

SOUTH DAKOTA STATE BOARD OF TECHNICAL PROFESSIONS Board Minutes

Minutes of the regular meeting Friday, November 19, 2010.

The South Dakota State Board of Technical Professions held its regular meeting on Friday, November 19, 2010 in its Board Room, Rushmore Building, Rapid City, South Dakota; Chairman Jeff Hazard, presided.

The meeting was called to order at 7:35 a.m. by Chairman Hazard.

The following board members were present: Chairman Jeff Hazard, Randy Bacon, Dale Jans, Leonard Neugebauer, and David Stafford. Others present were Ed Carpenter, Outside Counsel; and staff members Mark Humphreys, Mary Ann Myers, and Kathryn Patterson. Also present was staff attorney, Aaron Arnold by phone. Vice Chairman Drake Olson and Secretary Hani Shafai were absent.

Agenda Items:

- 1) Investigation reports
- 2) Approval of September 17th 2010 Minutes (Motion)
- 3) Approval of vouchers since last meeting (Motion)
- 4) Activities report ending October 2010, Review of Deposits & Quarterly report (FYI)
- 5) Old Business
- 6) New Business
- 7) PDH Audits (Motion)
- 8) Approval of applicants by examination AR, PA & PR (Appendix A, Motion)
- 9) Approval of Comity applications (Appendix B, Motion)
- 10) Approval of Business applications (Appendix C, Motion)
- 11) Review previous applications, Reinstate (Appendix D Motion)
- 12) Annual, zone, committee meeting reports & upcoming meetings
- 13) Correspondence
- 14) Future board meeting schedule
- 15) Adjournment (Motion)

AGENDA ITEM #1 INVESTIGATION REPORTS

Case 09-03 Failure to report Disciplinary Action - Attorney Carpenter spoke to the Board regarding the findings of the Hearing Examiner in this case along with the options the Board would have concerning the case. Mr. Carpenter did not make any recommendation to the Board or participate in the decision of the Board. Staff Attorney Aaron Arnold attended by phone.

MOTION: By Jans, seconded by Bacon, to go into Executive Session to discuss the case.

ACTION: 4-0 AYE (Bacon, Hazard, Jans, Stafford) Neugebauer abstained, being a member of the Investigative Committee. Attorney Ed Carpenter left the meeting before the Board going into Executive Session. Office Staff and Board member Neugebauer were excused from the room during Executive Session.

MOTION: By Jans, seconded by Stafford, to come out of Executive Session.

ACTION: 4-0 AYE (Bacon, Hazard, Jans, Stafford) Neugebauer not in Executive Session.

The Board recommended accepting the findings and conclusions of the Hearing Examiner and to direct a letter to the defendant reporting what the conclusions were and asking for his written response for input as to what the discipline should be, with a 15-day, or to be determined response time.

MOTION: By Jans, seconded by Bacon

ACTION: 4-0 AYE (Bacon, Hazard, Jans, Stafford) Neugebauer abstained.

Case 09-06 Competency and Professional Conduct - Humphreys noted that negotiations have not reached a settlement in this case. It was the recommendation of the Investigative Committee this case proceed to hearing.

MOTION: Bacon, seconded by Stafford, to proceed to hearing.

ACTION: 4-0 AYE (Bacon, Hazard, Neugebauer, Stafford) Jans abstained.

Case 09-07 Competency and Professional Conduct - Neugebauer noted that case is on hold.

Case 11-01 Practicing without a Certificate of Authorization (CoA) for Business. - Hazard noted that the individual involved has been contacted regarding the situation and services were provided in error. Individual has been cooperative in regards to the situation.

Case 11-02 Engineer cross practicing as a Land Surveyor. - Board member Bacon noted that by the next Board meeting in January he should have more information regarding this case.

Case 11-03 Possible practice of an unlicensed Engineer. (Need Board Member Assigned) - The Board assigned Dale Jans to this case.

AGENDA ITEM #2 APPROVAL OF SEPTEMBER 17, 2010 BOARD MEETING MINUTES (MOTION).

Staff Attorney Arnold and Board member Neugebauer made corrections to the minutes of September 17, 2010 prior to approval.

MOTION: Jans, seconded by Neugebauer, to approve the Minutes with changes.

