

**SOUTH DAKOTA  
STATE BOARD OF TECHNICAL PROFESSIONS  
Board Minutes**

Minutes of the regular meeting Friday, March 13, 2009

The South Dakota State Board of Technical Professions held its regular meeting on Friday, March 13, 2009 in the Rushmore Building, Board Room, Rapid City, South Dakota; Chairman Dale Jans, presided.

The meeting was called to order at 8:32 a.m.

The following board members were present: Chairman Dale Jans, Leonard Neugebauer, Hani Shafai, David Stafford, and Public Member Drake Olson. Others present were Todd Kolden, Staff Attorney Nathan Lukkes, and staff members Mark Humphreys, Wendy Whipple, and Mary Ann Myers. Also present was Richard A. Reid from South Dakota State University. Board members absent were Vice Chairman Randy Bacon, and Secretary Jeffery Hazard.

**Agenda Items:**

- 1) Approval of January 23<sup>rd</sup> 2009 Minutes (Motion)
- 2) Approval of vouchers since last meeting (Motion)
- 3) Activities report ending February 2009, Review of Deposits
- 4) Investigation reports
- 5) Old Business
- 6) New Business
- 7) PDH Audits (Motion)
- 8) Approval of Comity applications (Appendix A, Motion)
- 9) Approval of Business applications (Appendix B, Motion)
- 10) Review previous applications (Motion)
- 11) Executive Director reports
- 12) Annual, zone, committee meeting reports & upcoming meetings
- 13) Correspondence
- 14) Future board meeting schedule
- 15) Adjournment (Motion)

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**AGENDA ITEM #1 APPROVAL OF JANUARY 23, 2009 BOARD MEETING MINUTES (MOTION).**

**MOTION:** By Shafai, seconded by Stafford, for approval of minutes of the January 23, 2009 meeting.

**ACTION:** 5-0 AYE (Jans, Neugebauer, Shafai, Stafford, Olson)

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

**MOTION:** By Neugebauer, seconded by Shafai, for approval of vouchers since meeting.

**ACTION:** 5-0 AYE (Jans, Neugebauer, Shafai, Stafford, Olson)

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**AGENDA ITEM #3 ACTIVITES REPORT ENDING FEBRUARY 2009. REVIEW OF DEPOSITS**

Jans mentioned that we have had a few reductions in licensure for the year 2009 through the end of February 2009. License numbers have stayed pretty constant except for LS, which is down one licensee, PE, which is down two licensees, and Business licenses down 6 licenses.

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## AGENDA ITEM #4 INVESTIGATION REPORTS

**Case 08-06 Harrisburg, SD Building without A&E services** - Humphreys updated the Board on progress of this case. Attorney William Fuller has been hired to handle this case and has been in contact with the individual. Board authorized Humphreys to discuss enforcing an injunction in this matter and to proceed as quickly as possible to get resolution.

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## AGENDA ITEM #5 OLD BUSINESS

**Welcome Drake Olson - Public Member** - Board officially welcomed Drake Olson as the new Public Member of the Board.

**Two Board Members up for re-appointment; Len Neugebauer, PE/LS and Jeff Hazard, AR** - Kolden indicated, after talking with Humphreys, he has recommended re-appointment.

**Application dates for FE Examinations - SDSU & SDSM&T** - Richard A. Reid, Ph.D., Assistant Dean of Engineering, from South Dakota State University (SDSU), spoke to the Board regarding Board office deadlines for examinees to apply to take the FE exam, and various other information, regarding SDSU. Reid mentioned that SDSU is advertising for a department head for Architecture. SDSU's current plan is to start offering the Architecture program in the fall of 2010. The ABET accreditation visit at SDSU will be in the fall of 2009. The exact dates are yet to be set. Reid would appreciate having a Board member at the ABET meeting at SDSU. Reid handed out a chart listing FE exam application deadlines for South Dakota and bordering states, and SDSU first day of classes for fall and spring from 2009 through 2015. Jans explained that after our Board approves the individual to sit for the FE exam, that ELSSES needs time to get their process in place before the April and October exams. Whipple explained the Board's deadlines are necessary in order to get board approval in January and July before applicants take the FE exam. Whipple mentioned that the FE exam application has recently been added to the Board's website to now be completed online. Therefore, the applicant can complete the application online at any time, as it does not require assistance by the college. Reid asked the Board to consider extending the FE exam application deadline to take the April exam to the end of January of each year. In order to change a deadline the board would need to make a change in the Rules, which would take time to put in place. Jans thanked Reid for discussing his concerns and suggestions with the Board and assured Reid that the Board would further discuss his concerns and suggestions.

