

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

COVID 19

In response to the Covid19 Pandemic, the board of licensure has made numerous changes to its operations. The office is no longer open to walk-in customers. Licensees, applicants and citizens are urged to utilize online services and to attempt to have their issues resolved via email or telephone before considering an in person visit.

If an in person visit is the only alternative, an appointment can be arranged. All visitors are required to undergo a temperature check and answer Covid19 screening questions before entering, and if granted entry must wear a mask.

Staff is working from home to the greatest extent practical while still providing excellent service to all licensees, applicants and citizens. The office remains open with minimal staff on its pre-Covid schedule, Monday through Friday 8:00am thru 4:30pm.

Board and committee meetings originally scheduled for April 16 and 17 were delayed. Those meetings were successfully held on April 30 and May 1 virtually utilizing Amazon Chime. Visitors were able to see and hear the meeting live via the Internet. The next committee and board meetings are scheduled for July 30 and 31 and will be held via a virtual platform. Instructions for public access will be posted on the board website.

A meeting of the Southern Zone of NCEES member boards, originally scheduled for April 2020 in Houston was cancelled due to the virus. The NCEES Annual meeting, originally scheduled for August 2020 in Chicago was also cancelled. In lieu of an in-person annual meeting, member boards will attend a series of webinars in which NCEES officers, committees and staff will report on NCEES activities. The business meeting which was usually conducted at the annual meeting, will be held virtually.

Changes to exams brought on by Covid19 are presented later in this article.

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 L thru Z, your license will expire on June 30, 2020.

You can renew your license online. Just go to the board website 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.
- 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.

COVID19 Exam Changes

NCEES was forced to cancel the April paper and pencil exams due to the Pandemic. As of this writing, the October exams will go on. NCEES has added an extra day to the October exam schedule in an attempt to accommodate those who were unable to take the exam in October. Those exams, which are normally offered only once per year in the spring have been added to the October exam schedule.

Examinees are encouraged to be proactive in registering and confirming that registration for the October exam. Cancellations from April are not automatically rescheduled for October. It is expected that exam space will be limited, especially given the constraints that social distancing requirements could impose.

Computer based testing centers were also closed for a period of time, but have since reopened under new guidelines. Examinees should expect fewer scheduling and exam location options as a result of these new precautions but should be able to secure an exam seat without much difficulty. Here again, rescheduling of examinees who were cancelled due to the shutdown is not automatic. Examinees are urged to be proactive in scheduling and confirming their CBT exam time and location.

NCEES is continuing its conversion from paper and pencil exams to Computer Based Testing. Chemical, Environmental and Mechanical exams have already converted to CBT and are generally available year round.

Nuclear, Fire Protection, Industrial and Petroleum have also converted to CBT, but due to the relatively small number of examinees, these exams are be offered only one day per year.

The COVID19 pandemic has spurred NCEES to accelerate the conversion of at least one of the remaining exams to CBT. NCEES has just announced that the PE Electrical and Computer: Power exam would be available on January 2, 2021 instead of April 2021.

Conversion of additional exams to CBT is ongoing and NCEES recognizes the need to get this done as expeditiously as possible. The Mining & Minerals Processing and Electronics: Controls & Communication exams are next on the schedule for conversion with the last paper administration being October 2020.

Calendar of Events 2020

June 15	Registration for October 2020 Paper and Pencil Exams Opens
July 3	Independence Day – Board office closed
July 30	Committee Meetings – Virtual – Public Access Instructions to be posted
July 31	Board Meeting – Virtual – Public Access Instructions to be posted
August 20	Registration for Fall Paper & Pencil Exams Closes at 3:00pm today. Examinees requesting Special Accommodations must do so at time of Registration, and provide all required documentation by today.
August 27	NCEES Annual Virtual Business Session
September 7	Holiday – Board office closed
Oct. 22 & 23	NCEES Paper & Pencil Exams, Louisville, KY visit www.ncees.org for details
October 22	Committee Meetings – Virtual – Public Access Instructions to be posted
October 23	Board Meeting – Virtual – Public Access Instructions to be posted
November 11	Veterans Day – Board office closed
Nov. 26 & 27	Thanksgiving Holidays – Board office closed
Dec. 24 & 25	Christmas Holidays – Board office closed
Dec. 31 Jan 1	New Year Holidays – Board office closed

