for Engineering and Land Surveying ("Board"), seeking declaratory and injunctive relief under 28 U.S.C. §§ 2201-2202 and 42 U.S.C. § 1983. (ECF No. 1.) Plaintiff challenges the constitutionality of certain provisions of Oregon's Professional Engineer Registration Act, Or. Rev. Stat. §§ 672.002-672.325, *et seq.* (the "Act"). Specifically, Plaintiff

alleges that Or. Rev. Stat. § 672.005(1)(a)-(b); Or. Rev. Stat. § 672.007(1); Or. Rev. Stat. § 672.020(1); Or. Rev. Stat. § 672.045(1); Oregon Administrative Rule (“OAR”) 820-010-0730(3); and OAR 820-040-0030 (collectively, the “Practice laws”), and Or. Rev. Stat. § 672.002(2); Or. Rev. Stat. § 672.007(1); and OAR 820-010-0730(3) (collectively, the “Title laws”), violate the First Amendment, both as applied to Plaintiff and on their face.¹

Plaintiff filed a motion for summary judgment. (ECF No. 72.) The Board filed a cross-motion for summary judgment, admitting liability on Plaintiff’s as-applied challenge but opposing Plaintiff’s facial challenge. (ECF No. 79). The Court has jurisdiction under 28 U.S.C. § 1331, and all parties consent to the jurisdiction of a U.S. Magistrate Judge under FED. R. CIV. P. 73(b). For the following reasons, the Court grants the Board’s motion for summary judgment with respect to Plaintiff’s facial challenge to the Practice laws, and grants Plaintiff’s motion for summary judgment with respect to all other issues.

BACKGROUND

The material facts are not in dispute. Plaintiff is a resident of Washington County, Oregon, a lawful permanent resident of the United States, and a citizen of the Kingdom of Sweden. (Compl. ¶ 8; Answer ¶ 7.) Plaintiff earned the equivalent of a Bachelor of Science degree in electrical engineering in Sweden and has spent his career working in the field of electronics. (Compl. ¶¶ 12-15; Answer ¶ 9.) He does not have a professional engineering license to practice in any state. (Compl. ¶ 28; Answer ¶ 22.)

In May 2013, Plaintiff became interested in traffic light timing after his wife received a “red-light-camera” ticket. (Compl. ¶ 11; Answer ¶ 9.) Plaintiff spent three years analyzing the

¹ Plaintiff includes Or. Rev. Stat. § 672.045(2) and Or. Rev. Stat. § 672.020(1) in his challenge to the Title laws. (ECF No. 1.) These provisions, however, do not restrict the use of the title “engineer,” and therefore the Court does not include those sections in its analysis of the Title laws.

standard method for calculating the duration of a yellow light and found that the formula failed to account for drivers who must slow down to make a legal turn. (Compl. ¶¶ 16-17; Answer ¶¶ 10-11.)

In September 2014, Plaintiff emailed the Board and asked for “support and help” in an attempt to further his research and broadcast his findings. (Compl. ¶¶ 24-25; Answer ¶¶ 18-19.) The Board responded two days later, informing Plaintiff that he violated engineering laws by referring to himself as an “electronics engineer” and stating “I’m an engineer.” (Compl. ¶¶ 26-27; Answer ¶¶ 20-21.) The Board advised Plaintiff to stop using those titles until he registered with the Board. (Compl. ¶ 29; Answer ¶ 23.) Undeterred, Plaintiff continued to discuss his ideas with the public, including the National Council of Examiners for Engineering and Surveying, the *60 Minutes* news program, a local news station, and the physicist who created the original traffic light timing formula. (Compl. ¶¶ 31-32; Answer ¶ 23.) In at least one of those communications, Plaintiff described himself as an “engineer,” including in further emails to the Board. (Compl. ¶¶ 37-38; Answer ¶¶ 26-27.)

On February 12, 2015, the Board’s Law Enforcement Committee conducted a preliminary evaluation and voted to open a “law enforcement case” against Plaintiff. (Compl. ¶ 43; Answer ¶ 32.) In November 2016, the Board imposed a \$500 civil penalty for Plaintiff’s violations of Or. Rev. Stat. § 672.020; Or. Rev. Stat. § 672.045(1) and (2); and OAR 820-010-0730. (Compl. ¶¶ 72-74; Answer ¶¶ 50-52.) Specifically, the Board concluded that Plaintiff violated Or. Rev. Stat. § 672.020(1), Or. Rev. Stat. § 672.045(1) and (2), and OAR 820-010-0730(3)(a) and (c) by critiquing the traffic light timing formula and submitting his critiques to members of the public, and by “asserting to the public media” and “to a public body” that he is an engineer. (Mats Järnlström Decl., Ex. 14 ¶¶ 13-17.) Plaintiff paid the \$500 penalty. (Järnlström

Decl. ¶ 26.) On January 10, 2017, the Board issued its Final Order finding Plaintiff in violation of Or. Rev. Stat. § 672.020(1), Or. Rev. Stat. § 672.045(1) and (2), and OAR 820-010-0730(3)(a) and (c). (Järlström Decl., Ex. 15.)

In April 2017, Plaintiff filed this case alleging that Oregon's engineering practice and title laws violate the First Amendment's Speech and Petition Clauses both facially and as applied to Plaintiff. (Compl. ¶¶ 103-146; Answer ¶¶ 76-116.) On August 18, 2017, the Board refunded the \$500 fine to Plaintiff. (Järlström Decl., Ex. 17.) Plaintiff moved for summary judgment in May 2018. (Mot. for Summ. J.) The Board filed a cross-motion for summary judgment, asking the Court to provide only as-applied relief. (Mot. for Summ. J.; Resp. to Mot. for Summ. J.)

ANALYSIS

I. STANDARD OF REVIEW

Summary judgment is appropriate where there are no genuine issues of material fact and the moving party is entitled to judgment as a matter of law. FED. R. CIV. P. 56(a). On a motion for summary judgment, the court must view the facts in the light most favorable to the non-moving party, and must draw all reasonable inferences in favor of that party. *Porter v. Cal. Dep't of Corr.*, 419 F.3d 885, 891 (9th Cir. 2005) (citations omitted). The court does not assess the credibility of witnesses, weigh evidence, or determine the truth of matters in dispute. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 249 (1986). "Where the record taken as a whole could not lead a rational trier of fact to find for the nonmoving party, there is no 'genuine issue for trial.'" *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986) (citation omitted).

II. DISCUSSION

A. First Amendment

The First Amendment, applied to the states through the Fourteenth Amendment, prohibits laws "abridging the freedom of speech." U.S. CONST. amend. I. Plaintiff brings an as-applied and

facial challenge to the Practice and Title laws, arguing that they are overbroad and violate the First Amendment's Speech and Petition Clauses.² The distinction between an as-applied and facial challenge affects Plaintiff's "burden of establishing [a statute's] unconstitutionality." *Italian Colors Rest. v. Becerra*, 878 F.3d 1165, 1174 (9th Cir. 2018). If the challenge is only to the application of the law, Plaintiff "must show only that the statute unconstitutionally regulates" his own speech. *Id.* When the challenge is facial, however, Plaintiff must either show that "no set of circumstances exists under which [the challenged law] would be valid, or that it lacks any plainly legitimate sweep." *Ctr. for Competitive Politics v. Harris*, 784 F.3d 1307, 1314-15 (9th Cir. 2015) (alteration in original) (citation and quotation marks omitted). Plaintiff asks the Court to declare the Practice laws facially overbroad, and declare the Title laws either facially overbroad or invalid in all applications. (Pl.'s Reply at 25.)

1. As-Applied Challenge

Plaintiff and the Board agree that the Practice and Title laws violate the First Amendment as applied to Plaintiff, and therefore the Court enters summary judgment in favor of Plaintiff on his as-applied challenges.

///

² In addition to protecting speech, the First Amendment also protects "the right of the people . . . to petition the Government for a redress of grievances." U.S. CONST. amend. I. Because "[t]he Framers envisioned the rights of speech, press, assembly, and petitioning as interrelated components of the public's exercise of its sovereign authority," courts "have recurrently treated the right to petition similarly to, and frequently as overlapping with, the First Amendment's other guarantees of free expression." *McDonald v. Smith*, 472 U.S. 479, 489-90 (1985) (Brennan, J., concurring). More recently, the Supreme Court has cautioned against presuming "that Speech Clause precedents necessarily and in every case resolve Petition Clause claims." *Borough of Duryea, Pa. v. Guarnieri*, 564 U.S. 379, 389 (2011). "There may arise cases where the special concerns of the Petition Clause would provide a sound basis for a distinct analysis." *Id.* The parties here do not ask for a distinct analysis, and since "[t]he considerations that shape the applications of the Speech Clause to [Plaintiff] apply with equal force to claims . . . under the Petition Clause," the Court will analyze the Petition claim under the same standards as the Speech claim. *Id.*

2. The Practice Laws

Before reaching the merits of Plaintiff's overbreadth challenge to the Practice laws, the Court must first determine whether overbreadth review is appropriate in light of Plaintiff's successful as-applied challenge.

The Practice laws that Plaintiff seeks to invalidate generally prohibit any person from practicing or offering to practice engineering in Oregon unless the person is registered to practice engineering in Oregon. *See* Or. Rev. Stat. §§ 672.020(1) and 672.045(1); OAR 820-010-0730(3). The Practice laws define the "practice of engineering" to include "[p]erforming any professional service or creative work requiring engineering education, training and experience" and "[a]pplying special knowledge of the mathematical, physical and engineering sciences to such professional services or creative work as consultation, investigation, testimony, evaluation, planning, design and services during construction, manufacture or fabrication for the purpose of ensuring compliance with specifications and design, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works or projects." Or. Rev. Stat. § 672.005(1)(a)-(b).

