**MINUTES**

**BOARD FOR PROFESSIONAL ENGINEERS**

**Date:**  December 8, 2022

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

**Place:** 1100 N. Eutaw Street

 Baltimore, MD 21201

Access Using Video Conferencing

 Meet.google.com/ipm-pxny-hej

 Phone: 1-484-416-2276

 PIN: 201 307 165#

**Present:** Howard (Skip) Harclerode, P.E., Chairman

 David Mongan, P.E., Vice Chairman

 Sallye Perrin, P.E., Secretary

Karl Rickert, P.E

 Pastor Farinas, P.E.

 Edward Hubner, P.E.

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

Raquel Meyers, Assistant Executive Director

Milena Trust, AAG, Counsel to the Board

Andrew Brouwer, AAG, Counsel to the Board/Litigation Attorney

 Ruby Courtney, Board Administrator

 Dorian Price, Administrative Specialist

 Tristin Andreas

 Pravin Sankhwar

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**CALL TO ORDER**

Chairman Harclerode called the meeting to order at 9:39 a.m.

**ACTION ON MINUTES**

Motion (I) was made by Mr. Farinas, seconded by Mr. Rickert, and unanimously carried by the Board to approve the minutes of the November 10, 2022 Board meeting as submitted.

**Appearance of a Denied PE Exam Applicant – Mechanical**

A PE exam applicant appeared before the Board to appeal the denial of his application. His application was denied at the November 10, 2022 Board meeting because the samples of work submitted in lieu of a PE endorsement were not acceptable to the Board. The samples of work submitted listed other individuals as the engineer, the drafter and the reviewer. In addition, the applicant was unable to supply the Board with three PE character reference signatures.

The applicant submitted a letter of appeal, which explained why he could not get three PE character reference signatures. The letter also explained why his name was not on the samples of work submitted. He worked as a Commissioning Technician and instructed control electricians on installation, created databases and code to meet the drawing schedule, made redlines to control drawings and tested the system and approved it with a third party commissioning agent. The applicant was not mentioned in the drawing credits under those roles.

The Mechanical Board member found his explanations acceptable and approved the applicant to sit for the exam.

**APPLICATIONS APPROVED BY THE BOARD**

Motion (II) was made by Ms. Perrin, seconded by Mr. Mongan, and unanimously carried to approve 15 applications for reciprocity and 25 applications for the Principles and Practice of Engineering Examination. That same motion included denying one application for the Principles and Practice of Engineering exam for insufficient engineering work experience.

Approvals are as follows:

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

Asiedu, Kwaku A. (60297) Sankhwar, Pravinkumar K. (60302)

Black, Caleb M. (60310) Sklenar. Liseli J. (60303)

DePasquale, Anthony J. (59993) Smith, Christine (60304)

Elsayed, Assem (60298) Solhjou, Daniel (60305)

Garcia, Stelio M. (60299) Teferawork. Robet (60306)

Kaufman, Kevin M. (60300) Volpe, Jesse M. (60307)

Kumaravel, Velv (60309) Walters, Vincent M. (60308)

Laborte, Mark Randall M. (60301)

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

Alfeche, Zadamarie T. Hoover, Mackenzie R.

Aoun, Fares Hunter, Leonard

Andreas, Tristan A. McShea, Claire N.

Arefin, MD Sayedul Meeks-Teal, Thomas L.

Bailey, Matthew D. Meyers, James C.

Bastani, Niusha Moeller, Michelle

Bear, Jacob Nader, Chyanne N.

Beka, Mitiku G. Rasmussen, Krysta

Contreras, Kerica R. Reynolds, Tavon E.

Dowdle, Matthew V. Shah, Jainam J.

Gourley, Danielle R. Singh, Amandeep

Guadalupe, Hernan Troisi, Laura A.

Harr, Clint J.

**NEW BUSINESS**

**Report of September 8, 2022 Joint Chairs Meeting**

Chairman Harclerode reported the Board discussed the possibility of charging for PEfirm permits. He also mentioned the PE Board has decided on a process that gives them the authority to re-certify the curriculum and instructors of approved providers every five years. Currently the providers are approved for an indefinite period unless a complaint is made against theCPC provider.

Ms. Perrin stated she is not opposed to the process of re-certifying providers but questioned what we would be achieving and was concerned with the burden this process may put on staff. She asked what percentage of issues there have been with audits when courses were taken from approved providers. Mr. Rickert felt we would be eliminating approved providers who are no longer operating or who no longer offer courses that meet our standards as required in the regulations. It was clarified that providers which are considered pre-approved in the regulations are not subject to the review process.

Ms. Perrin asked that Ms. Courtney provide the Board with the number of approved providers to date and to report the percentage of issues with the audits at the next Board meeting.

The Board also discussed in more detail charging a fee for the Engineering Firm Permits. Ms. Trust added that the regulations must be addressed to include the fee for a firm permit requirement and that a concept sheet must be prepared to show any fiscal impact.

Ms. Trust stated charging a fee for the Firm Permits should be the Board’s first priority and that the Board should get the engineering societies involved. Ms. Trust specified that the actual fee should not be included in the regulations and only be referenced to as “a fee set by the Board”. The Board discussed what the fee should be and agreed that the fee should be the same as the fees for a Firm Permit for the other Design Boards, which is a non-refundable application fee of $35, and a license fee of $100.

Ms. Trust also asked Chairman Harclerode if the Joint Chairs are considering reviewing the providers that get approved by the Board. Chairman Harclerode asked if any Board members had any other issues that wanted him to bring up at the next Joint Chairs meeting. Mr. Rickert suggested a report on the Board’s finances.

**Review of Board Policies and Guidelines for Processing Applications**

Chairman Harclerode suggested the Board review its policies and guidelines for processing applications periodically at the November meeting.

