

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

**MINUTES OF THE APRIL 9, 2021 BOARD MEETING**

**KENTUCKY ENGINEERING CENTER  
FRANKFORT, KENTUCKY**

**A VIRTUAL MEETING HELD OVER THE INTERNET  
VIA THE AMAZON CHIME PLATFORM**

**MEMBERS PRESENT:** James Bertram, PLS, Chair  
Rudolph Buchheit, Ph.D.  
Nicole Galavotti, PE  
Chris Gephart, PLS  
Ryan Griffith, PE  
Doug Klein  
Cole Mitcham, PE  
Don Pedigo, PLS  
Joseph C Pyles, PE  
Gregory Meredith, PE

**MEMBERS ABSENT:** Emmanuel Collins, Ph.D.

**STAFF PRESENT:** James Ed Manning, PE, PLS, Executive Director  
Jonathan Buckley, JD, General Counsel  
Kyle Elliott, PLS, Director of Enforcement  
Wanda Jordan, Administrative Assistant  
Heather Baldwin, PE, PLS, Investigator  
Tamra Chesser, Surveying & CPD Support  
Melissa Kopp, Administrative Assistant  
Sarah Uzzle, Enforcement Assistant

**GUESTS PRESENT:** David Wyant  
Russ Romine

**1. Opening of Meeting** – Chair James Bertram, called the meeting to order at 8:30 am.

**1.1 Introduction of New Board Members** – Director Manning introduced our newest board member, Gregory Meredith, PE who replaced Clay Kelly, PE.

**1.2 Recognition of Outgoing Board Member** – Mr. Bertram recognized outgoing board member Clay Kelly, PE. Director Manning stated that a plaque which will be presented to Mr. Kelly in recognition of his service to the Board of Licensure and the citizens of the Commonwealth.

**1.3 Approval of Agenda** – Don Pedigo moved to approve the agenda with one correction, that being removal of Item 8, which is a duplication of Item 6. Motion carried.

**1.4 Disclosure of Conflict of Interest** –Mr. Bertram asked if any member had a conflict with any agenda item. No member announced a conflict.

**1.5 Approval of Minutes** – Cole Mitcham moved to approve the minutes of the January 22, 2021 meeting. Motion carried.

**2. Information – Enforcement**

**2.1 Franklin Circuit Court**

**2.1.1 Steve Hall**

Director of Enforcement Kyle Elliott stated that Board Counsel had filed a civil action in Franklin Circuit Court alleging unlicensed practice of professional land surveying by Steve Hall of Cadiz, Kentucky. Mr. Elliott stated that the matter has been resolved, subject to approval by the Circuit Judge, through an Agreed Injunction. Ryan Griffith moved to accept Mr. Elliott's report on the matter of Steve Hall. Motion carried.

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

### **2.2.1 Closed Cases**

Mr. Elliott presented a tabulation of cases closed during the first calendar quarter 2021 with actions other than disciplinary action. Nicole Galavotti moved to accept the closed cases report. Motion carried.

## **3. Action Items – Enforcement**

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

### **3.2 Settlement Agreements**

#### **3.2.1 Joseph Simmons, PLS**

Mr. Elliott presented the terms of the Settlement Agreement and asked for the Board's acceptance. Chris Gephart moved to accept the terms of the agreement. Motion carried.

## **4. Actions Items – Other**

### **4.1 Financial Report** – Mr. Manning presented the Financial Report covering the third quarter of the 2020/2021 fiscal year including a year-over-year comparison of revenues and expenses to the previous fiscal year. Mr. Manning noted that this particular report provides a comparison of the nine months immediately preceding the pandemic to the last nine months during the pandemic and that the Board had not suffered any significant economic impact from the pandemic.

Nicole Galavotti moved to accept the financial report. Motion carried.

**4.2 Ad Interim Actions** – Mr. Manning presented the Ad Interim Actions including a summary of applications and permits approved for the first calendar quarter 2021. Doug Klein moved to accept the report. Motion carried.

### **4.3 Applications**

#### **4.3.1 Denied Applications**

Mr. Manning presented a tabulation of applications that were denied during the first calendar quarter 2021. Don Pedigo moved to accept the report. Motion carried.

