

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 November 8 – 10, 2010 at the Board Office, 1510 E. Watertower St., Ste. 110, Meridian, Idaho to conduct Board business. The meeting convened at 8:00 a.m. on Monday, November 8, 2010 with the following Board members present: Gary L. Young, James H. Milligan, John Howe, George Wagner and David Bennion. Also present was David L. Curtis, Executive Director, Jim Szatkowski, Deputy Director and Jennifer Rowe, Administrative Assistant.

IV. NEW BUSINESS

4. Dean Cheryl Schrader of Boise State University, Dean George Imel of Idaho State University; Dean Donald M. Blacketter of the University of Idaho, Associate Dean Alan Dutson of BYU-Idaho, Chair for the Idaho State University Geomatics program, Rajendra Bajracharya, and Stephen Parke of Northwest Nazarene University joined the meeting. University representatives each made a separate report to the Board on the status of their respective programs. Some of the items discussed included: enrollment, ABET accreditation status, licensing of faculty, curricula, and the progress of faculty licensure.

Mike Kane, Board Attorney joined the meeting.

i. AGENDA REVIEW - Are there any new agenda items?

ACSM forwarded an invitation to the Board after the agenda was closed. This item will be added to the agenda as New Business Item #18.

A request was received from ISPE to attend a banquet during Engineering Week. This item will be added to the agenda as New Business Item #19.

The NCEES President's Assembly will be held February 11-12, 2011. This item will be added to the agenda as New Business Item #20.

III. UNFINISHED BUSINESS

2. The Board directed staff to develop draft amendments to Idaho Code for consideration during the 2012 session of the Legislature. The Board also directed staff to develop draft amendments to Administrative Rules for promulgation following adjournment of the 2011 session of the Legislature. Mr. Kane summarized the proposed changes.

Moved by Mr. Bennion, seconded by Mr. Milligan to accept the amendment to eliminate references to the statute of limitations as modified by the Board. Motion passed unanimously.

Moved by Mr. Bennion, seconded by Mr. Milligan to approve suggestion for fixing residency issue as amended and require repeal of existing rule. Motion passed unanimously.

Moved by Mr. Bennion, seconded by Mr. Milligan to approve amendment to allow postponing of Board action due to pending disciplinary action or exam irregularity as amended. Motion passed unanimously.

Moved by Mr. Milligan, seconded by Mr. Wagner to accept amendment to allow delay in earning PDH's if out of country. Motion passed with Mr. Young absent.

Moved by Mr. Bennion, seconded by Mr. Milligan to reconsider the previous motion. Motion passed unanimously.

Moved by Mr. Bennion, seconded by Mr. Milligan to accept amendment to allow delay in earning PDH's if out of country as additionally amended. Motion passed unanimously.

Moved by Mr. Wagner, seconded by Mr. Bennion to accept the amendment to adopt the NCEES Educational Equivalent Standards. Motion passed unanimously.

Moved by Mr. Milligan, seconded by Mr. Howe to accept amendment to change response time from 60 to 20 days as presented. Motion passed unanimously.

Moved by Mr. Milligan, seconded by Mr. Wagner to accept the amendment to eliminate the EI and LSI requirement for references. Motion passed unanimously.

Moved by Mr. Howe, seconded by Mr. Milligan to accept the amendment to eliminate the requirement that applications be submitted under oath. Motion passed unanimously.

Moved by Mr. Bennion, seconded by Mr. Wagner to accept the amendment to the licensing law waiving the FE and PE exams for an individual with a PhD as amended. The Board will conduct further study regarding inclusion of surveyors in a similar manner. Motion passed with Mr. Howe voting against the motion.

Moved by Mr. Wagner, seconded by Mr. Howe to accept amendment to platting law to allow a PLS in the same business entity to place interior monuments. Motion passed unanimously with Mr. Bennion absent.

3. At the last meeting, a subcommittee of Mr. Bennion and Mr. Wagner was formed to discuss possible amendments relating to discovery of error with ACEC-Idaho.

Mr. Kane prepared a brief position paper in the matter. The Board reviewed Mr. Kane's paper.

Moved by Mr. Wagner, seconded by Mr. Milligan to authorize the subcommittee to continue reviewing this issue before publishing Mr. Kane's opinion in the NEWS BULLETIN. Staff directed to contact Arthur Schwarz at NSPE to see if the issue has been addressed before and whether any professional or technical societies, in particular the Society of Forensic Engineers, have published guidelines for this situation. Motion passed unanimous with Mr. Bennion absent.

4. At the last meeting, a subcommittee of Mr. Bennion and Mr. Wagner was formed to address concerns relating to QBS. The subcommittee will invite ISPLS and ACEC-Idaho to participate in their discussions.