**HB1148, SDCL 9-14-24** - Humphreys mentioned that this bill was signed by the Governor March 6, 2009.

**SB8 statute changes for fee caps** - Discussion by Kolden. This bill was delivered to the Governor for signature on March 11, 2009.

**Board Attorney** - Board officially welcomed Nathan Lukkes as board attorney as of March 9, 2009. Kolden asked that the board continue filtering all legal issues through Kolden for the present time.

**Out of State Travel** - Discussions by Humphreys and Kolden.

**SB154, Default Building Code** - Kolden discussed. This bill was passed with a couple of amendments dealing with manufactured housing.

**Scanning applications into the Database** - Humphreys briefly discussed and then asked Whipple to further discuss. Whipple mentioned that, for this board meeting, she has scanned the AR and LS applications into our database for review by the board members prior to the board meeting. Whipple did not scan the PE applications for this board meeting because of the larger size of the PE applications, as Whipple is waiting to see how the process worked with the other applications. Whipple is working with BIT regarding file size and opening files in electronic form.

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## AGENDA ITEM #6 NEW BUSINESS

**Welcome Nathan Lukkes - Staff attorney for the Department of Labor** - (addressed under Agenda Item #5 Old Business)

**FE Exam Application available online** - Whipple discussed. Whipple informed the board that she worked with BPRO to get the FE exam application on line. The FE exam application is now on line and is available to applicants on their computer at anytime. Jans asked Whipple to keep the board updated as to how it is working.

**HB1260, Mini Brooks** - Humphreys discussed. This bill was delivered to the governor for signature on March 12, 2009. Neugebauer and Kolden also discussed the bill.

**HB1288, moved to 41<sup>st</sup> day** - Humphreys discussed.

**HB1212, Construction Contracts** - Stafford discussed. Humphreys mentioned that this bill was signed by the Governor on March 12, 2009.

**Retention and use of plans by Building Officials** - Humphreys and Stafford discussed building officials scanning plans and documents for the purpose of maintaining the future life of the building that was designed.

**Matthew Young, PE renewal - Letter for Business Application** - Discussion by Humphreys. Board determined that the business is exempt from licensing.

**Certificate of Authorization requirements during a transitional period** - Discussion by Humphreys and the Board. The Board directed the office staff to send letters stating individual cannot offer to practice or practice until they get a business license.

**Licensure requirements on Federal Projects** - Stafford discussed with the Board and Humphreys. Licensees contracting with the federal government to do business in South Dakota need to be licensed in South Dakota unless they are employed solely by the federal government.

**ABET, SDSU reaccreditation process-invitation** - Discussed earlier by Richard A. Reid from SDSU. As soon as Reid knows the dates for the ABET reaccreditation process at SDSU he will notify the Board. The Board plans to have a representative at SDSU for that process if at all possible.

**Electronic Plans Distribution** - Discussion by Neugebauer. No major exceptions taken. Board will take this into consideration as they continue to work on guidelines for signing and sealing documents.

**Webinars** - Discussion by Humphreys and Board. When a licensee elects to participate in a webinar, it has to be an interactive process. As with other requirements for professional development hours (PDH), licensees will need to get a certificate as proof of attendance and participation in webinars. Board will take webinars into account in random audits; however, PDH hours can not all be earned through webinars.

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## **AGENDA ITEM #7 PDH AUDITS (MOTION)**

Whipple mentioned that letters notifying licensees being audited for this time period were sent via email rather than by regular mail as has been done for previous audits. The response and turnaround time was very good.

**NEW AUDITS:** Dustin L. Cole, PE; Louis P. O'Donnell, LS; Julie N. Rokke, AR; Gregg A. Stroschhein, LS; Mark Royal Sundet, AR; Kenneth P. Wictor, AR; and Robert Wesley Zandi, AR were audited.

**MOTION:** By Stafford, seconded by Neugebauer, for approval of the audits named above.

**ACTION: 5-0 AYE** (Jans, Neugebauer, Shafai, Stafford, Olson)

**MOTION:** by Neugebauer, seconded by Shafai, the audit of George W. Foehringer, PE, is to be held for further information.

