

**KENTUCKY STATE BOARD OF LICENSURE FOR  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

**MINUTES OF THE OCTOBER 12, 2018 BOARD MEETING**

**KENTUCKY ENGINEERING CENTER  
FRANKFORT, KENTUCKY**

**MEMBERS PRESENT:** Don Pedigo, PLS, Chair  
Herb Goff, PE, Vice Chair  
William Bowie, PE, PLS, Secretary/Treasurer  
James Bertram, PLS  
Clay Kelly, PE  
Doug Klein  
Nicole Galavotti, PE  
Ryan Griffith, PE

**MEMBERS ABSENT:** Rudolph Buchheit, Ph.D.  
Emmanuel Collins, Ph.D.  
Cole Mitcham, PE

**STAFF PRESENT:** Ed Manning, Executive Director  
Kyle Elliott, Director of Enforcement  
Jonathan Buckley, General Counsel  
Sandy Whisman, Enforcement Support  
Tamra Chesser  
Melissa Kopp

**GUESTS PRESENT:** Russ Romine, KSPE  
Chris Gephart, PLS, KAPS  
Robert W. Fentress, PLS  
Sam Williams, PE, PLS  
David Sigler, PE

## **1. Opening of Meeting**

**1.1 Approval of Agenda** – Mr. Kelly moved to approve the agenda. Motion carried.

**1.2 New Board Members** – Mr. Manning introduced three new board members recently appointed by Governor Bevin, Nicole Galavotti, PE, Cole Mitcham, PE and Ryan Griffith, PE. Mr. Manning administered the oath of office to Ms. Galavotti and Mr. Griffith and advised that Mr. Mitcham had been sworn in earlier in the month. The board welcomed its new members.

**1.3 Disclosure of Conflict of Interest** – Chair Pedigo asked if any member had a conflict of interest related to any agenda item.

Chair Pedigo announced he had a potential conflict with Agenda Item 3.2.1 and would recuse himself from the discussion and vote and have Vice Chair Goff chair that item.

**1.4 Approval of Minutes** – Mr. Kelly moved to approve the minutes of the August 3, 2018 meeting. Motion carried.

## **2. Information – Enforcement**

For the benefit of the new board members, Mr. Manning explained the difference between Information Items and Action Items

### **2.1 Franklin Circuit Court**

**2.1.1 Case Update** – Mr. Buckley stated that the recent Board Order in the case of Board of Licensure v Joseph B. Curd, PLS has been appealed to the Franklin Circuit Court

### **2.2 Actions of the Executive Director**

**2.2.1 Enforcement Files Closed** – The Board accepted the list of enforcement files closed by the Executive Director without disciplinary action, from July 1 through September 30, 2018 as presented by Mr. Elliott.

**2.2.2 Alexander Barber, PLS** – Mr. Elliott informed the Board that then Executive Director David Cox had suspended Mr. Barber's

professional land surveying license on July 27, 2018 due to Mr. Barber's failure to comply with the terms of a Consent Decree; and then restored Mr. Barber's license to active status on July 30, 2018 after Mr. Barber came into compliance.

### **3. Action Items – Enforcement**

#### **3.1 Board Actions – Enforcement - None**

#### **3.2 Settlement Agreements**

**3.2.1 Thomas Crabtree, PLS** - Mr. Elliott presented the terms of the Settlement Agreement and asked for the Board's acceptance. Mr. Bertram moved to accept the terms of the agreement. Motion carried.

**3.2.2 Joe D. Anderson, PE, PLS** – Mr. Elliott presented the terms of the Settlement Agreement and asked for the Board's acceptance. Mr. Bowie moved to accept the terms of the agreement. Motion carried.

**4.1 Financial Report** – Mr. Manning presented the Financial Report. Mr. Bertram moved to accept. Motion carried.

**4.2 Ad Interim Actions** – Mr. Manning presented the Ad Interim Actions. Mr. Kelly moved to accept. Motion carried.

**4.3 CPD Committee** – Chair Bowie updated the Board on the Committee's activities and moved to have the Board accept the minutes of the July 26, 2018 meeting. Motion carried.

**4.4 Surveying Committee** – Chair Bowie updated the Board on the Committee's activities and moved to have the Board accept the minutes of the July 26, 2018 meeting. Motion carried.

Chair Pedigo and Committee Chair Bowie lead a discussion of the results of the review of the State Specific Exam for Land Surveyor License Applicants.

Pursuant to a recommendation of the Surveying Committee, Mr. Bowie moved that the Board indefinitely suspend the requirements of the Kentucky State Specific surveying exam for all classes of applicants. Motion carried.

