

**MINUTES
BOARD FOR PROFESSIONAL ENGINEERS**

Date: April 9, 2015

Place: 3rd Floor Conference Room
500 North Calvert Street
Baltimore, Maryland 21202

Present: H. C. Harclerode, P.E., Chairman
Steven A. Arndt, Ph.D., P.E., Vice Chairman
Pastor Farinas, P.E., Secretary
David G. Mongan, P.E.
Karl Rickert, P.E.
Sandra J. Murphy

Others Present: Pamela J. Edwards, Executive Director
James Baseman, Assistant Executive Director
Milena Y. Trust, AAG, Board Counsel
Susan Cherry, AAG
Victoria Wilkins, Commissioner
John Papavasiliou, Deputy Commissioner

Absent: Rosalind Yee
Sallye E. Perrin, P.E.

CALL TO ORDER

Chairman Harclerode called the meeting to order at 9:10 a.m.

ACTION ON MINUTES

Motion (I) was made by Mr. Mongan, seconded by Mr. Farinas, and unanimously carried by the Board to approve the minutes of the March 23, 2015 meeting as submitted.

APPLICATIONS APPROVED FOR RECIPROCITY

Motion (II) was made by Mr. Mongan, seconded by Mr. Farinas, and unanimously carried to approve 17 applications for reciprocity as follows:

46099 Mark Alvarez	46518 Nirajan Aryal
46612 Thoma Aschenbrenner	46634 George Atallah
46635 James Comeau	46629 Karen Counes
46599 Byron Glenn	46636 Wanlong He
46641 Jeremy Kalmbacher	46642 Yoo Jin Kim
46633 William Lenz	46637 Todd Magiera
46640 Chase Miller	46638 Shawn Murphy
46639 Stephen Peel	46597 Charles Swope

APPLICATIONS APPROVED FOR RECIPROCITY (continued)

46630 Nathan Walsman

EXECUTIVE SESSION

Motion (III) was made by Mr. Mongan, seconded by Mr. Farinas, and unanimously carried to go into Executive Session at 9:11 a.m. at 500 North Calvert Street, 3rd Floor Conference Room, Baltimore, Maryland, 21202. This session was permitted to be closed pursuant to State Government Article, Title 10-508(a)(7). Upon completion of the Executive Session, the Board reconvened its public meeting at 9:40 a.m.

COMPLAINT COMMITTEE REPORT

Mr. Farinas reported on the status of complaints discussed by the Complaint Committee at its meeting on April 9, 2015.

- 12-PE-08 Inactive status pending civil litigation.
- 14-PE-20 Notice of Charges and Order for Administrative Hearing sent to Respondent.
- 15-PE-13 Hold pending civil litigation.
- 15-PE-16 Administratively closed, claimant failed to provide supporting documents.
- 15-PE-18 AAG will contact respondent and offer Consent Order.
- 15-PE-19 AAG will contact respondent and offer Consent Order with surrender of license in lieu of prosecution.

The Complaint Committee will refer one complaint to the PA Board of Professional Engineers. The Complaint Committee recommended that an engineer with an administrative suspension in NJ be approved for renewal.

Motion (IV) was made by Mr. Mongan, seconded by Mr. Farinas, and unanimously carried to accept the recommendations of the Complaint Committee.

CPC COMMITTEE REPORT

Mr. Mongan recommended approval of the CPC Provider applications of Green Building Education Services and PDH Now LLC. He requested more biographical information regarding the presenters for MKT Metal Manufacturing.

The Board granted an extension of three months for a licensee to complete his CPC requirements due to a medical hardship.

Motion (V) was made by David Mongan, seconded by Karl Rickert, and unanimously carried to approve the CPC Committee recommendations.

Chairman Harclerode raised concerns about the advertising tactics used by PDH Academy. He noted that this company is approved by the Board but they may be overstating their relationship with the Board in their printed materials. Ms. Edwards will write to the company to advise them that they are only an “approved provider” of professional development hours, nothing more.

REPORT FROM EXECUTIVE DIRECTOR

Ms. Edwards reported that the revised exam application form has been sent to the printshop for formatting prior to reposting it to the website. She is currently working on revisions to the application for reciprocity.

Ms. Edwards reported the digital storage efforts are continuing. Chairman Harclerode requested that Jim Baseman provide a start date for scanning licensing files and applications into the AS 400.

Ms. Edwards stated that Janet Morgan has been assigned to help transition the Board’s webpage data to the new website format.

Ms. Edwards reported that she sent the concept sheet for the firm permit fees to Secretary Schulz on April 6, 2015. As a result, Ms. Edwards responded to several email inquiries from the Secretary concerning the Board’s response to comments from the public. An acknowledgement of receipt was sent to each person who submitted comments, however, no follow-up was sent after the public hearing. Dr. Arndt noted that the federal government prepares a “resolution of public comments” which is a summary of comments received and posts it on the webpage.

Motion (VI) by David Mongan, seconded by Dr. Arndt, and unanimously carried to request that Ms. Edwards create a link on the Board’s webpage to a “resolution of comments” section that addresses public comments reviewed by the Board.

Ms. Edwards also reported that NCEES will fund two delegates from the Board to attend the Annual Meeting in Williamsburg, VA this summer. The Board agreed that the two delegates will be Mr. Harclerode and Mr. Rickert.

REPORT FROM COUNSEL

Assistant Attorney General Milena Trust reported that the firm permit bill to enhance enforcement authority for the surveyors, architects, and landscape architects passed the House and received a favorable report in the Senate. She also noted that the certificate of merit bill failed.

