

SOUTH DAKOTA
STATE BOARD OF TECHNICAL PROFESSIONS
Board Minutes

Minutes of the regular meeting Friday, March 12, 2010

The South Dakota State Board of Technical Professions held its regular meeting on Friday, March 12, 2010 in its Board Room, Rushmore Building, Rapid City, South Dakota; Chairman Randy Bacon, presided.

The meeting was called to order at 8:30 a.m.

The following board members were present: Chairman Randy Bacon, Vice Chairman Jeff Hazard, Dale Jans, Leonard Neugebauer, Hani Shafai, and David Stafford. Also present were staff members Mark Humphreys, and Mary Ann Myers. Staff Attorney Nathan Lukkes attended via telephone. Secretary Drake Olson was absent.

Agenda Items:

- 1) Approval of January 29th 2010 Minutes (Motion)
- 2) Approval of vouchers since last meeting (Motion)
- 3) Activities report ending February 2010, Review of Deposits (FYI)
- 4) Investigation reports
- 5) Old Business
- 6) New Business
- 7) PDH Audits (Motion)
- 8) Approval of applicant by examination AR (Appendix A, Motion)
- 9) Approval of Comity applications (Appendix B, Motion)
- 10) Approval of Business applications (Appendix C, Motion)
- 11) Review previous applications (Appendix D Motion)
- 12) Annual, zone, committee meeting reports & upcoming meetings
- 13) Correspondence
- 14) Future board meeting schedule
- 15) Adjournment (Motion)

AGENDA ITEM #1 APPROVAL OF JANUARY 29, 2010 BOARD MEETING MINUTES (MOTION)

Neugebauer mentioned that in the January 29, 2010 Board Meeting Minutes the upcoming FE and FLS Exam dates should be corrected to 04/17/10, and the upcoming PE and LS Exam dates should be corrected to 04/16/10.

MOTION: By Neugebauer, seconded by Shafai, for approval of Minutes of January 29, 2010 as above amended.

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

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

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

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

AGENDA ITEM #3 ACTIVITES REPORT ENDING FEBRUARY 2010. REVIEW OF DEPOSITS (FYI)

Humphreys mentioned that the number of licensees has remained the same in January and February 2010.

AGENDA ITEM #4 INVESTIGATION REPORTS

Case 09-03 Failure to report Disciplinary Action - Humphreys discussed the progress of the Investigative Committee. Ed Carpenter, Attorney, has been hired as outside legal counsel. A formal hearing on both Case 09-03 and Case 09-07, involving the same licensee, has been scheduled for 8:00 AM May 20, 2010 in a Conference Room at Department of Labor, 111 New York Street, Rapid City, SD.

Case 09-06 Competency and Professional Conduct - Shafai discussed the progress of the Investigative Committee. Ed Carpenter, Attorney, has been hired as outside legal counsel. They are currently in the process of entering into negotiations to move forward with informal proceedings.

Case 09-07 Competency and Professional Conduct - Previously discussed in conjunction with Case 09-03.

Case 10-01 Land Surveying Issue - Discussion by Bacon. Bacon has discussed this case with Humphreys and Attorney Lukkes and they recommend this case be closed and a letter of caution be written to the surveyor involved. **MOTION:** By Neugebauer, seconded by Jans, to close the file on Case 10-01 and a letter of caution be written to the surveyor involved as recommended by the Investigative Committee. **ACTION:** 6-0 AYE (Bacon, Hazard, Jans, Neugebauer, Shafai, Stafford,)

Case 10-02 Competency and Professional Conduct - Neugebauer discussed the progress of the Investigative Committee and suggested to move to an informal proceeding and to try to come to a resolution with licensee.

AGENDA ITEM #5 OLD BUSINESS

Mary Ann Myers hired as Senior Secretary as of January 24, 2010 - Board extended congratulations to Mary Ann in being hired as Senior Secretary.

SDSM&T; Mining program - not ABET, FE exam applicants - Humphreys discussed. Per email from Dr. Kate Alley at SDSM&T, the next ABET accreditation evaluation at SDSM&T is anticipated to take place in September 2010. Jans mentioned that he would like to represent SDBOTP as its observer at that evaluation, providing he does not have a scheduling conflict.

