MINUTES OF REGULAR MEETING

STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS

AND LAND SURVEYORS

The Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors met in a regular meeting on November 30, 2023 at the Oklahoma Engineering and Design Professionals Center, 220 NE 28th St., Oklahoma City, OK 73105. The meeting was held pursuant to notice dated November 20, 2023 issued by the Executive Director on the instruction of the Chair. Written notice of the meeting was filed with the Secretary of State and the agenda posted outside the meeting location and board offices, twenty-four hours prior to the meeting setting forth thereon the date, time, place, and business for the meeting.

 The meeting was called to order at 9:00 a.m., Thursday, November 30, 2023 by David Page, Chair, and the following members of the Board were present:

 David Page Aaron Morris

 Glen Smith Gene Brown

 Joe Cardenas Pat Adams

 Richard Willoughby

 Kathy Hart, Executive Director; Bruce Pitts, Principal Assistant; Mark Caruthers, Senior Investigator; Robert Manchester, Board Attorney; Emily Isbill, Attorney General Representative, Taylor Aizenman, Assistant Director/Compliance Manager, and Casey Wescott, Court Reporter were also present for the meeting. Tony Blasier, Attorney General Security Agent, was also in attendance.

 The minutes of the September 14, 2023 Board Meeting were reviewed by the Board. It was moved by Mr. Willoughby and seconded by Mr. Adams to approve the minutes as presented. Motion passed by the following roll call vote:

 David Page (aye) Aaron Morris (aye)

 Glen Smith (aye) Gene Brown (aye)

 Joe Cardenas (aye) Pat Adams (aye)

 Richard Willoughby (aye)

The Chair called the hearing scheduled for Thursday, November 30, 2023 at 9:00 a.m., “Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors vs. Griswold Tower Software/William A. Griswold, Jr. PE 20977(I), Case No. 2022-050”, to order. Respondents were not present or represented by counsel. The Board was represented by Robert Manchester, Board Attorney.

Following testimony and closing arguments, it was moved by Mr. Smith and seconded by Mr. Willoughby to move into Executive Session, pursuant to 25 O.S. Supp. 2018, Section 307(B)(8). Motion passed by the following roll call vote:

 David Page (aye) Aaron Morris (aye)

 Glen Smith (aye) Gene Brown (aye)

 Joe Cardenas (aye) Pat Adams (aye)

 Richard Willoughby (aye)

Following discussions in Executive Session, it was moved by Mr. Brown and seconded by Mr. Willoughby to move into Open Session. Motion passed by the following roll call vote:

 David Page (aye) Aaron Morris (aye)

 Glen Smith (aye) Gene Brown (aye)

 Joe Cardenas (aye) Pat Adams (aye)

 Richard Willoughby (aye)

It was moved by Mr. Smith and seconded by Mr. Brown to find the Respondents guilty of Counts I and II based on clear and convincing evidence founded on the Findings of Fact. Motion passed by the following roll call vote:

 David Page (aye) Aaron Morris (aye)

 Glen Smith (aye) Gene Brown (aye)

 Joe Cardenas (aye) Pat Adams (aye)

 Richard Willoughby (aye)

Further, it was moved by Mr. Willoughby and seconded by Mr. Morris that, having determined based on clear and convincing evidence that the Respondents are guilty under Counts I and II, William A. Griswald, Jr.’s Oklahoma Professional Engineer License 20977 shall be formally revoked and an administrative fine of $4,000 will be assessed. Motion passed by the following roll call vote:

 David Page (aye) Aaron Morris (aye)

 Glen Smith (aye) Gene Brown (aye)

 Joe Cardenas (aye) Pat Adams (aye)

 Richard Willoughby (aye)

The Chair declared the hearing closed and asked Emily Isbill, Attorney General Representative to prepare a final order.

The Chair called the hearing scheduled for Thursday, November 30, 2023 at 9:00 a.m., “Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors vs. M. En. P. Engineers, CA 6295 (I)/Khurshid Chishti, PE 25449 (S), Case No. 2023-097”, to order. Respondents were not present or represented by counsel. The Board was represented by Robert Manchester, Board Attorney.