The Supreme Court has instructed that courts should address an as-applied challenge before an overbreadth challenge. *See Bd. of Tr. of State Univ. of N.Y. v. Fox*, 492 U.S. 469, 484-86 (1989) (cautioning against reaching an overbreadth issue before "it is determined that the statute would be valid as applied"); *see also Brockett v. Spokane Arcades*, 472 U.S. 491, 504 (1985) (noting that the overbreadth doctrine has limited value "where the parties challenging the statute are those who desire to engage in protected speech" because "[t]here is then no want of a proper party to challenge the statute, no concern that an attack on the statute will be unduly delayed or protected speech discouraged"); *Members of City Council of L.A. v. Taxpayers for Vincent et al.*, 466 U.S. 789, 798 (1984) (finding overbreadth review inappropriate where the

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plaintiffs “failed to identify any significant difference between their claim that the ordinance is invalid on overbreadth grounds and their claim that it is unconstitutional when applied to [them]”). This sequence avoids converting the overbreadth doctrine “into a means of mounting gratuitous wholesale attacks upon state and federal laws.” *Id.* Many courts have concluded that a successful as-applied challenge precludes the overbreadth inquiry. *See Serafine v. Branaman*, 810 F.3d 354, 362-63 (5th Cir. 2016) (declining to address the overbreadth of a statute found invalid as applied to plaintiff); *U.S. v. Popa*, 187 F.3d 672, 678 (D.C. Cir. 1999) (refusing to “go on to inquire whether the statute is overbroad” after finding statute invalid as applied); *Jacobsen v. Howard*, 109 F.3d 1268, 1274-75 (8th Cir. 1997) (vacating part of a judgment because the district court erred in considering an overbreadth challenge after a successful as-applied challenge).

The Ninth Circuit has generally allowed overbreadth review following a successful as-applied challenge, but only if the challenged law presents an “unacceptable risk of the suppression of ideas.” *Nunez by Nunez v. City of San Diego*, 114 F.3d 935, 949 (9th Cir. 1997) (“Technically, the overbreadth doctrine does not apply if the parties challenging the statute engage in the allegedly protected expression” but plaintiffs still “may seek directly on their behalf the facial invalidation of overly broad statutes that create an unacceptable risk of the suppression of ideas.”) (citation and quotation marks omitted). For example, in *Lind v. Grimmer*, 30 F.3d 1115 (9th Cir. 1994), the plaintiff sought to invalidate a Hawaii law requiring confidentiality around campaign spending investigations. The court held that the law was unconstitutional as applied to the plaintiff’s speech, but went on to assess overbreadth because “after striking the portion of [the statute] that is unconstitutional as applied to Lind, and even assuming that the statute may have some constitutional applications, we are left with the fact that

[the statute] has numerous other potential applications that are unconstitutional.” *Lind*, 30 F.3d at 1122.

The Supreme Court has made clear that “there must be a realistic danger that the statute itself will significantly compromise recognized First Amendment protections of parties not before the Court for it to be facially challenged on overbreadth grounds.” *Vincent*, 466 U.S. at 801. Here, Plaintiff has not demonstrated a realistic danger that the Practice laws will significantly compromise the First Amendment rights of parties not before the Court. Aside from Plaintiff’s successful as-applied challenge here, Plaintiff points only to the Board’s enforcement actions against Dale La Forest and Suji Somasundaram as evidence of the Practice laws’ potentially unconstitutional reach. (Pl.’s Mot. Summ. J. at 22.) In Plaintiff’s view, the Board punished La Forest and Somasundaram simply for their speech critical of public projects. (Pl.’s Mot. Summ. J. at 21.) However, the record reflects that, unlike Plaintiff here, La Forest and Somasundaram did not engage in engineering on their own behalf. Rather, they were engaged by clients to provide professional engineering analysis and advice. *See* Dale La Forest Decl., Ex. 1 at 2 (stating that “La Forest prepared for a client a report . . .”); Samuel Gedge Decl. ¶ 7, Ex. 5, at 3 (stating that his company “was hired as an ‘expert consultant’ to provide a professional opinion”); Gedge Decl. ¶ 45, Ex. 43, at 1 (stating that Somasundaram prepared a memo “[a]t the request of Stop the Dump Coalition”). Whereas the Board’s application of the Practice laws to Plaintiff was unconstitutional because he was not providing a professional service, its application to these other individuals appears to fall within the statutes’ constitutional sweep.

The Supreme Court has long recognized that states have broad authority to regulate the practice and licensing of certain professions. *See Florida Bar v. Went For It, Inc.*, 515 U.S. 618, 625 (1995) (“States have a compelling interest in the practice of professions within their

boundaries, and . . . as part of their power to protect the public, health, safety, and other valid interests they have broad power to establish standards for licensing practitioners and regulating the practice of professions.”) (quoting *Goldfarb v. Va. State Bar*, 421 U.S. 773, 792 (1975)); see also *Watson v. State of Md.*, 218 U.S. 173, 176 (1910) (“It is too well settled to require discussion” that “the police power of the states extends to the regulation of certain trades and callings, particularly those which closely concern the public health.”); *Dent v. W. Va.*, 129 U.S. 114, 122 (1889) (“[I]t has been the practice of different states, from time immemorial, to exact in many pursuits a certain degree of skill and learning upon which the community may confidently rely.”). The Supreme Court has recently reaffirmed the continuing validity of professional licensing regulations. See *Nat’l Inst. of Family & Life Advocates v. Becerra*, 138 S. Ct. 2361, 2373 (2018) (“States may regulate professional conduct, even though that conduct incidentally involves speech.”) (citation omitted).

Plaintiff has not demonstrated that the Practice laws present an unacceptable risk of the suppression of ideas, and therefore the Court declines to reach Plaintiff’s overbreadth challenge.³ See *N.Y. v. Ferber*, 458 U.S. 747, 769 (1982) (“[T]he overbreadth doctrine is strong medicine” and should be employed “with hesitation, and then only as a last resort.”); *Broadrick v. Okla.*, 413 U.S. 601, 615 (1973) (recognizing that the importance of the overbreadth doctrine “attenuates as the otherwise unprotected behavior that it forbids the State to sanction moves from pure speech toward conduct” and that “whatever overbreadth may exist should be cured through case-by-case analysis”); see also *Wash. State Grange v. Wash. State Republican Party*, 552 U.S.

³ The Court notes that the Board has promulgated new regulations that will prevent the Board from applying the Practice laws to Plaintiff’s proposed future activities, as well as to those of any similarly-situated individuals engaged in engineering outside of a commercial or professional context. See Joint Stip. Facts ¶ 6 & Ex. 8 at 2 (clarifying that “professional service” and “creative work” apply only to labor “provided in a commercial or professional context”).

442, 450 (2008) (“Exercising judicial restraint in a facial challenge frees the Court not only from unnecessary pronouncement on constitutional issues, but also from premature interpretations of statutes in areas where their constitutional application might be cloudy.”) (citation and quotation marks omitted).

3. The Title Laws

The Court next addresses Plaintiff’s facial challenge to the Title laws. Unlike his challenge to the Practice laws, Plaintiff does not rely solely on the overbreadth doctrine. Instead, Plaintiff also argues that the Title laws are unconstitutional in every application. (Pl.’s Mot. Summ. J. at 28.)

a. Relevant language

The Title laws define “engineer,” “professional engineer,” and “registered professional engineer” to mean “any individual who is registered in this state and holds a valid certificate to practice engineering in this state[.]” Or. Rev. Stat. § 672.002(2). The Title laws provide that a person is practicing or offering to practice engineering if the person: “(a) By verbal claim, sign, advertisement, letterhead, card or in any other way implies that the person is or purports to be a registered professional engineer; (b) Through the use of some other title implies that the person is an engineer or a registered professional engineer; or (c) Purports to be able to perform, or who does perform, any service or work that is defined . . . as the practice of engineering.” Or. Rev. Stat. § 672.007(1). The Title laws prohibit any person from holding themselves out as an “engineer” unless registered as a professional engineer in Oregon. *See* Or. Rev. Stat. § 672.007(1); OAR 820-010-0730(3).

b. Standing

The Board argues that Plaintiff does not have standing to challenge Or. Rev. Stat. § 672.007(1)(a)-(b) or OAR 820-010-0730(3)(b),⁴ because the Board did not apply those specific subsections to Plaintiff. (Def.'s Mot. Summ. J. at 7); *see Get Outdoors II, LLC v. Cty. of San Diego, Cal.*, 506 F.3d 886, 891-92 (9th Cir. 2007) ("Even when raising an overbreadth claim," a plaintiff "cannot leverage its injuries under certain, specific provisions to state an injury . . . generally."). Plaintiff claims that he has standing to challenge those provisions due to his fear of future enforcement, which is credible because each of the provisions either: (1) has been enforced against him; (2) has been cited to him as a warning; (3) has been enforced against similarly situated individuals; or (4) is materially identical to provisions the Board acknowledges Plaintiff has standing to challenge. (Pl.'s Reply at 30-31.)

As an initial matter, the Court agrees that Or. Rev. Stat. § 672.007(1)(c) is sufficiently intertwined with and related to Or. Rev. Stat. § 672.007(1)(a)-(b), and OAR 820-010-0730(3)(a) and (c) are sufficiently intertwined with and related to OAR 820-010-0730(3)(b) to confer standing on Plaintiff to challenge each subsection of the Title laws, rather than just the specific subsections for which he was cited. In any event, Plaintiff also satisfies pre-enforcement standing requirements.

First Amendment challenges "present unique standing considerations" because of the "chilling effect of sweeping restrictions" on speech. *Ariz. Right to Life Political Action Comm. v. Bayless*, 320 F.3d 1002, 1006 (9th Cir. 2003). To avoid this chilling effect, the "Supreme Court has endorsed what might be called a 'hold your tongue and challenge now' approach rather than

⁴ The Board also challenges Plaintiff's standing to challenge OAR 820-010-0730(3)(a), but the Board did find that Plaintiff violated OAR 820-010-0730(3)(a). (*See Järström Decl.*, Ex. 15 at 8.)

requiring litigants to speak first and take their chances with the consequences.” *Id.* (citing *Dombrowski v. Pfister*, 380 U.S. 479, 486 (1965)). In the pre-enforcement context, a plaintiff can establish standing by “demonstrat[ing] a realistic danger of sustaining a direct injury as a result of the statute’s operation or enforcement.” *Lopez v. Candaele*, 630 F.3d 775, 785 (9th Cir. 2010). “It is sufficient for standing purposes that the plaintiff intends to engage in a course of conduct arguably affected with a constitutional interest and that there is a credible threat that the challenged provision will be invoked against the plaintiff.” *Libertarian Party of L.A. Cty. v. Bowen*, 709 F.3d 867, 870 (9th Cir. 2013) (citation omitted).

