November 16, 2012

Present: Board members present were: Donald A. Grant, P.E., Chair; Mandy Holway Olver, P.E., Vice Chair; George W. Ames, P.E; Clifton W. Greim, P.E.; and Lawrence E. Bartlett, P.E. Also present were: Judith Peters, Assistant Attorney General, and David Jackson, Executive Director. In addition, there was a member of the public who attended during the Complaint discussion.

Call to Order: The meeting was called to order at 9:03 a.m. by Chair Dr. Donald Grant in the First Floor Conference Room at 295 Water Street in Augusta.

1. Minutes of previous meeting and other preliminaries.

   A. Approval of the minutes of the board meeting held on August 16, 2012.
      On a motion by Mr. Ames and a second by Mr. Greim, the minutes were approved without revision.

2. Executive Committee (Grant)

      Mr. Bartlett submitted a written report and discussed the highlights of the national meeting.

   B. Zero-Based Budgeting (Exec Dir)
      Mr. Jackson reported on the state zero-based budgeting process.

   C. Engineers Week 2013 funding
      On motion by Mr. Greim and second by Ms. Olver, the Board voted 5-0 to support Engineers Week at the University of Maine Orono with a Leadership Level sponsorship of $2500, and allocated an additional $500 for materials to support outreach to the attendees.

   D. 2013 NCEES Zone Meeting, May 2-4, Cape May, New Jersey
      The Board discussed an email received by board members indicating that NCEES would fund two delegates from each state board to attend the regional meeting. Some discussion ensued, during which Ms. Olver offered to attend as the first-time delegate, depending on her schedule. The Board tabled further discussion until the January meeting.
3. **Finance Committee:** (Ames)

   A. Book balance on October 31, 2012 was $451,714.15. This compares to balance of $413,716 on November 2, 2010.

   B. The number of active licensees on October 31, 2012 was 5903. This compares to 5693 on November 2, 2010.

4. **Rules Committee:** (Sweeney)

   A. *Report of the Committee on changes to Laws and/or Rules.*
      
      Section 1309 -- *Roster of licensed professional engineers.*
      
      Mr. Sweeney was not present. The Board briefly discussed the electronic publication of the Roster. Discussion also included the possibility of producing an insert for the newsletter containing the statutes and rules. The Board will continue that discussion in January when costs and savings can be presented by Mr. Jackson.

5. **Examinations Committee:** (Grant)

   A. *Report on PE and FE examinations, Oct 26, 27. (Exec Dir)*
      
      Mr. Jackson reported on the administration of the PE and FE examinations at the Black Bear Inn in Orono. He was pleased with the organization and responsiveness of the proctoring staff.

   B. *Software Engineering – difficulties obtaining PE references.*
      
      The Board discussed the difficulty that those applying for the software engineering test are having obtaining PE references in their new discipline. It was determined that no changes would be made to the statutory requirements. The Board asked Mr. Jackson to include an article in the newsletter informing PEs that they could issue a recommendation for Software Engineering applicants based on work performed by the applicants that they have seen and reviewed.

6. **Information Committee:** (Olver)

   A. *Fall Newsletter*
      
      In addition to the articles assigned in June, the Board instructed Mr. Jackson to include a notice about software engineering references, to request feedback about the electronic distribution of the roster and supplement, and Mr. Jackson indicated he would write an article about professional development hours referencing the confusion some licensees have experienced in complying with the renewal requirements.
7. **Complaint Committee: (Ames)**

**A. Licensee**
1. *E12-001*
   
   On a motion made by Mr. Bartlett, seconded by Mr. Greim, the Board dismissed this complaint by a vote of 3-0, on the ground that there was no violation of the Board’s Laws or Rules. The Complaint Officer Mr. Ames and Board Vice Chair Ms. Olver recused themselves from the vote.

2. *E12-002*
3. *E12-003*
   
   On a motion made by Ms. Olver, seconded by Mr. Greim, the Board voted 4-0 to offer these two licensees a Consent Agreement in which they would admit that they failed to comply with the Board’s Laws or Rules by failing to provide substantiation of professional development hours they attested to during the license renewal process. They are fined $500 each and will be offered 90 days to complete the required professional development hours. The Complaint Officer Mr. Ames recused himself from the vote.

**B. Unlicensed**

None

**C. Complaints filed by other jurisdictions against Maine PE’s**

None

8. **Special Committees:**

**A. Continuing Education Committee**

*Guy William Vaillancourt – request for exemption*

   On a motion by Ms. Olver, and a second from Mr. Ames, the Board voted 5-0 to approve an exemption from the PDH requirement for Mr. Vaillancourt for the renewal period ending December 2011. The licensee will be required to provide his activity log and substantiation of his PDHs for the 2013 renewal period. A letter informing the licensee of the decision and requirement will be sent by Mr. Jackson.

