

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

**License Renewals**

If you are a licensed Professional Engineer (PE) and/or Professional Land Surveyor (PLS) and the first letter of your last name is within the range A thru K, your license will expire on June 30, 2019.

You can renew your license online. Just go to the board website [www.kyboels.ky.gov](http://www.kyboels.ky.gov) then click "Already Licensed" and follow the prompts, or type this link in your browser: <https://kyboels.ky.gov/Renewals/Pages/default.aspx> Once you are there, just answer a few questions and pay with your credit card.

While we have made the renewal process easy. There are a few important tips to remember.

- Renew on time. All licenses expire on June 30 of the licensee's renewal year. Those who renew after that date will be charged a 10% late payment penalty for each month or part of a month that the renewal is late. Moreover, while the regulations permit a licensee to renew his or her license for up to a year after it expires, the licensee is not authorized to practice engineering or surveying on an expired license. If you need more incentive to renew on time, be aware that any licensee who renews on or after September 1 of his or her renewal year is subject to an automatic CPD audit.
- Answer all renewal questions completely and honestly. This includes questions about compliance with CPD, disciplinary action by another licensing board, and criminal convictions. If there is an issue, board staff will work with you to resolve it. Providing false information on a renewal application can be grounds for disciplinary action against your license.
- Avoid a Late Renewal CPD Audit. If you need more incentive to renew on time, be aware that any licensee who renews on or after September 1 of his or her renewal year is subject to an automatic CPD audit.
- The board sends out a renewal notice to every active license holder at least 30 days prior to the expiration date to the address provided to the board by the licensee. This notice notwithstanding, each individual licensee is ultimately responsible for maintaining his or her license in

current status. We therefore suggest that you set a reminder in whatever calendar or scheduling system you use to make sure you don't miss a renewal. Additionally it is a good idea to regularly update your contact information to the board, including mailing address, email address and telephone numbers.

## **Firm Renewals**

All Business Entity Permits (aka Firm Permits) expire on December 31 every year. The rules regarding late renewal penalties and prohibition of practice while expired apply to Firm Permits in the same way as they apply to individual licenses.

The window for online renewal of Firm Permits will open about Mid-November. Please mark your calendars accordingly.

## **Exam Changes**

The **PE Mechanical** exam will be given in paper and pencil format for the last time in October 2019. Beginning November 4, 2019, examinees will be able to register and schedule Computer Based Testing (CBT) appointments, which will be available year-round starting on April 1, 2020.

The **PE Fire Protection** exam will be given in paper and pencil format for the last time in October 2019 and transition to CBT in October 2020.

The **PE Petroleum** and **PE Nuclear** exams will transition to CBT in October 2019. However these exams will be administered one day only, on Tuesday, October 15, 2019. Registration for these exams is open now and examinees are encouraged to register as soon as possible.

## **New Board Members**

On March 6, 2019 Governor Bevin reappointed Ryan Carl Griffith, PE to a second term. Mr. Griffith is a graduate of the University of Kentucky from which he earned a BS degree in Civil Engineering. He also holds an MBA degree from Kentucky State University. He has been employed at the Kentucky Transportation Cabinet for thirty years and currently serves as Director of the Division of Construction. Mr. Griffith has been a licensed professional engineer since 1997. Mr. Griffith's new term will expire on January 1, 2023.

On May 2, 2019 Governor Bevin appointed Christopher Gephart, PLS to replace Donald Pedigo, PLS whose term had expired. Mr. Gephart holds a BS degree in Construction Technology from Northern Kentucky University. He has been employed by Bayer and Becker, Inc. of Fort Mitchell for thirty years and currently serves as Principal and Vice President of Land Surveying Services. Mr. Gephart has been a licensed Professional Land Surveyor since 1996. Mr. Gephart's new term will expire on January 1, 2023.

We welcome Mr. Griffith and Mr. Gephart, and we thank departing member Donald Pedigo for his exemplary service to the Board, the professions, and the citizens of the Commonwealth.

