

KSBTTP NEWSLETTER

October 2019

The Kansas State Board of Technical Professions routinely releases current news on the homepage of their [website](#). Archived news releases and newsletters may be located on the [News Item](#) page. This newsletter highlights news the Board has shared over fiscal year 2019 for your convenience!

Board Vacancies

We currently have board vacancies for those looking to serve the community and your profession. Certain member vacancies include: one geologist and two public members. If you or anyone you know would be interested you can find more information at the Office of Appointments. The application is on their website:

<https://governor.kansas.gov/serving-kansans/office-of-appointments/>



Landon State Office Building in Topeka, Kansas

Contact Our Staff

Larry Karns, Executive Director

Email: larry.g.karns@ks.gov; Phone: 785-296-3055

Jessica Pierce, Public Service Administrator

Exam information and KSS registration, official verification requests, open record requests, continuing education audits, Certificates of Authorization, Foreign Degree Evaluations contact.

Email: jessica.pierce@ks.gov; Phone: 785-296-3052

Erin Thompson, Administrative Specialist

Accounting, Assistant to the Director

Email: erin.thompson@ks.gov; Phone: 785-296-8612

Taylor Oswald, Senior Administrative Assistant

Main phone line, Application Processing, Application Status Inquiries Contact, General Information.

Email: taylor.oswald@ks.gov; Phone: 785-296-3053

Barb Jordan, Administrative Specialist

License renewals, Address and Name changes, and Seal Processing.

Email: barb.jordan@ks.gov; Phone: 785-296-4800



Current Board Members



Board Chair
Larry Graham, P.E, P.S.



Board Vice Chair
Carisa McMullen, L.A.



Board Secretary
Wendy Ornelas, Architect



P.E./P.S. Committee
Chair
Jack Poole, P.E.



ARCH/L.A./P.G.
Committee Chair
Joe Johnson, Architect



Past President (FY19)
Eric Wimmer, Architect



Maurice Bowersox, P.E.



John Lilak, P.S



Bill Haverkamp, P.S.



Kimberly Kramer, P.E.

KSBTP

WELCOMES NEW DIRECTOR LARRY KARNs

Larry Karns became the new Executive Director of the Kansas State Board of Technical Professions on March 4, 2019. Larry served for the past seven years as the Director of the Kansas Department of Labor, Division of Workers Compensation. Prior to his position with KDOL he practiced law for 36 years with the Topeka firm of Glenn, Cornish, Hanson & Karns.

Larry is a 1972 honors graduate of the University of Kansas School of Business and a 1975 honors graduate from the Washburn University School of Law. In addition to the practice of law, he served for several years as a hearing officer for state agencies and as a judge pro tem for the Topeka Municipal Court. During his legal career, Larry also served on the Board of Directors of both for-profit and not-for-profit organizations including banks, insurers, agricultural lenders, the Topeka Bar Association, the American Cancer Society and most recently the International Association of Industrial Accident Boards and Commissions.

He and his wife Terry live in Topeka. They enjoy traveling and visiting their children and six grandchildren.



IMPORTANT DATES

Please join us in welcoming all of the new licensees in the Rotunda of the State Capitol Building on February 14, 2020 at 2:00p.m. The ceremony is in partnership between the Board, the Kansas Society of Professional Engineers, the Kansas Society of Land Surveyors, the Association of Environmental and Engineering Geologists, the American Institute of Architects in Kansas, and the Prairie Gateway Chapter of the American Society of Landscape Architects. The ceremony is to honor those individuals who have recently passed their licensing exams. The ceremony will be held in the Kansas Capitol, 2nd Floor Rotunda.

New licensees will receive an invitation by mail. Family members, supervisors, mentors and members of their firms are invited to attend to help celebrate this very important step in their career.

