

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

MINUTES OF THE JANUARY 28, 2022 BOARD MEETING

HELD VIRTUALLY

**KENTUCKY ENGINEERING CENTER
FRANKFORT, KENTUCKY**

MEMBERS PRESENT: Nicole Galavotti, PE, Vice Chair
Chris Gephart, PLS
Ryan Griffith, PE
Douglas Klein
Gregory Meredith, PE
Donald Pedigo, PLS
Joseph C. Pyles, PE
Michael McGhee, PE
Joshua Calico, PLS

MEMBERS ABSENT: Rudolph Buchheit, Ph.D.
Emmanuel Collins, Ph. D.

STAFF PRESENT: Kyle Elliott, PLS, Executive Director
Jonathan Buckley, JD, General Counsel
Heather Baldwin, PE, PLS, Director of Enforcement
Wanda Jordan, Executive Assistant
Sarah Uzzle, Enforcement Assistant
Tamra Chesser, Administrative Specialist
Melissa Kopp, Administrative Assistant

GUESTS PRESENT: Cole Mitcham, PE
R. Darin Hensley, PE, PLS, NSPE-KY – Board Liaison
Bill Bell, NSPE- KY

- 1. Opening of Meeting** – Vice Chair Galavotti called the meeting to order at 8:37AM.
- 1.1 Introduction of New Board Members – Michael McGhee, Joshua Calico** – Kyle Elliott introduced new Board Members Michael McGhee and Joshua Calico.
- 1.2 Recognition of Board Members James Bertram and Cole Mitcham** – Nicole Galavotti recognized James Bertram and Cole Mitcham for their service to the Board.

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

1.4 Disclosure of Conflict of Interest – Nicole Galavotti asked if any member had a conflict with any agenda item. Greg Meredith indicated a potential conflict of interest with agenda item 4.1.1 and recused himself from the discussion and vote of that item. No other members indicated a conflict.

1.5 Approval of Minutes – Ryan Griffith moved to approve the minutes of the October 29, 2021 meeting. The motion carried.

2. Information – Enforcement

2.1 Franklin Circuit Court - none

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 2021 with actions other than disciplinary action. Greg Meredith moved to accept the closed cases report. The motion carried.

2.2.2 Suspension – Michael Milligan

2.2.3 Revocation – Michael Milligan

Heather Baldwin asked for the Board to accept the actions of the Executive Director. Ryan Griffith moved to accept. The motion carried.

2.3 Year End Enforcement Report

Heather Baldwin asked for the Board to accept the Year End Enforcement Report. Don Pedigo moved to accept. The motion carried.

3. Action Items - Enforcement

3.1 Board Actions – Enforcement - none

3.2 Settlement Agreements

3.2.1 Gary D. Ousley, PE, PLS

Heather Baldwin presented the terms of the Settlement Agreement and asked for the Board's approval. Don Pedigo moved to approve the terms of the agreement. The motion carried.

4. Action Items – Other

4.1 Applications

4.1.1 Matthew Dettman - Reinstatement – Ryan Griffith, as Chair of the Engineering Committee, discussed the reinstatement application of Matthew Dettman. He then made a motion from the Engineering Committee to deny the reinstatement application of Matthew A. Dettman because he has not had enough time to show a pattern of improved ethical behavior since his past criminal conviction. He also moved that Mr. Dettman should not reapply prior to January 27, 2023, and instructed Board staff to provide Mr. Dettman written notification of this denial and his rights as provided for in KRS 355B. The motion carried.

Greg Meredith recused himself from this discussion and vote.

4.1.2 Darrell Hurt - Reinstatement – Chris Gephart, as Chair of the Surveying Committee, discussed the reinstatement application of Darrell Hurt. He then made a motion from the Surveying Committee to reject Mr. Hurt’s reinstatement application because it is incomplete. He also moved to recommend that the Board waive the five hundred dollar (\$500) reinstatement application fee and require Mr. Hurt to provide a complete and updated application in full accordance with 201 KAR 18:115 if he decides to reapply for reinstatement. 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 2021, including a licensing statistical summary and a listing of the denied and rejected license applications. Chris Gephart moved to accept the Ad Interim report. The motion carried.

4.3 Financial Report – Kyle Elliott presented the Financial Report for the second quarter of the 2022 Fiscal Year. Doug Klein moved to accept the financial report. The motion carried.

