**MINUTES**

**BOARD FOR PROFESSIONAL ENGINEERS**

**Date:**  April 14, 2022

**Time:** 9:30 a.m.

**Place:** Access Using Video Conferencing

 Meet.google.com/ipm-pxny-hej

 Phone: 1-484-416-2276

 PIN: 201 307 165#

**Present:** David G. Mongan, P.E, Chairman

 Karl Rickert, P.E, Vice Chairman

             Sallye Perrin, P.E., Secretary

                         Edward Hubner, P.E.

 Howard (Skip) Harclerode, P.E.

 Pastor Farinas, P.E.

**Others Present:** Zevi Thomas, Executive Director

Raquel Meyers, Assistant Executive Director

 Milena Trust, AAG, Counsel to the Board

 Gregory Morgan, Commissioner

 Ruby Courtney, Board Administrator

 J. Bannerman, Applicant

 D. Shumate

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**CALL TO ORDER**

Chairman Mongan called the meeting to order at 9:38 a.m.

**ACTION ON MINUTES**

Motion (I) was made by Ms. Perrin, seconded by Mr. Harclerode, and unanimously carried by the Board to approve the minutes of the March 10, 2022 Board meeting as submitted.

**APPLICATIONS APPROVED BY THE BOARD**

Motion (II) was made by Mr. Rickert, seconded by Mr. Hubner, and unanimously carried to approve 32 applications for reciprocity, two applications for PE Licensure by Transfer Grades and 41 applications for the Principles and Practice of Engineering Examination.

Approvals are as follows:

**Applications for PE Licensure by Reciprocity are as follows:**

Chehade, Rami (59212) Mosavi, Amir A. (59228)

Crowley, Michael (59213) Noss, Kyle (59229)

Daee, Babak (59214) Pamulapati, Pujith (59245)

Eschenfelder, William M. (59215) Patel, Ajay K. (59246)

Etotok, Idikem E. (59216) Reinhardt, W. Bond (59247)

Fields, Deepika K. (59217) Shrestha, Bibek B. (59248)

Gard, Dylan J. (59218) Siqueira, Davi M. (59249)

Hall, Wilmer R. (59219) Toney, William L. (59250)

Hasan, MD Istiaque (59220) Faghihnia Torshizi, Mostafa (59251)

Hegenderfer, Joshua L. (59221) Wampool, Calvin W. (59252)

Kelley, Brian W. (59222) Wang, Wei (59253)

Kuntz, Judy H. (59223) West, Thomas C. (59254)

Liu, Dajin (59224) Whyte, Robert O. (59225)

Martin, Wayne S. (59225) Wilk, Zachary L. (59256)

Mayer, Samsor A. (59226) Willis, Stephen (59257)

Morrow, Kyle (59227) Yalew, Seife G. (59258)

**Applications for PE Licensure by Transfer Grades are as follows:**

Ramirez, Juan D. (59211) Saxena, Akshat (59210)

**Applications for the Principles and Practice of Engineering Examination are as follows:**

Aruna, Julius H. Esemuze, Jeremiah A.

Asmelash, Biniam B. Gokhale, Sanyukta N.

Brown, Anita K. Hammert Jr., Mark J.

Coppolino, Stephen V. Hansboro Jr., Tyrone V.

McMurry, Kristin R. Inzer, Rachel N.

Ansari, Arfa Kane, Samuel

Assefa, Tsegaye D. Kearney, Scott A.

Bannerman, Johnson Lamb, Daniel T.

Chauhan, Subhash Liu, Jessica J.

Choudhry, Nabeel Mansfield, Christopher M.

Colavito, Kimberly H. Mbakop, Armel

Das, Arunachal P. Miller, Sean T.

Davis, Allen A. Paronish, Luke

Decker, Austin Patankar, Jui

Delisser, Jason Plumer, Scott

Djiogo, Joel A. Reifsnider, Alen

**Applications for the Principles and Practice of Engineering Examination (cont’d)**

Roth, Richard K. Tincher, Katelyn E.

