

STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
BUREAU OF COMMERCIAL SERVICES – LICENSING DIVISION
2501 Woodlake Circle, Okemos, MI 48864-5955

Professional Engineers

BOARD MEETING MINUTES

April 16, 2009

In accordance with the Open Meeting Act, 1976 PA 267, as amended, the Board of Professional Engineers met in Regular Session on April 16, 2009, at the Department of Energy, Labor & Economic Growth, Bureau of Commercial Services, 2501 Woodlake Circle, Room 1, Okemos, Michigan. The business meeting was called to order by Chairperson, George Karmo, at 9:00 a.m.

ROLL CALL

Present:	George Karmo	Chairperson
	Mahmoud El-Gamal	Member
	*Karol Grove	Member
	*Cary Junior	Member
	John Kraus	Member
	Kevin Prihod	Member
	Robert Stempien	Member
	Keith Swaffar	Vice Chairperson
Absent:	Charles Dulic	Member
Staff:	Gloria Keene	Licensing Administrator
	Michael Pillow	Assistant Licensing Administrator
	Jackie Jernigan	Secretary to the Licensing Administrator
	Joyce Karr	Licensing Director
	Barrington Carr	Director, Enforcement Division
	Jim Farhat	Policy Specialist
	Michael Lockman	Assistant Attorney General
	Andrew Metcalf	Director, Bureau of Commercial Services
	Al Schefke	Director, Administrative Services Division
Public:	Ron Brenke	Michigan Society of Professional Engineers
	Manohar Deshmukh	Petitioner
	Nalinkumar Rajput	Petitioner
	Rafid Yousif	Petitioner

*Mr. Junior arrived at 9:30 a.m.

*Ms. Grove left at 9:22 a.m.

ADDITIONS TO OR DELETIONS FROM AGENDA

None.

APPROVAL OF MINUTES FROM MEETING HELD JANUARY 8, 2009

Motion: It was moved by Ms. Grove and supported by Mr. El-Gamal that the Engineering Board Meeting Minutes from January 8, 2009 be approved as written. The motion carried unanimously.

PETITIONS

Reciprocity

Manohar Deshmukh meets experience and examination requirements. (FE exam waived by California when he was licensed in 1992). He holds a Bachelor of Science Degree in Electrical Engineering (1961) from Victoria Jubilee Technical Institute, Bombay, India. The department denied Mr. Deshmukh's application because he does not possess an ABET/EAC accredited baccalaureate degree. His NCEES Council Record has an equivalency report of his education credentials from International Education Research Foundation (IERF).

Mr. Deshmukh maintains his education and engineering experience should be equivalent to an ABET/EAC accredited degree. He also states that his PE licensure in California, Arizona, Washington and Oklahoma, as well as (40+) years of engineering work experience, establish equivalency to qualify him for reciprocal licensure in Michigan.

Mr. Deshmukh appeared before the Board.

Motion: It was moved by Mr. Junior and supported by Mr. Kraus to overturn the Department's denial, and accept Mr. Deshmukh's education and work experience as being equivalent to an ABET/EAC accredited baccalaureate degree based upon the evidence presented, noting Mr. Deshmukh has established equivalency for the education requirement. The motion carried with Mr. Prihod voting no.

The Department concurred.

Examination

Chirage Joshi is applying to sit for the PE exam. Mr. Joshi doesn't meet the education requirement of holding an ABET/EAC accredited degree. Mr. Joshi holds a Bachelor of Science Degree (200) in Metallurgical Engineering from Maharaja Sayajirao University in India and a Master of Science Degree (2003) in Materials

Science & Engineering from New Jersey Institute of Technology (NJIT). His Master's degree is not from an ABET-EAC accredited bachelor's program.

Mr. Joshi maintains that his five years of work experience in Materials and Metallurgical Engineering and his passing the FE examination should qualify him to sit for the PE examination in Michigan.

Mr. Joshi did not appear before the Board.

