

Idaho Board of Licensure of Professional Engineers And Professional Land Surveyors

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BOARD STAFF

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

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NEWS BULLETIN

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INTRODUCTION

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.

FORMER BOARD MEMBER SHERWIN M. "SAM" BARTON PASSES AWAY

Former Board Member Sherwin M. "Sam" Barton, P.E./L.S. passed away on December 12, 2012. In 1938 Sam graduated from the University of Idaho with a B.S. in Mining Engineering. He served in the U.S. Navy and the Navy Reserve in many positions and locations during and after World War II. He was a principal in the firm of Barton, Stoddard, Milhollin and Higgins in Boise which later became International Engineering Company of San Francisco, a subsidiary of Morrison Knudson Company. He served in many public service positions including Secretary of the Board of Engineering Examiners and a Board Member from 1962 to 1977. Our condolences go out to his wife Marien and the rest of his family.

FORMER BOARD MEMBER ROGER R. BISSELL, P.E. PASSES AWAY

Former Board Member Roger R. Bissell, P.E. passed away on January 13, 2013. Roger graduated from the University of Idaho in 1963 with a degree in mechanical engineering and went on to get a Master's Degree from Oregon State University. He was employed by CH2M-Hill Engineers for his entire professional career, retiring in 2005. During that career he was a team leader for many innovative projects including hydroelectric, nuclear and geothermal power projects, and most recently he was instrumental in the design of a state-of-the-art water treatment system for the Republic of Singapore. He was active in his church, the community, and professional societies and was on the University of Idaho Engineering Advisory Board. Roger served on the Board from 1987 to 1997. Our condolences go to his wife Carol, his son Kevin Bissell, P.E., and his daughter Crystal.

A GOOD-BYE FROM RETIRING EXECUTIVE DIRECTOR DAVE CURTIS

For the past nearly twenty-six years I have had the privilege and honor of serving the Idaho Board of Professional Engineers and Professional Land Surveyors as their Executive Director. I will be retiring on June 1. The statutory function of the Board is to protect the public, and I believe that collectively, over the years, the Board has kept that mission paramount in their thoughts and actions. The opportunity to be of service to, and interact with, the professional engineers and professional land surveyors licensed by the Board has been a true labor of love for me. You may have heard "If you love your job you never have to go to work", and that has certainly been the case in my situation. My thanks go out to the current and past Board Members and staff, as well as the license and certificate holders, for the opportunity to be of service.

BOARD HIRES EXECUTIVE DIRECTOR

The Board has hired Keith A. Simila, P.E. as Executive Director beginning June 1, 2013. Keith graduated with degrees in Civil as well as Forest Engineering from Oregon State University and passed both the Fundamentals of Engineering and the Fundamentals of Surveying examinations in Oregon and later became licensed as a professional engineer in Idaho. He went to work for the United States Forest Service (USFS) upon graduation and served in various positions in Boise, Salmon and Priest River, Idaho, Washington DC, Missoula Montana and Juneau, Alaska. He also received a Master of Administrative Management from the Regent University School of Business in Virginia Beach, Virginia. He is retiring as the Regional Director of Engineering with the USFS Intermountain Region in Ogden, Utah and will be living in Boise. Please welcome Keith as the Board's new Executive Director.

BOARD TO HOST OPEN HOUSE FOR CURTIS AND SIMILA

The Board will host an open house at the Board office at 1510 E. Watertower Street, Suite 110, Meridian Idaho on Friday, May 31, 2013 from 1:30 p.m. to 5:00 p.m. to wish Dave Curtis well in his retirement and to welcome Keith Simila to the position of Executive Director. Please stop by to say good-bye to Dave and get to know Keith.

NCEES SURVEYING EDUCATION STANDARD PROPOSED FOR ADOPTION

In 2007 the Idaho Board adopted a set of prescriptive courses which it considered to be a minimum required "core surveying curriculum" for applicants who had graduated from a non-surveying program. The standard included 27 semester hour credits in subjects ranging from public land surveying to office practice and business law. Recently that National Council of Examiners for Engineering and Surveying (NCEES) adopted a Surveying Education Standard which they use to evaluate the equivalency non-ABET accredited programs. The Idaho Board would like to adopt the same standard as used by NCEES in order that its evaluation will be the same as other licensing bodies in the country. NCEES has also adopted an Engineering Education Standard which the Board recently adopted into Administrative Rule, and the Board will begin the Administrative Rule promulgation process to similarly adopt the NCEES Surveying Education Standard. Watch the Board home page at <http://www.ipels.idaho.gov> for a link to the announcements.