“Even in the First Amendment context, a plaintiff must show a credible threat of enforcement.” *Italian Colors*, 878 F.3d at 1171. In assessing whether the threat of enforcement is credible, the Ninth Circuit considers three factors: (1) whether plaintiff has articulated a concrete plan to violate the law in question; (2) whether the prosecuting authorities have communicated a specific warning or threat to initiate proceedings; and (3) the history of past prosecution or enforcement under the challenged statute. *City and Cty. of S.F. v. Trump*, 897 F.3d 1225, 1236 (9th Cir. 2018) (citing *Thomas v. Anchorage Equal Rights Comm’n*, 220 F.3d 1134, 1139 (9th Cir. 2000) (en banc)).⁵

Plaintiff has standing to challenge Or. Rev. Stat. § 672.007(1)(a)-(b) and OAR 820-010-0730(3)(b). These provisions govern use of the title “engineer.” The Board argues that Or. Rev. Stat. § 672.007(1)(a)-(b) is limited to acts and statements that communicate an offer by an unlicensed person to practice engineering. (Def.’s Mot. Summ. J. at 24, n.13.) The text of the statute is not so limited. As even the Board acknowledges, Or. Rev. Stat. § 672.007(1) applies if

⁵ Although *Thomas* articulated these factors when discussing ripeness, “the ripeness inquiry merges almost completely with standing” when “measuring whether the litigant has asserted an injury that is real and concrete rather than speculative and hypothetical[.]” *Thomas*, 220 F.3d at 1139.

a person uses a title that suggests licensure. (Def.'s Mot. Summ. J. at 26.) Using the title "engineer" suggests licensure because Or. Rev. Stat. § 672.002(2) defines "engineer" to mean "an individual who is registered in [Oregon] and holds a valid certificate to practice engineering[.]" This definition treats the word "engineer" as synonymous with "professional engineer" and "registered professional engineer." Or. Rev. Stat. § 672.002(2). In tandem with Or. Rev. Stat. § 672.045, which "prohibits a person from falsely representing that the person is a registered engineer," any person who refers to himself as an engineer without first acquiring a license violates Oregon law.

As a result, Or. Rev. Stat. § 672.007(1) and OAR 820-010-0730(3)(b) restrict Plaintiff's future conduct. Plaintiff plans to describe himself using the word "engineer" in multiple contexts, including in articles, his resume, his website, business cards, and at his planned seminars. (See Järlström Decl. ¶¶ 33-35.) Contrary to the Board's characterization, these plans are more than vague desires. (Def.'s Reply at 3.) Plaintiff has specified "when, to whom, where, or under what circumstances" he intends to violate the challenged laws. *Thomas*, 220 F.3d at 1139. Therefore, the record demonstrates that Plaintiff will engage in activities prohibited, at least in part, by Or. Rev. Stat. § 672.007(1) and OAR 820-010-0730(3)(b).

Turning to the likelihood of enforcement, the Board has previously communicated a specific warning or threat of enforcement with respect to Or. Rev. Stat. § 672.007(1). See Järlström Decl. Ex. 4, at 1 (citing Or. Rev. Stat. § 672.007(1)(a)-(c)); Ex. 11 at 1 (referencing "ORS 672.007(1)"). In addition, the Board's "history of past enforcement against parties similarly situated to [Plaintiff] cuts in favor of a conclusion that a threat is specific and credible." *Lopez*, 630 F.3d at 786-87. Although the Board has disavowed future enforcement and enacted

new regulations,⁶ these commitments do not diminish the credibility of Plaintiff's concerns in light of the plain meaning of the text and context of Or. Rev. Stat. § 672.007(1)(a)-(b), and especially in light of the Board's history of overzealous enforcement actions. Having considered the relevant factors, the Court finds that Plaintiff's fear of future enforcement of Or. Rev. Stat. § 672.007(1)(a)-(b) and OAR 820-010-0730(3)(b) is credible. *See LSO*, 205 F.3d at 1155 (noting that "when the threatened enforcement effort implicates First Amendment rights, the [standing] inquiry tilts dramatically toward a finding of standing"). Accordingly, the Court concludes that Plaintiff has satisfied his burden of establishing standing with respect to these provisions.

c. Overbreadth

Unlike the Practice laws, the Court finds that Plaintiff has demonstrated "a realistic danger" that the Title laws "significantly compromise recognized First Amendment protections of parties not before the Court," and therefore the Court determines it is appropriate to reach Plaintiff's facial challenge. *Vincent*, 466 U.S. at 801.

Under the First Amendment overbreadth doctrine, "a statute is facially invalid if it prohibits a substantial amount of protected speech," which is "judged in relation to the statute's plainly legitimate sweep." *U.S. v. Williams*, 553 U.S. 285, 292 (2008). The "first step in overbreadth analysis is to construe the challenged statute." *U.S. v. Stevens*, 559 U.S. 460, 474 (2010). Second, courts inquire whether the statute punishes a substantial amount of protected activity. *See Williams*, 553 U.S. at 297. Finally, the Court considers whether the statute is

⁶ The Board has promulgated new regulations with respect to the word "engineer." *See* Joint Stip. Facts ¶ 6 & Ex. 8, at 2 ("'Engineer', when used alone and not as part of the phrases 'professional engineer' or 'registered professional engineer'... refers to when the word 'engineer' is used to claim or imply that an individual is registered to perform engineering work in Oregon.").

“readily susceptible” to a limiting construction that would render it constitutional. *Va. v. Am. Booksellers Ass’n*, 484 U.S. 383, 397 (1988) (quotation marks omitted).

1. Construing the Title Laws

On their face, the Title laws restrict speech based on its content. “Government regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed.” *Reed v. Town of Gilbert, Ariz.*, 135 S. Ct. 2218, 2227 (2015). Here, Plaintiff wants to communicate a certain message, and “whether [he] may do so under [the Title laws] depends on what [he] say[s].” *Holder v. Humanitarian Law Project*, 561 U.S. 1, 27 (2010). Restricting who can say a particular word “draws distinctions based on the message a speaker conveys[.]” *Reed*, 135 S. Ct. at 2227. Such laws are “presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests.” *Id.* at 2226. To avoid this presumption, the Board argues that the Title laws should be read as applicable only to people who solicit business by falsely or misleadingly claiming to be professional engineers in a commercial context. (Def.’s Mot. Summ. J. at 27.)

The Oregon Court of Appeals’ decision in *Topaz v. Oregon Board of Examiners for Engineering and Land Surveying*, 255 Or. App. 138 (2013) forecloses this argument. In *Topaz*, a homeowner sent a letter to the Board complaining that the engineering department of the City of St. Helens had caused water damage to his home. His letter—signed with the letters “P.E.”—contained detailed statistical analysis and proposed solutions. *Topaz*, 255 Or. App. at 141-42. The Oregon Court of Appeals held that using the “P.E.” designation listed in Or. Rev. Stat. § 672.002(2) “fits the definition of practicing engineering under ORS 672.007(1)(a) and (c).” *Topaz*, 255 Or. App. at 147. The homeowner also violated Or. Rev. Stat. § 672.045(2) because

the legislature did not “attach a *mens rea* requirement to its prohibition on falsely representing the ability to practice engineering.” *Id.* at 146. The *Topaz* court rejected the homeowner’s argument that his conduct fell within two statutory exceptions for engineering exclusively on his own property and for engineering that is not offered to the public because sending a letter to an agency extended his work beyond his own property and directed it to the public. *Id.* at 147. Similarly here, Or. Rev. Stat. § 672.002(2) defines “engineer” as analogous to “professional engineer” and “registered professional engineer.”⁷ Thus, the use of the title “engineer” by a non-licensee violates Or. Rev. Stat. § 672.045(2), regardless of whether a person offers to provide engineering services and regardless of the context.

The Board asks the Court to disregard *Topaz* because (1) the plaintiff in that case failed to preserve his First Amendment argument; and (2) a federal court gives special weight only to interpretations by a state Supreme Court. (Def.’s Mot. Summ. J. at 29.) However, the Oregon Court of Appeals’ interpretation of the Title laws binds this Court absent convincing evidence that the Oregon Supreme Court would rule otherwise. *See Briceno v. Scribner*, 555 F.3d 1069, 1080 (9th Cir. 2009) (“In the absence of a pronouncement by the highest court of a state, the federal courts must follow the decision of the intermediate appellate courts of the state unless there is convincing evidence that the highest court of the state would decide differently.”); *see also In re Watts*, 298 F.3d 1077, 1083 (9th Cir. 2002) (holding that it was bound to follow interpretation by intermediate courts “absent convincing evidence that the California Supreme Court would reject the interpretation”). The Court is not convinced that the Oregon Supreme Court would arrive at a different interpretation than the Oregon Court of Appeals, because an

⁷ The Board acknowledges that the three terms mean the same thing under the Act. *See* Def.’s Reply In Supp. Mot. Summ. J. at 9) (“The term ‘engineer’ in the statute *means the exact same thing as a professional engineer and the exact same thing as a registered professional engineer.*”) (emphasis in original).

alternative interpretation would require inserting a commercial speech limitation not currently found in the text. *See* Or. Rev. Stat. § 174.010 (providing that “[i]n the construction of a statute, the office of the judge is . . . not to insert what has been omitted, or to omit what has been inserted”); *see also Powell’s Books v. Kroger*, 622 F.3d 1201, 1215 (9th Cir. 2010) (noting that courts “may not rewrite a state law to conform it to constitutional requirements”) (citation and quotation marks omitted). The Title laws, as written, reach beyond purely commercial speech to encompass fully protected speech.⁸

2. Threat to Protected Speech

So construed, the Title laws threaten a substantial amount of protected activity. First, the statutes prohibit truthfully describing oneself as an “engineer,” in any context. This restriction clearly controls and suppresses protected speech, and enforcement of the statute against protected speech is not a hypothetical threat. The record before this Court demonstrates that the Board has repeatedly targeted individuals for using the title “engineer” in non-commercial contexts, including core political speech such as campaigning for public office and advocacy against a local ballot initiative. (Pl.’s Mot. Summ. J. at 6-11.) Unlike the Board’s erroneous application of the Practice laws against Plaintiff, its enforcement of the Title laws against Plaintiff and others falls squarely within the text of the Title laws.

Second, while a state may regulate misleading commercial speech, the term “engineer,” standing alone, is neither actually nor inherently misleading.⁹ A statement is inherently

⁸ While “the Supreme Court has stated that the overbreadth doctrine does not apply to regulations of purely commercial speech, an overbreadth challenge to a statute or regulation that reaches beyond purely commercial speech to encompass fully protected speech is appropriate.” *Am. Acad. of Pain Mgmt. (AAPM) v. Joseph*, 353 F.3d 1099, 1106 (9th Cir. 2004) (citations omitted).

