



# Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors

Spring/Summer 2016 - NEWS BULLETIN 57th EDITION

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David K. Bennion, P.E., Vice Chair, Boise  
Glenn Bennett, P.L.S., Secretary, Boise  
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Dusty Obermayer, P.L.S., Member, Coeur d' Alene  
John Elle, P.E., P.L.S., Member, Pocatello

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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.

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



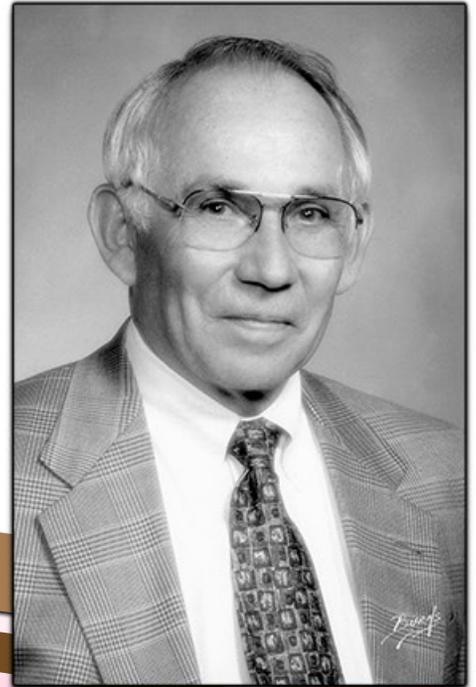
## Board Member Highlights

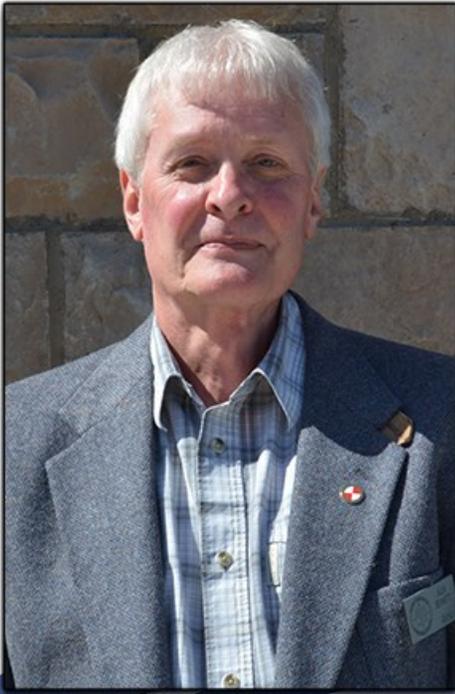
Board Elects George Murgel, Ph.D. P.E. as Chairman for the next year. The Board elected a new chairman to succeed John Elle after his term expired in May. George Murgel will serve as chairman for one year.



## Board Member Highlights

Board Elects David Bennion P.E. as Vice Chairman. The Board elected a new vice chairman to succeed George Murgel after George's term expired in May. David will serve as vice chairman one year.





## Board Member Highlights

Board Elects Glenn Bennett P.L.S. as Secretary. The Board elected a new secretary to succeed David Bennion after David's term expired in May. Glenn will serve as secretary for one year.





*Keith Simola*

## Highlights From The Executive Director

We had some success with the legislature this year. Laws passed that define “retired status” and a new provision for faculty licensure was added. We missed on getting a law to address electronic submittals of plats and records of survey and our desire for a civil penalty for unlicensed practice. Additional work with the Idaho Association of Counties to address electronic submittals is needed but it will take more time before we will revisit this issue. New law and rule changes mean we are adding a new process for faculty licensure to our website.

Online features for renewing Certificates of Authority for business entities is finally up and running so now all renewals and address updates can be done online. One feature to note when you renew online is the “record status” field. If there is anything in that field, it means you may be practicing on an expired license, which is a violation and may subject you to disciplinary action! It also means you no longer are receiving renewal notices. You can check this field by looking up your license on our website. The record status indicates there is something missing that we requested such as a continuing professional development (CPD) log or a sample of your seal (for first time licensees).

There were many comments from the last news bulletin about easement monumentation. The Board addressed a clarification in this edition under Board Decisions and on our website. The Idaho Society of Professional Land Surveyors has a legislative committee that is working with the Board on updates to the Record of Survey and Corner Filing and Perpetuation laws. Some of those potential changes are deferred until 2018 or later to give more time for comments.  
(Continued)

## Highlights From The Executive Director (Continued)

A rule change adopted in the last legislative session should simplify the tracking and record keeping of CPC (we call this CPD). A new option was added that allows licensees to track their CPD requirements one of two ways. You can comply with Idaho's CPD standard, or you can comply with the NCEES model CPC standard. This is done to make it easier for those of you with licenses in multiple states. Currently each state has different CPD standards. NCEES is recommending that each state give licensees the option of complying with one national standard. This is to lessen the complexity of keeping track of every state's requirements. Of course, this only works if states do what Idaho has done which is to give licensees the option to comply with either the national standard or their state standard.