### **Calendar of Events 2019**

May 16-18	NCEES Joint Western/Southern Zone Mtg.	Boise Idaho
June 17	Registration for Fall Paper & Pencil PE Exams Opens	
July 25	Committee Meetings	Frankfort KY
July 26	Board Meeting	Frankfort KY
August 14-17	NCEES Annual Meeting	Scottsdale AZ
August 29	Registration for Fall Paper & Pencil PE Exams Closes 3:00pm	
August 29	Last day to request Special Accommodations for Testing	
October 15	PE Petroleum & PE Nuclear Exams via Single Day CBT	
October 24	Committee Meetings	Frankfort KY
October 25	Board Meeting	Frankfort KY
October 24	PE, STR Vertical Exams	Louisville KY
October 25	STR Horizontal Exam	Louisville KY
October 25-26	All other Paper and Pencil PE Exams	Louisville KY

### **ENFORCEMENT ACTIONS SUMMARY**

For The Period

**January 11, 2019 – April 26, 2019**

**Kyle Elliott, Director of Enforcement**

### **ACE DESIGN GROUP, LLC/WILLIAM D. STEELE**

On April 26, 2018, the Board received a written complaint that William D. Steele was operating ACE Design Group, LLC, a Murray, KY business, which was advertising engineering services without the appropriate business permit, or professional engineer on staff, in violation of KRS 322.010. A Board investigation confirmed these allegations. To resolve the matter, ACE Design Group, LLC, through its manager, William D. Steele, entered into an Agreed Injunction, which enjoins him from further advertising engineering

services, and requires him to remove all references to engineering and engineering services from the ACE Design Group website, to cease all advertising and offers to provide engineering services, and to destroy any and all printed material advertising engineering services. No penalty was assessed for the current violation, however, the Agreed Injunction calls for a \$1,000 fine and seven (7) days in jail for any future violations. The Agreed Injunction was entered into Franklin Circuit Court on April 24, 2019.

**ROBERT BRUCE FISACKERLY, PE**

Robert Bruce Fisackerly, PE, of Memphis, TN, entered into a consent decree with the Board of Licensure on January 12, 2018, for failing a Continuing Professional Development (CPD) audit. Among other things, that agreement called for an automatic reporting of his CPD for 2017/2018, by January 7, 2019. Mr. Fisackerly failed to submit his certificates for his 2017/2018 CPD by the deadline, and his professional engineering license was suspended. Mr. Fisackerly subsequently complied with reporting of his CPD, and his license was restored to a Current status.

**ALBON WADE MEADE, PE**

Albon Wade Meade, of Prestonsburg, KY, entered into a consent decree with the Board of Licensure on April 27, 2018, for his failure to respond to a Continuing Professional Development (CPD) audit, and for his failure to take the required 30 professional development hours of CPD during the 2016/2017 reporting period. Among other things, that consent decree called for Mr. Meade to provide the Board with a completion certificate for the online, 60-pdh course in Engineering Ethics, offered by Texas Tech University, within six months. Mr. Meade failed to submit his completion certificate by the deadline. He was notified of his default and after the fourteen-day notification period, his professional engineering license was suspended. Mr. Meade was also notified at that time that he had thirty (30) days to cure the default or his engineering license would be revoked. Mr. Meade failed to cure the default, and his professional engineering license was revoked on April 5, 2019.

**ZEYN B. UZMAN, PE**

In March 2016, the Board of Licensure learned that Zeyn B. Uzman, PE, of Malvern, PA, was disciplined in Arizona for engaging in conduct that would subject him to discipline in Kentucky under KRS 322.180 (11). Further investigation found that Mr. Uzman had stamped and certified the work product on three Kentucky projects, despite the fact that work on those

projects was not prepared by him or by someone under his direct supervision, in violation of KRS 322.180 (16). In addition, when Mr. Uzman renewed his Kentucky engineering license on June 2, 2018, he answered "no" to the question, "Since your last renewal, has any state taken disciplinary action against you," when in fact, three other state boards had disciplined his license in the interim between his Kentucky renewals, which false answer constitutes a violation of Mr. Uzman's ethical obligations under 201 KAR 18:142, Section 3. The case was settled with a Consent Decree wherein Mr. Uzman voluntarily surrendered his license as a Professional Engineer in Kentucky. The Board accepted the Consent Decree on April 26, 2019.

