

KENTUCKY STATE BOARD OF LICENSURE FOR  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

**MINUTES OF THE OCTOBER 27, 2023, BOARD MEETING**

KENTUCKY ENGINEERING CENTER  
FRANKFORT, KENTUCKY

**MEMBERS PRESENT:** Don Pedigo, PLS, Chair  
Joseph C. Pyles, PE, Vice Chair  
Nicole Galavotti, PE, Secretary/Treasurer  
Doug Klein  
Joshua Calico, PLS  
Michael McGhee, PE  
Kyle Chism, PE  
James Knoth, PLS  
Rudolph Buchheit, Ph.D.

**PRESENT, (VIRTUAL):** Gregory Meredith, PE

**MEMBERS ABSENT:** Emmanuel Collins, Ph.D.

**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  
Shane Beaubien, Board Investigator  
Elliot Miller, Database Administrator

**GUESTS PRESENT:** Bob Smith, PLS  
Charles Bishop, PE  
J. Steven Gardner, PE

- 1. Opening of Meeting** – Chair Pedigo called the meeting to order at 8:30 a.m.
  - 1.1 Approval of Agenda** – Kyle Chism moved to approve the agenda. The motion carried.
  - 1.2 Disclosure of Conflict of Interest** – Don Pedigo asked if any member had a conflict with any agenda item. Joseph C. Pyles indicated he may have a conflict with item 3.2.5 and he would recuse himself from said item. No other members indicated a conflict.

**1.3 Approval of Minutes** – J. C. Pyles moved to approve the minutes of the July 28, 2023, meeting. The motion carried.

## **2. Information – Enforcement**

### **2.1 Franklin Circuit Court**

#### **2.1.1 Pending matters – Information only**

Jake Miller provided the Board with an update on two pending Franklin Circuit Court actions in which the Board is currently litigating.

### **2.2 Actions of the Executive Director**

**2.2.1 Closed Cases** - Heather Baldwin presented a tabulation of cases closed during the second calendar quarter of 2023 with actions other than disciplinary action. Nicole Galavotti moved to accept the closed cases report. The motion carried.

## **3. Action Items - Enforcement**

### **3.1 Board Actions – Enforcement**

#### **3.1.1 Lee William Best, PE Administrative Action No. 23-KBELS-0076**

Nicole Galavotti made a motion for the Board to go into closed session pursuant to KRS 61.810(1)(j) to deliberate in *Kentucky State Board of Licensure for Professional Engineers and Land Surveyors v. Lee William Best, PE #33693*, Administrative Action No. 23-KBELS-0076. Kyle Chism seconded the motion. The motion carried and Mr. Pedigo requested all non-members of the Board exit the Board room while the Board members move into closed session.

Chair Pedigo invited everyone back into the Board room, and Nicole Galavotti made a motion to return to open session. J.C. Pyles seconded the motion, and the motion carried.

Nicole Galavotti made a motion to accept the Hearing Officer’s findings of fact, conclusions of law and recommended order contained in the Hearing Officer’s October 4, 2023, Amended Findings of Fact, Conclusions of Law, and Recommended Order of Default Judgement in the matter of Lee William Best, PE #33693, Administrative Action No. 23-KBELS-0076, and for the Board’s General Counsel to prepare a Final Order for the Board to review. James Knoth seconded the motion, and the motion carried.

### **3.2 Settlement Agreements/Consent Decrees**

**3.2.1 Berardi + Partners** - Heather Baldwin presented the terms of the Settlement Agreement with Berardi + Partners and asked for the Board's approval.

Nicole Galavotti moved to approve the terms of the agreement. The motion carried.

**3.2.2 Terrasmart, Inc.** – Heather Baldwin presented the terms of the Settlement Agreement with Terrasmart, Inc. and asked for the Board's approval.

Doug Klein moved to approve the terms of the agreement. The motion carried.

**3.2.3 Timothy Futch, PLS** - Heather Baldwin presented the terms of the Settlement Agreement with Timothy Futch, PLS, and asked for the Board's approval.

James Knoth moved to approve the terms of the agreement. The motion carried.

**3.2.4 Anthony E. Bowling, PE, PLS** - Heather Baldwin presented the terms of the Settlement Agreement with Anthony E. Bowling, PE, PLS and asked for the Board's approval.

Joshua Calico moved to approve the terms of the agreement. The motion carried.

**3.2.5 Charles S. Bishop, PE** – Heather Baldwin presented the terms of the Settlement Agreement with Charles S. Bishop, PE and asked for the Board's approval.

Joshua Calico moved to approve the terms of the agreement. The motion carried. Given Joseph C. Pyles indicated he may have a conflict with this item, Mr. Pyles recused himself and did not participate in any discussion or the vote on this item.

\*\*\* Mr. Miller provided the Board with a draft Final Order in the matter of *Kentucky State Board of Licensure for Professional Engineers and Land Surveyors v. Lee William Best, PE #33693*, Administrative Action No. 23-KBELS-0076, as required by an earlier motion (Action Item 3.1.1). After the Board reviewed the Final Order, James Knoth made a motion to approve the Final Order. J.C. Pyles seconded the motion. The motion carried.

#### **4. Action Items – Other**

**4.1 Financial Report** – Kyle Elliott presented the Financial Report for the first quarter of the 2024 Fiscal Year. Kyle Chism 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 third calendar quarter of 2023. Nicole Galavotti 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 third calendar quarter of 2023. J.C. Pyles moved to accept the list. The motion carried.

**4.4 Executive Committee** – Don Pedigo updated the Board on the Executive committee activities from the previous day.

**4.4.1 July 27, 2023, committee minutes** - Mr. Pedigo then asked the Board to accept the committee’s meeting minutes from July 27, 2023. The motion carried.