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

AGENDA ITEM #3 APPROVAL OF VOUCHERS SINCE LAST MEETING (MOTION)

MOTION: Stafford, seconded by Bacon, for approval of vouchers

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

AGENDA ITEM #4 ACTIVITIES REPORT ENDING OCTOBER 2010, REVIEW OF DEPOSITS & QUARTERLY REPORT (FYI)

Humphreys presented the Activities Report, Deposits and Quarterly Report for informational purposes to the Board.

AGENDA ITEM #5 OLD BUSINESS

Action Items - reports - Board reviewed items on report.

Rules and Statues - reports - Correspondence continues on changes. The Board will take under advisement a letter received from Kristi Goehring, 2010 President South Dakota Society of Professional Land Surveyors. Goal is to have changes done by March for surveyors.

Budget, FTE & Investigator Duties - Humphreys noted that he and a Board member may need to testify before the Legislature as to the need of a fourth FTE (full time employee). The Board decided after discussion to nominate Neugebauer to attend the meetings or if he is not available Hazard stated he would be willing to attend.

NCEES Credentials Evaluations Services (formerly CPEES) evaluations of domestic degrees - Implementation of the NCEES Engineering Education Standard and revisions to the credential evaluations process will be effective January, 2011 with a better way of reviewing degrees.

Licensee's report of Felony Conviction - Certified notice of revocation has been sent by Staff Attorney Arnold and signed for by the licensee. Humphreys will wait 30 days from date of notice to report the revocation to NCARB.

Executive Order 2010-10, Workgroup - Stafford stated that there is a preliminary report out from this workgroup.

Candidate ID numbers - Humphreys noted that he is working with Staff Attorney Arnold on wording for the FE exam applications.

SDSM&T - Mining program received accreditation - The Mining Engineering program is now ABET accredited and shows as accredited since 2008 on ABET's website.

SDBOTP Audit - Accomplished in October on office procedures by the staff regarding the monies received and no findings were found in the preliminary report received.

Move to Windows 7 - New computers & Office 2010 software - New computers have been installed for office staff.

Approximately 1,700 renewals due in December - Due to the large number of renewals, notifications for December were sent out one month earlier than usual to help the office staff process the large number of renewals. Office has permission for temporary person to help with extra work.

Response to Governor's inquiry - Humphreys presented this as information to the Board in response to a follow up question regarding achievements by members of the Board.

AGENDA ITEM #6 NEW BUSINESS

SDSU - Software Engineering program now ABET accredited - The Software Engineering program is now ABET accredited at South Dakota State University. Neugebauer served as the Board observer for the accreditation process approximately a year ago.

DPC (Design Professional Coalition) - Meeting on 11/18/10 in Pierre - Neugebauer reported on the meeting held in Pierre the day before the Board meeting. Neugebauer spoke to the DPC meeting about the rules and statues changes that are in process. The energy code was also discussed at this meeting.

NCARB - MBE election to FY12 Board of Directors - Jan B. Simpson, Administrator, SC Board of Landscape Architectural Examiners, Registration for Professional Engineers and Architectural Examiners was elected as the Member Board Executive to serve on the FY12 Board of Directors.

Inquiry of adding a Landscape Architect to the Board - Humphreys noted that an inquiry was received regarding adding a Landscape Architect to the Board.

Questions regarding PDH's - Humphreys noted that questions were received regarding pre-approval of courses for PDH credit and persons with military deployment and training required prior to deployment.

AGENDA ITEM #7 PDH AUDITS (MOTION)

NEW AUDITS: Dennis P. Carlisle, LS; Richard Charles Guglomo, PE; Gregory J. Horton, PE; Fred L. Leetch, LS; Graeme Hubert Mahler, AR; Mark Francis Schluender, PE; Joseph A. Slack, AR; David Kevin Tumblin, PE/LS; Dale A. Utterback, PE; and Miguel Yelos San Martin, AR.

MOTION: By Jans, seconded by Bacon, for approval of the following audits: Richard Charles Guglomo, PE; Gregory J. Horton, PE; Fred J. Leetch, LS; Graeme Hubert Mahler, AR; Mark Francis Schluender, PE; Dale A. Utterback, PE; and Miguel Yelos San Martin, AR.

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

MOTION: By Jans, seconded by Neugebauer, that the audits of Dennis P. Carlisle, LS, Joseph A. Slack, AR; and David Kevin Tumblin, PE/LS, be held for further information.

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

REVIEW PREVIOUS AUDITS: Russell J. Buscher, PE; Gary T. Kurth, PE; Sandeep N. Patel, PE; and Steven L. Shelton, PE.

