

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

**Moving Forward**

The Kentucky Board of Licensure for Professional Engineers and Land Surveyors strives to continuously improve its methods and procedures in order to provide the best service to its licensees and the public. Much of our efforts have been aimed at streamlining the application process to make it easier and faster to apply for a license while adhering to nationally recognized standards for education, experience and examinations. In doing so, we ensure that licensees possess the necessary training and experience to deliver safe and reliable professional services to the public while also enhancing license portability for those licensees who choose to be licensed in and work in multiple states.

**Computer Based Testing**

One of the biggest advances at the board in recent years has been the conversion of licensing exams from paper-and-pencil format to a computer based format. This is an ongoing effort on a national scale. The board has for many years used nationally standardized tests administered by NCEES, the National Council of Examiners for Engineers and Surveyors. NCEES has partnered with Pearson Vue, one of the most respected computer based testing firms in the world to convert all of its exams to a computer based format.

It has been, and continues to be a monumental effort. It involves many thousands of volunteer hours to expand the bank of exam questions as well as the efforts of dozens of experts in the science of testing to ensure that every exam is fair, unbiased and accurately measures the knowledge and ability of every examinee. From these efforts come many benefits.

- **Easier and Faster Access to Exams** – With the old paper-and-pencil format, exams were given only once, or at best twice a year and only at a limited number of locations. With computer based testing, an applicant can make an appointment to sit for an exam within a few weeks, and can take that exam at any Pearson Vue Testing center, anywhere in the country.

- **Enhanced Security** – Pearson Vue Testing Centers and the computer based tests they administer are significantly more secure than paper and pencil exams.
- **Faster Results** – With computer based testing, long waiting time to learn of one's exam score is minimized. Results are reported in a matter of just a few days. Additionally, examinees who fail to make a passing score are provided detailed diagnostics about how they did on the various knowledge areas that were tested. This helps examinees know where to focus their efforts as they prepare for re-examination.
- **Faster Retakes** – Given the ease with which one can schedule an exam and the fast reporting of results, licensees can easily schedule to re-take an exam.

## **Early Taking**

The Kentucky Board has “de-coupled” the exam requirement from the experience requirement for licensure; in other words, candidates for engineering or surveying licensure no longer have to wait until after they complete their experience requirement in order to sit for the PE or PS exam. Anyone who has met the educational requirements for licensure and passed the fundamentals exam can take the PE or PS exam.

While licensure is still dependent on satisfaction of the experience requirement, de-coupling, combined with computer based testing enables applicants to get the exams out of the way and thus ensure that they can become licensed at the earliest possible date after they have met the experience requirements.

## **Current Status of Computer Based Testing**

The conversion to computer based testing is going well and is on schedule.

As of today the exam process for land surveyors is completely computer based.

For engineers, we are still in a period of transition. The fundamentals exam, which is the same for all disciplines of engineering is computer based.

The principals and practice exams, which are discipline specific are being transitioned to the computer based format a few at a time. As of now, the PE exams for Chemical and Nuclear engineers are computer based. Other disciplines will be converted according to the timetable below.

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

## **Other News - Late Firm Renewals**

Any firm that missed the December 31, 2018 deadline to renew its Firm Permit (also known as Business Entity Permit) may still renew its permit online for up to a year from the date of expiration. The system will calculate a 10% per month late renewal penalty.

A word of caution however; the late renewal provision notwithstanding, the offering or providing of professional services through a firm having an expired permit is prohibited and can result in disciplinary action.

You can check the license/permit status of any person/firm using our online searchable roster... <https://elsweb.kyboels.ky.gov/kweb/Searchable-Roster>.

If after checking the roster you are still uncertain as to the status of an individual or firm, contact our office for assistance.

## **Calendar of Events 2019**

April 5	PE, STR Vertical Exams	Louisville KY
April 6	STR Horizontal Exam	Louisville KY
April 25	Committee Meetings	Frankfort KY
April 26	Board Meeting	Frankfort KY
May 16-18	NCEES Joint Western/Southern Zone Mtg.	Boise Idaho
July 25	Committee Meetings	Frankfort KY
July 26	Board Meeting	Frankfort KY
August 14-17	NCEES Annual Meeting	Scottsdale AZ
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

**ENFORCEMENT ACTIONS SUMMARY**  
For The Period  
**October 13, 2018– January 10, 2019**  
**Kyle Elliott, Director of Enforcement**

**C2G DEVELOPMENT, LLC**

On April 30, 2018, the Board received information from a licensee, that C2G Development, LLC, of London, KY, was advertising engineering services and did not have the appropriate business permit, nor did they have a professional engineer on staff, in violation of KRS 322.010. A Board investigation confirmed that C2G was advertising engineering services on their website and in printed material, without the proper permit or individual engineering license. To resolve the matter, C2G Development, LLC, through their manager, James William Cole (aka J.W. Cole), entered into an Agreed Injunction, which enjoins him from further advertising engineering services, and required him remove all references to engineering and engineering services from the C2G website and to destroy 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 November 13, 2018.

