

ACTION MINUTES

KANSAS STATE BOARD OF TECHNICAL PROFESSIONS BOARD MEETING

900 SW JACKSON, STE 507, TOPEKA KS 66612

Friday, April 17, 2015

The meeting was called to Order by Chair Mancini at 10:15 a.m.

Members present were:

George Barbee, Public Member

Maurice Bowersox, P.E.

Steve Brosemer, P.S.

Forrest Erickson, P.E.

Richard Hayter, Ph.D., P.E.

Robert Henthorne, P.G.

David Hoffman, Architect

Vincent Mancini, Architect

Philip J. Meyer, L.A.

Eric Wimmer, Architect, Public Member

Members absent were:

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

Wendy Ornelas, Architect

Timothy R. Sloan, P.S.

Others present were:

Mark Bennett, Attorney for the Board

Mary Leigh Dyck, Executive Director

Melissa Graham, Assistant Director

Guest: Terry Humphrey, AIA Kansas (arrived at 11:00 a.m. and departed at 1:30 p.m.)

I. MINUTES

Approval of minutes of the February 6, 2015 meeting (previously distributed)

By motion of Mr. Erickson, seconded by Mr. Wimmer, the Board voted to approve the minutes of the February 6, 2015 meeting.

II. ADDITIONS OR ADJUSTMENTS TO THE AGENDA

There were none.

III. REVIEW AND APPROVAL OF CONSENT AGENDA

- A. Possible review of items removed from consent agenda.

By motion of Mr. Erickson, seconded by Mr. Bowersox, the Board voted to approve the Consent Agenda as presented.

IV. LAPSED LICENSE BALLOTS

- A. Ballot 15-115 Lapsed Landscape Architects (A-L)

By motion of Mr. Meyer, seconded by Mr. Henthorne, the Board voted to approve the Lapsed Landscape Architects Ballot 15-115.

- B. Ballot 15-116 Lapsed Business Entities (A-L)

By motion of Mr. Bowersox, seconded by Mr. Wimmer, the Board voted to approve the Lapsed Business Entities Ballot 15-116.

V. EXECUTIVE SESSION - I

- A. Athena Andaya, Deputy Attorney General - Discussion

By motion of Mr. Barbee, seconded by Mr. Bowersox, the Board voted at 10:20 a.m. to go into Executive Session for approximately 30 minutes to discuss matters with the Board's attorneys which would be deemed privileged in the attorney-client relationship in accordance with K.S.A. 75-4319(b)(2). Mr. Bennett, Ms. Andaya, Ms. Dyck and Ms. Graham were asked to stay. The meeting reconvened into open session at 10:50 a.m.

VI. REVIEW OF INQUIRIES/COMPLAINTS & ATTORNEY REPORTS

- A. Complaint Files – Report from Complaint Committee – Chair Erickson

Mr. Erickson reported on actions taken by the Complaint Committee. The Committee dealt with all of the existing cases according to the Board's statutes and regulations. (See Complaint Committee minutes for final actions.)

Mr. Erickson reported that at this time the Hearing panel for Case 13-24 was suspended.

- B. Receipt of Complaint Committee Report

By motion of Mr. Brosemer, seconded by Mr. Henthorne, the Board voted to receive and file the Complaint Committee Report.

- C. Legal Matters/Correspondence

There were none.

D. Assign Hearing Panels as needed.

1. Case File 10-20

Mr. Graham, Chair, and Dr. Hayter, Member, were assigned as the Hearing panel for Case File 10-20.

VII. COMMITTEE AND EXECUTIVE DIRECTOR REPORTS

A. ARCH/LA/PG Committee – Committee Chair Wimmer

1. Report of Committee Actions

Mr. Wimmer reported on the actions of the Committee.

2. Discussion of Committee Items

Mr. Wimmer reported on items discussed by the Committee including their discussion

3. Receipt of Committee Report

By motion of Mr. Hoffman, seconded by Mr. Meyer, the Board voted to receive and file the Committee's report. (See minutes of ARCH/LA/PG Committee attached.)

B. PE/PS Committee – Committee Chair Bowersox

1. Report of Committee Actions

Mr. Bowersox reported on the actions of the Committee.

2. Discussion of Committee Items

Mr. Bowersox reported on items discussed by the Committee including an update from the Surveyor Task Force. By motion of Mr. Brosemer, seconded by Mr. Bowersox, the Board voted to approve office staff to work with Mr. Elgin and the Surveyor Task Force towards implementation of offering the Kansas State Specific exams more frequently. A proposal for this process will be presented at the July 2015 Board meeting.

3. Receipt of Committee Report

By motion of Mr. Erickson, seconded by Dr. Hayter, the Board voted to receive and file the Committee's report. (See minutes of PE/PS Committee attached.)

C. Continuing Education Committee – Committee Chair Bowersox

1. Continuing Education Summary Report

The Continuing Education Summary Report was presented by Mr. Bowersox. By motion of Mr. Erickson, the Board voted to receive and file the report.

2. Information regarding Nebraska Regulation

Mr. Bowersox discussed new regulations for the Nebraska Board of Architects and Engineers regarding Continuing Education. No action was taken.