The requested additional information has not yet been received from Russell J. Buscher, PE. The deadline for the Board office to receive the required additional information is Dec. 24, 2010.

MOTION: By Jans, seconded by Stafford, for approval of the audit of Gary T. Kurth, PE.

ACTION: AYE 4-0 (Bacon, Hazard, Jans, Stafford) Neugebauer abstained.

MOTION: By Jans, seconded by Stafford, for approval of the audits of Sandeep N. Patel, PE; and Steven L. Shelton, PE.

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

AGENDA ITEM #8 APPROVAL OF APPLICANTS BY EXAMINATION, AR, PA & PR (MOTION)

MOTION: By Stafford, seconded by Jans, for approval of the following Architect Application.

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

Date Licensed	Name	City	State	Profession	#
11/19/2010	Holter, Michelle Lee	Sioux Falls	SD	AR	10356

MOTION: By Neugebauer, seconded by Bacon, for approval of the following Petroleum Release Assessor Application.

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

Date Licensed	Name	City	State	Profession	#
11/19/2010	Holder, William Henry	Rapid City	SD	A	10357

MOTION: By Neugebauer, seconded by Bacon, for approval of the following Petroleum Release Remediator Application.

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

Date Licensed	Name	City	State	Profession	#
11/19/2010	Elliott, Kevin M.	Rapid City	SD	R	10358

AGENDA ITEM # 9 APPROVAL OF COMITY APPLICATIONS (MOTION)

MOTION: By Stafford, seconded by Jans, Alex Griego is denied comity based on not meeting the requirements of a NAAB accredited degree.

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

MOTION: By Stafford, seconded by Jans, Brian Daniel Phelps is denied comity at this time, and his application is tabled pending additional information of the 71 code violations in a Stipulation and Order.

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

MOTION: By Stafford, seconded by Neugebauer, for approval of the following Architects (AR) Comity Applications.

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

Date Licensed	Name	City	State	Profession	#
11/19/2010	Ashworth, John Shepherd	San Francisco	CA	AR	10359
11/19/2010	Billig, Joseph Abraham	Portland	OR	AR	10360
11/19/2010	Colantti, Christopher Anthony	Minneapolis	MN	AR	10361
11/19/2010	Crump, Charles Metcalf	Memphis	TN	AR	10362
12/01/2010	Frederick, Kenneth L	Doniphan	NE	AR	7426
11/19/2010	Obertino, Richard Allen	Saint Louis	MO	AR	10363
11/19/2010	Redmond, Ted Edward	Minneapolis	MN	AR	10364
11/19/2010	Rice, Alan Harrison	Springfield	MA	AR	10365
11/19/2010	Siegel, Robert Elliot	New York	NY	AR	10366
11/19/2010	Waggoner, Thomas Stevenson	Kansas City	MO	AR	10367
11/19/2010	Widmeyer, Robert W	Seattle	WA	AR	10368

MOTION: By Bacon, seconded by Neugebauer, Marcus Hampton is denied comity based on the lack of his qualifying experience for land surveying.

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

MOTION: By Bacon, seconded by Neugebauer, Joshua Stern is denied comity at this time and his application tabled based on the lack of documented experience for land surveying.**ACTION:** 5-0 AYE (Bacon, Hazard, Jans, Neugebauer, Stafford)

MOTION: By Bacon, seconded by Neugebauer, for approval of the following Land Surveyor (LS) Comity Applications.

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

Date Licensed	Name	City	State	Profession	#
11/19/2010	Headley, Jason Blake	Omaha	NE	LS	10369
11/19/2010	Yates, Dean Alan	Murtaugh	ID	LS	10370

MOTION: By Jans, seconded by Neugebauer, Clifton Forbes Bell is denied for comity at this time based on not meeting the educational requirements of having a Bachelors of Science degree from an ABET accredited program.

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

MOTION: By Jans, seconded by Neugebauer, Helen T. Gordon application for comity be denied based on having not taken the NCEES Fundamentals of Engineering examination.

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

MOTION: By Jans, seconded by Neugebauer, Borislav Ivanov is denied for comity at this time based on not meeting the educational requirements of a ABET accredited program.

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

MOTION: By Jans, seconded by Neugebauer, Kristopher Keller is denied for comity based on the lack of his qualifying experience.

