



BOARD OF TECHNICAL PROFESSIONS

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

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dlr.sd.gov/btp

1.0 Opening of the Meeting

Proposed Meeting Agenda
South Dakota Board of Technical Professions

To join the meeting via **Microsoft Teams**, use the link below:

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Meeting ID: 263 845 610 976

Passcode: mpQiZa

To listen to the meeting via **conference call**, please use the following information:

[+1 605-679-7263,,756092335#](#)

Phone Conference ID: 756 092 335#

Friday, May 31, 2024, 8:30 a.m. MDT

- 1.0 Opening of the meeting
 - 1.1 Roll Call
 - 1.2 Approval of the agenda
 - 1.3 Public Comments

- 2.0 Action Items
 - 2.1 Approval of Minutes of April 5, 2024, Meeting
 - 2.2 Approval of Financial Reports – March 2024

- 3.0 Information
 - 3.1 Approvals Issued
 - 3.1.1 Intern Certificates Issued
 - 3.1.2 Licenses Issued by Exam
 - 3.1.3 Licenses Issued by Comity
 - 3.1.4 Business Licenses Issued
 - 3.1.5 Approval To Take Exam

- 4.0 Activities report ending April 2024

- 5.0 Disciplinary Cases
 - 5.1 Case number 23-03; Power Engineers-Agreed Settlement

- 6.0 Decoupling

- 7.0 NCEES Central Zone Meeting-Des Moines, IA-Overview

- 8.0 Executive Session pursuant to SDCL 1-25-2, as necessary.

9.0 Upcoming Meetings

10.0 Adjournment

2.0 Action Items

Meeting Minutes
South Dakota Board of Technical Professions
Clock Tower Plaza, Conference Room, 2525 W. Main St. Suite 211
April 5, 2024, 8:30 a.m. MDT

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

Members Present electronically: Ryan Callaghan (Board Chair) and Colby Flynn

Members Present in-person: Jared Carda, Steve Thingelstad, Alex Fisher, Mike Coleman

Members Absent: Catherine Dekkenga

Others Present: Cory Biegler, Toni Haider, Mike Newhouse; Erin Fagnan, Dan Hanson, General Manager of GeoTek Engineering; Nancy Hoines, American Council of Engineering Companies of South Dakota/South Dakota Engineering Society; Tanya Olson, Tallgrass Landscape Architects; Jodi Aumer, Executive Director; Carrie Kerr, Program Assistant; Kimberly Haibeck, Senior Secretary; and Jerry McCabe, Legal Counsel.

Chair Callahan asked if there were any revisions to the meeting agenda as published.

Thingelstad moved that the board approve the published meeting agenda. Motion was seconded by Coleman. **MOTION PASSED.**

Chair Callahan opened the floor for public comments and Nancy Hoines, ACEC of SD/SDES/DPC announced SDES will be holding their 63rd Annual Conference in Sioux Falls on May 1st -2nd, with tours of the Amazon facility preceding the conference on April 30th.

Fisher moved to approve the January 26, 2024, minutes. Motion was seconded by Thingelstad. **MOTION PASSED.**

Carda moved that the board approve the financial statements through March 2024. Motion was seconded by Thingelstad. **MOTION PASSED.**

The board reviewed the activities report ending March 2024.

Jared Carda and Mike Coleman volunteered to serve on a board committee related to the Model National Code Workgroup (SDCL 11-10-13) and will work with Jodi on that process.

The board discussed the requirements relating to business certificates of authorization (COA) for individual license applications. There was no objection to office staff no longer

requiring COAs for individual license applications, provided the office notifies the applicant in writing that they cannot practice or offer to practice without the relevant COA. The office staff will implement changes to procedure accordingly.

Executive Director Jodi Aumer updated the board on the status of the new licensing software. The “go live” date is slotted for the end of April and appears to be on track.

Fischer made a motion at 9:18 a.m. to enter executive session. Carda seconded the motion. **MOTION PASSED.**

The regular meeting of the board was reconvened at 9:40 a.m.