Following testimony and closing arguments, it was moved by Mr. Willoughby and seconded by Mr. Morris to move into Executive Session, pursuant to 25 O.S. Supp. 2018, Section 307(B)(8). Motion passed by the following roll call vote:

 David Page (aye) Aaron Morris (aye)

 Glen Smith (aye) Gene Brown (aye)

 Joe Cardenas (aye) Pat Adams (aye)

 Richard Willoughby (aye)

Following discussions in Executive Session, it was moved by Mr. Willoughby and seconded by Mr. Morris to move into Open Session. Motion passed by the following roll call vote:

 David Page (aye) Aaron Morris (aye)

 Glen Smith (aye) Gene Brown (aye)

 Joe Cardenas (aye) Pat Adams (aye)

 Richard Willoughby (aye)

It was moved by Mr. Brown and seconded by Mr. Smith to find the Respondents guilty of Counts I through VII based on clear and convincing evidence founded on the Findings of Fact which demonstrate a complete disregard for public safety and welfare. Motion passed by the following roll call vote:

 David Page (aye) Aaron Morris (aye)

 Glen Smith (aye) Gene Brown (aye)

 Joe Cardenas (aye) Pat Adams (aye)

 Richard Willoughby (aye)

Further, it was moved by Mr. Willoughby and seconded by Mr. Morris that, having determined based on clear and convincing evidence that the Respondents are guilty under Counts I through VII, Khurshid Chishti’s Oklahoma Professional Engineer license 25449 shall be formally revoked and a $1000 administrative fine assessed. Further, the Oklahoma Certificate of Authorization number 6295 for M. En. P. Engineers shall be formally revoked and a $5000 administrative fine assessed. Motion passed by the following roll call vote:

 David Page (aye) Aaron Morris (aye)

 Glen Smith (aye) Gene Brown (aye)

 Joe Cardenas (aye) Pat Adams (aye)

 Richard Willoughby (aye)

The Chair declared the hearing closed and asked Emily Isbill, Attorney General Representative to prepare a final order.

Robert Manchester presented a proposed consent order in Case No. 2023-040, Geophysical Navigation Services, LP, CA 7570/Joel Howard, PLS 1673. Respondents were not present or represented by counsel. Following discussion, it was moved by Mr. Smith and seconded by Mr. Willoughby to accept the proposed consent order. Motion passed by the following roll call vote:

 David Page (aye) Aaron Morris (aye)

 Glen Smith (aye) Gene Brown (aye)

 Joe Cardenas (aye) Pat Adams (aye)

 Richard Willoughby (aye)

Robert Manchester presented a proposed consent order in Case No. 2023-061, U.P. Engineers & Architects, Inc. CA 9184/Aaron Janke, PE 34232. Respondents were not present or represented by counsel. Following discussion, it was moved by Mr. Willoughby and seconded by Mr. Adams to accept the proposed consent order. Motion passed by the following roll call vote:

 David Page (aye) Aaron Morris (aye)

 Glen Smith (aye) Gene Brown (aye)

 Joe Cardenas (aye) Pat Adams (aye)

 Richard Willoughby (aye)

Robert Manchester presented a proposed consent order in Case No. 2023-082, Martin Henry, EI 16139. Respondent was not present or represented by counsel. Following discussion, it was moved by Mr. Brown and seconded by Mr. Cardenas to accept the proposed consent order. Motion passed by the following roll call vote:

 David Page (aye) Aaron Morris (aye)

 Glen Smith (aye) Gene Brown (aye)

 Joe Cardenas (aye) Pat Adams (aye)

 Richard Willoughby (aye)

Robert Manchester presented a proposed compliance agreement in Case No. 2023-084, Apex Structural, Inc., CA 9219/Brian Panning, PE 29325. Respondents were not present or represented by counsel. Following discussion, it was moved by Mr. Brown and seconded by Mr. Willoughby to accept the proposed compliance agreement. Motion passed by the following roll call vote:

 David Page (aye) Aaron Morris (aye)

 Glen Smith (aye) Gene Brown (aye)

 Joe Cardenas (aye) Pat Adams (aye)

 Richard Willoughby (aye)

