



BOARD OF TECHNICAL PROFESSIONS

2525 W. Main St., Suite 211 | Rapid City, SD 57702

Tel: 605.394.2510 | Fax: 605.394.2509 | sdbtp@state.sd.us

dlr.sd.gov/btp

1.0 Opening of the Meeting

2.0 Action Items

Meeting Minutes
SOUTH DAKOTA BOARD OF TECHNICAL PROFESSIONS
Microsoft Teams

Tuesday, November 28, 2023, 8:30 a.m. MST

Chair Ryan Callaghan called the meeting to order at 8:30 a.m. Chair Callaghan called the roll. A quorum was present.

Members Present electronically: Ryan Callaghan, Jared Carda, Catherine Dekkenga, Mike Albertson, Steve Thingelstad, and Colby Flynn

Members Absent: Steve Peters

Others Present electronically: Cory Biegler, Michael Bruckner, Randy Heying, Nancy Hoines, American Council of Engineering Companies of South Dakota/South Dakota Engineering Society/ South Dakota Society of Professional Land Surveyors, Bob Mercer, Ryan Darling, Hearing Examiner, Jerry McCabe, Legal Counsel, Sherrie Dyer, Executive Director; Carrie Kerr, Program Assistant; and Kimberly Haibeck, Senior Secretary

Albertson made a motion to approve the November 28, 2023, amended meeting agenda. Dekkenga seconded the motion. **MOTION PASSED.**

The chair opened the floor for public comments:

Nancy Hoines, ACEC of SD/SDES/SDSPLS issued a reminder for the SDSPLS meeting in Deadwood, SD on January 10-12, 2024.

Dekkenga made a motion to approve the October 31, 2023, minutes. Carda seconded the motion. **MOTION PASSED.**

Albertson made a motion to approve the financial statements through October 2023. Dekkenga seconded the motion. **MOTION PASSED.**

Executive Director Dyer provided information from regarding approvals issued since the last meeting.

The board reviewed the activities report ending October 2023.

Thingelstad made a motion to approve the Agreed Settlement for Case 20-03. Dekkenga seconded the motion. Albertson recused himself. **MOTION PASSED.**

Chair Callaghan called a recess at 8:38 a.m. to reconvene at 9:00 a.m.

Hearing Examiner Ryan Darling entered the meeting at 8:57 a.m.

The regular meeting of the board was suspended at 9:00 a.m. for a contested case hearing for Conrad Moulton, case no. 22-04. See minutes of administrative hearing for action taken.

The regular meeting of the board was reconvened at 10:05 a.m.

Hearing Examiner Ryan Darling left the meeting at 10:07 a.m.

Unfinished business action items are ongoing and in process.

There was no new business.

PDH Audits are on hold and are scheduled to resume in the spring after the new licensing software is in place.

Dekkenga made a motion to adjourn the meeting at 10:15 a.m. Flynn seconded the motion. **MOTION PASSED.**

ADMINISTRATIVE HEARING MINUTES
SOUTH DAKOTA BOARD OF TECHNICAL PROFESSIONS

Microsoft Teams

Tuesday, November 28, 2023, 9:00 a.m. MST

The South Dakota Board of Technical Professions convened at 9:00 a.m. on Tuesday, November 28, 2023, via zoom conference call.

The purpose of the administrative hearing was to hear the matter of Conrad Moulton, case no. 22-04.

Members Present electronically: Ryan Callaghan, Jared Carda, Catherine Dekkenga, Mike Albertson, Steve Thingelstad, and Colby Flynn

Members Absent: Steve Peters

Others Present electronically: Cory Biegler, Randy Heying, Nancy Hoines, American Council of Engineering Companies of South Dakota/South Dakota Engineering Society/ South Dakota Society of Professional Land Surveyors, Bob Mercer, Hearing Examiner Ryan Darling, Hearing Examiner, Jerry McCabe, Legal Counsel, Sherrie Dyer, Executive Director; Carrie Kerr, Program Assistant; and Kimberly Haibeck, Senior Secretary

Hearing Examiner Darling began the hearing in the matter of Conrad Moulton, professional engineer license (11127), business license (C-7720), case file no. 22-04.

Hearing Examiner Darling noted all board members present are part of the board for purposes of deciding this case with exception of Mike Albertson. Albertson recused himself from participating in the hearing or decision of this matter as he served as a member of the investigative committee.

Hearing Examiner Darling swore in witness Sherrie Dyer.

Sr. Staff Attorney McCabe presented the Board office's case. Sherrie Dyer testified as a witness for the Board office.

Board office offered pre-marked exhibits 101 to 111, all of which were received as marked and entered into evidence.

Sr. Staff Attorney McCabe made a closing statement.

The Board closed the record of the hearing at 9:47 a.m.

Dekkenga made a motion to enter executive session for the purpose of deliberation and to confer with Judge Darling. Flynn seconded the motion. **MOTION PASSED.**

The Board entered executive session at 9:47 a.m.

The Board came out of executive session at 10:05 a.m.

Callaghan stated that the board was unanimous in favor of the consent agreement for revocation of engineer license and business license.

The hearing concluded at 10:07 a.m.

DRAFT

STATE OF SOUTH DAKOTA
CASH CENTER BALANCES
AS OF: 11/30/2023

AGENCY: 10 LABOR & REGULATION
BUDGET UNIT: 1035 BOARD OF TECHNICAL PROFESSIONS - INFO

COMPANY	CENTER	ACCOUNT	BALANCE	DR/CR	CENTER DESCRIPTION
6503	103500061808	1140000	775,016.16	DR	BOARD OF TECHNICAL PROFESSIONS
COMPANY/SOURCE TOTAL 6503 618			775,016.16	DR *	
COMP/BUDG UNIT TOTAL 6503 1035			775,016.16	DR **	
BUDGET UNIT TOTAL 1035			775,016.16	DR ***	

STATE OF SOUTH DAKOTA
 MONTHLY OBJECT/SUB-OBJECT REPORT BY BUDGET UNIT
 FOR PERIOD ENDING: 11/30/2023

AGENCY 10 LABOR & REGULATION
 BUDGET UNIT 1035 BOARD OF TECHNICAL PROFESSIONS - INFO
 CENTER-5 10350 BOARD OF TECHNICAL PROFESSIONS