ENFORCEMENT ACTIONS SUMMARY

For The Period

Feb. 1, 2020 – May 1, 2020

Kyle Elliott, Director of Enforcement

JOSHUA TRENT

In 2019, the Board of Licensure learned that Joshua Trent of Morehead, Kentucky had offered engineering services without an engineering license or a firm permit. A subsequent investigation determined that on three projects in the Morehead area, Mr. Trent had offered engineering services and then obtained an EIT to do the design. The EIT subsequently hired a licensed engineer to review and certify those projects. Mr. Trent does not, nor has he ever had, an engineering license in Kentucky. The actions of Mr. Trent constituted violations of KRS 322, the unlicensed practice of engineering. To resolve the Board's investigation, Mr. Trent entered into an Agreed Order of Settlement and Injunction with the Board in Franklin Circuit Court, which injunction enjoins him from engaging in the unlicensed practice of engineering in Kentucky. No penalty was assessed for the current violations, however, the 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 7, 2020.

MICHAEL PAUL BROCKMAN, EIT

Michael Paul Brockman, an engineer in training (EIT) from Morehead, Kentucky, began representing himself as a "PE" on his personal LinkedIn page in 2014 after successfully passing the NCEES Principles and Practice in engineering exam. However, Mr. Brockman had not completed an application to be licensed in Kentucky, which made the title of PE a misrepresentation and violation of KRS 322.020. Subsequent to the Board initiating an investigation, Mr. Brockman removed the PE title. In 2018, Mr. Brockman entered into an arrangement with Joshua Trent, of Morehead, Kentucky, to provide engineering design services without having an engineering license. To fulfil this arrangement, Mr. Brockman employed a licensed engineer to review his design work and provide certification on those designs; a violation of KRS 322.180 (16), which prohibits the certification of plans not prepared by that individual, or by someone under his or her direct supervisory control. Mr. Brockman's actions violated KRS 322.010 and KRS 322.020. To resolve the Board's investigation, Mr. Brockman entered into an Agreed Order of Settlement and Injunction with the Board in Franklin Circuit Court, which injunction enjoins him from engaging in the unlicensed practice of engineering in Kentucky until such a time as he becomes licensed. No penalty was assessed for the violations; however, the Injunction calls for a \$1,000 fine and seven days in jail for any future violations. The Agreed Injunction was entered into Franklin Circuit Court on April 8, 2020.

Subsequently, Mr. Brockman decided to complete his application for licensure as a professional engineer. Mr. Brockman had already completed all of the education, experience and examination requirements of licensure and understood that the Board could deny him a license for engaging in the unlicensed practice of engineering in violation of KRS 322.020. Mr. Brockman however wished to become a licensed professional engineer and conduct his future practice in conformance of KRS 322. In order to obtain an approval for his application for licensure, Mr. Brockman proposed a Consent Decree between himself and the Board. The agreement calls for him to receive a letter of reprimand, requires him to successfully complete the 60-hour Texas Tech Engineering Ethics course, and immediately places his license on a two-year probation during which time he will submit to a

quarterly review of his engineering work. The Board accepted the Consent Decree on May 1, 2020, and approved his application for licensure.

JASON CLAY MERRITT, PE

Jason Clay Merritt is a Kentucky licensed professional engineer from Lesage, West Virginia. Mr. Merritt reviewed and certified the engineering work of Michael Brockman for Joshua Trent on three individual projects. Michael Brockman was not an employee of Mr. Merritt, as that term is defined in the Code of Professional Practice and Conduct in 201 KAR 18:142. Mr. Merritt's actions constituted violations of KRS 322.180 (5) in that he *aided and abetted a person not licensed to practice engineering in this state*, and KRS 322.180 (16) in that he *provided certification for any plan, specification, plat, report, or physical description not prepared by him or her or under his or her direct supervision*. To resolve the Board's investigation into Mr. Merritt's violations, he agreed to enter into a Consent Decree with the Board wherein he acknowledged the violations and agreed to: (1) receive a letter of reprimand; (2) take and successfully complete the 60-hour Texas Tech Engineering Ethics course; and (3) have his Kentucky license placed on probation for two years during which time he will submit to quarterly review of his Kentucky engineering work. The Board accepted the Consent Decree on May 1, 2020.