The hope is as more states adopt this approach, licensees will find it easier to comply. The national standard has 15 professional development hours (PDHs) per year, 1 PDH must be in ethics, and is based on a calendar year. Idaho has 30 PDHs every two years, no ethics courses required and can be tracked on the basis of either your license renewal month or month ending in December for every 2-year renewal period. Using the new NCEES national CPC registry should make keeping track of your CPD documentation even easier.



## NCEES Offers New Features

The National Council of Examiners for Engineering and Surveying (NCEES) has an updated website with some exciting new features such as:

- Better guide for engineers and surveyors on their paths to licensure
- More comprehensive listing of differing state requirements
- New MyNCEES Profile
- Changed education credential evaluation services
- Free continuing professional competency (CPC) tracking for everyone (keep your CPC log and other documents in the cloud)

The MyNCEES Profile is a **free service** that allows candidates to document and verify the requirements for licensure as they complete the licensure path, rather than waiting until they apply for their first license. A completed MyNCEES Profile will contain all of the primary elements required for initial and comity licensure:

- Verified license and exam information
- Documented and verified work experience
- Verified academic transcripts
- Education evaluation when appropriate
- Up-to-date references and enforcement information

Anyone with a completed MyNCEES Profile can establish an NCEES Record by requesting a final review/transmittal of their profile and paying a review/transmittal fee. **Applicants will no longer pay an application fee to join or pay ongoing renewal fees.** Boards will be able to use the new Record for initial licensure as well as comity licensure. An NCEES Record used for initial licensure will feature the same verified information as when used for comity licensure—with the exception of verified licenses.

## NCEES Offers New Features (Continued)

Credential Evaluations: Applicants will be informed much earlier in the process that their education needs to be evaluated. The application fee has been reduced from \$400 to \$350. Once an evaluation is complete, all boards have access to it without charging applicants a separate transmittal fee. Many applicants with foreign degrees or non-EAC/ABET accredited engineering or related science degrees may require a credential evaluation.



CPC Registry Goals: Lessen administrative CPC burdens for licensees in multiple jurisdictions; Easily track/organize CPC hours online; Easily compare current course log with each board's CPC requirements; Upload and store documentation (certificates, learning objectives, etc.); and no fee, every licensee is eligible.



## Board Clarifies Opinion On Easement Monumentation

In the fall/winter edition of the Board's News Bulletin No. 56, a licensee asked the question, "do easements and lease areas require monuments?" On page 6 of the bulletin, the answer was given as "yes, the boundaries of easements and lease areas for cell towers need to be monumented and a Record of Survey filed with the County.

**Easements require monumentation as well."** (Emphasis added).

The Board received many calls and e-mails questioning the reasoning behind this last sentence, especially regarding easements in platted subdivisions where monuments at all easement corners would be confusing to the lot owners and the general public.

It was not the intention of the Board to imply that easements in subdivisions which are parallel to and adjoining lot lines or street right of ways need to be monumented. The Board considers the lot corner and street right-of-way monuments to be sufficient witness monumentation to define the lines of such easements. In addition, the Board is of the opinion that other simple easements shown on a subdivision plat which have sufficient ties to lot and street monumentation to allow a surveyor to calculate the location of those easements do not need additional monumentation. If a multi-course easement which cuts through a lot or common area is to be placed on a subdivision plat, such as for a private access road or a power line, the surveyor should provide monumentation for the easement so that owners of the lot affected by the easement and owners of the easement can see the location on the ground.

Easements and lease areas for cell towers, conservation easements, drain field easements, road easements, power line/pipe line easements, etc., that are to be field located, which are not within platted subdivisions and are not described as being monumented by the road or utility need to be monumented and a Record of Survey filed with the County.

It is impossible for the Board to imagine every possible scenario but the key is if the easement is field located and not already monumented, either artificially with a magnetically detectable iron or steel rod compliant with Idaho Code 54-1227, or naturally with a constructed feature such as an existing road or some other physical feature, it must be monumented.





## Ada County Highway District Questions

### Questions 1 through 6:

The Ada County Highway District requests clarification from the Board regarding several items of professional surveying practice. Depending on the outcome, these items may significantly affect how we spend the taxpayer's money to accomplish our mission.