Ms. Trust noted that the Commissioner and Deputy Commissioner are working to make all PE application forms the same. She stated that the Land Surveyors Board formed a committee to revisit their CPC requirements and regulations.

Board for Professional Engineers

April 9, 2015

Page Four

Mr. Arndt asked if the Attorney General's office has provided any guidance regarding the SCOTUS decision in NC State Board of Dental Examiners v. the Federal Trade Commission. Ms. Trust stated that she has been in constant contact with the Attorney General's Office regarding this issue. Ms. Trust reported that the Board should not have any issues.

NEW BUSINESS

There was no new business to discuss.

OLD BUSINESS

Status of Firm Permit Fee Regulations

Commissioner Wilkins stated that she approved the concept sheet for the regulations and it was sent to the Secretary. David Mongan stated that some comments from the industry were in objection to the amount of the fee, but several were objecting to the law itself. Steven Arndt noted that the purpose of the law was to protect consumers and to discourage unlawful practice. Mr. Harclerode noted that previously there was nothing in MD law to prevent incorporation as an engineering firm without having an engineer on staff.

Financial Update

Mr. Papavasiliou reported that the PE Board has approximately \$805,000 in revenue and \$518,000 in expenditures. Mr. Harclerode noted that the balance was due to money collected from exam fees. Most of this is passed through to the national organization that develops and supplies the exam. The remaining exam funds will go to offset administrative expenses. He also noted that the total revenue includes funds due for rent of the building, which is typically paid in October.

Mr. Papavasiliou also reported that the unit is recruiting for the open contractual position and that the exemption to the hiring freeze for the board secretary position is in process.

Board Policies and Procedures for Processing Applications

Mr. Arndt discussed the options for distinguishing 4 year engineering degrees in applications. The Board unanimously agreed to adopt option C as written in Mr. Arndt's proposed solutions. Option C: *ABET EAC, Original Washington Accord "schools, and candidates that meet the check list (including evaluation of the program if it is a foreign school) will be put in 14-305(b) and candidates that have a diploma from an engineering school (with an evaluation program if it is a foreign school) but cannot meet the check list would be put in 14-305(c).*

Motion (VII) was made by Dr. Arndt, seconded by David Mongan, and unanimously carried by the Board to adopt the above policy.

Update on Email from Susan Kim, EDSI

Pastor Farinas advised the Board that on March 25, 2015 he attempted to contact Susan Kim of EDSI to discuss her email concerning the applicability of the new permit law to her printed circuit board design business. He called the phone number furnished and Mike Reagan answered the phone and told Mr. Farinas that Ms. Kim was not available. Mr. Farinas identified himself as a member of the Board and explained his call. When Mr. Farinas inquired about the product that was being designed and built by EDSI, Mr. Reagan refused to discuss the matter, stating that the Maryland Society of Professional Engineers (MDSPE) and the DLLR forced him out of business and that he has hired an attorney to address the matter. Mr. Reagan said that he has closed his business and is suing MDSPE and the DLLR. He also said that he would be contacting the news media to complain about the MDSPE and the DLLR. Mr. Farinas reported that Mr. Reagan was very angry about the situation and refused to listen to any reasoning about the purpose of the call or the matter of firm permits for entities providing engineering services.

Review of PE Board Presentation Outline

Mr. Harclerode requested that this matter be put on the agenda for the May meeting. He will ask Ms. Perrin to send a draft to the members before the May meeting.

CORRESPONDENCE

Jerry Carter of NCEES forwarded a letter and policy statement from ASCE President Robert Stevens. The letter and statement reinforces ASCE's position that progressive engineering experience should continue to be a part of the licensure process and that the exam should be structured to test knowledge gained both through education and progressive experience. Mr. Mongan stated that this issue was an ongoing concern for NCEES. Mr. Harclerode noted that moving to a computed based test for the PE exam would make it easier to include experience based questions.

APPLICATIONS APPROVED ADMINISTRATIVELY FOR RECIPROCITY

The following applications, supported by NCEES Model Law Engineer files, were administratively approved for licensure by the Executive Director of the Board:

46608 Bryan Arvai
46618 Thomas Batten III
44649 Michael Bianchino
46602 Kyle Eyre
46611 Paul Hopkins
46606 Joshua Host

46631 Rayna Bancuk
46556 Jesse Beaver
46610 Jason Ceglia
46603 Billy Fox
46661 John Horst
46607 Thomas Jutras

APPLICATIONS APPROVED ADMINISTRATIVELY FOR RECIPROCITY (continued)

46615 Matthew Kutzler
46601 Christopher Lee
46560 Cory Mitchell
46650 Alexander Salmin
46616 Scott Secrest
46605 John Womack

46655 Christopher Lanka
46604 David Meinholz
46620 Christopher Phair
46628 Jeremy Scallion
46617 Richard Voigt

**APPLICATIONS APPROVED FOR THE PRINCIPLES AND PRACTICE OF
ENGINEERING EXAMINATION, APRIL 17, 2015**

Tejpal Ahuja
Pavel Khazron
George Stanley

Tiffany Burroughs
Calvino Stanford

ADJOURNMENT

Motion (VII) was made by Mr. Mongan, seconded by Mr. Farinas, and unanimously carried to adjourn the meeting at 11:05 a.m.

_____ With Corrections

 X Without Corrections



HOWARD C. HARCLERODE III, Chair

Date: MAY 14, 2015