Ms. Perrin mentioned a MS degree from an institution where the BS is considered EAC/ABET accredited validates the undergraduate degree. Mr. Hubner does not believe that four years of college equates to four years of engineering work experience stating that the language on the website does not match what is in the statute. Ms. Courtney will retype the Board policies and Guidelines for Processing applications and forward that document to the Board members for review and discussion at the January 2023 Board meeting.

**Motions at the NCEES Meetings**

Mr. Rickert mentioned at the NCEES Annual meeting, the MD Board was behind in the voting on the motions. He stated NCEES has a meeting on the pending motions and suggested all Board members attend to familiarize themselves with the motions. Mr. Rickert also suggested two meetings before the NCEES Annual meeting the Board members discuss the motions to be better prepared on how to vote.

**NCEES Law Enforcement Committee**

Mr. Rickert mentioned he serves on the NCEES Law Enforcement Committee and has written an article regarding Maryland’s Reinstatement Policy. He will forward a copy of the article for the Board members to review and make edits if necessary.

**Septic System Design Licensing**

Mr. Hubner brought to the attention of the Board an email that was sent to him by a licensee. The email asked if the Board was aware of the new licensing requirements from MDE to perform septic design.

The Board members along with Board Counsel reviewed the memo from MDE regarding registration to perform on-site wastewater services in MD and Ms. Trust suggested this issue be brought up at the next Joint Chairs meeting. She also stated that the Board needs to make sure the MDE’s licensing requirements do not contradict our licensing requirement.

Mr. Hubner will respond to the licensee since the email was sent directly to him.

**OLD BUSINESS - None**

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

Motion (III) was made by Ms. Perrin, seconded by Mr. Farinas and unanimously carried to approve the CPC provider applications for JTJ Engineers, LLC and Transcend Software, Inc.

Ms. Perrin stated the provider applications were in zip files and she would have to pay for that service in order to view the applications. Ms. Trust stated since that would be considered a Board related expense, Mr. Thomas or Ms. Meyers look into paying for that service.

**REPORT FROM ETHICS COMMITTEE - None**

**REPORT FROM BOARD COUNSEL - None**

**REPORT FROM EXECUTIVE DIRECTOR**

Mr. Thomas congratulated Ms. Trust on her impending retirement and for her 29 years of service to this Board. Regarding consumer members to the PE Board, he stated that there has been regular advertising in the agency’s By Design newsletter. The recent relaunch of our newsletter should be helpful in recruiting for these Board vacancies.

**CORRESPONDENCE - None**

**APPLICATIONS APPROVED ADMINISTRATIVELY FOR RECIPROCITY**

There were 103 applications, supported by NCEES Model Law Engineer records that were administratively approved for licensure.

**REINSTATEMENT APPLICATIONS**

The Board reviewed one application for reinstatement where the applicant admitted to signing/sealing a document on an expired license. The license expired October 14, 2022 and the applicant applied for reinstatement on October 18, 2022. The applicant completed the required continuing education. The Board asked for a copy of the document(s) he signed/sealed before proceeding.

**EXECUTIVE SESSION I**

Motion (IV) was made by Mr. Mongan, seconded by Mr. Farinas and unanimously carried to enter Executive Session at 10:58 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 11:22 a.m.

**COMPLAINT COMMITTEE**

Mr. Rickert reported on the status of complaints discussed by the Complaint Committee December 8, 2022.

16-PE-22 Still under investigation

18-PE-22 Still under investigation. Suggested filing criminal charges once the investigation is

 complete.

02-PE-23 Pre-charge. Remain on report for tracking purposes only

03-PE-23 No appearance of wrongdoing. Recommend Close

04-PE-23 Recommend Close. Insufficient evidence

05-PE-23 Awaiting response

07-PE-23 Awaiting response

10-PE-23 Pre-charge. Remain on report for tracking purposes only

The Board discussed one renewal with a conduct issue. A transcript of the court case has been requested by December 23, 2022.

An email was sent to the Board regarding complaints that had been closed. The Committee requested a letter be sent thanking the sender for the additional information but the Committee’s decision on the previous complaints remains closed.

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

**OTHER BUSINESS**

Mr. Farinas asked if the Board has ever received a response from the Montgomery County government regarding their inquiry Ms. Trust responded to in November 2021. Ms. Meyers stated no response has been received. Mr. Farinas agreed to reach out to Montgomery County.

The Board discussed that the NCEES Law Enforcement Committee is struggling with the issue of criminal records being expunged.

Ms. Courtney discussed an applicant who was approved to sit for the exam back in 2001 but has failed the exam three times and now has to reapply. This applicant has no engineering work experience since 2004 and has registered for a PE exam review course. Ms. Courtney asked if completion of the review course alone would be sufficient for the applicant to get approved to sit for the exam again and the Board response was yes.

The Board also discussed the non-traditional path for licensure in Maryland that does not require passing of the Fundamentals of Engineering (FE) exam. Ms. Perrin stated that the pass rate for the FE exam for applicants who have been out of school for many years is very low. Ms. Trust felt if the Board accepts passing of the Principles and Practice of Engineering exam as a measure of competency, the Board should get some degree of comfort when approving applicants under Section 14-305 (d).

The next Board meeting is scheduled for Thursday, January 12, 2022. Chairman Harclerode and Mr. Farinas informed the Board they cannot attend on that date. The other Board members were polled to ensure they would be a quorum.

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**ADJOURNMENT**

Motion (VI) was made by Mr. Farinas, seconded by Ms. Perrin and unanimously carried to adjourn the meeting at 11:30 a.m.

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

Signed by: Howard Harclerode Date: January 26, 2023

                  Board Chairman