Carda made a motion to have Jodi Aumer end the lease on the current board office and proceed with a letter of intent for the Department of Labor office in Rapid City. Callahan seconded the motion. **MOTION PASSED.**

PDH Audits are on hold.

Annual, Zone, & Upcoming meetings:

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

BOARD FUTURE MEETING DATES (All Times are Mountain Time)

May 31, 2024. 8:30 a.m.

Coleman moved that the board adjourn the meeting. Motion was seconded by Carda. **MOTION PASSED.**

Adjournment of Meeting

All business having come before the board was concluded and Chair Callahan adjourned the meeting at 9:48 a.m.

STATE OF SOUTH DAKOTA
CASH CENTER BALANCES
AS OF: 04/30/2024

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

COMPANY	CENTER	ACCOUNT	BALANCE	DR/CR	CENTER DESCRIPTION
6503	103500061808	1140000	844,452.80	DR	BOARD OF TECHNICAL PROFESSIONS
COMPANY/SOURCE TOTAL 6503 618			844,452.80	DR *	
COMP/BUDG UNIT TOTAL 6503 1035			844,452.80	DR **	
BUDGET UNIT TOTAL 1035			844,452.80	DR ***	

STATE OF SOUTH DAKOTA
 MONTHLY OBJECT/SUB-OBJECT REPORT BY BUDGET UNIT
 FOR PERIOD ENDING: 04/30/2024

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	13,743.38	143,850.60	
103500061808	6503	51010300	BOARD & COMM MBRS FEES	300.00	5,940.00	
ACCT:	5101	EMPLOYEE SALARIES		14,043.38	149,790.60	*
103500061808	6503	51020100	OASI-EMPLOYER'S SHARE	1,038.07	11,029.65	
103500061808	6503	51020200	RETIREMENT-ER SHARE	824.61	8,415.91	
103500061808	6503	51020600	HEALTH/LIFE INS.-ER SHARE	1,926.66	27,844.36	
103500061808	6503	51020800	WORKER'S COMPENSATION	24.73	259.00	
103500061808	6503	51020900	UNEMPLOYMENT COMPENSATION	3.59	37.47	
ACCT:	5102	EMPLOYEE BENEFITS		3,817.66	47,586.39	*
ACCT:	51	PERSONAL SERVICES		17,861.04	197,376.99	**
103500061808	6503	52030100	AUTO-STATE OWNED-IN STATE	.00	303.20	
103500061808	6503	52030200	AUTO PRIV (IN-ST.) L/RTE	89.04	290.64	
103500061808	6503	52031000	LODGING/IN-STATE	77.00	490.09	
103500061808	6503	52031400	TAXABLE MEALS/IN-STATE	54.00	54.00	
103500061808	6503	52031500	NON-TAXABLE MEALS/IN-ST	.00	242.00	
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		220.04	4,410.30	*
103500061808	6503	52040200	DUES & MEMBERSHIP FEES	.00	19,100.00	
103500061808	6503	52040500	COMPUTER CONSULTANT	.00	212.50	
103500061808	6503	52041300	OTHER CONSULTING	.00	172,980.00	
103500061808	6503	52041600	WORKSHOP REGISTRATION FEE	125.00	935.00	
103500061808	6503	52041800	COMPUTER SERVICES-STATE	579.55	6,275.15	
103500061808	6503	52041810	BIT DEVELOPMENT COSTS	423.90	8,282.16	
103500061808	6503	52042000	CENTRAL SERVICES	2,986.09	15,496.77	
103500061808	6503	52042200	EQUIPMENT SERV & MAINT	80.28	810.74	
103500061808	6503	52042300	JANITORIAL & MAINT SERV	.00	1,350.00	
103500061808	6503	52043300	COMPUTER SOFTWARE LEASE	.00	432.94	
103500061808	6503	52043600	ADVERTISING-NEWSPAPER	.00	222.84	
103500061808	6503	52045210	REVENUE BOND LEASE PYMTS	.00	1,874.88	
103500061808	6503	52045250	REVENUE BOND LEASE PYMTS	2,472.00	24,720.00	
103500061808	6503	52045300	TELECOMMUNICATIONS SRVCS	254.46	2,679.01	
103500061808	6503	52045900	INS PREMIUMS & SURETY BDS	1,992.81	1,992.81	
103500061808	6503	52047400	BANK FEES AND CHARGES	1,166.72	9,986.51	
103500061808	6503	52049600	OTHER CONTRACTUAL SERVICE	.00	171.00	
ACCT:	5204	CONTRACTUAL SERVICES		10,080.81	267,522.31	*
103500061808	6503	52050200	OFFICE SUPPLIES	31.20	5,621.65	
103500061808	6503	52052900	FLAGS	.00	683.60	
103500061808	6503	52053100	PRINTING-STATE	.00	141.05	

