

FULL BOARD MEETING MINUTES
of the
MONTANA BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS
301 S. Park Ave., Helena MT
August 5, 2015 – 1:42 p.m. to 5:09 p.m.—Basement Conference Room (B-07)
August 6, 2015 – 8:10 a.m. to 11:47 a.m.—Basement Conference Room (B-07)

1. Call To Order - Establish Quorum - Introduction of Board & Staff Members Present (00:00:11 Day 1)

The meeting was called to order at 1:42 p.m. on August 5, 2015.

Board Members Present:

Mr. David Elias, Engineer/Surveyor, Presiding Officer
Ms. Jane Eby, Engineer/Surveyor, Vice-Presiding Officer
Mr. Ruhul Amin, Mechanical Engineer
Mr. Hal Jacobson, Public Member
Mr. Casey Johnston, Electrical Engineer
Mr. Byron Stahly, Engineer
Mr. Ronald Drake, Chemical Engineer

Board Members Absent:

Mr. Wallace Gladstone, Engineer
Vacant, Public Member

Staff Present:

Mr. Ian Marquand, Executive Officer
Ms. Graden Hahn, Board Counsel
Ms. Susan Asplund, Administrative Specialist
Mr. Todd Younkin, Division Administrator
Ms. Colleen White, Department Counsel

Others Present:

Zamian Essex, Jason Main, Steven Hyde, Aaron Anderson, Ryan Brown, Forest Mercill. By phone: Rafik Gerges, Tharani Thanga, Steven Torpey, Jaya Yerubandi, Joshua Helm, James Sullivan, Gilbert Bailey, Christopher Kosine, and Kelly Vogel.

2. Approval and Tentative Modification of Agenda Order (00:01:00 Day 1)

- a. August 5-6, 2015 Agenda

Motion (00:01:34 Day 1): Mr. Ronald Drake moved to approve the August 5-6, 2015 full board agenda as presented. Mr. Byron Stahly seconded. The motion carried unanimously.

3. Review and Approve Minutes (00:01:58 Day 1)

- a. April 29-30, 2015 Open Minutes

Motion (00:03:03 Day 1): Mr. Casey Johnston moved to approve the April 29-30, 2015 open minutes as presented. Mr. Ronald Drake seconded. The motion carried unanimously.

4. Public Opportunity to Comment (00:03:24 Day 1 and 01:17:15 Day 2)

There was no public comment on Day 1.

(01:18:34 Day 2): Jay Skoog, Executive Director of the American Council of Engineering Company of Montana. Topic: Wastewater treatment plant in the City of Deere Lodge, Montana.

5. Department/Division Report—Mr. Todd Younkin, Business Standards Division Administrator (00:04:05 Day 1 and 00:41:09 Day 1)

6. Board Action

a. Board and Department administrative suspensions under SB 76—Ms. Colleen White (00:05:12 Day 1)

- 1) Proposed Board motion delegating administrative suspension authority

Motion (00:35:58 Day 1): Mr. Hal Jacobson moved to approve the proposed language, “The Board moves to authorize the Department to administratively suspend a license as provided by [L. 2015, Ch. 80 -- SB 76] when: (a) an audit of continuing education, certification, or other qualification necessary for continued licensure demonstrates that the licensee is noncompliant with requirements established by a board; (b) the licensee fails to respond to an audit in (a) above; (c) the department receives notice of insufficient funds in the account used by the licensee to pay for an administrative fee or board fee or fine; (d) the department has reasonable grounds to believe the licensee did not possess the qualifications for initial issuance of the license because of error brought to the attention of the department; or (e) a licensee fails to comply with the terms of a final order imposed pursuant to 37-1-312.” Ms. Jane Eby seconded. Discussion followed. The motion carried unanimously.

b. Applications: Non-Routine Comity

- 1) Jason Main, Professional Land Surveyor (01:06:57 Day 1)

Motion (01:24:26 Day 1): Ms. Jane Eby moved to approve Jason Main’s application for professional land surveyor and to take the MTL exam. Mr. Byron Stahly seconded. The motion carried unanimously.

- 2) Rafik Gerges, Professional Engineer (01:41:12 Day 1)

Motion (01:44:52 Day 1): Mr. Ruhul Amin moved to approve Rafik Gerges’ application by comity. Mr. Byron Stahly seconded. The motion carried unanimously.

- 3) Tharani Thanga, Professional Engineer (01:45:33 Day 1)

Motion (01:57:00 Day 1): Mr. Ronald Drake moved to approve Tharani Thanga’s application. Mr. Hal Jacobson seconded. The motion carried unanimously.