CENTER	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE	
COMPANY NO		6503				
COMPANY NAME		PROFESSIONAL & LICENSING BOARDS				
103500061808	6503	51010100	F-T EMP SAL & WAGES	15,683.50	72,534.21	
103500061808	6503	51010300	BOARD & COMM MBRS FEES	1,200.00	3,720.00	
ACCT:	5101	EMPLOYEE SALARIES		16,883.50	76,254.21	*
103500061808	6503	51020100	OASI-EMPLOYER'S SHARE	1,243.53	5,600.55	
103500061808	6503	51020200	RETIREMENT-ER SHARE	941.02	4,352.09	
103500061808	6503	51020600	HEALTH/LIFE INS.-ER SHARE	3,119.26	15,106.82	
103500061808	6503	51020800	WORKER'S COMPENSATION	28.24	130.63	
103500061808	6503	51020900	UNEMPLOYMENT COMPENSATION	4.08	18.91	
ACCT:	5102	EMPLOYEE BENEFITS		5,336.13	25,209.00	*
ACCT:	51	PERSONAL SERVICES		22,219.63	101,463.21	**
103500061808	6503	52030100	AUTO-STATE OWNED-IN STATE	.00	155.20	
103500061808	6503	52030200	AUTO PRIV (IN-ST.) L/RTE	.00	15.12	
103500061808	6503	52031000	LODGING/IN-STATE	75.00	152.00	
103500061808	6503	52031500	NON-TAXABLE MEALS/IN-ST	.00	54.00	
103500061808	6503	52032600	AIR-COMM-OUT-OF-STATE	.00	1,010.73	
103500061808	6503	52032800	OTHER-PUBLIC-OUT-OF-STATE	85.71	139.27	
103500061808	6503	52033000	LODGING/OUT-OF-STATE	590.73	1,378.37	
103500061808	6503	52033200	INCIDENTALS-OUT-OF-STATE	40.00	164.00	
103500061808	6503	52033500	NON-TAXABLE MEALS/OUT-ST	150.00	338.00	
ACCT:	5203	TRAVEL		941.44	3,406.69	*
103500061808	6503	52040200	DUES & MEMBERSHIP FEES	.00	12,600.00	
103500061808	6503	52040500	COMPUTER CONSULTANT	.00	42.50	
103500061808	6503	52041300	OTHER CONSULTING	.00	172,980.00	
103500061808	6503	52041600	WORKSHOP REGISTRATION FEE	.00	810.00	
103500061808	6503	52041800	COMPUTER SERVICES-STATE	633.30	2,523.15	
103500061808	6503	52041810	BIT DEVELOPMENT COSTS	25.73	840.36	
103500061808	6503	52042000	CENTRAL SERVICES	3,059.28	7,595.92	
103500061808	6503	52042200	EQUIPMENT SERV & MAINT	80.33	405.39	
103500061808	6503	52042300	JANITORIAL & MAINT SERV	.00	1,350.00	
103500061808	6503	52043300	COMPUTER SOFTWARE LEASE	.00	432.94	
103500061808	6503	52043600	ADVERTISING-NEWSPAPER	113.10	113.10	
103500061808	6503	52045210	REVENUE BOND LEASE PYMTS	.00	624.96	
103500061808	6503	52045250	REVENUE BOND LEASE PYMTS	2,472.00	12,360.00	
103500061808	6503	52045300	TELECOMMUNICATIONS SRVCS	192.46	1,468.56	
103500061808	6503	52047400	BANK FEES AND CHARGES	858.63	4,806.76	
103500061808	6503	52049600	OTHER CONTRACTUAL SERVICE	.00	8.00	
ACCT:	5204	CONTRACTUAL SERVICES		7,434.83	218,961.64	*
103500061808	6503	52050200	OFFICE SUPPLIES	36.60	3,194.69	
103500061808	6503	52053100	PRINTING-STATE	.00	89.25	
103500061808	6503	52053500	POSTAGE	.00	192.17	
ACCT:	5205	SUPPLIES & MATERIALS		36.60	3,476.11	*

STATE OF SOUTH DAKOTA
 MONTHLY OBJECT/SUB-OBJECT REPORT BY BUDGET UNIT
 FOR PERIOD ENDING: 11/30/2023

AGENCY 10 LABOR & REGULATION
 BUDGET UNIT 1035 BOARD OF TECHNICAL PROFESSIONS - INFO
 CENTER-5 10350 BOARD OF TECHNICAL PROFESSIONS

CENTER	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE	
103500061808	6503	5228000	OPER TRANS OUT -NON BUDGT	445.43	3,764.07	
ACCT:	5228	NONOP EXP/NONBGTD OP TR		445.43	3,764.07	*
ACCT:	52	OPERATING EXPENSES		8,858.30	229,608.51	**
COMP:	6503	PROFESSIONAL & LICENSING BOARDS		31,077.93	331,071.72	***
CENTER:	103500061808			31,077.93	331,071.72	****
B UNIT:	1035			31,077.93	331,071.72	*****

STATE OF SOUTH DAKOTA
 REVENUE SUMMARY BY BUDGET UNIT
 FOR PERIOD ENDING: 11/30/2023

AGENCY 10 LABOR & REGULATION
 BUDGET UNIT 1035 BOARD OF TECHNICAL PROFESSIONS - INFO

CENTER	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE	
COMPANY NO	6503					
COMPANY NAME	PROFESSIONAL & LICENSING BOARDS					
103500061808	6503	4293947	EXAM FEE-ENG/ARCH	200.00	500.00	
103500061808	6503	4293948	RENEWAL CERT-ENG/ARCH	14,880.00	103,225.00	
103500061808	6503	4293949	APPLICATION FEE-ENG/AR	5,200.00	38,400.00	
103500061808	6503	4293950	OTHER ENGINEERING FEE	75.00	550.00	
ACCT:	4293	BUSINESS & OCCUP LICENSING (NON-GOVERNMENTAL)		20,355.00	142,675.00	*
ACCT:	42	LICENSES, PERMITS & FEES		20,355.00	142,675.00	**
103500061808	6503	4391902	LATE FEE - ENG/ARCH	2,200.00	14,200.00	
ACCT:	4391	FINES (NON-GOVERNMENTAL)		2,200.00	14,200.00	*
ACCT:	43	FINES, FORFEITS & PENALTIES		2,200.00	14,200.00	**
103500061808	6503	4920045	NONOPERATING REVENUES	.00	18,251.94	
ACCT:	4920	NONOPERATING REVENUE		.00	18,251.94	*
ACCT:	49	OTHER REVENUE		.00	18,251.94	**
CNTR:	103500061808			22,555.00	175,126.94	***
COMP:	6503			22,555.00	175,126.94	****
B UNIT:	1035			22,555.00	175,126.94	*****

STATE OF SOUTH DAKOTA
CASH CENTER BALANCES
AS OF: 12/31/2023

AGENCY: 10 LABOR & REGULATION
BUDGET UNIT: 1035 BOARD OF TECHNICAL PROFESSIONS - INFO

COMPANY	CENTER	ACCOUNT	BALANCE	DR/CR	CENTER DESCRIPTION
6503	103500061808	1140000	797,484.26	DR	BOARD OF TECHNICAL PROFESSIONS
COMPANY/SOURCE TOTAL 6503 618			797,484.26	DR *	
COMP/BUDG UNIT TOTAL 6503 1035			797,484.26	DR **	
BUDGET UNIT TOTAL 1035			797,484.26	DR ***	

