

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

Open Minutes

State Board of Professional Engineers

Date: March 24, 2021
Convened: 10:03 am
Adjourned: 12:00 pm
Location: WebEx

Members Present: L. Duane Yockey, Chair
Brian Berg Jr, Vice-Chair
Kevin Burke III, Member
Gale Jamison, Member
Philip Kunz, Public Member
Sean Middleton, Member
Richard M. Ray, Member
James P. Schlichting, Member
John M. Whitt, Member

Member(s) Absent: Christy Crites, Member

Staff Present: Kyle Lazell, Design Licensing Manager
Chau Nguyen, IDFPR General Counsel
Eduardo Fernandez, IDFPR Prosecuting Attorney
Roy Cepero, IDFPR Investigator

Guests Present: Ryan Roth, ISPE

Open Session: The Meeting was called to order at 10:03 am.
Roll Call: The Board Members present constituted a quorum of the Board.

**I. Board Member
Announcements,
comments**

Mr. Yockey thanked everyone for attending and asked if there were any announcements to share.

Mr. Ray shared that he is engaged as a representative of National Fire Sprinkler Association with updating the Illinois Office of State Fire Marshall, Fire Sprinkler's Licensing Act and that they were discussing a few issues presented by ISPE and will soon be having a meeting with ISPE to hopefully come to an agreement.

Mr. Yockey stated that he attended the NCEES Board Presidents' Assembly meeting on January 29, 2021 and indicated that although it was nice that they held it, albeit a

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virtual platform, it was not as informative as the NCEES Council Update webinar.

Mr. Berg shared that he attended the NCEES Finance Committee meeting the previous week and said that there are no financial issues present.

II. Guest Announcements, comments

Mr. Roth commented on the ISPE Position Statement regarding the Industrial Exemption.

III. Licensing Manager Report

A. Quarterly Newsletter

A. Mr. Lazell shared that the latest quarterly newsletter should be published soon will be sent out to over 35,000 licensees and individuals who have requested to receive it.

B. FY22 Board Schedule

B. He also commented that he sent the current FY2022 Board meeting schedule to the Board a few weeks ago.

C. NCEES Dues

C. Mr. Lazell shared that the NCEES dues invoices have been approved and submitted to the comptroller's office for payment.

D. CRC Sign-up

D. He notified the Board that he would be sending out an FY22 CRC Sign-Up request form in the weeks ahead.

E. Rules Update

E. Mr. Lazell shared that the pending Rule amendment packet that has been on hold will soon be submitted to the Governor's office for review to start the official process for review & approval by the Board and then review & adoption by JCAR.

F. General Counsel Change

F. The final item he presented was to inform the Board that Chau Nguyen, current IDFPR general counsel assigned to the design professions, will be leaving the Department to accept a promotion at another state agency effective April 1, 2021. Mr. Lazell thanked Mr. Nguyen for his dedication and legal assistance on major items such as Statutory sunset reviews and ensuring that the statues were renewed for another ten years.

IV. Review of Open Minutes The Board reviewed the Minutes of the January 21, 2021 meeting.

Motion was made, seconded (Jamison/Ray) and passed to accept the open minutes of the meeting as written.
Roll Call: The Board Members present constituted a quorum of the Board.

V. Old Business No old business was brought before the Board.

VI. Report from Subcommittees

A. Complaint Review
Committee/subcommittee

Mr. Schlichting reported on the March 18, 2021 meeting.

Complaint Statistics based on recommendations from the January 2021 CRC meetings for each profession:

Architect: Opened 3, Closed 2, Referred 1
SE: Opened 1, Closed 1, Referred 0
PE: Opened 3 Closed 2, Referred 4
LS: Opened 3, Closed 0, Referred 0
PDF: Opened 0, Closed 0, Referred 0

Complaints currently under investigation:

Architect – 30
SE - 11
PE – 21
LS – 10
PDF – 0

Cases currently being prosecuted:

Architect – 13
PE – 12
SE – 5
LS – 8

B. Industrial Exemption
subcommittee

Mr. Whitt shared with the Board a draft that the subcommittee proposed for the PE Board to officially request that the Department remove the Industrial Exemption from the Illinois PE Practice Act.

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The Board reviewed the draft and thanked the subcommittee for their efforts in drafting the document.