2020 Licensure Ceremony Dates:

February 14, 2020

at 2:00 pm

July 10, 2020

at TBD

2019-2020 Board Meeting Dates:

December 12-13, 2019

February 13-14, 2020

April 16-17, 2020

July 9-10, 2020

September 10-11, 2020

December 3-4, 2020

2019-2020 Renewal Dates:

Certificates of Authorization (M-Z)

November 1—December 31, 2019

Landscape Architects (M-Z)

November 1—December 31, 2019

Land Surveyors (A-L)

January 31—March 31, 2020

Engineers (A-L)

March 1—April 30, 2020

Architects (A-L)

May 1—June 30, 2020

Geologists (A-L)

May 1—June 30, 2020

Certificates of Authorization (A-L)

November 1—December 31, 2020

Landscape Architects (A-L)

November 1—December 31, 2020



Photo of Kansas State Capitol courtesy of kansastravel.org

New PE Applications

We at the board are always looking for ways to improve efficiency, access, and inclusivity in the licensing process. As such we have added a PE Reciprocity MLE application for all NCEES Model Law Engineers. This application allows for significantly shorter turn around for licensure.

The application can be found here:

PE: [Model Law Application](#)

PE Exams Going Electronic

As technology continues to evolve and becomes more secure, we are finding ways to use these advances to streamline the licensing process. NCEES is taking advantage of the technology available to provide improved access to testing by transferring to computer based testing. Beginning in October 2019 PE Chemical, Nuclear, Petroleum, and Environmental exams will transition to being computer based. Chemical and Environmental will be given year round. Nuclear and Petroleum will be given once a year. To see the list of exams that are transferring we have linked the list to NCEES's website here: [NCEES CBT Exams](#)

Renewal Fee Change

As of April of this year all renewal fees are seventy dollars every two years.

New Architect Application

In the past the only way to license Architects was through a NCARB record, this is no longer the case. We have updated our application to allow for non—NCARB architects to apply.

The application can be found here:

Arch: [Architect Application](#)

KSS Exam Available Monthly

We are pleased to announce that we are now providing the Kansas State Specific Exam monthly for reciprocity applicants. Non-reciprocity Exam applicants will continue to have quarterly exam times.

Continuing Education Audits for All Professions

The KSBTP conducts post-renewal audits to ensure compliance with [Kansas continuing education rules and regulations](#). A percentage of all actively licensed professionals are audited annually. Please know that it is your responsibility to comply with the KS CE requirements. For additional guidance please contact KSBTP staff.

2019 Amended Regulations

K.A.R. 66-10-1

Architectural experience of a character satisfactory to the board

(A) Each Applicant for a license to practice architecture by examination shall complete a structured experience program of at least 3740 hours in the following experience areas:

- (1) In practice management, 160 hours
- (2) In project management, 360 hours
- (3) In programming and analysis, 260 hours
- (4) In project planning and design, 1080 hours
- (5) In project development and documentation, 1520 Hours;
- (6) In construction and evaluation, 360 hours.

At least 1860 of these 3740 hours shall be completed under the supervision of an architect.

(B) Compliance with the “architectural Experience program guidelines,” Dated may 2017 and published by the national of architectural council registration boards (NCARB), shall be prima facie evidence of satisfactory completion of the structured experience program. (Authorized by K.S.A. 74-7013, and 74-7019, implementing K.S.A. 74-7019, effective May 1, 1984; amended May 4, 1992; amended Feb. 22, 1993; amended Feb. 14, 1994; amended Feb. 13, 1995; amended March 1, 1996; amended Feb. 6, 1998; amended Feb. 9, 2001; amended Nov. 1, 2002; amended Feb. 3, 2006; amended March 28, 2008; amended Nov. 6, 2009; amended June 18, 2010; amended Jan. 6, 2012; amended Dec. 27, 2013; amended Sept. 26, 2014; amended June 14, 2019.)