STATE OF SOUTH DAKOTA
 MONTHLY OBJECT/SUB-OBJECT REPORT BY BUDGET UNIT
 FOR PERIOD ENDING: 12/31/2023

AGENCY 10 LABOR & REGULATION
 BUDGET UNIT 1035 BOARD OF TECHNICAL PROFESSIONS - INFO
 CENTER-5 10350 BOARD OF TECHNICAL PROFESSIONS

CENTER	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE	
COMPANY NO		6503				
COMPANY NAME		PROFESSIONAL & LICENSING BOARDS				
103500061808	6503	51010100	F-T EMP SAL & WAGES	15,046.60	87,580.81	
103500061808	6503	51010300	BOARD & COMM MBRS FEES	1,200.00	4,920.00	
ACCT:	5101	EMPLOYEE SALARIES		16,246.60	92,500.81	*
103500061808	6503	51020100	OASI-EMPLOYER'S SHARE	1,195.29	6,795.84	
103500061808	6503	51020200	RETIREMENT-ER SHARE	902.77	5,254.86	
103500061808	6503	51020600	HEALTH/LIFE INS.-ER SHARE	3,084.47	18,191.29	
103500061808	6503	51020800	WORKER'S COMPENSATION	27.09	157.72	
103500061808	6503	51020900	UNEMPLOYMENT COMPENSATION	3.91	22.82	
ACCT:	5102	EMPLOYEE BENEFITS		5,213.53	30,422.53	*
ACCT:	51	PERSONAL SERVICES		21,460.13	122,923.34	**
103500061808	6503	52030100	AUTO-STATE OWNED-IN STATE	.00	155.20	
103500061808	6503	52030200	AUTO PRIV (IN-ST.) L/RTE	.00	15.12	
103500061808	6503	52031000	LODGING/IN-STATE	.00	152.00	
103500061808	6503	52031500	NON-TAXABLE MEALS/IN-ST	54.00	108.00	
103500061808	6503	52032600	AIR-COMM-OUT-OF-STATE	.00	1,010.73	
103500061808	6503	52032800	OTHER-PUBLIC-OUT-OF-STATE	.00	139.27	
103500061808	6503	52033000	LODGING/OUT-OF-STATE	.00	1,378.37	
103500061808	6503	52033200	INCIDENTALS-OUT-OF-STATE	.00	164.00	
103500061808	6503	52033500	NON-TAXABLE MEALS/OUT-ST	.00	338.00	
ACCT:	5203	TRAVEL		54.00	3,460.69	*
103500061808	6503	52040200	DUES & MEMBERSHIP FEES	.00	12,600.00	
103500061808	6503	52040500	COMPUTER CONSULTANT	.00	42.50	
103500061808	6503	52041300	OTHER CONSULTING	.00	172,980.00	
103500061808	6503	52041600	WORKSHOP REGISTRATION FEE	.00	810.00	
103500061808	6503	52041800	COMPUTER SERVICES-STATE	864.30	3,387.45	
103500061808	6503	52041810	BIT DEVELOPMENT COSTS	172.70	1,013.06	
103500061808	6503	52042000	CENTRAL SERVICES	485.50	8,081.42	
103500061808	6503	52042200	EQUIPMENT SERV & MAINT	82.12	487.51	
103500061808	6503	52042300	JANITORIAL & MAINT SERV	.00	1,350.00	
103500061808	6503	52043300	COMPUTER SOFTWARE LEASE	.00	432.94	
103500061808	6503	52043600	ADVERTISING-NEWSPAPER	54.42	167.52	
103500061808	6503	52045210	REVENUE BOND LEASE PYMTS	624.96	1,249.92	
103500061808	6503	52045250	REVENUE BOND LEASE PYMTS	2,472.00	14,832.00	
103500061808	6503	52045300	TELECOMMUNICATIONS SRVCS	192.61	1,661.17	
103500061808	6503	52047400	BANK FEES AND CHARGES	1,136.34	5,943.10	
103500061808	6503	52049600	OTHER CONTRACTUAL SERVICE	163.00	171.00	
ACCT:	5204	CONTRACTUAL SERVICES		6,247.95	225,209.59	*
103500061808	6503	52050200	OFFICE SUPPLIES	410.79	3,605.48	
103500061808	6503	52052900	FLAGS	683.60	683.60	
103500061808	6503	52053100	PRINTING-STATE	.00	89.25	
103500061808	6503	52053500	POSTAGE	5,000.00	5,192.17	

STATE OF SOUTH DAKOTA
 MONTHLY OBJECT/SUB-OBJECT REPORT BY BUDGET UNIT
 FOR PERIOD ENDING: 12/31/2023

AGENCY 10 LABOR & REGULATION
 BUDGET UNIT 1035 BOARD OF TECHNICAL PROFESSIONS - INFO
 CENTER-5 10350 BOARD OF TECHNICAL PROFESSIONS

CENTER	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE	
ACCT: 5205		SUPPLIES & MATERIALS		6,094.39	9,570.50	*
103500061808	6503	5228000	OPER TRANS OUT -NON BUDGT	1,055.43	4,819.50	
ACCT: 5228		NONOP EXP/NONBGTD OP TR		1,055.43	4,819.50	*
ACCT: 52		OPERATING EXPENSES		13,451.77	243,060.28	**
COMP: 6503		PROFESSIONAL & LICENSING BOARDS		34,911.90	365,983.62	***
CENTER: 103500061808				34,911.90	365,983.62	****
B UNIT: 1035				34,911.90	365,983.62	*****

STATE OF SOUTH DAKOTA
 REVENUE SUMMARY BY BUDGET UNIT
 FOR PERIOD ENDING: 12/31/2023

AGENCY 10 LABOR & REGULATION
 BUDGET UNIT 1035 BOARD OF TECHNICAL PROFESSIONS - INFO

CENTER	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE	
COMPANY NO		6503				
COMPANY NAME		PROFESSIONAL & LICENSING BOARDS				
103500061808	6503	4293947	EXAM FEE-ENG/ARCH	100.00	600.00	
103500061808	6503	4293948	RENEWAL CERT-ENG/ARCH	43,440.00	146,665.00	
103500061808	6503	4293949	APPLICATION FEE-ENG/AR	8,900.00	47,300.00	
103500061808	6503	4293950	OTHER ENGINEERING FEE	15.00	565.00	
ACCT:	4293	BUSINESS & OCCUP LICENSING (NON-GOVERNMENTAL)		52,455.00	195,130.00	*
ACCT:	42	LICENSES, PERMITS & FEES		52,455.00	195,130.00	**
103500061808	6503	4391902	LATE FEE - ENG/ARCH	5,000.00	19,200.00	
ACCT:	4391	FINES (NON-GOVERNMENTAL)		5,000.00	19,200.00	*
ACCT:	43	FINES, FORFEITS & PENALTIES		5,000.00	19,200.00	**
103500061808	6503	4920045	NONOPERATING REVENUES	.00	18,251.94	
ACCT:	4920	NONOPERATING REVENUE		.00	18,251.94	*
ACCT:	49	OTHER REVENUE		.00	18,251.94	**
CNTR:	103500061808			57,455.00	232,581.94	***
COMP:	6503			57,455.00	232,581.94	****
B UNIT:	1035			57,455.00	232,581.94	*****