- 4) Aaron Anderson, Professional Land Surveyor (01:25:07 Day 1)

Motion (26:11:12 Day 1): Ms. Jane Eby moved to approve Aaron Anderson to take the MTL exam. Mr. Ronald Drake seconded. The motion carried unanimously.

- 5) Steven Torpey, Professional Engineer (01:57:49 Day 1)

Motion (02:03:08 Day 1): Mr. Ruhul Amin moved to deem the application incomplete for Steven Torpey for the lack of 4 years of experience. Mr. Byron Stahly seconded. The motion carried unanimously.

- 6) Gilbert Bailey, Professional Land Surveyor (01:39:33 Day 1)

Motion (01:40:33 Day 1): Ms. Jane Eby moved to approve Gilbert Bailey to take the MTL exam. Mr. Ronald Drake seconded. The motion carried unanimously.

- 7) Steve Gala, Professional Engineer (02:54:45 Day 1)

Motion (03:03:12 Day 1): Mr. Casey Johnston moved to approve Steve Gala. Mr. Ruhul Amin seconded. The motion carried unanimously.

- 8) Jaya Yerubandi, Professional Engineer (02:05:54 Day 1)

Motion (02:10:52 Day 1): Mr. Ruhul Amin moved to approve Jaya Yerubandi's application by comity. Ms. Jane Eby seconded. The motion carried unanimously.

c. Applications: Non-Routine Exam

1) Joshua Helm, Professional Engineer **(02:15:07 Day 1)**

Motion (02:34:01 Day 1): Mr. Ronald Drake moved to deem Joshua Helm's application incomplete for lack of progressive and supervised engineering experience. Mr. Ruhul Amin seconded. The motion carried unanimously.

2) Michael Zent, Professional Engineer **(03:03:32 Day 1)**

Motion (03:10:30 Day 1): Mr. Ronald Drake moved to approve Michael Zent's application. Ms. Jane Eby seconded. The motion carried unanimously.

3) Kurt Patrick, Professional Engineer **(03:10:48 Day 1)**

Motion (03:18:11 Day 1): Mr. Casey Johnston moved to accept Kurt Patrick's application. Mr. Ronald Drake seconded. The motion carried unanimously.

4) Forest Mercill, Professional Land Surveyor **(01:29:11 Day 1 and 02:11:36 Day 1)**

Motion (01:38:28 Day 1): Ms. Jane Eby moved to deem Forest Mercill's application is incomplete until he has acquired 9 more months of progressive experience. Mr. Byron Stahly seconded. The motion carried unanimously.

Motion (02:13:35 Day 1): Ms. Jane Eby moved to reconsider Forest Mercill's motion. Mr. Byron Stahly seconded. The motion carried unanimously.

Motion (02:13:55 Day 1): Ms. Jane Eby moved to rescind Forest Mercill's motion. Mr. Byron Stahly seconded. The motion carried unanimously.

Motion (02:14:10 Day 1): Ms. Jane Eby moved to deem Forest Mercill's application incomplete until he achieves 7 more months experience. Mr. Byron Stahly seconded. The motion carried unanimously. Clarification: Mr. Mercill's application is deemed incomplete because it is deficient 7 months progressive experience.

5) James Sullivan, Professional Engineer **(02:35:37 Day 1)**

Motion (02:38:12 Day 1): Mr. Ruhul Amin moved to deem James Sullivan's application by exam incomplete for lack of 4 years of progressive experience. Mr. Ronald Drake seconded. The motion carried unanimously.

6) Ryan Brown, Professional Land Surveyor **(01:26:34 Day 1)**

Motion (01:28:34): Ms. Jane Eby moved to approve Ryan Brown to take the MTL and NCEES LS exam. Mr. Ronald Drake seconded. The motion carried unanimously.

7) Christopher Kosine, Professional Land Surveyor **(02:44:26 Day 1)**

Motion (02:46:18 Day 1): Ms. Jane Eby moved to approve Christopher Kosine to take the MTL exam under section 7, (1)(d), not (1)(b) as he applied. Mr. Ronald Drake seconded. The motion carried unanimously.

8) Zamian Essex, Professional Land Surveyor **(01:00:19 Day 1)**

Motion (01:05:07 Day 1): Ms. Jane Eby moved to approve Zamian Essex for exam under HB 63. Mr. Byron Stahly seconded. The motion carried unanimously.

d. Approval for Re-scheduling of Exam Beyond Application Expiration Date

1) Kelly Vogel, Professional Engineer **(02:47:54 Day 1)**

Motion (02:52:32 Day 1): Mr. Casey Johnston moved to grant an extension of the expiration date for the NCEES PE exam for Kelly Vogel. Mr. Ronald Drake seconded. The motion carried unanimously. Clarification: Ms. Vogel can sit for the exam in April 2016.

The meeting recessed at 5:09 p.m. on August 5, 2015.