STATE OF SOUTH DAKOTA
 MONTHLY OBJECT/SUB-OBJECT REPORT BY BUDGET UNIT
 FOR PERIOD ENDING: 04/30/2024

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	52053500	POSTAGE	.00	10,192.17	
ACCT: 5205		SUPPLIES & MATERIALS		31.20	16,638.47	*
103500061808	6503	5228000	OPER TRANS OUT -NON BUDGT	863.72	8,527.01	
ACCT: 5228		NONOP EXP/NONBGTD OP TR		863.72	8,527.01	*
ACCT: 52		OPERATING EXPENSES		11,195.77	297,098.09	**
COMP: 6503		PROFESSIONAL & LICENSING BOARDS		29,056.81	494,475.08	***
CENTER: 103500061808				29,056.81	494,475.08	****
B UNIT: 1035				29,056.81	494,475.08	*****

STATE OF SOUTH DAKOTA
 REVENUE SUMMARY BY BUDGET UNIT
 FOR PERIOD ENDING: 04/30/2024

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	.00	1,550.00	
103500061808	6503	4293948	RENEWAL CERT-ENG/ARCH	39,120.00	262,745.00	
103500061808	6503	4293949	APPLICATION FEE-ENG/AR	16,800.00	90,100.00	
103500061808	6503	4293950	OTHER ENGINEERING FEE	35.00	695.00	
ACCT:	4293	BUSINESS & OCCUP LICENSING (NON-GOVERNMENTAL)		55,955.00	355,090.00	*
ACCT:	42	LICENSES, PERMITS & FEES		55,955.00	355,090.00	**
103500061808	6503	4391902	LATE FEE - ENG/ARCH	5,300.00	34,700.00	
ACCT:	4391	FINES (NON-GOVERNMENTAL)		5,300.00	34,700.00	*
ACCT:	43	FINES, FORFEITS & PENALTIES		5,300.00	34,700.00	**
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			61,255.00	408,041.94	***
COMP:	6503			61,255.00	408,041.94	****
B UNIT:	1035			61,255.00	408,041.94	*****

3.0 Information

3.1 Approvals Issued

3.1.1 Intern Certificates Issued

Meeting Date: May 31, 2024

Engineering Interns

Name	Certificate #
Unable to currently run this report in new database, some names may be omitted or missing.	

Surveying

Interns

Name	Certificate #
Unable to currently run this report in new database, some names may be omitted or missing.	

3.1.2 Licenses Issued by Exam

Meeting Date: May 31, 2024

Principles and Practice of Engineering Exam

Name	License

Principles and Practice of Surveying Exam

Name	License

Architecture by Exam

Name	License
Kopfmann, Shyanne	17086

Landscape Architect by Exam

Name	License

Petroleum Release by Exam

Name	License

Running reports in new database is still in progress.

Some names may be missing or omitted.

