Idaho Board of Licensure of Professional Engineers

And Professional Land Surveyors

**BOARD MEMBERS**

George A. Murgel, P.E., Ph.D., Chair, Kuna

Glenn Bennett, P.L.S., Vice Chair, Boise

Richard L. Jacobson, P.E., Secretary, Meridian

Raymond J. Watkins, P.E.,Member, Coeur d’Alene

Tom Ruby, P.L.S. Member, Twin Falls

John Tomkinson, Public Member, Star

John Elle, P.E.,P.L.S., Member, Pocatello

**BOARD STAFF**

James L. Szatkowski, P.E., Acting Director

 jim.szatkowski@ipels.idaho.gov

Tom Judge, P.L.S., Deputy Director

tom.judge@ipels.idaho.gov

Jennifer Rowe, Administrative Assistant

 jennifer.rowe@ipels.idaho.gov

Edith Williams, Technical Records Specialist

 edith.williams.idaho.gov

Board Home Page <http://www.ipels.idaho.gov>

**Spring/Summer 2021 NEWS BULLETIN 67th EDITION**

This NEWS BULLETIN is distributed a minimum of twice per year by the Idaho State Board of Licensure of Professional Engineers and Professional Land Surveyors to inform the public and the State’s Professional Engineers and Professional Land Surveyors of those events which significantly affect the professions.

**Board Member Highlights**

**Board Votes to Elect George Murgel, Ph.D., P.E. as Chair**

The Board voted to elect George Murgel to the office of chair. Dr. Murgel succeeds John Tomkinson. George will serve until new elections are held in 2022. 

**Board Votes to Elect Glenn Bennett, PLS, as Vice Chair**

The Board elected Glenn Bennett as vice chair to succeed John Elle. Glenn will serve until new elections are held in 2022. 

**Board Votes Elect Richard Jacobson, P.E. as Secretary**

The Board voted to elect Dick to the office of Secretary. Mr. Jacobson succeeds Glenn Bennett until new elections are held in 2022. 

**Introduction**

**Message from the Executive Director**

The Board staff has transitioned to the new Department of Occupational and Professional Licenses (DOPL) organization and is no longer an independent agency. All staff members work for DOPL and not the Board going forward. This transition applies to all licensing Boards in Idaho. The planned move from the Meridian office to the Chinden campus in Boise is ongoing and expected to occur within a year. Keith Simila, the executive director for the Board, resigned his position effective April 30, 2021. Jim Szatkowski is the acting executive director until the new DOPL organization is fully transitioned.

**Board Decisions**

**Consecutive Numbering of Lots Required in Subdivisions**

Several professional land surveyors have approached Board staff with questions related to apparent conflicts between Idaho Code and local ordinances related to subdivision plats. The primary concern is that some jurisdictions are requiring plats to show some lots designated with numbers and other lots labeled as “tracts” designated by letters. These questions are coming from both platting surveyors and reviewing surveyors working under 50-1305 Idaho Code.

**Analysis:**

Idaho Code 50-1304(2); Essential of Plats; reads in pertinent part:

50-1304.  Essentials of plats. (2)  The plat shall show: (a) the streets and alleys, with widths and courses clearly shown; (b) each street named; (c) ***all lots numbered consecutively in each block, and each block lettered or numbered,*** provided however, in a platted cemetery, that each block, section, district or division and each burial lot shall be designated by number or letter or name;***[emphasis added]***

The clear language of the statute requires consecutive numbering for all lots within each block. The primary purpose of the plat is to create the individual parcels and the legal description for each. The requirement that the designations be “numbered consecutively” is intended to make the descriptions uniform throughout the State of Idaho. While the Statute allows the political subdivisions local control over many functions of subdividing, the core system of describing the lots is fixed in code. Every parcel created by plat must be consecutively numbered within each block, except for burial lots in cemeteries.

The second component to this question is the use of the term “Tract” to designate lots. The terms “lot” and “tract” are not defined in statute. Both terms are used throughout Title 50, Chapter 13 and meanings can be derived with reasonable certainty. Context tells us repeatedly that “tract” is the larger parcel and “lot” is the unit of division. The term “tract” is used nearly 120 times in Idaho Code and almost universally refers to larger parcels as opposed to units of a subdivision.

