

**KANSAS STATE BOARD OF TECHNICAL PROFESSIONS
ACTION AGENDA
MAURICE BOWERSOX, CHAIR**

FEBRUARY 9, 2018

10:00 A.M.

The meeting was called to order by Chair Bowersox at 10:00 am.

Members present were:

Maurice Bowersox, P.E.
Steve Brosemer, P.S.
Forrest Erickson, P.E.
Larry Graham, P.E., P.S.
Edward Halloran, Public Member
William Haverkamp, P.S.
Joseph Johnson, Architect
Carisa McMullen, Landscape Architect
Vincent Mancini, Architect
Eric Wimmer, Architect, Public Member

Members absent were:

Richard Hayter, P.E.
Robert Henthorne, P.G.

Others present were:

Athena Andaya, Deputy Attorney General assigned to the Board as General Counsel
Tom Luedke, Bennett & Hendrix, LLC
Shelby Lopez, Executive Director
Sarah Easter, Assistant Director
Jessica Pierce, Public Service Administrator

I. MINUTES

By motion of Mr. Graham, seconded by Mr. Johnson the Board voted to approve the minutes of the December 15, 2017 meeting.

II. ADDITIONS OR ADJUSTMENTS TO THE AGENDA

There were no additions or adjustments to the agenda.

III. REVIEW AND APPROVAL OF CONSENT AGENDA

By motion of Mr. Johnson, seconded by Mr. Graham the Board voted to approve the Consent Agenda.

IV. PUBLIC COMMENTS – 10:15 AM

There were no public comments.

V. EXECUTIVE SESSION (IF NEEDED)

At 10:03 am, by motion of Mr. Graham, seconded by Mr. Johnson the Board voted to recess into executive session for consultation with legal counsel, Athena Andaya, Deputy Attorney General, to seek legal advice on a matter protected by the attorney-client privilege, in order to protect the privilege and the public interest. In addition, Shelby Lopez and Tom Luedke, who are part of the client circle, were present in the executive session to aid the Board in their discussions. The Board reconvened the open meeting at 10:18 am.

At 10:20 am, by motion of Mr. Brosemer, seconded by Mr. Johnson the Board voted to recess into executive session for consultation with legal counsel, Athena Andaya, Deputy Attorney General, to seek legal advice on a matter protected by the attorney-client privilege, in order to protect the privilege and the public interest. In addition, Shelby Lopez and Tom Luedke, who are part of the client circle, were present in the executive session to aid the Board in their discussions. The Board reconvened the open meeting at 10:30 am.

VI. ATTORNEY REPORT

A. Athena Andaya

Ms. Andaya provided a review of the following Executive Orders: 18-04 Policy Regarding Sexual Harassment, 18-05 Open Records Copy Changes, 18-06 Open Records Policy and Transparency Regarding Use of E-Mail, 18-07 Evaluating and Measuring Government Performance, and 18-08 Creation of Open Meetings Notice Website.

By motion of Mr. Graham, seconded by Mr. Wimmer, the Board voted to direct Ms. Lopez to comply with Executive Order 18-05 by amending the KSBTP policy on professional conduct.

By motion of Mr. Graham, seconded by Mr. Brosemer, the Board voted to direct Ms. Lopez to comply as Executive Order 18-08 as presented by Ms. Andaya.

VII. REVIEW OF INQUIRIES/COMPLAINTS & ATTORNEY REPORTS

Mr. Mancini reported that the Committee accepted three self-reports of disciplinary without taking action for penalization and closed two cases. Three cases are currently pending additional information and one extension was granted for the return of a Settlement Agreement and Consent Order. The Committee directed Ms. Lopez to send correspondence in response to two complaints. The Committee dealt with all existing cases according to the Rules and Regulations. By motion of Mr. Graham the Board voted to accept the Committee Report.

VIII. COMMITTEE AND ADMINISTRATIVE REPORTS

A. ARCH/LA/PG Committee – Chair McMullen

Ms. McMullen reported the Committee approved two application ballots and reviewed progress on revisions to K.A.R. 66-9-7, 66-10-1 and 66-10-3. The Committee voted to re-submit K.A.R. 66-9-7 and 66-10-3 as proposed by Ms. Lopez; K.A.R. 66-10-1 is currently under review by the Department of Administration. Ms. McMullen reported her involvement in a shared presentation with Bob Hartnett from the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects and summarized Mr. Mancini's involvement on the Model Law Committee for NCARB, including draft resolutions that will be reviewed at the March 2018 NCARB Regional Summit in Wichita, KS. By motion of Mr. Graham the Board voted to accept the Committee Report.

B. PE/PS Committee – Chair Erickson

Mr. Erickson reported the Committee approved fifteen application ballots and delegated authority to Board staff to approve comity applications for professional engineers who have been designated as a Model Law Engineer by NCEES. The Committee also delegated authority to Board staff to approve retake attempts for computer based professional engineer examinations. Mr. Erickson summarized the Committee's discussion on changes to the minimum standards for professional land surveyors and reported a consensus was reached to seek an attorney general's opinion concerning notarization of surveying documents that have been professionally sealed. By motion of Mr. Graham the Board voted to accept the Committee Report.

C. Audit Review Committee – Chair Mancini

No report.

D. Continuing Education Task Force – Chair Hayter

The Committee presented Memorandum to the Board with a draft of revised Continuing Education Guidelines.

E. Administrative Report

1. Administrative Update
2. Budget Update

Ms. Lopez gave the administrative and budget report. The Board's ending cash balance as of November 30, 2017 is \$1,677,641.01.

IX. CORRESPONDENCE

- A. There is none.

X. UNFINISHED BUSINESS

- A. Proposed Interstate Compact for the Temporary Licensure of Professionals (Discussion Item)

Ms. Lopez directed discussion regarding SB 1184 in Arizona and the potential impact temporary state licensure without professionals being required to apply for licensure via comity with the appropriate regulatory board could result in for the KSBTP.

A. NEW BUSINESS

A. Emeritus Board Member Designation

By motion of Mr. Graham, seconded by Mr. Brosemer, the Board voted to direct Ms. Lopez to draft policy for Board review allowing a nomination procedure for previous Board members to gain an “Emeritus” member title.

B. De-Coupling

Chair Bowersox led a discussion regarding de-coupling of exams and experience. No action was taken.

C. Board Member Travel Reimbursement

Ms. Lopez reviewed informal notification by the Department of Administration staff that advises board member reimbursements are to be calculated identically to that a regular state employee in regards to vehicle rental and private mileage reimbursement.

D. Upcoming board meeting dates:

1. April 19 and 20, 2018 – Lenexa, KS (Shafer, Kline, & Warren)
2. July 19 and 20, 2018 – Topeka, KS, Certificate Ceremony, Kansas State Capitol

A. ADJOURN

By motion of Mr. Graham, seconded by Mr. McMullen, the Board voted to adjourn at 12:50 p.m.