



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

MICHIGAN BOARD OF PROFESSIONAL ENGINEERS MEETING

APPROVED MINUTES JANUARY 8, 2020

In accordance with the Open Meetings Act, 1976 PA 267, as amended, the Michigan Board of Professional Engineers met on January 8, 2020, at 611 West Ottawa Street, Upper Level Conference Center Room 3, Lansing, Michigan 48933.

CALL TO ORDER

Kelly Fedele, Chairperson, called the meeting to order at 11:04 a.m.

ROLL CALL

Members Present: Kelly Fedele, Professional Engineer, Chairperson
Charles Hookham, Professional Engineer, Vice Chairperson
Patrick Barry, Architect
Michael Drewyor, Professional Surveyor
Lori Fobes, Professional Engineer
Brett Karl, Public Member
Deveron Q. Sanders, Professional Engineer
James Stevens, Professional Engineer

Members Absent: Daniel Acciavatti, Public Member

Staff: Weston MacIntosh, Senior Policy Analyst, Boards and Committees Section
Kiran Parag, Senior Analyst, Compliance Section
Kerry Przybylo, Manager, Boards and Committees Section
Stephanie Wysack, Board Support, Boards and Committees Section

APPROVAL OF AGENDA

MOTION by Hookham, seconded by Stevens, to approve the agenda as presented.

A voice vote followed.

MOTION PREVAILED

David J. Haga

MOTION by Fobes, seconded by Drewyor, to place the Respondent on probation for a minimum of one day not to exceed one year. During the probationary period, Respondent shall complete and submit proof to the Department of successful completion of the deficient 30 hours of continuing education. This continuing education shall not apply in computing Respondent's current continuing education requirement for license renewal. Respondent is fined \$1,750.00 which must be paid within 90 days. Failure to comply with terms shall result in license suspension.

A roll call vote was held: Yeas: Barry, Drewyor, Fobes, Karl, Sanders, Stevens,
Hookham, Fedele
Nays: None

MOTION PREVAILED

Hanumanthaiya Marur

MOTION by Stevens, seconded by Drewyor, to place the Respondent on probation for a minimum of one day not to exceed one year. During the probationary period, Respondent shall complete and submit proof to the Department of successful completion of the deficient 30 hours of continuing education. This continuing education shall not apply in computing Respondent's current continuing education requirement for license renewal. Respondent is fined \$1,750.00 which must be paid within 90 days. Failure to comply with terms shall result in license suspension.

A roll call vote was held: Yeas: Barry, Drewyor, Fobes, Karl, Sanders, Stevens,
Hookham, Fedele
Nays: None

MOTION PREVAILED

Thomas E. Owens, Jr.

MOTION by Hookham, seconded by Barry, to place the Respondent on probation for a minimum of one day not to exceed one year. During the probationary period, Respondent shall complete and submit proof to the Department of successful completion of the deficient 30 hours of continuing education. This continuing education shall not apply in computing Respondent's current continuing education requirement for license renewal. Respondent is fined \$1,750.00 which must be paid within 90 days. Failure to comply with terms shall result in license suspension.

A roll call vote was held: Yeas: Barry, Drewyor, Fobes, Karl, Sanders, Stevens,
Hookham, Fedele
Nays: None

MOTION PREVAILED

Consent Order and Stipulation

Kevin John Grimm

MOTION by Sanders, seconded by Drewyor, to accept the Consent Order and Stipulation as presented.

Discussion was held.

A roll call vote was held: Yeas: Barry, Drewyor, Fobes, Karl, Sanders, Stevens,
Hookham, Fedele
Nays: None

MOTION PREVAILED

OLD BUSINESS

None

NEW BUSINESS

Resolution Presentation

Fedele presented Resolutions to Drewyor and Stevens, honoring their time on the Michigan Board of Professional Engineers.