⁹ Commercial speech that is actually or inherently misleading “may be prohibited entirely.” *In re R.M.J.*, 455 U.S. 191, 203 (1982). However, “the States may not place an

misleading when “the particular method by which the information is imparted to consumers is inherently conducive to deception and coercion.” *Peel v. Attorney Regulatory & Disciplinary Comm’n of Ill.*, 496 U.S. 91, 112 (1990) (Marshall, J., concurring). “[C]ommercial speech that is devoid of intrinsic meaning may be inherently misleading, especially if such speech historically has been used to deceive the public.” *Id.* There is also a difference “between statements of opinion or quality and statements of objective facts that may support an inference of quality.” *Id.* at 101 (plurality opinion).

Here, calling oneself an “engineer” is “not an unverifiable opinion of the ultimate quality of a[n] [engineer’s] work or a promise of success, but is simply a fact[.]” *Id.* Further, a term cannot become inherently misleading simply because a state deems it so. *See Am. Acad. of Implant Dentistry v. Parker*, 860 F.3d 300, 308 (5th Cir. 2017) (holding that the title “specialist” cannot be inherently misleading simply “because it does not comply with the regulatory requirements imposed by the Board”); *Ocheesee Creamery LLC v. Putnam*, 851 F.3d 1228, 1238 (11th Cir. 2017) (“It is undoubtedly true that a state can propose a definition for a given term. However, it does not follow that once a state has done so, any use of the term inconsistent with the state’s preferred definition is inherently misleading.”). Nothing in the record suggests that using the term “engineer” in a commercial context inherently misleads consumers. *See Ibanez v. Florida Dep’t of Bus. And Prof’l Reg.*, 512 U.S. 136, 145 (1994) (“Given the complete absence of any evidence of deception, the Board’s concern about the possibility of deception in

absolute prohibition on certain types of potentially misleading information . . . if the information also may be presented in a way that is not deceptive.” *Id.* Although “the potential for deception and confusion is particularly strong in the context of advertising professional services, restrictions upon such advertising may be no broader than reasonably necessary to prevent the deception.” *Id.*

hypothetical cases is not sufficient to rebut the constitutional presumption favoring disclosure over concealment.”).

The Board argues that courts have upheld similar restrictions on professional titles in other fields. (Def.’s Mot. Summ. J. at 27.) The word “engineer,” however, is different than the other title restrictions courts have upheld in the past.¹⁰ Unlike “M.D.” or “certified public accountant,” there is no fixed meaning to the title “engineer.” On the contrary, there are many different types of engineers. Courts have long recognized that the term “engineer” has a generic meaning separate from “professional engineer,” and that the term has enjoyed “widespread usage in job titles in our society to describe positions which require no professional training.” *N.C. State Bd. of Registration for Prof’l Eng’rs & Land Surveyors v. Int’l Bus. Mach. Corp.*, 31 N.C. App. 599, 604 (1976); *see also Mo. Bd. for Architects Prof’l Eng’rs & Land Surveyors v. Earth Res. Eng’g, Inc.*, 820 S.W. 2d 505, 509 (Mo. Ct. App. 1991) (“Engineer is synonymous with such terms as conductor, driver, handler, operator, and pilot.”). Indeed, many job descriptions contain the word “engineer” even though they do not require any professional engineering expertise or licensure. *See Int’l Bus. Mach.*, 31 N.C. App. at 605 (noting the proliferation of jobs that add the title, including “custodial engineers,” “television engineer,” “environmental engineering technician,” and “ferry engineer”).

¹⁰ *See Accountant’s Soc’y of Va. v. Bowman*, 860 F.2d 602, 605 (4th Cir. 1988) (prohibiting a non-certified public accountant from “describ[ing] himself as or assum[ing]” any of several “titles or designations,” including “certified public accountant, licensed accountant, licensed accountant, LA, registered accountant, RA, independent auditor, or auditor”); *see also Brandwein v. Cal. Bd. of Osteopathic Exam’rs*, 708 F.2d 1466 (9th Cir. 1983) (rejecting a First Amendment challenge brought by a doctor to a California law banning osteopathic physicians from using the title “M.D.”); *Macehuch v. Wysong*, 680 F.2d 1062, 1068-69 (5th Cir. 1982) (upholding a Texas statute that prohibited osteopathic physicians from representing themselves as an “M.D.”).

The Board cites two state court cases in support of its argument that the word “engineer” is inherently misleading. See *Van Breeman v. Dep’t of Prof’l Regulation*, 296 Ill. App. 3d 363, 364-67 (1998); *Snell v. Engineered Sys. & Designs Inc.*, 669 A.2d 13, 16-19 (Del. 1995). In *Van Breeman*, the Illinois Court of Appeals held that a letter and resume that touted the plaintiff’s educational background and abilities was inherently misleading. Tellingly, the *Van Breeman* court did not hold that the word “engineer” by itself was inherently misleading. Instead, it focused on the context in which the word appeared: “We conclude that *plaintiff’s literature* is not only potentially misleading, it is, in fact, inherently misleading.” *Van Breeman*, 296 Ill. App. at 367 (emphasis added). In *Snell*, the Supreme Court of Delaware expressly recognized the constitutional problem associated with broad prophylactic restrictions on speech. See *Snell*, 669 A.2d at 20 (“If the statute were construed to provide that any person’s belief that [defendant’s] use of ‘engineered’ is misleading, no matter how irrational or unreasonable that belief may be, the statute could run afoul of the First Amendment.”). The *Snell* court declined to reach the constitutional question by narrowly construing its engineering title statute as being “violated only if there is proof that the use of ‘engineered’ . . . would leave a *reasonable person* to believe that the defendant is holding itself out as engaging in the practice of engineering.” *Id.* (emphasis in original). Such a narrowing construction is not an option here because, as previously discussed, this Court is bound by the construction articulated in *Topaz*.

Even if the term “engineer” qualifies as *potentially* misleading commercial speech, the Title laws fail the test articulated in *Cent. Hudson Gas & Elec. Corp. v. Pub. Serv. Comm’n*, 447 U.S. 557 (1980), to regulate commercial speech. Under *Central Hudson*, the Board must: (1) assert a substantial interest in support of its regulation; (2) demonstrate that the restriction on commercial speech directly and materially advances that interest; and (3) establish that the

regulation is not more extensive than is necessary to serve that interest. *Central Hudson*, 447 U.S. at 566. It is well settled that states have a substantial interest in preventing deceptive or misleading commercial speech.

Turning to *Central Hudson*'s second prong, the Board must demonstrate that the challenged regulation "advances the government's interest in a direct and material way." *Rubin v. Coors Brewing Co.*, 514 U.S. 476, 487 (1995) (citation and quotation marks omitted). The Board justifies the Title laws only by arguing that the term "engineer" is misleading, but nothing in the record supports the conclusion that a reasonable person would assume that an individual who calls herself an "engineer" is necessarily a registered professional engineer. As the Supreme Court has explained, "the free flow of commercial information is valuable enough to justify imposing on would-be regulators the costs of distinguishing the truthful from the false, the helpful from the misleading, and the harmless from the harmful." *Zauderer v. Office of Disciplinary Counsel of Supreme Court of Ohio*, 471 U.S. 626, 646 (1985).

Finally, the Board cannot meet its burden under the third prong of *Central Hudson*. In regulating potentially misleading speech, the Board is only entitled to "enact measures short of a total ban to prevent deception or confusion." *Peel*, 496 U.S. at 116. "[B]road prophylactic rules may not be so lightly justified if the protections afforded [to] commercial speech are to retain their force." *Zauderer*, 471 U.S. at 649. Thus, courts must be vigilant not to "allow rote invocation of the words 'potentially misleading' to supplant the Board's burden to demonstrate that the harms it recites are real and that its restriction will in fact alleviate them to a material degree." *Ibanez*, 512 U.S. at 146 (citations omitted). Although states "may regulate commercial speech, the First and Fourteenth Amendments require that they do so with care and in a manner no more extensive than reasonably necessary to further substantial interests." *R.M.J.*, 455 U.S. at

207. “The absolute prohibition on [non-licensees’] speech, in the absence of a finding that [this] speech [is] misleading, does not meet these requirements.” *Id.* The regulation of the title “engineer” is more burdensome than necessary to protect the public from the unlicensed practice of engineering.

3. Summary

The Title laws restrict constitutionally protected speech. While the Court need not reach the question of whether the Title laws are invalid in every application, the Title laws prohibit a substantial amount of protected speech. The record demonstrates that the threat to free expression is not merely hypothetical. Therefore, “from the text of [the law] and from actual fact,” the Court holds that the Title laws are substantially overbroad in violation of the First Amendment. *Virginia v. Hicks*, 539 U.S. 113, 122 (2003) (quotation marks omitted).

d. Severability

The Court turns next to whether the offending provisions of the Title laws may be severed. *See Brockett*, 472 U.S. at 504 (emphasizing that, absent “countervailing considerations,” a statute should “be declared invalid to the extent it reaches too far, but otherwise left intact”).

Federal courts apply state law when determining whether a state statute is severable. *See Costco Wholesale Corp. v. Maleng*, 522 F.3d 874, 886 (9th Cir. 2008) (“[W]hen the constitutionality of a state statute is challenged, principles of state law guide the severability analysis and [courts] should strike down only those provisions which are inseparable from the invalid provisions.”). Under Oregon law, an invalid portion of a statute is presumed to be severable, which may be overcome only if (1) the enactment provides that the remaining parts shall not remain in effect; (2) the remaining parts are so dependent on the invalid part that the remaining parts would not have been enacted without the invalid part; or (3) the remaining parts,

standing alone, are incomplete and incapable of being executed in accordance with legislative intent. *See* Or. Rev. Stat. § 174.040.

Here, there is no express provision in the Title Laws addressing severability. The term “engineer” is neither integral nor indispensable to the broader goal of combating deceptive or misleading speech. Therefore, there is an easy fix to this First Amendment problem: strike the word “engineer” from Or. Rev. Stat. § 672.002(2) and Or. Rev. Stat. § 672.007(1)(b). Plaintiff invites this remedy by focusing his challenge on the Title laws’ use of the word “engineer.” (Pl.’s Mot. Summ. J. at 27.) Accordingly, the term “engineer” should be stricken from these subsections, leaving the remainder of the Act intact: Or. Rev. Stat. § 672.002(2) (“~~Engineer~~, ‘professional engineer’ or ‘registered professional engineer’ means an individual who is registered in this state and holds a valid certificate to practice engineering in this state as provided under ORS 672.002 to 672.325.”); Or. Rev. Stat. § 672.007(1)(b) (“A person is practicing or offering to practice engineering if the person . . . [t]hrough the use of some other title implies that the person is an ~~engineer~~ or a registered professional engineer[.]”).¹¹

B. Permanent Injunction

Plaintiff also asks the Court to convert the agreed-upon preliminary injunction into a permanent injunction. (Pl.’s Mot. Summ. J. at 34-35.) “[A] plaintiff seeking a permanent injunction must satisfy a four-factor test before a court may grant such relief.” *Monsanto Co. v. Geertson Seed Farms*, 561 U.S. 139, 156 (2010). The plaintiff must show: (1) that he has suffered an irreparable injury; (2) that remedies at law are inadequate to compensate for that injury; (3) that the balance of hardships tips in favor of the plaintiff; and (4) that the public

¹¹ OAR 820-010-0730(3)(a) provides that “no persons may . . . [h]old themselves out as an ‘engineer’ other than as described in subsection (1) if this rule or in ORS 672.060[.]” This provision must be struck entirely because it is rendered meaningless without the word “engineer.”

interest would not be harmed by the permanent injunction. *Id.* A court usually conducts an evidentiary hearing before converting a preliminary injunction into a permanent injunction, but it is not necessary “when the facts are not in dispute.” *Charlton v. Estate of Charlton*, 841 F.2d 988, 989 (9th Cir. 1988).