Shelar, Rebecca E. Wickenheiser, Vincent S.

Siraga, Bruke G. Wiltrout, Matthew T.

Stevens, Tyler J. Yao, Jun

Tefera, Tegegne E

**NEW BUSINESS**

**Changes to the Reinstatement Guidelines**

The Board reviewed the revised reinstatement guidelines. The Board members acknowledged any applicant for reinstatement whose license has lapsed for more than three licensing periods can be required to apply as a new applicant (re-take the NCEES Principles and Practice of Engineering exam) based upon the licensing statute. Some Board members expressed concerns regarding applicants who did not maintain a valid license in any other US jurisdiction during the lapse of the MD license may not demonstrate current competencies to practice engineering. Ms. Perrin felt that requiring an applicant for reinstatement to reapply as a new applicant was onerous and applicants should be given alternatives to retaking the exam.

Mr. Rickert, who is a structural engineer, stated the IBC is updated every three years and felt requiring an applicant to reapply would be a practical way to protect the health, safety and welfare of the public. Mr. Harclerode agreed and felt retaking the exam would be a good way to maintain competency. He also mentioned the exam changes every three years with updated questions.

 After discussion the Board proposed two additional alternatives:

1. Satisfactorily complete two upper-level college engineering courses acceptable to the Board. Once the courses are completed, the applicant can reapply for reinstatement; or
2. Secure full time employment under the responsible charge of a licensed Professional Engineer for at least one year. Once the experience is attained, the applicant can reapply for reinstatement.

Either of the alternatives still requires the completion of 32 professional development hours as a condition of reinstatement. The applicant has to notify the Executive Director of the path they wish to take.

Motion (III) was made by Mr. Rickert, seconded by Mr. Harclerode, and unanimously carried by the Board to accept the two alternatives decided on by the Board with Ms. Perrin’s amendments.

Ms. Trust advised the Board that the statute was old and was prior to the continuing education requirements and proposed the Board consider changing the continuing education regulations to require more than 32 professional development hours if the license lapsed for more than three licensing periods.

**Senate Bill 927**

Ms. Trust stated the Senate Bill 927 which required passing of the Fundamentals of Engineering (FE) exam under Option D passed in the House but never got to the Senate. Mr. Hubner suggested the Board coordinate with the Maryland Society of Professional Engineers (MSPE) on this issue. Ms. Perrin asked if the Board was allowed to coordinate with MSPE.

Ms. Trust stated if the Board decides they want to back this proposed legislation, a concept sheet must be submitted. She mentioned the deadlines for proposed legislation from the Board are much earlier than the deadline for submission from the industry.

Chairman Mongan asked if the Board wanted to support this proposed legislation. Mr. Harclerode felt that the FE exam should be required under Option D and that many applicants from other states apply in MD for licensure because we are one of the few states that have the option for PE licensure without passing the FE exam. Ms. Perrin felt there would be a drop in the number of applicants. Mr. Hubner stated he gets two-three applicants under this option per month. Mr. Hubner also stated NY recently changed their requirements to include passing of the FE exam. Chairman Mongan asked that Ms. Courtney begin keeping statistics again of applicants applying under Option D again and go back five years. The Board needs to know the number of applicants for the PE exam under Option D, whether they are in Maryland or reside out of state, the type of engineering degree if any, the number times the exam has been taken and the number of passers. Chairman Mongan also asked the Executive Director to find out what other states do in this situation.

**NCEES Council Record for PE Exam Applicants**

Ms. Courtney brought this issue before the Board because she has received several inquiries from exam applicants asking if their Council Record can be used in lieu of the Maryland PE exam forms. Ms. Courtney explained that she does retrieve any education and exam results from the NCEES account but is questioning the work experience submitted to NCEES.

Ms. Courtney also reached out to Stef Goodenow with NCEES to see about the process for applicants submitting a Council Record for initial licensure by examination. Ms. Goodenow explained that the NCEES Record by Boards for PE exam approval is a relatively new concept and that the Boards that do accept the Council Record use it as an additional option, not the only option.