**Summary:**

Idaho Code 50-1304 states that all lots in the subdivision are to be numbered consecutively. The fact that an exception for cemeteries is described immediately after this makes the existence of other, unwritten exceptions highly unlikely. The absence of a prohibition against using terms other than “lot” should not be construed as an invitation to do so. This is especially true where the term being used to describe lots has a different common meaning. Both the platting surveyor and the 50-1305 reviewing surveyor must adhere to the clear language of the statute. Where local ordinance does not follow Idaho Code, the professional land surveyor must work with the local authority having jurisdiction to resolve the conflict in a productive and professional manner.

**Revised Plans Must Be Signed and Sealed and Dated**

Our office has received some submittals from a design engineer and there is a bit of an impasse on what is required for revisions. There are other issues as well, but the primary questions needing clarification are regarding engineering standards of care with stamps, dates, and signatures. I was hoping to verify our agency is on the right path and not getting sideways. Would you be able to look through this and provide any guidance? If there is a better avenue to follow up, please let me know.

Generally speaking, what is the engineering standard of care for revised construction plans and specifications? If a revised plan set is submitted for construction approval, is it appropriate for the plans to have the original design date, or would revisions be expected to have new dates? A few specific bullet point questions to try and cover the basic options:

1. Is it acceptable for revised drawings to bear the original stamp, date, and signature with no notation of revision?
2. Is it acceptable for revised drawings to bear the original stamp, date, and signature with a change log noting revisions to the plans?
3. Is it acceptable for just revised sheets to have new stamps, dates, and signatures?
4. Is it acceptable for the revised sheets and the cover sheet to have new stamps, dates, and signatures?
5. Is it acceptable for just the cover sheet of revised plans to have a new stamp, date, and signature, but revised sheets bear original stamp date?

And as a minor secondary question, does the date of a stamp for specifications need a day, or is a month and year acceptable? IE, would stamping specifications with “November 2020” be adequate, or would that need a day as well?

The questions are arising for standards of care, but also for version control. Our office has typically referred to plans by the name and the date on the cover sheet. For revised plans that maintain the same date, that method is problematic. We’re hoping to provide clarity for utilities involved to ensure all parties are discussing the same set of plans.

Thanks,

DEQ

**Answer**

In general, while the “standard of care” isn’t defined other than in the court’s precedential case law or the Board’s precedential orders, it’s not appropriate for an engineer to re-submit changed/revised drawings/plans/specifications exclusively with the original signature/seal and date.

The documents should be re-sealed with a new signature/date and the revisions noted along with the date of the revision. The key element would be clearly showing the revisions, date of revisions and clear signature/date and seal with the revisions. Work not revised would not need to change. For example, if a site drawing (S-1) has a pump building added to meet project requirements or specific code requirements not in the original design, but that was the only change to the drawing package, then S-1 could be reprinted with a revised date, a new seal, signature and date placed on S-1 and the package re-submitted (nothing else changed other than S-1).

If that pump house increased the pressure in the distribution system and the pipe specifications needed to change on M-1, M-2 and M-3 – then S-1, M-1, M-2 and M-3 all would show the revisions, the date of the revisions and new seal, signature and date on all four sheets, leaving the un-revised sheets with the original work (seal, signature and dates). The answers to your bullet questions are below:

1. Is it acceptable for revised drawings to bear the original stamp, date, and signature with no notation of revision? - No.
2. Is it acceptable for revised drawings to bear the original stamp, date, and signature with a change log noting revisions to the plans? - No.
3. Is it acceptable for just revised sheets to have new stamps, dates, and signatures? – Yes.
4. Is it acceptable for the revised sheets and the cover sheet to have new stamps, dates, and signatures? – Yes.
5. Is it acceptable for just the cover sheet of revised plans to have a new stamp, date, and signature, but revised sheets bear original stamp date? - No.

**Statute and Rule Changes**

**Rule Changes Adopted by the Legislature in 2021**

The legislature approved the Board’s rule changes this year. Two are related to continuing professional development (CPD). One simplifies the requirements for earning CPD by simply stating the basic requirements of 15 PDHs per year or 30 PDHs per biennium. The carryover of CPD was removed from the rule, but the Board chose to adopt a policy that allows carryover so the basic carryover of 30 PDHs per biennium continues with no change. A new provision to allow the Board to waive the CPD requirements during periods of emergency was added. Finally, the definition of misconduct was amended and now includes a violation of any Idaho law or rule that applies to the practice of engineering or land surveying.