**ACTION: 5-0 AYE** (Jans, Neugebauer, Shafai, Stafford, Olson)

**MOTION:** By Stafford, seconded by Shafai, the audit of Gregg A. Hanson, PE, is to be held for further information.

**ACTION: 5-0 AYE** (Jans, Neugebauer, Shafai, Stafford, Olson)

**MOTION:** By Stafford, seconded by Olson, the audit of Charles L. Raidl, AR, is to be held for further information.

**ACTION: 5-0 AYE** (Jans, Neugebauer, Shafai, Stafford, Olson)

**MOTION:** By Stafford, seconded by Olson, after reconsideration, the audit of Charles L. Raidle, AR, is approved.

**ACTION: 5-0 AYE** (Jans, Neugebauer, Shafai, Stafford, Olson)

### **REVIEW PREVIOUS AUDITS:**

Daniel Jack Poling - AR; and Theodore Frank Schultz, PE, were audited.

**MOTION:** By Shafai, seconded by Neugebauer, for approval of the audits named above.

**ACTION: 5-0 AYE** (Jans, Neugebauer, Shafai, Stafford, Olson)

**MOTION:** By Neugebauer, seconded by Shafai, the audit of Scott Raymond Flynn, PE, is to be held for further information.

**ACTION: 5-0 AYE** (Jans, Neugebauer, Shafai, Stafford, Olson)

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**AGENDA ITEM #8 APPROVAL OF COMITY APPLICATIONS (MOTION)**

**MOTION:** by Stafford, seconded by Neugebauer, for approval of the following AR Comity Applications.

**ACTION:** 5-0 AYE (Jans, Neugebauer, Shafai, Stafford, Olson)

Date Licensed	Name	City	State	Abbreviation	#
03/13/2009	Bergt, Richard L	Lincoln	NE	AR	9805
03/13/2009	Engel, Robert W	Omaha	NE	AR	9806
03/13/2009	Keane, Christopher Evans	Portland	OR	AR	9807
03/13/2009	Kidd, Christopher Donald	Menomonee Falls	WI	AR	9808
03/13/2009	Kouri, Craig R	Lyons	IL	AR	9809
03/13/2009	Larrivee, Joseph Philip	Bismarck	ND	AR	9810
03/13/2009	Peterson, Grant A.	Hopkins	MN	AR	9811
03/13/2009	Ruys, John Peter	Atlanta	GA	AR	9812
03/13/2009	Vallicott, Jay A	Lincoln	NE	AR	9813
03/13/2009	Weinheimer, Daniel L.	Indianapolis	IN	AR	9814
03/13/2009	Wilz, Lawrence E	Hopkins	MN	AR	9815
03/13/2009	Young, Mark Lee	Kalispell	MT	AR	9816

**MOTION:** by Stafford, seconded by Shafai, for approval of the following LA Comity Application.

**ACTION:** 5-0 AYE (Jans, Neugebauer, Shafai, Stafford, Olson)

Date Licensed	Name	City	State	Abbreviation	#
03/13/2009	Hudspeth, Gregg William	Atlanta	GA	LA	9817

**MOTION:** by Neugebauer, seconded by Olson, for approval of the following LS Comity Applications.

**ACTION:** 5-0 AYE (Jans, Neugebauer, Shafai, Stafford, Olson)

Date Licensed	Name	City	State	Abbreviation	#
03/13/2009	Boers, Daniel Joseph	Bozeman	MT	LS	9818
03/13/2009	Carlson, Leonard Frank	Minneapolis	MN	LS	9819
03/13/2009	Carson, Steven Patrick	Raleigh	NC	LS	9820
03/13/2009	Darling, Richard Dale	Tucson	AZ	LS	9821
03/13/2009	Hanson, Mark Steven	Minneapolis	MN	LS	3829
03/13/2009	Krieschel, John Drake	Gering	NE	LS	9822
03/13/2009	Thompson, Adam Clayton	Glendive	MT	LS	9823
03/13/2009	Thompson, Jason D	Missouri Valley	IA	LS	9824

**MOTION:** by Shafai, seconded by Stafford, for approval of the following PE Comity Applications.

**ACTION:** 5-0 AYE (Jans, Neugebauer, Shafai, Stafford, Olson)

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Date Licensed	Name	City	State	Abbreviation	#
03/13/2009	Ackerman, Christopher David	Monument	CO	PE	9825
03/13/2009	Ashworth, Arthur Carl	Littleton	CO	PE	9826
03/13/2009	Barlow, Joseph Israel	Colorado City	AZ	PE	9827
03/13/2009	Blakeman, Bradley Kenneth	Omaha	NE	PE	9828
03/13/2009	Bourez, James Andrew	Citrus Heights	CA	PE	9829
03/13/2009	Christen, Barry Lee	Denver	CO	PE	9830
03/13/2009	Crutchley, Adam M	Waukee	IA	PE	9831
03/13/2009	Dady, Patrick Stanley	Eden Prairie	MN	PE	9832
03/13/2009	Dahlman, Daniel Robert	Hopkins	MN	PE	9833
03/13/2009	Donaldson, Richard Edward	Social Circle	GA	PE	9834
03/13/2009	Fessler, Eric D	Milwaukee	WI	PE	9835

