

**MINUTES OF SEVENTH MEETING
2016-2017 BOARD OF LICENSURE
FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
Montgomery, Alabama
July 18, 2017**

Chair Christy called the seventh meeting of the 2016-2017 Board to order at 8:08 A.M., Tuesday, July 18, 2017 at the Board Office, Montgomery, Alabama. The following were in attendance:

Officers and Members Present:

A. Frazier Christy	Chair
M. Elisabeth Hyde	Vice Chair
Nathan G. Johnson	Board Secretary
Richard Grace	Member
Randall D. Whorton	Member

Staff Present:

William R. Huett	Executive Director
Bonnie Kelly	Executive Assistant
Ben Albritton	Board Attorney

It was determined that a quorum was present.

Board Member Marc S. Barter participated in the meeting via web conference. Attorney Ben Albritton advised the Board that Mr. Barter could not be part of the quorum for the meeting, could not attend any executive session held during the meeting, and could not vote on rule changes or disciplinary matters.

The meeting was opened with the Pledge of Allegiance and a prayer.

The proposed meeting agenda was reviewed.

17-110. IT WAS MOVED by Ms. Hyde and seconded by Mr. Grace to adopt the agenda as proposed. MOTION CARRIED 6-0.

Minutes of the sixth meeting of the 2016-2017 Board were received for approval.

17-111. IT WAS MOVED by Ms. Hyde and seconded by Mr. Johnson that the minutes of the sixth meeting of the 2016-2017 Board held May 9-10, 2017 be approved. MOTION CARRIED 6-0.

Action items from previous meetings were reviewed.

APPLICATIONS – Mr. Nathan G. Johnson, Advisor

The Board previously authorized the Executive Director to approve applications for licensure, intern certification, and examinations if the application is in order and all requirements have been met.

Applications of those applying for Professional Engineer licensure by comity since May 9-10, 2017, as provided by Section 34-11-4(1)(b) of the Licensure Law, were considered.

Applications of those applying for Professional Engineer licensure by examination since May 9-10, 2017, as provided by Section 34-11-4(1)a. and b. of the Licensure Law having previously passed the FE Examination in Alabama or in another jurisdiction, were considered.

Applications of those applying for Engineer Intern certification since May 9-10, 2017, as provided by Section 34-11-4(2) of the Licensure Law, were considered.

Applications of those applying for Professional Land Surveyor licensure since May 9-10, 2017, as provided by Section 34-11-4(3)a and b of the Licensure Law, were considered.

Applications of those applying for Professional Land Surveyor licensure since the May 9-10, 2017, having previously passed the Fundamentals of Land Surveying Examination and the Principles and Practice of Land Surveying Examination in Alabama or in another jurisdiction were considered and were approved to take the Alabama Land Surveying Standards, History, and Law Examination.

17-112. IT WAS MOVED by Mr. Johnson and seconded by Mr. Grace that the Board ratify the approval of licenses issued since the May 9-10, 2017, Board Meeting and that the list of those issued be included in the minutes on **Attachment #1**. MOTION CARRIED 6-0.

17.113. IT WAS MOVED by Mr. Johnson and seconded by Ms. Hyde that the Board ratify the approval of Intern Certifications issued since the May 9-10, 2017, Board Meeting and that the list of those be included in the minutes on **Attachment #2**. MOTION CARRIED 6-0.

17.114. IT WAS MOVED by Mr. Johnson and seconded by Ms. Hyde that the Board ratify the approval for examination those applicants approved since the May 9-10, 2017, meeting and that the list of those be included in the minutes on **Attachment #3**. MOTION CARRIED 6-0.

17-115. IT WAS MOVED by Mr. Johnson and seconded by Mr. Grace that the Board defer for licensure or certification Joshua Max Carney, Adrian Lee Pfeiler, and Harith Bahjat AL Aloosi. MOTION CARRIED 6-0.

17-116. IT WAS MOVED by Mr. Johnson and seconded by Ms. Hyde that the Board deny for licensure Donald Wayne Simpson. MOTION CARRIED 6-0.

