STATE OF MAINE
BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS

MEETING MINUTES
Thursday, June 18, 2015

Meeting location: Conference Room, 295 Water Street, First Floor, Augusta, Maine

Present: Board members present: Mandy Holway Olver, PE, Chair; George W. Ames, PE; Lawrence E. Bartlett, PE; and Knud Hermansen, PE, PS, Esq., PhD. Also present were: Judith Peters, Assistant Attorney General, and David Jackson, Executive Director. Members of the public were also present.

1. Call to Order, Minutes of prior meetings and other preliminaries
   A. The meeting was called to order at 9:00 a.m. by Mandy Holway Olver, Chair.
   B. Approval of the minutes of the board meeting held on March 19, 2015. The minutes of the board meeting held on March 19, 2015 were approved on motion by Mr. Hermansen, second by Mr. Ames and by a unanimous 4-0 vote.

2. Committee Reports
   A. Executive Committee (Chair)
      1. Ms. Holway Olver reported on the combined Northeast and Central Zone Meeting in Hershey, PA held April 30-May 2, 2015.
   B. Finance Committee (Greim)
      1. Book balance on May 27, 2015 was $291,230 compared to a balance of $289,885 on June 12, 2013.
      2. The number of active licensees on May 27, 2015 was 6177, compared to 6140 on June 12, 2013.
   C. Rules Committee (Ames)
   D. Examinations Committee (Hermansen)
      1. Mr. Hermansen reported on the FE pin ceremonies at UMaine. He recommended expanding the program to include pin ceremonies at Maine Maritime Academy and the University of Southern Maine.
      2. Continuing efforts to increase FE participation discussed.
E. Information Committee (Olver)

1. The following articles are proposed for the Fall Newsletter:
   a. Thoughts While Driving (Olver)
   b. Results of the April exams
   c. Complaint update
   d. Upcoming licensure renewal (Exec Dir)
   e. PDH course development
   f. Report on pin ceremonies
   g. Reports on NCEES Meetings
   h. Audits and resulting Complaints

A. Complaint Committee (Ames)

1. E14-004
   On motion by Mr. Bartlett, seconded by Mr. Hermansen, in consideration of additional information provided by the Licensee, the Board voted 3-0, with Mr. Ames recused, to amend the terms of the Consent Agreement originally offered to require an admission to failing to comply with the Board’s Rules regarding PDH reporting and to reduce the fine to $250.

2. E14-006
   On motion by Mr. Hermansen, seconded by Mr. Bartlett, the Board voted 3-0, with Mr. Ames recused, to dismiss the complaint because the conduct which gave rise to the violation in the other jurisdiction would not be a violation of the Board’s laws or rules.

3. E14-008
   On motion by Mr. Hermansen, seconded by Mr. Bartlett, the Board voted 3-0, with Mr. Ames recused, to dismiss the complaint on the ground that there was no evidence of a violation of the Board’s laws or rules.

4. E14-009
   On motion by Mr. Hermansen, seconded by Mr. Bartlett, the Board voted 3-0, with Mr. Ames recused, to dismiss the complaint on the ground that there was no evidence of a violation of the Board’s laws or rules.

5. E15-00
   On motion by Mr. Hermansen, seconded by Mr. Bartlett, the Board voted 3-0, with Mr. Ames recused, the Board determined that there was sufficient evidence of unlicensed practice to pursue the disciplinary process and voted to deny preliminarily the pending licensure renewal application and to offer as an alternative, a Consent Agreement with an admission to unlicensed practice, a reprimand, and a fine of $500.
B. **Continuing Education Committee** (Bartlett)

1. Audits and audit reviews

On motion by Mr. Hermansen and second by Mr. Bartlett, the board voted 4-0 to file a complaint against the two licensees who failed to meet the audit requirements.

2. PDH course development continues with a goal of having the Ethics course online this year.

C. **Special Committees**

3. **Communications**

   A. Email and letter from Mr. Hodsdon regarding PUC rulemaking.
      The letter was received as information. No reply.

   B. Letter from ASCE about PE Exam.
      The letter was received as information. No reply.

   C. NSPE Comment on USCG Rulemaking.
      The letter was received as information. No reply.

   D. Email from PFR regarding General Fund Transfer.
      The email was received as information, No reply.

4. **Applications**

   A. Review and concurrence of Chair/Executive Director actions
      1. Temporary certificates issued.
      2. Comity licenses authorized for NCEES Model Law Engineers.
      3. Comity licenses authorized by the Executive Director and Chair.
      4. Licenses by written examination.
      5. Re-examinations authorized by the Executive Director.

   On motion by Mr. Ames and second by Mr. Hermansen the Board voted 4-0 to concur with the actions taken.

B. **Engineer Intern (EI) Applications**

   1. Christopher Allen
   On motion by Mr. Hermansen and second by Mr. Ames, the Board voted 4-0 that the education obtained by Mr. Allen was equivalent to a qualifying four-year engineering degree, and he was therefore qualified to be certified as an Engineer-Intern under 32 M.R.S.A. § 1352-A (2)(D).
C. Recently certified Engineer Interns

D. PE Applications (Exec Dir)
   On motion by Mr. Hermansen and second by Mr. Bartlett, the board voted 4-0 that the application does not qualify based on the educational requirements under the current statute. A preliminary denial will be issued.

E. Tabled and previously considered

F. Reexamination Requests
   1. Brandy S. Piers
   On motion by Mr. Hermansen and second by Mr. Ames, the Board voted 4-0 to authorize the applicant to sit for the October PE exam.

G. Other applications or requests

5. Pending Business

6. New Business
   A. Implications of North Carolina State Board of Dental Examiners v. Federal Trade Commission (AAG Peters)
      Presentation by AAG Peters on the implications of this US Supreme Court decision on regulatory boards in Maine.

B. LD 1028 – “An Act to Clarify Laws Regarding the Registration of Professional Engineers”
      On motion by Mr. Hermansen and second by Mr. Ames, the Board voted 4-0 to authorize board staff to act on any pending applications that would be impacted by the passage of LD1028 as soon as the statute becomes effective.

C. LD 1380 – “An Act to Legalize, Tax, and Regulate Marijuana”
      Informational discussion related to the text of the statute.

D. In re: Tardif – Impact of pending passage of LD1028 on application and hearing scheduled for July 21 at 9:00am at MaineDOT.
      Upon passage of LD1028 the hearing will no longer be necessary and will be cancelled.
E. Board terms of service.

Informational discussion of terms of service by board members. Board members whose term expires serve until a replacement is appointed by the Governor.

F. Scaling of audit penalties.

Executive Director was asked to compile a record of PDH-related complaint dispositions for a future board discussion.

G. Office procedures.

Discussion tabled for a future meeting.

H. Discussion of NCEES Annual Meeting Motions.

Discussion tabled to August Board Meeting.

I. Discussion of scaling of PDH penalties for missing PDHs, missing or unsigned log, scaled fines corresponding to number of missing PDH credits.

Discussion postponed to a date to be determined.

7. **Adjournment**

   A. Next scheduled meetings are August 13, 2015 and November 19, 2015

   B. Meeting adjourned at 12:03 PM.