

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

MINUTES OF THE JULY 30, 2021 BOARD MEETING

**KENTUCKY ENGINEERING CENTER
FRANKFORT, KENTUCKY**

MEMBERS PRESENT: James Bertram, PLS, Chair
Nicole Galavotti, PE, Vice Chair
Cole Mitcham, PE, Secretary/Treasurer
Chris Gephart, PLS
Ryan Griffith, PE
Doug Klein
Gregory Meredith, PE
Don Pedigo, PLS
Joseph C. Pyles, PE

MEMBERS ABSENT: Rudolph Buchheit, Ph. D.
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, Executive Assistant
Heather Baldwin, PE, PLS, Investigator
Sarah Uzzle, Enforcement Assistant

GUESTS PRESENT: Gregory Koopman
Russ Romine, Executive Director, KSPE

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

1.1 Approval of Agenda – Nicole Galavotti moved to amend the agenda by moving agenda item 4.3.2 up on the agenda to immediately after Item 1.3. Motion carried.

Chris Gephart moved to approve the agenda as amended. Motion carried.

1.2 Disclosure of Conflict of Interest – James Bertram asked if any member had a conflict with any agenda item. J.C. Pyles announced a conflict of interest with agenda item 3.1.1 and that he would abstain from any discussion and voting. No other members announced a conflict.

1.3 Approval of Minutes – Don Pedigo moved to approve the minutes of the May 25, 2021 meeting. Motion carried.

4.3.2 – Reinstatement Application of Greg Koopman

Chris Gephart presented a motion from the Surveying Committee to approve the reinstatement of Greg Koopman's Kentucky land surveying license contingent upon the Board's acceptance of a Consent Decree from Mr. Koopman, which includes provisions for probation, with quarterly project reviews, in the Board's standard language, for a period of two years, with provisions for time extensions of the probation for any quarters in which Koopman has no projects to report, up to a maximum of five years. In addition, the Consent Decree will require CPD reporting at the end of each calendar year throughout the probation period. Motion carried.

2. Information – Enforcement

2.1 Franklin Circuit Court - none

2.2 Actions of the Executive Director

2.2.1 Closed Cases

Kyle Elliott presented a tabulation of cases closed during the second calendar quarter 2021 with actions other than disciplinary

action. Don Pedigo moved to accept the closed cases report. Motion carried.

2.3 Enforcement Procedure Update

Jonathan Buckley updated the Board members on specific enforcement procedures, namely the reasons they should avoid any contact with a licensee/respondent, either directly or indirectly, concerning any ongoing disciplinary action or any existing investigation being conducted by the Board staff.

Don Pedigo moved to accept Enforcement Information report. Motion carried.

3. Action Items - Enforcement

3.1 Board Actions - Enforcement

3.1.1 Michael A. Milligan, PE

Kyle Elliott presented the terms of a Consent Decree that would resolve an administrative action implemented by the Board against Michael A. Milligan, PE and asked for the Board's acceptance. Cole Mitcham moved to accept the terms of the agreement. Motion carried. J.C. Pyles abstained.

3.2 Settlement Agreements

3.2.1 Jeffrey H. Twaddle

Kyle Elliott presented the terms of the Settlement Agreement and asked for the Board's acceptance. Ryan Griffith moved to accept the terms of the agreement. Motion carried.

3.2.2 Matthew J. Granberry, PE

Kyle Elliott presented the terms of the Settlement Agreement and asked for the Board's acceptance. Cole Mitcham moved to accept the terms of the agreement. Motion carried.

3.2.3 Civil and Structural Engineers, Inc.

Kyle Elliott presented the terms of the Settlement Agreement and asked for the Board's acceptance. Nicole Galavotti moved to accept the terms of the agreement. Motion carried.

3.3 Request for Exemption

3.3.1 F. Blake Adams, PE, PLS

Kyle Elliott presented F. Blake Adams' request for an exemption of the 60pdh Texas Tech Engineering Ethics course he had agreed to take as part of a Settlement Agreement with the Board in January of 2020. Don Pedigo moved to deny the request for the exemption. Motion carried.