D. Statute Revision Committee – Committee Chair Meyer

1. 2015 Statute Revisions Update

Mr. Meyer reported on the status of the Kansas Board of Technical Professions Senate Bill 24, now HB Sub 2224. Testimony on the bill has been provided before the Senate Federal and State Affairs committee and the House Federal and State Affairs committee. The language from the original HB Sub 2224 was removed and replaced with the language from Senate Bill 24 when the House Committee worked the bill. There was discussion of the possible pathway of HB Sub 2224.

By motion of Mr. Brosemer, the Board voted to receive and file the Committee's report.

E. Other Committee Reports

1. Building Officials Brochure (BOB) Committee – Committee Chair Hoffman

Mr. Hoffman reported on the Committee's actions. A discussion was held concerning use of the brochure and a distribution list of other agencies which may be involved or interested. The Board Office staff has investigated cost estimates for the printing of the brochure.

By motion of Mr. Henthorne, the Board voted to receive and file the Committee's report.

2. Seals & Signatures Committee – Committee Chair Erickson

a. K.A.R. 66-6-1 (V.6) Draft

The Board discussed Version 6 Preliminary Draft of K.A.R. 66-6-1 provided in the Board packet. This discussion included an anticipated plan to meet with interested parties to review

the drafted language. The Committee has been tasked to provide the final version for Board approval at the July Board Meeting.

By motion of Mr. Bowersox, seconded by Mr. Wimmer, the Board voted to provide a copy of the draft to Mr. Jerry Younger of KDOT for review and comments.

3. Legal Contract Committee – Committee Chair Hoffman

Mr. Hoffman reported on the actions of the Committee after Mr. Bennett had left the room. After the Committee has reviewed the qualified applications, a phone conference could be held for Board approval.

By motion of Mr. Henthorne, seconded by Mr. Wimmer, the Board voted to receive and file the Committee's report.

4. Strategic Plan Committee – Committee Chair Barbee

Mr. Barbee reported on the actions of the Committee. By motion of Mr. Brosemer, seconded by Dr. Hayter, the Board voted to receive and file the Committee's report.

5. Design-Build Statement – Mr. Erickson

a. Charles R. Hay, Foulston Siefkin, LLP – Design Build Question

By motion of Mr. Meyer, seconded by Mr. Brosemer, the Board voted to direct Mr. Bennett to respond to Mr. Hay.

F. Executive Director Report

1. Administrative updates

The Executive Director announced a resignation by Mike Vento, Administrative Specialist, and a retirement by Carol Shannon, Administrative Specialist. Both positions will be filled as soon as possible.

Current FY2015 Budget information was provided and a discussion was held regarding finances.

VIII. EXECUTIVE SESSION

There was none.

IX. CORRESPONDENCE

There was none.

X. UNFINISHED BUSINESS

A. Legal Matters/Correspondence

By motion of Mr. Hoffman, seconded by Mr. Erickson, the Board voted to approve the Settlement Agreement and Consent Order for Case File 14-20.

B. Proposed Revisions for Rules and Regulations – Exhibit 1 from Public Hearing held on February 25, 2015

1. K.A.R. 66-14-1. Requirements.
2. K.A.R. 66-14-2. Definitions.
3. K.A.R. 66-14-3. Continuing education activities.
4. K.A.R. 66-14-5. Computation of credit.
5. K.A.R. 66-14-7. Records.
6. K.A.R. 66-14-10. Licensure in another jurisdiction.
7. K.A.R. 66-14-11. Dual licensee.

A Roll Call vote on the 7 Permanent Regulations was held. By motion of Mr. Erickson, seconded by Mr. Bowersox, the Board voted to adopt the permanent regulations: K.A.R. 66-14-1, 66-14-2, 66-14-3, 66-14-5, 66-14-7, 66-14-10, and 66-14-11.

CERTIFIED ROLL CALL VOTE: These Rules and Regulations will be adopted as approved by the Department of Administration and the Office of the Attorney General and as presented to the public. A roll call vote was taken as follows:

Mr. Barbee – Yea
Mr. Bowersox - Yea
Mr. Brosemer – Yea
Mr. Erickson – Yea
Mr. Graham – Absent
Dr. Hayter – Yea
Mr. Henthorne – Yea
Mr. Hoffman – Yea
Mr. Mancini – Yea
Mr. Meyer – Yea
Ms. Ornelas – Absent
Mr. Sloan – Absent
Mr. Wimmer – Yea

After voting: 10 in favor; 0 opposed; 3 absent.

XI. NEW BUSINESS

A. Appreciation Awards - Board Awards for Appreciation of Service

The following Board Members were recognized for their years of service to the Board. The Board recognizes them in appreciation for their work and dedication.

1. Richard Hayter, P.E., Ph.D. (7/1/2011 – 6/30/2015)
2. Robert Henthorne, P.G. (7/1/2011; 7/1/12 – 6/30/2015)
3. Phil Meyer, L.A. (9/18/2003 – 6/30/2015)

B. Upcoming board meeting dates:

1. July 10, 2015 – Licensure Ceremony – Topeka KS

The following are proposed dates:

2. October 2, 2015
3. December 4, 2015
4. February 19, 2016 – Licensure Ceremony – Topeka KS
5. April 29, 2016
6. July 15, 2016 – Licensure Ceremony – Topeka KS

XII. ADJOURN

The meeting adjourned at 2:10 p.m.

Prepared by:

Attest by:

Mary Leigh Dyck
Executive Director

Robert Henthorne
Secretary for the Board