Moved by Mr. Milligan, seconded by Mr. Wagner to authorize the subcommittee to continue working on this issue. Motion passed unanimously.

IV. NEW BUSINESS

7. The Bureau of Occupational Licenses (BOL) received a request for an opinion from an attorney. The request cites a portion of the engineers and surveyors licensure chapter, and the BOL copied the Board with their response.

Moved by Mr. Milligan, seconded by Mr. Howe to postpone this matter pending receipt of communication from Mr. Williams regarding the status of this matter. Motion passed unanimously with Mr. Bennion absent.

8. Mr. Russell requested the Board's comments on a contract dispute between two licensed land surveyors.

Moved by Mr. Wagner, seconded by Mr. Milligan to authorize the Chair to write to Mr. Russell and notify him that the Board views this as a contract dispute over which the Board has no authority or jurisdiction. Motion passed unanimously with Mr. Bennion absent.

9. Mr. Dunn, PLS, requested clarification on the filing fees for a CP&F.

Moved by Mr. Milligan, seconded by Mr. Wagner to authorize the Chair to write to Mr. Dunn and let him know the Board's opinion that a "corner stone" is a corner record as required in Idaho Code Title 55 chapter 16. The Board agrees that there is an ambiguity as to the filing fee, and suggests that ISPLS contact IAC and ask them to submit legislation to clarify. Motion passed unanimously.

10. Ewing Electronics requested that the Board approve the use of the business name "Ewing Engineered Solutions".

Moved by Mr. Howe, seconded by Mr. Milligan to authorize the Chair send a letter to Ewing Electronics denying the request to use Ewing Engineered solutions as a business name in Idaho. Motion passed unanimously with Mr. Bennion absent.

11. Brooks Ransom Associates (COA) requested a waiver of the penalty fee due to non-receipt of the original renewal notice.

Moved by Mr. Wagner, seconded by Mr. Milligan to authorize the Chair to write to Brooks Ransom Associates and deny the waiver of the penalty. Motion passed unanimously with Mr. Bennion absent.

12. Does Idaho Survey law apply to surveys on Indian Reservations? Mr. Kane discussed his opinion with the Board.

Moved by Mr. Milligan, seconded by Mr. Howe to authorize the Chair to write to Mr. Fox and let him know that our Counsel is of the opinion that State Law does not apply to surveys conducted within the bounds of the reservation. An individual is not precluded from setting monuments and filing an ROS in the County in which the land lies, but they are not required to. Motion passed unanimously with Mr. Bennion absent.

13. J. Matthew Landreth, P.L.S. worked for a construction company (Norm's Utility Contractor, Inc.) which occasionally did subdivision development work and offered the PLS services of Mr. Landreth to the public. As a result, Norm's Utility Contractor obtained a Certificate of Authorization. The company was acquired by Knife River Contractors and while they utilize the professional land surveying services of Mr. Landreth in the performance of their contracts, they no longer offer land surveying services to the public. Mr. Landreth would like to know if Knife River Contractors is required to have a Certificate of Authorization.

Moved by Mr. Wagner, seconded by Mr. Milligan to authorize the Chair to write to Mr. Landreth and state that they do not need a Certificate of Authorization as long as they are not offering professional land surveying services to the public. Motion passed unanimously with Mr. Bennion absent.

VI. CONSIDERATION OF DISCIPLINARY ACTIONS

FY08.41 Root, John. Mr. Curtis reviewed the surveys submitted by Mr. Root.

Moved by Mr. Milligan, seconded by Mr. Bennion to close this matter. Motion passed unanimously.

FY09.25 Tikker, Robert, rules of professional responsibility. This is not a formal complaint so no ORDER has been issued to extend the time. Staff completed a Preliminary Investigation in this matter.

Moved by Mr. Bennion, seconded by Mr. Howe to enter into executive session to consider records that are exempt from disclosure as provided for by Idaho Code 67-2345(1)(d). Roll call vote results; Mr. Bennion, yes; Mr. Howe, yes; Mr. Young, yes; Mr. Milligan, yes and Mr. Wagner, yes. After meeting in executive session, the Chairman directed the Board to return to regular session.

Moved by Mr. Wagner, seconded by Mr. Bennion to authorize the Chair to write to Mr. McGinnis and notify him that the Board finds the matter as it relates to Mr. Tikker as unfounded and has dismissed it. Motion passed unanimously.

Moved by Mr. Milligan, seconded by Mr. Howe to authorize staff to conduct a preliminary investigation into Mr. McGinnis' engineering practice as it relates to the standard of care. Motion passed unanimously.

Moved by Mr. Milligan, seconded by Mr. Wagner to authorize staff to negotiate a Stipulation and Consent Agreement regarding the failure to seal final reports (in the form of letters) and submit it to Mr. Tikker for his consideration.

