

KANSAS STATE BOARD OF TECHNICAL PROFESSIONS

ACTION AGENDA

ERIC WIMMER, CHAIR

February 15, 2019

10:00 A.M.

Kansas Board of Technical Professions PE PS Committee meetings follow the Kansas Open Meetings Act (KOMA).

The meeting was called to order at 10:02 a.m.

Members present were:

Maurice Bowersox, P.E.

Jack Poole, P.E.

William Haverkamp, P.S.

Larry Graham, P.E., P.S.

John Lilak, P.S.

Robert Henthorne, P.G.

Joseph Johnson, ARCH.

Carisa McMullen, L.A.

Eric Wimmer, ARCH.

Wendy Ornelas, ARCH.

Others present were:

Jessica Pierce, Public Service Administrator

Jane Weiler, Assistant Attorney General

Athena Andaya, Deputy Attorney General

Larry Karns, Executive Director

Members absent were:

Dick Hayter, P.E.

I. MINUTES

A. Full Board

By motion of Mr. Poole, the Committee voted to approve the minutes of the December 14, 2018, December 21, 2018 and February 8, 2019 meetings (previously

distributed). Mr. Graham seconded the motion made by Mr. Poole and the motion carried.

B. Executive Director Search Committee

By motion of Mr. Poole, the Committee voted to approve the minutes of the January 23, 2019 meeting (previously distributed). Mr. Graham seconded the motion made by Mr. Poole and the motion carried.

II. ADDITIONS OR ADJUSTMENTS TO THE AGENDA

Mr. Wimmer postponed the staff renewal demonstration, removed the Board Staff Liaison program discussion and moved the CEU rules and regulation update to the start of the meeting due to inclement weather concerns. There were no objections.

III. REVIEW AND APPROVAL OF CONSENT AGENDA

A. Possible review of items removed from consent agenda

IV. PUBLIC COMMENTS – 10:15 AM

A. Requests for public comments

1. Joel Wegele – Application for Reinstatement of License (Professional Surveyor)

Mr. Graham moved that the Board recess into executive session for consultation of legal services to seek advice protected by attorney client privilege. The Board requests general counsel be present during the session. Ms. Ornelas seconded the motion made by Mr. Graham and the motion carried.

The Board entered executive session at 10:30 a.m. and reconvened the open meeting in the same location at 10:40 a.m.

By motion of Mr. Johnson, the Board directed Ms. Andaya to draft a letter to Mr. Wegele stating he must take a Kansas Minimum Standards course, set up a payment plan with KSBTP as of March 1, 2019, must complete CEU's and pay his fine before suspension will be removed. He may present the written material, or he may return before the Board should he choose. The Board would also accept any other written information that would reflect in his rehabilitation. Mr. Haverkamp seconded the motion made by Mr. Johnson and the motion carried.

Mr. Graham moved that the Board recess into executive session for consultation of legal services to seek advice protected by attorney client privilege. The Board requests general counsel and litigation counsel to be present during the session. Mr. Johnson seconded the motion made by Mr. Graham and the motion carried.

The Board entered executive session at 10:50 a.m. and reconvened the open meeting in the same location at 10:55 a.m.

By motion of Mr. Graham, the Board directed Mr. Karns to institute a procedure to ensure the safety and retention of any electronic files used by staff. Ms. Andaya requests all documents be stored on the shared drive. Mr. Lilak requests they are stored on a backable system and not on desktops or personal drives. Ms. Ornelas seconded the motion made by Mr. Graham and the motion carried.

V. REVIEW OF INQUIRIES/COMPLAINTS & ATTORNEY REPORTS

- A. Complaint Committee Report – Chair Bowersox
 - 1. Report of Case Files with Final Action Taken by the Committee
 - 2. Receipt of Complaint Committee Report

Mr. Bowersox reported the Committee convened at 2pm and adjourned at 4pm. The Committee reviewed 30 cases. 10 cases were new, 15 closed with action and 5 with no action. 2 cases were tabled. The Committee approved procedural changes to streamline processes related to self-report. Mr. Graham moved to accept the report. Mr. Poole seconded the motion made by Mr. Graham and the motion carried.

- B. Attorney Report – Athena Andaya, General Counsel

Ms. Andaya reported that SB 65 is a new procedure to allow any that complain about a public official (such as board members) to have an avenue to follow. They would now be able to go to the Attorney General's office and ask for an investigation. The Attorney General's office or law enforcement do not have to initiate an investigation. If either entity were to investigate and find reasonable grounds for public corruption, they would institute an inquisition or grand jury. Ms. Andaya believes this already exists. Ms. Andaya provided a summary to Mr. Wimmer. Senator Holland in District III is both the original sponsor and current sponsor.