03/13/2009	Gustafson, Glenn Robert	Osseo	MN	PE	9836
03/13/2009	Hoogwerf, Mark A	Huron	SD	PE	9837
03/13/2009	Howell, Wayne Boyd	San Antonio	TX	PE	9838
03/13/2009	Kazi, Bablu	Lawrenceville	GA	PE	9839
03/13/2009	Kramer, Chad R.	Sioux Falls	SD	PE	9840
03/13/2009	Marcato, William Jon	Denver	CO	PE	9841
03/13/2009	Meyer, Matthew A.	North Fond du Lac	WI	PE	9842
03/13/2009	Miller, Scott Glenn	Omaha	NE	PE	9843
03/13/2009	O'Brien, Patrick Stephens	Taylors	SC	PE	9844
03/13/2009	Reznicek, Mark James	Omaha	NE	PE	6445
03/13/2009	Rutila, Dean A	Lexington	MA	PE	9845
03/13/2009	Schwalbach, Jeffrey Phillip	Stewartville	MN	PE	9846
03/13/2009	Sohns, Lyle Edward	Franklin	WI	PE	9847
03/13/2009	Szynakiewicz, Tomasz Marcin	Broomfield	CO	PE	9848
03/13/2009	Terhaar, Edward Francis	Minneapolis	MN	PE	9849
03/13/2009	Torve, Kenton Craig	Maple Plain	MN	PE	9850
03/13/2009	Wagner, Michael John	Osseo	MN	PE	9851
03/13/2009	Wall, Michael Edward	San Diego	CA	PE	9852
03/13/2009	Werth, Darrell Lewis	Shawnee Mission	KS	PE	9853

**AGENDA ITEM #9 APPROVAL OF BUSINESS APPLICATIONS (MOTION)**

**MOTION:** by Neugebauer, seconded by Shafai, for approval of the following Business Applications.

**ACTION:** 5-0 AYE (Jans, Neugebauer, Shafai, Stafford, Olson)

Date Licensed	Company Name	City	State	Profession	#
03/13/2009	Architectural Design Associates, P.C.	Lincoln	NE	AR	C-6121
03/13/2009	Bateman Civil Survey Company, PC	Holly Springs	NC	LS	C-6122
03/13/2009	Blakeman Engineering, LLC	Omaha	NE	PE	C-6123
03/13/2009	Christopher Kidd & Associates, LLC	Menomonee Falls	WI	AR	C-6124
03/13/2009	Dangermond Keane Architecture	Portland	OR	AR	C-6126
03/13/2009	Darling Environmental & Surveying, Ltd.	Tucson	AZ	LS	C-6127
03/13/2009	Dave Stafford Architect	Rapid City	SD	AR	C-6128
03/13/2009	Hayman Residential Engineering Services	Rapid City	SD	PE	C-6129
03/13/2009	Hayward Baker	Broomfield	CO	PE	C-6130
03/13/2009	J. I. Barlow Engineering, P.C.	Colorado City	AZ	PE	C-6131
03/13/2009	Jackola Engineering & Architecture	Kalispell	MT	AR	C-6132
03/13/2009	Joseph P. Larrivee Architects, P.C.	Bismarck	ND	AR	C-6133
03/13/2009	Madsen, Kneppers & Associates, Inc.	Aurora	CO	PE	C-6134
03/13/2009	Michael Wall Engineering, Inc.	San Diego	CA	PE	C-6135
03/13/2009	Missouri Valley Engineering & Surveying, Inc	Lees Summit	MO	LS	C-6136
03/13/2009	Monroe & Newell Engineers, Inc.	Avon	CO	PE	C-6137
03/13/2009	OlympiaTech Electrical Contractor	Minneapolis	MN	PE	C-6138
03/13/2009	Pike Electric, Inc.	Mount Airy	NC	PE	C-6139
03/13/2009	Procorp Enterprises, LLC	Milwaukee	WI	PE	C-6140
03/13/2009	Realtime Utility Engineers, Inc.	Madison	WI	PE	C-2282
03/13/2009	Reznicek Engineering Inc.	Omaha	NE	PE	C-1120
03/13/2009	River Valley Testing Corp.	Neenah	WI	PE	C-6141
03/13/2009	Robert W. Engel & Associates Architects Inc.	Omaha	NE	AR	C-6142
03/13/2009	Schulte Building Systems	Hockley	TX	PE	C-6143
03/13/2009	Schweitzer Engineering Laboratories, Inc.	Pullman	WA	PE	C-6144
03/13/2009	Seaboard Services of Virginia, Inc.	Richmond	VA	PE	C-6145