Moved by Mr. Bennion, seconded by Mr. Howe to substitute a motion to authorize staff to write letter of caution regarding the failure to seal final reports. Motion failed with Mr. Wagner, Mr. Howe, Mr. Young and Mr. Milligan voting no.

Original motion passed unanimously.

Moved by Mr. Wagner, seconded by Mr. Milligan to direct staff to develop a plan for the Board to review to educate practitioners in regard to the use of the professional seal. Motion passed unanimously.

Moved by Mr. Bennion, seconded by Mr. Howe to appoint a subcommittee to work on developing a more clear definition of what a "report" is. Motion passed unanimously.

Chair Young appointed Mr. Wagner and Mr. Howe to serve as a subcommittee to address this issue.

FY10.21 Formusa, Brian R., failure to sign, stamp report. Staff obtained a Stipulation and Consent Agreement in this matter for the Board's review.

Moved by Mr. Wagner, seconded by Mr. Milligan to enter into executive session to consider records that are exempt from disclosure as provided for by Idaho Code 67-2345(1)(d). Roll call vote results; Mr. Wagner, yes; Mr. Howe, yes; Mr. Young, yes; Mr. Milligan, yes and Mr. Bennion, yes. After meeting in executive session, the Chairman directed the Board to return to regular session.

Moved by Mr. Howe, seconded by Mr. Milligan to accept the Stipulation and Consent Agreement and close this docket pending receipt of the administrative penalty. Motion passed unanimously.

FY10.22 Stearns, John M. CPD deficiency, Mr. Stearns is in violation of the terms of the Stipulation and Consent Agreement.

Moved by Mr. Bennion, seconded by Mr. Howe to enter into executive session to consider records that are exempt from disclosure as provided for by Idaho Code 67-2345(1)(d). Roll call vote results; Mr. Bennion, yes; Mr. Howe, yes; Mr. Young, yes; Mr. Milligan, yes and Mr. Wagner, yes. After meeting in executive session, the Chairman directed the Board to return to regular session.

Moved by Mr. Milligan, seconded by Mr. Howe to note the status on this docket and close this matter. Motion passed unanimously.

FY10.25 ES2, Failure to seal documents. Staff obtained a Stipulation and Consent Agreements in this matter for the Board's review.

Moved by Mr. Howe, seconded by Mr. Bennion to enter into executive session to consider records that are exempt from disclosure as provided for by Idaho Code 67-2345(1)(d). Roll call vote results; Mr. Young, yes; Mr. Howe, yes; Mr. Bennion, yes; Mr. Milligan, yes and Mr. Wagner, yes. After meeting in executive session, the Chairman directed the Board to return to regular session.

Moved by Mr. Milligan, seconded by Mr. Wagner to accept the Stipulation and Consent Agreements and close this matter pending receipt of the administrative penalties. Motion passed unanimously.

FY10.28 Allen, Brian J., Surveying Practices Standard of Care. Mr. Bennett completed a preliminary investigation in this matter. An administrative hearing is scheduled for December 6-7, 2010 at the Board office.

Mr. Curtis left the meeting.

Moved by Mr. Milligan, seconded by Mr. Wagner to enter into executive session to consider records that are exempt from disclosure as provided for by Idaho Code 67-2345(1)(d). Roll call vote results; Mr. Bennion, yes; Mr. Young, yes; Mr. Howe, yes; Mr. Milligan, yes and Mr. Wagner, yes. After meeting in executive session, the Chairman directed the Board to return to regular session.

Moved by Mr. Wagner, seconded by Mr. Howe to grant the Motion to Continue. Motion passed unanimously.

Moved by Mr. Wagner, seconded by Mr. Milligan to direct Board prosecuting attorney to respond to the Motion to Dismiss by November 23rd. The reply brief from opposing counsel will be due December 3rd. Motion passed unanimously.

Moved by Mr. Wagner, seconded by Mr. Howe to direct the Board to pass on the issue of oral arguments until such time as the Board has had a chance to review the briefs. Motion passed unanimously.

Mr. Curtis returned to the meeting.

FY10.29 Watts, Warren, Standard of Care & FY10.30 Mullinix, Daryl, Standard of Care. Staff completed preliminary investigations in these matters.

Moved by Mr. Bennion, seconded by Mr. Howe to enter into executive session to consider records that are exempt from disclosure as provided for by Idaho Code 67-2345(1)(d). Roll call vote results; Mr. Bennion, yes; Mr. Howe, yes; Mr. Young, yes; Mr. Milligan, yes and Mr. Wagner, yes. After meeting in executive session, the Chairman directed the Board to return to regular session.

Moved by Mr. Bennion, seconded by Mr. Wagner to dismiss these dockets as unfounded. Motion passed unanimously.

