

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

MINUTES OF THE July 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.
Emmanuel Collins, Ph.D.
Cole Mitcham, PE
Nicole Galavotti, PE
Doug Klein
Chris Gephart, PLS

MEMBERS ABSENT: Ryan Griffith, PE

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
Sandy Whisman, Legal & Enforcement Assistant

GUESTS PRESENT: James Donald Pedigo II, PLS
Jason Graves, PLS, KAPS

- 1. Opening of Meeting** – Chairman Herb Goff called the meeting to order at 8:30am.
 - 1.1 Approval of Agenda** – Cole Mitcham moved to approve the agenda. Motion carried.

1.2 New Board Member – Ed Manning introduced new member Christopher “Chris” Gephart, PLS whom Governor Bevin recently appointed to replace James Donald Pedigo II, PLS whose term had expired.

1.3 Disclosure of Conflict of Interest – Chair Goff announced that he has a conflict of interest concerning agenda item 3.2.4 – A. Brent Combs and indicated he would not participate in discussion or vote concerning this item. Chair Goff asked if any other member had a conflict of interest related to any agenda item. No other member announced a conflict.

1.4 Approval of Minutes – Clay Kelly moved to approve the minutes of the April 26, 2019 meeting. Motion carried.

2. Information – Enforcement

Kyle Elliott reported on the following information items:

2.1 Franklin Circuit Court - none

2.3 Actions of the Executive Director

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

James Bertram moved that the Board accept Mr. Elliott’s report. Motion carried.

3. Action Items – Enforcement

3.1 Board Actions – Enforcement - none

3.2 Settlement Agreements

3.2.1 Jason L. Goins, 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.

3.2.2 HGS Limited Consulting Engineers, PLLC - 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. Nicole Galavotti supported the motion, but stated she would like to see settlements in future cases involving business entity permits consider the amount of unpaid permit fees. Motion carried.

3.2.3 G-A-I Consultants, Inc. - Mr. Elliott presented the terms of the Settlement Agreement and asked for the Board's acceptance. William Bowie moved to accept the terms of the agreement. Motion carried.

Chairman Goff passed the gavel to William Bowie and left the room.

3.2.4 A. Brent Combs, 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.

Chairman Goff returned and William Bowie passed the gavel to him.

4. Actions Items – Other

4.1 Financial Report – Mr. Manning presented the Financial Report which included a recap of the entire 2018/2019 fiscal year and a six year trend analysis of revenues and expenditures. James Bertram 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 second calendar quarter 2019. Nicole Galavotti moved to accept the report. Motion carried.

4.3 CPD Committee – Chair Bowie updated the Board on the Committee's activities. James Bertram moved to accept the minutes of the April 25, 2019 meeting. Motion carried.

4.4 Surveying Committee – Chair Bowie updated the Board on the Committee’s activities. James Bertram moved to accept the minutes of the April 25, 2019 meeting. Motion carried.

4.5 Engineering Committee – Clay Kelly updated the Board on the Committee’s activities. Nicole Galavotti moved to accept the minutes of the April 25, 2019 meeting. Motion carried. Pursuant to the recommendations of the committee, in the next Board of Licensure Report in the KAPS & KSPE publications, Mr. Manning will mention licensee’s responsibility to report instances of unlicensed practice.

4.6 Applications

4.6.1 Reinstatement of PE – D. Edward Brown – Clay Kelly presented the Engineering Committee’s evaluation of the D. Edward Brown application. After additional discussion Nicole Galavotti moved to approve the application. Motion carried.

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

5. Vizaline

Mr. Manning stated that Mr. Brent Melton of Vizaline had inquired whether the business model of Vizaline would require a Professional Surveying License in Kentucky.

Bill Bowie described the discussions that were held in the surveying committee meeting yesterday with regard to this matter and the committee’s recommendation. Following further discussion, Mr. Bowie moved to have Mr. Manning, respond to Mr. Melton by email, stating generally that the Board is concerned that the public might be deceived into thinking Vizaline’s work product represents the property boundaries; and the Board does not at this time have sufficient knowledge of the facts to render an opinion; and the Board has neither the jurisdiction nor the resources to conduct an investigation of Vizaline’s business outside Kentucky; and the Board is aware of ongoing litigation in Mississippi, which at present seems to favor the

Mississippi Board's position that Vizaline's business model violates their prohibition against the unlicensed practice of land surveying; and that the Board will follow that litigation to learn how the Court decides on the various issues and the factual matters relied upon for its decision. Motion carried.

6. NCEES Annual Meeting Motions Review

6.1 Summary of Motions – Mr. Manning presented a Summary of Motions, as published by NCEES, which motions relate to proposed changes to NCEES Model Law, Model Rules, Bylaws, Policies and Procedures, and will be presented for a vote at the next annual meeting of NCEES in August 2019. Discussion of the NCEES motions concerning Technology Degrees and the Surveying Exam was deferred to later in the agenda.

6.2 Technology Degrees – Mr. Manning presented a summary of Education Committee Motion #1 – which motion is that the UPLG Committee (of NCEES) be charged with incorporating language into (NCEES) Model Law 130.10 B and Model Rules 230.10 A and to further make modifications throughout the Model Law and Model Rules to include the general premise that an ETAC/ABET degree that has been vetted against the most recent NCEES Engineering Education Standard (revised July 2019) is allowed to satisfy the education requirements for engineering licensure.

Mr. Manning noted that the motion is essentially to change NCEES Model Law and Model Rules to accept Engineering Technology degrees accredited by ETAC-ABET as meeting the education standard for licensure as a Professional Engineer. Mr. Manning noted that if this motion passes, the issue would come back next year in the form of several UPLG Committee motions to revise various sections of NCEES Model Law and Model Rules as necessary to carry out the intent of this motion. He also noted that it would be necessary to modify the NCEES Education Standard because the current Standard does not recognize course credits earned through Engineering Technology classes.

Clay Kelly described the discussions that were held in the engineering committee meeting yesterday with regard to this matter. He reported that the committee recommends the Board oppose the motion.

After further discussion, Rudolph Buchheit moved that the Board support the motion. Motion carried.

6.3 Surveying Exam – Mr. Manning presented NCEES Surveying Exam Module Task Force Motion 1 – which motion is to restructure the NCEES PS Examination into the following separately scored divisions and that the NCEES EPS Committee be charged with implementation.

- Core PS
- Boundary
- PLSS
- Mapping Science
- Incidental Drainage Design

Clay Kelly described the discussions that were held in the surveying committee meeting yesterday with regard to this matter. He reported that the committee recommends the Board approve the concept presented by the Surveying Exam Module Task Force with the anticipation that more details will need to be resolved. Chris Gephart moved that the Board accept the committee's recommendation. Motion carried.

7. Information – Other

7.1 Kentucky Association of Professional Surveyors - Jason Graves, PLS updated the board regarding recent KAPS news and events.

7.2 KSPE / ACEC - No report

8. Recognition of Outgoing Board Member – Don Pedigo, PLS – Chair Goff and Mr. Manning recognized past Board member Don Pedigo and presented him with a plaque in recognition of his years of service to the Board of Licensure and the profession of Land Surveying.

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