MOTION: By Neugebauer, seconded by Shafai, for approval of Jans to represent SDBOTP as its observer at the upcoming ABET accreditation evaluation at SDSM&T, **ACTION:** 6-0 AYE (Bacon, Hazard, Jans, Neugebauer, Shafai, Stafford)

Correspondence from former licensee regarding Case 01-04 (Motion) - Discussion by Humphreys. As of January 1, 2010 the licensee is delinquent in his monthly payments as set out in the Consent Order signed by licensee. Board authorized the Executive Director to turn this matter over for collection to the collection agency used by the State of South Dakota. No motion necessary because a motion was made at the January 29, 2010 board meeting.

Review of bills: HB1011, HB1046, HB1216 & SB68 - Discussion by Humphreys and the Board. SB68 has passed in the South Dakota Legislature and at this time is waiting for Governor Rounds' approval and signature.

Appropriations Committee Hearing - February 01, 2010. Humphreys attended - Discussion by Humphreys.

Action Items - reports - Humphreys and Board discussed. Board removed Building Officials Guide from action items list.

Rules and Statues - reports - Neugebauer discussed providing land surveying proposals to South Dakota Surveying Board at their upcoming meeting in April 2010. Hazard discussed updating the Blue Book, PDH Log, and education and experience requirements for licensees. More review will be scheduled as time permits.

FTE & Investigator Duties - Discussed by Humphreys. Interviews have been completed for the Secretary position and Humphreys is now in the process of determining which candidate is best qualified for the position. Humphreys is stepping in and handling the investigator duties as time permits.

NCEES Credentials Evaluations Services (formerly CPEES) evaluations of domestic degrees - Discussion by Shafai. Shafai attended a meeting regarding NCEES Credentials Evaluations Services. NCEES has done a preliminary study in reviewing NCEES Credentials Evaluations Services and NCEES Engineering Education standard for EAC/ABET review.

AGENDA ITEM #6 NEW BUSINESS

NCARB Regional Meeting - Discussion by Humphreys. Former SDBOTP board member Mark Aspaas, currently Treasurer of NCARB, is running for 2nd Vice President of NCARB. After discussion, the Board has unanimously decided to send a letter of recommendation in support of Mark Aspaas as 2nd Vice President of NCARB. Stafford will draft the letter for the Executive Director’s signature.

MOTION: By Neugebauer, seconded by Stafford, for SDBOTP to send a letter of recommendation in support of Mark Aspaas as 2nd Vice president of NCARB.

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

NCEES Central Zone Meeting. Nominations for Officers - Discussion by Humphreys. At this time it is appropriate for SDBOTP to send a letter of recommendation to the Central Zone Nominating Committee nominating an individual from the Central Zone as NCEES President Elect. After discussion, the Board has decided to send a letter of recommendation in support of Dale Jans as NCEES President Elect. Jans is currently Vice President of NCEES Central Zone. Neugebauer to draft the letter for Bacon to sign as Chairman of the Board.

MOTION: By Neugebauer, seconded by Shafai, for SDBOTP to send a letter of recommendation in support of Dale Jans as NCEES President Elect.

ACTION: 5-0 AYE (Bacon, Hazard, Neugebauer, Shafai, Stafford) Jans abstained.

School Board’s requesting of design for a public works project from a contractor - Discussion by Humphreys. Humphreys to draft a letter to superintendent of the appropriate school board, with copies to the architect and engineer. Staff Attorney Lukkes to review the letter before it is sent.

SDSU seeking ABET accreditation for Engineering Physics program - Discussion by Humphreys. The Board is in agreement that once a program receives ABET accreditation it would be accepted by SDBOTP.

AGENDA ITEM #7 PDH AUDITS (MOTION)

REVIEW PREVIOUS AUDITS - Board, Humphreys, and Staff Attorney Lukkes discussed previous audit of Jonathan D. Bailey. Notices have been sent to Mr. Bailey and SDBOTP has done their due diligence in trying to contact Mr. Bailey, Because of the fact that Mr. Bailey has not contacted SDBOTP, the Board, under the advice of their Staff Attorney Lukkes, deems it necessary to revoke his professional license, due to failure to meet continuing education requirements, failure to respond in a timely manner, failure to keep up his contact information, and failure to obtain a Certificate of Authority license with SDBOTP.