Moved by Mr. Milligan, seconded by Mr. Bennion to authorize the Chair to write to the Suttons telling them that nothing found in the permit “requires a survey, design and construction staking of the proposed work” as stated in the second paragraph of the June 11, 2010 letter. The Board has investigated the matter in light of potential failure to meet the standard of care required of our license holders. We note that the agencies responsible for issuing the permits find the work of the professional engineer to be acceptable. This Board does not have jurisdiction to opine on the scope of this project and declines to express an opinion on matters in litigation. The Board voted to dismiss the docket as unfounded. If there are specific complaints or concerns regarding the actions of persons to whom we have issued licenses, please bring those to our attention as described in Idaho Code Section 54-1220 and the Administrative Rules. Motion passed unanimously.

Moved by Mr. Milligan, seconded by Mr. Howe to close this docket. Motion passed unanimously.

FY11.01 Pearson, Steven, failing to correct errors in survey. A preliminary investigation was been completed.

Moved by Mr. Bennion, seconded by Mr. Howe to enter into executive session to consider records that are exempt from disclosure as provided for by Idaho Code 67-2345(1)(d). Roll call vote results; Mr. Bennion, yes; Mr. Howe, yes; Mr. Young, yes; Mr. Milligan, yes and Mr. Wagner, yes. After meeting in executive session, the Chairman directed the Board to return to regular session.

Moved by Mr. Milligan, seconded by Mr. Wagner to dismiss this docket and authorize the Chair to write to Mr. Simpson and indicate that it is not the Board’s jurisdiction to determine whether the road relocation would have caused them to go through this

procedure anyway. Motion passed unanimously.

FY11.02 Kofoed, Daryl, standard of care

Moved by Mr. Wagner, seconded by Mr. Bennion to enter into executive session to consider records that are exempt from disclosure as provided for by Idaho Code 67-2345(1)(d). Roll call vote results; Mr. Bennion, yes; Mr. Howe, yes; Mr. Young, yes; Mr. Milligan, yes and Mr. Wagner, yes. After meeting in executive session, the Chairman directed the Board to return to regular session.

Moved by Mr. Wagner, seconded by Mr. Bennion to direct staff to obtain additional information including information from Mr. Kofoed on what standards he referenced in his "certification", why his "certification" was so limited in scope, and why he did not point out the discrepancies in culverts called for in the design versus culverts installed, etc. Motion passed unanimously.

FY11.03 Abolhassani, Ali, discipline in other state, not completely truthful

Moved by Mr. Howe, seconded by Mr. Milligan to enter into executive session to consider records that are exempt from disclosure as provided for by Idaho Code 67-2345(1)(d). Roll call vote results; Mr. Bennion, yes; Mr. Howe, yes; Mr. Young, yes; Mr. Milligan, yes and Mr. Wagner, yes. After meeting in executive session, the Chairman directed the Board to return to regular session.

Moved by Mr. Milligan, seconded by Mr. Bennion to authorize the Chair to write to Mr. Abolhassani and let him know that the Board is willing to allow him to renew his license but he is required to keep the Board informed of the progress of compliance with the Florida Board order including copies of any correspondence from or to the Florida Board. Motion passed unanimously.

FY11.04 TCGGroup, Inc., unlicensed – no COA

Moved by Mr. Bennion, seconded by Mr. Howe to enter into executive session to consider records that are exempt from disclosure as provided for by Idaho Code 67-2345(1)(d). Roll call vote results; Mr. Bennion, yes; Mr. Howe, yes; Mr. Young, yes; Mr. Milligan, yes and Mr. Wagner, yes. After meeting in executive session, the Chairman directed the Board to return to regular session.

Moved by Mr. Howe, seconded by Mr. Wagner to authorize the Chair to write to TCGGroup, Inc., quote the law regarding "physical presence" and require them to obtain a Certificate of Authorization. Motion passed unanimously.

FY11.06 Holzhey, Darin, PLS Standard of Care

Moved by Mr. Wagner, seconded by Mr. Bennion to enter into executive session to consider records that are exempt from disclosure as provided for by Idaho Code 67-

2345(1)(d). Roll call vote results; Mr. Bennion, yes; Mr. Howe, yes; Mr. Young, yes; Mr. Milligan, yes and Mr. Wagner, yes. After meeting in executive session, the Chairman directed the Board to return to regular session.

Moved by Mr. Howe, seconded by Mr. Wagner to send a letter to Mr. Holzhey indicating that the Board finds no violation of standard of care. However, this matter will be continued for follow up as the survey is amended. Mr. Holzhey is required to put instrument numbers on his amended CP&F. Motion withdrawn.