17-117. IT WAS MOVED by Mr. Johnson and seconded by Ms. Hyde that the Board defer for examination Brittany Moses Israel, Luana C. Ozelim Broshears, Van Arthur Simpson, Joey Brandon Light, Justin Seth Perdue, Babak Shayan, and Redus Woodrow Brooks III. MOTION CARRIED 6-0.

17-118. IT WAS MOVED by Mr. Johnson and seconded by Ms. Hyde that the Board deny for examination Michael David Anderson, Ryan Alexander Pecora, Bryan David Caldwell, Jonathan C. Catanzano and Kira Anne Calcote. MOTION CARRIED 6-0.

The Board considered an NCEES Transcript Evaluation Report for Chintakumar J. Patel, concerning his Bachelor in Civil Engineering degree from Gujarat Technology University - India. After review, the Board determined the NCEES evaluation indicated the degree was six hours short in Math/Sciences, specifically missing Biology and Chemistry course work, and was not equivalent to an ABET degree.

17-119. IT WAS MOVED by Mr. Johnson and seconded by Ms. Hyde that the Board defer a decision until Chintakumar J. Patel provides a transcript that shows he has completed the required Math/Science coursework. MOTION CARRIED 6-0.

The Board recessed for lunch at 11:30 AM. and went back into session at 12:15 PM.

LAW ENFORCEMENT – Ms. M. Elisabeth Hyde, Advisor

The Board reviewed the status of the files pending with the Board, the Investigator, and/or the Investigative Committee. The Board was briefed on the 2016-2017 statistics.

The Board reviewed pending cases that the investigative committees had completed to accept, modify, or reject the suggested courses of action. The cases were discussed in a sanitized format so that in the event the Board suggests another course of action that the due process of the investigation has not been compromised. Respondent's information is not divulged until after the proposed consent order is accepted and a final order was approved.

17-120. IT WAS MOVED by Mr. Whorton and seconded by Mr. Grace that the Board accept the Consent Order and issue a Final Order in reference to Case 2017-09-B. MOTION CARRIED 4-0 with Ms. Hyde recused. Mr. Barter was also recused since he was participating via web conference

17-121. IT WAS MOVED by Mr. Johnson and seconded by Mr. Grace that the Board close Case 2017-11-B with no action, and not renew the professional engineer's license until he satisfies an agreed upon consent order in the State of Kentucky. MOTION CARRIED 5-0 with Mr. Barter recused.

17-122. IT WAS MOVED by Mr. Grace and seconded by Ms. Hyde that the Board close Case 2017-12-C with a letter of caution. MOTION CARRIED 4-0 with Mr. Johnson recused. Mr. Barter was also recused since he was participating via web conference

17-123. IT WAS MOVED by Mr. Johnson and seconded by Mr. Whorton that the Board accept the Consent Order and issue a Final Order in reference to Case 2017-21-B. MOTION CARRIED 5-0 with Mr. Barter recused.

CERTIFICATES OF AUTHORIZATION – Mr. Randall D. Whorton, Advisor

The Board previously authorized the Executive Director to issue certificates of authorization to applying firms if the application is in order and all requirements have been met. A list of the certificate of authorizations issued since the May 9-10, 2017, Board Meeting were reviewed.

17-124. IT WAS MOVED by Ms. Hyde and seconded by Mr. Johnson that the Board ratify the approval of the Engineering and Land Surveying Certificates of Authorization issued

since the May 9-10, 2017, Board Meeting and that the list of those issued be included in the minutes on **Attachment #4**. MOTION CARRIED 6-0.

The Board discussed the Certificate of Authorization applications that had exceptions.

17-125. IT WAS MOVED by Mr. Grace and seconded by Ms. Hyde to approve the application for O'Neal & Associates Inc, Pappas Engineering LLC, Geographic Consulting LLC and Giles Innovative Products LLC. MOTION CARRIED 6-0.

HEARINGS

Mr. Barter did not attend the hearing since he was participating in the Board Meeting via web conference.

William Varnon, submitted an Application for the Reissuance of his Revoked Professional Land Surveyor License and presented information to the Board regarding the application.

The Board felt it should go into executive session to deliberate the testimony presented in consideration of Mr. Varnon's application. Mr. Albritton, board attorney verified that the reason for the executive session met the requirements of the open meetings law.