**Law Changes Adopted by the Legislature in 2021**

The legislature passed and the governor signed Senate Bill 1011 that updated the state plane coordinate provisions to align with the new datums the National Geodedic Survey intends to implement in the coming years.

**Out-year Rule Changes Considered by the Board**

The governor issued executive order EO 2020-01 Zero Based Regulation that places a moratorium on new rules in 2021. It also implements a review process whereby all rules will be reviewed once in the next five years using a process that repeals existing rules and re-evaluates whether to reauthorize new rules going forward. Future rule changes will be made once in the next five years as part of this effort instead of annually as had been the Board’s practice. The Board’s rules are proposed to be evaluated in fiscal year 2023 or beyond.

The legislature did not yet approve the Board’s rules again this year so the Board implemented temporary rules effective at the adjournment of the legislature. One new rule will be added to adopt the offical datums for state plane projections in 2021.

**Out-year Law Changes Considered by the Board**

Housekeeping law changes in 2022 and beyond

* + Basis of bearing
	+ Corner records
	+ Interns
	+ Monument definition
	+ Ties to Public Land Survey Corners
	+ Signatures

The proposed outyear definition changes for plats, corner records and records of survey are as follows:

31-3205.  Recorder’s fees.

(4)  All instruments delivered to the county recorder for record shall be recorded rather than filed with the exception of plats, surveys, ~~cornerstone markers~~ corner records and instruments under the uniform commercial code.

54-1202. DEFINITIONS. As used in this chapter, unless the context or subject matter requires otherwise.

(7)  "Engineer intern" means a person who has ~~qualified for, taken and passed an examination in the fundamentals of engineering subjects~~ been duly certified as an engineer intern by the board as provided in this chapter.

(8)  "Land surveyor intern" means a person who has ~~qualified for, taken and passed an examination in the fundamentals of surveying~~ been duly certified as a land surveyor intern by the board as provided in this chapter.

(18) Signature. The term "Signature" ~~means either~~ shall include the terms “manual signature”, “facsimile signature” and “digital signature” and shall be defined as follows: (a)Manual Signature. A manual signature is ~~an~~ the original handwritten ~~message identification containing the~~ name of the person ~~who~~ applied ~~it~~ to a document or record that identifies the person, serves as a means of authentication of the contents of the document, provides responsibility for the creation of the document and provides for accountability for the contents of the document; (b) Facsimile Signature. A facsimile signature is a graphic representation of a manual signature attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record; ~~or (b)~~(c) Digital Signature. A digital signature is a digital ~~signature, which is an electronic document~~ authentication process attached to or logically associated with an electronic document, and executed or adopted by a person with the intent to sign the document or record. ~~The~~ A digital signature must be unique to the person using it; must be capable of verification; must be under the sole control of the person using it; and must be linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed. A facsimile or digital signature carries the same force and effect as a manual signature.)

54-1215 Idaho Code

(3)  Except for engineering faculty holding a restricted license pursuant to section [54-1214](https://legislature.idaho.gov/statutesrules/idstat/Title54/T54CH12/SECT54-1214)(5), Idaho Code, each licensee hereunder shall, upon licensure, obtain a seal, the use and design of which are described below. It shall be unlawful for any person to affix or to permit his seal and signature to be affixed to any documents after the license of the licensee named thereon has expired or has been retired, suspended, or revoked, unless said license shall have been renewed, reinstated, or reissued, or for the purpose of aiding or abetting any other person to evade or attempt to evade any portion of this chapter.

(a)  The seal may be a rubber stamp, crimp or electronically generated image. Whenever the seal is applied, the licensee’s signature and date shall also be included. If the signature is ~~handwritten~~ manual or a facsimile, it shall be adjacent to or across the seal. No further words or wording is required. ~~A facsimile signature generated by any method will not be acceptable unless accompanied by a digital signature.~~ Any hard copy printed from a transmitted digitally signed electronic file shall bear the image of the digital signature and seal and be a confirmation that the electronic file was not altered after the initial digital signing of the file.