 Following the presentation of the cases listed below, it was moved by Mr. Willoughby and seconded by Mr. Cardenas to accept the Enforcement Committee’s recommendation and issue a Letter of Caution regarding the following matters:

2023-086 Nucor Corporation, CA 4750 ( Grapeland, TX)

2023-087 Saber Power Services, LLC, CA 8298 (Rosharon, TX)

2023-089 McKim & Creed, Inc., CA 6638 (Raleigh, NC)

2023-091 Ohlin & Reed Consulting Engineers, Inc., CA 7867 (Akron, OH)

2023-092 John P. Reed, PE 35060 (Akron, OH)

2023-093 Plump Engineering, Inc., CA 5702 (Anaheim, CA)

2023-094 Richard A. Plump, PE 23960 (Anaheim, CA)

2023-097 Michael A. King, PE 27795 (Williamsburg, VA)

2023-102 Chan Nguyen, PE 25220 (Lakewood, CO)

2023-103 Bradford Jay Raffensperger, PE 17260 (Suwanee, GA)

2023-104 Timothy J. Tieaskie, PE 29532 (Royal, AR)

2023-105 Benjamin W. Yeung, PE 21888 (Las Vegas, NV)

2023-106 Project Associates, Inc., CA 6006 (Evansville, IN)

2023-107 Professional Engineering Associates, Inc., CA 4083 (Greenville, SC)

Motion passed by the following roll call vote:

 David Page (aye) Aaron Morris (aye)

 Glen Smith (aye) Gene Brown (aye)

 Joe Cardenas (aye) Pat Adams (aye)

 Richard Willoughby (aye)

The Enforcement Case List and Administrative Fine collection spreadsheet were reviewed with no action taken.

Kathy Hart presented a Scholarship Report with no action taken.

Kathy Hart presented an Outreach Report, including details about numerous virtual and in-person presentations to provide information about the Fundamentals of Engineering (FE) examination and the value of licensure. Additionally, the Board has been invited to participate at a Roundtable Discussion at the OSLS State Meeting on March 8, 2024.

 The Board recessed for lunch from noon to 1:00 p.m.

 **Kathy Hart provided a report on the status of the Proposed Revisions to O.S. Title 59, 475.1 et seq. The Board reviewed the current revised language and provided feedback.**

**Josh Powers, P.E., P.L.S. was present at the meeting. He gave a presentation regarding Subsurface Utility Engineering and posed questions to the Board on when an engineer and/or surveyor is required. Following discussion, the Board determined it would be appropriate to develop and adopt a position statement regarding Subsurface Utility Engineering/Surveying for public dissemination.**

 **The Board continued reviewing and providing feedback on the Proposed Revisions to O.S. Title 59, 475.1 et. seq.**

**It was moved by Gene Brown and seconded by Aaron Morris to approve the adopted Proposed Revisions to O.S. Title 59, 475.1 et. seq. to submit to the Oklahoma Legislature by the January 18, 2024 deadline.** Motion passed by the following roll call vote:

 David Page (aye) Aaron Morris (aye)

 Glen Smith (aye) Gene Brown (aye)

 Joe Cardenas (aye) Pat Adams (aye)

 Richard Willoughby (aye)

Following a review of the August, September, and October 2023 financial statements it was moved by Mr. Brown and seconded by Mr. Willoughby to approve the financial statements as presented. Motion passed by the following roll call vote:

 David Page (aye) Aaron Morris (aye)

 Glen Smith (aye) Gene Brown (aye)

 Joe Cardenas (aye) Pat Adams (aye)

 Richard Willoughby (aye)

 Following a review of the August, September, and October 2023 claims and P-Card Purchases, it was moved by Mr. Brown and seconded by Mr. Willoughby to approve the claims and P-Card Purchases as presented. Motion passed by the following roll call vote:

 David Page (aye) Aaron Morris (aye)

 Glen Smith (aye) Gene Brown (aye)

 Joe Cardenas (aye) Pat Adams (aye)

 Richard Willoughby (aye)

It was moved by Mr. Willoughby and seconded by Mr. Adams to approve the proposed 2024 Board Calendar. Motion passed by the following roll call vote:

 David Page (aye) Aaron Morris (aye)

 Glen Smith (aye) Gene Brown (aye)

 Joe Cardenas (aye) Pat Adams (aye)

 Richard Willoughby (aye)

Kathy Hart presented a A/E Joint Committee Meeting Report regarding the status of the committee and meetings with groups such as The American Institute of Architects (AIA), the Oklahoma Fire Marshal’s office, and city building inspectors to discuss proposed Statute Revisions.