3.1.3 Licenses Issued by Comity

Meeting Date: May 31, 2024

Architects

Name	License #
Hertz, Brian	17082
Savonen, Steven	17083
Silbaugh, Joshua	17084
Ashland, Mackenzie	17080
Tapia, Jinger	17085
Beilharz, Kraig	17081

Landscape Architects

Name	License #

Engineers

Name	License #
Bolos, Erson	17079
Holden, Michael	17057
Moser, Brian	17061
Nadvornik, Gregory	17063
Nelson, Jerod	17064
Rasmussen, Matthew	17065
Schaffer, Joshua	17067
Shaw, Linnea	17053
Vesco, Jason	17070
Woychik, Corona	17073
Zimmerman, Alex	17074
Chickanosky, Matthew	17054
Doss, Rusty	17055
Gamboa Ellis, William	17056
Kadric, Aziz	17058
Keatting, David	17059

3.1.3 Licenses Issued by Comity

Meeting Date: May 31, 2024

Murello, Matthew	17062
Satchell, Robert	17066
Sipe, Jonathan	17068
Strassner, Eric	17069
Wachal Jordan	17071
Wolpert, Edward	17072

Surveyors

Name	License #

Running reports in new database is still in progress.

Some names may be missing or omitted.

3.1.4 Business Licenses Issued

Meeting Date: May 31, 2024

Business Name	License #
Mark D Pavey, AIA	8997
EC4B Engineering	9005
Citrine LLC	9010
Pearce Services	9015
Overland Engineering	9006
Mainelli Wagner & Associates	9014
Satchell Engineering & Associates	9012
Specialty Foundation Systems	9008
Kadric Engineering Inc	9009
Beilharz Architects	9016
Baker Concrete Construction Inc	9007

Running reports in new database is still in progress.

Some names may be missing or omitted.

3.1.5 Approved to Schedule Exam

Meeting Date: May 31, 2024

Fundamentals of Engineering Exam

Last Name	First Name
Boes	Derek
Hullinger	Brittan
Uphoff	Daniel

Fundamentals of Surveying Exam

Last Name	First Name
White	Kevin

Principles and Practice of Engineering Exam

Last Name	First Name
Scherr	Riley
Steen	Nakaila

Principles and Practice of Surveying Exam

Last Name	First Name

4.0 Activities Report

		JAN	FEB	MAR	APR	MAY	JUNE
Business		2647	2658	2677	2864		
Active		6764	6811	6831	6855		
Inactive		260	260	260	259		
Retired		188	188	188	186		
TOTAL		9859	9917	9956	10164		

		JULY	AUG	SEPT	OCT	NOV	DEC
Business							
Active							
Inactive							
Retired							
TOTAL							

5.0 Investigation Reports

5.1 Case

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

In the Matter of:

AGREED SETTLEMENT

POWER Engineers, Inc.,
Licensee.

Case No. 23-03

License No. C-787

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:

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. SDCL 36-18A-48 states that a "business entity is responsible for the conduct or acts of its agents, employees, officers, partners, members, or managers in respect to any engineering, architecture, land surveying, landscape architecture, petroleum release assessment, or petroleum release remediation services performed or to be executed in this state."
3. SDCL 36-18A-8 requires any person practicing engineering in South Dakota to be licensed by the Board.
4. POWER Engineers, Inc. (Licensee) is an engineering firm and holds a certificate of authorization from the Board and has since January 14, 1993.
5. Mychal Hoffman is the responsible charge for Licensee.

6. POWER Engineers issued a Ground System Summary Report, dated May 22, 2023, which is signed by an "Eric Hebner, P.E. MN License Number 40519". The report is related to a construction project located in South Dakota and all site data is from the location in South Dakota.
7. Eric Hebner is not licensed to practice engineering in South Dakota.
8. On July 6, 2023, a written complaint was filed against Licensee alleging unlicensed practice of engineering by its employee in South Dakota.
9. Licensee, by and through its responsible charge, is aware of and understands the nature of this matter. Licensee acknowledges that it has been informed of various rights it 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 its 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.

Licensee agrees that, by signing this Agreed Settlement, Licensee voluntarily **waives** all of these rights, procedures, and proceedings before

the Board, unless otherwise noted in this agreement. Licensee further waives any other rights to which it may be entitled under state or federal law as applicable to this matter.

