

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

MINUTES OF THE April 26, 2019 BOARD MEETING

**KENTUCKY ENGINEERING CENTER
FRANKFORT, KENTUCKY**

MEMBERS PRESENT: Herb Goff, PE, Chair
William Bowie, PE, PLS, Vice Chair
Daniel Clay Kelly, PE, Secretary/Treasurer
James Bertram, PLS
Rudolph Buchheit, Ph.D.
Cole Mitcham, PE
Ryan Griffith, PE
Nicole Galavotti, PE
James Donald Pedigo II, PLS

MEMBERS ABSENT: Emmanuel Collins, Ph.D.
Doug Klein

STAFF PRESENT: Ed Manning, Executive Director
Kyle Elliott, Director of Enforcement
Heather Baldwin, Investigator
Wanda Jordan, Administrative Assistant

GUESTS PRESENT: Marcie Fisher, KSPE
Chris Gephart, PLS, KAPS

- 1. Opening of Meeting** – Herb goff opened the meeting at 8:30am
 - 1.1 Approval of Agenda** – Don Pedigo moved to approve the agenda. Motion carried.
 - 1.2 Disclosure of Conflict of Interest** – Chair Goff asked if any member had a conflict of interest related to any agenda item. No member announced a conflict.

1.3 Approval of Minutes – Clay Kelly moved to approve the minutes of the January 11, 2019 meeting. Motion carried.

2. Information – Enforcement

Kyle Elliott reported on the following information items:

2.1 Enforcement Review – A review of Board enforcement actions over the past three years, including a breakdown of the most frequent reasons for which licensees were disciplined.

2.2 Franklin Circuit Court

2.2.1 ACE Design Group, LLC / William D. Steele – An Agreed Order of Settlement and Injunction in the matter of William D. Steele, aka Danny Steel of ACE Design Group, LLC relating to unlicensed practice of professional engineering.

2.3 Actions of the Executive Director -

2.3.1. Closed Cases – A tabulation of cases closed during the first calendar quarter 2019 with actions other than disciplinary action.

2.3.2 Robert B. Fisackerly, PE – Relating to the suspension of Mr. Fisackerly's PE license for a short time due to his failure to meet the terms of a Consent Decree.

2.3.3. A. Wade Meade, PE – Relating to the suspension of Mr. Meade's PE license due to his failure to meet the terms of a Consent Decree.

2.3.4 A. Wade Meade, PE – Relating to the revocation of Mr. Meade's PE license due to his continued failure to meet the terms of a Consent Decree.

Dr. Buchheit moved to accept Mr. Elliott's report. Motion carried.

3. Action Items – Enforcement

3.1 Board Actions – Enforcement

- 3.1.1. Colleen A. Rezabak, PE-Admin. Action 19-KBELS 0021-** Clay Kelly moved to accept the Hearing Officer's Recommended Order of Dismissal and to issue a Final Order dismissing the Board's action against Ms. Rezabak as moot in light of the fact that Ms. Rezabak had previously tendered the voluntary surrender of her Kentucky PE license. Motion Carried.

3.2 Settlement Agreements

- 3.2.1 Zeyn B. Uzman, PE -** Mr. 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.
- 3.2.2 Gregory A. West, PLS -** Mr. Elliott presented the terms of the Settlement Agreement and asked for the Board's acceptance. James Bertram moved to accept the terms of the agreement. Motion carried.
- 3.2.3 Todd Reyling, PE -** Mr. 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.
- 3.2.4 Stephen W. Hibbs, PLS -** Mr. Elliott presented the terms of the Settlement Agreement and asked for the Board's acceptance. James Bertram moved to accept the terms of the agreement. Motion carried.

4. Actions Items – Other

- 4.1 Financial Report –** Mr. Manning presented the Financial Report. Don Pedigo moved to accept the 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 2019. Don Pedigo moved to accept the report. Motion carried.

4.3 CPD Committee – Chair Bowie updated the Board on the Committee’s activities and moved to accept the minutes of the January 10, 2019 meeting. Motion carried.

4.4 Surveying Committee – Chair Bowie updated the Board on the Committee’s activities. Dr. Buchheit moved to accept the minutes of the January 10, 2019 meeting. Motion carried.

4.5 Engineering Committee – Clay Kelly updated the Board on the Committee’s activities and moved to accept the minutes of the January 10, 2019 meeting. Motion carried.

4.6 Applications

4.6.1 PE Application – Arnaud Thibonnier – Clay Kelly presented the Engineering Committee’s evaluation of the Arnaud Thibonnier application. After additional discussion and review of Mr. Thibonnier’s application and additional information obtained by staff, Mr. Kelly moved to deny the application, pursuant to the provisions of KRS 322.180 Section 3, finding that Mr. Thibonnier appears to have engaged in the unlicensed practice of engineering in violation of KRS 322.020 and that he had so practiced through Big Red Dog Engineering, which firm did not possess a valid business entity permit as required by KRS 322.060; and to direct staff to notify Mr. Thibonnier of the denial in writing and to notify him in writing that he has the right to request reconsideration. Motion carried.

4.6.2 Denied Applications – Mr. Manning presented the list of applications denied during the first calendar quarter 2019. Mr. Kelly moved to accept. Motion carried.

4.7 Board Guidelines and Member Manual Updates – Mr. Manning presented proposed revisions and updates to the Board Guidelines and the Board Member Orientation Manual. This is an ongoing effort to bring the documents up to date with respect to recent actions of the board and to implement best practices. Further revisions and updates will be forthcoming. Clay Kelly moved to accept the updates presented today. Motion carried.

5. Information – Other

5.1 Legislative Session – Mr. Manning provided a recap of the 2019 Legislative Session.

5.2 Building Improvements - Mr. Manning advised that some building repairs and upgrades were planned but that due to budgetary considerations, the work would be deferred until after the end of the current fiscal year. Marcie Fisher presented an overview of what was planned.

5.3 Committee Assignments – Mr. Manning presented a roster of all committee assignments for 2019 as appointed by Chair Goff.

5.4 NCEES Meetings

5. 4. 1. Southern and Western Zones Joint Meeting – Mr. Manning presented a preview of upcoming zone meeting this May in Boise, Idaho, including a discussion of the candidates for Zone Vice President and Assistant Zone Vice President, whom will be elected at this meeting.

5. 4. 2. Annual Meeting – Mr. Manning presented a preview of the upcoming annual meeting this August in Washington, DC. He advised that a list of attendees must be submitted to NCEES by Friday, May 3, 2019. Mr. Manning will send out an email to determine which members are interested in attending.

5.5. Kentucky Association of Professional Surveyors – Chris Gephart, PLS updated the board regarding recent KAPS news and events.

5.6. Kentucky Society of Professional Engineers – Marcie Fisher updated the board regarding recent KSPE/ACEC news and events.

6. Adjournment – Don Pedigo moved to adjourn. Motion carried.

Herb Goff, PE, Chair