Moved by Mr. Howe, seconded by Mr. Milligan to authorize a preliminary investigation to secure the necessary documentation including deeds, easements, R/W, title report, etc. as well as subsequent surveys. The Board authorizes staff to hire a PLS to conduct the survey. Motion passed unanimously.

Mr. Szatkowski left the meeting.

FY11.05 Szatkowski, James and Call, Steve, standard of care

Moved by Mr. Howe, seconded by Mr. Wagner to enter into executive session to consider records that are exempt from disclosure as provided for by Idaho Code 67-2345(1)(d). Roll call vote results; Mr. Bennion, yes; Mr. Howe, yes; Mr. Young, yes; Mr. Milligan, yes and Mr. Wagner, yes. After meeting in executive session, the Chairman directed the Board to return to regular session.

Moved by Mr. Bennion, seconded by Mr. Milligan to dismiss Mr. Brown's claims on all counts as unfounded and close the docket. Motion passed unanimously.

Moved by Mr. Bennion, seconded by Mr. Milligan to authorize Mr. Kane to work with staff to prepare a response letter to Mr. Brown. Motion passed unanimously.

Mr. Szatkowski returned to the meeting.

V. CONSIDERATION OF APPLICATIONS

Moved by Mr. Bennion, seconded by Mr. Howe to enter into executive session to consider records that are exempt from disclosure as provided for by Idaho Code 67-2345(1)(d). Roll call vote results; Mr. Bennion, yes; Mr. Howe, yes; Mr. Young, yes; Mr. Milligan, yes and Mr. Wagner, yes. After meeting in executive session, the Chairman directed the Board to return to regular session.

NON-STANDARD COMITY

Moved by Mr. Howe, seconded by Mr. Wagner to approve the following applications for comity licensure:

- Paramjit Chibber for licensure as a professional engineer especially qualified in civil engineering on the basis of comity with his licensure in Texas.
- Dodd Meikle Greer for licensure as a professional land surveyor on the basis of comity with his licensure in Utah.
- Michael E. Harris for the addition of the structural engineering discipline to his current Idaho license.
- Claude Malette for licensure as a professional engineer especially qualified in mechanical engineering on the basis of comity with his licensure in Canada.
- William P. Norris for licensure as a professional engineer especially qualified in environmental engineering on the basis of comity with his licensure in Oregon.

Motion passed unanimously.

Moved by Mr. Milligan, seconded by Mr. Bennion to deny the application of Brian Douglas Leach for licensure as a professional engineer especially qualified in civil engineering on the basis of comity with his licensure in Washington. Motion passed unanimously.

Moved by Mr. Howe, seconded by Mr. Wagner to deny the application of Michael Eugene Ledford for licensure as a professional land surveyor on the basis of comity with his licensure in Nevada. Motion passed unanimously.

Moved by Mr. Milligan, seconded by Mr. Howe to deny the application of Bruce Conrad Loveman for licensure as a professional land surveyor on the basis of comity with his licensure in Florida. Motion passed unanimously.

Moved by Mr. Milligan, seconded by Mr. Wagner to deny the application of Edward Clifton Wellman for licensure as a professional engineer especially qualified in civil engineering on the basis of comity with his licensure in Arizona. Motion passed unanimously.

Moved by Mr. Milligan, seconded by Mr. Wagner to deny the application of Raymond Curtis Wetherholt for licensure as a professional engineer especially qualified in civil engineering on the basis of comity with his licensure in Washington. Motion passed unanimously.

NON-STANDARD EXAMS

Moved by Mr. Milligan, seconded by Mr. Wagner to deny William J. Custer's request for assignment to the Fundamentals of Engineering examination. Motion passed unanimously.

Moved by Mr. Milligan, seconded by Mr. Howe to continue Robert John Eldred's request for assignment to the Fundamentals of Surveying examination pending additional documentation. Motion passed unanimously.

Moved by Mr. Milligan, seconded by Mr. Wagner to assign Devin L. Montgomery to the Fundamentals of Engineering examination. Motion passed unanimously.

Moved by Mr. Howe, seconded by Mr. Milligan to continue Steven W. Rice's request for assignment to the Fundamentals of Engineering examination pending additional documentation. Motion passed unanimously.

Moved by Mr. Milligan, seconded by Mr. Wagner to deny the application of Edward William for assignment to the Principles and Practice of Engineering examination in the electrical discipline. Motion passed unanimously.

NON-STANDARD SPECIALS

Moved by Mr. Milligan, seconded by Mr. Howe to reconfirm original denial of the application of Aaron M. Bell for licensure as a professional land surveyor on the basis of passage of the PLS examination in Utah. Motion passed unanimously.

NON-STANDARD – CERTIFICATE OF AUTHORIZATIONS

Moved by Mr. Howe, seconded by Mr. Wagner to approve the Certificate of Authorization for Red Plains Surveying Company. Motion passed unanimously.