Our first set of questions is with respect to the Board decision outlined in the November 2015 newsletter:

**Question 1.** *With respect to **Idaho Code 54-1227**, how does the board interpret "preliminary in nature? In looking at other sections referenced specific to this section, we can't find any clear definition of the term "preliminary in nature." It would be helpful to list those items that are considered "preliminary in nature": In our opinion, these should include temporary construction easements, location of privately owned objects potentially encroaching in the right-of-way, and location of new public assets (e.g. stormwater pipe and inlets) to assure no encroachment on private property, to name a few.*

**Answer:** It would be virtually impossible to list every item or instance of what might be considered "preliminary in nature" so we try to define the term preliminary when forming an opinion on this question. Black's Law Dictionary defines preliminary as "Introductory; initiatory; preceding; temporary and provisional". Webster's New World Dictionary defines it as "coming before or leading up to the main action, discussion, business, etc.; introductory, prefatory, preparatory. A preliminary step, procedure." Based on those definitions temporary easements or items such as demonstration staking for property appraisal and negotiation preparatory to acquisition of permanent easements and/or right-of-way would certainly be considered "preliminary in nature" as would other procedures that could be described by those terms and would not require the setting of corner monumentation.



## Ada County Highway District Questions (Continued)

**Question 2.** *With respect to Idaho Code 54-1202, for determining ACHD's project and maintenance needs, if a surveyor establishes a right of way boundary, is he or she required to monument any corners in which a monument(s) could not be located per previous record or plat information? Does it then become the responsibility of the surveyor to record the reestablished information based on existing data? Could a Corner Perpetuation and Filing (CP&F) be used, or would a Record of Survey be required? As an example, we oftentimes are asked by our Maintenance staff to determine if a tree encroaches in the right of way or not. Does the establishment of right-of-way for this and other similar purposes constitute "professional land surveying?" We would hope this type of boundary location does not require a formal record of survey or setting of pins.*

**Answer:** In order to answer this question adequately, more than **54-1202** would need to be considered. Additional portions of relevant Idaho Code are shown below.

### Title 54, Chapter 12 – Engineers and Surveyors 54-1202 - Definitions

**(11) (a)** "Professional land surveying" and "practice of professional land surveying" mean responsible charge of authoritative land surveying services using sciences such as mathematics, geodesy and photogrammetry and involving:

- (i)** The making of geometric measurements and gathering related information pertaining to the physical or legal features of the earth, improvement on the earth, and the space above, on or below the earth; and
- (ii)** Providing, utilizing or developing the same into survey products such as graphics, data, maps, plans, reports, descriptions or projects. Professional services include acts of consultation, investigation, testimony, planning, mapping, assembling and interpreting and gathering measurements and information related to any one (1) or more of the following:

**3.** Locating, relocating, establishing, reestablishing or retracing property lines or boundaries of any tract of land, road, right-of-way, easement or real property lease; (Continued)



## Ada County Highway District Questions (Continued)

6. Determining by the use of principles of surveying, the position for any boundary or non-boundary survey monument or reference point or for establishing or replacing any such monument or reference point;

**54-1227. Surveys – Authority and Duties of Professional Land Surveyors and Professional Engineers** Every licensed professional land surveyor is hereby authorized to make land surveys and it shall be the duty of each licensed professional land surveyor, whenever making any professional boundary land survey as defined in section **54-1202, Idaho Code**, that is not preliminary in nature, to set permanent and reliable magnetically detectable monuments at all unmonumented corners field located, the minimum size of which shall be one-half (1/2) inch in least dimension and two (2) feet long iron or steel rod unless special circumstances preclude use of such monument; and such monuments must be permanently marked with the license number of the professional land surveyor responsible for placing the monument. Professional engineers qualified and duly licensed pursuant to this chapter may also perform those nonboundary surveys necessary and incidental to the work customarily performed by them.

### **Title 55, Chapter 19 – Recording of Surveys**

**55-1901.** Purpose. The purpose of this chapter is to provide a method for preserving evidence of land surveys by providing for a public record of surveys. The provisions shall be deemed supplementary to existing laws relating to surveys, subdivisions, platting and boundaries.

### **55-1904. Records of Survey – When Filing Required**

After making a land survey in conformity with established principles of land surveying, a surveyor shall file a record of survey with the county recorder in the county or counties wherein the lands surveyed are situated. A record of survey shall be filed within ninety (90) days after completing any survey which:

- (1) Discloses a material discrepancy with previous surveys of record;
- (2) Establishes boundary lines and/or corners not previously existing or of record;
- (3) Results in the setting of monuments at corners of record which were not previously monumented; or (Continued)

## Ada County Highway District Questions (Continued)

(4) Produces evidence or information which varies from, or is not contained in, surveys of record relating to the public land survey, lost public land corners or obliterated land survey corners; or

(5) Results in the setting of monuments that conform to the requirements of section **54-1227, Idaho Code**, at the corners of an easement or lease area.