4. Action Items – Other

4.1 Financial Report – Ed Manning presented the Financial Report covering the fourth quarter of the 2021 fiscal year, including a year-over-year comparison of revenues and expenses to the previous fiscal year. Don Pedigo moved to accept the financial report. Motion carried.

4.2 Ad Interim Actions – Ed Manning presented the Ad Interim Actions including a summary of applications and permits approved for the second calendar quarter of 2021. Ryan Griffith moved to accept the Ad Interim report. Motion carried.

4.3 Applications

4.3.1 Denied Applications – Ed Manning presented a tabulation of applications that had been denied during the second calendar quarter of 2021. Cole Mitcham moved to accept the report. Motion carried.

4.4 NCEES Annual Meeting

4.4.1 Resolution of Cooperation - Ed Manning updated the Board on the status of the various licensing Boards and their position on NCEES Resolution of Cooperation. After discussion Nicole Galavotti moved for the Kentucky Board to not sign the Resolution as written. Motion carried.

Board staff was directed to notify NCEES of this vote.

4.4.2 NCEES Action Items (Motions) – Ed Manning presented a Summary of Motions, as published by NCEES, which motions relate to proposed changes to NCEES Model Law, Model Rules, Bylaws, Policy Statements and Procedures, and will be presented for a vote at the next annual meeting of NCEES on August 19 and 20, 2021.

4.4.3 Voting Authorization for Associate Member – Kyle Elliott presented a request from NCEES for voting authorization for the Kentucky Board’s Associate Member attending the Annual Meeting.

4.5 Engineering Committee – Cole Mitcham updated the Board on the engineering committee activities and discussions from the previous day. Based on the recommendation of the committee, Mitcham moved that the Board send KSPE and ACEC a letter regarding the NTSB request to the Governor of Kentucky to remove existing statutory language that exempts professional engineering oversight and certification of natural gas infrastructure projects, and to include with that letter all previous communications from the Board to the Governor’s office. Motion carried.

Cole Mitcham presented the minutes and then moved for the Board to accept the minutes of the January 30, 2020 engineering committee meeting. Motion carried.

4.6 Surveying Committee – James Bertram presented the surveying committee minutes to the Board. Cole Mitcham

moved for the Board to accept the minutes of the April 8, 2021 surveying committee. Motion carried.

- 4.7 CPD Committee** – James Bertram presented the CPD committee minutes. Don Pedigo moved for the Board to accept the minutes of the April 8, 2021 CPD committee meeting. Motion carried.

Ryan Griffith moved for the Board to accept the minutes of the June 28, 2021 CPD committee meeting. Motion carried.

- 4.8 Personnel Matter** – Nicole Galavotti moved for the Board to go into closed session pursuant to KRS 61.810(f) to discuss the matter of a potential appointment of a person to the vacant Director of Enforcement position. Motion carried.

Chair Bertram requested that all non-members of the Board leave the room, except for Kyle Elliott.

Doug Klein moved for the Board to return to open session. Motion carried.

Cole Mitcham moved that the Board appoint Heather Baldwin, PE, PLS to the position of Director of Enforcement per KRS 322.290(5), effective August 1, 2021 at an annual salary of \$86,100.24, and that there be no probationary period. Motion carried.

5. Information Items – Other

- 5.1 ABET Observer Invitation** – Ed Manning discussed ABET invitation to have a representative of the Kentucky Board observe (virtually) a General Review of Murray State University's EAC accredited engineering program taking place on November 14 – 16, 2021. Doug Klein indicated his desire to participate as a Board observer.

- 5.2 KY Society of Professional Engineers** – Russ Romine, Executive Director, updated the Board on recent events at KSPE including their recently held Annual Convention and the upcoming upgrades to the Kentucky Engineering Center building.

5.3 KY Association of Professional Surveyors – No report.

5.4 Colonial States Board – Heather Baldwin updated the Board on the recently held virtual meeting of the Colonial State Board.

5.5 Recognition – Kyle Elliott presented Ed Manning with commemorative plaque from the Board recognizing his twenty year career of service to the Board, first as a Board Investigator, then as the Director of Enforcement, and most recently as the Board's Executive Director.

6. Adjournment – Doug Klein moved to adjourn. Motion carried.

Nicole Galavotti vice-chair

~~James Bertram, PLS, Chair~~

Nicole Galavotti, P.E.