**4.4.2 Executive Directors of Kentucky’s Licensing Boards meeting lunch** – Mr. Elliott explained the nature of this request, and Mr. Pedigo made a motion from the committee for the Board to approve paying for lunch for this meeting. The motion carried.

**4.4.3 Proposed revisions to 201 KAR 18:115** – Mr. Pedigo presented the proposed revisions to 201 KAR 18:115 Reinstatement, to the Board and asked for them to review for their January 2024 Board meeting.

**4.4.4 Appointment of Elliot Miller** – Mr. Pedigo recommended through a motion from the committee to approve the Executive Director’s appointment of Elliot Miller to the “Executive Advisor, Boards and Commissions” (Board Database Administrator), Position Number 31159485 (Chapter 18A, unclassified), with an annual starting salary of \$ 65,000.00, a start date of October 2, 2023, and with a six-month probationary period and a five-percent increment at the end of the six months. The motion carried.

**4.5 Engineering Committee** – J.C. Pyles updated the Board on the Engineering Committee activities from the previous day.

**4.5.1 July 27, 2023, committee minutes** - Mr. Pyles asked the Board to accept the committee’s meeting minutes from July 27, 2023. The motion carried.

**4.5.2 Reinstatement Application of Joshua Webb** – Mr. Pyles discussed the reinstatement application of Joshua Webb the committee considered the previous day. Mr. Pyles then recommended through a motion from the committee that the Board approve the application for reinstatement for Joshua Webb. An Order of Reinstatement was presented to the Board memorializing the approval of the reinstatement application of Mr. Webb. The motion carried and said Order of Reinstatement was entered by the Board.

**4.5.3 Reinstatement Application of Eric Bowman** – Mr. Pyles discussed the reinstatement application of Eric Bowman the committee considered the previous day. Mr. Pyles then recommended through a motion from the committee that the Board approve the application for reinstatement for Eric Bowman. An Order of Reinstatement was presented to the Board memorializing the approval of the reinstatement application of Mr. Bowman. The motion carried and said Order of Reinstatement was entered by the Board.

**4.5.4 William F. Parker request – waiving the FE exam requirements for years of experience** – Mr. Pyles discussed the request from William Parker to waive the FE exam requirement for professional engineering licensure. Mr. Pyles made a recommendation from the committee that the Board deny Mr. Parker’s request because the Board has no authority to waive the statutory requirements. The motion carried.

**4.5.5 Yan Jin request for FE exam exemption** – Mr. Pyles discussed Yan Jin’s for an exemption from the FE exam requirement and for approval to take a PE exam. Mr. Pyles made a recommendation from the committee that the Board deny Mr. Jin’s request because he does not qualify for an exemption under KRS 322.040 (2). The motion carried.

**4.6 CPD Committee** – Joshua Calico updated the Board on the CPD committee activities from the previous day.

**4.6.1 July 27, 2023, committee minutes** - Mr. Calico then asked the Board to approve the committee’s minutes from their July 27, 2023, meeting. The motion carried.

**4.7 Surveying Committee** – Joshua Calico updated the Board on the surveying committee activities from the previous day.

**4.7.1 July 27, 2023, committee minutes** - Mr. Calico then asked the Board to accept the minutes of the committee from their July 27, 2023, meeting. The motion carried.

Kyle Elliott then discussed his and Sarah Uzzle's recent attendance to the Kentucky School Counselors Association annual meeting and their promotion of engineering and land surveying as career paths for Kentucky students. Michael McGhee made a motion to approve the Board's Executive Director spending, in his discretion, up to \$10,000 annually on materials to promote engineering and surveying career paths and licensure in the Commonwealth of Kentucky. The motion carried.

**4.8 CPD Task Force Committee** – Nicole Galavotti updated the Board on the CPD Task Force committee meeting from the previous day.

**4.8.1 April 20, 2023, committee minutes** – Ms. Galavotti then asked the Board to accept the minutes of the committee from their April 20, 2023, committee meeting. The motion carried.

**4.8.2 Proposed revisions to 201 KAR 18:192 and 201 KAR 18:196, continuing professional development for professional land surveyors and professional engineers** - Ms. Galavotti informed the Board of the Task Force committee's work over the past twelve months updating the two regulations. She made a motion from the committee for the Board to approve the revisions to 201 KAR 18:192, Continuing Professional Development for Professional Land Surveyors, and 201 KAR 18:196, Continuing Professional Development for Professional Engineers, as presented to the Board in April 2023, subject to the annual CPD audit rate being amended to 4% as previously approved by the Task Force at their March 15, 2023, meeting. The motion carried.

## **5. Information Items – Other**

**5.1 General Update by the Executive Director** – Kyle Elliott provided the Board with updates on the current Board staffing, recent NCEES meetings, and the ongoing permit renewals.

**5.2 NCEES 2023 Annual Meeting** – Don Pedigo and Kyle Elliott discussed with the Board some of the events from the 2023 NCEES Annual Meeting.

**5.3 Transition to Engineering "T2E"** – Doug Klein presented a proposal to the Board for the Board to fund a new program entitled Transition to Engineering.

**5.4 National Society of Professional Engineers – Kentucky** – no report.

**5.5 Kentucky Association of Professional Surveyors** – Bob Smith, PLS, immediate past president of KAPS, provided the Board with an update from KAPS.

**5.6 2024 Board of Licensure meeting dates** – The Board decided on the following dates for their 2024 regularly scheduled meetings:

January 26,  
April 19,  
July 19, and  
October 18.

**6. Adjournment** – There being no further business Michael McGhee moved to adjourn. Motion carried. The meeting was adjourned at 12:24 p.m.

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James Donald Pedigo, II, PLS, Chair