

**Board of Professional Engineering**  
Secretary of State, Office of Professional Regulation  
National Life Building, North, Floor 2, Montpelier, VT 05620-3402  
**Approved Minutes**  
**Meeting of April 2, 2009**

1. The meeting was called to order at 8:34 A.M.

Members present: William Atkinson, P.E., Secretary; Katherine Hill, P.E., and Bonnie Giuliani, Public Member. Absent: Michael H. Quaid, P.E., Chairman and Robert Kischko, P.E., Vice-Chair.

OPR Personnel present: Carla Preston, Unit Administrator, and Kara Shangraw, Administrative Assistant.

2. The Acting Chair called for approval of the Minutes of the March 12<sup>th</sup> meeting. Ms. Hill made a motion, seconded by Ms. Giuliani, to approve the Minutes of the March 12, 2009 meeting as submitted. The question was called and the motion passed unanimously.

3. Hearings/Stipulations and Consent Orders

4. Reports

5. Complaints/Follow-up cases

Ms. Preston reported on the status of pending cases.

6. National Council of Examiners for Engineering and Surveying (NCEES) Correspondence

- a. The Board reviewed and noted the March 23, 2009 E-Mail from the NCEES regarding the dissolution of the limited liability company established for ELSESES which will begin after the April examination administration. In the future, ELSESES will operate as a division of the NCEES.
- b. The Board noted the March 24, 2009 Memorandum from the NCEES announcing the winners of the 2009 Engineering Award for Connecting Professional Practice and Education.
- c. Review of the March 24, 2009 E-Mail from the NCEES regarding future changes to the NCEES Structural Examination was tabled. The Board asked staff to contact other states, particularly those that license by discipline, to see how they were handling the Structural I and Structural II issue.
- d. The Board also tabled discussion of the March 25, 2009 E-Mail from the NCEES concerning the new 16 hour Structural Engineering examination. That change may require a statutory change. Some states that offer structural examinations award a SE discipline. Other states, similar to Vermont, issue a Structural I license based on an eight hour examination versus the 16 hour examination.
- e. Miscellaneous NCEES Correspondence was reviewed and noted.

7. Miscellaneous Correspondence

- a. The Board reviewed and discussed the March 13, 2009 E-Mail from Larry Fairchild regarding the use of electronic seals and digital signatures in the State of Vermont.

7. Miscellaneous Correspondence - continued

This specific issue is not addressed in the law or by Board Policy. Mr. Fairchild will be advised to contact the authority having jurisdiction for local requirements. The Board agreed to review its Policy (#6.0) on this topic.

- b. The Board discussed the March 21, 2009 E-Mail from Jagabandhu Debnath concerning licensure requirements for foreign trained engineers. He will be referred to the Center for Professional Engineering Education Services for evaluation of his foreign (Bangladesh and Korean) education.
- c. The Board reviewed the March 25, 2009 E-Mail from Byron Price concerning licensure requirements to size a simple steel beam for a client who lives in Vermont. He said he is licensed in Virginia and does work for this client in that and other states. The Board found the information he provided rather limited but noted that sizing a steel beam is engineering and would require a license (26 V.S.A. §§ 1161 and 1162). However, the law allows exemptions (26 V.S.A. § 1163 (c)) for certain types of structures where professional engineering services can be provided without a license. Mr. Price will be referred to the law so he can determine whether the work fits the exemption or the project in question would not be required to be performed by a professional engineer. He will also be advised that Vermont licenses by discipline or specialty.
- d. Review of the March 26, 2009 E-Mail from Roger Thompson regarding Board Policy #5 "Clarification re The Agency of Natural Resources' Rule, Section 1-313, Designer Licensing" was tabled. The Board agreed that the Policy needs to be updated.
- e. Wall Certificates for persons approved for licensure at the last meeting were signed.

8. Other Business Introduced by the Board

The Board will continue its discussion regarding the changes to the Structural examinations. Currently two eight-hour examinations, Structural I and Structural II, are offered. Once the new 16 hour examination is in place, only candidates who pass the 16-hour Structural examination would be issued a license as a Structural Engineer. The Board discussed how best to get that information to licensees who may be supervising future applicants to qualify to sit for the examination. Professional Engineers who are currently licensed in the disciplines/specialties of Structural I and Civil/Structural would be permitted to continue to renew their licenses with those disciplines.

The Board must determine how this change will impact endorsement applicants and the discipline/specialty awarded. Currently, applicants who request Civil Engineering but whose experience pertains to Structural engineering are awarded Structural I Engineering. Applicants must have passed the Structural II Examination to be issued that discipline.