**B. Status of the Committee drafting a guideline policy for the submission of stamped construction drawings to CEOs.**

   Mr. Ames reported that he met with the representative from the architect’s board last week. They are revising a draft of a document that is based on the IBC code, with a checklist format for document submission and a summary of requirements for stamped/unstamped documents. Once complete, the draft will be made available for review and comment by board members.
9. **Reading of communications:**

   **A. CMP letter from Ray Boucher**

   Mr. Jackson was asked to draft a letter to the PUC, for review by the Board, outlining the Board’s safety concerns regarding the connection of these systems to existing power systems. The Board feels strongly that this is engineering and beyond the scope of licensed electricians, and the State should require signed and stamped drawings prior to approval of these projects in order to assure the safety of those involved in the installation as well as the operation of these systems.

   **B. Letter from Thomas Hixson, P.E., Chairman NPSE L&QP Veterans Sub-Committee**

   The Board took no action on this correspondence at this time. If the NPSE adopts a policy related to Veterans, the Board will consider it at that time.

   **C. Note from Russell Martin, P.E., Maine Society of Professional Engineers**

   Mr. Bartlett will contact Mr. Martin and may speak at the MSPE meeting if the schedule and topic are agreeable.

   **D. Letter regarding completed consent agreement in Louisiana**

   Informational purposes. The letter from the licensee will be placed in the licensee’s file, but no action will be taken by the board.

10. **Reading and considering applications:**

   **A. Review and concurrence of Chair/Executive Director actions:**

   On a motion by Mr. Ames, seconded by Ms. Olver, the Board voted 5-0 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.*

   6. *Re-examinations authorized by the Executive Director.*

   **B. New Engineer Intern (E.I.) Applications.**

   On a motion by Ms. Olver and seconded by Mr. Ames, the Board voted unanimously to approve applications of Engineer Interns to take the Fundamentals of Engineering examination listed on the attached list under Item #10.B.
C. **Recently certified Engineer Interns.**
   On a motion by Ms. Olver and seconded by Mr. Ames, the Board voted unanimously to approve applications of Engineer Interns to take the Fundamentals of Engineering examination listed on the attached list under Item #10.C.

D. **New P.E. Applications.** (Exec Dir)
   On a motion by Mr. Ames, seconded by Dr. Grant, the Board voted 5-0 to accept the Executive Director’s recommendations of all the listed applicants.

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

F. **Reexamination Requests**
   1. **Brian Stacey**
      After an initial motion was made by Mr. Barlett with a second by Ms. Olver, discussion was Tabled with a 5-0 vote for the January meeting, with instruction to the Executive Director to search Board records to determine the actions of the Board in similar situations.

G. **Other applications or requests**
   1. **Nicholas P. Kakalecz**
      Upon motion by Dr. Grant and second by Mr. Ames, this application was approved with a 5-0 vote for licensure as a PE.

   2. **Angelo Torres – Canadian PE working for CMP under a Temporary Certificate.**
      Upon a motion by Ms. Olver and a second by Mr. Greim, the Board voted 5-0 to terminate the application of Mr. Torres, who has been unresponsive to inquiries and has failed to schedule an oral examination.

11. **Unfinished Business:**
   A. **Letter sent to Commissioner of DEP**
      The Executive Director reported that the letter was sent and no response has been received from DEP.

12. **New Business:**
   A. **Office Staffing**
      The Executive Director briefly discussed the staffing and the upcoming renewal period. He indicated he would bring the Board additional information in January.

   B. **Publication of Supplement**
      On motion by Mr. Ames and second by Ms. Olver, the Board voted 5-0 to suspend printed publication of the Supplemental Roster, but to make that information available online for download and by CD or DVD upon request.
13. **Oral Exams:**

   1. **Mootaz S. Soriel** 10:00 a.m.
   
   After the Board’s oral interview, on a motion by Mr. Ames, seconded by Ms. Olver the Board voted 5-0 to grant an engineering license to Mr. Soriel.

14. **Adjournment**

   A. *Next meetings are January 17, 2012 and March 21, 2013*

   B. *On a motion by Ms. Olver, seconded by Dr. Grant, the Board voted 5-0 to adjourn. Meeting adjourned at 11:37 a.m.*

Respectfully submitted,

David W. Jackson Jr.
Executive Director