The Board does not dispute that Plaintiff is entitled to a permanent injunction, objecting only to the inclusion of the word “paid” in the injunction language and to the use of the word “engineer” for commercial purposes. (Def.’s Reply at 11-12; Def.’s Sur-Response at 2.) At oral argument, Plaintiff acknowledged that the word “paid” may be excised from the preliminary injunction. Having concluded that the restriction on the title “engineer” is overbroad, the Court will not exclude this word from the permanent injunction. Accordingly, the Court converts the preliminary injunction entered on May 30, 2017, into a permanent injunction (except as modified herein).

CONCLUSION

For the reasons stated above, the Court GRANTS in part and DENIES in part Plaintiff’s Motion for Summary Judgment (ECF No. 72), and GRANTS in part and DENIES in part Defendant’s Motion for Summary Judgment (ECF No. 79), and ORDERS the following relief:

- A. Declaratory Relief. The Court hereby declares that (i) Or. Rev. Stat. § 672.020(1), Or. Rev. Stat. § 672.045(1)-(2); and OAR 820-010-0730(a) and (c) violate the First Amendment as applied to Plaintiff, and (ii) Or. Rev. Stat. § 672.002(2), Or. Rev. Stat. § 672.007(1)(b), and OAR 820-010-0730(3)(a) violate the First Amendment on their face.
- B. Injunctive Relief. The Court hereby converts the previously-entered Preliminary Injunction into a Permanent Injunction, as follows:

1. Plaintiff Järlström may study, communicate publicly about, and communicate privately about, his theories relating to traffic lights as long as Plaintiff Järlström's communications occur outside the context of an employment or contractual relationship relating to the timing of traffic lights with a governmental or other entity that changes or implements or has final approval to change or implement traffic-light timing without the review and acceptance of responsibility by an Oregon-licensed professional engineer.
2. Plaintiff Järlström may describe himself publicly and privately using the word "engineer."
3. The Board shall not enforce the Professional Engineer Registration Act, Or. Rev. Stat. § 672.002-672.325, *et seq.*, or any implementing regulations, against Plaintiff Järlström for having engaged in the activities described in Paragraph 1 or Paragraph 2 above.

IT IS SO ORDERED.

DATED this 28th day of December, 2018



STACIE F. BECKERMAN
United States Magistrate Judge

Patterson, Kathryn

From: Sherrie Dyer <sdyer@ncees.org>
Sent: Friday, January 4, 2019 8:53 AM

Good morning,

Just a reminder that the deadline to submit nomination packages for the 2019 NCEES Awards is January 31.

Thank you,
Sherrie

Sherrie Dyer, CAP-OM
Executive Assistant to the CEO
NCEES
864-654-6824

www.ncees.org

From: Sherrie Saunders
Sent: Wednesday, September 19, 2018 3:33 PM
Subject: NCEES 2019 Call for Awards Nominations

Good afternoon MBAs,

Attached is the 2019 Call for Awards Nominations memo and relevant forms. This information has been posted on MyNCEES. As a reminder, a MyNCEES login is required to access the page/documents.

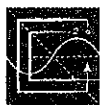
If you have any questions about this package, please feel free to contact me.

Kindest regards,
Sherrie

Sherrie Saunders, CAP-OM
Executive Assistant

NCEES
864-654-6824
ncees.org

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential, proprietary, and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the information from all computers.



NCEES

advancing licensure for
engineers and surveyors

P.O. Box 1686 (280 Seneca Creek Rd.), Clemson, SC 29633 USA T: (864) 654-6824 F: (864) 654-6033 NCEES.ORG

2018-19
BOARD OF DIRECTORS/OFFICERS

September 18, 2018

James J. Purcell, P.E.
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Dean C. Ringle, P.E., P.S.
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Brian G. Robertson, P.E.
Western Zone Vice President

Jerry T. Carter
Chief Executive Officer

MEMORANDUM

To: Member Boards, EPE Committee, EPS Committee, Exam Chairs

From: Dan Turner, Ph.D., P.E., P.L.S., Chair, Committee on Awards

Re: Nominations for NCEES National Service Awards

The Committee on Awards is now soliciting nominations for the awards to be presented at the 98th annual meeting in Washington, DC, on August 14-17, 2019. NCEES would like to recognize individuals who have made exceptional contributions and provided outstanding service to the organization. The NCEES national awards are the Distinguished Service Award with Special Commendation (DSA/SC), the Distinguished Service Award (DSA), the Meritorious Service Award (MSA), and the Distinguished Examination Service Award (DESA).

Members of the 2018-19 Committee on Awards are not eligible for nomination. Current committee members are: J. Richard Cottingham, P.E., P.L.S.; Karol Grove, P.S.; Brian Hanson, P.E.; and Robert Krebs, P.E., L.S. Current members of the NCEES board of directors are also ineligible.

Due date for nominations

The completed nomination package must be received at NCEES headquarters **no later than January 31, 2019**. Nomination packages should be emailed to ssaunders@ncees.org. Faxed packages will not be accepted. The Committee on Awards will not consider nominations received after the deadline.

A list of past award recipients can be found on MyNCEES or in the annual meeting *Minutes and Reference Material*. NCEES can confirm if an individual under consideration has previously received an NCEES award and verify an individual's service to NCEES, if requested. Please contact Executive Assistant Sherrie Saunders for this information.

We hope that you will take this opportunity to bring special recognition to deserving individuals. If you have questions or need assistance, please contact Sherrie Saunders at NCEES headquarters (ssaunders@ncees.org or 800-250-3196, ext. 5482).

/ss

Enclosures

C: James Purcell, P.E., President
Members of the Committee on Awards

HOW TO NOMINATE

1. Review the enclosed memorandum and the information detailed in AP12, Awards, to become familiar with eligibility criteria.
2. Complete the enclosed **Nomination Form** that corresponds to the award being applied for (DSA, DSA/SC, MSA, or DESA).
3. Create an outline to provide the nominee's qualifications. **Prepare the outline in the same format (including item numbers) as shown in the Outline for Reporting Qualifying Service.** There are three outline formats—one for a DSA or DSA/SC nomination, one for an MSA nomination, and one for a DESA nomination. Providing information in this manner is very important. It enables the Awards Committee to evaluate the qualifications of multiple nominees efficiently and fairly.

Example of Outline for Reporting Qualifying Service

DSA nomination for Mr. John Q. Example, P.E., L.S.

1. Outstanding Service to Nominee's Zone
 - 1.1 Service as an officer; participation in zone panels, programs, or standing committees
Mr. Example has served in the following offices:
Board Chair 1997–1998
Board Vice Chair 1995–96
Chair, Zone Rules Committee 1999–2000
Speaker, "How to be a Great Engineer," University Continuing Education Program, 2000
Presenter, "Get Involved in ABET Visitation" workshop, Active Engineers Symposium, 2001
 - 1.2 Giving presentations or presenting papers before engineering and surveying students regarding the FE or FS examinations, codes of ethical practice, and/or the value of licensure
Speaker, FE presentations, Example University, 2003–2007
 - 1.3 Other outstanding service to zone
Assisted with planning of 2006 zone interim meeting

4. Compile the nomination package including the following:
 - Nomination Form
 - Outline of Qualifying Service
5. E-mail the nomination package to Executive Assistant Sherrie Saunders at ssaunders@ncees.org at NCEES headquarters by **the deadline in the letter**. Please do not fax the nomination package to NCEES. The Committee on Awards will not consider nominations received after the deadline.

The forms and information listed below can be found in the Board Resources section of the NCEES website: ncees.org/resources.

AP 12 Awards

Outline for Reporting Qualifying Service

DSA nomination form

DSA/SC nomination form

MSA nomination form

DESA nomination form

AP 12 Awards

NCEES will officially recognize members, associate members, and emeritus members, and other volunteers who provide or have provided outstanding service to NCEES. The members of the Committee on Awards and the Board of Directors shall not be nominated for these awards while serving on the Committee on Awards or on the Board of Directors. In evaluating nominations, the following guidelines are to be observed:

Distinguished Service Award

- o Must be a current member, a former member, or an emeritus member
- o Must promote engineering or surveying licensure at the state or national level
- o Must demonstrate positive contributions to the advancement of the engineering or surveying profession and the mission and vision of NCEES
- o May include participation in professional or technical societies as a consideration
- o Must demonstrate active participation in Member Board activities
- o Must include distinguished service on at least one NCEES committee
- o May be nominated by a member board

Distinguished Service Award with Special Commendation

- o Must have received the Distinguished Service Award at least six years prior to receiving the Distinguished Service Award with Special Commendation. Any exception based on extraordinary circumstances must be approved by the NCEES Board of Directors with recommendation by the Committee on Awards.
- o Must be a current member, a former member, or an emeritus member
- o Must promote engineering or surveying licensure at the national level
- o Must demonstrate positive contributions to the advancement of the engineering or surveying profession and the mission and vision of NCEES
- o May include participation in professional or technical societies as a consideration
- o Must demonstrate active participation in Member Board activities
- o Must include leadership or exemplary service on at least one NCEES committee
- o May be nominated by a member board

Meritorious Service Award

- o Must be a current or former associate member
- o Must demonstrate positive contributions to the advancement of the engineering or surveying profession and the mission, vision, and goals of his or her board and NCEES
- o Must participate in Member Board activities
- o Must participate in the promotion of licensure
- o Must include distinguished service on at least one NCEES committee
- o May be nominated by a member board