50-1301.  Definitions. The following definitions shall apply to terms used in this section and sections [50-1302](https://legislature.idaho.gov/statutesrules/idstat/Title50/T50CH13/SECT50-1302) through [50-1334](https://legislature.idaho.gov/statutesrules/idstat/Title50/T50CH13/SECT50-1334), Idaho Code.

(1)  Basis of bearing: (a)The bearing in degrees, minutes and seconds, or equivalent, of a line between two (2) monuments or two (2) monumented corners that serves as the reference bearing for all other lines on the survey; or (b) a description of the bearing system used to include a complete citation of the datum, epoch and name of the published projection used must be shown on the survey. If a custom projection is used, the datum, epoch and all defining parameters of the projection shall also be shown on the survey. For surveys where the bearing system is shown in accordance with sub-section (b) herein, the convergence angle computed at a minimum of one monument on the survey must be shown.

(6)  Monument: A physical structure or object ~~that occupies the position of a corner~~ intended to mark, reference or witness a line, corner or position;

(11) Public land survey corner: Any point actually established and monumented in an original survey or resurvey that determines the boundaries of remaining public lands, or public lands patented, represented on an official plat and in the field notes thereof, accepted and approved under authority delegated by congress to the U.S. general land office and the U.S. department of the interior, bureau of land management, this excludes GLO-surveyed townsite lot corners, except those marking exterior angle points or block corners within the townsite;

55-1603.  Definitions. Except where the context indicates a different meaning, terms used in this chapter shall be defined as follows:

(7)  "Monument" means a physical structure ~~that occupies the exact position of a corner~~ intended to mark, reference or witness a line, corner or position.

55-1902.  Definitions. As used in this chapter:

(1)  "Basis of bearing" means (a) the bearing in degrees, minutes and seconds, or equivalent, of a line between two (2) monuments or two (2) monumented corners that serves as the reference bearing for all other lines on the survey~~.~~, or (b) a description of the bearing system used to include a complete citation of the datum, epoch and name of the published projection used must be shown on the survey. If a custom projection is used, the datum, epoch and all defining parameters of the projection shall also be shown on the survey. For surveys where the bearing system is shown in accordance with sub-section (b) herein, the convergence angle computed at a minimum of one monument on the survey must be shown.

(6)  "Monument" is a physical structure or object ~~that occupies the exact position of a corner intended~~ to mark, reference or witness a line, corner or position.

Ties to monuments legislative language is pending final Board approval.

**Education**

Idaho State University now offers a survey certificate that can be used to meet the 30 semester credits of surveying courses required for those with related science degrees. For information contact Robert Liimakka at liimrobe@isu.edu.

ISU is also looking for surveying technicians that want to enhance their education and certifications. ISU offers a part-time education opportunity for current survey technicians and other survey personnel to earn college credits and gain additional certifications while working in their current positions. Eight courses from the Surveying and Geomatics Engineering Technology program have been grouped to prepare students to pass NSPS Certified Survey Technician Examinations, Levels 1, 2, or 3. This grouping of 8 courses is called the TRIPOD program. Students in the TRIPOD program will take two surveying courses each fall and spring. There are not any scheduled class meeting times, and students can study at their convenience. All credits can be applied to earning an associate degree in Civil Engineering Technology or a bachelor's degree in Surveying and Geomatics Engineering Technology if the students decide to continue their education beyond the TRIPOD program and want to be licensed as a professional land surveyor. For more information go to <https://www.isu.edu/geomatics/for-current-survey-technicians-tripod/>.

**Examinations and Licensure**

**NCEES PE Examination Changes**

PE exams transitioning to computer-based testing on October 20, 2021 include: Agricultural and Biological; Electrical and Computer (EC) – Computer and EC Electronics, Controls and Communications; and Metal and Mineral Processing. PE exams offering the last pencil-and-paper exam (and then converting to CBT) on October 21, 2021 include: Civil; Controls Systems Engineering; and Metallurgical and Materials. The PE Nuclear exam new specifications will be effective October 1, 2021 and are posted on the NCEES website. The PE 16-hour Structural exam new design standards are posted on the NCEES website and will be effective with the October 2021 administration. For the current examination schedule see

<https://ncees.org/exams/schedule/>.

