

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

MINUTES OF THE JANUARY 27, 2023 BOARD MEETING

**KENTUCKY ENGINEERING CENTER
FRANKFORT, KENTUCKY**

MEMBERS PRESENT: Nicole Galavotti, PE, Chair
Chris Gephart, PLS, Vice Chair
Ryan Griffith, PE, Secretary/Treasurer
Don Pedigo, PLS
Gregory Meredith, PE
Joseph C. Pyles, PE
Joshua Calico, PLS
Doug Klein

MEMBERS ABSENT: Rudolph Buchheit, Ph.D.
Emmanuel Collins, Ph.D.
Michael McGhee, PE

STAFF PRESENT: Kyle Elliott, PLS, Executive Director
Heather Baldwin, PE, PLS, Director of Enforcement
Jake Miller, J.D., General Counsel
Wanda Jordan, Executive Assistant
Sarah Uzzle, Assistant to the Director

GUESTS PRESENT: Russ Romine, NSPE-KY

1. Opening of Meeting – Chair Galavotti called the meeting to order at 8:32 a.m.

1.1 Approval of Agenda – Don Pedigo moved to approve the agenda. The motion carried.

1.2 Disclosure of Conflict of Interest – Nicole Galavotti asked if any member had a conflict with any agenda item. No members indicated a conflict.

1.3 Approval of Minutes – Greg Meredith moved to approve the minutes of the October 28, 2022 meeting. The motion carried.

2. Information – Enforcement

2.1 Franklin Circuit Court

2.1.1 Ron Miller - Heather Baldwin presented the complaint and agreed injunction against Ron Miller, an unlicensed individual offering and providing land surveying services through an unpermitted firm. Mr. Griffith moved to accept the agreed injunction. The motion carried.

2.2 Actions of the Executive Director

2.2.1 Closed Cases - Heather Baldwin presented a tabulation of cases closed during the fourth calendar quarter of 2022 with actions other than disciplinary action. Doug Klein moved to accept the closed cases report. The motion carried.

2.3 Year End Enforcement Report - Heather Baldwin presented the 2022 Year End Enforcement Report to the Board. Mr. Griffith made a motion to accept the report. Motion carried.

2.4 Franklin Circuit Court Update - Jake Miller updated the Board on the status of pending Franklin Circuit Court matters and estimated timeline on the disposition of said matters. No action was taken.

3. Action Items - Enforcement

3.1 Board Actions – Enforcement - none

3.2 Consent Decrees

3.2.1 James William Rush, III, PE - Heather Baldwin presented the terms of the Settlement Agreement with James William Rush, III, PE and asked for the Board's approval.

J.C. Pyles moved to approve the terms of the agreement. The motion carried.

4. Action Items – Other

4.1 Financial Report – Kyle Elliott presented the Financial Report for the second quarter of the 2023 Fiscal Year. Don Pedigo moved to accept the financial report. The motion carried.

4.2 Ad Interim Actions of the Executive Director – Kyle Elliott presented the Ad Interim actions for the fourth calendar quarter of 2022. Ryan Griffith moved to accept the Ad Interim report. The motion carried.

4.3 Applications

4.3.1 Denied/Rejected applications – Kyle Elliott presented a list of denied and rejected applications for the fourth calendar quarter of 2022. Don Pedigo moved to accept the list. The motion carried.

4.4 Engineering Committee – Ryan Griffith updated the Board on the Engineering Committee activities from the previous day.

Ryan Griffith then made a recommendation from the committee to uphold the Executive Director’s previous denial of James Clancy’s reinstatement application. The motion carried.

Ryan Griffith reported that the committee had discussed a request from Manufactured Home Certifications, LLC, for a waiver from Kentucky statutes and regulations regarding their business structure. Mr. Griffith then made a recommendation from the committee to have the Chair respond in writing to the business that the Board does not have the authority to issue waivers. The motion carried.

Ryan Griffith then asked the Board to accept the committee’s meeting minutes from October 27, 2022. The motion carried.

4.5 Executive Committee – Nicole Galavotti asked the Executive Director to discuss the NCEES Committees and the NCEES Committee selection survey.

Kyle Elliott discussed the NCEES Committees and the Committee Preference survey that NCEES will be emailing to all board members and associated members. He also discussed the NCEES Southern Zone committees and Nicole Galavotti and Don Pedigo currently serving on two of the zone committees.

Nicole Galavotti then updated the Board on the Executive committee activities from the previous day, December 7 and December 14, 2022.

4.5.1 Proposed Board Bylaws Amendment - Ms. Galavotti explained the proposed bylaw amendment to *Article VI Committees* section of the bylaws, and a proposed amendment to the *Committees* section of The Board Member Orientation Manual, on page 7. She then recommended to the Board to adopt the proposed amendment to Board Bylaws and Board Member Orientation Manual. The motion carried.

Ms. Galavotti then asked the Board to accept the minutes of the committee from their October 27, December 7, and December 14, 2022, meetings. The motion carried.

4.6 CPD Committee – Don Pedigo updated the Board on the CPD committee activities from the previous day. Mr. Pedigo then asked the Board to approve the minutes of the committee for their October 27, 2022, meeting. The motion carried.

4.7 Surveying Committee – Chris Gephart updated the Board on the surveying committee activities from the previous day. Mr. Gephart then asked the Board to accept the minutes of the committee from their October 27, 2022, meeting. The motion carried.

4.7.1 WKU Surveying Program – Course Evaluations – Kyle Elliott updated the Board on the course evaluations the surveying committee had completed.

4.7.2 NCEES PS Exam Divisions – Chris Gephart and Kyle Elliott discussed the current proposal from NCEES for the PS exam divisions. Mr. Gephart recommended to the Board that the Executive Director complete the NCEES EPS Post PAKS Survey and answer “No” to the question of whether the Kentucky Board will require the Public Land Survey System (PLSS) exam module/division for licensure in Kentucky as a professional land surveyor. The motion carried.

4.7.3 UK Civil Engineering Degree, Surveying Certificate – Kyle Elliott updated the Board on his recent meeting with Dr. Scott Yost, PE from UK’s Civil Engineering degree department regarding their intent to develop a surveying certificate for their civil engineering students that will meet Kentucky’s requirements for licensure as professional land surveyors in Kentucky.

4.8 CPD Task Force Committee – Greg Meredith and Josh Calico updated the Board about the ongoing work of the committee in reviewing proposed changes to the Continuing Professional Development (CPD) requirements in the administrative regulations. Greg Meredith then asked the Board to accept the committee minutes from their meetings on October 27 and December 7, 2022. The motion carried.

5. Information Items – Other

5.1 General Update by the Executive Director – Kyle Elliott provided the Board with updates regarding Jake Miller and his activities since becoming General Counsel for the Board, the recently held NCEES MBA and Law Enforcement Committee meetings, and the success of the recently completed online firm renewals.

5.1.1 NCEES and Southern Zone Committees – Discussed earlier under 4.5.

- 5.2 National Society of Professional Engineers – Kentucky** – Russ Romine updated the Board on the recent happenings with NSPE and upcoming events.
- 5.3 Kentucky Association of Professional Surveyors** – no report.
- 6. Election of 2023 Board officers** – Kyle Elliott recommended the slate of board officers for 2023 be: Chris Gephart, Board Chair; Ryan Griffith, Vice Chair; and Nicole Galavotti, Secretary/Treasurer. Don Pedigo made a motion to nominate that slate of officers. The motion carried.
- 7. Adjournment** – There being no further business Mr. Pedigo moved to adjourn. Motion carried. The meeting was adjourned at 10:59 a.m.

James Donald Pedigo, II, PLS, Chair