Distinguished Exam Service Award

- o Must demonstrate positive contributions and long-time commitment to the NCEES examination program
- o Must have served on at least one of the Council's examination committees or exam-related task forces
- o Must demonstrate exemplary service and leadership in the advancement and improvement of NCEES examinations and the exam-development process
- o May be nominated by a member board, an exam committee, or the Board of Directors

**OUTLINE
for
REPORTING QUALIFYING SERVICE**

**Distinguished Service Award
&
Distinguished Service Award with Special Commendation**

Please follow the order of this outline when preparing a nomination for the Distinguished Service Award or Distinguished Service Award with Special Commendation. **IMPORTANT: Please skip any item numbers that do not apply to your nominee, and use the same numbers as listed below for applicable items to facilitate our comparative tabulation by item number.**

1. Outstanding Service to Nominee's Zone
 - 1.1. Service as an officer; participation in zone panels, programs, or standing committees
 - 1.2. Presenting talks or papers before engineering and surveying students oriented toward FE or FS examinations, codes of ethical practice, and/or the value of or necessity for licensure
 - 1.3. Other outstanding service to zone
2. Outstanding Service to NCEES
 - 2.1. Serving as an officer of the Council or as a committee chair or vice chair
 - 2.2. Presenting papers or panel service at Annual Meetings
 - 2.3. Providing meaningful committee service on standing committees, including attending committee meetings
 - 2.4. Providing meaningful contributions to or on procedures of major Council functions, for example, examination development committees, NCEES Records, or constitutional changes
 - 2.5. Other outstanding service to NCEES
3. Outstanding Contributions to the Advancement of Licensure and the Profession
 - 3.1. Authoring papers for publication in regional or national magazines on affairs of licensure
 - 3.2. Attending ABET's annual meetings or serving on a visitation team
 - 3.3. Appearing on panels or programs at annual meetings of engineering or surveying societies on licensure matters
 - 3.4. Service as chair or vice chair of the licensure committee or the ethics and practice committee of a national engineering or surveying society, or making meaningful contributions to such committees including attendance at meetings
 - 3.5. Other outstanding service to the engineering profession

REMEMBER: The principal way the Awards Committee will know about your nominee is through what you write in the Outline for Reporting Qualifying Service.

**NCEES National Awards
Nomination for**

Distinguished Service Award

Maximum of 5 DSAs awarded per year

<p>I (your name) _____ on behalf of the</p> <p>(Member Board name) _____,</p> <p>choose to submit a nomination for (person) _____</p> <p style="text-align: center;">for the</p> <p style="text-align: center;">Distinguished Service Award.</p>
--

Please follow these steps:

- 1 – Complete this page (if more space is needed, use additional letter-sized sheets) and sign at bottom.
- 2 – Write an outline to support your nomination following the order shown on the outline example.
- 3 – Email your nomination package to ssaunders@ncees.org at NCEES headquarters.

Nominee's years of service on the Member Board (through September 1): _____

- A. Description of service to Member Board (give dates for offices held, plus budget efforts, etc.)
-
-
-
-
-
-
-
-
-
-
- B. Description of service to NCEES, including committee service, exam development service, panel service, support efforts for use of uniform examinations, Council Record verification, and responsibility for hosting meetings (give dates of service, where applicable)
-
-
-
-
-
-
-
-
-
-
- C. Description of actions for advancement of registration in the profession
-
-
-
-
-
-
-
-
-
-

Signature of Member Board Official:

(Form must be signed)

**NCEES National Awards
Nomination for**

Distinguished Service Award with Special Commendation

Maximum of 1 DSA with Special Commendation awarded per year

I (your name) _____ on behalf of the
(Member Board name) _____,
choose to submit a nomination for (person) _____
for the
Distinguished Service Award with Special Commendation.

Please follow these steps:

- 1 – Complete this page (if more space is needed, use additional letter-sized sheets) and sign at bottom.
- 2 – Write an outline to support your nomination following the order shown on the outline example.
- 3 – Email your nomination package to ssaunders@ncees.org at NCEES headquarters.

Nominee's years of service on the board (through September 1): _____

Date the Distinguished Service Award was awarded to nominee: _____

A. Description of service to board since initial award

B. Description of service to NCEES since initial award

C. Description of action for the advancement of registration in the profession since initial award

Signature of Member Board Official:

(Form must be signed)

**OUTLINE
for
REPORTING QUALIFYING SERVICE**

Meritorious Service Award

Please follow the order of this outline when preparing a nomination for the Meritorious Service Award.

IMPORTANT: Please skip any item numbers that do not apply to your nominee, and use the same numbers as listed below for applicable items to facilitate our comparative tabulation by item number.

- 1.1. Outstanding Service of Member Board Staff
- 1.2. Involvement in zone meeting activities, such as zone committees, zone panels or, when applicable, involvement as zone secretary
- 1.3. Involvement in zone enforcement meeting activities such as zone committees, zone panels, or when applicable, involvement as committee chair, member, or consultant
- 1.4. Participation in zone enforcement panels, programs, or standing committees
- 1.8 Other outstanding service to zone
2. Outstanding Service to NCEES
 - 2.1. Acting as a committee chair or vice chair to committee
 - 2.2. Presenting papers or panel service at the Annual Meeting
 - 2.3. Providing meaningful committee service on standing committees
 - 2.4. Providing meaningful services on procedures of major Council functions involving examinations, NCEES Records, or constitutional changes
 - 2.5. Service in a capacity to provide to NCEES a meaningful law enforcement service
 - 2.6. Presenting papers, appearing on enforcement panels or programs at Annual Meetings
 - 2.7. Noteworthy service to the NCEES Board of Directors

REMEMBER: The principal way the Awards Committee will know about your nominee is through what you write in the Outline for Reporting Qualifying Service.

NCEES National Awards
Nomination for

Meritorious Service Award

I (your name) _____ on behalf of the

(Member Board name) _____,

choose to submit a nomination for (person) _____ for the

Meritorious Service Award.

Please follow these steps:

- 1 – Complete this page (if more space is needed, use additional letter-sized sheets) and sign at bottom.
- 2 – Write an outline to support your nomination following the order shown on the outline example.
- 3 – Email your nomination package to ssaunders@ncees.org at NCEES headquarters.

Nominee's years of service with the board (through September 1): _____

A. Description of positions held at Member Board or NCEES

B. Description of service to NCEES, including committee service, exam development service, panel service, support efforts for use of uniform examinations, Council Record verification, and responsibility for hosting or planning meetings

C. Description of activities for advancement of registration in the profession

Signature of Member Board Official:

(Form must be signed)

**OUTLINE
for
REPORTING QUALIFYING SERVICE**

Distinguished Exam Service Award

Please follow the order of this outline when preparing a nomination for the Distinguished Exam Service Award.

IMPORTANT: Please skip any item numbers that do not apply to your nominee, and use the same numbers as listed below for applicable items to facilitate our comparative tabulation by item number.

1. Outstanding Service to NCEES Examination Program
 - 1.1. Demonstrating positive contributions and long-time commitment to the NCEES examination program
 - 1.2. Providing meaningful committee service on standing committees or exam-related task forces, including attending committee/task force meetings
 - 1.3. Acting as a chair or vice chair to examination committee or exam-related task force
 - 1.4. Providing exemplary service and leadership in the advancement and improvement of NCEES examinations and the exam-development process
 - 1.5. Other outstanding service to NCEES

REMEMBER: The principal way the Awards Committee will know about your nominee is through what you write in the Outline for Reporting Qualifying Service.

**NCEES National Awards
Nomination for**

Distinguished Exam Service Award

I (your name) _____ on behalf of the
(Member Board name or exam committee) _____,
choose to submit a nomination for (person) _____ for the
Distinguished Exam Service Award.

Please follow these steps:

- 1 – Complete this page (if more space is needed, use additional letter-sized sheets) and sign at bottom.
- 2 – Write an outline to support your nomination following the order shown on the outline example.
- 3 – Email your nomination package to ssaunders@ncees.org at NCEES headquarters.

Nominee's years of service on the Member Board (through September 1): _____

- A. Description of positive contributions and long-time commitment to the NCEES examination program, including committee service, exam development service, panel service, support efforts for use of uniform examinations, (give dates of service, where applicable)
- B. Description of exemplary service and leadership in the advancement and improvement of NCEES examinations and the exam-development process

Signature of nominator:

(Form must be signed)

Patterson, Kathryn

From: Jeffrey Nelson <jeff@fallsarch.com>
Sent: Friday, January 4, 2019 9:37 AM
To: Patterson, Kathryn
Subject: FW: [EXT] KSBTP Seeks Investigators

From: Kansas State Board of Technical Professions [mailto:ksbtpadmin@ks.gov]
Sent: Friday, January 04, 2019 9:10 AM
To: Jeffrey Nelson
Subject: KSBTP Seeks Investigators



Investigators Needed

Seeking licensees from each profession!

The Kansas State Board of Technical Professions is currently seeking licensed professionals in architecture, engineering, geology, land surveying, and landscape architecture to serve as investigators on behalf of the Board regarding complaints concerning the unlicensed practice of a technical profession and/or the failure of a licensed professional to conform his or her practice to the requisite professional standards. If interested, please read through the information below!

Investigators must:

- Reside in Kansas
 - Not have any prior disciplinary action against their license(s)
 - Be willing to contract with the KSBTP, to include submission of W-9 and State of KS policies regarding professional conduct and verification of employment status
 - Have the availability to accept assignments and produce thorough investigative reports, typically within a 30-60 day time frame.
-

What's the Process?

The Complaint Committee may vote to appoint one or more investigators to a case. A director of the Board office will then contact an investigator in the area to see if they currently have the availability to accept assignment. Upon confirmation of availability the Board office will send the investigator all information received on the alleged violation.

The investigator must independently track their hours, mileage, and any incidental expenses to be reimbursed. Hourly rates are agreed upon in the contract and will be paid upon submission of investigative report. Board staff will assist the investigator by providing any contact information on file and license verifications as requested.

How to Apply:

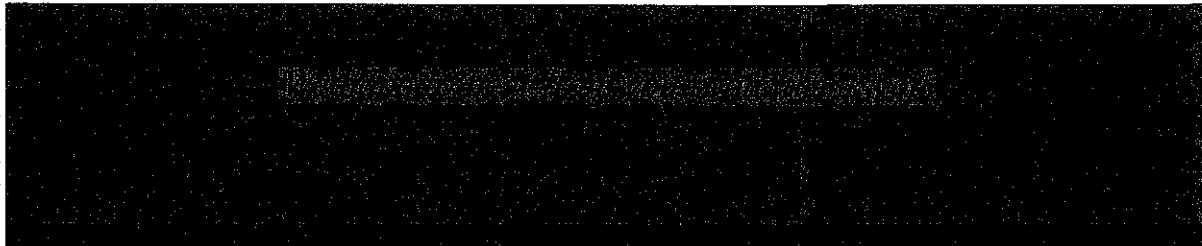
Reply directly to this e-mail and provide your:

What's Next:

Board staff will review your submission and be in contact

- Full Name
- License type(s)
- Preferred e-mail address
- Preferred phone number
- Mailing Address
- Professional engineers: please provide field of work

within 1-2 weeks to share additional information and contract details.