BOARD TO CONSIDER CHANGES TO RULES OF PROFESSIONAL RESPONSIBILITY TO CLARIFY POTENTIAL CONFLICT OF INTEREST ISSUES

A recent situation involving a professional engineer who was also an elected local official cause the Board to take a closer look at the Rules of Professional Responsibility that relate to conflict of interest. The issue focused on the use of the undefined term "principal" in the rules. No action was taken by the Board in relation to the issue, but the Board will begin the Administrative Rules promulgation process to clarify the intent of the rule. Watch the Board home page at <http://www.ipels.idaho.gov> for a link to the announcements.

BOARD APPROVES CPD HOURS FOR CFeds CONTINUING EDUCATION REQUIREMENTS

The Board previously approved study and examinations to obtain "Certified Federal Surveyor" status (CFedS) for continuing professional development credits. Upon attaining that certification, individuals are required to obtain continuing education in order to maintain that status. The Board voted to authorize professional development hours on an hour-for-hour basis per the CFedS estimate of time to complete as a "workshop", not "documented self-study".

BOARD CONSIDERS FEE INCREASES

In the course of beginning the development of the Board budget for Fiscal Year 2015, the Board is considering the need to increase fees in order to remain fiscally sound. The last time most fees were increased was 1998. Over the past several years the Board's "Free Fund Cash Balance", or funds unexpended at the end of the year have declined to the point that a major unanticipated event such as a protracted disciplinary action could jeopardize the ability of the Board to meet its financial obligations. A continuation of the decreasing trend in the Free Fund Cash Balance is unsustainable. Between 2013 and 1998, the last general increase, the Consumer

Price Index has risen approximately 43%, but through cost-saving measures and frugal fiscal management the Board was able to avoid the need for a general fee increase. However, over time, the need for additional revenue to offset rising costs has become a reality. Tentatively the Board is considering an increase in renewal fees for professional engineers and professional land surveyors of \$10 per year, an increase of \$22 per year for business entity Certificates of Authorization, an increase of \$10 for application to the professional engineer or professional surveyor examination, and an increase of \$10 for application for a business entity certificate of authorization. In addition the Board is considering an increase of \$25 for a professional engineer or professional land surveyor license application by comity if the applicant has an NCEES Council Record and an increase of \$30 for a professional engineer or professional land surveyor license application by comity if the applicant does not have an NCEES Council Record. The Board welcomes comments on the fee increases that are being considered.

DISCIPLINARY ACTIONS

The following final formal actions have been taken by the Board since publication of NEWS BULLETIN No. 50 in November of 2012.

Docket No. FY 13.07 – IN THE MATTER OF CHANDER P. NANGIA, P.E. Mr. Chander agreed that the disciplinary actions taken by other State’ engineering boards (or their equivalent engineering license regulating/governing agencies), and failure to disclose said actions on the renewal application to the Idaho Board, is considered sufficient cause for the denial suspension or revocation of Chander’s license to practice as a professional engineer in the state of Idaho pursuant to IDAPA 10.01.02.010.03, actions by other jurisdictions. Specifically, Chander admitted that he is/was being investigated by and/or disciplined in and/or surrendered his professional engineering license in other states. Mr. Nangia voluntarily surrendered his license to practice as a professional engineer in Idaho.

Docket No. FY 13.08 – IN THE MATTER OF JASON SEAVERSON, P.E. Mr. Seaverson agreed that the disciplinary action taken by the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design (AELSLAGID), and failure to disclose said action on the renewal application to the Idaho Board, is considered sufficient cause for the denial, suspension or revocation of Respondent’s license to practice as a professional engineer in the state of Idaho pursuant to IDAPA 10.01.02.010.03, actions by other jurisdictions. Specifically, Seaverson admitted that he allowed his Minnesota Professional Engineer license to expire for the time period of June 30, 2010, through September 19, 2011, and during that time period, he held himself out as a Professional Engineer and practiced professional engineering by preparing, signing and certifying the Structural Analysis Report for a 300-foot FWT Self-Supported Tower located in Wanamingo, Minnesota. He was reprimanded by the Minnesota Board for said conduct and a civil penalty in the amount of \$1,500.00 was imposed. Mr. Seaverson voluntarily surrendered his license to practice as a professional engineer in Idaho.