K.A.R. 66-10-3

Architectural Experience Required of a Reciprocity Applicant

Each applicant for a license to practice architecture by reciprocity shall provide one of the following to the board, for review and consideration for approval:

- (A) Proof that the applicant’s experience qualifications comply with K.A.R. 66-10-1; or
- (B) Proof of certification from the national council of architectural registration boards (NCARB). (Authorized by K.S.A. 2013 Supp. 74-7013, as amended by 2014 SB 349, sec. 12; implementing 2014 SB 349, sec. 16; effective Feb. 4, 2000; amended Feb. 9, 2001; amended Nov. 2, 2001; amended Nov. 1, 2002; amended Dec. 27, 2013; amended, T-66-5-30-14, July 1, 2014; amended Sept. 26, 2014; amended June 14, 2019)

2019 Amended Regulations Continued

K.A.R. 66-9-7

Educational standard acceptable to the board for reciprocity applicants

For the purpose of K.S.A. 74-7024 and amendments there to, the following shall apply:

- (A) Each applicant for a license to practice engineering, surveying, landscape architecture, or geology by reciprocity shall be deemed to have met the education standard acceptable to the board if the applicant's educational qualifications when the original license was issued would have met the Kansas requirements in effect on that date.
- (B) Each applicant for a license to practice architecture by reciprocity shall provide one of the following to the board, for the board's review and consideration for approval:
 - (1) Proof that the applicant's educational Qualifications comply with K.A.R. 74-7024; or
 - (2) Proof of certification from the national council of architectural registration boards (NCARB) (Authorized by K.S.A. 2017 Supp. 74-7013, implementing K.S.A. 74-7024 Supp. 74-7024, effective Feb. 4, 2005; amended Jan. 6, 2012; amended Dec. 27, 2013; amended Sept. 26, 2014; amended June 14, 2019.)

K.A.R. 66-7-4

Potentially disqualifying civil and criminal records; advisory opinion; fee

- (a) Conviction of any felony may disqualify an applicant from receiving a license.
- (b) Civil records that may disqualify an applicant from receiving a license shall be the records of any court judgement or settlement in which the applicant admitted or was found to have engaged in conduct that would constitute a violation of the technical professions act or any of the board's regulations. Those records shall not be used to disqualify an applicant for more than five years after the applicant satisfied any judgement or restitution ordered by the court or agreed in the settlement.
- (c) Any individual with a criminal or civil record described in this regulation may submit a petition to the board for an informal, advisory opinion concerning whether the individual's civil or criminal record may disqualify the individual from licensure. Each petition shall include the following:
 - (1) The details of the individual's civil or criminal record, including a copy of the court records or the settlement agreement;
 - (2) an explanation of the circumstances that resulted in the civil or criminal record; and
 - (3) (3) a check or money order in the amount of \$50.00. (Authorized by K.S.A. 74-120 and K.S.A. 74-7013; implementing K.S.A. 74-120 and K.S.A. 74-7026; effective August 16, 2019.)

KSBTP By The Numbers

License Type	06/30/2018	06/30/2019
Individuals	Number of Licenses	Number of Licenses
Architect	3,007	3,071
Engineer	12,522	12,934
Geologist	390	392
Landscape Architect	664	709
Land Surveyor	623	626
TOTAL	17,206	17,732

Business Entities	Number of Licenses	Number of Licenses
Architect	689	702
Engineer	1,744	1,798
Geologist	77	84
Landscape Architect	182	188
Land Surveyor	97	97
TOTAL	2,789	2,869

Individuals	Resident	Non-Resident
Architect	31%	69%
Engineer	33%	67%
Geologist	56%	44%
Landscape Architect	39%	61%
Land Surveyor	52%	48%



REMINDER TO ALL LICENSEES:

- Sign and date ACROSS your Kansas seal
- Use black or blue ink
- Electronic seals are NOT permitted
- Digital seals are acceptable

Review seals & signature info on our website!

Disciplinary Action Taken by the Board

KANSAS STATE BOARD OF TECHNICAL PROFESSIONS DISCIPLINARY REPORT October 2019

IN THE MATTER OF SAMUEL MANLINOWSKY P.E. CASE NO. 18-9

Summary: In August 2017 the Board office received a complaint regarding Samuel Malinowsky. The complaint alleged Mr. Malinowsky had performed work personally for clients of his employer and diverted payment from his employer to himself. The Board assigned an investigator to follow up on these allegations in September 2017.