**New Idaho Professional Engineers and Land Surveyors**

**Licensed by Examination between October 1, 2020 and March 31, 2021**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **FirstName** | **LastName** | **City** | **State** | **Exam** |
| JAY  | ABO | BOISE | ID |  EE |
| JOHN  | ASCHENBRENNER | FILER | ID |  CE |
| KELLI  | BAKER | KUNA | ID |  CE |
| JASON  | BELLER | IDAHO FALLS | ID |  ME |
| JUSTIN | BESCHORNER | BOISE | ID |  CE |
| JENNIFER  | BLOOD | LEWISTON | ID |  CE |
| SEAN  | BOGGS | CHUBBUCK | ID |  LS |
| ERIK | BOSCHULTE | BOISE | ID |  CE |
| EDWARD  | CABALE | COEUR D'ALENE | ID |  CE |
| DAVID  | CAMPION | BOISE | ID |  ME |
| TARA | CAPSON | POCATELLO | ID |  CE |
| WAYNE A | CAUDELL | MERIDIAN | ID |  LS |
| HOWARD  | COOLEY III | LEWSITON | ID |  CE |
| JASON  | COOPER | IONA | ID |  CE |
| BEEMA | DAHAL | EAGLE | ID |  CE |
| KYLE  | DESHON | DOVER | NH |  CE |
| CAILIN | FARRIS | GARDEN CITY | ID |  ME |
| JAMES  | FISHER | BOISE | ID |  CE |
| TIMOTHY  | GASKINS | BOISE | ID |  LS |
| HALEY | GODDARD | BOISE | ID |  CE |
| JESS  | GODFREY | OROFINO | ID |  ME |
| TIFFANY | GREYSON | BOISE | ID |  EE |
| NICHOLAS P | GRIFFITH | BOISE | ID |  CE |
| JAKERY L | GROAT | BOISE | ID |  EE |
| DARRELL  | HANNERS | CHUBBUCK | ID |  LS |
| REGAN  | HANSEN | BOISE | ID |  CE |
| NATHAN  | HICKEY | COEUR D'ALENE | ID |  CE |
| BRANDON | HILL | IDAHO FALLS | ID |  ME |
| TRAVIS  | HITCHCOCK | SHOSHONE | ID |  CE |
| JORDAN  | HRISTOV | MERIDIAN | ID |  LS |
| BRANDON | HUSS | BOISE | ID |  CE |
| LAUREN  | JARED | BOISE | ID |  CE |
| DREW | JOHNSON | BOISE | ID |  CE |
| RAYMOND D | KIMBALL | POST FALLS | ID |  LS |
| BRIAN  | KLATT | COEUR D'ALENE | ID |  CE |
| JOETI | KLEIN | KIMBERLY | ID |  CE |
| BRANDON  | LANDRUM | DECLO | ID |  CE |
| CHAD  | LEATHERMAN | MERIDIAN | ID |  LS |
| SEUNG JAE | LEE | BOISE | ID |  CE |
| MARCUS J | LEVESEY | COEUR D'ALENE | ID |  CE |
| JAMISON  | LOVELESS | BOISE | ID |  CE |
| BRUNO | LOZA | BOISE | ID |  EE |
| MATTHEW J | MARION | BOISE | ID |  ME |
| SUPREME | MASKEY | MERIDIAN | ID |  CE |
| NICHOLAS | MESTRE | DRIGGS | ID |  CE |
| TAUSHA  | MILLER | COEUR D'ALENE | ID |  CE |
| NATHAN | MORGAN | BOISE | ID |  CE |
| JACOB T. | MURPHY | MERIDIAN | ID |  CE |
| MAXWELL | NICHOLS | BOISE | ID |  CE |
| MICHELLE | PAULSON | EAGLE | ID |  CE |
| ARTHUR  | PRATT | POCATELLO | ID |  CE |
| JARED  | RICHENS | POCATELLO | ID |  EnvE |
| GREGORY  | ROBERTS | POCATELLO | ID |  CE |
| TAYLOR  | ROMENESKO | BOISE | ID |  CE |
| MATT  | ROSKENS | MERIDIAN | ID |  CsE |
| JACOB  | SKAUG | PULLMAN | WA |  EE |
| CLAIRE  | SMARDA | GARDEN CITY | ID |  CE |
| CHASE  | STEIGERS | BOISE | ID |  CE |
| SHANNON  | STEIN | COEUR D'ALENE | ID |  CE |
| LOGAN J | TEW | IDAHO FALLS | ID |  ME |
| DELEON  | THOMPSON | IDAHO FALLS | ID |  EE |
| ANDREW  | TURNER | GARDEN CITY | ID |  CE |
| JAMES  | WALTER | BOISE | ID |  ChE |

**Renewal Notices Only Sent Electronically**

Starting on July 1, the board will only send hard copy renewal notices to those who do not have an email address with the board. All other renewal notices will be sent electronically to the email address of record.