**DANIEL STACY JOHNSON, PLS**

Daniel Stacy Johnson, PLS, of London was disciplined for committing violations of the surveying Standards of Practice, as set out in 201 KAR 18:150, and for continuing to practice on an expired business entity permit, in violation of KRS 322.060, Section 2. In 2016, the Board received a complaint from one of Johnson's former clients. An investigation by the Board found that Mr. Johnson had failed to meet many of the requirements of the Standards of Practice, as set out in 201 KAR 18:150, for the complainant's survey. An expanded review of Mr. Johnson's recent boundary surveying work also revealed multiple failures to meet the Standards of Practice. In addition, during the investigation it was found that Mr. Johnson had continued to provide land surveying services in Kentucky through the business entity D & S Surveying, LLC, after the business entity permit had expired, in violation of KRS 322.060. This case was resolved through a Consent Decree wherein Mr. Johnson acknowledged the violations and agreed to: (1) pay a fine of \$2,000, (2) reinstate his business entity

permit for D & S Surveying, LLC, (3) attend a live presentation of the Standards of Practice, Code of Conduct, and KRS 322 seminar within six-months, and (4) a two-year probation of his professional land surveying license during which time he will submit to a quarterly review of his land surveying work. The Board of Licensure accepted the Consent Decree on January 11, 2019.

### **HEATH A. DUMACK, PE**

In December of 2017, the Board of Licensure learned that Heath A. Dumack, PE, of Penns Park, Pennsylvania, had been disciplined by the Delaware Association of Professional Engineers for his failure to meet the required continuing professional competency obligations. Based on a review of that case, it was determined that pursuant to the provisions of KRS 322.180, Section 11, a reciprocal disciplinary action by the Kentucky Board of Licensure was warranted. In addition, as part of this investigation, Mr. Dumack's continuing professional development (CPD) obligations in Kentucky were audited, and based upon the documentation he provided for that audit, he had failed to complete the required thirty hours of qualifying CPD activities for the 2015/2016 reporting period. However, he subsequently made up the deficiency prior to renewing his license in 2017. The case was settled by a Consent Decree wherein Mr. Dumack acknowledged the violations and agreed to the following sanctions: (1) he shall receive a written Reprimand, (2) he shall submit proof of obtaining 30 professional development hours of qualifying CPD activities for the 2017/2018 reporting period within ten days of entry of the Decree, (3) and he shall submit proof of 30 professional development hours of qualifying CPD activities for the 2019/2020 reporting period by not later than January 10, 2021. The Board accepted the Consent Decree on January 11, 2019.

### **DUMACK ENGINEERING, P.C.**

During the investigation of Heath A. Dumack, PE, a principal in Dumack Engineering, P.C., a Pennsylvania corporation, it was determined that Dumack Engineering, P.C. had provided professional engineering services on three (3) projects located in Kentucky, between January 1, 2008 to March 7, 2016, without the required business entity permit, in violation of KRS 322.060, Section 1. The case was settled by a Consent Decree wherein Dumack Engineering, through its principal, Heath A. Dumack, acknowledged the violations and agreed to the following sanctions: (1) a fine of \$3,000, (2) he must file for and obtain an engineering business entity permit not later than ten days following entry of the Decree, and (3) Dumack Engineering

shall be on probation for a period of two years, with quarterly reporting of Kentucky engineering projects. The Board accepted the Consent Decree on January 11, 2019.

**MATTHEW A. DETTMAN, PE**

On September 27, 2018, Matthew A. Dettman, of Bowling Green, entered into a "Plea Agreement" with the United States Attorney for the Western District of Kentucky, where he pled guilty to one felony count of "Wire Fraud" in violation of 18 USC Section 1343. Specifically, Mr. Dettman, devised a scheme to defraud Western Kentucky University, where he was employed as an engineering professor, by diverting concrete and soil testing payments for his own personal use, resulting in a loss to WKU of \$236,000. In the plea agreement, Dettman entered a plea of guilty to the charge and agreed to pay the victim, WKU, \$236,000 in restitution. In a Consent Decree with the Board of Licensure, Mr. Dettman acknowledged that his actions in this case constituted violations of KRS 322.180, Section 7 and 12, and the Code of Professional Practice and Conduct, 201 KAR 18:142, Section 4 and Section 9; and Mr. Dettman voluntarily surrendered his Kentucky Professional Engineer's license. The Board accepted the Consent Decree on January 11, 2019.

**JAMES WILLIAM RUSH, III, PE**

James William Rush, III, PE, of Prospect, 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 2018 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. Rush 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 provide proof of his participation in thirty professional development hours of qualifying CPD activities for the 2016/2017 reporting period, by no later than February 15, 2019, and (4) he shall provide proof of his participation in thirty professional development hours of qualifying CPD activities for the 2018/2019 reporting period by no later than January 10, 2020. The Board accepted the Consent Decree on January 11, 2019.

**Enforcement Statistics  
Calendar Year  
2018**

Beginning of year complaint files active	50
Complaint files opened (33 engineering 23 surveying)	56
Investigations completed / complaint files closed	50
Year-end complaint files active	56
Complaints closed with no action warranted	20
Admonishments	9
Agreed injunctions / orders (unlicensed practice)	1
Reprimands, fines, probation, etc.	15
Suspensions <sup>1</sup>	1
Revocations / surrenders <sup>2</sup>	4
Licenses Retired or Inactive <sup>3</sup>	5
Other	1
Total complaint files closed	56

1. Includes suspensions of licensees who failed to comply with terms of a prior Consent Decree.
2. Includes revocations of licensees who failed to comply with terms of a prior Consent Decree.
3. Includes licensees who had failed to comply with CPD requirements and elected to retire their license.