

MINUTES

STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

Meeting Held
Thursday, March 15, 2012

Indiana Government Center South
402 West Washington Street, Room W064
Indianapolis, Indiana

CALL TO ORDER

Mr. John Sauer called the meeting to order at 8:32 a.m. in 402 West Washington Street, Room W064, Indianapolis, Indiana and declared a quorum in accordance with Ind. Code § 25-31.

Members Present:

John Sauer
Mark Downey
Harold Snead (Skype)
Vincent Drnevich
Kenneth Spaulding

Members Absent:

Jim Erb

Staff Present:

Christina Wiseley, Board Director, Indiana Professional Licensing Agency
Crystal Heard, Assistant Board Director, Indiana Professional Licensing Agency
James Schmidt, Board Advisor, Office of the Attorney General

ADOPTION OF THE AMENDED AGENDA

Board Action: Mark Downey moved to adopt the amended agenda. Vince Drnevich seconded the motion. The motion carried with a vote of 5/0/0.

ADOPTION /AMENDMENTS TO THE MINUTES OF January 11, 2012

Board Action: Vincent Drnevich moved to adopt the minutes with amendments of the January 11, 2012 meeting. Mark Downey seconded the motion. The motion carried with a vote of 5/0/0.

PERSONAL APPEARANCES

Dean Illingworth, Building Code Enforcement Official, DHS

Mr. Illingworth introduced himself and spoke about his department at the Department of Homeland Security and how they might work together with the board to help eliminate unlicensed practice. He indicated that the system used by DHS flags unlicensed practice when information about plans and documents stamped by architects and engineers.

Robert Victor Tashijan, PE19900073

Case Summary: Mr. Tashijan appeared and presented client notification letter to the board. The board advised Mr. Tashijan that he needed to correct it to indicate that his license had "Lapsed" and that he needed to add the Indiana Department of Homeland Security to the list of recipients.

Board Action: Mark Downey moved to approve the corrected letter and list for delivery to the recipients. Kenneth Spaulding seconded motion. Motion carried with vote of 5/0/0.

ADMINISTRATIVE HEARINGS

In the Matter of the License Application of Sorin Marcu, Petitioner Petition for Review of Denied Application

Cause Number: SBRPE 11-06

Case Summary: Petitioner appeared in person and requested that the board give him a waiver of the education requirements and allow him to take the PE examination. The board determined that Petitioner was admitted to the FE examination with deficiencies in his education in 2007. The board determined that Petitioner's education is deficient in .78 hours of chemistry.

Board Action: Mark Downey moved to 1) give Petitioner credit for all physics education requirements due to Petitioner's Masters Degree; 2) to find Petitioner deficient in .78 hour of chemistry; 3) that Petitioner did not meet experience requirements at time of application because he had only three years and seven months experience in June 2011; and 4) to deny Petitioner's application for admission to the professional engineer examination. Vincent Drnevich seconded motion. Motion carried with vote of 5/0/0.

In the Matter of the License Application of Michael Duffy

Re: Petition for Review of Denied Application

Cause Number: SBRPE 12-03

Case Summary: Petitioner appeared in person and asked board to overturn their original decision and waive the rule that requires six years of experience. The board determined that there is not a waiver for this requirement.

Board Action: Vincent Drnevich moved to deny Petitioner's application. Mark Downey seconded motion. Motion carried with vote of 5/0/0.

In the Matter of the License Application of Jixing He

Re: Petition for Review of Denied Application

Cause Number SBRPE 11-13

Case Summary: Petitioner appeared in person and asked board to overturn their original decision by considering the foreign degree evaluation he obtained from NCEES. The board determined that the documentation proves that Petitioner's education meets the requirements for registration as a professional engineer in Indiana.

Board Action: Vincent Drnevich moved to approve Petitioner's application. Mark Downey seconded motion. Motion carried with vote of 5/0/0.

PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

In the Matter of the License of Stephen Philip Maslan

Case Summary: The board discussed the case of Mr. Maslan's practice of architecture in the State of Missouri for which he was disciplined in that state. The board was not able to determine at this time whether the act for which his license was disciplined in Missouri is an act that he would have received discipline for in the State of Indiana, because in Indiana, by statute, an engineer can stamp architect plans. The board determined that Natalie Stidd, representing State of Indiana, and James Schmidt, advisor to the board, should research the issue to determine the appropriate course of action.

Board Action: Harold Snead moved to give Ms. Stidd and Mr. Schmidt until April 30, 2012 to research and advise the board on their findings in the Matter of the License of Stephen Philip Maslan. Mark Downey seconded motion. Motion carried with vote of 5/0/0.

DISCUSSION ITEMS

Proposed Rule Changes

The board discussed the progress made at the rules committee meeting.

Michael Kummeth

The board reviewed and discussed the client notification letter of Michael Kummeth. They determined that more information was needed. Specifically, if Mr. Kummeth filed for all the permits required to perform the work he did when he was working on an expired license. For example: storm water permits filed with the Indiana Department of Environmental Management (rule 5), Department of Natural Resources construction and floodway permits, Corps of Engineers permits, etc.

Board Action: Mark Downey moved to send a letter to Mr. Kummeth requesting a list of all permits from all governmental agencies that were obtained to perform the work he did while he was working on an expired license by April 30, 2012. Vincent Drnevich seconded motion. Motion carried with a vote of 5-0-0.

Letter from the Office of the Attorney General Requesting a Meeting with Board Members

The board determined that they did not wish to meet with the Office of the Attorney General to discuss the process for processing complaints. For the sake of consistency, they wish to allow the Indiana Professional Licensing Agency staff to represent them along with the other boards in the agency.

CORRESPONDENCE

Email from James Goddard regarding electrical inspections

The board acknowledged receipt of the correspondence from Mr. Goddard and discussed the topic of electrical inspections. It was determined that the board does not have any control over electrical inspections and that local inspectors must be held accountable for conducting proper inspections.

Email from NCEES regarding Registered Continuing Education Program

The board acknowledged receipt of the notification from NCEES that NCEES is ending the partnership with the American Council of Engineering Companies in relation to the operation of the Registered Continuing Education Program.

PERMIT/LICENSURE APPLICATIONS

Board Action: Mark Downey moved to accept decisions on applications as noted below. Vince Drnevich seconded the motion. Motion carried with a vote of 5/0/0.

Applications for Registration as Professional Engineer by Examination

Burak Konuk - approved
Vincent Ampadu- tabled

Applications for Registration as Professional Engineers by Comity

Eric Bohms - approved
Lon Cooper – approved
Steven Schwan – approved

Applications for Engineer-in-Training (EIT) Permits

Renee Leslie - tabled

Continuing Education Providers

Duke Energy Request for Approval as an Approved Organization

Board Action: Mark Downey moved to approve Duke Energy's request for approval as an approved organization contingent on Duke Energy doing the following: 1) Remain consistent with the continuing education statutes and rules currently in place; 2) Appoint an internal expert to provide internal approval of continuing education courses; 3) Submit an annual report to the board listing all courses and instructors approved in that year; and 4) Acknowledge that Duke Energy, Indiana is subject to audits of the process that are employed for approving and providing continuing education. Vince Drnevich seconded to motion. Motion carried with a vote of 5/0/0.

ATTORNEY GENERAL'S REPORT

Natalie Stidd presented the board with a report indicating all the complaints received and closed in the last month.

BOARD DIRECTOR'S REPORT

Christina Wiseley, board director, reported that registrant response to the board's newsletter has been positive. Many registrants are calling to confirm that they have acceptable continuing education.

ADJOURNMENT

There being no further business and having completed its duties, the meeting of the State Board of Registration for Professional Engineers adjourned at 2:30 p.m.



John Sauer – Chairperson
State Board of Registration for Professional Engineers

7-19-2012

Date