From: [DLR SDBTP](#)
To: [Dyer, Sherrie](#)
Subject: FW: [EXT] PE Certification of SPCC Plans
Date: Friday, December 15, 2023 8:48:26 AM
Attachments: [PE certifying an SPCC plan in a different state US EPA.pdf](#)
[minutes_111717.pdf](#)
Importance: High

From: John M. Bale <john.bale@novagroupgbc.com>
Sent: Thursday, December 14, 2023 2:54 PM
To: DLR SDBTP <SDBTP@state.sd.us>
Subject: [EXT] PE Certification of SPCC Plans
Importance: High

Hello,

Does the South Dakota Board of Technical Professions require that SPCC Plans (EPA Oil Spill Control Plans), that need to be certified by a PE per the EPA, be certified by a PE registered in the State of South Dakota?

Please see attached.

1. The EPA does not require that an in-State PE certify the SPCC Plan as it is a federal regulation/requirement, and it does not differ from State to State.
2. The South Dakota Board of Technical Professions discussed SPCCs in 2017 and agreed that PE involvement is required for SPCC Plans but did not appear to specify in-State registration.

Please let me know at your earliest convenience.

Thanks,

John M. Bale, PE (MN, WI)

Environmental Compliance Group Manager | Nova Group, GBC

5320 West 23rd Street, Suite 270


St. Louis Park, MN 55416

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MENU

Oil Spills Prevention and Preparedness Regulations

CONTACT US <<https://epa.gov/oil-spills-prevention-and-preparedness-regulations/forms/contact-us-about-o>>

PE certifying an SPCC plan in a different state

Except as provided in 40 CFR §112.6 for qualified facilities, a licensed Professional Engineer (PE) must review and certify an SPCC Plan for it to be effective to satisfy the requirements of Part 112 (§112.3(d)). When reviewing and certifying a facility's SPCC Plan, must the PE be licensed in the same state in which the facility is located?

Pursuant to the federal SPCC regulations, it is not necessary that the PE be registered or licensed in the same state as the facility because the SPCC program is national in scope and, therefore, state expertise is unnecessary. While states may prescribe more stringent requirements than EPA, a PE may familiarize himself with any particular requirements that a state may impose and address them in the SPCC Plan. Furthermore, violations of PE ethics may be handled by the licensing board of the PE's state no matter where the work is performed. Although the SPCC regulations do not require that a PE be licensed in the same state in which the facility is located, state regulations may preclude a PE from applying his seal if he is not licensed in that state.

[Oil Spills Prevention and Preparedness Regulations Home <https://epa.gov/oil-spills-prevention-and-preparedness-regulations>](https://epa.gov/oil-spills-prevention-and-preparedness-regulations)

[About SPCC <https://epa.gov/oil-spills-prevention-and-preparedness-regulations/overview-spill-prevention-control-and>](https://epa.gov/oil-spills-prevention-and-preparedness-regulations/overview-spill-prevention-control-and)

[About FRP <https://epa.gov/oil-spills-prevention-and-preparedness-regulations/facility-response-plan-frp-overview>](https://epa.gov/oil-spills-prevention-and-preparedness-regulations/facility-response-plan-frp-overview)

[Guidance and References <https://epa.gov/oil-spills-prevention-and-preparedness-regulations/oil-spills-prevention-and-preparedness-guidance>](https://epa.gov/oil-spills-prevention-and-preparedness-regulations/oil-spills-prevention-and-preparedness-guidance)

[Training Resources <https://epa.gov/oil-spills-prevention-and-preparedness-regulations/oil-spills-prevention-and-preparedness-training>](https://epa.gov/oil-spills-prevention-and-preparedness-regulations/oil-spills-prevention-and-preparedness-training)

[Frequent Questions <https://epa.gov/oil-spills-prevention-and-preparedness-regulations/oil-spill-prevention-and-preparedness-0>](https://epa.gov/oil-spills-prevention-and-preparedness-regulations/oil-spill-prevention-and-preparedness-0)

Contact Us <<https://epa.gov/oil-spills-prevention-and-preparedness-regulations/forms/contact-us-about-oil-spill-prevention-and>> to ask a question, provide feedback, or report a problem.

LAST UPDATED ON JUNE 23, 2023



Discover.

Accessibility Statement

<<https://epa.gov/accessibility/epa-accessibility-statement>>

Budget & Performance

<<https://epa.gov/planandbudget>>

Contracting

<<https://epa.gov/contracts>>

EPA www Web Snapshot

<<https://epa.gov/utilities/wwwepa.gov-snapshots>>

Grants

<<https://epa.gov/grants>>

No FEAR Act Data

<<https://epa.gov/ocr/whistleblower-protections-epa-and-how-they-relate-non-disclosure-agreements-signed-epa>>

Plain Writing

<<https://epa.gov/web-policies-and-procedures/plain-writing>>

Privacy

<<https://epa.gov/privacy>>

Privacy and Security Notice

<<https://epa.gov/privacy/privacy-and-security-notice>>

Connect.

Data <<https://epa.gov/data>>

Inspector General

<<https://www.epaoig.gov/>>

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Follow.



Meeting Minutes
SOUTH DAKOTA BOARD OF TECHNICAL PROFESSIONS

Friday, November 17, 2017
Board Office, Clock Tower Plaza
2525 W. Main St., Suite 211, Rapid City, SD

A. Call to order at 8:30 A.M. Mountain Time for regularly scheduled meeting

B. Roll Call

Members present: Chairman Steve Peters, Vice Chairman Mike Albertson, Secretary Jeffrey Nelson, Alissa Matt, Dennis Micko, Steve Thingelstad, and Steve Williams.

Staff Attorney Graham Oey was not able to attend.

Others present: Guests Dustin Hamilton and Chris Brandriet; Staff members Kathryn Patterson, Tamara Moore, and Susan Neuf.

C. Review of September 15, 2017 Minutes

D. Review of vouchers paid since last meeting

E. Activities report ending October, Review of Deposits, Quarterly Report ending October, 2017

F. Investigation reports

Case 18-01- Licensee had until November 2 to challenge decision – no response – posted to NCEES Enforcement Exchange as letter of reprimand

The board assigned Jeff Nelson and Mike Albertson to Investigative Committees.

G. Unfinished Business

Action Items

Building Officials Guide – Complete and ready to post to website.

Use of Board Reserve Funds – Architects & Landscape Architects

-Suggested contributing to the SDSU Foundation by endowment to pay \$100 fee to start NCARB file for students in their 3rd year of the Architecture program at SDSU.

