Idaho Board of Licensure of Professional Engineers

And Professional Land Surveyors

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**Fall/Winter 2022 NEWS BULLETIN 68th 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**

**Governor Appoints Keith C. Brooks, P.E.,/P.L.S as Engineer Member**

Keith Brooks was born and raised in Phoenix, Arizona. He was on active duty in the U.S. Navy from 1975 to 1980 and in the reserves from 1980 to 1997. Keith graduated from the University of Idaho in December 1985 with a BSCE. He worked as a student surveying technician for three summers while in college with the Bureau of Reclamation. He has worked as a Civil Engineer for the Bureau of Reclamation in the Upper Snake Field Office from Jan 1986 to November 2021. Keith received his PE in June 1993 and his PLS in January 1997. His career was spent working as an operations and maintenance engineer and in charge of dam safety on the eight dams and numerous canal systems in Eastern Idaho and Western Wyoming. Keith has also been the surveyor for the office on the Reclamation lands around the reservoirs and dam safety instrumentation.

Keith is a widower with one child, Tyrell (29) and enjoys reading, camping, hunting and fishing. He lives in Burley with his dog Belle.

**Introduction**

**Message from DOPL Administrator, Russ Barron**

The Division of Occupational and Professional Licenses (DOPL) organization and transition is moving along, and our new organizational chart will be completed by the end of November. This effort has required nearly 25% of DOPL employees to apply for positions because of needed classification changes and alignment, and the need to follow appropriate HR policies. As we complete the process and vacant positions are filled, we will begin implementing the new structure as shown by a high-level chart below, and we will attempt to relocate teams together in one physical location when possible. This may mean that staff will relocate to another DOPL office until all staff are moved into the permanent location at the Chinden Campus next year.

This chart demonstrates how teams of like functions will be arranged within each of the main sections.



Construction began on Building 4 of the Chinden Campus last June. It is on schedule to be completed by March 2022. Once construction is completed, it will take a few more weeks to install all workstations and technology. Then, we will begin moving employees into the newly renovated building with completion scheduled by July 1st. The building design includes several Board rooms and conference rooms to accommodate the needs of Boards. Meetings will be scheduled in rooms based on the number of public individuals expected to attend. The meeting rooms will be equipped with audio and visual technology to facilitate hybrid meetings of both in-person and video attendance.

We have been working with the Idaho Division of Human Resources on the appropriate classification for managing the professional land surveying licensure program. In the meantime, this work is being covered through a contract. We are currently assessing our use of legal services across the division and will announce anticipated changes, if any, once that is completed.

The Governor’s office is working diligently to fill current vacant Board Member positions. We continue to encourage individuals to go to the Governor’s website and apply for Board positions whether they are currently vacant or not.

Work has begun on acquiring a new technology system that will support all functions for DOPL Boards. This is not an overnight project and will take a few years to accomplish, with implementation of a new system expected in 2025. Right now, we are gathering requirements and considering any needed process improvements before issuing a Request for Proposal next spring. We plan to have a vendor hired by this time next year.

While there have been numerous challenges so far in reorganizing eleven agencies into one, great progress is being made. This transition is a two-year endeavor, and we are about halfway there. We appreciate your patience, and we appreciate the work you do. DOPL staff are happy to support the Board’s needs and address customer and stakeholder issues and questions as they arise.

**Message from the Interim Director, Jim Szatkowski**

As stated in the last news bulletin, 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. Edith Williams, Jennifer Rowe and myself will still be the primary staff contacts for the Board and the PE/PLS professions for the time being and we’re still located in the Meridian office. While participation in NCEES has continued, it has been virtual for most of 2020 and 2021 – including the annual meetings. We hope to be back at in-person meetings with NCEES during spring of 2022.

As you know, or should know, the CPD rule (IDAPA 24.32.01.200-203) is suspended during the period of the Governor’s declared emergency for the COVID-19 pandemic. We’ve all faced challenges during this pandemic, but, at least I’ve found, that hasn’t reduced the amount of online training available. In fact, the number of CPD logs (& records) I’ve reviewed since the rule has been waived hasn’t went down much at all. I commend all of you that have continued your professional development during the pandemic. That is the epitome of a professional. One who turns challenges into successes and perseveres. Thank you for holding the standards bar up.