Kansas State Board of Technical Professions | 900 SW Jackson Suite 507, Topeka, KS 66612

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Patterson, Kathryn

From: Vogt, Marlon <mvogt1@ltctransco.com>
Sent: Friday, January 4, 2019 9:43 AM
To: Amy M. Hall; Candie Robinson (candie@ndpelsboard.org); Casey Sherlock; Doreen Frost; Erin Karow; John F. Greenhalge; Jon D. Wilbeck; Judy A. Kempker; Patterson, Kathryn; Kerry Przybylo; Kyle Lazell; Robert E. Lampe; Shelby Lopez
Cc: Vogt, Marlon
Subject: [EXT] NCEES Central Zone Final Committee Roster
Attachments: 2018-2019 Committees.docx

Good morning and happy new year to all:

Attached is the final list of zone committee members for your information.

This took some time, but I wanted to do it right, not fast.

I also want to thank you all for the very helpful comments, feedback and support during the process. Your recommendations for committee members was valuable.

You will note, as previously communicated, that we have two special committees – Outreach and Mobility. These are critical issues facing NCEES, so I'm pleased to have these committees formed in order to keep these issues front and center in our zone. These will likely be ongoing efforts, so if you have board members that share a passion for these issues, please have them contact me with that interest and we can add to these committees at any time.

Finally, if you have board members that are interested in future service on zone committees, please have them indicate that interest to me at their convenience.

Many thanks for the good work you all do on behalf of NCEES and your boards. Best wishes for a productive and enjoyable 2019.

Marlon Vogt, PE Central Zone Vice President

Project Manager

ITC Midwest

123 5th St SE

Cedar Rapids, IA 52401

(319) 297-6842

Mobile: 319-270-3779

Notice: This email and any of its attachments (collectively, the "Communication") may contain: (1) privileged, proprietary, non-public, and/or confidential information protected by law; and/or (2) information pertaining to electric transmission projects, functions, or operations that could have a material effect on the energy market if disclosed to energy market participants. This Communication is for the sole use of the intended recipient(s) and should not be shared with anyone else. Unauthorized use or disclosure of any kind is strictly forbidden. If you received this Communication in error please notify the sender, and permanently delete the original and any copies or printouts. This Communication may also contain "Level 1 - Confidential-CEI" or "Level 2 - Restricted-CEI" information as defined in the ITC CIP-1101 Information Protection Program; if it does, it will be marked as such and contain additional restrictions.

Please consider the planet before you print.

Central Zone Committees
2018-2019
Marlon Vogt, PE, Zone VP
12/20/18

Standing Committees

Awards

Chair	Jennifer Klein	NE
	Kathryn Patterson	SD
	Harold Snead	IN

Leadership Development

Chair	Abe Adewale	MO
	Christina Martin	WI
	Ferzan Ahmed	OH
	Jon Wilbeck	NE
	Chuck Hookham	MI

Nominations

Chair	Ginger Michalski-Wallace	MI
	Duane Yockey	IL
	Opal Kuhl	IN
	Steve Thingelstad	SD

Special Committees

Mobility

Chair	Craig Lucas	MO
	Dan Thiele	NE
	Kevin Skibiski	MO
	Dave Blume	MN
	Lisa Vandenburg	IA

Outreach

Chair	Nirmal Jain	MN
	Randall Peters	NE
	Tim Sloan	KS
	Jerrold Hogan	MO (Tentative)

Patterson, Kathryn

From: NCARB <customerservice@ncarb.org>
Sent: Thursday, January 10, 2019 7:09 AM
To: Patterson, Kathryn
Subject: [EXT] NCARB Reduces Transmittal Fee

NCARB

JAN-FEB 2019

NATIONAL ARCHITECT

A bimonthly newsletter for NCARB Certificate holders—a benefit highlighting the latest news and resources for architects.



NCARB Reduces Transmittal Fee

As part of a multi-year effort to gradually lower transmittal fees for architects, NCARB has lowered the fee for transmitting an NCARB Record from \$400 to \$385, effective January 3, 2019. By lowering the cost of the transmittals, we hope to make reciprocity more accessible and continue to go further for our customers.



Photos: 2018 Committee Summit

Each year, dedicated volunteers from NCARB's committees and task forces gather for our annual Committee Summit to collaborate, discuss shared charges, and network with leaders in the profession.

Explore the 2018 Annual Report

Get to know our organization and volunteers, plus how we're going further for architects, licensure candidates, and our licensing board members.

What the Architecture Profession Can Learn About Mentorship From the Military

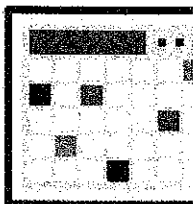
Veteran Kristin Moreno's untraditional path to licensure has given her a unique perspective. Learn about her experience on the 2018 Think Tank and what the military has taught her about mentorship.



Centennial

NCARB is celebrating its Centennial in 2019! Dive into the past with two articles from our archives:

- [Celebrating the History of the ARE](#)
- [1951 Architect Spotlight: Lucille Bryant Raport](#)



Upcoming Events

- January 17 | NCARB Live: AXP Supervising
- January 28 | [Spotlight on Design](#) at the National Building Museum. This lecture series is now free for students—help spread the word to aspiring architects!

National Council of Architectural Registration Boards
1801 K Street NW Suite 700K
Washington, DC 20006



PDH AUDIT REPORT
For January 18, 2019
BOARD MEETING

13 audits reviewed at each Board Meeting

Mailed letter to licensee 12/18/2018

DEADLINE TO RECEIVE INFORMATION IS January 7, 2019

Name	Prof	Sent 1 st letter (or email) need audit records	Rcv'd audit records	Board approved	Board NOT approved	Sent email reminder – need audit records
Aldinger, Mitchell Alex	AR	12/19/18	12/26/18			
Baze, William Eric	LS	12/19/18	01/02/19			
Castelli, Raffaele	AR	12/19/18	01/14/19			
Hagens, Randy Karl	PE	12/19/18	01/02/19			
Hinz, Calvin	AR	12/19/18	01/02/19			
Landis, Eric James	PE	12/19/18	01/04/19			
McNaboe, Kale R.	PE	12/19/18	12/26/18			
Nohl, Jacob Lee	PE	12/19/18	01/08/19			
Olson, Tanya Anne	LA	12/19/18	01/04/19			
Parsons, Charles Stevenson	PE	12/19/18	01/07/19			
Russell, Charles H.	LS	12/19/18	*****			
Schmalz, Brian Lee	LS	12/19/18	01/02/19			
Splonskowski, Kevin Joseph	PE	12/19/18	01/04/19			

***** - no information received from licensee

PDH AUDIT REPORT
PENDING FROM PREVIOUS BOARD MEETING(S)

For January 18, 2019

BOARD MEETING

Mailed Copies to Board Members 01/09/2019

Name	Prof	Sent 1st letter (or email) need audit records	<u>Rcvd Audit Record</u>	Board NOT approved	Sent 2nd letter – need audit records	<u>Rcvd Audit Record</u>	Board NOT approved	Sent 3rd letter – need audit record	Rcvd Audit Record
Hahn, Philip Raydon	PE	07/19/18	08/27/18 Logs only	09/21/18	10/02/18	10/09/18	11/15/18	11/28/18	&&&&
Kokkino, Evangel	AR	10/03/18	*****	11/15/18	11/28/18	&&&&			
Mangan, Jason A.	PE	10/03/18	10/29/18	11/15/18	11/28/18	01/04/19			
Powers, James Michael	LS	10/03/18	11/01/18	11/15/18	11/28/18	12/13/18			
Vivian, Thomas Ellis	PE	10/03/18	10/15/18	11/15/18	11/28/18	&&&&			

&&&& Hahn, Kokkino and Vivian have until February 16 to provide information.

Board Meeting Examinee Report*FE Examinees Passed FE Exam*

Meeting Date: January 18, 2019

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Name	Certificate #	Exam
Dexter, Paige Taylor	E-12596	FE
Volner, Rebekah	E-12597	FE
Tourtillott, Danielle Marie	E-12598	FE
Chapman, Zac	E-12599	FE
Harm, McKinley	E-12600	FE
Harris, Colby Mitchell	E-12601	FE
Popham, Taylor Aaron	E-12602	FE
Zehms, Connie Jean	E-12603	FE
Selby, Clairissa Ruth	E-12604	FE
Hale, Raymond	E-12605	FE
Staib, William Chandler	E-12606	FE
Evans, Clayton Hollister	E-12607	FE
Jones, Gabriel Allen	E-12608	FE
Rawlings, Sarah Elizabeth	E-12609	FE
Eitreim, Daniel	E-12610	FE
Koch, Brad Alan	E-12611	FE
Hilmoe, Ezekial Eldon	E-12612	FE
Merchen, Derek Eugene	E-12613	FE
Stone, Blake	E-12614	FE
Skillingstad, Gage	E-12615	FE
Hanson, Nicholas Scott	E-12616	FE
Eggleston-Davis, Meagan Marie	E-12617	FE
Holzer, Austin	E-12618	FE
Nomeland, Jacob Robert	E-12619	FE
Morrow, John William	E-12620	FE
Fast, Joshua	E-12621	FE
Buck, Brady Brian	E-12623	FE
Villbrandt, Tyler John	E-12624	FE
Johnson, Avery Hudson	E-12625	FE
Landen, Jordan	E-12626	FE

Board Meeting Examinee Report

PE Examinees Passed PE Exam 04/13/2018

Meeting Date: July 20, 2018

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Name	#	Exam
Aristeo, Aaron Michael	14121	PE
Brua, Wiphawi Soonthongphifer	14119	PE
Bucker, Justin Davis	14123	PE
Cushman, Alexander Julian	14111	PE
Field, Zachary James	14114	PE
Geersen, Marvin Lee	14109	PE
Hibbs, Kyle	14113	PE
Johnson, Brett Tyler	14117	PE
Lewis, Josh P.	14110	PE
Martinez, Emily Rose	14112	PE
Maupin, Charles Alan	14115	PE
Nord, Carly Rose	14116	PE
Rezac, Nicholas Michael	14120	PE
Schaefers, Karen Louise	14118	PE
Yousef, Raed Anthony	14122	PE
Fried, Lucas George	13166	Structural Exams
Konrad, Michael Daniel	13869	Structural Exams

