

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

Of the regular meeting Friday, September 13, 2013
In the Rushmore Building at the board office in Rapid City, SD

The South Dakota State Board of Technical Professions held its regular meeting on Friday, September 13, 2013 in its Board Room, Rushmore Building, Rapid City, South Dakota. Chairman Len Neugebauer presided.

The meeting was called to order at 8:30 A.M. by Chairman Len Neugebauer.

The following board members were present: Chairman Leonard Neugebauer, Vice Chairman Jeff Nelson, Secretary Dennis Micko, Hani Shafai, Steve Williams, Randy Bacon, and Drake Olson. Staff Attorney Aaron Arnold attended by telephone. Others present were staff members Mark Humphreys, Kathryn Patterson and Susan Neuf.

Board members to review applications at 8:00 A.M. Roll Call at 8:30 A.M.

Staff Attorney Arnold joined the meeting at 8:30 A.M. and left the meeting at 9:47 A.M.

Agenda Items:

- 1) Approval of July 26, 2013 Minutes (Motion)
- 2) Approval of vouchers since last meeting (Motion)
- 3) Activities report ending August & Review of Deposits (FYI)
- 4) Investigation reports
- 5) Old Business
- 6) New Business
- 7) PDH Audits (Motion)
- 8) Approval of applicants by examination; R (Appendix A, Motion)
- 9) Approval of Comity applications (Appendix B, Motion)
- 10) Approval of Business applications (Appendix C, Motion)
- 11) Review previous apps, (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 JULY 26, 2013 BOARD MEETING MINUTES

Motion: By Micko; seconded by Shafai for approval of July 26, 2013 Board Meeting minutes.
Action: 7-0 AYE (Bacon, Micko, Nelson, Neugebauer, Williams, Olson, Shafai).

AGENDA ITEM #2 APPROVAL OF VOUCHERS SINCE LAST MEETING

Motion: By Bacon; seconded by Nelson for approval of vouchers since last meeting.
Action: 7-0 AYE (Bacon, Micko, Nelson, Neugebauer, Williams, Olson, Shafai).

AGENDA ITEM #3 ACTIVITIES REPORT ENDING AUGUST 2013 & REVIEW OF DEPOSITS (FYI)

The Board discussed the activities report and reviewed the financial reports.

AGENDA ITEM #4 INVESTIGATION REPORTS

Case 09-06 Competency and Professional Conduct

The Board had scheduled a hearing for 20 - 21 November; however, legal counsel for the licensee wishes to move the scheduled dates due to a personal conflict on these dates 5 and 19 November. A hearing examiner will consider this request on 24 September to decide if the delay is warranted and may approve a delay to the November hearing date. Licensee's legal counsel also petitioned that the case be dismissed due to its longevity. Staff Attorney Arnold recommends that a Board member and/or the Executive Director attend the hearing examiner's meeting on 24 September.

Case 12-08 Failure to Report Disciplinary Action

A consent agreement has been negotiated and signed by the licensee and the payment has been received by the Board. The Investigative Committee recommends approval by the Board. It is the consensus of the Board to accept the proposed consent agreement.

Motion: By Nelson; seconded by Williams to accept proposed consent order. Micko recused himself because he served on the investigative committee.

Action: 6-0 AYE (Bacon, Nelson, Neugebauer, Williams, Olson, Shafai).

Case 14-01 Possible Fraud & Perjury - PE; Need Board Member assigned

Chairman Neugebauer assigns Olson to the Investigative Committee for Case 14-01.

Case 14-02 Failure to report Disciplinary Action - LS; Need Board Member assigned

Chairman Neugebauer volunteered himself to be on the Investigative Committee for Case 14-02.

Case 14-03 Dispute of Engineering Opinions; Need Board Member assigned

Chairman Neugebauer assigns Micko to the Investigative Committee for Case 14-03.

AGENDA ITEM #5 OLD BUSINESS

***Action Items - report**

Item 1 - Electronic Plans Distribution: Evaluation is in progress, which may involve a statute rewrite.

Item 2 - Seals; guideline document: In progress.

