

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

**MINUTES OF THE January 31, 2020 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  
Nicole Galavotti, PE  
Chris Gephart, PLS  
Ryan Griffith, PE

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

**STAFF PRESENT:** James Ed Manning, PE, PLS, Executive Director  
Jonathan Buckley, JD, General Counsel  
Kyle Elliott, PLS, Director of Enforcement  
Heather Baldwin, PE, PLS, Investigator  
Wanda Jordan, Administrative Assistant

**GUESTS PRESENT:** Sara Massey, KSPE/ACEC  
Jason Graves, KAPS

**1. Opening of Meeting** – Chairman Herb Goff called the meeting to order at 8:33am.

**1.1 Approval of Agenda** – Cole Mitcham moved to approve the agenda. Motion carried.

**1.2 Disclosure of Conflict of Interest** – Chair Goff asked if any member had a conflict with any agenda item. No member announced a conflict.

**1.3 Approval of Minutes** – James Bertram moved to approve the minutes of the October 25, 2019 meeting. Motion carried.

## **2. Information – Enforcement**

Kyle Elliott reported on the following information items:

**2.1 Franklin Circuit Court** - none

### **2.2 Actions of the Executive Director – Closed Cases**

A tabulation of cases closed during the fourth calendar quarter 2019 with actions other than disciplinary action.

### **2.3 Year End Enforcement Report**

A summary report of all enforcement activities for calendar year 2019 including goals and projections for the coming year.

Clay Kelly moved to accept the report of closed cases and the year-end enforcement report. Motion carried.

## **3. Action Items – Enforcement**

**3.1 Board Actions – Enforcement** - none

## **3.2 Settlement Agreements**

- 3.2.1 Franklin Blake Adams, PE, 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.
- 3.2.2 Edgar L. Cox, PLS (PE retired)** - 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 John P. Stoppi** - Mr. 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.
- 3.2.3 Joseph Mark Burnett, PE** - Mr. Elliott presented the terms of the Settlement Agreement and asked for the Board's acceptance. Clay Kelly 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 second quarter of the 2019/2020 fiscal year and a six year trend analysis of revenues and expenditures. Cole Mitcham 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 fourth calendar quarter 2019. Ryan Griffith moved to accept the report. Motion carried.
- 4.3 Applications**

**4.3.1 Denied Applications** – Mr. Manning presented a tabulation of applications that had been denied during the fourth calendar quarter 2019. Clay Kelly moved to accept the report. Motion carried.

**4.4 Surveying Committee** – Chair Bowie updated the Board on the Committee’s activities and reviewed the minutes of the October 24, 2019 meeting. James Bertram moved to accept the minutes of the October 24, 2019 meeting. Motion carried.

**4.5 CPD Committee** – Chair Bowie updated the Board on the Committee’s activities and reviewed the minutes of the October 24, 2019 meeting. Chris Gephart moved to accept the minutes of the October 24, 2019 meeting. Motion carried.

**4.6 Engineering Committee** – Chair Kelly updated the Board on the Committee’s activities and reviewed the minutes of the October 24, 2019 meeting. Chris Gephart moved to accept the minutes of the October 24, 2019 meeting. Motion carried.

Mr. Kelly moved to have Director Manning draft language for a proposed Joint Resolution of Cooperation with the Kentucky Board of Architects and to bring the draft back to the Board for approval and presentation to the Board of Architects. Motion carried.

Mr. Kelly presented for discussion an NTSB Safety Recommendation letter dated October 24, 2019, addressed to then Governor Matt Bevin and copied to the Board of Licensure. Mr. Kelly moved to allow the Board Chair to send a letter to Governor Beshear regarding the NTSB Safety Recommendation letter of October 24, 2019 using language as amended by discussion. Motion carried.