-Suggested contributing to the SDSU Foundation by endowment to pay \$155 fee to start CLARB file for students in their 2nd year of the Landscape Architecture program at SDSU.

Hiring of Investigator – East River posted and closed November 6

NCEES Central Zone Meeting

Discussion for the Guest Activity Tour, possibility of a business meeting speaker on Saturday, and who will present the welcome, invocation, and Pledge of Allegiance to open the meeting.

SPCC Plans Info Request

The consensus of the board is that SPCC plans should be done by a Licensed Professional Engineer or at least have a licensed professional engineer involved in creating the SPCC plans.

Revise Verbiage of ARSD 20:38:37:01 Seals.

Clarify verbiage on when to apply seals and to what documents to seal.

The board briefly discussed each of the above items.

H. New Business

- NCEES Call for Awards Nominations
- NCARB Board Review of Member Feedback
- NCARB BOD Brief
- NCARB Fast Facts – September
- NCARB Freedom by Design MBM Letter
- NCARB Update – September
- NCEES Emeritus Member Survey
- NCARB Fast Facts - October

The board briefly discussed each of the above items.

I. PDH Audits

New Audits: Brian Henry Friedrichsen, PE; Terry Glade, AR; Brian Joseph Jensen, LS; Travis Jay Kropuenske, LS; John Campbell Lahey, AR; John H. Nourzad, PE; Kosta J. Pappas, PE; Samuel Henry Ray, PE; John Dennis Slack, LA; Vanessa Leigh Victor, PE; Jeffrey John Welch, AR; Jonathan Devan Wiegand, PE and Michael Ronny Williams, LS.

Motion by Micko, seconded by Albertson, to approve the audits of Brian Henry Friedrichsen, PE; Samuel Henry Ray, PE; Vanessa Leigh Victor, PE; Jonathan Devan Wiegand, PE. **MOTION PASSED**

Motion by Nelson, seconded by Williams seconded the motion, to approve the audits of Terry Glade, AR; John Campbell Lahey, AR; John Dennis Slack, LA; Jeffrey John Welch, AR. **MOTION PASSED**

Motion by Thingelstad, seconded by Peters to approve the audits of Brian Joseph Jensen, LS; Travis Jay Kropuenske, LS; Michael Ronny Williams, LS. **MOTION PASSED**

Motion by Micko, seconded by Albertson to deny the audits of John H. Nourzad, PE and Kosta J. Pappas, PE pending receipt of additional information. **MOTION PASSED**

Previous Audits: Garrett D. Gill, LA; Troy Soren Jensen, LS and Quin A. Wichmann, AR.

3.0 Information

3.1 Approvals Issued

3.1.1 Intern Certificates Issued

Meeting Date: January 26, 2024

Engineering Interns

Name	Certificate #
Arrowood, Rodney	13475
Baumberger, Delaney Jean	13481
Bock, Adam	13459
Bodewitz, Dalton Wayne	13463
Borris, Ryan Marvin	13487
Brezen, Trevor	13476
Brummer, Russell John	13489
Chaudhary, Daniyal Khurram	13492
Elgert, Matthew Michael	13464
Erhardt, Keaton Tee	13465
Fox, Dalton Michael	13485
Girard, Matthew Paul	13468
Karschnik, Adam John	13477
Krause, Mason Victor	13471
Lange, Garrett	13472
Lemmon, Braydon Connealy	13483
Lipetzky, Rylan	13473
McMath, Hunter Thomas	13488
Mindt, Jada Rae	13474
Moore, Bryce Daniel	13494
morris, tyrese malcom	13479
Nelson, Christopher John	13478
Panning, Joshua Todd	13495
Philips, Riley David	13460
Potter, Ruth	13480
Potts, Justin Konrad	13496
Rarick, Andrea Marguerite	13469
Sandbulte, Tyler Evan	13493
Simpson, Joshua David	13484
Stephens, Dylan Ray	13497
Stern, Nicholas David	13486
Tellinghuisen, Ethan John	13461
Thompson, Morgan	13470

3.1.1 Intern Certificates Issued

Meeting Date: January 26, 2024

Trierweiler, Caleb	13462
Vermeulen, Cooper Jon	13482
Wallace, Cade Allen	13490

Surveying Interns

Name	Certificate #
Smith, Cory Lee	13491

3.1.2 Licenses Issued by Exam

Meeting Date: January 26, 2024

Principles and Practice of Engineering Exam

Name	License
Christiansen, Jace D	16882
Girard, Jenna Brooke	16806
McCutcheon, Kyle Robert	16881

Principles and Practice of Surveying Exam

Name	License
Arndt, Taylor Wilson	16592
Kor, Eric	16807

Architecture by Exam

Name	License
O'Farrell, Mason	16853

Landscape Architect by Exam

Name	License

Petroleum Release by Exam

Name	License
Andrade, Alexis	16644
Dickhut, Kirsten	16862

3.1.3 Licenses Issued by Comity

Meeting Date: January 26, 2024

Architects

Name	License #
Aditya, Sandipan	16852
DAVIDSON, JOHN RICHARD	16830
ECKELMAN, Gary E	16871
Kuhn, Timothy Edward	16831
Lopez Tome, David	16808
McFarland, Virginia	16832
Montague, Kimberly N,	16833
Ogi, Kallie	16809
Pacanowski, Christopher F	16785
Sorensen, Justin W	16784
Uher, Scott C.	16783

Landscape Architects

Name	License #
Baggenstoss, Justin	16829
Boyle, Peter M	16828
Cedar, Michael James	16834
Fergus, Zachary Ryan	16863

Engineers

Name	License #
Abumuhaimid, Mohammad	16817
Anthony, Collin L	16835
Austin, Neil William	16805
Autin, Zachary David	16836
Backer II, James Kurt	16837
Balk, Jennifer Ann	16819
Boatman, Andrew	16804
Bruender, Kyle Jordan	16855
Buffington, Andrea Jill	16803
Bunn, Hugh Patterson	16802
Byerley, Robert Douglas	16864
Calabrese, Daniel	16838

3.1.3 Licenses Issued by Comity

Meeting Date: January 26, 2024

Carrie, Gordon J	16865
Chamberlain, Dean Gregory	16839
Clausey, Kevin Michael	16840
Cogdell, Roger Allen	16801
Cutlip, Scott	16800
Davison, Scott William	16799
Downs, Troy Lane	16798
Dupsky, Tony L.	16797
Frost, Robert Jerome	16796
Gocke, Mitchell Taylor	16812
Goel, Hiranmayee Kamarajugadda	16873
Goff, Ronald	16841
Gudenkauf, Adam	16842
Guerrero, Jeff	16795
Guo-Wu, Susan Xu	16843
Hahn, Taylor	16794
Harpster, Heath Jonathan	16793
Hartmann, David James	16792
Heimann, Matthew	16813
Heying, Randal Elmer	16791
Howell, Dan Colby	16844
Howell, Maria	16845
Jackson, Nicholas	16874
Jonjua, Baljeet Singh	16875
Katzenberger, Chad Thomas	16876
Kerschen, Christine	16846
Krebs, Andrew	16790
Krywcun, Jeremy Paul	16847
Kuhnle, Jason	16856
Lee, Bruce A	16848
Lombardo, Nathan	16857
Lucas, Clayton	16866
Marvin, Christopher Raymond	16867
McCloy, Jaxon	16820
Medeiros, Roy	16877
Milani, Christopher	16849
Miller, Andrew Michael	16821
Moraris, John M	16868
Morgenroth, Jonathan Paul	16814