Item 3 - Discipline questions on application are not clear: Staff will be working with BPro on this issue to get forms updated.

Item 4 - Clarification of intent that a person can be in responsible charge of only one office: Pending next statute update.

Item 5 - All licensees must be linked to a CoA to practice; Rules revision is currently under study.

Item 6 - Concerns regarding candidate ID #'s: Disclaimer drafted by legal counsel is done and waiting for BPro contract to be awarded to make the required changes to online forms.

Item 7 - Cross practice in Construction Administration: Need a rules change to clarify the fact that a Prime Professional can do construction administration within their professional field. Pending next rules change.

Item 8 - NCEES CBT Administration Cycle: This item is in progress; staff and board members may address this at a teleconference in mid to late October or at the next scheduled Board meeting.

Item 9 - NCEES record acceptance: Rules revision in progress.

Item 10 - Fire Protection Engineer Requirement: Currently the Fire Marshall, fire system installers, and Rapid City Building Officials are scheduling a meeting to discuss this item as well as item #12 below.

Item 11 - Require Take Home Exams and National Exams for Comity Applications: Rules revision in progress.

Item 12 - Building Officials Guide update: Currently the Fire Marshall, fire system installers, and Rapid City Building Officials are scheduling a meeting to discuss this item in conjunction with item #10 above.

*Add Item 13 - Rewrite of Petroleum Exams: This item to be discussed at the next Board meeting.

Website review and update

Hyperlinks of ARSD 20:38 on LRC's website

The Board briefly discussed that the links on this website are still broken. The problem has been reported to the appropriate authority. The consensus of the Board is that the broken links are an inconvenience, but will not cause too

much difficulty for applicants or greatly affect how the Board conducts its business. The Board recommends removing this item from the agenda.

Newsman; replacement emailing program developed by BIT

The Board briefly discussed this item, acknowledging that the program is still being developed by BIT. Currently, staff is using two different versions of the database to work around issues with the new mass email program.

*NCEES; CBT preparations

The Board briefly discussed this item. Staff spoke with the proctor who gave assurances that they will be installing 5-7 computers for test takers. It is the consensus of the Board that 5-7 computers for test takers will be acceptable.

FY13 Audit

The Board discussed this item. Staff will contract with an independent audit agency, Ketel Thorstenson, to conduct the audit and schedule it for the October time frame. It is the consensus of the Board that this will be acceptable.

Conversion from classic asp to .net - BPro

A contract with BPro is pending to do this conversion with oversight by BIT. Based upon BPro's RFP to BIT, BPro's original cost estimate for the work has gone up to \$35,000. BPro estimates the work will take 3½ months to complete. The Board approved a revision to its previous budget amount of \$30,000 to an amount not to exceed \$40,000 for the new BPro cost estimate, plus the original \$10,000 for BIT's oversight of the conversion project. The Board discussed the deadline set by BIT for completion of the conversion; Staff asked for a time extension, which has yet to be approved. However, the contract will establish a deadline for project completion. The consensus of the Board is to approve the cost increase for this project.

Motion: By Olson; seconded by Nelson to modify the original budget for the asp to .net conversion not to exceed \$40,000 for the BPro work, plus the original \$10,000 for BIT's oversight of the conversion project.

Action: 7-0 AYE (Bacon, Micko, Nelson, Neugebauer, Williams, Olson, Shafai).

*PE Exam experience prerequisites - ACCA Motion 1

The Board discussed the NCEES PE Exam experience prerequisites for Model Law, which allows PE Exam applicants to test early (some states are already allowing this). The Board voted "No" on this item (ACCA Motion 1) at the NCEES Annual Conference, but it was forwarded to the NCEES UPLG committee by a 41-24 vote. After the UPLG committee completes their work on this model law revision, it will be voted on again at the next NCEES Annual meeting. The Board discussed how some jurisdictions require applicants who test early for the PE to retest before approving applications for licensure. The Board discussed whether we should even accept applications from applicants who test early for the PE and apply for comity licensure with us, or if we should require retesting in accordance with our laws and rules prior to accepting them for comity licensure.