Rules Discussion

MacIntosh stated that the rules public hearing was held on October 4, 2019. A Rules Committee Work Group was held to go over the public comments received and to make recommendations to the Board. MacIntosh presented the Public Comment Summary (Attachment #1) to the Board.

MOTION by Drewyor, seconded by Fobes, to adopt the draft rules as presented with the Rules Committee comments and recommendations.

A roll call vote was held: Yeas: Barry, Drewyor, Fobes, Karl, Sanders, Stevens,
Hookham, Fedele
Nays: None

MOTION PREVAILED

Chair Report

Fedele stated that she had nominated Drewyor for Emeritus status through the National Council of Examiners for Engineering and Surveying. Fedele and Fobes will attend the NCEES Zone Interim Meeting on April 23 – 25, 2020 in Houston, Texas.

Department Update

MacIntosh announced that Debra Gagliardi has been named the Director of the Bureau of Professional Licensing.

MacIntosh stated that the Bureau will hold the next new Board Member Training on February 27, 2020. All Board members are welcome to attend.

Wysack stated that she needed to collect all ID badges. This was a decision made by department leadership due to security concerns in the building. Future access to meetings will require an escort.

Wysack reminded the Board Members to check their new state email address regularly as it is now the source of communication with the Department. The email address should not be synced with a cell phone, but the account may be accessed on a cell phone using the web link.

Wysack announced that the travel reimbursement rate had changed from .58 cents per mile to .575 cents per mile.

PUBLIC COMMENT

None

ANNOUNCEMENTS

The next regularly scheduled meeting will be held May 13, 2020 at 11:00 a.m., at 611 West Ottawa Street, Upper Level Conference Center Room 3, Lansing, Michigan 48933.

ADJOURNMENT

MOTION by Sanders, seconded by Karl, to adjourn the meeting at 11:53 a.m.

A voice vote was held.

MOTION PREVAILED

Minutes approved by the Board on September 9, 2020.

Prepared by:
Stephanie Wysack, Board Support
Bureau of Professional Licensing

January 13, 2020

Professional Engineers – General Rules – 2019 – 031 LR
Public Comment Summary
Rules Committee and Board responses to October 4, 2019 Public Comment

Testimony/Comments Received:

1. Thomas Campbell
2. Craig Hoff
3. James McLaughlin
4. Stephen Nichols

Comments

Rule Numbers	Commenter	Comment
R 339.16001	3	The commenter opposed removal of current rule R 339.16001(1)(c) since he believes Distance Learning is common. The commenter believes keeping the definition will keep clarity.
	3	The commenter opposed the last sentence in old R 339.16001(1)(b), proposed R 339.16001(1)(d), since he believes compensation of a licensee is independent from satisfaction of CE requirements. The commenter believes removal of the compensation restriction is necessary.
Rules Committee Response	(Commenter 3) – The rules committee disagreed with the commenter. The rules committee believes that distance learning is already a commonly accepted method of CE, that it requires no further distinction or elaboration, and that further restriction or definition may have the opposite effect, i.e., it might make the CE available via distance learning too narrow.	
	(Commenter 3) – The rules committee agreed with the commenter.	

Based on the Rules Committee’s recommendations, the following rule change is recommended:

Under R 339.16001(1)(d), the sentence ““Course” means any qualifying activity with a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the licensee’s area of professional practice. Regular duties for compensation ~~shall not be considered~~ **are not** qualified activities, except for employer compensated continuing education activities.” will be changed to ““Course” means any qualifying activity with a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the licensee’s area of professional practice.”

R 339.16001 Definitions.

Rule 1. (1) As used in these rules:

(a) **“Act” means the occupational code, 1980 PA 299, MCL 339.101 to 339.2677.**

(b) **“Board” means the Michigan board of professional engineers created under section 2002 of the act, MCL 339.2002.**

~~(a)-(c)~~ **“Continuing education” means an instructional course or activity designed to bring licensees up to date on a particular area of knowledge or skills relevant to a licensee’s area of professional practice.**

~~(b)-(d)~~ **“Course” means any qualifying activity with a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the licensee’s area of professional practice. Regular duties for compensation shall not be considered qualified activities, except for employer compensated continuing education activities.**

(e) “Department” means the Michigan department of licensing and regulatory affairs.