3.1.3 Licenses Issued by Comity

Meeting Date: January 26, 2024

Morrissey, David	16869
Niez, Jeremiah Lucas	16822
Okten, Fatih Sultan	16815
Olson, Riley	16850
Perry, Brian	16878
Post, Mark P	16789
Reed, Christopher Paul	16858
Reyling, Todd Jeffrey	16788
Schnell, Reinhold Daykin	16859
Schon, M Michael	16787
Schueler, Dylan Paul	16823
Sexton, Waylon Cody	16879
Shoemaker, Tim	16860
Swanson, Stephanie Ellen	16851
Terich, Timothy Thomas	16824
Thompson, Brenton	16825
Thornton, Dana Emery	16786
Tobin, Mark	16826
Vaulman, Paul Richard	16880
Vinje, John M	16861
Wilkinson, Hewitt	16816
Williams, Levi Matthew	16827

Surveyors

Name	License #
Kickbusch, Augusta L	16810
Loveless II, Randy Paul	16854
SADZAUCHI, TAURAI JUSTICE	16872
Tews, Dillon James	16818
Toups, Prosper J	16811

3.1.4 Business Licenses Issued

Meeting Date: January 26, 2024

Business Name	License #
American Rail Engineers	C-8927
Centennial Engineering, Inc.	C-8909
CREATE DESIGN + DEVELOP ARCHITECTS, LLC.	C-8934
Delta Coast Consultants LLC	C-8914
Froelich Engineers, Inc	C-8920
Frost Engineering & Consulting Company	C-8910
Gary Eckelman, Architect	C-8931
Gemini Engineering Group, LLC	C-8928
Global Dominion Access USA Corp	C-8932
Henning Construction, Inc.	C-8921
Hollis + Miller Architects	C-8930
James K. Backer II, PE	C-8923
JPAK Engineering Inc	C-8925
Matrix Engineeribng, Inc	C-8913
McCloy Engineering	C-8918
Milani Steel Connection Design	C-8926
Moraris Engineering Professionals, LLC	C-8929
Northland Buildings, Inc.	C-8911
Okten Engineering, LLC	C-8916
Oldcastle Precast, Inc. -	C-8924
PerryBuilt Consulting PLLC	C-8933
Revived Builds	C-8915
Reyling Design and Consulting LLC	C-8908
Scomel Excavating LLC	C-8912
Silverscreen Engineers	C-8919
SpacelntoPlaceAD	C-8922
Wilkinson Management Group, PLLC	C-8917
Wolf Trail Engineering, PLLC	C-8907
American Rail Engineers	C-8927
Centennial Engineering, Inc.	C-8909
CREATE DESIGN + DEVELOP ARCHITECTS, LLC.	C-8934
Delta Coast Consultants LLC	C-8914
Froelich Engineers, Inc	C-8920
Frost Engineering & Consulting Company	C-8910
Gary Eckelman, Architect	C-8931
Gemini Engineering Group, LLC	C-8928
Global Dominion Access USA Corp	C-8932

3.1.4 Business Licenses Issued

Meeting Date: January 26, 2024

Henning Construction, Inc.	C-8921
Hollis + Miller Architects	C-8930
James K. Backer II, PE	C-8923
JPAK Engineering Inc	C-8925
Matrix Engineeribng, Inc	C-8913
McCloy Engineering	C-8918
Milani Steel Connection Design	C-8926
Moraris Engineering Professionals, LLC	C-8929
Northland Buildings, Inc.	C-8911
Okten Engineering, LLC	C-8916
Oldcastle Precast, Inc. -	C-8924
PerryBuilt Consulting PLLC	C-8933
Revived Builds	C-8915
Reyling Design and Consulting LLC	C-8908
Scomel Excavating LLC	C-8912
Silverscreen Engineers	C-8919
SpaceIntoPlaceAD	C-8922
Wilkinson Management Group, PLLC	C-8917
Wolf Trail Engineering, PLLC	C-8907

3.1.5 Approved to Schedule Exam

Meeting Date: January 26, 2024

Fundamentals of Engineering Exam

Last Name	First Name
Belisle	Cullen
Dancler	Shannon
Green	Christopher
Haub	Henry
Hegg	Rana
Henderson	Luke
Kjenstad	Ethan
Lindner	Trinity
May	Melissa
Neuberger	Jacob
Oeltjenbruns	Spencer
Ouandaogo	Lena
Paul	Linet
Seamands	Preston
Spies	Aaron
Urwan	Sujeet
Wakeman	Alexander

Fundamentals of Surveying Exam

Last Name	First Name

Principles and Practice of Engineering Exam

Last Name	First Name
Campbell	Mason
Kidd	Brian
Redenbaugh	Michael
Romero	Lorenzo
Van Zee	Jamie
Williams	Amanda

3.1.5 Approved to Schedule Exam

Meeting Date: January 26, 2024

Principles and Practice of Surveying Exam

Last Name	First Name
Kor	Eric

Petroleum Release Remediator/Assessor Exam

Last Name	First Name
Andrade	Alexis
Hoff	Baylee
Miller	Shane

4.0 Activities Report

ACTIVITIES REPORT FOR THE YEAR 2023

DATE	ASSESSOR			AR			AR/LA			LA			LS		
	RES	NON	TOT	RES	NON	TOT	RES	NON	TOT	RES	NON	TOT	RES	NON	TOT
1/31	9	4	13	108	854	962	1	0	1	21	62	83	105	287	392
2/28	9	4	13	108	854	962	1	0	1	21	62	83	105	287	392
3/31	8	4	12	107	858	965	1	0	1	21	62	83	106	286	392
4/30	8	4	12	107	858	965	1	0	1	21	62	83	106	286	392
5/31	8	4	12	109	862	971	1	0	1	22	63	85	106	289	395
6/30	8	4	12	109	870	979	1	0	1	22	63	85	107	289	396
7/31	8	3	11	109	843	952	1	0	1	21	63	84	107	292	399
8/31	8	3	11	111	863	974	1	0	1	22	66	88	108	296	404
9/30	8	3	11	111	869	980	1	0	1	22	66	88	108	297	405
10/31	8	3	11	112	858	970	1	0	1	23	69	92	107	298	405
11/30	8	3	11	110	854	964	1	0	1	23	69	92	107	296	403
12/31	8	3	11	111	858	969	1	0	1	23	69	92	109	298	407