AGENDA ITEM #6 NEW BUSINESS

*Schedule the Board Meeting dates for 2014

The Board reviewed and approved the following meeting dates for the 2014 Board meeting calendar: January 24, 2014; March 28, 2014; May 30, 2014; July 25, 2014; September 19, 2014; and November 21, 2014.

*Approval of Posting Hours at satellite office

A branch office lost their licensed professional and needed to temporarily fill the position with a PE from another branch office. The parent company requested the Board to allow them to post the hours for the temporary licensed professional until they can hire another full-time licensed professional. The consensus of the Board is to allow the posting of hours at the satellite office on the condition that they send what the posted hours will be and notify the Board when a full-time licensed professional is hired for this satellite office.

*Replenish Local Account

The Board's request to keep a \$1000.00 reserve in the operating account was denied; therefore, this reserve will remain at \$73.00.

*FY15 Budget & Annual Report

Changes to the FY15 budget generated questions by the Board and staff in regards to some of the budget changes. These questions have yet to be addressed.

AGENDA ITEM #7 PDH AUDITS

NEW AUDITS - Robert E. Andrus, AR; Michael Stahler Behm, PE; Paul David Konechne, PE; Mathias A. Krebs, LS; Shawn Creig Murray, PE; R. Allan Oberlander, AR; Leslie Allen Olive, AR; Christopher G. Schmit, PE; Steven D. Schrempp, PE; Michael Sloan Stanley, LA; Roger E. Sween, LS; Adam Clayton Thompson, LS; And Michael J. Towey, PE.

Motion: By Nelson; seconded by Williams to approve the audits of Robert E. Andrus, AR; R. Allan Oberlander, AR; and Leslie Allen Olive, AR.

Action: 7-0 AYE (Bacon, Micko, Nelson, Neugebauer, Williams, Olson, Shafai).

Motion: By Williams; seconded by Nelson to approve the audit of Michael Sloan Stanley, LA.

Action: 7-0 AYE (Bacon, Micko, Nelson, Neugebauer, Williams, Olson, Shafai).

Motion: By Bacon; seconded by Micko to approve the audits of Mathias A. Krebs, LS; Roger E. Sween, LS and Adam Clayton Thompson, LS.

Action: 7-0 AYE (Bacon, Micko, Nelson, Neugebauer, Williams, Olson, Shafai).

Motion: By Micko; seconded by Shafai to approve the audits of Michael Stahler Behm, PE; Paul David Konechne, PE; Shawn Creig Murray, PE; Christopher G. Schmit, PE; and Michael J. Towey, PE.

Action: 7-0 AYE (Bacon, Micko, Nelson, Neugebauer, Williams, Olson, Shafai).

Motion: By Shafai; seconded by Olson to deny the audit of Steven D. Schrempp, PE; based on lack of qualifying hours needed. Licensee was short 9 hours in the 2009-2011 renewal cycle and is short 15 hours in the 2011-2013 renewal cycle. No carry-over hours were awarded.

Action: 7-0 AYE (Bacon, Micko, Nelson, Neugebauer, Williams, Olson, Shafai).

REVIEW PREVIOUS AUDITS - John E. Kolander, AR; Robert St. Claire, LS; Steven L. Schjodt, PE; and Kenton C. Torve, PE.

Motion: By Nelson; seconded by Williams to approve the request for a 60 day extension of time to submit information by John E. Kolander, AR. Information to be received in Board office no later than November 12, 2013. A mandatory audit will be conducted at the next renewal cycle.

Action: 7-0 AYE (Bacon, Micko, Nelson, Neugebauer, Williams, Olson, Shafai).

Motion: By Shafai; seconded by Micko to approve the audit of Steven L. Schjodt, PE; with a mandatory audit at the next renewal cycle.

Action: 7-0 AYE (Bacon, Micko, Nelson, Neugebauer, Williams, Olson, Shafai).

Motion: By Micko; seconded by Shafai to approve the audit of Kenton C. Torve, PE; with a mandatory audit at the next renewal cycle.