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

MOTION: By Jans, seconded by Neugebauer, Garland Patterson application for comity be denied based on not having qualifying experience.

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

MOTION: By Jans, seconded by Neugebauer, for approval of the following Professional Engineers (PE) Comity Applications.

ACTION: 5-0 AYE (Bacon, Hazard, Jans, Neugebauer, Stafford) Neugebauer abstained on Daniel Leo McMahon.

Date Licensed	Name	City	State	Profession	#
11/19/2010	Allen, Harry Raymond	Gurnee	IL	PE	10371
11/19/2010	Bartsch, Andrew A	Fargo	ND	PE	10372
11/19/2010	Basham, Kim Derwin	Cheyenne	WY	PE	10373
11/19/2010	Callaghan, Ryan Patrick	North Sioux City	SD	PE	10374
11/19/2010	Eder, Eric William	Cincinnati	OH	PE	10375
11/19/2010	Grunerud, Brian	Salt Lake City	UT	PE	10376
11/19/2010	Haslach, Paul Donald	Saint Paul	MN	PE	10377
11/19/2010	Hobden, John Curtis	Springfield	MA	PE	10378
11/19/2010	Hodge, Philip Tully	Spring City	TN	PE	10379
11/19/2010	Holder, William Henry	Rapid City	SD	PE	10357
12/02/2010	Ibrahim, Mohammed	Saint Louis	MO	PE	5846
11/19/2010	Jacobs, Mark	Randolph	MA	PE	10380
11/19/2010	Jones, Bradley J	Saint Paul	MN	PE	10381
11/19/2010	Layne, William Howel	Kennesaw	GA	PE	10382
11/19/2010	Marvin, Robert Raymond	Billings	MT	PE	10383
11/19/2010	McClarren, Steven Ronald	Dublin	OH	PE	10384
11/19/2010	McMahon, Daniel Leo	Rock Rapids	IA	PE	10385
11/19/2010	Miller, Kevin Guy	Minneapolis	MN	PE	10386
11/19/2010	Mills, Bobby Lance	Oklahoma City	OK	PE	10387
11/19/2010	Novotny, Gerald Francis	Boulder	CO	PE	10388
11/19/2010	Sitzmann, Matthew John	Irving	TX	PE	10389
11/19/2010	Straight, Mark Allen	Osseo	MN	PE	10390
11/19/2010	Van Hoof, Matthew John	Hudson	WI	PE	10391
11/19/2010	Zalec, Kevin Stephen	Albertville	MN	PE	10392

AGENDA ITEM #10 APPROVAL OF BUSINESS APPLICATIONS (MOTION)

MOTION: By Stafford, seconded by Neugebauer, for denial of the business application of Bonnema Surveys Inc. based on denial of an individual comity application.

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

MOTION: By Stafford, seconded by Neugebauer, for denial of the business application of Endeavor Engineering, LLC based on denial of an individual comity application.

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

MOTION: By Stafford, seconded by Neugebauer, for denial of the business application of Garland Patterson Jr PE based on denial of an individual comity application.

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

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

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

Date Licensed	Company Name	City	State	Profession	#
11/19/2010	360 Architecture Inc	Kansas City	MO	AR	C-6436
11/19/2010	BSA Architects	San Francisco	CA	AR	C-6437
11/19/2010	Callaghan-LLC	North Sioux City	SD	PE	C-6438
11/19/2010	Ceco Concrete Construction, LLC	Kansas City	MO	PE	C-6439
11/19/2010	Cedar Creek Consulting, Inc	Oklahoma City	OK	PE	C-6440
11/19/2010	Greg Riley, P.E. Structural Engineering Consultant	Tehachapi	CA	PE	C-6441
11/19/2010	Ibrahim Engineering Corp.	Saint Louis	MO	PE	C-6442
11/19/2010	Jezerinac Geers & Associates, Inc.	Dublin	OH	PE	C-6443
11/19/2010	Joseph A Billig Architect	Portland	OR	AR	C-6444
11/19/2010	KB Engineering, LLC	Cheyenne	WY	PE	C-6445
11/19/2010	Kingspan Insulated Panels	Columbus	OH	PE	C-6446
11/19/2010	Layne Structural, LLC	Kennesaw	GA	PE	C-6448
11/19/2010	LMN Architects	Seattle	WA	AR	C-6447
11/19/2010	Marvin & Associates	Billings	MT	PE	C-6449
11/19/2010	Master Builder Associates	Doniphan	NE	AR	C-6450
11/19/2010	Nelson Engineering, Inc.	Renner	SD	PE	C-6451
11/19/2010	Opus AE Group, Inc.	Hopkins	MN	PE	C-6452
11/19/2010	Philip T. Hodge, PE	Spring City	TN	PE	C-6453
11/19/2010	Pike Energy Solutions, LLC	Charlotte	NC	PE	C-6454
11/19/2010	Pinnacle Land Surveying, P.C.	Twin Falls	ID	LS	C-6455
11/19/2010	Robert Siegel Architects	New York	NY	AR	C-6456
11/19/2010	Strata, Inc.	Boise	ID	PE	C-6457
11/19/2010	Stuart K. Jacobson & Associates, Ltd.	Northbrook	IL	PE	C-6458
11/19/2010	The Boulder Engineering Company	Boulder	CO	PE	C-6459
11/19/2010	The Crump Firm, Inc.	Memphis	TN	AR	C-6460
11/19/2010	The Dennis Engineering Group, LLC	Springfield	MA	AR	C-1276
11/19/2010	Thomas Roof, Inc.	Saint Louis	MO	AR	C-6461