Bruce Pitts provided a Surveying Committee Report with no action taken.

Kathy Hart presented an NCEES Report. Following discussion, it was determined that David Page, Glen Smith, and Aaron Morris be designated as funded delegates for the 2024 NCEES Southern Zone Meeting.

 Kathy Hart presented a Building Report and led a discussion regarding the FY 2025 Lease Agreement for tenants of the Engineering and Design Professionals Center. Following discussion, it was determined that a formal Lease Agreement would be submitted for Board Review in February 2024.

**Approval of Application Consent Agenda:**

1.  The Board considered the following Consent Agenda based upon approval by the Executive Director or the Board's designee between Board meetings:

     a.  [PE Applications](https://www.ok.gov/pels/documents/March%202021_PE%20Comity%20Board%20Mtg%20List.pdf) (including MLE PE's, PE-SE's, Re-licensure, and other qualifying PE applications)

     b.  [CA Applications](https://www.ok.gov/pels/documents/March%202021_CA%20Board%20Mtg%20List.pdf)

     b.  [Temporary License Applications](https://www.ok.gov/pels/documents/March%202021_Temporary%20Licenses.pdf)

     c.  [Engineer Intern Certifications](https://www.ok.gov/pels/documents/March%202021_Engineer%20Interns.pdf)

     d.  Land Surveyor Intern Certifications

     e. [Amended Certificate of Authorization Applications](https://www.ok.gov/pels/documents/March%202021_Amended%20CA%20Apps.pdf)

     f. [Name Change Applications](https://www.ok.gov/pels/documents/March%202021_Name%20Changes%20for%20Bd%20Mtg.pdf) as follows

2.  [Board consideration of applications reviewed and approved by the Executive Director or the Board's designee for initial licensure, who have now passed the PE examination and obtained all requisite experience](https://www.ok.gov/pels/documents/March%202021_PE%20Initial%20Board%20Mtg%20List.pdf) (these applicants applied to take the PE examination prior to obtaining all requisite experience).

3.  [Board consideration of applications reviewed and approved by the Executive Director or the Board's designee for admission to the P.S. and/or O.L.S. examination and, when the examination(s) are successfully passed, granted initial P.L.S. licensure](https://www.ok.gov/pels/documents/March%202121_LS%20Board%20Mtg%20List.pdf).
4.  [Board consideration of applications reviewed and approved by the Executive Director or the Board's designee for admission to the P.S. and/or O.L.S. examination and, when the examination(s) are successfully passed, granted comity P.L.S. licensure](https://www.ok.gov/pels/documents/March%202121_LS%20Board%20Mtg%20List.pdf).

5.  Board consideration of P.E., S.E. Designation Applications reviewed and approved by the Board's designee:

     a.  [Board consideration of Oklahoma P.E.'s applying for the S.E. designation by way of examination](https://www.ok.gov/pels/documents/March%202021_SE%20Grandfathering%20App%20B.pdf)

6. Application and Examination Report

It was moved by Mr. Brown and seconded by Mr. Smith to ratify the Consent Agenda items previously reviewed and approved by the Executive Director or the Board’s designee between Board meetings. Motion passed by the following roll call vote:

 David Page (aye) Aaron Morris (aye)

 Glen Smith (aye) Gene Brown (aye)

 Joe Cardenas (aye) Pat Adams (aye)

 Richard Willoughby (aye)

It was moved by Mr. Morris and seconded by Mr. Adams to adjourn the meeting at 3:30 p.m. Motion passed by the following roll call vote:

 David Page (aye) Aaron Morris (aye)

 Glen Smith (aye) Gene Brown (aye)

 Joe Cardenas (aye) Pat Adams (aye)

 Richard Willoughby (aye)