

**The Board of Licensure Report
January 2019
James Ed Manning, Executive Director**

Computer Based Testing - Update

The conversion to computer based testing is going well and is on schedule.

With the elimination of the state specific surveying exam in late 2018, the entire exam process for land surveyors is now completely computer based.

For engineers, we are still in a period of transition. At this time, the fundamentals exams for all disciplines of engineering are computer based.

The principals and practice exams, which are discipline specific are being transitioned to the computer based format a few at a time. As of now, the PE exams for Chemical, Nuclear, Environmental, and Petroleum Engineering are computer based.

The last "paper and pencil" exams for Mechanical Engineering were given last fall. All three options of Mechanical Engineering exams will be available for Computer Based testing sometime around April 1.

Due to the fact that there is a relatively small number of examinees for Industrial and Fire Protection, these exams will be given only one day a year. This is the case for all of the exams with a relatively small number of examinees and is necessary to maintain the psychometric integrity of the exams. This year's test date for Industrial and Fire Protection is October 22, 2020.

Other disciplines will be converted according to the timetable below.

2021 – Electrical, Agricultural, Mining
2022 – Software, Naval Architecture
2023 – Civil
2024 – Structural

Late Firm Renewals - Reminder

Any firm that missed the December 31, 2019 deadline to renew its Firm Permit (also known as Business Entity Permit) may still renew its permit

online for up to a year from the date of expiration. The system will calculate a 10% per month late renewal penalty.

A word of caution however; the late renewal provision notwithstanding, the offering or providing of professional services through a firm having an expired permit is prohibited and can result in disciplinary action.

You can check the license/permit status of any person/firm using our online searchable roster... <https://elsweb.kyboels.ky.gov/kweb/Searchable-Roster>.

If after checking the roster you are still uncertain as to the status of an individual or firm, contact our office for assistance.

Calendar of Events 2020

April 17	Paper and Pencil PE & STR Vertical Exams	Louisville KY
April 18	STR Horizontal Exam	Louisville KY
April 16	Committee Meetings	Frankfort KY
April 17	Board Meeting	Frankfort KY
April 23-25	NCEES Joint Western/Southern Zone Mtg.	Houston TX
July 30	Committee Meetings	Frankfort KY
July 31	Board Meeting	Frankfort KY
August 26-29	NCEES Annual Meeting	Chicago IL
October 22	Industrial & Fire Protection PE exams (First Computer Based Administration)	Select Pearson Testing Centers
October 22	Committee Meetings	Frankfort KY
October 23	Board Meeting	Frankfort KY
October 23	Paper and Pencil PE & STR Vertical Exams	Louisville KY
October 24	STR Horizontal Exam	Louisville KY

ENFORCEMENT ACTIONS SUMMARY

For The Period

October 26, 2019– January 31, 2020

Kyle Elliott, Director of Enforcement

FRANKLIN BLAKE ADAMS, PE, PLS

In 2017, the Board of Licensure received a complaint regarding two surveys by Mr. Adams. A Board investigation found that in 2012 Adams had surveyed land of the complainant and had provided a Plat of Survey of his