Since the Board requires the work experience for an exam applicant to be endorsed by a licensed Professional Engineer, the Board decided to not use the Council Record in lieu of the exam forms.

**OLD BUSINESS - None**

**CONTINUING PROFESSIONAL COMPETENCY (CPC) COMMITTEE REPORT**

Motion (IV) was made by Ms. Perrin, seconded by Mr. Farinas, and unanimously carried by the Board to approve the CPC Provider applications of Core and Main, Power Studies Group, LLC and ICD High Performance Coatings + Chemistries.

Ms. Perrin also asked that the application for Provider Approval be put on the agenda for the May 2022 Board meeting for possible revisions.

**REPORT FROM ETHICS COMMITTEE**

Ms. Meyers stated the voiceover for the Ethics course is still not completed**.**

**REPORT FROM EXECUTIVE DIRECTOR**

Mr. Thomas mentioned the NCEES Annual meeting on August 23-26, 2022 in Carlsbad, CA and inquired which Board members were interested in attending. This information is needed by May 2, 2022. Mr. Harclerode, Mr. Rickert and Ms. Perrin expressed interest in attending. Mr. Hubner is covered by NCEES as a first-time Board member. Chairman Mongan and Mr. Farinas will not be attending.

Mr. Thomas stated that the MD Society of Professional Engineers (MSPE) will host a newly licensed Engineers Ceremony on May 12, 2022 from 6 to 8 p.m. and asked if any Board members were interested in attending as Board representatives. Chairman Mongan and Ms. Perrin volunteered to attend.

Mr. Thomas also mentioned MSPE will assist in publicizing the two vacant consumer Board member positions via their social media outlets.

**REPORT FROM BOARD COUNSEL**

Ms. Trust informed the Board that the Sunset Review for the Architects Board failed.

**CORRESPONDENCE**

**Email from Suman Preet regarding the Requirements for the Signature and Seal**

The Board reviewed the email from Suman Preet. Mr. Preet who is an Electrical Engineer wanted to know if the preparation of architectural and engineering documents for the Solar System for a commercial building requires a signature and seal and the PE Board member, Mr. Farinas response was yes. Mr. Preet also wanted to know if a licensed Master Electrician can perform this work after getting the permit on the Architectural and Engineering documents which are submitted to the permit division without a signature and seal and Mr. Farinas response was no. Mr. Farinas added that there are articles where electricians installed the unit and it failed because of incorrect bonding. The Board asked that the Executive Director respond to this inquiry.

**Email from Ryan Blomeley, Dept. of Planning and Zoning, City of Annapolis**

The Board reviewed the email from Ryan Blomeley, who is a building plans reviewer for the Department of Planning and Zoning, City of Annapolis. Mr. Blomeley has some concerns about accepting drawings prepared by a non-license holder and stamped by a Maryland Professional Engineer whose area of expertise is not Civil Engineering. The drawing is a site plan but was prepared by an individual from a different company who does not possess a license in Architecture, Engineering or Surveying. Nor does this company possess a commercial contractor’s license, a MD home builder’s license nor a MHIC license. Mr. Preet wanted to know how much direction and control an Engineer needed to provide in order to sign/seal documents and if their seal/signature was sufficient to indicate that direction and control or if that Engineer should submit additional documentation, such as a letter, certifying that they did have direction and control over the drawings prepared by another business entity. Mr. Blomeley was concerned this may be a case of plan stamping.

Ms. Trust stated it must be clear the reviewer has prepared and reviewed the drawings and that preparation and review of documents is clearly defined in the regulations (09.23.063.09 Signing and Sealing Requirements). The Board asked that the Executive Director respond to this inquiry.