10. Licensee is represented by an attorney in this matter, Hal Shillingstad of Ogletree Deakins, Minneapolis, MN.
11. The parties wish to resolve this matter through this mutually agreed upon settlement rather than a contested case hearing.
12. The parties agree that this Agreed Settlement shall not constitute any finding that Licensee violated any laws or rules of the Board.
13. In return for Licensee's agreement to the provisions of this Agreed Settlement, the Board agrees not to take formal disciplinary action against Licensee and not to proceed to formal hearing in this matter and agrees that this Agreed Settlement will constitute the final Board disposition of this matter.
14. Licensee agrees that this Agreed Settlement shall serve as the final resolution of this matter, including any appeal. Licensee also agrees, in lieu of further contesting this matter and in lieu of a fine or other discipline, to pay as settlement an amount of **\$1,500**, due to the Board office within 30 days of the effective date of this Agreed Settlement.
15. The parties agree that upon payment of the agreed amount contemplated in paragraph 14 this matter shall be dismissed and recorded as such in the records of the Board.

16. If Licensee fails to comply with any of the terms of this Agreed Settlement, Licensee agrees that any such violation would constitute grounds for discipline.
17. Licensee understands and agrees that the terms of this Agreed Settlement shall be a public record, as defined by SDCL 1-27, and subject to disclosure in any request for public records under that chapter or any other applicable law.
18. Licensee consents, agrees, and acknowledges that this Agreed Settlement must be submitted to the Board at a public meeting for acceptance or rejection. If the Board rejects this Agreed Settlement, Licensee 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 Agreed Settlement rather than by formal proceeding.
19. Licensee understands that nothing in this Agreed Settlement will be deemed to restrict the Board from raising facts in reference to Licensee outside of those set forth in this Agreed Settlement, if there are other material facts related to the matters under investigation that have not been set forth or disclosed herein.
20. Licensee understands that this Agreed Settlement may be considered in any future licensing matters with the Board and for the purposes of determining the appropriate sanctions in any future actions by the 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 the Board.

21. Licensee has read, understands, and agrees to this Agreed Settlement and is freely and voluntarily signing it. This Agreed Settlement contains the entire agreement between the parties relating to the matters referenced in the Agreed Settlement. Licensee is not relying on any other representations of any kind, verbal or otherwise.
22. This agreement does not restrict the Board's ability to take any action against the unlicensed practitioner in this matter, Eric Hebner, as authorized by law, including any cease-and-desist measures or notification of any alleged violation to the licensing board of any other jurisdiction.
23. Licensee agrees to waive any rights and procedures afforded it under SDCL Chapters 1-26, 36-18A, 36-1C, and ARSD Article 20:38.
24. If this Agreed Settlement is approved by the Board, a copy of the executed Agreed Settlement will be served upon Licensee, through his attorney, by email.
25. This Agreed Settlement shall be effective on the date it is signed by the designated board member.

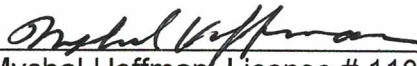
Dated this ____ day of _____ 2024.
(month)

Printed Name: _____
Board Member

CONSENT AND ACKNOWLEDGMENT

By signing below, I accept and agree to the terms of this Agreed Settlement. I agree that I have read and understand the terms of this Agreed Settlement and I understand that I am waiving my due process rights and my right to a hearing. I am freely and voluntarily entering into this agreement.

Dated this 6 day of February 2024.
(month)


Mychal Hoffman, License # 11086
Business license # C-787, as responsible
charge for: POWER Engineers, Inc.
Licensee

6.0 Decoupling

7.0 Overview- NCEES Central Zone Meeting - Des Moines, IA

8.0 Executive Session pursuant to SDCL 1-25-2, as necessary.

9.0 Upcoming Meetings

Upcoming Meetings

Organization	Date	Meeting	Location	Attendees	Funded by:
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NCEES	April 25-27, 2024	NCEES Central Zone Meeting	Des Moines, IA	Thingelstad, Aumer, Callahan	NCEES
NCEES	August 14-17, 2024	NCEES Annual Meeting	Chicago, IL	Callaghan, Coleman, Aumer	NCEES
CLARB	September 19-21, 2024	CLARB Annual Meeting	Buffalo, NY	Aumer	CLARB/Board of Tech Prof

BOARD FUTURE MEETING DATES (All Times are Mountain Time)

10.0 Adjourment