Pursuant to a recommendation of the Surveying Committee, Mr. Bowie moved that the Board instruct staff to prepare an informational packet to be included as part of the communication with all surveying license applicants. The packet shall include, but is not limited to relevant portions of KRS 322 and 201 KAR Chapter 18. Motion carried.

**4.5 Engineering Committee** – No report.

**4.6 Applications**

**4.6.1 Denied Applications** – Mr. Manning presented the list of denied applications for the period July 1, 2018 through September 30, 2018. Mr. Kelly moved to accept. Motion Carried.

**4.6.2 Deleted/Withdrawn Applications** – Mr. Manning presented the list of applications, which were withdrawn by the applicant or otherwise deleted for administrative reasons for the period July 1, 2018 through September 30, 2018. Mr. Bertram moved to accept. Motion Carried.

**4.7 Kentucky State Specific Exam** - Chair Pedigo stated that this issue was dealt with earlier in the meeting in conjunction with the Surveying Committee Report (Item 4.4)

**4.8 Personnel** – Mr. Goff moved to go into closed session pursuant to KRS 61.810(1)(f) for discussions which might lead to the appointment of individual employees, and asked that Mr. Manning remain.

Chair Pedigo announced the meeting is back in open session.

Mr. Klein moved to approve up to a seven percent (7%) pay increase for Administrative Specialist III Tamra Chesser, effective December 1, 2018 in recognition of her assumption of additional duties, specifically her assumption of the daily processing of cash receipts using the eMars 3.11 system, and direct staff to make the necessary arrangements with the Personnel Cabinet. Motion carried.

Mr. Bertram moved to approve up to a seven percent (7%) pay increase for Administrative Specialist III Melissa Kopp, effective December 1, 2018 in recognition of her assumption of additional duties, specifically her assumption of the post processing of all endorsement applications and the pre and post processing of all foreign applications, and direct staff to make the necessary arrangements with the Personnel Cabinet. Motion carried.

Mr. Bowie moved to approve up to a seven percent (7%) pay increase for Administrative Specialist III Sandra Whisman, effective December 1, 2018 in recognition of her assumption of additional duties, specifically the administration of the NCEES Enforcement Exchange Program for Kentucky and her service as backup to Tamra Chesser for processing of daily cash receipts, and direct staff to make the necessary arrangements with the Personnel Cabinet. Motion carried.

Mr. Kelly moved to approve up to a seven percent (7%) pay increase for Administrative Assistant Wanda Jordan, effective December 1, 2018 in recognition of her assumption of additional duties, specifically budget duties for the agency including preparation of budget requests and allotments, and direct staff to make the necessary arrangements with the Personnel Cabinet. Motion carried.

Mr. Goff moved to approve up to a seven percent (7%) pay increase for General Counsel Jonathan Buckley, effective December 1, 2018 in recognition of his assumption of additional duties, specifically the assumption of legal duties for the Board of Landscape Architects and the proposed assumption of legal duties for the Geologist's Board, all at the request of the PPC as part of the upcoming reorganization and direct staff to make the necessary arrangements with the Personnel Cabinet. Motion carried.

**4.9 Meeting Dates** – Chair Pedigo announced the following dates for meetings for 2019.

January 11, 2019

April 26, 2019

July 26, 2019

October 25, 2019

**4.9 NCEES Visit** – Mr. Manning discussed options for an orientation visit for new board members to NCEES headquarters in Clemson SC. In lieu of a trip to Clemson, Chair Pedigo directed Mr. Manning to accept NCEES’s offer to send an NCEES board member and an NCEES staff member to Frankfort to put on a presentation and answer questions. The preferred date for this presentation would be Thursday January 17 or Thursday April 25.

**5. Information – Other**

**5.1 Kentucky Association of Professional Surveyors**

Mr. Gephart updated the Board as to recent KAPS news and events. He reported that KAPS has closed its Frankfort office. He said KAPS has a new office in Louisville and a new Administrator, Ms. Jackie Hawkins. Mr. Gephart stated that KAPS has published its fall seminar schedule on the KAPS website. He said plans for the 2019 annual meeting are incomplete at this time.

**5.2 Kentucky Society of Professional Engineers** – Mr. Romine updated the Board on the recent KSPE news and events. He stated that KSPE has published its fall seminar schedule on its website. He stated that the KSPE Annual Conference is scheduled for April 17-19, 2019 in Louisville.

**5.3 Recognition of Past Board Members** – Chair Pedigo recognized past Board members Robert Fentress, Sam Williams and David Sigler and presented a plaque to each of them in recognition of their years of service to the Board of Licensure.

**5.4 FTC Policy Paper** – Mr. Manning distributed a Policy Paper published by the Federal Trade Commission entitled “Options to Enhance Occupational License Portability”.

**6. Adjournment** –Mr. Goff moved to adjourn. Motion carried.