The meeting reconvened at 8:10 a.m. on August 6, 2015. (00:00:00 Day 2)

Board Members Present:

Mr. David Elias, Engineer/Surveyor, Presiding Officer
Ms. Jane Eby, Engineer/Surveyor, Vice-Presiding Officer
Mr. Ruhul Amin, Mechanical Engineer
Mr. Hal Jacobson, Public Member
Mr. Casey Johnston, Electrical Engineer
Mr. Byron Stahly, Engineer
Mr. Ronald Drake, Chemical Engineer

Board Members Absent:

Mr. Wallace Gladstone, Engineer
Vacant, Public Member

Staff Present:

Mr. Ian Marquand, Executive Officer
Ms. Graden Hahn, Board Counsel
Ms. Susan Asplund, Administrative Specialist

Others Present:

Jay Skoog

e. Rulemaking (00:00:19 Day 2)

- 1) Rules recommendations from August 5 Rules Committee meeting (if any)
- 2) SB 139 analysis of small business impacts (if any)
- 3) Board assignments for Rules Committee

f. Board-approved Land Surveying Curricula (00:04:19 Day 2)

- 1) Flathead Valley Community College
- 2) Montana State University-Bozeman
- 3) Highlands College of Montana Tech
- 4) Great Basin College

Motion (01:04:33 Day 2): Mr. Ruhul Amin moved to have the Board approve out-of-state Land Surveyor education curricula on a case by case basis for each application for licensure. Ms. Jane Eby seconded. Discussion followed. The motion carried unanimously.

(01:11:00 Day 2): Mr. David Elias appointed: Ms. Jane Eby, Mr. David Elias, Mr. Wally Gladstone and Mr. Hal Jacobson to a Curricula Review Committee. Ms. Jane Eby will be the chair of the committee.

(01:13:25 Day 2): Mr. David Elias abolished the previous committee of Ms. Jane Eby and Mr. Wally Gladstone to review Land Surveyor Education Curricula.

Motion (01:14:01 Day 2): Ms. Jane Eby moved to the Curricula Review Committee be authorized to spend money on travel and per diem as necessary to accomplish their task. Mr. Ruhul Amin seconded. The motion carried unanimously.

(01:15:14 Day 2): Ms. Jane Eby requested Mr. Ian Marquand to send a letter to the 3 Montana programs, inform them a committee has been formed and they need to send documentation demonstrating how they meet the requirements and include a list of their courses and descriptions. Include a copy of ARM 24.183.501 Board-Approved Curricula with the letter.

g. Other Board Action Items (02:01:11 Day 2)

- 1) Clarification re: whether EI certificate must be Active at time of PE application

Motion (02:06:10 Day 2): Mr. Casey Johnston moved the Board be liberal in evaluating the certification as an engineer intern that will allow Mr. Ian Marquand, in his role, to evaluate those applications where an engineering intern is required. If there are any concerns by Mr. Marquand, he can bring those concerns to the full board for discussion. Mr. Hal Jacobson seconded. The motion carried unanimously.

h. Examination Development—Ms. Jane Eby (02:09:20 Day 2)

- 1) Montana Land Surveyor Exam (MLSE) administration dates
- 2) Memorandum of understanding for grading/evaluating MLSE

Executive Session: A portion of the Examination Development discussion was held in executive session. The Board moved to expand the MOU to include administration of the exam.

i. Scheduling of next meetings (02:29:27 Day 2)

- 1) October 28-29, 2015
- 2) 2016 meeting dates **(02:37:51 Day 2)**

7. Board Correspondence

- a. Comment from Jarred Mosdal re: practice of engineering and unlicensed practice **(02:42:35 Day 2)**

Motion (03:00:08 Day 2): Mr. Casey Johnston moved to have Mr. Ian Marquand respond appropriately to Jarred Mosdal's email. Mr. Byron Stahly seconded. The motion carried unanimously.

- b. ABET invitation to observe accreditation visit **(03:00:29 Day 2)**

Mr. Ruhul Amin recused himself and left the room. After discussion, the Board will send no observer.

8. Reports from Board Committees & Organizations

- a. Rules Committee **(03:04:27 Day 2)**
- b. NCEES reports & communications **(03:05:32 Day 2 and 03:16:50 Day 2)**

9. Executive Officer Report—Mr. Ian Marquand

- a. Budget Report **(03:12:59 Day 2)**
- b. BSD Staff Update **(03:14:54 Day 2)**
- c. Application Report **(03:14:42 Day 2)**
- d. EAIC Work Plan **(03:15:25 Day 2)**

10. Legal Report (03:19:45 Day 2)

11. Adjourn (03:23:03 Day 2)

The meeting was adjourned at 11:47 a.m.