

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

MINUTES OF THE JULY 31, 2020 BOARD MEETING

**KENTUCKY ENGINEERING CENTER
FRANKFORT, KENTUCKY**

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

MEMBERS PRESENT: William Bowie, PE, PLS, Chair
Daniel Clay Kelly, PE, Vice Chair
James Bertram, PLS, Secretary/Treasurer
Cole Mitcham, PE
Nicole Galavotti, PE
Chris Gephart, PLS
Ryan Griffith, PE
Emmanuel Collins, Ph.D.
Doug Klein
Herb Goff, PE
Rudolph Buchheit, Ph.D.

MEMBERS ABSENT: none

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

GUESTS PRESENT: Karen Loftus

1. Opening of Meeting – Chairman William Bowie called the meeting to order at 8:36 am.

1.1 Approval of Agenda – Clay Kelly moved to approve the agenda with a change to item 6.5 – change presenter name from Sara Massey to Russ Romine and 1.3 – correct date is May 1, 2020. Motion carried.

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

1.3 Approval of Minutes – Cole Mitcham moved to approve the minutes of the May 1, 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 second calendar quarter 2020 with actions other than disciplinary action. Nicole Galavotti moved to accept the closed cases report. Motion carried.

3. Action Items – Enforcement

3.1 Board Actions – Enforcement - none

3.2 Settlement Agreements

3.2.1 Tommy J. Daniel, 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.

3.2.2 Loftus Engineering, Inc.

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.

3.2.3 Karen Loftus, PE

Mr. Elliott presented the terms of the Settlement Agreement. Karen Loftus made a brief statement and answered questions from the board. Mr. Elliott asked for the Board's acceptance of the Consent Decree. Clay Kelly moved to accept the terms of the agreement. Motion carried.

3.2.4 Albon Wade Meade, 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.

3.3 Request for Extension – Franklin Blake Adams, PE, PLS

Mr. Elliott stated that Franklin Blake Adams, PE, PLS is the subject of a Consent Decree approved by the board on January 31, 2020. Terms of that agreement include, among other things payment of a \$3000 administrative fine within 180 days. Mr. Adams requests an extension of six months to pay the fine due to the COVID19 Pandemic and the resulting loss of income. Mr. Adams is current with all other obligations set forth in the agreement.

Chris Gephart moved to approve a one-time extension to January 31, 2021 for payment of the administrative fine. Staff shall notify Mr. Adams of the extension and tell him this a one-

time extension and no other extensions will be granted. Motion carried.

4. Actions Items – Other

4.1 Financial Report – Mr. Manning presented the Financial Report covering the fourth quarter of the 2019/2020 fiscal year and a six year trend analysis of revenues and expenditures. Nicole Galavotti 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 2020. Cole Mitcham moved to accept the report. Motion carried.

4.3 CPD Committee – Committee Chair James Bertram updated the Board on the Committee’s activities and reviewed the minutes of the April 30, 2020 meeting. Mr. Bertram moved to accept the minutes of the April 30, 2020 CPD Committee meeting. Motion carried.

4.4 Surveying Committee – No Report

4.5 Engineering Committee – No Report

4.6 Applications

4.6.1 Denied Applications

Mr. Manning presented a tabulation of applications that had been denied during the first calendar quarter 2020. Cole Mitcham moved to accept the report. Motion carried.

- 5. NCEES Annual Meeting** – Mr. Manning reviewed the agenda for the upcoming NCEES Annual meeting. The meeting will be held virtually on August 27, 2020. NCEES has prepared a ballot containing all officer elections and motions that will be presented at the meeting and distributed it to all member boards. Member boards are asked to complete their ballots by July 31, 2020. Chair Bowie has authorized Mr. Manning to fill out the ballot in accordance with the actions of the board at today’s meeting and to transmit the ballot to NCEES.

5.1 Election of Officers

5.1.1 – NCEES President Elect–WZ Nominee Brian

Robertson, PE – Doug Klein moved that the Kentucky Board agree to accept the Western Zone’s nomination of Brian Robertson, PE, of Colorado, for the office of president-elect. Motion carried.

- 5.1.2 – NCEES Treasurer** – Cole Mitcham moved that the Kentucky board cast its vote for Andrew Zoutewelle, PLS, of North Carolina for the office of NCEES Treasurer. Motion carried.

5.1.3 – Southern Zone Secretary-Treasurer – Chris

Ramseyer, PE (Unopposed) – Nicole Galavotti moved that the Kentucky board cast its vote for Chris Ramseyer, PhD, PE, of Oklahoma for the office of Southern Zone Secretary-Treasurer. Motion carried.

5.2 Motions for Council Vote

5.2.1 – Approval of Minutes of the 2019 Annual Meeting –

Nicole Galovatti moved that the Kentucky board vote to accept the minutes of the 2019 NCEES Annual Meeting. Motion carried.

5.2.2 – Bylaws Motion 1 – Clay Kelly moved that the Kentucky

board vote yes to Bylaws Motion 1. A yes vote would add the NCEES Finance Committee Chair to membership on the NCEES Board Audit Committee and would delegate final approval of audit results and final financial statements to the NCEES Board of Directors. Motion carried.