Motion: It was moved by Mr. El-Gamal and supported by Mr. Swaffar to uphold the Department's denial and not grant approval for Mr. Joshi to sit for the Principles and Practice of Engineering Examination based upon the evidence provided, noting equivalency of an ABET/EAC accredited baccalaureate degree was not established. The motion carried unanimously.

The Department concurred.

Reciprocity

Roland McPherson meets experience and examination requirements. He holds a Bachelor of Science Degree in Mechanical Engineering Technology (1973) from Old Dominion University. The Department denied Mr. McPherson's application because he does not possess an ABET/EAC accredited Baccalaureate Degree.

Mr. McPherson maintains his education and (35) years of engineering work experience and his licensure in thirty (30) other states should be equivalent to an ABET/EAC accredited degree and establish equivalency to qualify him for reciprocal licensure in Michigan.

Mr. McPherson did not appear before the Board.

Motion: It was moved by Mr. Swaffar and supported by Mr. Prihod to uphold the Department's denial for reciprocal licensure, based upon the evidence presented, noting equivalency of an ABET/EAC accredited Baccalaureate Degree was not established. The motion carried unanimously.

The Department concurred.

Reciprocity

Jeffrey Parker meets experience and examination requirements. He holds a Bachelor of Science Degree in Architectural Engineering Technology (1981) from

Southern Polytechnic University, Marietta, GA. The Department denied Mr. Parker's application because he does not possess an ABET/EAC accredited Baccalaureate Degree.

Mr. Parker maintains his education and engineering experience should be equivalent to an ABET/EAC accredited degree. He also states that his PE Licensure in Georgia, Ohio, Louisiana, Maryland and Texas, as well as (26+) years of engineering work experience, establish equivalency to qualify him for reciprocal licensure in Michigan.

Mr. Parker did not appear before the Board.

Motion: It was moved by Mr. El-Gamal and supported by Mr. Stempien to uphold the Department's denial and deny Mr. Parker reciprocal licensure, based upon the evidence presented, noting equivalency of an ABET/EAC accredited Baccalaureate Degree was not established. The motion carried unanimously.

The Department concurred.

Reciprocity

Nalinkumar Rajput meets experience and examination requirements. He holds a Bachelor of Science Degree in Mechanical Engineering (1991) from Sardar Patel University, India. The Department denied Mr. Rajput's application because he does not possess an ABET/EAC accredited Baccalaureate Degree. His CPEES evaluation report shows deficiencies of (23) semester hours in Math & Basic Science and (16) semester hours in Humanities and Social Science.

Mr. Rajput maintains that his education covered the deficiencies during high school in order to qualify for engineering school. Mr. Rajput states that his (17) years of engineering work experience and his licensure in Wisconsin should be equivalent to an ABET/EAC accredited degree and establish equivalency to qualify him for reciprocal licensure in Michigan.

Mr. Rajput appeared before the Board.

Motion: It was moved by Mr. Swaffar and supported by Mr. El-Gamal to overturn the Department's denial and grant Mr. Rajput reciprocal licensure based upon the evidence presented, noting his high school math was deemed to be equivalent to college math and his (17) years of professional engineering work experience and licensure in Wisconsin satisfied his deficiencies in humanities and social sciences. The motion carried unanimously.

The Department concurred.

Examination

Rafid Yousif is applying to sit for the PE exam. Mr. Yousif doesn't meet the education requirement of holding an ABET/EAC accredited degree. Mr. Yousif holds a Bachelor of Science Degree (1991) in Computer Engineering and a Master of Science Degree (1995) in Control & Instrumentation Engineering from University of Technology – Baghdad, Iraq.

Mr. Yousif maintains that his efforts over five years of working with ECEI and CPEES to have his degrees evaluated have not been successful. CPEES has not been able to validate and authenticate his degree transcripts. Mr. Yousif petitions the Board to grant him the opportunity to sit for the PE examination in Michigan.