The Board found Mr. Malinowsky in violation of K.S.A 74-7026(a)(2). Specifically, wanton disregard of his employer by violating his employment contract, when he completed an engineering project and used his employers title sheet that represented the work as his employer's work product.

Board Action: Mr. Malinowsky entered into a Settlement Agreement and Consent Order in February 2019 with the Board, to which he admitted the violation, was fined \$5000.00, and order to pay costs of \$2918.44. Additionally Mr. Malinowsky was ordered to obtain 4 extra professional development hours in ethics and for two years to submit quarterly reports to the Board of the licensee's projects in Kansas.

Status: The fine and costs have been paid in full as of 1/16/2019 .

IN THE MATTER OF ROGER JIVIDEN P.S. CASE NO. 18-10

Summary: In August 2017 the Board office received a complaint regarding Roger Jividen. The complaint alleged a violation of proper surveying practices. The complaint alleged Mr. Jividen performed work that deviated from acceptable land surveying standards and/or the minimum standards for boundary surveys. The Board assigned an investigator to follow up on these allegations in September 2017.

The Board found Mr. Jividen in violation of K.S.A 74-7026(a)(2)(4) and instructed its counsel to prepare a settlement agreement and consent order accompanying a fine, including costs incurred by the board for the alleged violations.

Board Action: Mr. Jividen on May 25, 2018 fined in the amount of \$2,250 and costs of \$1,370.70.

Status: The fine and costs have been paid in full and the case was closed on 7/19/2019.

Disclaimer: Every effort has been made to ensure that the following enforcement information is correct; however, this information should not be relied upon without verification from the Kansas board office. It should be noted that the names of companies and individuals listed may be similar to the names of parties who have not had enforcement actions taken against them. Disciplinary orders are public information and copies may be obtained by contacting the board office.

IN THE MATTER OF JAMES TEMPLE P.S. CASE NO. 18-15

Summary: In November 2017 the Board office received a complaint regarding James Temple P.S.. The complaint alleged a violation of proper surveying practices. The complaint alleged Mr. Temple performed work that deviated from acceptable land surveying standards and/or the minimum standards for boundary surveys. The Board assigned an investigator to follow up on these allegations in December 2017.

Board Action: The Board found Mr. Temple in violation of K.S.A 74-7026(a)(4). Specifically, failure to meet the Kansas Minimum Standards when he failed to file the required reference reports with the appropriate authority in Ness County, Kansas related to his survey.

Board Action: Mr. Temple entered into a Settlement Agreement and Consent Order with the Board to which he admitted the violation. Mr. Temple agreed to pay a fine in the amount of \$500 and cost totaling \$1,937.00.

Status: The fine and costs have been paid in full and the case was closed 10/05/2018.

IN THE MATTER OF WAYNE FISCH P.S. CASE NO. 18-16

Summary: In December 2017 the Board office received a complaint regarding Wayne Fisch. The complaint alleged multiple violations of proper surveying practices. The complaint alleged Mr. Fisch performed work that deviated from acceptable land surveying standards and/or the minimum standards for boundary surveys. The Board assigned an investigator to follow up on these allegations in December 2017.

The Board found Mr. Fisch in violation of K.S.A 74-7026(a)(4). Specifically, multiple failures to meet the Kansas Minimum Standards when he failed to file the required reference reports with the appropriate authorities in Ness County, Hodgeman County, and the Kansas State Historical Society.

Board Action: Mr. Fisch entered into a Settlement Agreement and Consent Order with the Board to which he admitted the violation, was ordered to pay a fine in the amount of \$3,000, and costs of \$1,990.15.

Status: The fine and costs have been paid in full and the case was closed 08/03/2018.

IN THE MATTER OF JOHN WATSON P.S. CASE NO.. 18-22

Summary: In January 2018 the Board office received a complaint regarding John Watson. The complaint alleged multiple violations of proper surveying practices. The complaint centered around Mr. Watson performing work that deviated from acceptable land surveying standards and/or the minimum standards for boundary surveys. The Board assigned an investigator to follow up on these allegations on February of 2018.