**Enforcement**

**Disciplinary Actions**

The following are summaries of final actions taken by the Board since the publication of the last news bulletin.

**In the matter of Cody McCammon, P.L.S.**

The matter involves a landowner complaint and admission of violations of the notice requirements for right-of-entry. Mr. McCammon’s survey crew visited a site where fences were crossed onto private land not owned by his client without providing the notice required by 54-1230, Idaho Code. Mr. McCammon acknowledged the violation. The Board admonished and fined Mr. McCammon $500 plus $500 for investigative costs and attorney fees.

**Cases Dismissed by the Board**

**P.L.S. in S.E. Idaho**

The Board reviewed a letter sent regarding a P.L.S. licensee and his employer in S.E. Idaho. The matter involved a subdivision plat that was completed by a P.L.S. while employed by an engineering company. Later the P.L.S. changed employers, working for a surveying company. While the P.L.S. was working for the surveying company, the client of the engineering company wanted the plat updated at short notice so it could be submitted for review. Apparently the engineering company could not meet the timeline request of the client. The client then contacted the P.L.S. who last updated the plat. The client had obtained a release from the engineering company for his use of the plat and other documents. The P.L.S. only changed the dates and title block on the plat, and signed and sealed it so the client could submit it on time. Several months later, a letter was sent to the P.L.S. and his employer alleging violations of copyright laws and the Board’s conflict of interest rule (IDAPA 24.32.01.103.02) regarding *Compensation from Multiple Parties on the Same Project*. This rule states “A Licensee or Certificate Holder may accept compensation, financial or otherwise, from more than one (1) party for services on the same project, or for services pertaining to the same project, provided the circumstances are fully disclosed in writing, in advance and agreed to by all interested parties.” The Board authorized an investigation. The findings included the fact no written contract existed between the client and the engineering company. There was only a verbal contract. The language of the release for use of the plat did was not clearly written to prohibit a revision and use by the client. The investigator also evaluated whether the Board’s rule IDAPA 24.32.01.104.03 regarding *Assignments on which Others are Employed* was violated. This rules states: “A Licensee or Certificate Holder may not knowingly seek or accept employment for professional services for an assignment that another Licensee or Certificate Holder is employed, or contracted to perform without the currently employed or contracted entity being informed in writing.” It was clear from the investigation that the spirit of the above rule was violated in that the P.L.S. and his company had an obligation to notify the engineering company that they intended to complete this work. The client was a longstanding client of the engineering company. The rule regarding compension from multiple parties applies mostly to cost sharing arrangements where there is or should be agreement to share costs for the project, and therefore was not applicable in this situation. Because there was no written contract and the disclosure language lacked clarity, the prosecutor did not believe there was clear and convincing evidence to prosecute the case. The Board dismissed the matter as unfounded but issued a letter of caution that in the future, proper notice should be provided.

A complaint was received by the board from a landowner in northern Idaho toward a P.L.S. The P.L.S. is also a developer and had proposed a variance for a privately maintainted public road that accessed several large lots in his proposed subdivision. The new subdivision lots were mostly accessed via a county maintained public or other roads and not the privately maintained public road that was the subject of the complaint. The privately maintained public road is an existing single lane road that the complainant believed should be upgraded to a higher road standard based on county ordinance and his estimates of daily traffic. The county was requesting additional right-of-way width for both roads to better meet county road width standards and was in a position to require improvements to the privately maintainted public road. The P.L.S. (as a developer) negotiated a variance with the county and offered additional right-of-way for both the publically and privately maintained roads but did not offer to improve the privately maintained county road. The complaint alleged the P.L.S. threated the county and made misleading statements in the negotiated effort for the variance. The threat involved a statement where the P.L.S. would wait one year prior to submitting the subdivision plat in order to qualify under a different county ordinance that would not give the county leverage in obtaining additional right-of-way. The misleading statements addressed statements made in the application related to traffic calculations and projections for the privately maintained public road. The complainant also alleged violations of county process for granting variances.The county did grant the variance. After consideration, the board dismissed the complaint as lacking jurisdiction. The allegations were not directly or indirectly tied to the practice of professional land surveying, but relate to the P.L.S’s other business interests and as a result the board has no jurisdiction in the matter.