The pandemic also has been an opportunity to put technology to work and find new ways of doing project meetings, reviews, and collaborations. Sure, it has been a challenge – but we’re all up to the challenge. Conferences have occurred – albeit with new technology and ways of doing presentations and conducting seminars.

As professional engineers and professional land surveyors in Idaho, we can be proud of our accomplishments during this period in our history. We’ve licensed more new engineers and surveyors than in the years just prior to the pandemic. The record growth in our state explains some of that – including being ranked by several publications as being one of the best places to live. We need to ensure that we don’t let our standards drop as our numbers grow and the competition heats up. Let’s do our part so the best place to live - stays that way.

**Board Decisions**

**Tracts and Lots:** After publishing the last newsletter which contained a Board decision regarding a matter in Twin Falls county regarding tracts and lots on plats, several other jurisdictions raised an issue with the Board in that their jurisdiction had given different definitions to the terms lot and tracts. The Board reviewed their article and after conferring with Board Counsel and the representative of the other jurisdictions that appeared at the Board Retreat meeting in Moscow on August 3, 2021, the Board reaffirmed the last statement in their previous article. “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.” The Board urges all professionals to work with the local jurisdictions and conform to their ordinances and policies.

**Rules of Professional Responsibility, Obligation to Communicate a Discrepancy:** Recently a question came to the Board regarding a situation in northern Idaho wherein a surveyor licensee surrendered their license in lieu of discipline and sanctions. This individual had performed the majority of boundary surveys in the area over the past 20 years. Other surveyors are now beginning to perform surveys in the area and in retracing this individual’s previous surveys significant discrepancies in corner positions are being discovered. The question posed relates to *IDAPA 24.32.01.100.04 - Obligation to Communicate Discovery of Discrepancy* and whether or not current licensees are required to contact the individual as outlined in the rule. Because this issue exists in other parts of the state, and the question may continue to be raised, the Board has chosen to offer the following opinion.

Under *I.C.* *54-1208. Board – Powers*, the Board only has authority over licensees and business entities holding certificates of authorization to offer professional engineering and/or land surveying services. As an unlicensed individual, they are no longer required to comply with the rules and therefore cannot be compelled to respond to notifications. Furthermore, without a license they are no longer able to correct any errors in their work product. Based on this, it is the opinion of the Board that current licensees are not required to notify a previously licensed individual regarding discrepancies because the Board no longer has authority to force compliance, the individual is no longer required to respond, has no ability to take corrective measures, and to require notification would only delay projects which would not serve to protect the public.

The Board also asks that current licensees that retrace other surveys performed by former licensees keep the following rules in mind while fulfilling their duties for their clients.

*IDAPA 24.32.01.100.01 - Primary Obligation. All Licensees and Certificate Holders must at all times recognize their primary obligation is to protect the safety, health, and welfare of the public in the performance of their professional duties.*

*IDAPA 24.32.01.100.06. Obligation to Affected Landowners. Land surveyors have a duty to set monuments at the corners of their client’s property boundaries in compliance with 54-1227, Idaho Code. Per Subsection 100.04 above, land surveyors also have a duty to notify other licensees of a material discrepancy prior to setting monuments that represent a material discrepancy with a prior survey.* ***If a monument is to be set at a location that represents a material discrepancy with an existing monument at any corner of record, land surveyors must also notify in writing all affected adjoining landowners and the Board prior to setting the new monument.***

When surveyors encounter situations where existing corner monumentation of record exists that differs significantly with said record, they must be mindful of the fact that property owners have spent significant sums to have their corners marked on the ground. The property owners have every expectation that these surveys were correct and reliable. For many years the landowners and their neighbors have relied on the monuments in place on the ground to make decisions affecting their boundaries. Buildings and fences have been constructed; wells, drainfields and septic systems placed; driveways built, and setbacks determined, to highlight a few. Surveyors must be mindful of this and work with their client and the affected adjoining landowners to create solutions to the problem acceptable to the affected parties. They must not make boundary determinations without considering these monuments and how disregarding them to establish new monument positions many feet, if not yards away from monuments the landowners have relied on for many years can, and will, affect their boundaries. When a licensee finds conflict between the deeds and the monuments/improvements they should endeavor to correct the deed (boundary agreement) rather than the position of the monument.

