

**The Board Report
January 2018
B. David Cox, Executive Director**

Board Members

Governor Bevin has made the following Board member appointments:

James J. Bertram, Jr., PLS replaces Robert W. Fentress, PLS whose term as a KAPS representative expired.

Daniel Clay Kelly, PE replaces Kenneth Sperry whose term as a KSPE representative expired.

Doug Klein replaces Beverly Smith whose term as our Public Member expired.

We welcome the new members and thank the departing members for their service to the Board, the professions, and the citizens of the Commonwealth.

Board Officers

Officer elections were held at the January 12, 2018 Board meeting and the following slate was elected unanimously:

Don Pedigo, PLS – Chair
Herb Goff, PE – Vice Chair
Bill Bowie, PE, PLS – Secretary / Treasurer.

Chair Pedigo made the following committee chair appointments:

Herb Goff, PE – Chair of the Engineering Committee
Bill Bowie, PE, PLS – Chair of both the Surveying Committee and the Continuing Professional Development Committee.

Congratulations to all.

PE Exam Changes

All PE exams are being transitioned to Computer Based Testing (CBT). Following is the schedule:

2018 – Chemical, Nuclear

2019 – Environmental, Petroleum
2020 – Mechanical, Fire Protections, Industrial
2021 – Electrical, Agricultural, Mining
2022 – Software, Naval Architecture
2023 – Civil
2024 – Structural

Pass Rates

The pass rates for the October 2017 “paper and pencil” PE exams are as follows. The first % is the Kentucky rate and the second % is the national rate:

First Time Takers – 66%; 67%
Repeaters – 55%; 39%
Total – 62%; 58%

The pass rates for calendar year 2017 Computer Based Testing (CBT) are as follows. The first % is the Kentucky rate and the second % is the national rate:

Fundamentals of Engineering:

First Time Takers – 80%; 70%
Repeaters – 49%; 37%
Total – 74%; 63%

Fundamentals of Surveying:

First Time Takers – 67%; 50%
Repeaters – 14%; 26%
Total – 47%; 41%

Principles & Practice of Surveying:

First Time Takers – 53%; 63%
Repeaters – 50%; 36%
Total – 53%; 56%

Calendar of Events 2018

April 26	Committee Meetings	Frankfort KY
April 27	Board Meeting	Frankfort KY
April 13	PE, STR Vertical Exams	Louisville KY

April 14	STR Horizontal Exam	Louisville KY
April 19-21	NCEES Southern Zone Meeting	Charlottesville VA
July 26	Committee Meetings	Frankfort KY
July 27	Board Meeting	Frankfort KY
August 14-18	NCEES Annual Meeting	Scottsdale AZ
October 11	Committee Meetings	Frankfort KY
October 12	Board Meeting	Frankfort KY
October 26	PE, STR Vertical Exams	Louisville KY
October 27	STR Horizontal Exam	Louisville KY

ENFORCEMENT ACTIONS SUMMARY

For The Period
October 14, 2017 – January 12, 2017

JOSEPH LEWIS

In December 2016, the Board received information that Joseph Lewis of Columbus, Ohio had practiced professional engineering on an expired license, in violation of KRS 322.020. A board investigation confirmed that Mr. Lewis had provided engineering services as a sub-consultant to an architect on four projects located in Kentucky between 2007 and 2016; and that his Kentucky professional engineer's license had expired in 2006. To resolve this matter, Mr. Lewis entered into an Agreed Injunction, which bars him from further unlicensed practice. No penalty was assessed for the current violation; however, the Agreed Injunction calls for a fine of \$1000 and seven (7) days in jail for any future violation. The Agreed Injunction was entered in the Franklin Circuit Court on December 7, 2017.

JASON R. NEEDHAM, PE

On June 6, 2017, Jason R. Needham, PE of Eads, Tennessee pled guilty to one count of "Accessing a computer and obtaining information," in violation of 18 USC Section 1030(a)(2)(C), a felony, in US District Court, Western District of Tennessee. Specifically, Mr. Needham accessed the computer system of his former employer without authorization, and thereby obtained information from a protected computer. On August 4, 2017, Mr. Needham was sentenced to eighteen (18) months imprisonment, two (2) years of supervised release upon release from imprisonment, and restitution in the amount of \$172,393.71 to his former employer. In a Consent Decree with the Board of Licensure, Mr. Needham acknowledged that his actions in this case constitute violations of KRS 322.180 Sections 7 and 12; and the Code of Professional Practice and Conduct, 201 KAR 18:142 Section 9; and Mr.