Motion was made, seconded (Jamison/ Ray) and passed to approve the PE Board Position Statement and request that Mr. Lazell submit the document to the Division Director and Department Secretary as an official recommendation from the Board. Roll Call: The Board Members present constituted a quorum of the Board.

VII. New Business

A. NCEES Central Zone Meeting Information

Mr. Lazell requested that the Board appoint a voting delegate and an alternate to function as the Board voting delegate at the NCEES Central Zone meeting on April 29, 2021. Mr. Yockey volunteered as he indicated he has registered to attend. Mr. Berg volunteered to be the alternate.

B. NCEES Annual Meeting Information

Mr. Lazell shared that the current information provided by NCEES for the Annual Meeting is that the meeting will be held on 19th and 20th and they will allow each board to send two delegates and that the meeting will consist solely of the official business sessions. There will be no break-out sessions or other amenities.

C. Discussion of the NCEES Engineering Education Standard

Mr. Lazell presented to the Board a proposal to consider using the NCEES Engineering Education Standard in place of the listed education criteria contained within Section 1380.220 of the Administrative Rules.

He stated that the reason for the request is to simplify the process by which applicants who do not possess an approved BS degree (EAC/ABET) are approved to sit for examinations or be licensed in Illinois as a PE.

In short, if an applicant did not graduate from an approved program, he/she would be required to meet the NCEES Engineering Education Standard and when verified by NCEES as satisfying said Standard, would be approved to sit for exams in Illinois or be licensed in Illinois.

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He reminded the Board that he proposed this to the Board in 2019 but requested that it not be considered until after the NCEES Council voted to require full Council vote/approval of any changes to the Education Standard.

Mr. Jamison stated that he reviewed the Education Standard against the criteria listed currently in Section 1380.220 of the Rules and said there are several differences amongst the two. In particular, the Math and Basic Sciences categories of the Education Standard are widely different from what Section 1380.220 has and this would lessen our standard. Based on this, he does not believe that it would not be beneficial to use the Education Standard at this time.

Mr. Berg recalled a number of non-approved degree applicants that he has reviewed and that when reviewed under the criteria of Section 1380.220, they are generally short in Math or Basic Sciences. He is concerned that if we adopt this, the individuals would be approved even though they have less Math or Basic Sciences courses.

Mr. Schlichting commented that if the applicant has at least completed Differential Equations and Linear Algebra, he or she would have had to have completed a Calculus course and other higher-level math courses. Given that, he would be ok with possibly using the Education Standard.

Mr. Lazell shared with the Board what the language of the proposed Rule amendment that was approved by the Board in 2018 for Section 1380.220 to provide a comparison.

Mr. Whitt shared that the intent that the education subcommittee set out to accomplish several years ago was to update Section 1380.210 to be more in line with the current EAC/ABET criteria and to update Section 1380.220 to be more in line with the NCEES Education Standard. He also said that based on reviewing the draft Rule language against the NCEES Education Standard, he noted that although they are very similar, at present, he would probably lean toward using the proposed draft Rules language but would like to review this information further.

Mr. Burke shared that if a candidate has completed Differential Equations and Linear Algebra, he or she would more than likely have had other higher-level math courses at some point and is ok with the Math aspect. He did voice concern about

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the Basic Sciences category allowing a candidate to have Chemistry or Physics, but not require both.

Mr. Yockey requested that further discussion be tabled until the May meeting and asked Mr. Lazell to provide the Board with a copy of the previously approved Draft Rules amendment language for Section 1380.220 to use in comparison with the NCEES Engineer Education Standard in order to make an informed discussion and make a sound decision.

Mr. Lazell said he would have it available for the members at the May meeting and thanked the members for the discussion.

D. Discussion of
decoupling
examinations

Mr. Lazell presented to the Board a proposal to consider decoupling the license examinations from the education and applicable experience requirements to allow license candidates the ability to take the FE and PE examinations at any time after meeting a pre-determined benchmark.

He shared that the proposal is being presented to the PE, SE and PLS Boards to enable the Department/Board to be more effective with the processing of applications and allow potential candidates the opportunity to take the required exam(s) on their own terms, rather than having to wait until a certain time of the year or when they obtain the necessary experience/education for licensure – which could take several years.

He further stated that currently, half of the candidates for this profession must apply to the Department for Board review and approval of the education– prior to sitting for the FE exam or PE exam.