Surveyors should strive to be the solution to the problem - not the perceived reason a problem exists. They should work with the affected parties, local jurisdictions, attorneys, title companies, professional societies and other stakeholders to craft solutions that resolve the problem without causing clouded title, expensive litigation, and conflict between neighbors. Licensees must be mindful of the fact that, while they have a client paying them for their services, every decision they make during the course of determining their client’s boundaries affects others. In other words, the “public” encompasses everyone, not just their client.

**Statute and Rule Changes**

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

All the Board’s rules are proposed to be evaluated in fiscal year 2023.

The legislature did not approve the Board’s rules again this year so the Board implemented temporary rules effective at the adjournment of the legislature. There were no changes proposed. One new rule may be added to adopt the National Geodetic Survey’s datums for state plane coordinates in 2023.

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

Housekeeping law changes in 2022:

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

**Education**

**Board meets with the University Deans and Faculty**

The Board met with the Deans of the five universities that offer engineering programs and faculty and staff for the two surveying programs in the state. Presentations addressed faculty licensure, status of enrollment, ABET accreditation and current trends facing engineering and land surveying at the university.

**UI Offers Civil PE Review Course in Boise**

**Time**

12 three-hour sessions on Thursdays from 5:30 - 8:30pm, running January 20, 2022 through April 14, 2022 which includes a mock exam. There will be no meeting during the Boise school district's spring break. The State Board of Licensure for Professional Engineers and Professional Land Surveyors will be holding the Civil PE exam April 22, 2022.

**Location**

Classes will be held at the University of Idaho Water Center, 322 E. Front St, Boise, ID 83702. Due to COVID-19, we will limit the in-person course to 25 students but we will livestream the course to others who wish to attend online. In-person seats will be on a first come, first serve basis.

**Summary**

UI Boise has offered this 12-week Professional Engineering (PE) Review Course each spring for many years. It prepares engineers to take the PE Exam. We usually offer one PE track for Civil Engineering. Each three-hour session is delivered by subject experts.

**Instructors**

Subject experts have been selected from local industry, universities, and government. Organizations

include University of Idaho-Boise College of Engineering, Boise State University College of Engineering,

The State Board of Licensure for Professional Engineers and Professional Land Surveyors, and Mountain Home AFB.

**Who Should Attend**

Engineers planning to take the State's PE Exam or those simply wanting to update skills and knowledge

in the field of Civil Engineering.

**Textbooks**

Instructor teaching materials will be given to you digitally on a weekly basis. You are welcome to

purchase the textbooks below but it is not mandatory for this course. You will receive a 15% discount from PPI.

Contact us for the discount code.

• Civil Engineering Reference Manual for the PE Exam, 15th edition, Michael R. Lindeburg.

• Practice Problems for the Civil Engineering PE Exam, 15th edition, Michael R. Lindeburg

**Free Retake Policy**

If you complete the PE Review Course and do not pass the PE Exam, you may retake the course

again the following year at no additional charge.

**Price & Enrollment Information**

$950.00 Contact Denise Engebrecht at (208) 364-6123 or denisee@uidaho.edu to register.

**Examinations and Licensure**

**NCEES PE Examination Changes**

Beginning in 2022, the PE Civil exam will be [computer-based](https://ncees.org/exams/cbt/) this link will give you the conversion to CBT dates of all exams and tell you which are administered year-round at NCEES-approved [Pearson VUE test centers](https://ncees.org/exams/test-center-locations/). For the current examination schedule see <https://ncees.org/exams/schedule/>.

**New Idaho Professional Engineers and Land Surveyors Licensed by Examination**

(April 1 through September 30 of 2021)

**Enforcement**

**Disciplinary Actions**

The following is a summary of a final action taken by the Board since the publication of the last news bulletin.