03/13/2009	Selser Schaefer Architects, P.C.	Tulsa	OK	AR	C-6146
03/13/2009	Simpson Gumpertz & Heger Inc.	Waltham	MA	PE	C-6147
03/13/2009	Structural Connections, Inc	Rochester	MN	PE	C-6148
03/13/2009	Sunde Land Surveying, LLC	Minneapolis	MN	LS	C-479
03/13/2009	TCGroup Inc.	Appleton	WI	PE	C-6149
03/13/2009	Walter P Moore & Associates, Inc.	Houston	TX	PE	C-6150

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#### AGENDA ITEM #10 REVIEW PREVIOUS APPLICATIONS (MOTION)

Discussion by Humphreys and Board.

**MOTION:** by Neugebauer, seconded by Shafai, to table Thomas A. Korjack, PE, comity application until applicant responds with additional requested information. At the January 23, 2009 Board Meeting the Board requested applicant obtain a CPEES evaluation. Deadline for Board to receiving CPEES evaluation is six months from date of application. After deadline date the file will be closed.

**ACTION: 5-0 AYE** (Jans, Neugebauer, Shafai, Stafford, Olson)

**MOTION:** by Neugebauer, seconded by Stafford, to table James Eugene Tometich, PE, comity application until applicant responds with additional requested information. At the January 23, 2009 Board Meeting the Board requested applicant obtain a CPEES evaluation. Deadline for Board to receive CPEES evaluation is six months from date of application. After deadline date the file will be closed.

**ACTION: 5-0 AYE** (Jans, Neugebauer, Shafai, Stafford, Olson)

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#### AGENDA ITEM #11 EXECUTIVE DIRECTOR REPORTS

**Company's possible practice of engineering** - Discussion by Humphreys and Neugebauer. Humphreys' examination, conversations and correspondence with the company was presented to the Board. After review, it was determined that their practice was not of an engineering nature.

**County's awarding of contract** - Discussion by Humphreys. The Board recommends that individuals with concerns about the competitive processes for the bidding, letting and or the awarding of projects should be instructed to should contact the state's attorney in their jurisdiction

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

**PREVIOUS -** 01/15/09 to 01/17/09 - SDSPLS Annual Convention, survey education panel discussion - Neugebauer  
02/27/09 to 02/28/09 - CLARB Spring Meeting, Charleston, SC - Board did not attend due to the Governor's policy

**UPCOMING -** 03/27/09 to 03/28/09 - NCARB Region 4,5 & 6, Salt Lake City, UT - Stafford, Hazard & Humphreys  
04/01/09 to 04/03/09 - South Dakota Engineering Society (SDES) 2009 Annual Conference - B+30  
Panel Discussion, Brookings, SD - Neugebauer  
04/02/09 to 04/04/09 - NCEES Central Zone Meeting, Des Moines, IA - \*Jans, \*Shafai, Neugebauer, Bacon & Humphreys (\*funded by NCEES)

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

**Compliments** - Board commended the board office staff for their continued good work with and for licensees.

**Disciplinary action in Minnesota** - Discussion by Neugebauer.

**NCARB Leadership transition** - Discussion by Stafford.

**NCARB Testing & Scoring**

**HB1271**

**October 2008 Examination Info** - Discussion by Humphreys.

**BPRO update** - Humphreys and Whipple updated Board on BPRO's progress with computer projects for board office.

**Other various board correspondence/Email** - Whipple discussed update NCEES designation for exams. NCEES is now offering three different modules for Electrical/Computer exams, including Electrical & Electronics (ECE), Power (ECP), and Computer (ECC) exams.

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**AGENDA ITEM #14 FUTURE BOARD MEETING SCHEDULE**

May 15, 2009, July 17, 2009, September 18, 2009, November 20, 2009

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**AGENDA ITEM #15 ADJOURNMENT (MOTION)**

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

**ACTION:** 5-0 AYE (Jans, Neugebauer, Shafai, Stafford, Olson)

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



Mark Humphreys, Executive Director

Submitted by Mary Ann Myers, Secretary, SDBOTP