DATE	PE			PE/AR			PE/LA			PE/LS			PE/LS/R		
	RES	NON	TOT	RES	NON	TOT	RES	NON	TOT	RES	NON	TOT	RES	NON	TOT
1/31	959	4071	5030	1	1	2	0	0	0	35	13	48	1	0	1
2/28	959	4071	5030	1	1	2	0	0	0	35	13	48	1	0	1
3/31	962	4079	5041	1	1	2	0	0	0	36	13	49	1	0	1
4/30	962	4079	5041	1	1	2	0	0	0	36	13	49	1	0	1
5/31	962	4096	5058	1	1	2	0	0	0	35	14	49	1	0	1
6/30	968	4119	5087	1	1	2	0	0	0	35	14	49	1	0	1
7/31	970	4085	5055	1	1	2	0	0	0	35	14	49	1	0	1
8/31	975	4149	5124	1	1	2	0	0	0	35	14	49	1	0	1
9/30	979	4196	5175	1	1	2	0	0	0	35	14	49	1	0	1
10/31	980	4201	5181	1	1	2	0	0	0	35	14	49	1	0	1
11/30	970	4172	5142	1	1	2	0	0	0	34	14	48	0	0	0
12/31	975	4203	5178	1	1	2	0	0	0	34	14	48	0	0	0

DATE	PE/R			REMIANIATOR			LICENSEES			BUSINESS		
	RES	NON	TOT	RES	NON	TOT	RES	NON	TOTAL	RES	NON	TOT
1/31	11	3	14	15	19	34	1266	5314	6580	253	2333	2586
2/28	11	3	14	15	19	34	1266	5314	6580	253	2333	2586
3/31	11	3	14	16	19	35	1270	5325	6595	253	2355	2608
4/30	11	3	14	16	19	35	1270	5325	6595	253	2355	2608
5/31	11	3	14	16	19	35	1272	5351	6623	253	2375	2628
6/30	11	3	14	16	19	35	1279	5382	6661	253	2383	2636
7/31	12	3	15	15	18	33	1280	5322	6602	252	2345	2597
8/31	12	3	15	15	18	33	1289	5413	6702	253	2388	2641
9/30	12	3	15	18	18	36	1296	5467	6763	253	2416	2669
10/31	12	3	15	18	19	37	1298	5466	6764	256	2420	2676
11/30	11	3	14	17	19	36	1282	5431	6713	253	2392	2645
12/31	11	3	14	17	19	36	1290	5468	6758	254	2406	2660

		JAN	FEB	MAR	APR	MAY	JUNE
Business		2586	2586	2608	2608	2628	2636
Active		6580	6580	6595	6595	6623	6661
Inactive		295	295	291	291	296	296
Retired		227	215	216	216	218	218
TOTAL		9688	9676	9710	9710	9765	9811

		JULY	AUG	SEPT	OCT	NOV	DEC
Business		2597	2641	2669	2676	2645	2660
Active		6602	6702	6763	6764	6713	6758
Inactive		279	279	279	277	262	262
Retired		211	211	211	210	194	194
TOTAL		9689	9833	9922	9927	9814	9874

5.0 Investigation Reports

**STATE OF SOUTH DAKOTA
DEPARTMENT OF LABOR AND REGULATION
BOARD OF TECHNICAL PROFESSIONS**

In the Matter of:

CONSENT AGREEMENT

Leah Berg,
Licensee.

Case No. 22-02 and 22-03

License No. 13627, C-7245

Pursuant to South Dakota Codified Laws (SDCL) 36-1C-6 and 1-26-20, in consideration of the above-captioned matter, and as the full and final resolution of this matter, the undersigned parties do hereby consent and agree to the following:

JURISDICTION AND APPLICABLE LAW

1. The South Dakota Department of Labor and Regulation, Board of Technical Professions (Board) has jurisdiction over this matter pursuant to SDCL Chapter 36-18A.
2. Board may take disciplinary action against a licensee based upon any of the grounds listed in SDCL 36-18A-56.
3. Disciplinary action may include any action permitted by SDCL 36-18A-57, including suspension or revocation of the license.
4. Disciplinary action may also include imposition of an administrative fine under SDCL 36-18A-61(1)(a).
5. ARSD 20:38:36:01 states the rules of professional conduct for licensees of the Board. Among the rules are the following relevant rules:
 - a. Licensees shall act with reasonable care and competence and shall apply the technical knowledge and skill which are ordinarily applied by other professionals of good standing who are practicing in this state (subdivision 5);
 - b. Licensees shall take into account all applicable state and municipal laws, ordinances, and regulations and may not knowingly execute a project in violation of them (subdivision 21); and
 - c. In the course of work on a project, if a licensee becomes aware of an action taken by the client or employer against the licensee's advice, which violates applicable state or municipal laws and regulations and

which will, in the licensee's judgment, adversely affect the life, health, safety, welfare and property of the public, the licensee shall take the following actions:

- 1) Advise the client or employer in writing of the licensee's refusal to consent to the decision and give reasons for that refusal;
- 2) If the licensee's advice is ignored despite the objection, terminate the licensee's services to the project; and
- 3) Provide a copy of the licensee's objection and reasoning to the public official charged with the enforcement of the applicable state or municipal laws and regulations.

FACTS

1. Leah Berg (BERG) is licensed by the Board as a professional engineer and has been so licensed since December 4, 2017. Her license number is 13627.
2. Affordably Creative Engineering Services (ACES) is a business entity and holds a certificate of authorization from the Board with the number C-7245, certified since March 20, 2015. BERG is the primary agent of that business entity.
3. On April 22, 2022, a written complaint (case number 22-02) was filed against BERG alleging that BERG failed to comply with the review and approval requirements of ARSD chapter 74:53:04 for a project located in the Town of Hermosa. The complaint also alleged that BERG's work failed to meet professional standards.
4. On May 24, 2022, a separate written complaint (case number 22-03) was filed against Licensee alleging that BERG failed to comply with the review and approval requirements of ARSD chapter 74:53:04 for the same project located in the Town of Hermosa.
5. On August 8, 2022, BERG filed a response with the Board office regarding both complaints. In her response, BERG provided her timeline of events, which includes that construction commenced on the project in January

2022. BERG does not dispute that approval had not been given by DANR prior to commencing construction on the project.

6. BERG reports submitting the project for review by DANR by mail prior to construction, but BERG failed to follow up with DANR to verify they had received her submission prior to moving forward with the project.

CONCLUSIONS OF LAW

1. BERG had an obligation to obtain approval of the project prior to allowing it to commence construction, but she failed to obtain said approval and/or failed to advise her client not to proceed with the project.
2. The above-described conduct constitutes grounds for discipline pursuant to SDCL 36-18A-56(1).