4.4 NCEES Exam Registration Settings – Kyle Elliott updated the Board on the current exam registration settings with NCEES. He then asked for approval to make all of the exam settings semi-automatic. Ryan Griffith moved to direct the executive director to change all of the current exam setting to semi-automatic. The motion carried.

4.5 Board Member Orientation Manual – Kyle Elliott presented the Board with some proposed changes to the Board Member Orientation Manual. After discussion, Don Pedigo moved to accept the changes to the Manual. The motion carried.

- 4.6 Engineering Committee** – Ryan Griffith updated the Board on the Engineering committee activities from the previous day. Mr. Griffith then asked the Board to accept the minutes of the committee for their October 28, 2021 meeting. The motion carried.
- 4.7 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 from their October 28, 2021 meeting. The motion carried.
- 4.8 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 28, 2021 meeting. The motion carried.
- 4.9 Personnel Matters** – Chris Gephart moved for the Board to go into closed session pursuant to KRS 61.810(f) to discuss the matter of a potential appointment to the open “Administrative Assistant” position, and to discuss potential ACE Awards and pay raises for existing Board staff.

Don Pedigo seconded the motion. The motion carried.

Vice Chair Nicole Galavotti requested that all non-members of the Board leave the room, except for the Executive Director.

Doug Klein moved for the Board to return to open session. Chris Gephart seconded the motion. The motion carried.

Greg Meredith then moved to approve the appointment of Madison Hamel to the open Administrative Assistant position, with a beginning annual salary of \$31,200, effective February 16, 2022, and moved to direct staff to make the necessary arrangements with the Personnel Cabinet. The motion carried.

Chris Gephart moved to approve up to a five percent (5%) ACE Award for Administrative Specialist III Tamra Chesser, effective March 16, 2022, in recognition of her ever increasing Continuing Professional Development audits resulting from an ever increasing licensing population. Ms. Chesser has also assumed the additional duty of training new staff with the daily processing of cash receipts using the eMars 3.11 system, and she processed and mailed our last round of paper renewal notices in-house, saving this agency monies. Mr. Gephart also moved to direct staff to make the necessary arrangements with the Personnel Cabinet. The motion carried.

Ryan Griffith moved to approve up to a seven percent (7%) ACE Award for Administrative Specialist III Sarah Uzzle, effective March 16,

2022, in recognition of her additional tasks of managing the GovDelivery mass electronic license renewal notices, saving this agency monies, and for accepting the additional task of being the back-up for the daily processing of cash receipts using the eMars 3.11 system. Mr. Griffith also moved to direct staff to make the necessary arrangements with the Personnel Cabinet. The motion carried.

Don Pedigo moved to approve up to a five percent (5%) pay increase for Administrative Assistant Wanda Jordan, effective March 16, 2022, in recognition of her long term of service with the Board, and for her abilities to navigate all of the complex and ever changing state systems needed to run an effective state agency. Mr. Pedigo also moved to direct staff to make the necessary arrangements with the Personnel Cabinet. The motion carried.

5. Information Items – Other

5.1 General Update by the Executive Director – Kyle Elliott updated the Board about the ongoing legislative session, the recent new Board member orientation meeting, the status of firm renewals, and some of the various upcoming NCEES committee and interim zone meetings.

5.2 NCEES ACCA Motion #3- Kyle Elliott updated the Board on the current status of last year’s NCEES ACCA Motion #3.

5.3 ABET Accreditation Review – Doug Klein updated the Board about his recent participation in ABET’s accreditation review of Murray State University’s accredited programs.

5.4 National Society of Professional Engineers – Kentucky - Darin Hensley and Bill Bell updated the Board about the recent happenings with NSPE-KY and the ongoing building renovations.

5.5 Kentucky Association of Professional Surveyors – No report.

6. Action Item

6.1 Election of 2022 Board Officers - Nicole Galavotti opened the floor for nominations. Don Pedigo nominated Nicole Galavotti as Chair, Chris Gephart as Vice Chair and Ryan Griffith as Secretary/Treasurer for 2022. Greg Meredith then moved that the nominations cease. The motion carried.

7. Adjournment – There being no further business Chris Gephart moved to adjourn. Motion carried. The meeting was adjourned at 11:20AM.

Nicole Galavotti, PE, Vice Chair