**4.7 Regulatory Sunset Review**

Rudolph Buchheit moved to authorize Director Manning to submit a letter regarding Administrative Regulation 201 KAR 18:010 - Classes of Applicants to LRC using language as proposed by general counsel in consultation with LRC and presented for review by the board this day. Motion carried.

Chris Gephart moved to authorize Director Manning to submit a letter regarding Administrative Regulation 201 KAR 18:020 –

Application Forms to LRC using language as proposed by general counsel in consultation with LRC and presented for review by the board this day. Motion carried.

Cole Mitcham moved to authorize Director Manning to submit a letter regarding Administrative Regulation 201 KAR 18:030 – In-training Certificates to LRC using language as proposed by general counsel in consultation with LRC and presented for review by the board this day. Motion carried.

Ryan Griffith moved to authorize Director Manning to submit a letter regarding Administrative Regulation 201 KAR 18:040 - Fees to LRC using language as proposed by general counsel in consultation with LRC and presented for review by the board this day. Motion carried.

Nicole Galavotti moved to authorize Director Manning to submit a letter regarding Administrative Regulation 201 KAR 18:060 - Rejections to LRC using language as proposed by general counsel in consultation with LRC and presented for review by the board this day. Motion carried.

William Bowie moved to authorize Director Manning to submit a letter regarding Administrative Regulation 201 KAR 18:072 - Experience to LRC using language as proposed by general counsel in consultation with LRC and presented for review by the board this day. Motion carried.

Herb Goff moved to authorize Director Manning to submit a letter regarding Administrative Regulation 201 KAR 18:080 – Display of Licenses to LRC using language as proposed by general counsel in consultation with LRC and presented for review by the board this day. Motion carried.

Clay Kelly moved to authorize Director Manning to submit a letter regarding Administrative Regulation 201 KAR 18:092 – Surveying Core Curriculum to LRC using language as proposed by general counsel in consultation with LRC and presented for review by the board this day. Motion carried.

James Bertram moved to authorize Director Manning to submit a letter regarding Administrative Regulation 201 KAR 18:104 – Seals and Signatures to LRC using language as proposed by

general counsel in consultation with LRC and presented for review by the board this day. Motion carried.

Rudolph Buchheit moved to authorize Director Manning to submit a letter regarding Administrative Regulation 201 KAR 18:115 – License Reinstatement to LRC using language as proposed by general counsel in consultation with LRC and presented for review by the board this day. Motion carried.

Cole Mitcham moved to authorize Director Manning to submit a letter regarding Administrative Regulation 201 KAR 18:120 – Reissuance of License to LRC using language as proposed by general counsel in consultation with LRC and presented for review by the board this day. Motion carried.

Ryan Griffith moved to authorize Director Manning to submit a letter regarding Administrative Regulation 201 KAR 18:142 – Code of Professional Practice and Conduct using language as proposed by general counsel in consultation with LRC and presented for review by the board this day. Motion carried.

Nicole Galavotti moved to authorize Director Manning to submit a letter regarding Administrative Regulation 201 KAR 18:150 – Standards of Practice to LRC using language as proposed by general counsel in consultation with LRC and presented for review by the board this day. Motion carried.

Chris Gephart moved to authorize Director Manning to submit a letter regarding Administrative Regulation 201 KAR 18:170 – Composition of Board Members to LRC using language as proposed by general counsel in consultation with LRC and presented for review by the board this day. Motion carried.

William Bowie moved to authorize Director Manning to submit a letter regarding Administrative Regulation 201 KAR 18:180 – Business Entity Permits to LRC using language as proposed by general counsel in consultation with LRC and presented for review by the board this day. Motion carried.

Herb Goff moved to authorize Director Manning to submit a letter regarding Administrative Regulation 201 KAR 18:192 – Continuing Professional Development for Professional Land Surveyors to LRC using language as proposed by general counsel in consultation

with LRC and presented for review by the board this day. Motion carried.