Action: 7-0 AYE (Bacon, Micko, Nelson, Neugebauer, Williams, Olson, Shafai).

Robert St. Claire, LS had 60 days from letter dated July 31, 2013 to supply additional information for audit. Information to be received in Board office no later than October 1, 2013.

AGENDA ITEM #8 APPROVAL OF APPLICANTS BY EXAMINATION, R.

Motion: By Micko; seconded by Olson to deny the following Petroleum Release Remediator (R) examinee based on requesting more detailed experience, work involvement and updated references accordingly.

Action: 7-0 AYE (Bacon, Micko, Nelson, Neugebauer, Williams, Olson, Shafai).

Name	Profession/Discipline
Tietz, Michael Alan	R

AGENDA ITEM # 9 APPROVAL OF COMITY APPLICATIONS

Motion: By Nelson; seconded by Williams for approval of the following Architect (AR) Comity Applications.

Action: 7-0 AYE (Bacon, Micko, Nelson, Neugebauer, Williams, Olson, Shafai).

Date Licensed	Name	City	State	Profession	#
09/13/2013	Barney, Daniel J.	Cleveland	OH	AR	11822
09/13/2013	Bartlow, Kelly Marie	Saint Cloud	MN	AR	11823
09/13/2013	Bourquin, Jerry	Madison	WI	AR	11824
09/13/2013	Castro, Michael Joseph	San Francisco	CA	AR	11825
09/13/2013	Harding, Brady William	Dayton	OH	AR	11826
09/13/2013	Haynes, Andrew John	Saint Paul	MN	AR	11827
09/13/2013	Hoffman, Marsha K.	Kansas City	MO	AR	11828
09/13/2013	Hogan, Christopher Juergens	Saint Cloud	MN	AR	11829
09/13/2013	Pappas, Peter David	Denver	CO	AR	11830
09/13/2013	Scales, John C.	Greenwood Village	CO	AR	11831
09/13/2013	Shremshock, Timothy J.	Westerville	OH	AR	11832

Motion: By Nelson; seconded by Williams for approval of the following Landscape Architect (LA) Comity Applications.

Action: 7-0 AYE (Bacon, Micko, Nelson, Neugebauer, Williams, Olson, Shafai).

Date Licensed	Name	City	State	Profession	#
09/13/2013	Halunen, Todd Patrick	Hudson	WI	LA	11833
09/13/2013	Jobman, Mark Robert	Rapid City	SD	LA	11834

Motion: By Bacon; seconded by Micko for denial of the following Land Surveyor (LS) Comity Application based on insufficient qualifying experience.

Action: 7-0 AYE (Bacon, Micko, Nelson, Neugebauer, Williams, Olson, Shafai)

Name	City	State	Profession
Taylor, James D.	Williston	ND	LS

Motion: By Micko; seconded by Shafai for approval of the following Professional Engineer (PE) Comity Applications.

Action: 7-0 AYE (Bacon, Micko, Nelson, Neugebauer, Williams, Olson, Shafai).

Date Licensed	Name	City	State	Profession	#
09/13/2013	Aardsma, Jonathan James	North Aurora	IL	PE	11835
09/13/2013	Amundsen, Thomas Alfred	Batavia	IL	PE	11836
09/13/2013	Antwiler, Douglas Dean	Pearland	TX	PE	11837
09/13/2013	Bakker, Jan Guenther	Arlington	TX	PE	11838
09/13/2013	Beacom, Robert Eugene	Sioux City	IA	PE	11839
09/13/2013	Bender, Lowell James	Parker	CO	PE	11840
09/13/2013	Blume, Dave Thomas	Saint Paul	MN	PE	11841
09/13/2013	Bond Cromes, Melanie Marie	Lead	SD	PE	11842
09/13/2013	Carr, Chad Michael	Bettendorf	IA	PE	11843
09/13/2013	Chihab, Fouad	Edmond	OK	PE	11844
09/13/2013	Cornwell, Steven Lyle	Boise	ID	PE	11845
09/13/2013	Eisenrich, Brian Lloyd	Plano	TX	PE	11846
09/13/2013	Firor, Susan	Moscow	ID	PE	11847
09/13/2013	Fortney, Patrick J	Roswell	GA	PE	11848
09/13/2013	Garrett, Gene Robert	Centennial	CO	PE	11849
09/13/2013	Gloeckner, Emily	Denver	CO	PE	11850