property. However, Adams was of the opinion that the lines he marked on the ground and on the plat were not an accurate location of the property boundaries. Adams did not sign or seal the plat, nor did he identify the plat as work that did "not represent a boundary survey and is not intended for land transfer". In 2016, the complainant filed a civil suit against his neighbor, in which he represented Adams' plat as the authoritative location of the boundary lines. During the course of the civil litigation, the complainant agreed in court to a resolution of the disputed boundary, by agreeing that the opposing party hire Mr. Adams to resurvey the disputed lines, with the resulting location to be accepted by the Court as the true location of the lines. Adams resurvey differed significantly from his earlier survey, and the Court accepted the later survey as the location of the lines. In 2012, when Adams presented the first plat, which did not meet the requirements of Section 13 of the Standards of Practice, to his client with every indication that it was a boundary survey, he violated both the Standards of Practice and Section 3 of the Code of Professional Conduct, which requires a licensee to "*issue all professional communications and work product in an objective and truthful manner*", and specifically requires that all material facts shall be included. The investigation also established multiple violations of the CPD requirements as set out in 201 KAR 18:192 and 196, and other violations of the Standards of Practice, all of which subject Adams to disciplinary actions under KRS 322.180. To resolve the Board's disciplinary matters, Mr. Adams agreed to enter into a Consent Decree wherein he acknowledged the violations and agreed to: (1) have his professional land surveying license suspended for six months; (2) pay a \$3,000.00 fine; (3) complete two continuing professional development courses in the Standards of Practice, Code of Conduct, and KRS 322; (4) take and satisfactorily complete the 60 professional development hour correspondence course in Engineering Ethics, by Texas Tech University; (5) make up his deficient CPD hours; (6) automatically be audited for his CPD obligations for his next renewal period; and (7) be on probation for two years during which time he will submit to a quarterly review of both his land surveying and engineering work. The Board accepted the Consent Decree on January 31, 2020.

EDGAR L. COX, PLS, PE (inactive)

In July of 2018, the Board received a complaint against Edgar Cox regarding the location of complainant's boundary lines on two of Mr. Cox's surveys. A Board investigation found that in 2014 Mr. Cox had completed a survey for

the complainant of their property in Green County. Later in 2017, Mr. Cox revised his plat of survey for the project and located some boundary lines in different locations. The investigation did not substantiate any of the allegations made in the complaint. However, the investigation did reveal some violations of the Standards of Practice on the 2017 survey, in that Mr. Cox failed to set at least four property corner monuments as required by 201 KAR 18:150. Additionally, Mr. Cox used the post-nominal letters "PE" and the title "Consulting Engineer", on the 2017 plat, despite having elected in 2015 to place his Kentucky PE license in an "inactive" status, in violation of KRS 322.020. To settle the Board's investigation, Mr. Cox agreed to enter into a Consent Decree with the Board whereby he acknowledged the violations and agreed to the following penalties: (1) a Letter of Reprimand; (2) a fine of \$1,000.00; and (3) a probation for two years during which time he will submit to a quarterly review of his land surveying projects. The Board accepted the Consent Decree on January 31, 2020.

JOSEPH MARK BURNETT, PE

In September of 2019, the Alabama Board of Licensure for Professional Engineers and Land Surveyors took disciplinary action against Mr. Burnett for violating their standards of practice of engineering by misrepresenting both the nature of, and actual status of work performed on a project, which was submitted to a local governmental regulatory agency. That Alabama disciplinary action resulted in a stayed suspension of Mr. Burnett's engineering license and a fine. The violations found by Alabama, and the penalties imposed by the Alabama Board, constitute a violation of Kentucky law, KRS 322.180 (11). Mr. Burnett elected to resolve the Kentucky Board of Licensure investigation by immediately surrendering his Kentucky PE license. The Board accepted the surrender of license, in the form of a Consent Decree on January 31, 2020.

**Enforcement Statistics
Calendar Year
2019**

Beginning of year complaint files active	56
Complaint files opened (33 engineering 23 surveying)	50
Investigations completed / complaint files closed	56

Year-end complaint files active	50
Complaints closed with no action warranted	20
Admonishments	13
Agreed injunctions / orders (unlicensed practice)	3
Reprimands, fines, probation, etc.	9
Suspensions ¹	3
Revocations / surrenders ²	5
Licenses Retired or Inactive ³	4
Other	2
Total Resolutions	59

1. Includes suspensions of licensees who failed to comply with terms of a prior Consent Decree.
2. Includes revocations of licensees who failed to comply with terms of a prior Consent Decree.
3. Includes licensees who had failed to comply with CPD requirements and elected to retire their license.
4. Total number of resolutions does not match total number of cases closed (56) because licensees who were suspended and/or revoked due to failure to comply with terms of a prior Consent Decree are included in the number of total resolutions.