IV. NEW BUSINESS

19. The Southeast Chapter of ISPE requested a speaker from the Board during Engineer's Week in February 2011.

Moved by Mr. Howe, seconded by Mr. Wagner to authorize Mr. Curtis to make the presentation. Motion passed unanimously.

20. The Board will designate an attendee for the NCEES Board President's Assembly Feb 11-12, 2011.

Moved by Mr. Wagner, seconded by Mr. Howe to authorize Mr. Milligan and Mr. Curtis to attend the NCEES Board President's Assembly Meeting. Motion passed unanimously.

I. READING OF MINUTES

1. Review Minutes of the August 30-31, 2010 meeting.

Moved by Mr. Howe, seconded by Mr. Wagner to approve the minutes of the August 30-31, 2010 meeting as distributed. Motion passed unanimously.

II. REVIEW AND APPROVAL OF CONSENT AGENDA

1. The following items have been continued at previous meetings and staff is unaware of any activity relating to these matters:
 - a. FY08.23a: Munio, Albert, unlicensed practice
 - FY08.23b: Bessaw, John W., P.E., violations of statutes and Rules of Professional Responsibility
 - FY08.23c: Washington Group International, violations of statutes and Rules of Professional Responsibility. An ORDER extending the time until 6 months after the end of litigation has been signed.
 - b. FY10.09 Lund, Michael, Rules of Professional Responsibility. A preliminary investigation has been authorized. On advice of Counsel, the investigation has been halted pending the outcome of an investigation by the Office of the Attorney General. An ORDER extending the time until 6 months after the end of litigation has been signed.
 - c. FY10.18 Forsgren Associates, Inc. Rules of Professional Responsibility. This matter was continued pending the outcome of civil litigation.
2. Mr. Szatkowski has been in touch with Steve Staub at LCSC for an update on their progress creating a 4 year surveying program.
3. Dwight Utz submitted concerns about Indian Creek Bridge.

Moved by Mr. Wagner, seconded by Mr. Howe to remove item number 3 from the Consent Agenda. Motion passed unanimously with Mr. Bennion absent.

Moved by Mr. Bennion, seconded by Mr. Milligan to authorize the Chair to write to Mr. Utz, with a copy to the Commissioners and Slinger. Indicate that the Board contacted the ITD State Bridge Inspection Engineer and they are aware of the situation and will be monitoring it. Motion passed unanimously.

Moved by Mr. Milligan, seconded by Mr. Howe to note the remaining items on the Consent Agenda with no further action. Motion passed unanimously.

III. UNFINISHED BUSINESS

1. Review Strategic Plan Objectives. Staff was directed to place agenda item on November meeting to define strategic needs for the Board in the next few years. Staff updated the tracking chart as directed by the Board at the last meeting.

Moved by Mr. Howe, seconded by Mr. Wagner to postpone this discussion to the next meeting. Motion passed unanimously.

5. A subcommittee of Mr. Howe and Mr. Young reported to the Board on their review and evaluation of new questions from the Item Writing Workshop. Staff was directed to obtain a reference for the key on each item and logic for the distractors. The subcommittee reported that they are still working on review. Mr. Curtis will write the reference for key when all reviews are complete.
6. Mr. Szatkowski was been in touch with Access Idaho regarding creation of an online renewal system. This project is still on hold. The Board noted the information.

IV. NEW BUSINESS

1. Reports by Board Members and Staff of activities since the June Board meeting.

Mr. Milligan attended the EPE committee meetings in Atlanta, GA; attended the Civil PE exam committee meeting in Clemson, SC; attended the CBT Task Force meeting in Clemson, SC; and attended the EPP committee meeting in Atlanta, GA. Mr. Young attended APEGBC in Whistler, B.C., Canada and attended a subcommittee meeting on the composition of the Board. Mr. Curtis attended the CBT Task Force meeting in Clemson, SC; attended APEGBC in Whistler, B.C., Canada; attended the ACEC-Idaho Annual Meeting; participated in a telephone conference call for the CBT Task Force; participated in a telephone conference call for the NCEES Western Zone and attended the ISPE SW Chapter Meeting. Mr. Szatkowski made a presentation to ASHRAE on Bachelor +30.

2. Staff presented an Expense Reimbursement Summary for the Executive Director from August 16, 2010 through October 31, 2010 for the Board's review.

Moved by Mr. Milligan, seconded by Mr. Wagner to approve the expense reimbursement as presented. Motion passed unanimously.

3. Staff provided an update on the Board's financial status as of October 31, 2010.

Moved by Mr. Milligan, seconded by Mr. Wagner to note to information. Motion passed unanimously.