Date Licensed	Name	City	State	Profession	#
09/13/2013	Hanson, Carolyn	Miami Gardens	FL	PE	11851
09/13/2013	Hartfiel, Mark Alan	Lee's Summit	MO	PE	11852
09/13/2013	Israelson, Scott Peter	Longwood	FL	PE	11853
09/13/2013	Matuska, Joseph James	Norfolk	NE	PE	11854
09/13/2013	McHan, Aaron Elliott	Spartanburg	SC	PE	11855
09/13/2013	Miller, Kevin Bruce	Lakewood	CO	PE	11856
09/13/2013	Moore, Timothy J.	Baton Rouge	LA	PE	11857
09/13/2013	Parrish, Jeremy David	Boise	ID	PE	11858
09/13/2013	Pederson, Camilla Marie	Saint Paul	MN	PE	11859
09/13/2013	Petersen, Tom Edward	Brookfield	WI	PE	11860
09/13/2013	Sabeff, Peter	Lakewood	CO	PE	8948
09/13/2013	Schiller, Brent Harvey	Sioux Falls	SD	PE	11861
09/13/2013	Shepardson, William H	Cleveland	OH	PE	11862
09/13/2013	Swinehart, Todd Robert	Bozeman	MT	PE	11863
09/13/2013	Westendorf, Brian Michael	Downers Grove	IL	PE	11864
09/13/2013	Williamson, Jeffry Edward	Reliance	SD	PE	11865
09/13/2013	Young, Frank H	Greenwood Village	CO	PE	11866

Motion: By Shafai; seconded by Micko for denial of the following Professional Engineer (PE) Comity Application based on not meeting the requirements of a substantially equivalent ABET Bachelors of Science Engineering degree as determined by NCEES Credentials Evaluations.

Action: 7-0 AYE (Bacon, Micko, Nelson, Neugebauer, Williams, Olson, Shafai).

Name	City	State	Profession
Mostofa, Golam	Cypress	TX	PE

AGENDA ITEM #10 APPROVAL OF BUSINESS APPLICATIONS

Motion: By Shafai, seconded by Bacon for approval of the following Business License Applications.

Action: 7-0 AYE (Bacon, Micko, Nelson, Neugebauer, Olson, Shafai, Williams).

Date Licensed	Company Name	City	State	Profession	#
09/13/2013	ADF International Inc.	Miami Gardens	FL	PE	C-6971
09/13/2013	Arkinetics	Cleveland	OH	AR	C-6972
09/13/2013	Brereton Architects	San Francisco	CA	AR	C-6973
09/13/2013	Cives Corporation	Roswell	GA	PE	C-6974
09/13/2013	Civil Engineers of Southwest Ohio, Inc.	Dayton	OH	PE	C-6975
09/13/2013	Cromes Metallurgical Consulting	Lead	SD	PE	C-6976
09/13/2013	Dimension IV - Madison, LLC	Madison	WI	AR	C-6977
09/13/2013	Engineering Economics, Inc.	Lakewood	CO	PE	C-2664
09/13/2013	Fehr & Peers	Walnut Creek	CA	PE	C-6978
09/13/2013	Grindle, Bender & Associates, Inc.	Parker	CO	PE	C-6979
09/13/2013	M3 Engineering and Technology Corporation	Tucson	AZ	PE	C-6980