The Board voted at the January 8, 2009 meeting to table Mr. Yousif's petition until the April 16, 2009 Board Meeting to allow time for the Department to contact the Center for Professional Engineering Education Services (CPEES) and review the status of his credentials evaluation. Ms. Keene reported that the CPEES Director had advised her that while the University in Baghdad, Iraq has not responded to requests for verification of facts, CPEES continues to follow up on the university's ability to verify documents and applicants are being informed of such.

Mr. Yousif appeared before the Board.

Motion: It was moved by Mr. Prihod and supported by Mr. El-Gamal to overturn the Department's denial and grant Mr. Yousif approval to sit for the Principles and Practice of Engineering examination after a lengthy discussion and based upon the evidence presented, noting the unique circumstances in Iraq and information from a Board Member who has direct knowledge of the applicant. The motion carried with Mr. Junior and Mr. Stempien voting no and Mr. Karmo abstaining.

The Department concurred.

OLD BUSINESS

Mike Lockman – Board Member Training

Mike Lockman, Assistant Attorney General, complimented Board Members on their service to the Board. Additionally, he praised staff on providing good guidance to the Board. Mr. Lockman gave an overview of how the petition process works and urged Board Members to review Article 3 of the Occupational Code. He also addressed questions from the Board.

Licensing Director, Joyce Karr, directed the following question to Mr. Lockman.

- Q. When the Department is implementing a statute, is it the Department's prerogative to establish the process?
- A. Yes, all of the administrative functions that go into making sure that the laws are faithfully executed are determined by Department staff.

Chairperson Karmo asked the following question.

- Q. Is it the Department's responsibility or the Board's responsibility to become involved with appeals?
- A. It is the Board's responsibility. The Board has the expertise related to the profession.

Board Member Kraus asked the following question.

- Q. What kind of liability to Board Members have relative to the decisions that are made by this Board?
- A. There has never been any personal liability for Board members regarding any decision that they have made in the past. If a Board Member is sued personally, the State would appoint an attorney for representation.

Board Member Junior asked the following question.

- Q. Should voting by the board be determined by majority of the quorum or majority of the Board?
- A. Each Board is empowered to adopt its own rules and procedures. If the statute does not have a requirement on voting, each Board is free to adopt their own rules on how to proceed. Ms. Keene advised that the Board has historically voted by majority of the quorum.

Rules for Continuing Competency

Director, Andrew Metcalf addressed the Board. He advised Board Members not to be bound by the Continuing Competency Rules Working Draft that was presented by the department. Mr. Metcalf asked Board Members to review and contribute to the draft. The department will meet and review any proposed drafts and submit comments back to the Board Members by May 15, 2009.

Mr. Keene introduced Ron Brenke of the Michigan Society of Professional Engineers. Mr. Brenke is affiliated with ACEC, an organization that is developing a continuing education program. Mr. Brenke reported that ACEC is merging with NCEES to

create a national database for pre-register providers and obtain a database for continuing education units.

Board Member Grove provided an overview of what occurred at the Surveyor's Board Meeting regarding continuing competency. She advised that the Surveyor's Board voted to adopt the NCEES Guidelines for Continuing Competency. Further, the Board of Professional Surveyors will submit proposed rules based upon the guidelines for the department's review.

NCEES Central Zone Meeting, April 2 – 4, 2009, Des Moines, Iowa

Ms. Keene advised that she attended the NCEES Central Zone Meeting in Des Moines, Iowa. She provided the following highlights from the meeting:

- Computer based testing was discussed. A task force has been assigned to study the feasibility of computer based testing.
- There was a discussion concerning the additional education requirements for candidates for engineering licensure to acquire 30 credits beyond the bachelor's degree. The earliest date the requirement could go into effect is 2020. There will be more discussion on this topic at the NCEES Annual Meeting in August.
- A discussion was held concerning forming a task force to review guidelines for evaluating applications for reciprocal or initial licensure.
- Effective April 2011, the Structural exam will change from a two part exam to a new 16-hour Structural PE exam. To be given credit for this exam, applicants must successfully complete both parts.
- The Center for Professional Engineering Education Services (CPEES) will be moving from Miami, Florida to Clemson, South Carolina. The Center also evaluates non-ABET and domestic degrees.
- NCEES will adopt a new logo.
- ELSES will be dissolved as a limited liability company established for NCEES. This action will have no impact on the method or manner in which the exam administration services are provided to the member boards.
- The 2010 Central Zone meeting will be held in Salt Lake City, Utah.
- A motion will be made at the annual meeting to fund the cost of one first-time attendee from each board to attend the annual meeting.

Moreover, Ms. Keene reported the Site Selection Committee has offered Michigan the opportunity to host the Central Zone meeting on May 5 – 7, 2011. Upon discussion, it was a consensus of the Board members that Michigan will host the 2011 Central Zone Meeting. Chairperson Karmo suggested that a joint subcommittee be formed with the Professional Surveyors Board to assist the department staff in planning and organizing the meeting. Board Members Junior and Kraus volunteered to participate on the subcommittee and to help find a meeting site that would be acceptable to everyone.

Motion: It was moved by Mr. Karmo and supported by Mr. Swaffar for the Board to host the 2011 NCEES Central Zone meeting in Michigan. Additionally, the Board will form a joint subcommittee with the Professional Surveyors Board to assist the department staff in planning and organizing this meeting. The motion carried unanimously.

Motion: It was moved by Mr. Karmo and supported by Mr. El-Gamal to nominate Board Members Junior and Kraus to assist the department in facilitating the 2011 NCEES Central Zone Meeting with the Professional Surveyors Board Members and Michigan professional organizations. The motion carried unanimously.

Resolutions for Previous Board Members

Ms. Keene advised that there are eight previous Board Members that need to be recognized for their service to the Board. She also provided the results of a poll that was taken by the Board to determine if the resolutions should be framed before presenting them to the previous Board members.

Motion: It was moved by Mr. Karmo and supported by Mr. Prihod to frame the resolutions for previous Board Members and invite them to lunch for a presentation. The motion carried with Mr. Junior voting no.

NEW BUSINESS

Election of Officers

CHAIRPERSON

Motion: It was moved by Mr. El-Gamal and supported by Mr. Prihod to nominate Mr. Karmo to fill the position of Board Chairperson. The motion carried unanimously.

VICE CHAIRPERSON

Motion: It was moved by Mr. El-Gamal and supported by Mr. Junior to nominate Mr. Swaffar to fill the position of Vice Chairperson. The motion carried unanimously.

Board Member Appointments Process

Ms. Keene directed the Board to the handouts she provided and advised Board Members on how to apply to be re-appointed to the Board thru the Michigan.gov website.

June 4th Board Meeting

The Board discussed a request to hold the next scheduled Professional Engineer Board Meeting on June 4, 2009 at the MSPE Annual Meeting in Traverse City. Ms. Keene advised that the department had denied the request due to budget constraints and consideration for any petitioners having to travel to Traverse City to attend the Board Meeting.

STAFF REPORT

None.

Complaint Statistics Report

Board Members were provided a report from the Enforcement Division of complaint activities against Professional Engineers for the period of 1-1-09 thru 3-31-09. The report contained complaints filed during the quarter, the number of complaints currently pending, the age of the complaints and the status of the complaints. There were 9 pending Professional Engineer complaints for the period of January 1, 2009 until present.

ITEMS OF CONSIDERATION FROM BOARD MEMBERS

None.

PUBLIC COMMENT

None.

NEXT MEETING DATE

The next regularly scheduled meeting of the Board of Professional Engineers will be held on June 4, 2009.

ADJOURNMENT

There being no further business to be brought before the Board at this time, the meeting was adjourned at 12:34 p.m.

George Karmo, Chairperson

Date

Jackie Jernigan, Recording Secretary

Date