

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

**MINUTES OF THE JANUARY 22, 2021 BOARD MEETING**

**KENTUCKY ENGINEERING CENTER  
FRANKFORT, KENTUCKY**

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

**MEMBERS PRESENT:** Daniel Clay Kelly, PE, Vice Chair  
Rudolph Buchheit, Ph.D.  
Emmanuel Collins, Ph.D.  
Nicole Galavotti, PE  
Chris Gephart, PLS  
Ryan Griffith, PE  
Doug Klein  
Cole Mitcham, PE  
Don Pedigo, PLS  
Joseph C Pyles, PE

**MEMBERS ABSENT:** James Bertram, PLS, Secretary/Treasurer

**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  
Sarah Uzzle, Enforcement Assistant

**GUESTS PRESENT:** William Bowie, PE, PLS  
Herb Goff, PE  
Russ Romine  
Glenn S. Turner, PE, PLS (by phone)

**1. Opening of Meeting** – Vice Chair Daniel Clay Kelly called the meeting to order at 8:31 am.

**1.1 Introduction of New Board Members** – Vice Chair Kelly introduced two new board members, Don Pedigo who replaced William Bowie, and Joseph C. Pyles, who replaced Herb Goff.

**1.2 Recognition of Outgoing Board Members** - Vice Chair Kelly recognized outgoing board members William Bowie and Herb Goff and thanked them for their service to the board and to the citizens of the Commonwealth of Kentucky. Director Manning displayed plaques which will be presented to each of the outgoing board members.

**1.3 Approval of Agenda** – Nicole Galavotti moved to approve the agenda. Motion carried.

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

**1.5 Approval of Minutes** – Ryan Griffith moved to approve the minutes of the October 23, 2020 meeting. Motion carried.

**2. Information – Enforcement**

**2.1 Franklin Circuit Court** - none

**2.2 Actions of the Executive Director**

**2.2.1 Closed Cases**

Mr. Elliott presented a tabulation of cases closed during the fourth calendar quarter 2020 with actions other than disciplinary action. Cole Mitcham moved to accept the closed cases report. Rudolph Buchheit seconded. Motion carried.

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

Mr. Elliott presented a report of the board's enforcement activities for the 2020 calendar year. Don Pedigo moved to accept the report. Rudolph Buchheit seconded. Motion carried.

## **3. Action Items – Enforcement**

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

### **3.2 Settlement Agreements**

#### **3.2.1 Glenn S. Turner, PE, PLS**

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. Doug Klein seconded. Motion carried.

#### **3.2.2 Steven Brown**

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

#### **3.2.3 Michael Zimmer**

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. Ryan Griffith seconded. Motion carried.

## **4. Actions Items – Other**

**4.1 Financial Report** – Mr. Manning presented the Financial Report covering the second quarter of the 2020/2021 fiscal year including a year-over-year comparison of revenues and expenses to the previous fiscal year. Ryan Griffith noted a minor typographical error on the year over year comparison. The headings in the quarter to quarter comparison table should read 2<sup>nd</sup> Quarter, not 1<sup>st</sup> Quarter.

Don Pedigo 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 fourth calendar quarter 2020. 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 fourth calendar quarter 2020. Nicole Galavotti moved to accept the report. Motion carried.

#### **4.3.2 Gregory Koopman – Reinstatement**

Clay Kelly reported that the Surveying Committee met to discuss this matter and that Mr. Koopman and his attorney attended. Mr. Kelly reported that after discussing the matter, it was agreed by all parties that Mr. Koopman request a delay on the decision regarding his application.

On behalf of the Surveying Committee, Mr. Kelly moved that the board continue the matter of Mr. Koopman's reinstatement application until no later than November 1 to allow time for Mr. Koopman to gain experience under a licensed PLS with the understanding that there is no guarantee of a favorable decision by the board and that Mr. Koopman must demonstrate

competence in all areas of surveying practice. Don Pedigo seconded.

After further discussion Mr. Pedigo moved to amend the date stated in the motion from November 1 to October 20. Chris Gephart seconded. The motion on the amendment carried.

A vote was then held on the main motion, as amended. Motion carried.

### **4.3.3 David Paul Wyant – Reinstatement**

Clay Kelly reported that the Surveying Committee met to discuss this matter and that Mr. Wyant attended. Mr. Kelly reported that after discussing the matter, it was agreed by all parties that Mr. Wyant request a delay on the decision regarding his application. On behalf of the Surveying Committee, Mr. Kelly moved that the board table the matter of Mr. Wyant’s reinstatement application until the April 2021 meeting. Mr. Wyant will continue to work and gain experience at SAM LLC and shall submit an updated RPE form reflecting the additional experience ten days in advance of the meeting. Nicole Galavotti seconded.

After further discussion Nicole Galavotti moved to amend “April 2021 meeting” to read “April 8, 2021 committee meeting”. Clay Kelly seconded. The motion on the amendment carried.

A vote was then held on the main motion, as amended. Motion carried.

**4.4 Surveying Committee** – Clay Kelly continued with a report on the Committee’s activities and reviewed the minutes of the October 22, 2020 meeting. Mr. Kelly moved to accept the minutes of the October 22, 2020 Surveying Committee meeting. Motion carried.

**4.5 CPD Committee** – Doug Klein updated the Board on the Committee’s activities and reviewed the minutes of the October

22, 2020 meeting. Mr. Klein moved to accept the minutes of the October 22, 2020 CPD Committee meeting. Motion carried.

Doug Klein moved that the board approve the proposed revisions to the CPD Course Approval form and instructions. Motion carried.

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

**5.1 General Update by Executive Director** – Mr. Manning provided an update on office operations and other items including the current status of COVID 19 precautions.

House Bill 3 was discussed. HB3 is a bill that would shift the venue for various constitutional challenges, including licensing board actions from Franklin Circuit Court to the Circuit Court where the plaintiff resides or works. The bill has moved through both houses of the legislature and was presented to the Governor. Mr. Elliott noted that Governor Beshear vetoed HB3 along with several other bills. Time remains in the session during which an override may be considered. Staff will continue to monitor.

The legislature is working on the state budget for the 2021/2022 fiscal year. The budget currently proposed for the board is essentially unchanged from the current budget and that the board will be able to operate within that budget.

Mr. Manning reviewed the NCEES meeting schedule and reminded outgoing board members to let him know if they wished to be nominated to NCEES for Emeritus Member status.

**5.2 Kentucky Society of Professional Engineers** – KSPE/ACEC Executive Russ Romine reported on the activities of KSPE/ACEC. Mr. Romine stated that in addition to HB3, KSPE/ACEC had taken note of another bill, Senate Bill 99, which would remove the requirement for PE supervision over certain work at Bluegrass Station. This is a recent development and KSPE/ACEC is just beginning to make inquiries.

**5.3 Kentucky Association of Professional Surveyors** – No report.

**6. Election of Officers** – Don Pedigo made the following nominations:

James Bertram, PLS – Chair  
Nicole Galavotti, PE – Vice Chair  
Cole Mitcham, PE – Secretary Treasurer

Vice Chair Kelly asked if there were any further nominations from the floor. There were none. Rudolph Buchheit moved that nominations be closed and that the full slate of nominees be approved by acclamation. Ryan Griffith seconded. Motion carried.

**7. Adjournment** – Nicole Galavotti moved to adjourn. Motion carried. Meeting adjourned at 10:55am

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Daniel Clay Kelly, PE, Vice Chair