In the matter of Matthew Gotham, PLS, an investigation found that Gotham had several deficiencies in a survey in Teton County. Gotham, in a stipulation and consent order accepted by the Board, admitted that there was sufficient evidence such that the Board could find that he had violated the laws and rules governing the practice of land surveying in the state of Idaho: (a) Failing to affix the seal, signature and date on a final land survey, (b) Failing to properly mark monuments set by him in accordance with Idaho Code 54-1227 and such that measurements between monuments could be made to the nearest one-tenth (0.1) foot (Idaho Code 50-1303), (c) Failing to file with the Teton County recorder the survey within 90 days of completing the survey as required due to his setting the monuments at the corners of record which were not previously monumented (Idaho Code 55-1904(3)) and (d) Failing to notify the adjoining landowners, other licensees and the Board prior to setting the monuments at locations that represent a material discrepancy with an existing monument at corners of record, despite rejecting five (5) existing monuments and setting new monuments (IDAPA 24.32.01.100.06) and (e) Failing to set monuments at all field located corners (Idaho Code 54-1227). The order included a formal reprimand, fine and prosecution fees.

**Case Dismissed by the Board**

A matter was brought before the Board wherein a Land Surveyor had given written notice to a land owner regarding doing survey work on his property and the land owner had denied the request. The surveyor then approached the property from the adjacent property and completed the work on the property line between the two properties. The land owner filed a complaint with the Board. The Board reviewed the complaint and found no violation of Idaho Code 54-1230 and dismissed the matter.

**IN MEMORY OF THOSE RECENTLY DECEASED**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Richard A | Jobes | P-1600 (CE/SE) | Boise | ID | 4/2/21 |
| Jerald w | Kunkel | P-15602 (CE) | Arlington | TX | 3/11/21 |
| V Eugene | Cameron | L-708 | Coeur d'Alene | ID | 2/7/21 |
| Dale M | Teel | P-1844 (ME) | Idaho Falls | ID | 11/5/20 |
| Robert G | Beierle | P-4831 (ME), E-2180 | Avon | IN | 6/17/21 |
| Rodney V | Oathout | P-8708 (ME) | Parkville | MO | 6/11/21 |
| Kent D | McCarthy | E-3119 | Boise | ID | 7/24/21 |
| Robert A  | Nelson | L-752 | Meridian | ID | 12/2/16 |
| Timothy Aaron | Burgess | P-4912 (CE), E-1559 | Meridian | ID | 8/25/21 |
| James F  | Benthin | L-871 (LS) | Spokane | WA | 8/4/18 |
| Shirley Sue  | Atteberry | L-1017 (LS) | Cambridge | ID | 10/31/17 |
| Robert Paul | Jones | P-843 (CE) | Boise | ID | 9/11/21 |
| Robert Franklin | Wall III | P-7788 (EE) | Walla Walla | WA | 12/12/19 |
| Craig Norman | Hartman | P-17567 (EE) | South Jordan | UT | 12/20/20 |
| Ronald James | Santi | PL-1918 (CE/LS) E-358 | Meridian | ID | 10/8/21 |
| Allen R | Johnson | L-1029 | Nampa | ID | 10/1/21 |

**CALENDAR OF UPCOMING EVENTS**

February 14-15, 2022 Board Meeting in Moscow, Idaho

February 24, 2022 Deadline for Registering with NCEES for April PE Exams

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

April 22-23, 2022 PE/SE Examinations in Boise, Idaho

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

June 9-10, 2022 Board & ISPE Meeting in Boise, Idaho

July 28-29, 2022 Board Retreat in Riggins, Idaho

August 23-26, 2022 NCEES Annual Meeting in Carlsbad, CA

August 26, 2022 Deadline for Registering with NCEES for October PE Exams

September 15-16, 2022 Board Meeting in Meridian, Idaho

October 21-22, 2022 PE/SE Examinations in Boise, Idaho

November 17-18, 2022 Board Meeting with University Deans in Meridian, Idaho

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