5. The ISPE Annual Meeting will be in Coeur d'Alene June 9 – 10, 2011 with the venue yet to be determined. The Board is currently scheduled to meet June 8-10, 2011 and this is the year in which we would traditionally meet in conjunction with ISPE. Board Members and staff might want to set aside possible alternative dates of June 6-8, 2011 so that the Board meeting does not conflict with the ISPE meeting dates.

Moved by Mr. Milligan, seconded by Mr. Wagner to Board change meeting date to June 7-9, 2011 if that accommodates a joint meeting with ISPE Board of Directors. Motion passed unanimously with Mr. Bennion absent.

6. 2011 NCEES Call for Awards Nominations. Staff directed to notify NCEES that the Board will not submit nominations this year.

14. Staff drafted a NEWS BULLETIN for the Board's review.

Moved by Mr. Milligan, seconded by Mr. Howe to approve the NEWS BULLETIN as drafted. Motion passed unanimously.

15. Staff drafted a FY2010 Annual Report for the Board's review.

Moved by Mr. Milligan, seconded by Mr. Wagner to approve the 2010 Annual Report as drafted. Motion passed unanimously.

16. Mr. Wright requested a waiver of the CPD requirements due to extenuating circumstances.

Moved by Mr. Milligan, seconded by Mr. Howe to notify Mr. Wright that the Board will allow him to renew his license upon receipt of verification of 40 PDH's. Upon receipt of that verification the Board will prepare a Stipulation and Consent Order in which he must agree to complete the additional 20 PDH's within 6 months of renewal. Motion passed unanimously.

17. Donald Flynn's license has been suspended in North Carolina.

Moved by Mr. Howe, seconded by Mr. Bennion to authorize staff to file a complaint in this matter and schedule a hearing in conjunction with a future Board meeting. Motion passed unanimously.

18. ACSM forwarded an invitation to the Board.

Moved by Mr. Milligan, seconded by Mr. Wagner to authorize Mr. Howe to attend the ACSM Meeting. Motion passed unanimously.

III. UNFINISHED BUSINESS

1. Review Strategic Plan Objectives. Staff directed to place agenda item on November meeting to define strategic needs for the Board in the next few years. Staff updated tracking the chart as directed by the Board at the last meeting. Mr. Bennion expressed his concerns about staff workload, funding, number of complaints, and the changes CBT will bring to current procedures. A policy needs to be created for retakes as it relates to test windows. Staff directed to develop CPD audit scheme that is more level than the current biennial method.

The Board noted the issuance of professional engineer licenses to the following individuals since the last meeting of the Board. They are listed by name, discipline and the comity state as indicated:

Nestor Acob Agbayani (Civil, Structural) Minner Stinnett Koo & Agbayani 1716 Oak Str. Ste 21 Bakersfield, CA 93301-3040	California
Bart Gib Anderson (Civil) 741 Doris Drive Grass Valley, CA 95945	California
David B. Barrett (Civil) IDOT 15430 Hwy 44 Caldwell, ID 83607-7730	Utah
Michael A. Bramhall (Civil, Structural) 4003 53rd Ave S.W. Seattle, WA 98116	Washington
Mark D. Breukink (Civil) Mead & Hunt Inc. 6501 Watts Road Madison, WI 53719	Illinois
David Michael Brodowski (Civil) 433 Avon Way Dayton, OH 45429	Ohio
Paramjit Chibber (Civil) 9035 Thamesmeade Rd., Apt. G Laurel, MD 20723	Texas
Jerremy Eugene Clark (Civil) 18634 W Hardison Rd Post Falls, ID 83854	Washington
John M. Connors (Geological) 4816 Gharrett Avenue Missoula, MT 59803	Montana
Jerry A. Cribbs (Electrical) November 8-10, 2010	Utah

231-1/2 Wanda Lane
Billings, MT 59101

Eric John Falken (Civil)
Brown And Caldwell
6500 S.W. Macadam Ave. Ste. 200
Portland, OR 97239

California

Howard E. Firestone II (Electrical)
1219 West Haven Drive
Arlington Heights, IL 60005-3524

Illinois

Cory Adam Fisher (Civil)
N5635 Moss Hill Road
Black River Falls, WI 54615

Wisconsin

Robert Arvidson Garcia (Mechanical)
777 Hoopes Ave. Apt. # H203
Idaho Falls, ID 83401

California

Christopher Scott Garvin (Industrial)
10207 Cambinito Rio Branco
San Diego, CA 92131-1629