MOTION: By Jans, seconded by Shafai, for revocation of the professional license of Jonathan D. Bailey because of the above-stated reasons.

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

AGENDA ITEM #8 APPROVAL OF APPLICANTS BY EXAMINATION, ARCHITECTS (MOTION)

MOTION: By Hazard, seconded by Stafford, for approval of the following AR examinees who passed the ARE exams.

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

Date Licensed	Name	City	State	Profession	#
03/12/2010	Acevedo, Patricia Elena	Rapid City	SD	AR	10670
03/12/2010	Dolan, Jeffrey Richard	Corinth	NY	AR	10671

AGENDA ITEM #9 APPROVAL OF COMITY APPLICATIONS (MOTION)

MOTION: By Stafford, seconded by Hazard, for approval of the following AR Comity Applications.

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

Date Licensed	Name	City	State	Profession	#
03/12/2010	Block, Kylan Gregg	Omaha	NE	AR	10676
03/12/2010	Brink, Joseph Matthew	Cincinnati	OH	AR	10677

Date Licensed	Name	City	State	Profession	#
03/12/2010	Clark, Kevin A.	Lincoln	NE	AR	10678
03/12/2010	Curtis, Allen Dale	Fort Collins	CO	AR	10679
03/12/2010	Dumont, John Conrad	Devils Lake	ND	AR	10680
03/12/2010	Grasso, Dan J	Lincoln	NE	AR	10681
03/12/2010	Kippen, David Sinclair	Minneapolis	MN	AR	10682
03/12/2010	Lawrence, Matthew Klak	Boulder	CO	AR	10683
03/12/2010	Novak, Chad O	Denver	CO	AR	10684

MOTION: By Hazard, seconded by Stafford, for approval of the following LA Comity Application.

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

Date Licensed	Name	City	State	Profession	#
03/12/2010	Staats, Steven Dwight	Parkersburg	WV	LA	10685

MOTION: By Neugebauer, seconded by Stafford, to table Jason Roger Latzke licensure by comity as a land surveyor pending receipt of further information.

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

MOTION: By Neugebauer, seconded by Stafford, for approval of the following LS Comity Applications.

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

Date Licensed	Name	City	State	Profession	#
03/12/2010	Bergherr, Scott Roy	Saint Cloud	MN	LS	10686
03/12/2010	Griffin, Kirby Ray	Urbandale	IA	LS	10687
03/12/2010	Lee, Vernen Kalani	Englewood	CO	LS	10688
03/12/2010	Serafin, Jeffrey J	Wahoo	NE	LS	10675

MOTION: By Shafai, seconded by Jans, to deny Jeffrey Richard Killion licensure by comity as a professional engineer based on not meeting the educational requirements of an ABET accredited program. The Board may reconsider this application upon receipt of an evaluation by NCEES Credential Evaluation Services (formerly CPEES).

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

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

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

Date Licensed	Name	City	State	Profession	#
03/12/2010	Agramonte, Daniel Enrique	Marietta	GA	PE	10689
03/12/2010	Allen, Reid Clinton	Midvale	UT	PE	10690
03/12/2010	Anderson, Bret Robert	Fargo	ND	PE	10691
03/12/2010	Breetz, Gregory	Hebron	KY	PE	10692
03/12/2010	Cooper, James E	Rogers	AR	PE	10673
03/12/2010	Dailey, Matthew Ryan	Jefferson	SD	PE	10693
03/12/2010	Dalton, Carroll Franklin	Mason	OH	PE	10694
03/12/2010	Danielson, Robert Andrew	Bloomington	MN	PE	10695
03/12/2010	Dorn, Ava Ann	Lakewood	CO	PE	10696
03/12/2010	Eskelsen, Valerie Tripp	Ballwin	MO	PE	10672
03/12/2010	Fazeli, Mohamad Taghi	Rockledge	FL	PE	10697
03/12/2010	Fuller, William Thomas	Greenville	SC	PE	10698
03/12/2010	Grant, Gregory Carl	Duluth	GA	PE	10699
03/12/2010	Gray, Marty Allen	Minnnetonka	MN	PE	10700
03/12/2010	Hazen, Gary Lee	Kansas City	MO	PE	10701
03/12/2010	Hitchen, John Stuart	Henderson	NV	PE	10702
03/12/2010	Hummel, Brian Anthony	Phoenix	AZ	PE	10703