#### **4.3.2 David Paul Wyant – Reinstatement**

Mr. Bertram reported that the Surveying Committee met on April 8, 2021 and discussed this matter and that Mr. Wyant attended and addressed the Committee. Mr. Bertram reported that after discussing the matter, the Surveying Committee had moved to recommend approval of Mr. Wyant’s application. Ryan Griffith moved that the application for reinstatement of the professional land surveyor’s license of David Paul Wyant be approved. Motion carried.

### **4.4 NTSB Follow-up Letter**

Mr. Manning reviewed the circumstances which lead to the NTSB issuing a safety recommendation regarding the exemption from professional engineer licensure requirements for the design of natural gas pipelines and other public utilities, which recommendation had been submitted to then Governor Matt Bevin. Mr. Manning stated that NTSB had sent a follow-up letter to current Governor Beshear and copied the Board.

Mr. Bertram charged the Engineering Committee to investigate this matter and to report back to the Board at the July meeting.

## **4.5 NCEES Zone Meeting**

### **4.5.1 Election of Officers**

Mr. Manning briefed the Board on the candidates for NCEES Zone offices, including promotional material the candidates had sent out and information posted on the NCEES website.

Don Pedigo moved that the board support Ivan Hoffman for the position of Zone Assistant Vice President. Motion carried.

Nicole Galavotti moved that the board support Steven Hyde for the position of Zone Vice President. Motion carried.

### **4.5.2 Resolution of Cooperation**

Mr. Manning reported that the NCEES MBA committee continues to promote the concept of a "Resolution of Cooperation" between all member boards. The original version of the proposed Resolution, which was prepared before the pandemic, has been revised substantially. The issue will likely be discussed at the zone meeting with the hope that it can be voted on and adopted at the annual meeting.

### **4.5.3 MBA Zoom Meeting**

Mr. Manning reported that NCEES MBA Committee will be holding a zoom meeting in advance of the Zone meetings.

### **4.5.4 Other Zone Meeting Agenda Items**

Mr. Manning reported that the only items to be voted on at the zone meeting are approval of minutes from the previous zone meeting and the election of officers.

## **4.6 NCEES Exams – Automatic Approvals**

Nicole Galavotti moved that on a trial basis, the board change its "auto approve" settings at NCEES to limit automatic approval for

the PE exam to those examinees who have verified proof of graduation from an EAC-ABET accredited engineering program and verified proof of passing the FE exam. Staff shall report back to the board at its July meeting. Motion carried.

**4.7 Surveying Committee** – Mr. Bertram reported on the Committee’s activities and reviewed the minutes of the April 21, 2021 meeting. Mr. Bertram moved to accept the minutes of the April 21, 2021 Surveying Committee meeting. Motion carried.

**4.8 CPD Committee** – Mr. Bertram reported on the Committee’s activities and reviewed the minutes of the April 21, 2021 meeting. Mr. Bertram moved to accept the minutes of the April 21, 2021 CPD Committee meeting. Motion carried.

## **5. Information Items - Other**

### **5.1 Kentucky Society of Professional Engineers**

Russ Romine reported on the activities of ACEC/KSPE. The 2021 KSPE Annual Convention is to be an in-person event to be held July 21-23 in Lexington. Professional Development opportunities are being offered both in-person and online. The Leadership PE program has resumed in person with the first session to be held in September at Lake Cumberland State Resort Park. KSPE/ACEC will be awarding a scholarship this year. KSPE/ACEC is considering some improvements to the common areas of the engineering center. Mr. Romine will keep the board informed as those plans develop.

### **5.2 Kentucky Association of Professional Surveyors**

No report.

### **5.3 General Update by Executive Director**

Mr. Manning provided an update on the past legislative session.

**6. Personnel Matter**

Nicole Galavotti moved the board to go into closed session to discuss a personnel matter. Motion carried. The board went into closed session at 10:45am.

Cole Mitcham moved the board to return to open session. Motion carried. The board returned to open session at 11:42am.

Doug Klein moved that the chair appoint a search committee to identify qualified candidates for the position of Executive Director, to replace Mr. Manning, who plans to retire. Motion carried. Mr. Bertram appointed the committee with membership to consist of Ryan Griffith, Don Pedigo, Joseph C. Pyles, Nicole Galavotti and himself.

Don Pedigo moved that due to the attendance limitation set by NCEES for the 2021 Annual Meeting, the board send Mr. Bertram and Nicole Galavotti to represent the board. Motion carried.

**7. Adjournment** – Nicole Galavotti moved to adjourn. Motion carried. Meeting adjourned at 11:45am

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James Bertram, PLS, Chair