California

Andrew T. George (Civil)
5539 S.W. Pendleton St.
Portland, OR 97221

Oregon

Carla Marie Hansen (Civil)
P.O. Box 1599
Jackson, WY 83011

California

Rick Allan Hansen (Civil)
780 East Pinewood Circle
Sandy, UT 84094

Utah

Michael E. Harris (Civil, Structural)
Harris Engineering Services
2970 N. Swan Rd. S-219
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Kenneth R. Ridings (Mechanical) California
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David Nicholas Sansotta (Civil) California
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Arizona

Peter A. Tuck (Civil)
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Joseph Donald Ungerer (Civil, Structural)
Rutherford & Chekene
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San Francisco, CA 94708

California

Gregory L. Varney (Civil, Structural)
KPFF Consulting Engineers
1601 Fifth Ave. Ste. 1600
Seattle, WA 98101

Washington

William Anthony Zavanelli (Mechanical)
1165 Fair Weather Circle
Concord, CA 94518

California

Comity licenses were granted to the following Professional Land Surveyors with the state as indicated:

Jeremy A. F. Garland MT
712 North 4th St. West
Missoula, MT 59802

Jared M. Kemnitz WA
4506 34th AVE. CT. N.W.
Gig Harbor, WA 98335

Mark A. Lichtenthaler TX
USDA Forest Service
2517 S.W. Hailey Ave
Pendleton, OR 97801

Matthew D. Morris MT
Morris Land Surveys, PLLC
P.O. Box 513
Choteau, MT 59422

Dallas W. Wilson CO
25501 Misier Circle
Conifer, CO 80433

Based on passage of the Fundamentals of Engineering examination, a certificate was issued to the following:

Burbank, Scott D. - 291 E. 1400 S., Kaysville, UT 84037
Folsom, Charles P. - 38525 Hwy. 278, P.O. Box 832, Jackson, MT 59736
Jones, Brett E. - 3567 Muleskinner Dr., Boise, ID 83716
Mitchell, Matt S. - 1978 N. 5000 E., Sugar City, ID 83448
Rainsdon, Timothy T. - 707 S. 5 W., Rexburg, ID 83440
Shaw, Ryan Phillip - 490 Pioneer Road Apt. 9105, Rexburg, ID 83440
Sonnen, Joseph Lee - 7447 Valley Street, Dalton Gardens, ID 83815
Strasser, Justin C. - 1019 Grace Ave., Worland, WY 82401

The following business entities were issued a Certificate of Authorization:

Business Entities offering Professional Engineering Services Only

AWM Engineering, PLLC
214 N. Fisher
Blackfoot, ID 83221

Cargo & Cargo Engineering, PLLC
1277 Jackson Drive
Idaho Falls, ID 83406

Crestline Engineers, Inc.
P.O. Box 2330
McCall, ID 83638

Diversified Metal Products, Inc.
3710 N. Yellowstone Hwy.
Idaho Falls, ID 83401

Eagle Metal Products, LLC
12300 Ford Road Ste. 110
Dallas, TX 75234

ERM-West, Inc.
1277 Treat Blvd. Ste. 500
Walnut Creek, CA 94597

Gannett Fleming, Inc.
P.O. Box 67100
Harrisburg, PA 17106-7211

Garver, LLC
4701 Northshore Dr.

North Little Rock, AR 72118

Hintze Engineering PLLC
4372 W. Houston Road
Mackay, ID 83251

HKS Engineers, PLLC
P.O. Box 1095
Rathdrum, ID 83858

Hopkins Structural Design Solutions LLC
1634 Powers Avenue
Lewiston, ID 83501

Minner Stinnett Koo & Agbayani
1716 Oak Str. Ste. 21
Bakersfield, CA 93301-3040

Olson Engineering, Inc.
1111 Broadway
Vancouver, WA 98660

Pacific Telecom Services, LLC
568 First Ave. S. Ste. 650
Seattle, WA 98104

Pike Energy Solutions, LLC
10101 Claude Freeman Dr. Ste. 100w
Charlotte, NC 28262

Portage, Inc.
1075 S. Utah Ste. 200
Idaho Falls, ID 83402

Richard P. Arber Associates, Inc.
198 Union Blvd. Ste. 200
Lakewood, CO 80228

Ruby + Associates, Inc.
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Farmington Hills, MI 48334

Rutherford & Chekene, Inc.
55 Second Str. Ste. 600

November 8-10, 2010

4409

San Francisco, CA 94105

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7175 W. Jefferson Ave., #3000
Lakewood, CO 80235

TGRWA, LLC
600 W. Van Buren Ste. 900
Chicago, IL 60607

Business Entities offering Professional Land Surveying Services Only

CVL Consultants Of Colorado, Inc.
7901 E. Belleview Ave. Ste 150
Englewood, CO 80111

Red Plains Surveying Company
6744 Melrose Lane
Oklahoma City, OK 73127

The meeting adjourned at approximately 4:30 p.m. on November 10, 2010.


Chair


Secretary