March 19, 2012

Members Present: Board members present were: Donald A. Grant, P.E., Chair; Mandy Holway Olver, P.E., Vice Chair; George W. Ames, P.E; Kenneth L. Sweeney, P.E.; Lawrence E. Bartlett, P.E. Also present were: Judith Peters, Assistant Attorney General, and Warren T. Foster, P.E., Executive Director. In addition, there was one member of the public who attended during the complaint discussion.

Call to Order: The meeting was called to order at 9:18 a.m. by Chair Dr. Donald Grant in the First Floor Conference Room at 295 Water Street in Augusta.

A. Approval of the minutes of previous meetings on January 19, 2012.
   There were no corrections or additions to the minutes. On a motion by Mr. Sweeney, seconded by Mr. Ames, the Board voted (5 in favor, 0 opposed) to approve the minutes.

2. Executive Committee (Grant)

   A. Executive Director Position (Sweeney)
      Mr. Sweeney reported that he and Ms. Olver had met with staff for input into qualifications of candidates for this position. The search committee asked Mr. Foster to set up a meeting with Commissioner Head to discuss options in filling this position.

   B. 2012 Northeast Zone Interim Meeting (Bartlett)
      Mr. Bartlett reported that he has received an agenda for the 2012 Northeast Zone meeting and would be attending the meeting in Delaware from May 3rd to 5th.

   C. Decision and Order from the Oscar F. Emerson appeal hearing at the January 2012 meeting.
      On a motion by Mr. Sweeney, seconded by Mr. Ames, the Board voted (5 in favor, 0 opposed) to approve the Decision and Order.

3. Finance Committee: (Ames)

   A. Book balance on March 1, 2012 of $593,298. This compares to the book balance on March 9, 2010 of $521,122.
B. The number of active licensees on March 1, 2012 was 5530. This compares to the number of active licensees on March 9, 2010 was 5340.

C. A transfer of $39,471. from the Engineer’s Funds to the General Fund was approved by the Legislature and signed into law on 2/23/12 as a part of a three million dollar package from agencies within the Department of Professional and Financial Regulations.

Informational

D. A Meeting was held on March 13, 2012 with InforME, Office of Information Services, Treasury, and Service Center B to attempt to resolve the online renewal problems.

Mr. Foster reported that the meeting was productive and changes in the process were recommended that should solve these glitches in the future.

4. Rules Committee: (Sweeney)

A. Proposed statute revisions.

Mr. Sweeney and Mr. Ames reported that the next step would be to discuss these revisions with Commissioner Head.

5. Examinations Committee: (Grant)

Dr. Grant reported that 220 applicants had signed up for the April 14, 2012 FE Exam and 50 applicants for the April 13, 2012 PE Exam.

6. Information Committee: (Olver)

A. Spring Newsletter

The following articles have been suggested for the spring newsletter:
1. Proposed Statute Changes (Ames)
2. Board picture
3. Article by the Chair
4. 2012 Engineer Week/ Expo (Foster)

B. 2012 MEPC Engineers Week (Foster)

. Complaint Committee: (Ames)

A. Licensed

E11-002 & E11-003
On a motion by Mr. Sweeney, seconded by Ms. Olver, the Board voted (4 in favor, 0 opposed and 1 recusal) to table the complaints pending additional investigation. The recusal was Mr. Ames the Complaint Officer.

B. **Un-Licensed**

None

C. **Complaints filed by other jurisdictions against Maine PEs**

David B. Granger- Renewal card showed disciplinary action since his last renewal. (Consent Order from Oklahoma distributed)

On a motion by Ms. Olver, seconded by Mr. Ames, the Board voted (5 in favor, 0 opposed) to obtain a copy of the South Carolina disciplinary action taken against Mr. Granger’s professional engineer license in that state and to inquire of Mr. Granger whether his license has been subject to discipline in any other jurisdiction.

8. **Special Committees:**

A. Report by the Continuing Education Committee (Bartlett)

Mr. Bartlett reported that the Continuing Education audit for licensees renewing on time was nearly complete and has gone well. The next audit for those licensees renewing between January 1 and March 31, 2012 will be sent out in early April.

9. **Reading of communications:**

A. *E-mail from Mr. MacLeod asking Board’s opinion.*

The Board did not give an opinion, but agreed that if Mr. MacLeod thinks there is a violation of the Engineering Statutes or Rules he should file a complaint to the Board against the individual.

B. *Letter from Albert E. Hodsdon III, P.E., concerning DEP qualifying individuals and firms to perform design services.*

The Board took no action on this item.

C. E-mail from Brian Richardson, P.E. concerning Continuing Education.

Informational

D. *E-mail from Brian Doyle.*

The Board agreed that any business offering Professional Engineering in Maine must have a licensed Maine Professional Engineer.
10. **Reading and considering application**

A. **Review and concurrence of Chair/Executive Director actions:**
   On a motion by Ms. Olver, seconded by Mr. Sweeney, the Board voted (5 in favor, 0 Opposed), to concur with the following items 1 through 6:
   1. Temporary certificates issued.
   2. Licenses authorized for NCEES Certified Applicants.
   3. Comity licenses authorized by the Executive Director and Chair.
   4. Licenses by written examinations.
   5. Licenses by oral examinations. None
   6. Reexaminations authorized by the Executive Director.

B. **New Engineer Intern (E.I.) Applications.**
   On a motion by Mr. Ames, seconded by Ms. Olver, the Board voted (5 in favor, 0 Opposed) to approve applications of Engineer Interns to take the Fundamentals of Engineering Exam, listed on the attached list under Item #10.B.

C. **Recently certified Engineer Interns:**
   On a motion by Mr. Ames, seconded by Ms. Olver, the Board voted (5 in favor, 0 opposed) to approve the recently certified Engineer Interns listed on the attached list under Item #10.C

D. **New P.E. Applications:**
   On a motion by Mr. Sweeney, seconded by Mr. Ames, the Board voted (5 in favor, 0 opposed), to accept the Executive Director’s recommendations of all the listed applicants.

E. **Tabled and previously considered.**
   None

F. **Reexamination Requests**
   None

G. **Other applications or requests.**
   1. *Mr. Louis Malarsie applied for license reinstatement (expired 12/31/09) and exemption from Continuing Professional Education requirement.*
On a motion by Ms. Olver, seconded by Mr. Ames, the Board voted (5 in favor, 0 opposed) to deny preliminarily Mr. Malarsie’s application but, contingent upon third-party confirmation of the situation described by Mr. Malarsie, to offer him a consent agreement by which the Board agrees to reinstate his license if he agrees to complete the requisite 30 hours of continuing education by December 31, 2012. Mr. Malarsie must also agree that these 30 hours will not be eligible for continuing education credit toward any future licensure renewal.

2. Syed M. Ali – Has a non-U.S. equivalent degree, is licensed in Wisconsin, has not passed FE or PE exams, and has 30 years experience. Under 1352-A-1G, he would qualify for an Oral.
   The Board agreed that Mr. Ali would qualify for an Oral Exam.

11. Unfinished Business

12. New Business:

13. Oral Exams:

14. Adjournment
   A. Future meetings, June 21, 2012 and August 16, 2012
   B. On a motion by Mr. Sweeney, seconded by Ms. Olver, the Board voted (5 in favor, 0 opposed), to adjourn. Meeting adjourned at 12:44 PM.

Respectfully submitted,

Warren T. Foster, P.E
Executive Director