

BOARD OF PROFESSIONAL ENGINEERS
AND PROFESSIONAL LAND SURVEYORS

Minutes of Meeting

The Board of Professional Engineers and Professional Land Surveyors held a regular meeting on July 31 & August 1, 2009 at the Salmon Rapids Lodge in Riggins, Idaho to conduct Board business. The meeting convened at 8:00 a.m. on Friday, July 31, 2009 with the following Board members present: William J. Ancell, James H. Milligan, John Howe, Gary L. Young, and David Bennion. Also present was David L. Curtis, Executive Director and Jim Szatkowski, Deputy Director.

1. Approval of Agenda. The Board approved the agenda items and directed staff to add items 10: Discuss time required to investigate and act on a complaint; and 11: Discuss Architect/Engineer subcommittee work.
2. The Board reviewed the proposed Action Items for the NCEES Annual Meeting August 12-15, 2009. The Board noted the information.
3. Is the current Board Meeting schedule and meeting duration sufficient to complete matters as needed? Should meetings be longer? Should there be an additional meeting? Should we utilize telephone conference calls and webinars to facilitate any aspects of our meetings?

Moved by Mr. Young, seconded by Mr. Milligan to direct staff to be more descriptive of deficiencies in non-standard applications so the Board members can more easily concentrate on the issues that need to be addressed. Motion passed unanimously.

Moved by Mr. Milligan, seconded by Mr. Bennion to reschedule the February 2010 meeting from February 4-6, 2010 to February 8-10, 2010. Motion passed unanimously. Moved by Mr. Milligan, seconded by Mr. Bennion to reschedule the Board Retreat to include travel on August 4, 2010 and meet all day on August 5-7, 2010. Motion passed unanimously.

4. The Board will review the process of licensing a Professional Engineer especially qualified in Structural Engineering both by examination and by comity

Moved by Mr. Young, seconded by Mr. Bennion to direct staff to draft possible amendments to statute and Administrative Rule for Board consideration to recognize the 16 hour SE exam as the initial licensing exam for PE especially qualified in structural engineering with no requirement that they first take and pass a "base" discipline or have more than 4 years experience. Motion passed unanimously.

5. John Howe and Gary Young have been working on proposed changes to Idaho Code relating to surveying and request input from the other Board members. The Board reviewed the proposed code changes.

6. Staff submitted a Legislative Idea which would transition Business Entity Certificates of Authorization to annual renewal on a staggered monthly basis rather than during the month of July.

Moved by Mr. Bennion, seconded by Mr. Young to accept staff proposal. Motion passed unanimously.

Moved by Mr. Young, seconded by Mr. Howe to direct staff to change the Certificate of Authorization renewal fee to \$48.00 if the legislation passes. Motion passed unanimously.

7. Mr. Kane has discovered what may be interpreted by some as a conflict of interest for himself in the matter of the complaints filed against the employees of the Idaho Transportation Department. He has decided to withdraw as Board Counsel on that matter and has suggested that the Board retain the services of Mr. Jerry Mason of Coeur d'Alene on that matter.

Moved by Mr. Bennion, seconded by Mr. Young to approve hiring Mr. Mason for this docket. Motion passed unanimously.

8. The Board will review the Strategic Plan as submitted for the Governor.
9. Mr. Ancell would like to discuss any questions to the continuing education policy. Mr. Szatkowski will update the Board on this issue. Staff directed to update website with all CPD related info on a specific link and send postcard to licensees reminding them that all are subject to CPD requirements and point them to the Rule.
10. Discuss the length of time it takes to act on disciplinary matters.

Moved by Mr. Bennion, seconded by Mr. Young to authorize staff to initiate investigation upon receipt of a complaint or request for inquiry with concurrence of Board Chair and one Board Member selected by the Chair who is familiar with the subject matter. Motion passed unanimously.

Moved by Mr. Young, seconded by Mr. Milligan to direct staff to send completed Preliminary Investigative Reports upon completion to the Board members for review rather than waiting to send them as part of the preliminary agenda. Motion passed unanimously.

Moved by Mr. Bennion, seconded by Mr. Young to direct staff to send "Staff Action Items" notes to Board Members upon completion of Board meeting. Motion passed unanimously.

11. Discuss the progress of the architect/engineer subcommittee regarding incidental practice. Mr. Young and Mr. Bennion discussed their recent meeting with the subcommittee of the Board of Architectural Examiners

Moved by Mr. Young, seconded by Mr. Bennion that staff be authorized to submit a legislative idea through the Governor's office and proceed with legislation as well as authorizing meetings with stakeholders such as ACEC-Idaho and AIA to explain the rationale and details. Staff was directed to monitor the initial response of the stakeholders and hold off submittal of final legislation if the architects express concerns.

DISCIPLINARY ACTIONS

FY09.01 Green, Richard, violations of ROPR. Mr. Green has signed a Stipulation and Consent Agreement for the Board's review.

Moved by Mr. Bennion, seconded by Mr. Young to table this item for confirmation of Ethics course. Motion passed unanimously.

FY09.18 Thompson, Antone R. Suspension of license in Utah. Mr. Thompson has signed a Stipulation and Consent Agreement for the Board's review.

Moved by Mr. Young, seconded by Mr. Howe to approve and authorize the Chair to sign the negotiated Stipulation and Consent Agreement. Motion passed unanimously.

FY09.22 Johnson, Ronald, Engineering Practices. Mr. Johnson signed a Stipulation and Consent Agreement for the Board's review.

Moved by Mr. Young, seconded by Mr. Milligan to approve and authorize the Chair to sign the negotiated Stipulation and Consent Agreement. Motion passed unanimously.

FY09.23 Spaulding, Scott. Mr. Spaulding has signed a Stipulation and Consent Agreement for the Board's review.

Moved by Mr. Young, seconded by Mr. Bennion to approve the negotiated Stipulation and Consent Agreement. Motion approved unanimously.

FY09.01 Green, Richard, violations of ROPR. Mr. Green has signed a Stipulation and Consent Agreement for the Board's review.

Moved by Mr. Bennion, seconded by Mr. Young to accept the negotiated Stipulation and Consent Agreement and authorize the Chair's signature upon the assurance from Mr. Naylor that the Ethics course will be the New Mexico State course. Motion passed unanimously.

The meeting adjourned at approximately 12:00 p.m. on Saturday, August 1, 2009.

Woj Anzell

Chair

James H. Willigen

Secretary