Board Meeting Examinee Report

For FE Examinees For Approval

Meeting Date: January 18, 2019

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Name	Exam
Alkhaibari, Muhannad	FE
Anderson, Wyatt	FE
Benson, Nathan	FE
Bubany, Isiah Charles	FE
Caffee, Jamie	FE
Castle, Mindy K.	FE
Covington, Nicholas Allen	FE
Dahl, Carter Christian	FE
Dilger, Cody Dean	FE
Doyle, Sierra Nicole	FE
Drake, Bradley	FE
Ericksrud, Taylor	FE
Gebre, Amanuel Sisay	FE
Greeneway, Evan Jon	FE
Habermel, Austin James	FE
Hallenbeck, Brady Jake	FE
Hoffman, Benjamin Frederick	FE
Horstman, Caleb Michael	FE
Jensen, Morgan Leigh	FE
Jones, Ethan	FE
Jordan, Clint	FE
McRae, Roderick	FE
Mohsen, Ibrahim	FE
Moriarty, Keely	FE
Muller, Tia Marie	FE
Muschamp, Nathan Glenn	FE
Needham, Zachary David	FE
Ozueigbo, Chukwuebuka Emmanuel	FE
Quinby, John	FE
Rothmeier, Jared James	FE
Sander, Emily Elise	FE
Sandey, Mitchell	FE
Scheffert, Jason William	FE
Schleper, Anna Rose	FE
Schueler, Dylan Paul	FE
Schultz, Michael Richard	FE

Board Meeting Examinee Report
For FE Examinees For Approval

Meeting Date: January 18, 2019

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Name	Exam
Sexton, Jacob	FE
Sjurseth, Theodore David	FE
Smith, Allison Jane	FE
Smith, Davis Ray	FE
Thompson, Brenton	FE
Torres, Dominique Nicole	FE
Torvik, Frank Holland	FE
Trinh, Huy Hoang	FE
Tucker, Zachary Scott	FE
Vandine, Gordon	FE
Walter, Benjamin Whalen	FE
Warejcka, Matthew Alan	FE
Wick, Ross	FE
Worman, Carly	FE
Wrage, Shelby Allison	FE
Wulf, Trent Clifford	FE
Zeinstra, Macey	FE
Ziese, Gabrielle	FE

Board Meeting Examinee Report

For LS Examinees For Approval

Meeting Date: January 18, 2019

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Name	City	State	Comments
Feilmeier, David Alan	Sioux Falls	SD	
Goebel, Ryan J.	Sioux Falls	SD	

Board Meeting Examinee Report*For PE Examinees To Be Approved*

Meeting Date: July 20, 2018

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Name	City	State	Comments
Allard, Jessie Lynn	Summerset	SD	
Bachmeier, Anthony	Sioux Falls	SD	
Bender, Joseph William	Rapid City	SD	
Bestgen, Janile	Rock Rapids	IA	
Gukeisen, Christopher Bradley	Pierre	SD	
Gutzmer, Zach D.	Aurora	SD	
Kurtenbach, Kariah Lynn	Sioux Falls	SD	
Maks, Christopher Harland	Rapid City	SD	
Martens, Miriam	Canton	SD	
Nelson, Jesse Albert	Rapid City	SD	
Palmer, Steven Clare	Pierre	SD	
Pinkley, Corey J.	Aberdeen	SD	
Roman, Angela Dawn	Pierre	SD	
Smith, Sidney L.	Sioux Falls	SD	
Struckman, Bruce	Box Elder	SD	

Board Meeting Examinee Report*License by Exam*

Meeting Date: January 18, 2019

Page 1 of 1

Name	City	State	Profession	Comments
Huot, Jeremy	Rapid City	SD	A	

Board Meeting Comity Report*For Individuals by Comity – AR/LA Licensed*

Meeting Date: January 18, 2019

Page 1 of 2

Name	City	State	Profession	License #
Bartolotti, John Anthony	Manlius	NY	AR	14124
Downhour, Jeffry Robert	Helana	MT	AR	14125
Faust, Ryan	Cave Springs	AR	AR	14126
Ludgatis, Mark Steven	Hudson	WI	AR	14127
Huffaker, Trevor	Bismarck	ND	AR	14132
Schneider, John Christopher	Norco	CA	AR	14128
Thomson, James William	Stillwater	MN	AR	14129
Vaci, John S.	Birmingham	AL	AR	14131
Popehn, Joshua K.	Chaska	MN	LA	14130

Board Meeting Comity Report*For Individuals by Comity*

Meeting Date: January 18, 2019

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Name	City	State	Profession	Comment
Basinger, James Randall	China Grove	NC	PE	
Case, Matthew Richard	Fenton	MO	PE	
Chen, Willy Max	Seattle	WA	PE	
Crook, Barrett Cameron	Kitty Hawk	NC	PE	
Dierling, Mark Robert	Blaine	MN	PE	
Fewson, Eric David	Mandan	ND	PE	
Garza, Jaime	Los Angeles	CA	PE	
Hatch Jr., Norman Nelson	Gulf Breeze	FL	PE	
Langstaff, Ronald A.	Aurora	IL	PE	
Ma, Lumin	South Jordan	UT	PE	
Sawka, Alexander	Minneapolis	MN	PE	
Smaki, Malek	Fishers	IN	PE	
Vasonis, Arvydas	Chicago	IL	PE	

Board Meeting Firm Report*For Business Licensed*

Meeting Date: January 18, 2019

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Company Name	City	State	Profession	License #
Bachman Engineering	Harrisburg	SD	PE	C-7908
Bioleap, Inc.	Tampa	FL	PE	C-7909
Centrol Crop Consulting, Inc.	Marshall	MN	PE	C-7910
Del Pos Architects, LLC	Syracuse	NY	AR	C-7899
Dr. Lawrence H. Woodbury, P.E.	Fargo	ND	PE	C-7911
Ei Design, Inc.	Las Vegas	NV	AR	C-7901
Elara Energy Services, Inc.	Hillside	IL	PE	C-7906
EngTech LLC	Bismarck	ND	AR	C-7903
Hamers Engineering LLC	Ames	IA	PE	C-7907
J. D. Hair & Associates, Inc.	Tulsa	OK	PE	C-7904
John S. Vaci, Architect	Birmingham	AL	AR	C-7902
K&E Geotechnical LLC	Eagan	MN	PE	C-7915
Lippincott Surveying, LLC	Rapid City	SD	LS	C-7912
MAC Construction Company Inc.	Rapid City	SD	PE	C-7913
Mosaic Architecture	Helena	MT	AR	C-7900
Quanta Utility Engineering	Kansas City	MO	PE	C-7905
Telgian Engineering & Consulting, LLC	Phoenix	AZ	PE	C-7914

Board Meeting Firm Report*For Business to Approve*

Meeting Date: January 18, 2019

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Company Name	City	State	Profession	Comment
Basinger Design Co, PC	China Grove	NC	PE	
KITTY	Kitty Hawk	NC	PE	
The Design Collaborative	Los Angeles	CA	PE	
Gator engineering and Aquifer Restoration, Inc.	Longwood	FL	PE	
Geotill, Inc.	Fishers	IN	PE	

Board Meeting Comity Second Review Report*Previous Comity Application(s) to be Reviewed**Meeting Date: January 18, 2019*Page 1 of 1

Name	City	State	Profession	Comments
Barnett, James Keith	Pea Ridge	AR	LS	
Hopp, Christina M.	Ellsworth	WI	LS	
Nelson, Michel Gregory	Richmond	MN	PE	

**TRAVEL
MATRIX
BOARD MEMBERS
01/01/2019 through 06/30/2019**

DATES	MEETING	PLACE	BOARD NAME	PAID BY
02/08-09/2019	NCEES MBC/MBA Meeting	Atlanta, GA	Albertson; Patterson	NCEES
03/07-09/2019	NCARB Regional Summit	Nashville, TN	Nelson; Williams; Patterson	NCARB
05/02-04/2019	NCEES Central/Northeast Zone Interim Meeting	Portsmouth, NH	Albertson; Micko; Peters; Thingelstad; Patterson	NCEES funds 3 delegates and an MBA
06/20-22/2019	NCARB Centennial Annual Business Meeting	Washington, D.C.	Nelson; Williams; Patterson	Funding information at later date

Patterson, Kathryn

From: Governor of South Dakota
Sent: Friday, January 4, 2019 3:52 PM
Subject: Thank you and goodbye

The time has come to say goodbye.

Rare in many countries, but common in America, is the peaceful transition of one government to another. On Saturday, it will happen in South Dakota. During the past eight years, we have accomplished many things together, and I am grateful to so many of you who have helped. I'm also proud that South Dakota remains among the most stable, financially strong states in the nation.

On January 6, Linda and I will return to our home between Dell Rapids and Garretson. We are looking forward to being home, but we will miss many of the things we've enjoyed during my time as governor – the places we've seen, the kindness shown to us, and the experiences we've enjoyed. Most of all we'll miss the people we've met, including so many hard-working, dedicated and intelligent state employees.

Bill Janklow once said, *"On a good day, anybody can be a public servant, but they are not all good days. You came to work on good days. On bad days. On days when you wanted to be--or needed to be--elsewhere. If necessary, you worked at night. On weekends. During holidays. You responded to every special emergency. You met every daily challenge. When the work was there, so were you."*

Thank you for your public service. Looking back, we made a difference. Looking ahead, we strengthened our state against future challenges. Even as you helped make our state better, you've had an impact on Linda and me – you made us better, too.

I rarely read poetry, but Sir Alfred Lord Tennyson's *Ulysses* has passages that express how lucky I feel to have served as governor and how your impact on me will always remain:

*...always roaming with a hungry heart
Much have I seen and known; cities of men
And manners, climates, councils, governments,
Myself not least, but honour'd of them all;
...I am a part of all that I have met;
Yet all experience is an arch wherethro'
Gleams that untravell'd world whose margin fades
For ever and forever when I move.*

I'm looking forward to exploring that "untravell'd world". Along the way, I hope we cross paths again.

Until then, thank you.

Dennis

P.S. A few months ago, Linda and I prepared a short video to thank those who have helped us and to reminisce about our time in the Governor's Office. I thought you might enjoy it; you can see it here: www.youtube.com/watch?v=HfCKir4xhuQ