Making this change will benefit all non-approved applicants, especially those who may not pass the exam(s) within 3 years (the IDFPR Exam/License application is active for 3 years from the date of receipt by the Department). If a candidate fails to pass exam within that 3-year period, they must re-apply to the Department, pay another fee and wait to be re-approved in order to continue testing.

If the exam registration deadline is approaching and they are not “re-approved” in time, they will miss the exam registration

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window and be forced to wait another 6 months before they can test again.

Mr. Lazell reminded the Board that with the decoupled process, the requirements remain the same. The candidate must satisfy the education, examination and experience requirements in effect at the time of application in order to be licensed.

The only change occurring is when the candidate can sit for the examination(s). This process would allow the Department to move to a fully online application process, which would enable Department staff and the Board to review a complete application as the candidate will have satisfied at that time, the education, examination and experience requirements. If the candidate does not meet the requirements, they would be deferred pending receipt of the missing items or denied – just as it does now.

Mr. Whitt inquired if other states have seen increased issues as a result of fully decoupling.

Mr. Lazell shared that he spoke with a few neighboring states who are fully decoupled and each indicated that no increased number of complaints or legal issues have been presented since making the change as the candidates are required to acknowledge the license requirements prior to applying to take any exam on the NCEES system. Basically, given that the candidate acknowledges the requirements, they have no legal “leg” to stand on.

Mr. Lazell also shared that NCEES has stated that since states/jurisdictions have decoupled, they have not seen a degradation of the exam pass rates or had any elevated exam security issues that might be perceived by allowing “anyone” to take the exams.

Mr. Jamison commented that it appears to him that this would reduce the overall number of applications that the Board would review as applicants would only be applying one time, instead of possibly applying for exam approval and later for licensure. Given this, he believes making this change would be a good idea for the Board to consider.

Mr. Whitt stated that as long as there are certain minimum requirements for the applicants to meet and assurances in

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place for removing any legal challenges, he would be in favor of adopting the change.

Mr. Burke asked if candidates could request an education review by the Board prior to taking the exam – assuming the decoupling is in place. Mr. Lazell indicated that the candidate could request a cursory review of his/her education by the Board but would be non-binding.

Mr. Middleton said that he is in favor of making this change as it would be incentivizing for many young engineers to pursue licensure, commenting on a few of the individuals that he has mentored questioning if licensure is even necessary.

Mr. Schlichting likes the idea of streamlining the requirements and ensuring that candidates are required to certify that they are aware of the requirements when registering with NCEES for exams, and if they do not meet the requirements when they apply, they would be required to make up any deficiencies the Board determines prior to being approved for licensure.

Mr. Burke asked for clarification, what the process would be for an applicant if this proposal was implemented.

Mr. Lazell stated that any candidate would be eligible to directly register with NCEES for exams at any time after meeting the predetermined minimum requirement, and upon passing the required exams and meeting the education and experience requirements, the candidate would then apply to the Department for Board review.

The Board thanked Mr. Lazell for presenting the proposal and concluded they were in agreement to making this change.

Mr. Lazell requested that the members take time to review this information and asked that it be placed on the agenda for further discussion at the next meeting.

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- Motion to go into Closed Session:** Motion was made, seconded (Berg/Whitt) and passed to go into Closed Session pursuant to Section 2C (4) & (15) of the Open Meetings Act at 11:50 am.
- VIII. Closed Session:** Roll Call: The Board Members present constituted a quorum of the Board.
- A. Review of Closed Minutes
The Board reviewed the closed minutes of the January 21, 2021 meeting.
- B. Application Review
- Motion to go into Open Session:** Motion was made, seconded (Ray/Burg) and passed to go into Open Session at 11:57 am.
Roll Call: The Board Members present constituted a quorum of the Board.
- Motion to accept Recommendations:** Motion was made, seconded (Schlichting/Ray) and passed to accept the recommendations made in Closed Session.
Roll Call: The Board Members present constituted a quorum of the Board.
- Motion to keep Closed Minutes closed:** Motion was made, seconded (Schlichting/Ray) and passed to keep the closed minutes closed. Roll Call: The Board Members present constituted a quorum of the Board.
- IX. Reminders** Mr. Lazell reminded the Board that the next scheduled meeting is May 26, 2021.
- X. Adjournment** Motion was made, seconded (Berg/Whitt) and passed to adjourn. Roll Call: The Board Members present constituted a quorum of the Board.
- Meeting adjourned at 12:00 pm.