### **GREGORY A. WEST, PLS**

Gregory Alan West, PLS, of Monticello, KY, was disciplined for committing violations of the surveying Standards of Practice, as set out in 201 KAR 18:150, and for failing to pass an audit of his Continuing Professional Development (CPD) obligations for the 2016/2017 reporting period. In addition, Mr. West had answered, "yes" to the question, "have you met the continuing professional development requirements?" during his online renewal. The inaccurate answer to the CPD question constituted a violation of KRS 322.180. These matters were resolved through a Consent Decree wherein Mr. West acknowledged the violations and by agreement shall: (1) receive a written Reprimand, (2) pay a \$2,000 fine, (3) provide proof of his participation in sixteen professional development hours of qualifying CPD activities for the 2018/2019 reporting period, by no later than January 10, 2020, (4) attend a live presentation of the four hour Standards of Practice and Code of Professional Practice and Conduct seminar within six months, and (5) be on probation for two years during which time he will submit to a quarterly review of his surveying work. The Board accepted this Consent Decree on April 26, 2019.

### **TODD REYLING, PE**

In December 2018, the Board of Licensure learned that Todd Reyling, PE, of Smithton, IL, had been disciplined in Ohio for violating Ohio's regulatory and administrative codes involving "conflict of interest", "misconduct" and "violations of any rule adopted by the Board". A settlement of the Ohio disciplinary action called for a reprimand, a one thousand dollar fine, a suspension of six months, and a probation of five years. Additionally, Illinois disciplined Mr. Reyling for "engaging in dishonorable, unethical or unprofessional conduct of a character to deceive, defraud or harm the

public.” A settlement of the Illinois disciplinary action called for placing Reyling’s engineering license on probation for five years and imposed a fine of five thousand dollars. The facts of the Ohio and Illinois actions are sufficient to subject Mr. Reyling to discipline by the Kentucky Board of Licensure pursuant to KRS 322.180 (11). These matters were settled through a Consent Decree wherein Mr. Reyling acknowledged the violations and by agreement shall: (1) be on probation in Kentucky until such a time as he has satisfied the terms and conditions of his probation in Illinois, and (2) pay an administrative fine of one thousand dollars. The Board accepted this Consent Decree on April 26, 2019.

### **STEPHEN W. HIBBS, PLS**

Stephen W. Hibbs, PLS, of Bardstown, KY, was disciplined for providing professional land surveying services on an expired license, which constitutes a violation of KRS 322.020, and for failing to comply with the Continuing Professional Development (CPD) requirements for professional land surveyors, in violation of 201 KAR 18:192. These matters were resolved through a Consent Decree wherein Mr. Hibbs acknowledged the violations and agreed to the following sanctions: (1) he shall receive a written Reprimand, (2) he shall pay a \$1,000 fine, (3) he shall file an application for reinstatement of his professional land surveying license, and (4) he shall submit proof of his participation in at least thirty two professional development hours of qualifying CPD activities to cover his obligation for calendar years 2015, 2016, 2017 and 2018, within ten days. The Board accepted this Consent Decree on April 26, 2019.

### **THREE-YEAR REVIEW**

The majority of complaint investigations do not result in a disciplinary action against a licensee. In a three-year review of disciplinary actions, only thirty-two percent of complaints resulted in a disciplinary action.

Over that three year period, the five most frequent reasons for disciplinary action were:

1. No permit, or practicing on an expired permit

Any business entity offering engineering or land surveying services in the Commonwealth must apply for and obtain a business entity permit

with the Board of Licensure. Business entity permits expire annually on the 31<sup>st</sup> of December. Notices of these expirations are sent out approximately 30 days prior to the expiration, to the address on record with the Board of Licensure.

2. Failure to comply with the Continuing Professional Development regulations, or failure to respond to an audit

Continuing Professional Development hour requirements are to be obtained on a reporting period basis that coincides with your renewal schedule – every two years. Land surveyors are required to obtain eight (8) professional development hours per calendar year, for a total of sixteen (16) hours per reporting period, and engineers are required to obtain thirty (30) professional development hours for each reporting period. There are some exceptions and each profession has some slightly different requirements. See 201 KAR 18:192 and 201 KAR 18:196 for the details

3. Failure to comply with the Standards of Practice for boundary surveys;
4. Failure to meet the terms of a Settlement Agreement with the Board of Licensure; and
5. The Unlicensed practice of either engineering or land surveying.