VI. COMMITTEE AND ADMINISTRATIVE REPORTS

- A. ARCH/LA/PG Committee – Chair Johnson
 - 1. Report of Committee Actions
 - 2. Discussion of Committee Items
 - 3. Receipt of Committee Report

Mr. Johnson reported Mr. Wimmer is going to coordinate with Ms. Andaya and research specific recommendations for staff regarding Landscape Architect Interns and Architect Interns. Staff will then publish the list. No applications or unfinished business needed attention. Mr. Henthorne discussed the ASBOG spring exam on March 15 and the workshop in April. Mr. McMullen reported that CLARB nominations have been completed through January 11th. There is a virtual meeting of region four on February 26th. Mr. Johnson reported that NCARB reduced transmittal fees from \$400 to \$385. There is a current request for committee volunteers for FY2020 due by February 28, 2019. The Committee adjourned at 9:58am. Mr. Graham moved to accept the Committee's report. Mr. Lilak seconded the motion made by Mr. Graham and the motion carried.

- B. PE/PS Committee – Chair Haverkamp
 - 1. Report of Committee Actions
 - 2. Discussion of Committee Items
 - 3. Receipt of Committee Report

Mr. Haverkamp reported the PE/PS Committee reviewed eight applications in total with none being approved. The Committee approved four exam retakes. Mr. Graham and Mr. Haverkamp will meet with Ms. Andaya and Ms. Weiler to review concerns on the Minimum Standards. Mr. Lilak will review upon completion. A small committee consisting of Mr. Poole, Mr. Bowersox and Ms. Weiler was assigned to consider Fire Protection language and a report will be given at the April meeting. Mr. Haverkamp reported a new Model Law Engineer (MLE) application was also approved. The Committee adjourned at 9:36am. Mr. Lilak moved to accept the Committee's report. Mr. Poole seconded the motion made by Mr. Lilak and the motion carried.

- C. Administrative Report
 - 1. Review of Administrative Items

In the absence of Ms. Easter, Mr. Wimmer provided the Administrative Report. Mr. Wimmer reported that the three Rules and Regulations for Architect licenses are still in process. Ms. Easter recently sent out a request for investigators to current licensees with 104 responses. 13 have contracts have been completed and 90 have allowed the Board to retain their information for future use. Ms. Weiler stated she scrutinizes them quite thoroughly looking for things such as prior disciplinary, location and discipline. Mr. Wimmer also provided a short overview of the cash balance report and account reports. Mr. Haverkamp moved to accept the Committee's report. Mr. Johnson seconded the motion made by Mr. Haverkamp and the motion carried.

VII. CORRESPONDENCE

None.

VIII. AGENCY DEMONSTRATION

- A. Renewals

The agency renewal demonstration was postponed until April 2019 due to inclement weather concerns.

IX. UNFINISHED BUSINESS

A. Executive Director Search

The Executive Director Search has been completed and an offer accepted. Mr. Larry Karns will join KSBTP on March 4, 2019.

X. NEW BUSINESS

A. Fiscal year contract with the Office of the Attorney General

Ms. Andaya clarified that the only change in the contract is clarification that the litigation counsels' work is for administrative law/disciplinary matters including appeal, but any situation in which a Board Member or the Board itself is sued is outside this contract. It would require someone other than Ms. Weiler as representation. Ms. Andaya stated that the amounts did not change; however, the Attorney General's office will start keeping track of their time to determine if changes should be made in the future. Mr. Graham moved to instruct the Executive Director to sign and submit the contract. Mr. Poole seconded the motion made by Mr. Graham and the motion carried.

B. Senate Bill No. 65

D. Discussion Items

1. Board/Staff Liaison Program

The Board/Staff Liaison Program discussion was postponed due to inclement weather concerns.

2. Regulatory Board disciplinary actions in the news

- a. Oregon Board of Examiners for Engineering and Land Surveying
- b. College of Veterinarians of Ontario

Mr. Wimmer feels the main point in the articles is for everyone to remain aware and vigilant. Mr. Bowersox does not feel a major impact nation-wide will be felt.

2. Board policies

- a. Potential policies
- b. Established policies
- c. Publishing of Board policies

Mr. Poole requested that the list of established policies be placed in MyBoardPacket so all members have access to review. Mr. Andaya and Ms. Weiler requested all policies be sent for their review as they may need published. Ms. Andaya also requested the Open Records Request Brochure should be placed in a more public friendly spot on the website so it is easier to find. She requests this discussion be placed on the April 2019 agenda.

XI. APPROVAL FOR ATTENDANCE AT EVENTS

- A. NCARB Centennial Business Meeting in D.C., June 20-22, 2019 for Board members and Board Directors

The Board also discussed approval for attendance at the following events:

- A. ASBOG in New Hampshire (Mr. Henthorne)
- B. NCARB Regional Summit in Tennessee (Mr. Johnson and staff)
- C. NCARB Annual Meeting in Washington, DC (5 representative should attend)
- D. NCEES Zone Meeting (Larry/Bill/Maurice plus 1 staff)
- E. NCEES Joint Meeting in New Hampshire

Mr. Johnson moved to approve attendance at the above events. Mr. Graham seconded Mr. Johnson's motion and the motion carried.

XIII. ADJOURN

By motion of Mr. Graham, seconded by Mr. Poole, the Committee adjourned at 12:05 p.m.