Needham voluntarily surrendered his Kentucky Professional Engineer's license. The Board accepted the Consent Decree on January 12, 2018.

GARY W. MENETREY, PLS

On May 25, 2017 the Board of Licensure received copy of a survey plat prepared by Mr. Gary W. Menetrey, PLS of Alexandria. A review of the plat indicated numerous violations of the surveying Standards of Practice, 201 KAR 18:150. An expanded review of Mr. Menetrey's recent property surveying work revealed a substantial pattern of violations of the Standards of Practice. Additionally, it was determined that Mr. Menetrey had failed to participate in any Continuing Professional Development activities during calendar years 2012 through 2016, in violation of 201 KAR 18:192; and that he had operated his surveying business on an expired Business Entity Permit since December 31, 2015 in violation of KRS 322.060. The matter was resolved through a Consent Decree wherein Mr. Menetrey acknowledged the violations and voluntarily surrendered his professional land surveyor's license. The Board accepted the Consent Decree on January 12, 2018.

KAILASH C. JAIN, PE

Kailash C. Jain, PE of Evansville, Indiana was disciplined for failing to comply with the Continuing Professional Development (CPD) requirements for professional engineers, in violation of 201 KAR 18:196, and for falsely representing on his 2017 online renewal that he had complied with the CPD requirements, in violation of KRS 322.180 Section 1. The case was settled by a Consent Decree wherein Mr. Jain acknowledged the violations and agreed to pay a \$2000 fine. In addition to the fine, Mr. Jain agreed to a firm schedule by which he would make up his past due CPD obligation and agreed to submit documentation of his participation in CPD activities during the 2017 / 2018 reporting period. The Board accepted the Consent Decree on January 12, 2018.

ROBERT KELLY RICHARD, PLS

In April 2014, Mr. Robert Kelly Richard, PLS of Georgetown entered into a Consent Decree in settlement of a disciplinary action against him. Among other things, that agreement called for Mr. Richard to submit to a quarterly review of his surveying work. During the course of that review, it was determined that Mr. Richard had failed to maintain adequate records on some of his surveys, in violation of 201 KAR 18:150 Section 10 (3). The

matter was resolved through a Consent Decree wherein Mr. Richard acknowledged the violation and voluntarily surrendered his professional land surveyor's license. The Board accepted the Consent Decree on January 12, 2018.

DUANE GUILFOIL, PE

Duane Guilfoil, PE of Midway was disciplined for failing to respond to an audit of his Continuing Professional Development (CPD) credits in a timely manner, in violation of 201 KAR 18:196. The case was settled by a Consent Decree wherein Mr. Guilfoil acknowledged the violation, and agreed to pay a \$1000 fine. Additionally, Mr. Guilfoil agreed to provide documentation of his CPD activities for the 2017 / 2018 reporting period. The Board accepted the Consent Decree on January 12, 2018.

ROBERT BRUCE FISACKERLY, PE

Robert Bruce Fisackerly, PE of Bartlett, Tennessee was disciplined for failing to respond to an audit of his Continuing Professional Development (CPD) credits in a timely manner, for failing to participate in at least thirty professional development hours (30pdh) of CPD activities during the 2015 / 2016 reporting period, in violation of 201 KAR 18:196; and for providing professional engineering services in Kentucky through a business entity which did not hold a valid Business Entity Permit, in violation of KRS 322.060. The case was settled by a Consent Decree wherein Mr. Fisackerly acknowledged the violations, and agreed to pay a \$2000 fine. Additionally, Mr. Fisackerly agreed to obtain a business entity permit for his firm, Advanced Energy Consultants, and to provide documentation of his CPD activities for the 2017 / 2018 reporting period. The Board accepted the Consent Decree on January 12, 2018.