The Board also discussed updating the instruction sheet for applicants (basis of examination or without examination) to further verify that Vermont licenses by discipline/specialty and that the award of the specialty is determined on the basis of the Principles and Practice examination taken and the applicant's work experience. In many situations, an applicant's educational focus and examination pertain to Civil engineering, however as the applicant develops his or her niche, their experience moves toward structural engineering making their most recent experience in Structural engineering which qualifies them to sit for the P&P examination or for licensure in the specialty of Structural I Engineering versus Civil. The instruction sheet will be updated to advise applicants and examination candidates to update their experience to support the discipline requested.

9. The Board approved the following applicants for licensure on the basis of endorsement from another state and/or their National Council of Examiners for Engineering and Surveying's Record indicating "Model Law Engineer." Changes in the discipline/specialty awarded were based on the applicant's recent reported experience in the discipline sought.

Curtis, William W.	(Structural I)	Cyr, Charles W.	(Electrical)
Duror, Senol	(Electrical)	Harris, Jeffrey W.	(Mechanical)
Hart, Jr., Harold H.	(Electrical)	Kane, Michael W.	(Structural I)
McGinnis, Daniel W.	(Structural I)	Mierzwa, Thomas	(Civil)
Misenheimer, Robert	(Electrical)	Smith, John O.	(Civil)
Vogeli, Philip J.	(Electrical)		

The Board reviewed the applications listed below but was unable to approve them as submitted. Applicants will be notified of the Board's findings.

**Collins, Steve M.** (Mechanical) – The Board reviewed Mr. Collins' application for licensure on the basis of endorsement (without examination), who holds licenses in the States of Connecticut, Rhode Island, New York, New Jersey and Massachusetts. According to his application, he passed the Principles and Practice Examination in specialty of Mechanical Engineering. The majority of his work experience however, is in Electrical engineering. As submitted, he is not eligible for licensure in the specialty of Mechanical Engineering based on the lack of sufficient work experience in the specialty certification sought. Mr. Collins is not eligible for licensure in the specialty of Electrical Engineering because he has not successfully completed the NCEES P&P exam in Electrical Engineering.

**Pycela, Peter J.** (Electrical) – The Board reviewed Mr. Pycela's application for licensure on the basis of endorsement (without examination), who holds a license in the State of Connecticut. According to his application and verification from the State of Connecticut, he passed the Principles and Practice Examination in specialty of Environmental Engineering however the majority of his work experience is in Electrical engineering. As submitted, he is not eligible for licensure in the specialty of Environmental Engineering based on the lack of sufficient work experience in that specialty. He is not eligible for licensure in the specialty of Electrical Engineering because he has not successfully completed the NCEES P&P exam in Electrical Engineering.

**Tshudy, Gary A.** (Structural II) – The Board reviewed Mr. Tshudy's application but found it incomplete. He did not answer question number two regarding denial of licensure in any other jurisdiction. According to his NCEES Record he has been denied licensure in other jurisdictions. Mr. Tshudy is licensed in the States of Pennsylvania, New York and New Jersey. To qualify for licensure in Vermont the requirements of at least one of those states must be substantially equivalent to Vermont's requirements. He must provide copies of the other states' statutes and regulations or direct links to those Boards' Web sites for review. It was unclear whether the program at Penn State University from which he graduated with a Bachelor's in Engineering Technology was accredited by the Accreditation Board for Engineering and Technology (ABET). If he qualified for licensure in Pennsylvania, New York or New Jersey based on a four-year ABET accredited engineering technology degree, passing the Fundamentals of Engineering (8hr FE) and Principles & Practice (8hr P&P) examinations, and eight years of satisfactory work experience he would meet Vermont's requirements. If he qualified for licensure in any of the other states on the basis of 12 years experience (waiving education requirement), and passing the FE and P&P examinations he would meet Vermont's requirements. Copies of the other states' requirements must be submitted so the Board can determine substantial equivalency to any of the states in which he is currently licensed.

10. The next meeting is scheduled for **Thursday, May 7, 2009** at 8:30 AM.

Additional meetings in 2009 are scheduled as follows: June 4<sup>th</sup>; August 6<sup>th</sup>; September 3<sup>rd</sup>; October 1<sup>st</sup>; November 5<sup>th</sup>; and December 3, 2009

11. There being no further business, the meeting was adjourned at 12:00 P.M.

Respectfully submitted,

Carla Preston, Unit Administrator  
Office of Professional Regulation