Date Licensed	Name	City	State	Profession	#
03/12/2010	Irvin, Kyle Don	Mesquite	TX	PE	10704
03/12/2010	Keim, Michael Archer	Ontario	NY	PE	10705
03/12/2010	Key, Francis Scott	Houston	TX	PE	10706
03/12/2010	Krahn, Robert James	Minneapolis	MN	PE	10707
03/12/2010	Larson, Lowell John	Rockford	IL	PE	10708
03/12/2010	Lightfoot, James Fox	Edmond	OK	PE	10674
03/12/2010	Loos, Eric John	Phoenix	AZ	PE	10709
03/12/2010	Lutjeharms, Mark Eugene	Lincoln	NE	PE	10710
03/12/2010	Malguarnera, Salvatore C	Columbus	OH	PE	10711
03/12/2010	Maloney, Laurence Joseph	Fort Worth	TX	PE	10712
03/12/2010	Mannes, Brent H.	Sioux Falls	SD	PE	10713
03/12/2010	McCain, Richard B	Labadie	MO	PE	10714
03/12/2010	Mitchell, Andrew David	Kansas City	MO	PE	10715
03/12/2010	Monforton, Jason A.	Aurora	CO	PE	10716
03/12/2010	Mulvihill, Jerome Wayne	Minneapolis	MN	PE	10717
03/12/2010	Otteson, Jack A	Fort Worth	TX	PE	10718
03/12/2010	Robertson, Christopher George	Cincinnati	OH	PE	10719
03/12/2010	Roth, Michael James	Johnston	IA	PE	10720
03/12/2010	Spalding, Kirk Anthony	Billings	MT	PE	10721
03/12/2010	Synhorst, Steven Marion	Moorhead	MN	PE	10722
03/12/2010	Wolford, Greg A	Mc Cook	NE	PE	10723

AGENDA ITEM #10 APPROVAL OF BUSINESS APPLICATIONS (MOTION)

MOTION: By Jans, seconded by Neugebauer, for approval of the following Business Applications.

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

Date Licensed	Company Name	City	State	Profession	#
03/12/2010	Allen D. Curtis - Architect	Fort Collins	CO	AR	C-6310
03/12/2010	Atwell, LLC	Southfield	MI	LS	C-6311
03/12/2010	BRPH Architects - Engineers, Inc.	Melbourne	FL	PE	C-6312
03/12/2010	Burgess & Niple, Inc.	Cincinnati	OH	PE	C-6313
03/12/2010	By Design, LLC	Sioux Falls	SD	AR	C-6314
03/12/2010	Cardno WRG	Portland	OR	PE	C-6315
03/12/2010	Design and Develop Engineering LLC	Tea	SD	PE/LS	C-6316
03/12/2010	Dumont & Associates, Architects	Devils Lake	ND	AR	C-6317
03/12/2010	Fuller Consulting Engineers, Inc.	Greenville	SC	PE	C-6318
03/12/2010	Gray Engineering, LLC	Minnetonka	MN	PE	C-6319
03/12/2010	H+L Architecture	Denver	CO	AR	C-6320
03/12/2010	Integro Services Group, Inc.	Worthing	SD	PE	C-6321
03/12/2010	Jeffrey R Dolan, AIA	Corinth	NY	AR	C-6322
03/12/2010	Lyntek, Incorporated	Lakewood	CO	PE	C-6323
03/12/2010	Michael A. Keim, P.E.	Ontario	NY	PE	C-6324
03/12/2010	Midland Incorporated dba Johnstone Supply	Sioux Falls	SD	PE	C-6325
03/12/2010	MKL Architecture PC	Boulder	CO	AR	C-6326
03/12/2010	Multatech Engineering, Inc.	Fort Worth	TX	PE	C-6327
03/12/2010	Reid C. Allen	Midvale	UT	PE	C-6328
03/12/2010	Reister Engineering, Inc.	Rockford	IL	PE	C-6329
03/12/2010	Sierra Piedmont, Inc.	Woodstock	GA	PE	C-6330

