

ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION
STATE BOARD OF PROFESSIONAL ENGINEERS

Open Minutes

State Board of Professional Engineers

Date: September 28, 2023
Convened: 10:01 am
Adjourned: 12:32 pm
Location: Springfield/Chicago/WEBEX

Members Present: Brian Berg Jr, Chair
Kevin Burke III, Vice-Chair
Christy Crites, Member
Gale Jamison, Member
Sean Middleton, Member
Richard Rivera, Member
L. Duane Yockey, Member

Member(s) Absent: Philip Kunz, Public Member
Richard M. Ray, Member
James P. Schlichting, Member

Staff Present: Kyle Lazell, Design Licensing Manager
Ronald Almiron, IDFPR General Counsel

Guests Present: Kim Robinson, ISPE
Ryan Roth, ISPE
Brian Castro, PE
Salvatore Di Bernardo, SE, PE

Open Session: The Meeting was called to order at 10:01 am.
Roll Call: The Board Members present constituted a quorum of the Board.

A. Board Member Announcements, comments

Mr. Berg thanked everyone for attending and asked if any of the members had any announcements or comments.

Mr. Rivera announced that he invited Mr. Castro to attend the meeting as he is very involved in the PE community and is interested in what the Board does.

II. Guest Announcements, comments

Mr. Roth shared that the ISPE Fall Boot Camp is coming up and members can still register onsite. He also mentioned that the next "First Friday" event will actually be held on the second Friday in September due to the Boot Camp.

ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION
STATE BOARD OF PROFESSIONAL ENGINEERS

Mr. Di Bernardo presented a request to the Board to reconsider how the reviews of bridge design experience is handled, stating that when applicants are performing both PE and SE aspects of bridge projects, all experience should be accepted toward the PE license – not just non-structural aspects such as, Civil, Geotechnical, etc. Because it is all part of a civil/transportation project.

The Board listened to his reasoning and commented on the scope of practice for the PE Act allows for acceptance of any bridge or transportation project aspect that is non-structural; however, the structural elements like beams, girders, scour analysis, etc., would be covered by the scope of practice for the SE Act.

The Board also said they would take his comments under advisement and continue discussing this matter.

Mr. Di Bernardo thanked the Board for allowing him time to share his request.

III. Licensing Manager Report

A. DPR Staff Changes

Mr. Lazell shared that Cecilia Abundis, Division Director for professional regulation is resigning as of Friday, September 22, 2023, to pursue a once-in-a-lifetime opportunity.

B. NCEES Zone Awards Nominations

He also shared that Eduardo Fernandez, DPR Prosecuting Attorney for design professions, is resigning as of Friday, September 22, 2023, and will be working in a position in Cook County.

Mr. Lazell shared he received notice from Jan Bostleman, NCEES CZ vice-president that the Central Zone is accepting nominations for the Zone Distinguished Service Award.

IV. Review of Open Minutes

The Board reviewed the Minutes of the May 9, 2023, meeting. Motion was made, seconded (Jamison/Burke) to approve the open minutes of the meeting as amended. Motion passed with a quorum of members.

V. Ongoing Business

No topics presented.

VI. Report from Subcommittees

A. Complaint Review Committee/Subcommittee

Mr. Berg reported on the September 21, 2023, meeting. Complaint Statistics based on recommendations from the July 2023 meetings for each profession:

Architect: Opened 3, Closed 12, Referred to prosecutions 1
SE: Opened 9, Closed 6, Referred to prosecutions 0
PE: Opened 8, Closed 2, Referred to prosecutions 1
LS: Opened 0, Closed 1, Referred to prosecutions 0

Complaints currently under investigation:

Architect – 24
SE – 9
PE – 22
LS – 8

Cases currently being prosecuted:

Architect - 26
Land Surveyor - 4
Professional Engineer -17
Structural Engineer - 5

For the benefit of Mr. Castro, Mr. Lazell provided an overview of the complaint review process for design professions.