The Board found Mr. Watson in violation of K.S.A 74-7026(a)(4). Specifically, multiple failures to meet the Kansas Minimum Standards of which include failure to re-monument corners, failure to research previous surveys, and failure to properly file surveying reference report in Lyons County.

Board Action: Mr. Watson entered into a Settlement Agreement and Consent Order with the Board on February, 15 2019, to which he admitted the violation, was fined in the amount of \$5,000, and ordered to pay costs of \$1,440.00.

Status: The fine and costs have been paid in full and the case was closed 02/20/2019.

IN THE MATTER OF RICHARD CRABTREE P.E. CASE NO. 19-7

Summary: In April 2018 Richard Crabtree renewed his license certifying “I have complied with the board’s requirements for 30 PDHs of continuing education to renew my license.” In May 2018 the Board office received a Continuing Education Audit Report form from Mr. Crabtree. The documentation showed that six of the PDH’s were completed after the renewal period of May 1st, 2016 – April 30, 2018.

The board found Mr. Crabtree in violation of K.S.A 74-7026(a)(4). Specifically, when the licensee failed to complete thirty professional development hours of acceptable continuing education during the two-year period immediately preceding the biennial renewal date of his professional engineering license.

Board Action: Mr. Crabtree entered into a Settlement Agreement and Consent Order with the Board to which he admitted the violation and was fined in the amount of \$750.00.

Status: The fine and costs have been paid in full as of 12/19/2018.

IN THE MATTER OF PRESTON FAIRLEY P.E. CASE NO. 19-09

Summary: In April 2018 Preston Fairley renewed his license certifying “I have complied with the board’s requirements for 30 PDHs of continuing education to renew my license.” In May 2018 the Board office received a request for extension from Mr. Fairley that stated he not met the requirement for 30 PDH’s. The board approved an extension through July 30, 2018, but did not receive documentation evidencing completion of the 30 required PDH’s.

The board found Mr. Fairley in violation of K.S.A 74-7026(a)(4). Specifically, the licensee failed to complete thirty professional development hours of acceptable continuing education during the two-year period immediately preceding the biennial renewal date of his professional engineering license.

Board Action: Mr. Fairley entered into a Settlement Agreement and Consent Order with the Board, to which he admitted the violation, was fined in the amount of \$750.00, and ordered to obtain 2 extra professional development hours in ethics.

Status: The fine and costs have been paid in full as of 12/19/2018.

IN THE MATTER OF BRIAN HARP P.S. CASE NO. 19-11

Summary: In April 2018 Brian Harp renewed his license certifying “I have complied with the board’s requirements for 30 PDHs of continuing education to renew my license.” In May 2018 the board office received Mr. Harp’s Continuing Education Audit Report form, claiming 13 hours of carryover. The office then directed the licensee to substantiate his 13 hours of carry over. In June 2018 the board received the additional documents, but a Certificate of Completion for the Kansas Minimums Standards was not included. Upon further correspondence with the applicant, Mr. Harp informed the board he did not take such a class during this renewal cycle.

The board found Mr. Harp in violation of K.S.A 74-7026(a)(4). Specifically, the licensee failed to complete the required Kansas Minimum Standards class as part of the thirty professional development hours required for renewal of a professional surveyor’s license.

Board Action: On February 20, 2019 a summary proceeding order was issued asserting the above violation and assessing a \$500.00 fine.

Status: Mr. Harp did not contest to the summary proceeding order and paid the fine in full on 3/11/2019.

IN THE MATTER OF ROBERT CHRISTENSEN P.E. CASE NO. 19-19

Summary: In March of 2018 Robert Christensen renewed his license certifying “I have complied with the board’s requirements for 30 PDHs of continuing education to renew my license.” In June of 2018 the Board office received a Continuing Education Audit Report form from Mr. Christensen; however, 12 hours claimed did not have the appropriate supporting documentation. The licensee was then mailed a letter requesting additional information, he did not respond to this request.

