

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

MINUTES OF THE MAY 1, 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

MEMBERS ABSENT: Rudolph Buchheit, Ph.D.

STAFF PRESENT: James Ed Manning, PE, PLS, Executive Director
Jonathan Buckley, JD, General Counsel
Kyle Elliott, PLS, Director of Enforcement
Wanda Jordan, Administrative Assistant
Tamra Chesser, Surveying & CPD Support
Heather Baldwin, PE, PLS, Investigator

GUESTS PRESENT: Albon Wade Meade

1. Opening of Meeting – Chairman William Bowie 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 Bowie asked if any member had a conflict with any agenda item. No member announced a conflict.

1.3 Approval of Minutes – Emmanuel Collins moved to approve the minutes of the January 31, 2020 meeting. Motion carried.

2. Information – Enforcement

Kyle Elliott reported on the following information items:

2.1 Franklin Circuit Court

2.2.1 – Joshua Trent

A civil action in which the Board alleged that Mr. Trent engaged in the unlicensed practice of engineering. The matter was resolved through an Agreed Injunction. The board accepted the Agreed Injunction.

2.2.2 – Michael Brockman

A civil action in which the Board alleged that Mr. Brockman engaged in the unlicensed practice of engineering. The matter was resolved through an Agreed Injunction. The board accepted the Agreed Injunction.

2.2 Actions of the Executive Director – Closed Cases

A tabulation of cases closed during the first calendar quarter 2020 with actions other than disciplinary action. The board accepted the closed cases report.

3. Action Items – Enforcement

3.1 Board Actions – Enforcement - none

3.2 Settlement Agreements

3.2.1 Michael Brockman

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.

3.2.2 Jason C. Merritt, 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.

4. Actions Items – Other

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

4.3.2 Nicholas Alford – PE Application

Mr. Manning presented the application of Mr. Nicholas Alford for licensure as a PE by examination and Mr. Alford’s request that

his experience be counted from the date he completed all degree requirements of his engineering degree instead of the date listed on his transcript. After some discussion, Clay Kelly moved as follows... Considering the application of Nicholas Alford, given the unavailability of a necessary course to meet graduation requirements, the applicant's extraordinary efforts to pursue that course, the unresolved clerical issue surrounding the applicant's application for graduation, and recognizing the applicant met the requirements to graduate in May 2016 barring these unresolved issues, the Board hereby recognizes the applicant's experience towards his licensure beginning in May 2016. Motion carried.

4.3.3 Albon Wade Meade – PE Reinstatement

Mr. Manning presented the application of Mr. Albon Wade Meade for licensure as a PE by reinstatement. He also reviewed Mr. Wade's disciplinary history. Mr. Meade was present and addressed the Board. Clay Kelly moved to direct staff to negotiate a Consent Decree whereby Mr. Meade would be reinstated subject to an automatic audit of Mr. Meade's CPD for the next two renewal cycles, Mr. Meade's use of NCEES CPD tracking system, and an automatic revocation of Mr. Meade's license if he were to fail an audit or otherwise violate the CPD regulations; and to present the Consent Decree to the Board at its July meeting for final approval. Motion carried.

- 4.4 CPD Committee** – Chair Bowie updated the Board on the Committee's activities and reviewed the minutes of the January 30, 2020 meeting. James Bertram moved to accept the minutes of the January 30, 2020 CPD Committee meeting. Motion carried.

4.5 COVID19 Response

4.5.1 License Renewals

Mr. Manning reported that licensees with last name beginning with letters L through Z are set to expire on June 30, 2020 unless renewed. The online renewal system is active and licensees are beginning to renew their licenses. Renewal notices have been printed and are scheduled to be mailed on or about May 15. The board took no action with regard to license renewals. The matter

will remain on the agenda for future meetings at which staff will provide updates.

4.5.2 Continuing Professional Development

Mr. Manning reported that staff has received several inquiries about possible changes to CPD requirements in response to the COVID 19 pandemic. For licensees renewing this year, the CPD reporting covers calendar years 2018 and 2019 which predate the onset of the pandemic. Persons renewing June 2021 will have had two calendar years (2019 and 2020) to obtain the required CPD. Additionally, unlike many states, Kentucky places no restrictions on how much CPD a licensee can obtain online and all the required CPD topics for both engineers and surveyors are widely available online. The board took no action with regard to CPD requirements. The matter will remain on the agenda for future meetings at which staff will provide updates.

4.5.3 Fines/Probations/Consent Decree Terms

Mr. Elliott reported that enforcement currently has several licensees on probation which involves review of licensee's work product. Additionally some licensees have fines and other obligations from Consent Decrees coming due. Mr. Elliott reported that as of this date no licensee has formally requested an extension or waiver of any requirement of a Consent Decree. The board took no action with regard to Fines, Probations or Consent Decree terms. The board will consider any future requests for extension or waiver of any Consent Decree requirement on a case by case basis.

- 4.6 NCEES Proposed Joint Zone Meeting 2022** – Clay Kelly moved to accept the offer by the Oklahoma Board to host the 2022 Zone Meeting and to direct staff to notify Southern Zone leadership of this decision. Motion carried.

5. Information – Other

- 5.1 KAPS** – Mr. Manning stated the Kentucky Association of Professional Surveyors had provided a written report of recent news and activities at KAPS.

6. **Adjournment** – Nicole Galavotti moved to adjourn. Motion carried. Meeting adjourned at 10:46AM

William Bowie, PE, PLS, Chair