AGENDA ITEM #11 REVIEW PREVIOUS APPLICATIONS, REINSTATE & RENEWAL (MOTION)

MOTION: By Jans, seconded by Neugebauer, for approval of the following Reinstatement Application.

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

Date Licensed	Name	City	State	Profession	#
11/19/2010	Hutchinson, David Lee	Eules	TX	PE	6157

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

PREVIOUS - 11/04/10 to 11/06/10 - NCARB MBE Meeting, New Orleans LA - Humphreys & Stafford (MBC) (NCARB paid).

Humphreys reported that the Member Board Executives has been requested to get uniformity in continuing education and the number of hours required. Stafford noted that the strategic plan is being recreated.

UPCOMING - 02/11/11 to 02/12/11 - NCEES MBA & BPA Meeting, Atlanta GA - Humphreys & one delegate (NCEES pays). Board to select delegate.

Following discussion by the Board it was decided that Shafai should be the delegate to attend if his time permits with Bacon or Neugebauer serving as alternates.

MOTION: By Jans, seconded by Stafford for Shafai to be the delegate with Bacon or Neugebauer as alternates.

ACTION: 5-0 (Bacon, Hazard, Jans, Neugebauer, Stafford)

02/25/11 to 02/26/11 - CLARB Spring Meeting, Denver CO - Board will need to vote on attending and to select attendees (SDBOTP pays)

Following discussion by the Board it was decided to not attend this meeting due to budget and travel constraints.

MOTION: By Jans, seconded by Bacon.

ACTION: 5-0 (Bacon, Hazard, Jans, Neugebauer, Stafford)

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

Compliments - Informational for Board.

NCEES New Examinee Management System (EMS) - This is a new undertaking for NCEES regarding the exams.

Education and Experience Requirements - Questions were received regarding 'apprenticeship' programs and if the Board of Technical Professions had such programs available.

Credit to Former Firms - Discussion as held by Humphreys and the Board regarding giving credit to former employers regarding work performed while in their employ.

Registration Boards' ACSM/NSPS Sponsored Forum - Informational for the Board and noted that Board member Bacon has attended in the past.

NCEES Central Zone Update - Update of what is happening in the Zone from NCEES.

Nevada's Disciplinary Action against Non-Registrant - Information was presented to the Board regarding a case in Nevada.

NCEES Feedback Form - Informational for Board.

NCEES Central Zone MBA Representative - Noted that Jean Boline, Executive Director, Kansas Board of Technical Professions has volunteered to be the MBA representative.

Other various board correspondence/Email

Report from Thomson Prometric.

AGENDA ITEM #14 FUTURE BOARD MEETING SCHEDULE

January 28, 2011; March 18, 2011; May 20, 2011; July 29, 2011; September 23, 2011; November 18, 2011

Noted that Chairman Hazard will not be able to attend the January 28, 2011 meeting.

AGENDA ITEM #15 ADJOURNMENT (MOTION)

MOTION: By Stafford, seconded by Neugebauer, for adjournment.

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

There being no further business, at the hour of 1:18 p.m., the South Dakota Board of Technical Professions adjourned.



Mark Humphreys, Executive Director

Submitted by Kathryn Patterson, Secretary, SDBOTP