The board found Mr. Christensen in violation of K.S.A 74-7026(a)(4). Specifically, the licensee failed to respond to the Board’s request to provide substantiating documentation for his completion of the required thirty PDH’s during a biennial renewal. Additionally, failure to complete thirty professional development hours of acceptable continuing education requirements during the two-year period immediately preceding the biennial renewal date of his professional engineering license.

Board Action: Mr. Christensen entered into a Settlement Agreement and Consent Order with the Board, to which he admitted the violation, was fined in the amount of \$500.00, and required to obtain on extra professional development hour in ethics.

Status: The fine, costs, and ethics course have been paid/completed in full as of 05/01/2019.

IN THE MATTER OF ROD FINKLE P.E. CASE NO. 19-22

Summary: In March 2018 Rod Finkle renewed his license certifying “I have complied with the board’s requirements for 30 PDHs of continuing education to renew my license.” In May 2018 the Board office received a Continuing Education Audit Report form from Mr. Finkle; however, no substantiating documentation was submitted. The licensee was then mailed a letter requesting additional information, He did not respond to this request.

The board found Mr. Finkle in violation of K.S.A 74-7026(a)(4). Specifically, the licensee failed to respond to the Board’s request to provide documentation evidence for his completion of the required thirty PDH’s during the biennial renewal date of his professional engineering license.

Board Action: On January 3, 2019 Mr. Finkle was issued a Summary Proceeding Order from the Board suspending his license. Mr. Finkle did not respond to the summary preceding order and his license was suspended until further order from the board.

Status: The order took effect and case closed as of 02/14/2019.

IN THE MATTER OF KENTON HUPP P.E. CASE NO. 19-25

Summary: In October 2018 Kenton Hupp contacted the board office inquiring into reinstatement of his license. Mr. Hupp then submitted his reinstatement application listing numerous projects he completed during the time in which his license had lapsed.

The board found Mr. Hupp in violation of K.S.A 74-7026(a)(4). Specifically, when the licensee practiced professional engineering after the expiration of his professional engineering license.

Board Action: Mr. Hupp entered into a Settlement Agreement and Consent Order with the Board, to which he admitted the violation and was fined in the amount of \$500.00

Status: The fine and costs have been paid in full as of 12/19/2018.

IN THE MATTER OF JAMES ALBERTSON ARCH CASE NO. 19-35

Summary: In May 2018 James Albertson renewed his license certifying “I have complied with the board’s requirements for 30 PDHs of continuing education to renew my license.” In September he received a random audit notification from the Board. In October 2018 the Board office received notification from Mr. Albertson stating that he could not provide proof of his hours. The licensee further stated that he had begun to take additional courses to meet the requirement.

The board found Mr. Albertson in violation of K.S.A 74-7026(a)(4). Specifically, when the licensee failed to complete thirty professional development hours of acceptable continuing education requirements during the two-year period immediately preceding the biennial renewal date of his professional architect license.

Board Action: Mr. Albertson entered into a Settlement Agreement and Consent Order with the Board, to which he admitted the violation and was fined in the amount of \$500.00.

Status: The fine and costs have been paid in full as of 02/14/2019.

IN THE MATTER OF WESLEY BRITSON P.E. CASE NO. 19-79

Summary: In May 2019 the board received a self-report of disciplinary action from Mr. Britson. The report stated that the Mr. Britson was sealing projects while his license was cancelled. He license was cancelled when he didn’t renew by April 2018. He ceased sealing projects once he was made aware that his license was cancelled.

The Board found Mr. Britson in violation of K.S.A 74-7026(a)(14). Specifically, the licensee failed to renew his license, and then he placed his seal on seven projects while his license was expired.

Board Action: Mr. Britson entered into a Settlement Agreement and Consent Order with the Board, to which he admitted the violation and was fined in the amount of \$250.00. Mr. Britson must also apply for Reinstatement to obtain good standing with the Board.

Status: The fine and costs have been paid in full as of 09/06/2019.