5.2.3 – Bylaws Motion 2-Doug Klein moved that the Kentucky board vote yes to Bylaws Motion 2. A yes vote would prohibit proxy voting by one member board on behalf of another member board at the NCEES Annual Meeting. Motion carried.

5.2.4 – Bylaws Motion 3 - Clay Kelly moved that the Kentucky board vote yes to Bylaws Motion 3. A yes vote would permit examinees to register and sit for NCEES exams even when their member board's dues payments to NCEES are in arrears. Motion carried.

5.2.5 – Bylaws Motion 4 - Doug Klein moved that the Kentucky board vote no to Bylaws Motion 4. A yes vote would eliminate certain financial reporting obligations of the Zone Secretary-Treasurer consistent with previously enacted Financial Policies. Dr. Collins and Dr. Buchheit abstained from the discussion and the vote. Motion carried.

5.2.6 – Bylaws Motion 5 – Nicole Galavotti moved that the Kentucky board vote yes to Bylaws Motion 5. A yes vote would charge the NCEES Committee on Education with the responsibility to review the NCEES Education Standards and submit all proposed changes for full Council approval at the annual business meeting. Motion carried.

5.2.7 – Board of Directors Motion 1- Clay Kelly moved that the Kentucky board vote yes to Board of Directors Motion 1. A yes vote would approve the application of the American Society of Plumbing Engineers to become a member of the NCEES Participating Organizations Liaison Council (POLC). Motion carried.

5.2.8 – Board of Directors Motion 2- Chris Gephart moved that the Kentucky board vote yes to Board of Directors Motion 2. A yes vote would clarify that only a member board may nominate a candidate for NCEES office.

5.2.9 – Finance Motion 1 – Operating Budget – Nicole Galavotti moved that the Kentucky board vote yes to Budget Motion 1. A yes vote would approve the 2020-21 proposed NCEES Operating Budget. Motion carried.

5.2.10 – Finance Motion 2 – Capital Budget – Chris Gephart moved that the Kentucky board vote yes to Budget Motion 2. A yes vote would approve the 2020-21 proposed NCEES Capital Budget. Motion carried.

6. Information – Other

6.1 Boardbook Migration – Mr. Manning reported that the vendor for Boardbook is rolling out an upgraded version of Boardbook called Boardbook Premier. All users will be given new login credentials and online training will be made available.

6.2 Board Member Manual – Mr. Manning reported that an updated version of the Board Member Manual will be published in the next few weeks.

6.3 COVID19 Update

6.3.1 ABET Observer Invitation-UK Paducah (EAC), EKU (ETAC) – Mr. Manning reported that ABET will be conducting virtual visits to the UK – Paducah campus and EKU in connection with its general review of the programs at these institutions. Anyone interested in being an observer should contact Mr. Manning or Beth Mundy at ABET.

6.3.2 Office Procedures – Mr. Manning reported in-office staffing at the board office has been reduced pursuant to the Governor’s emergency orders. Two to Four staff members are coming in on a rotating basis with the balance of staff time involving working from home. The office is closed to the public. In-office operations comply with all COVID19 safety protocols.

6.3.3 Renewals – Mr. Manning reported there has been no noticeable change in the rate or timing of persons renewing their PE license or PLS license.

6.3.4 Continuing Professional Development – Mr. Manning reported a very low number of inquiries regarding CPD. He

attributes this to the fact that we look at CPD on a two year reporting period basis and we do not limit the number of hours that can be obtained online. Some licensees have expressed disappointment that they cannot attend the live events they have attended in the past but are adapting to online alternatives. Board staff will continue to monitor the situation.

6.3.5 Enforcement- Mr. Elliott reported on how enforcement procedures have been modified in response to the pandemic.

6.3.6 Financial Effects – Cost Reduction Measures – Mr. Manning reported that the Finance Cabinet predicts a significant reduction in revenue for FY2021 as a result of the pandemic. While Board finances have thus far not been adversely affected by the pandemic, board staff is nevertheless looking at possible cost saving measures.

6.3.7 NCEES Activities – Resolution of Cooperation – Mr. Manning reported that there have been no new announcements from the NCEES MBA Committee about the proposed resolution. The committee had hoped an agreement among member boards could be reached in time for a formal signing at the 2020 annual meeting but that meeting will not be held in person this year.

6.3.8 Work with Architects Board – Cooperation Agreement – Mr. Manning reports work has been delayed on the proposed agreement, however the two boards are working together on specific issues as they arise.

6.4 Kentucky Association of Professional Surveyors – no report

6.5 Kentucky Society of Professional Engineers – Mr. Manning reported that Russ Romine has taken over as Executive Director at KSPE. Unfortunately Mr. Romine had a schedule conflict and was unable to attend today's meeting.

7. **Adjournment** – Herb Goff moved to adjourn. Motion carried. Meeting adjourned at 11:07AM

William Bowie, PE, PLS, Chair