(e) ~~“Distance learning” means any of the following:~~

~~—(i) Courses where an instructor and a licensee may be apart and instruction takes place through online or electronic media.~~

~~—(ii) Courses which include, but are not limited to, instruction presented through interactive classrooms, at the job site, computer conferencing, and interactive computer systems.~~

(2) Terms defined in the act have the same meanings when used in these rules.

BOARD RESPONSE: THE BOARD _____ WITH THE RULES COMMITTEE’S RECOMMENDATION.

Comments

Rule Numbers	Commenter	Comment
R 339.16032	1	The commenter opposed requiring the licensee’s full license number as shown on the licensee’s state-issued professional engineer license, since this will require updating his seal to include a ten digit number, rather than a current five digit number. The commenter believes this will require a new seal at considerable expense.
Rules Committee Response	(Commenter 1) – The rules committee disagreed with the commenter. The rules committee believes that using a five-digit number only, which is not the full license number, does not afford the public the ability to verify the licensee’s license.	

Based on the Rules Committee’s recommendations, the rule should stay the same in the rule set.

BOARD RESPONSE: THE BOARD _____ WITH THE RULES COMMITTEE’S RECOMMENDATION.

Comments

Rule Numbers	Commenter	Comment
R 339.16041	4	The commenter asked for inclusion of the American Council of Engineering Companies of Michigan (ACEC/Michigan) in R 339.16041(1)(a).

	3	The commenter opposed the deletion of distance learning courses from R 339.16041(2)(c) and believes that proposed R 339.16041(1)(c) should explicitly include the phrase “distance learning courses.”
	3	The commenter asked for inclusion of teaching an academic course related to engineering by a faculty member at a college or university that offers a baccalaureate degree or higher in an engineering program that is accredited by EAC/ABET or CEAB even if paid to do so.
	3	The commenter asked for inclusion of membership in a significant engineering society including good-faith study of the advanced engineering content of the society’s journal or journals.
	3	The commenter asked for inclusion of advising and mentoring an engineering student’s thesis to completion as a faculty member at a college or university that offers a baccalaureate degree or higher in an engineering program that is accredited by EAC/ABET or CEAB even if paid to do so.
	2	The commenter asked for inclusion of classes taken through the Society of Automotive Engineers for CE credit.
Rules Committee Response		<p>(Commenter 4) – The rules committee disagreed with the commenter. The rules committee believes the requested entity and activity already falls under R 339.16041(1)(c).</p> <p>(Commenter 3) – The rules committee disagreed with the commenter. The rules committee believes that distance learning is already a commonly accepted method of CE, that it requires no further distinction or elaboration, and that further restriction or definition may have the opposite effect, i.e., it might make the CE available via distance learning too narrow.</p> <p>(Commenter 3) – The rules committee disagreed with the commenter. The rules committee believes R 339.16041(1)(d) addressed the requested activity sufficiently.</p> <p>(Commenter 3) – The rules committee disagreed with the commenter. The rules committee believes that membership in a society and reference to a paper/article is insufficient to ensure continuing competency.</p> <p>(Commenter 3) – The rules committee disagreed with the commenter. The rules committee believes that this proposed activity would not rise to the level of ensuring continuing competency of a licensee.</p>

	(Commenter 2) – The rules committee disagreed with the commenter. The rules committee believes the requested entity and activity already falls under R 339.16041(1)(c).
--	---

Based on the Rules Committee’s recommendations, the rule should stay the same in the rule set.

BOARD RESPONSE: THE BOARD _____ WITH THE RULES COMMITTEE’S RECOMMENDATION.