17-126. IT WAS MOVED by Ms. Hyde and seconded by Mr. Grace to go into executive session. MOTION CARRIED 4-0. Voting in the affirmative were Mr. Christy, Mr. Grace, Ms. Hyde, and Mr. Whorton. Mr. Johnson recused himself from the vote.

At 1:30 P.M. Mr. Christy announced that the board would go into executive session for approximately 15 minutes. The Board came back into open session at 1:40 P.M. During the deliberation, Mr. Johnson was recused.

17-127. IT WAS MOVED by Ms. Hyde and seconded by Mr. Grace that the Board deny Mr. Varnon's application for reissuance of his professional land surveyor license. MOTION CARRIED 4-0 with Mr. Johnson recused.

FINANCE – Mr. Richard Grace, Advisor

The FY2017 financial report and the monthly financial reports for May and June 2017 were briefed.

PERSONNEL – Mr. Marc Barter, Advisor

The Board discussed the Performance Appraisal of Ms. Bonnie Kelly, Board Executive Assistant.

17-128. IT WAS MOVED by Mr. Whorton and seconded by Ms. Hyde to approve a 5% raise for Ms. Kelly and that information be provided to State Personnel prior to July 20, 2017. MOTION CARRIED 5-0.

Ms. Kelly also briefed the Board on her meeting with the Personnel Board regarding the salary for the Executive Director Position. The Board decided since the pay rate for the position was approved by the Personnel Board that it would leave the position outside of a pay series for now, but may consider placing it in a pay series at a later date.

LEGISLATIVE – Mr. Randall Whorton, Advisor

The Board discussed the need for a consensus from all parties to work towards supporting the passage of the legislation it wished to have introduced in the 2018 legislative session.

ENGINEERING – EDUCATION & EXAMINATION – M. Elisabeth Hyde

The Board reviewed the results of the April 2017 professional engineer examinations.

17-129. IT WAS MOVED by Ms. Hyde and seconded by Mr. Johnson to accept NCEES' recommended cutoff score for the PE Examination, to approve the results of the PE Exam given April 2017, to license those individuals who passed the PE having previously passed the FE Exam and further that the list of those issued licensure as a result of passing these examinations be included in the minutes on **Attachment #1**. MOTION CARRIED 6-0.

CHAIR'S REPORT

The Board discussed forming sub-committees for land surveying and engineering. It was determined that most issues that come before the Board require review by the full Board, and if a subject required more review, a committee would be formed to specifically address that matter.

Jason Bailey of the Alabama Society of Professional Land Surveyors (ASPLS) informed the Board that their organization intended to introduce a bill in the 2018 legislative session that would create a separate Board for Professional Land Surveyors.

The Board discussed the efforts needed to introduce its legislation if there was a possibility that separate bill concerning the Board were introduced.

The Board discussed submitting a request for an opinion to the Legislative Reference Service concerning two existing rules regarding Qualification Based Selection (QBS) since legislation was passed in 2017 that gave the Board the authority to pass a rule that may be anti-competitive as long as the rule is in the best interest of public health, safety and welfare.

17-130. IT WAS MOVED by Mr. Johnson and seconded by Mr. Grace that a request be submitted to the Legislative Reference Service requesting an opinion as to if Act # 2017-384 is sufficient to afford the Board immunity from anti-trust claims. MOTION CARRIED 4-0-1 with Mr. Christy, Ms. Hyde, Mr. Johnson and Mr. Grace voting in favor of the motion. Mr. Whorton abstained, and Mr. Barter was recused from the vote since he was participating via web conference.

EXECUTIVE DIRECTOR'S REPORT

The Board was briefed on the Outreach activities that Board Staff has attended.

The Board proposed adding language to its Administrative Code that would award new licensees 30 pdh to be used for their first license renewal.

17-131. IT WAS MOVED by Mr. Johnson and seconded by Mr. Grace that a proposed rule change be submitted to the Legislative Reference Services to add a rule that would award new licensees 30 professional development hours (PDH) to be used for their first license renewal. MOTION CARRIED 5-0. Mr. Barter was recused since he was participating via web conference.

The Board was briefed on the State Office of Information Technology requirement that any individual that accesses the state network with a portable device, sign a Portable Device User Agreement. Board Members that were present signed the user agreements.