VII. New Business

A. NCEES Annual Meeting - Report

Mr. Jamison reported on the NCEES Annual Meeting, held August 15-17, 2023, in Boston, Massachusetts. The main takeaways/discussion items were:

- FE/FS cords for use at college graduation
- NCEES Foundation
- Board of Directors discrepancy for the PS exam module
- NCEES encouraging members and associations to get more involved in the community

Ms. Crites added that there was discussion on use of electronic seals and how to secure them.

Mr. Rivera commented that he found the Mutual Recognition Agreement proposal with the U.K. was interesting and hopes

ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION
STATE BOARD OF PROFESSIONAL ENGINEERS

to hear more about it in the future.

Mr. Lazell shared a few items from the member board administrator meetings:

- NCEES encouraged boards and associations to become more involved with incoming legislators, meeting with them, sharing knowledge about the profession and being available as a resource for any future needs/bills.
- He inquired with the other members boards who still utilized the TOEFL-iBT exam to test the English speaking and reading abilities of foreign educated applicants. After hearing none and confirming with NCEES, it was made apparent that the Illinois jurisdiction is the only jurisdiction that still utilizes this exam.

The reasons given by other jurisdictions for the discontinuation of the exam were that the required license examinations are administered in English, and licensure requires experience gained within the U.S. These were deemed sufficient items to assess that an applicant is at least minimally competent to read and speak English, which was the intent of the TOEFL exam. Additionally, the applicant's ability to effectively communicate with coworkers, clients, etc., would ultimately be determined by employers and if unable to satisfy the requirements, the person would not be able to gain the necessary experience.

Upon discussion with DPR staff, continuing to require the TOEFL-iBT exam was deemed no longer legally defensible and was recommended to be removed from the Rules for the administration of the SE Act.

B. Review of draft Rule revisions

Mr. Lazell shared a revised version of the proposed Rule changes including the removal of the TOEFL-iBT exam requirement, adding an attestation requirement and changes to the design firm application requirements.

The Board reviewed the draft.

Mr. Almiron said he will need to review the changes proposed

ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION
STATE BOARD OF PROFESSIONAL ENGINEERS

for the design firm registration and verify that they are in compliance with the PE Act.

Mr. Berg said he would like the Board to review the final version before the Board approves of it.

Motion to move into Closed Session:

Motion was made, seconded (Jamison/Crites) to move into Closed Session pursuant to Section 2C (4) & (15) of the Open Meetings Act at 11:06 am. Motion passed with a quorum of members.

VIII. Closed Session:

A. Review of Closed Minutes

The Board reviewed the closed minutes of the May 9, 2023, meeting.

B. Application Review/discussion

The Board reviewed 6 applications pursuant to Sections 1380.242, 1380.250 and 1380.280 of the Rules for the Administration of the Illinois Professional Engineering Practice Act of 1989.

Moved back into Open Session:

The Board Chair moved the meeting back into Open Session at 11:48 am.

IX. Motions:

Accept Recommendations:

Motion was made, seconded (Crites/Jamison) to accept the recommendations made in closed session. Motion passed with a quorum of members via roll call. Mr. Burke recused himself during deliberation for Action Sheet 23-0353.

Approve closed minutes:

Motion was made, seconded (Burke/Yockey) to approve the closed meeting minutes as presented. Motion passed with a quorum of members.

Keep closed minutes closed:

Motion was made, seconded (Middleton/ Burke) to keep the closed minutes closed. Motion passed with a quorum of members.

ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION
STATE BOARD OF PROFESSIONAL ENGINEERS

X. Reminders & Signatures

- A. Reminder Mr. Lazell reminded the Board that the next meeting scheduled is on November 17, 2023.
- B. Signatures On behalf of the Board, the Chair signed Action Sheets 2023-0535 through 0540.

- XI. Adjournment** The Board chair adjourned the meeting at 12:32 pm.