ORDER

1. BERG also agrees, in lieu of further contesting this matter, that her licenses shall be **suspended** for **two months** which shall be **stayed** pending her compliance with the following conditions:
 - a. Pay a fine in the amount of **\$2,000** to the Board office within 30 days of the effective date of this Consent Agreement.
 - b. Complete **12 hours** of professional development hours (PDH) on the topic of ethics in courses pre-approved by the Board office. Provide documentation of completion of said hours to the Board office within **six months**. These hours shall not be used as PDH for the renewal of her license and are additional to any renewal requirements.
 - c. Licensee shall comply with all provisions of SDCL Chapter 36-18A and ARSD Article 20:38.

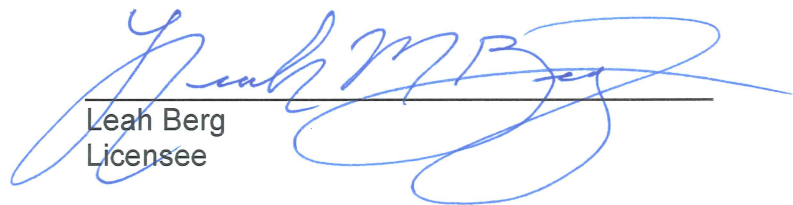
ACKNOWLEDGMENT AND WAIVER

1. BERG is aware of and understands the nature of this matter.
2. BERG acknowledges that she has been informed of various rights she has in this matter. These rights include, but are not limited to, the right to:
 - a. be represented by a lawyer in this matter;
 - b. receive notice of any hearing in this matter;

- c. have a contested case hearing, as defined in SDCL 1-26-1(2). A contested case hearing includes the right of the licensee to be present at the hearing, be represented by legal counsel, introduce evidence, present testimony, call witnesses to testify, cross-examine all witnesses present, and submit argument on her own behalf; and
 - d. appeal any decision based on the contested case hearing to circuit court and the South Dakota Supreme Court, as provided by law.
3. BERG is not represented by an attorney in this matter, is waiving her right to an attorney, and is representing herself in this matter.
4. BERG understands that by signing this document she is agreeing that this Consent Agreement:
- a. includes Board making a finding that she violated license law;
 - b. represents Board taking disciplinary action against her;
 - c. shall serve as the final resolution of this matter, including any appeal;
 - d. contains the entire agreement between the parties relating to the matters referenced in the Consent Agreement. BERG is not relying on any other representations of any kind, verbal or otherwise;
 - e. shall be a public record, as defined by SDCL 1-27-1.1, and may be published publicly by Board;
 - f. must be submitted to Board at a public meeting for acceptance or rejection;
 - g. shall not be deemed to restrict Board from raising facts in reference to Licensee outside of those set forth in this Consent Agreement, if there are other material facts related to the matters under investigation that have not been set forth or disclosed herein;
 - h. may be considered in any future licensing matters with Board and for the purposes of determining the appropriate sanctions in any future actions by Board for any violations of laws or regulations of the State of South Dakota or for failing to abide by any order or decision of Board; and

- i. shall be effective on the date it is signed by a Board representative.
5. BERG has read, understands, and agrees to this Consent Agreement. BERG affirms that she is freely and voluntarily signing it.
6. If this Consent Agreement is approved by Board, BERG agrees to waive any rights and procedures related to this matter which may be afforded her under SDCL Chapters 1-26, 36-18A, 36-1C, ARSD Art. 20:38, or any other state or federal law.
7. If this Consent Agreement is approved by Board, a copy of the executed Consent Agreement shall be served electronically upon BERG at her email address on file with the Board.
8. If the Board rejects this Consent Agreement, the following terms and conditions apply:
 - a. BERG waives any right to claim prejudice or to request recusal of any Board member by reason of any factual basis submitted to the Board in an effort to resolve this matter by Consent Agreement rather than by formal proceeding.
 - b. BERG's right to a contested case hearing is reinstated, including all the substantive and procedural protections afforded to a licensee related to such a hearing under SDCL chapter 1-26.
 - c. This Consent Agreement cannot be used as evidence of guilt or as an admission of wrongdoing by Licensee at any subsequent hearing.

Dated this 29 day of December 2023.
(month and year)



Leah Berg
Licensee

Dated this ____ day of _____.
(month and year)

Printed Name: _____
Board Representative

6.0 Executive Session

7.0 PDH Audits

**PDH AUDIT REPORT
For
BOARD MEETING**

13 audits reviewed at each Board Meeting

Mailed letter to licensee – _____

DEADLINE TO RECEIVE INFORMATION IS _____

Name	Prof	Sent letter - need audit records	Sent email reminder – need audit records	Received audit records

PDH Audits are on currently indefinite hold. Tentative plan to resume in the Spring after new licensing software in place.

8.0 Upcoming Meeting Dates

Upcoming Meetings

Organization	Date	Meeting	Location	Attendees	Funded by:
NCARB	March 1-2, 2024	NCARB Regional Summit	Savannah, GA	Carda, Dekkenga, Kerr	NCARB
NCARB	June 13-15, 2024	NCARB Annual Meeting	Chicago, IL	Carda, Dekkenga, Kerr	NCARB
NCEES	April 25-27, 2024	NCEES Central Zone Meeting	Des Moines, IA	Thingelstad, Kerr	NCEES
NCEES	August 14-17, 2024	NCEES Annual Meeting	Chicago, IL		NCEES
CLARB	September 19-21, 2024	CLARB Annual Meeting	Buffalo, NY		CLARB/Board of Tech Prof

BOARD FUTURE MEETING DATES (All Times are Mountain Time)

January 26, 2023, 2023, 8:30 a.m.

March 29, 2023, 2023, 8:30 a.m.

Future Organization Meeting Dates

Organization	Date	Meeting	Location	Attendees	Funded by:
2025 Meetings					
CLARB	September 18-20, 2025	Annual Meeting	TBD <i>Region 2</i>		
NCARB	TBD	NCARB Regional Summit	TBD		NCARB
NCARB	TBD	NCARB Annual Meeting	TBD		NCARB
NCEES	May 15-17, 2025	Joint Central/Western Zone Meeting	Albuquerque, NM		NCEES
NCEES	August 19-22, 2025	Annual Meeting	New Orleans, LA		NCEES
2026 Meetings					
CLARB	September 17-19, 2026	Annual Meeting	TBD <i>Region 3</i>		
NCARB	TBD	NCARB Regional Summit	TBD		NCARB
NCARB	TBD	NCARB Annual Meeting	TBD		NCARB
NCEES	TBD	Central Zone Meeting	TBD		NCEES
NCEES	TBD	Annual Meeting	TBD		NCEES
2027 Meetings					
CLARB	September 23-25, 2027	Annual Meeting	TBD <i>Region 4</i>		
2028 Meetings					
CLARB	September 14-16, 2028	Annual Meeting	TBD <i>Region 5</i>		

9.0 Adjourment