Date Licensed	Company Name	City	State	Profession	#
03/12/2010	Sinclair Hille Architects	Lincoln	NE	AR	C-6331
03/12/2010	W Design Associates, Inc.	Mc Cook	NE	PE	C-6332
03/12/2010	Worley Parsons Group, Inc.	Reading	PA	PE	C-6333

AGENDA ITEM #11 REVIEW PREVIOUS APPLICATIONS (MOTION)

MOTION: By Shafai, seconded by Jans, to deny Jaye Thomas Pickarts licensure by comity as a professional engineer based on his not having taken the Fundamentals of Engineering (FE) examination.

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

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

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

Date Licensed	Name	City	State	Profession	#
03/12/2010	Eskelsen, Valerie Tripp	Ballwin	MO	PE	10672
03/12/2010	Cooper, James E.	Rogers	AR	PE	10673
03/12/2010	Lightfoot, James Fox	Edmond	OK	PE	10674

MOTION: By Shafai, seconded by Jans, for approval of the following LS Comity Application.

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

Date Licensed	Name	City	State	Profession	#
03/12/2010	Serafin, Jeffrey	Wahoo	NE	LS	10675

MOTION: By Shafai, seconded by Jans, for approval of the following Business Applications.

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

Date Licensed	Company Name	City	State	Profession	#
03/12/2010	James E. Cooper, P.E.	Rogers	AR	PE	C-6334
03/12/2010	ACRS 2000 Corp	Oklahoma City	OK	PE	C-6335

AGENDA ITEM #12 ANNUAL, ZONE OR COMMITTEE REPORTS & UPCOMING MEETINGS

PREVIOUS - 02/10/10 - NCEES MBA, Clemson, SC - Humphreys (NCEES Pays,) Unable to attend due to office workload.

02/26/10 to 02/27/10 - CLARB Spring Meeting, Dallas, TX - (Not attending per motion @11/20/09 mtg.)

UPCOMING - 03/18/10 to 03/20/10 - NCARB Regional Meeting, Jackson Hole, WY - Stafford, Hazard & Humphreys
 05/13/10 to 05/15/10 - NCEES Central Zone Meeting, Salt Lake City, UT - Jans, Bacon, Neugebauer, Shafai, and Humphreys. NCEES Pays for Jans & one delegate. Board selected Bacon as delegate on 1/29/10 mtg.)

AGENDA ITEM #13 CORRESPONDENCE (FOR REVIEW AND DISCUSSION, IF DESIRED)

Compliments

Continuing Education questions

SD Building Officials IBC 2009 Seminar - March 23, 2010 in Rapid City, March 25, 2010 in Sioux Falls

SDES 50th Annual Conference April 21-23, 2010 in Sioux Falls

MBE discussions. Licensure requirements for Federal projects - Discussed by Humphreys. Board directed Humphreys to send a letter to the individual calling it to his attention that our office has never received a completed application for licensure from him, and that if he were to offer to practice or practice he would be in violation of the laws of the State of South Dakota.

Reply to licensee

Other various board correspondence/Email

AGENDA ITEM #14 FUTURE BOARD MEETING SCHEDULE

Due to conflicts with board members' schedules, the July 2010 Board Meeting is rescheduled from July 23, 2010 to July 30, 2010.

MOTION: By Hazard, seconded by Jans, to move the July 2010 Board Meeting to July 30, 2010.

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

May 21, 2010; July 30, 2010; September 17, 2010; and November 19, 2010.

AGENDA ITEM #15 ADJOURNMENT (MOTION)

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

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

There being no further business, at the hour of 12:30 p.m., the South Dakota State Board of Technical Professions adjourned.



Mark Humphreys, Executive Director

Submitted by Mary Ann Myers, Senior Secretary, SDBOTP