**Letter from Jay Riat, Building Division, County of Fairfax, VA**

Mr. Daren Shumate appeared before the Board because he was randomly audited to ascertain his compliance with the Continuing Education requirements and was denied credit for serving on the Fairfax County Board of Code Appeals. A letter was received from Jay Riat, Building Official – Building Official Director, explaining the role Mr. Shumate has as a Board member. Mr. Riat explained that to fairly adjudicate appeals, Mr. Shumate service on that Board requires research that maintains, improves, and expands knowledge relevant to the licensee’s field of practice and asked that the Board consider Mr. Shumate’s service to the Board of Code Appeals as an activity the meets the Board’s Continuing Professional Competency requirements. Mr. Shumate elaborated on his duties serving on that Board as well and stated other state Boards accepted this service as meeting the continuing education requirements.

Ms. Perrin stated serving on a Board does not allow credit according to our Continuing Education regulations and he was graciously granted one hour for his service. She pointed out that the members of the Maryland Board for Professional Engineers also do not get credit toward the continuing education requirement for their service. Mr. Harclerode suggested that Mr. Shumate contact the National Society of Professional Engineers (NSPE) if he is a member for available courses.

**APPLICATIONS APPROVED ADMINISTRATIVELY FOR RECIPROCITY**

There were 89 applications, supported by NCEES Model Law Engineer records that were administratively approved for licensure.

**REINSTATEMENT APPLICATIONS**

The Board discussed six applications for reinstatement. These applicants' licenses lapsed for more than three licensing periods (six plus years) and they were not licensed in any US jurisdiction. The Board applied the revised reinstatement guidelines to these applications to determine if the applicant could be reinstated. These applications will be discussed further in the Executive Session.

**EXECUTIVE SESSION**

Motion (V) was made by Ms. Perrin, seconded by Mr. Harclerode and unanimously carried to enter Executive Session at 11:40 a.m. at Meet google.com/ipm-pxny-hej or by phone 1-484-416-2276 (PIN 201 307 165#). This session was permitted to be closed pursuant to General Provisions Article, Annotated Code of Maryland, §3-305(b) (7).  Upon completion of the session, the Board reconvened its public meeting at 10:16 a.m.

**COMPLAINT COMMITTEE**

Mr. Rickert reported on the status of complaints discussed by the Complaint Committee April 14, 2022.

03-PE-21 Still in Pre-Charge

01-PE-22  Respondent partially complied

04-PE-22  Response received February 28, 2022

05-PE-22  Recommend Close based upon insufficient evidence

06-PE-22  Attorney requested an extension until May 5, 2022 to respond. Request granted

07-PE-22 Response received April 7, 2022

13-PE-22 Response due April 18, 2022

14-PE-22 Opening letter will be sent to Respondent

15-PE-22 Recommend Close based upon insufficient evidence

The Complaint Committee reviewed nine complaints and four applications with conduct issues. Two conduct issues were approved and the other two will be sent a final letter after the draft is reviewed by legal and the members of the Complaint Committee.

The Board also discussed six applications for reinstatement whose license has lapsed for more than three licensing periods and these applicants were not licensed in any other US jurisdiction.

Motion (VI) was made by Ms. Perrin, seconded by Mr. Harclerode and unanimously carried to accept the recommendations of the Complaint Committee

**OTHER BUSINESS**

Mr. Rickert mentioned the Structural exam (Vertical and Lateral forces) is transitioning to computer-based format and will be offered for four days (six hours per day). Passing any module of this exam is good for five years.

Commissioner Morgan presented the Board Chairman with the ink pen Governor Hogan used to sign the approval of the PE Board’s Sunset Review.

Commissioner Morgan explained to the Board our new Conference Room system and informed the Board members there is also a State Conference Room at BWI Airport.

The next Board meeting is scheduled for Thursday, May 12, 2022 and is to be held in person at 1100 N. Eutaw Street, Baltimore, MD 21201.

**ADJOURNMENT**

Motion (VII) was made by Mr. Farinas, seconded by Ms. Perrin, and unanimously carried to adjourn the meeting at 12:40 p.m.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ With Corrections                     \_\_\_\_\_\_\_\_\_x\_\_\_\_\_\_\_\_ Without Corrections

Signed by: David Mongan Date: May 12, 2022

                  Board Chairman