Docket No. FY 13.09 – IN THE MATTER OF DENNIS S. NELSON, P.E. Mr. Nelson agreed that the revocation of his professional engineering license by the State of Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects (“Missouri Board”), is considered sufficient cause for the denial, suspension or revocation of his license to practice as a professional engineer in the State of Idaho pursuant to IDAPA 10.01.02.010.03, actions by other jurisdictions. Specifically, Nelson admitted that he was previously licensed with the Missouri Board as a professional engineer. In August of 2012 the Executive Director for the Missouri Board executed an Order *In the Matter of Dennis Stanley Nelson*. The Missouri Board concluded that Nelson failed to comply with several requirements of previously issued Orders from the Missouri Board including, but not limited to failing to complete the required number of professional development hours (PDHs) within the appropriate time frame, in violation of Missouri Administrative Rule; failing to respond to a request for evidence of compliance with the Board requirement of completing PDHs to the Missouri Board which was in violation of Missouri Administrative Rule; and failing to maintain a current and active professional engineering license which was in violation of several previously issued lawful orders by

the Missouri Board. Nelson admitted that the facts and violation specified could be found to be sufficient grounds for the remedies agreed to and that proof at hearing of any one or more of the allegations set forth would empower the Board to take disciplinary action against his license. Nelson's license to practice as a professional engineer in Idaho was revoked, but he may apply for it to be reissued pursuant to Idaho Code Section 54-1221, and further he shall not be allowed to apply for reissuance until the Missouri revocation has been resolved and the license reinstated, and there are no jurisdictions where his professional engineering license has been and is currently revoked or suspended.

BOARD EXPRESSES OPINION ON CORNER RECORDS AND THE RECORD OF SURVEY LAW

In response to an inquiry, the Board reviewed part of the language of Idaho Code Section 55-1906(2) relating to Records of Survey and corner records. The statute says "The records of survey shall show: (2) Evidence of compliance with chapter 16, title 55, Idaho Code, including instrument numbers of any corner records which have been recorded previously and corner records of any corners which are set in conjunction with the surveying being submitted; . . ." The question was whether the word "any" in that statute required that the instrument numbers of **ALL** previous corner records be included, or only the instrument number of the **MOST RECENT** corner record be included. The Board discussed how successively filed corner records can show the history of a corner and the monuments occupying the position of the corner and how the most recent corner record alone may not tell the whole story. On advice of counsel, the Board expressed an opinion that "any" in the statute means the same as "all"; hence the instrument number of **all** previous corner records must be shown on records of survey. Licensees and stakeholders are invited to submit information on why all previous corner records should not be listed or why an amendment to the statute should be considered.

BOARD HAS REQUIRED SUBMITTAL OF CPD LOG WITH RENEWALS SINCE JANUARY

Beginning in January of 2013 the Board began requiring all professional engineer and professional land surveyor licensees to submit the log of their continuing professional development activities during the past biennium when they renew their licenses. Those renewing for the first time will be exempt, as provided in the rules. The Auditing experience has shown that many licensees do not prepare a log and the required documentation of continuing professional development until they are notified of the audit. By requiring submittal of a log with the renewal, all licensees will have the opportunity to keep their records current. If an individual is selected for an audit they will still be required to submit documentation of the activities. The Board is currently auditing five percent of the renewals monthly as well as anyone renewing three or more months after expiration and anyone against whom a complaint is filed.

IN MEMORY OF THOSE RECENTLY DECEASED

- Sherwin M. "Sam" Barton, MinE/LS 662, Boise, Idaho
- Roger R. Bissell, ME 1875, Boise, Idaho
- Joseph W. Felts, ME 1324, Boise, Idaho
- Thomas D. Hazzard, ME 13714, Marietta, Georgia
- Jay Keith Ormond, CE 1181, Idaho Falls, Idaho
- Merril D. Schumway, EE 7366, Sandy, Utah
- Gary Stenlund, ME 8074, Tampa, Florida