Clay Kelly moved to authorize Director Manning to submit a letter regarding Administrative Regulation 201 KAR 18:196 – Continuing Professional Development for Professional Engineers to LRC using language as proposed by general counsel in consultation with LRC and presented for review by the board this day. Motion carried.

James Bertram moved to authorize Director Manning to submit a letter regarding Administrative Regulation 201 KAR 18:200 – Minimum Standards of Practice for Mortgage Inspections in Kentucky to LRC using language as proposed by general counsel in consultation with LRC and presented for review by the board this day. Motion carried.

Rudolph Buchheit moved to authorize Director Manning to submit a letter regarding Administrative Regulation 201 KAR 18:210 – Retired and Inactive Status to LRC using language as proposed by general counsel in consultation with LRC and presented for review by the board this day. Motion carried.

Cole Mitcham moved to authorize Director Manning to submit a letter regarding Administrative Regulation 201 KAR 18:220 – Administrative Hearings to LRC using language as proposed by general counsel in consultation with LRC and presented for review by the board this day. Motion carried.

**4.8 Board Member Manual and Guidelines Update** – Clay Kelly moved to approve the proposed updates to the Board Member Manual and Guidelines as presented this day by Mr. Manning with the following edits... update addresses for James Bertram and Ryan Griffith on Appendix 5 – Board Roster and verify expiration date for Ryan Griffith. Motion carried.

**4.9 NTSB Safety Recommendation** – Chair Goff noted that this item was addressed during Clay Kelly’s presentation of the Engineering Committee’s activities (see item 4.6 above).

#### **4.10 House Bill 345 – E&O Insurance for Surveyors – Mr.**

Manning presented a synopsis of House Bill 345 which was recently filed. Nicole Galavotti moved to authorize Mr. Manning to speak with the sponsor of the bill to gain further information and to offer the Board's assistance, and to report back to the Board. Motion carried.

### **5. Information – Other**

**5.1 ICOR Meeting** – Mr. Manning discussed an upcoming Board Member & Executive Orientation meeting to be held in Washington, DC February 12 through 2014. This is a joint meeting sponsored by the Interprofessional Council on Registration (ICOR). ICOR is composed of representatives from NCEES, NCARB, Council for Interior Design Qualification (CIDQ), and the Council of Landscape Architects Registration Boards (CLARB). Cole Mitcham, Ryan Griffith and Mr. Manning plan to attend.

**5.2 NCEES Zone Meeting** – Mr. Manning discussed the upcoming NCEES Southern Zone meeting to be held in Houston April 23 through 25. William Bowie, Clay Kelly, Nicole Galavotti and Mr. Manning plan to attend.

**5.3 NCEES Resolution of Cooperation** – Mr. Manning reported that member boards had submitted numerous comments and suggested revisions to the proposed Resolution of Cooperation. The NCEES MBA Committee has taken the comments and suggestions under advisement and has expressed its intent to release a revised version of the Resolution at the zone meetings.

**5.4 Building Improvements Update** – Mr. Manning reported that plans for improvements had been finalized and a cost estimate developed, however he is still waiting on feedback from the Property Management Branch of the Finance Cabinet before proceeding with the improvements.

**5.5 Kentucky Association of Professional Surveyors** – Jason Graves, KAPS Board Liaison updated the board regarding recent KAPS news and events.



**5.6 Kentucky Society of Professional Engineers** – Sara Massey, Executive Director of KSPE/ACEC updated the board regarding recent KSPE/ACED news and events.

**6. Election of Officers** – Chris Gephart made the following nominations:

William Bowie, PE, PLS - Chair  
Clay Kelly, PE – Vice Chair  
James Bertram - Secretary Treasurer

Chair Goff asked if there were any further nominations from the floor. Hearing none, Chair Goff closed nominations and asked for votes. The board elected each of the nominees to their respective positions by a unanimous vote.

**7. Adjournment** – Chris Gephart moved to adjourn. Motion carried.

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Herb Goff, PE, Chair