Date Licensed	Company Name	City	State	Profession	#
09/13/2013	Midwest Traffic Consulting	Minneapolis	MN	PE	C-6981
09/13/2013	Missman, Inc.	ROCK ISLAND	IL	PE	C-6982
09/13/2013	Pappas Architecture - Design LLC	Denver	CO	AR	C-6983
09/13/2013	PTSI Managed Services Inc.	Pasadena	CA	PE	C-6984
09/13/2013	SFS Architecture, Inc.	Kansas City	MO	AR	C-6985
09/13/2013	SR Solutions, LLC	Rapid City	SD	PE	C-6986
09/13/2013	Structural Engineering Consultants, L.L.C.	Boise	ID	PE	C-6987
09/13/2013	T & J Moore Services, LLC	Baton Rouge	LA	PE	C-6988
09/13/2013	Tamarac Land Surveying, LLC	Jamestown	ND	LS	C-6989
09/13/2013	TerraGraphics Environmental Engineering, Inc.	Moscow	ID	PE	C-6990
09/13/2013	The Environmental Compliance Group	Edmond	OK	PE	C-6991
09/13/2013	Tier IV Consulting Group, Inc.	Lee's Summit	MO	PE	C-6992
09/13/2013	WHS Engineering Inc.	Cleveland	OH	PE	C-6993

Motion: By Shafai, seconded by Bacon for denial of the following Business License Application based on denial of the comity application of James D. Taylor, LS.

Action: 7-0 AYE (Bacon, Micko, Nelson, Neugebauer, Olson, Shafai, Williams).

Company Name	City	State	Profession
Epic Engineering, LLC	Heber City	UT	LS

AGENDA ITEM #11 REVIEW PREVIOUS APPLICATIONS

Motion: By Shafai, seconded by Micko for approval of the following previously received and reviewed Professional Engineer (PE) comity applications.

Action: 7-0 AYE (Bacon, Micko, Nelson, Neugebauer, Olson, Shafai, Williams).

Date Licensed	Name	City	State	Profession	#
09/13/2013	Carper, Brent L.	Pullman	WA	PE	11868
09/13/2013	Giffen, Richard John	Flemington,	NJ	PE	11867

Motion: By Shafai, seconded by Bacon for approval of the following previously received and reviewed Business Application.

Action: 7-0 AYE (Bacon, Micko, Nelson, Neugebauer, Olson, Shafai, Williams).

Date Licensed	Company Name	City	State	Profession	#
09/13/2013	Relay Application Innovation	Pullman	WA	PE	C-6994

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

PREVIOUS - 08/21/13 to 08/24/13 - NCEES Annual Meeting; San Antonio, TX

The Board discussed that overall this was a good conference. The Law enforcement presentation by Mr. Reid was excellent.

UPCOMING - 09/26/13 to 09/28/13 - CLARB Annual Meeting; Minneapolis, MN

The Board discussed that Olson will attend and vote for the Board at the CLARB Annual Meeting in Minneapolis.

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

Compliments

- *Cabinet Secretary Pamela S. Roberts to retire October 10, 2013
- *NCEES - suspended exam administration in Egypt
- *Credential Evaluation request, from a Minnesota PE.

Other various board correspondence/Email

The above topics are informational only.

The Board briefly discussed NCEES suspending their exam administration in Egypt due to ongoing hostilities. Staff warned Board members to be careful of answering emails from Egyptian applicants. They are more than likely searching for a jurisdiction that will license them without having met the required education and experience requirements.

The Board once again discussed the unusual request of the Minnesota PE licensee, who continues to demand that the Board/Staff write a letter to NCEES Credential Evaluations, allowing him to use his own personally held transcripts from Russia for the evaluation process. As stated the last time the Board reviewed this request at its May 2012 meeting; under no circumstances would the Board ignore its own rules and statutes, nor request that NCEES circumvent its own protocol in the evaluation process. The Board also instructed staff that no further discussions are to be held with this individual until/unless an application is submitted and is complete.

AGENDA ITEM #14 FUTURE BOARD MEETING SCHEDULE

November 22, 2013

AGENDA ITEM #15 ADJOURNMENT

Motion: By Olson; seconded by Shafai to adjourn.

Action: 7-0 AYE (Bacon, Micko, Nelson, Neugebauer, Williams, Olson, Shafai).

There being no further business, at the time of 11:50 A.M. the South Dakota Board of Technical Professions adjourned.



Mark Humphreys, Executive Director

Submitted by Susan Neuf, Secretary, SDBTP