The Board discussed the upcoming NCEES Annual Meeting Conference reports and motions.

The Board considered a request from State Fire Marshall Scott Pilgreen that it provide language to him that can be used in a course curriculum designed to certify plumbers to install residential fire sprinkler systems. Mr. Whorton indicated that he would meet with the State Fire Marshall Pilgreen and provide the information to assist him.

Mr. Tomas Nation and James Brittle of the Arthur J. Gallagher Insurance firm met with the Board and provided a proposal for additional insurance coverage related to anti-trust claims. The Board asked them to research and provide a proposal that would include a higher deductible for a higher policy limit.

CORRESPONDENCE

The Board discussed solicitations received by professional engineers from foreign firms. It was determined that Mr. Barter would draft an article for the newsletter that would alert licensees to the fact that by using these type firms for engineering design services that they may be participating in plan stamping.

The Board discussed the preparation and certification of SPCC Plans by persons other than professional engineers. After its discussion, the Board directed staff to determine ADEM requirements regarding SPCC Plans, and to provide that information at the next Board meeting.

The Board received a request from Jake Edward Walker that it consider raising the maximum number of allowable carry forward professional development hours to 30 for the 2018-2019 renewal period. The Board instructed staff to inform Mr. Walker that it would not change the number of allowable carry forward hours.

The Board discussed a letter from Arthur G. Ogden that requested the Board review a set of design drawings for Residential/Retail property to determine if an architect was required. After its review the Board directed staff to inform Mr. Ogden that an Architect is required for the project.

NEW BUSINESS

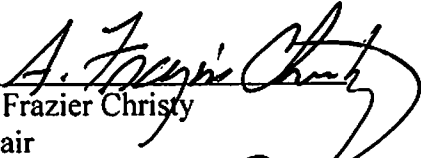
OPEN FORUM


No comments made during the open forum.

CLOSING REMARKS


The meeting adjourned at 3:30 P.M.


The next scheduled meeting of the Board is September 12, 2017, at the board office in Montgomery beginning at 8:00 A.M.

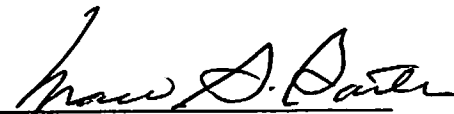

A. Frazier Christy
Chair



Nathan G. Johnson
Secretary


Randall Whorton
Member


M. Elisabeth Hyde
Vice Chair


Richard G. Grace
Member


Marc S. Barter
Member


Submitted by: William R. Huett
Executive Director

Attachment #1, July 18, 2017

17-112. IT WAS MOVED by Mr. Johnson and seconded by Mr. Grace that the Board ratify the approval of licenses issued since the May 9-10, 2017, Board Meeting and that the list of those issued be included in the minutes on **Attachment #1**. MOTION CARRIED 6-0.

17-129. IT WAS MOVED by Ms. Hyde and seconded by Mr. Johnson to accept NCEES' recommended cutoff score for the PE Examination, to approve the results of the PE Exam given April 2017, to license those individuals who passed the PE having previously passed the FE Exam and further that the list of those issued licensure as a result of passing these examinations be included in the minutes on **Attachment #1**. MOTION CARRIED 6-0.

Attachment #2, July 18, 2017

17.113. IT WAS MOVED by Mr. Johnson and seconded by Ms. Hyde that the Board ratify the approval of Intern Certifications issued since the May 9-10, 2017, Board Meeting and that the list of those be included in the minutes on **Attachment #2**. MOTION CARRIED 6-0.

Attachment #3, July 18, 2017

17.114. IT WAS MOVED by Mr. Johnson and seconded by Ms. Hyde that the Board ratify the approval for examination those applicants approved since the May 9-10, 2017, meeting and that the list of those be included in the minutes on **Attachment #3**. MOTION CARRIED 6-0.

Attachment #4, July 18, 2017

17-124. IT WAS MOVED by Ms. Hyde and seconded by Mr. Johnson that the Board ratify the approval of the Engineering and Land Surveying Certificates of Authorization issued since the May 9-10, 2017, Board Meeting and that the list of those issued be included in the minutes on **Attachment #4**. MOTION CARRIED 6-0.