

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

MINUTES OF THE October 25, 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.
Cole Mitcham, PE
Nicole Galavotti, PE
Doug Klein
Chris Gephart, PLS
Ryan Griffith, PE

MEMBERS ABSENT: Emmanuel Collins, Ph.D.

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: John Stoppi, Jr.
Jason Graves, KAPS
Sara Massey, KSPE/ACEC

1. Opening of Meeting – Chairman Herb Goff called the meeting to order at 8:30am.

1.1 Approval of Agenda – Clay Kelly requested that item 4.6.2 “John Stoppi - Reconsideration” be taken up immediately following item 1.3. Doug Klein requested to add for discussion “NCEES Education Motion 1”. Herb Goff recommended that topic be discussed in conjunction with item 4.8. Ryan Griffith moved to approve the agenda with the suggested amendments. 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 – Clay Kelly moved to approve the minutes of the July 26, 2019 meeting. Motion carried.

4.6.2 John Stoppi - Reconsideration – Clay Kelly moved the board to enter into a process resulting in offering a PE license to John Stoppi, Jr. subject to a non-disciplinary consent decree, which decree will specify certain changes to Mr. Stoppi’s website, a period of monitoring Mr. Stoppi’s engineering activities in Kentucky, and pre-determined disciplinary action and related penalties in the event that Mr. Stoppi were to become in default of the consent decree. Motion Carried.

2. Information – Enforcement

Kyle Elliott reported on the following information items:

2.1 Franklin Circuit Court

2.1.1 Ernest Ruckert – An action was brought in Franklin Circuit Court against Mr. Ruckert for the unlicensed practice of engineering. The matter was settled through an agreed injunction.

2.2 Actions of the Executive Director

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

Chris Gephart 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 Howard Brent Wilson, 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 Daniel A. Herron, PE - 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. Motion carried.

4. Actions Items – Other

4.1 Financial Report – Mr. Manning presented the Financial Report covering the first 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 third calendar quarter 2019. James Bertram moved to accept the report. Motion carried.

- 4.3 CPD Committee** – Chair Bowie updated the Board on the Committee’s activities and reviewed the minutes of the July 25, 2019 meeting. Clay Kelly moved to accept the minutes of the July 25, 2019 meeting. Motion carried.
- 4.4 Surveying Committee** – Chair Bowie updated the Board on the Committee’s activities and reviewed the minutes of the July 25, 2019 meeting. James Bertram moved to accept the minutes of the July 25, 2019 meeting. Motion carried.
- 4.5 Engineering Committee** – Clay Kelly updated the Board on the Committee’s activities and reviewed the minutes of the July 25, 2019 meeting. Nicole Galavotti moved to accept the minutes of the July 25, 2019 meeting. Motion carried.

4.6 Applications

4.6.1 Reinstatement of PLS – D. Edward Brown – William Bowie presented the Surveying Committee’s evaluation of D. Edward Brown’s application for reinstatement. Mr. Manning discussed the Board’s previous action to reinstate Mr. Brown’s PE license. Mr. Bowie moved to approve the application. Motion carried.

4.6.2 Denied Applications – Mr. Manning presented the list of applications denied during the third calendar quarter 2019. Chris Gephart moved to accept Mr. Manning’s report. Motion carried.

- 4.7 NCEES – Resolution of Cooperation** – Mr. Manning stated that the Member Board Administrators Committee of NCEES has proposed a non-binding “Resolution of Cooperation”. He distributed copies of the draft resolution along with copies of an article by Kathy Hart, Executive Director of the Oklahoma Board of Licensure and MBA Committee member. The article provides background information and describes the intent of the proposal.

Mr. Manning asked that the board decide whether or not the Kentucky Board would be willing to be a signatory to the resolution.

After discussion, James Bertram moved that the board NOT agree to sign the resolution as it is currently written but to authorize Mr.

Manning to submit his comments to the NCEES MBA Committee. The Board shall await a revised version of the resolution before making any further decisions. The Board reserves the right to accept or reject the final version even if some or all of Mr. Manning's suggested edits are accepted. Motion carried.

- 4.8 NCEES Education Committee Motion 1 / Protocol for Future NCEES Meetings** – Board members and staff engaged in discussion regarding the recent vote by NCEES member boards at the 2019 NCEES Annual Meeting regarding Engineering Technology Degrees. Much of the discussion centered on the need for a well-defined protocol for the board's future participation at NCEES meetings.

James Bertram moved that Mr. Manning be assigned the task to draft a protocol based on the comments at this meeting then present the draft to the Board at its next meeting for further discussion. The Protocol will include language stating generally that the attendees to the NCEES Annual Meeting will be prepared to represent the intent of the Board and will be prepared to discuss and justify any actual vote at the NCEES meeting that diverged from the position previously decided upon by the Board. The protocol will also address how attendees will decide the board's vote subsequent to discussion and debate on the floor at the NCEES Meeting. Motion Carried.

- 4.9 2020 Meeting Dates** – The following dates were set for Board and Committee Meetings for 2020...

January 30 & 31

April 16 & 17

July 30 & 31

October 22 & 23

5. Information – Other

5.1 Regulations Sunset Review – Mr. Buckley provided background information about the recent legislation which requires a review of all administrative regulations. The first due date for reporting the results of the review to LRC is in March 2020. We have twenty regulations, most of which must be reviewed by the March deadline. Review of some newer regulations could be deferred but we will review all at the same time in order to get them on the same schedule for future reviews. Review of regulations will be placed on the January 2020 agendas of the engineering, surveying and cpd committees. Reports to the LRC will be prepared for Board approval at the January meeting in time to deliver them to LRC by the due date.

5.2 Building Improvements Update – Mr. Manning provided a report on planned building repairs and improvements and the status of obtaining clearance from the board’s Budget Analyst and the Property Management Branch of the Finance Cabinet.

5.3 KAPS – Jason Graves, KAPS Board Liaison stated that he has no formal report but thanked the board for its work

5.4 KSPE / ACEC – Sara Massey, Executive Director of KSPE/ACEC was unable to stay for this portion of the meeting.

6. Adjournment – Clay Kelly moved to adjourn. Motion carried. The meeting was adjourned at 11:20 am.

Herb Goff, PE, Chair