**P.L.S. in Northern Idaho**

The complainant contends a professional surveyor demonstrated incompetence in a series of surveying activities. The allegations included surveying two adjoining properties using ties to different PLSS monuments, creating easements on the complainant’s property without his permission, failing to recognize the complainants deed as senior to his adjoiner, and failing to recognize a “scriveners’ error” where a deed call for the one side of a road should have been for the other side of the road.

The surveyor performed surveys of two adjoining properties, using the PLSS monuments called for in the deeds. The deeds did not reference the same lines of the PLSS and were therefore tied to different lines. One of the surveys by the respondent showed proposed easements pursuant to an agreement between the owners. The agreement fell apart and the easement documents were never executed or recorded. The P.L.S. (correctly) explained the survey does not create an easement and has agreed to file an amended ROS or affidavit to assuage the concerns of the owner.

The second survey the P.L.S. prepared was an exhibit for a court case between the adjoining owners. The parcels that were the subject of the suit had nothing to do with the area of the alleged “scriveners’ error”. The parcel the complainant was concerned about has nothing to do with the dispute or the surveying by the P.L.S. The question of junior – senior rights was irrelevant as the P.L.S. read the deeds as being coincident.

It is important to note the complaint was submitted after the courts resolved a boundary dispute with an order unfavorable to the complainant. The P.L.S. was the expert for the opposing party. The Boarddismissed the complaint as unfounded.

**IN MEMORY OF THOSE RECENTLY DECEASED**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| John S | Austin | L-5081 (LS) | Nampa | ID | 1/9/20 |
| Jeffrey Brent | Bradley | P-7794 (CE) | Salem | OR | 9/17/20 |
| Charles D | Cuddy | L-885 (LS) | Orofino | ID | 1/24/21 |
| Joseph Carl | Dille | P-2097(CE/SE), L-2097 | Boise | ID | 3/1/21 |
| John Donald | Jacoby | P-2270 (CE, SE) | Ketchum | ID | 4/5/20 |
| Richard A | Jobes | P-1600 (CE/SE) | Boise | ID | 4/2/21 |
| Arthur H | Nielson JR | P-1266 (EE) | Pocatello | ID | 4/15/20 |
| Steven Lowell | Richards | P-2745(ME) | Sandy  | UT | 1/7/21 |
| Larry L | Waters | P-15178 (CE) | Meridian | ID | 3/26/21 |
| Roger Graham | Young | PL-1470 (ME/LS) | Mountain Home | ID | 1/12/21 |

**CALENDAR OF UPCOMING EVENTS**

August 2-3, 2021 Board Retreat in Riggins, Idaho

August 19-21, 2021 NCEES Annual Meeting, New Orleans, LA

August 27, 2021 Deadline for Registering with NCEES for October PE Exams

September 9-10, 2021 Board Meeting in Meridian, Idaho

October 22-23, 2021 PE & SE Examinations in Boise, Idaho

November 15-16, 2021 Board Meeting with Deans in Meridian, Idaho

February 3-4, 2022 Board Meeting in Meridian, Idaho

April 15, 2022 SE Examinations in Boise, Idaho

April 14-15, 2022 Board Meeting in Meridian, Idaho

May 19-21, 2022 NCEES Western Zone Meeting in Stateline, NV

June 9-10, 2022 Board & ISPE Meeting TBD

**Board Staff**

James L. Szatkowski, PE Acting Director

jim.szatkowski@ipels.idaho.gov

Tom Judge, PLS Deputy Director

tom.judge@ipels.idaho.gov

Jennifer Rowe, Administrative Assistant

jennifer.rowe@ipels.idaho.gov

Edith Williams, Technical Records Specialist

edith.williams@ipels.idaho.gov

Office Phone (208) 373-7210