### **IDAPA 10.01.02.005. Responsibility to the public**

**01. Primary Obligation.** All Licensees and Certificate Holders shall 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.

**Answer:** Based on the definition of professional land surveying and practice of professional and surveying in **54-1202**, if a surveyor makes geometric measurements and gathers related information pertaining to the physical or legal features of the earth and provides, utilizes or develops those measurements into survey products such as maps or reports for use in an investigation, consultation or mapping; and assembles and interprets information related to locating, relocating, establishing, reestablishing or retracing property lines or boundaries of any tract of land, road or right-of-way or determining by the use of the principles of surveying the position for any boundary survey monument or reference point or for establishing or replacing any such monument, then they are practicing professional land surveying and have performed a professional land survey.

**54-1227** states that it shall be the duty of each licensed professional land surveyor, whenever making a professional boundary land survey as defined in **54-1202**, that is not preliminary in nature, to set monuments at all unmonumented corners field located. If the right-of-way/boundary is not preliminary or temporary (exists through deed, prescription or the platting process) and a land survey has been performed in order to establish on the ground where that boundary is (field located) then the surveyor must set monuments at unmonumented corners that establish the boundary along that portion in which the encroachment is in question. This would not mean every property corner along that line, only the ones that define the right-of-way, i.e. angle point, PC, PT, block corner, etc.

(Continued)

## Ada County Highway District Questions (Continued)

**55-1904** states that after making a land survey, the surveyor shall file a record of the survey with the county Recorder which results in the setting of monuments at corners which were not previously monumented. So, if a land survey is done and corners of record that were not previously monumented are field located, then monuments must be set and a record of survey filed. If a land survey is done and corners of record are found to be missing, they must be reset but a record of survey may not be necessary. However, we ask the license holder to keep in mind the purpose of recording of surveys as stated in **55-1901** which is to provide a method for preserving evidence of land surveys. In other words, if someone goes through the effort and expense of performing land surveys to determine boundaries or right-of-ways they should take the steps necessary to preserve the evidence of that survey, i.e. setting monuments and recording of surveys as necessary. This also aligns with **IDAPA 10.01.02.005** and the Licensee and Certificate Holders primary obligation to protect the safety, health and welfare of the public.

As to whether or not a CP&F record would suffice in lieu of a Record of Survey would be dependent on the following portions of Idaho Code.

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

**(5)** "Corner," unless otherwise defined, means a property corner, or a property controlling corner, or a public land survey corner, or any combination of these.

**(9)** "Property controlling corner" for a property means a public land survey corner, property corner, reference point or witness corner that controls the location of one (1) or more of the property corners of the property in question.

(Continued)





## Ada County Highway District Questions (Continued)

(11) "Public land survey corner" means 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 Interior, Bureau of Land Management**.

### 55-1604. Filing requirements

A professional land surveyor shall complete, sign, and file with the county clerk and recorder of the county where the corner is situated, a written record of the establishment or restoration of a corner. This record shall be known as a "corner record" and such a filing shall be made for every public land survey corner and accessory to such corner which is established, reestablished, monumented, remonumented, restored, rehabilitated, perpetuated or used as control in any survey. The survey information shall be filed within ninety (90) days after the survey is completed, unless the corner and its accessories are substantially as described in an existing corner record filed in accordance with the provisions of this chapter.

Based on this, in some cases a CP&F record could suffice in lieu of a Record of Survey. For example, if one or more public land survey corners are established, reestablished, monumented, remonumented, restored, rehabilitated, perpetuated or used as control in any survey, and no other corner monuments are established, reestablished, monumented, remonumented, restored, rehabilitated or perpetuated, then a CP&F record would suffice. Or, if a property corner or property controlling corner monument existed prior to a project and needed to be replaced, a CP&F record might suffice as well. These would most likely be one-sixteenth corner and/or roadway intersection corner monuments impacted by a roadway rehabilitation project in which monuments are destroyed or damaged by rotomilling or a full pavement restoration process where right-of-way was not an issue.





## Ada County Highway District Questions (Continued)

**Question 3.** Does the development and acquisition of permanent easements require establishment of survey monuments on the boundary? If yes, this could be misinterpreted information for individuals looking to establish lot lines for private development: for example, a person may use a permanent easement monument to establish and place a fence line. Would this benefit the public's interest? One of our most common easements is a slope easement along the edge of our right of way. It would be our hope that these types of easements would be exempt.

**Answer:** I believe the answer to this question is contained in the March 10, 2016 clarification opinion available on the Board website and shown above.

**Question 4.** Similarly, does the development and acquisition of temporary easements require establishment of survey monuments on the boundary? We don't think this is the intent of the board clarification posted in the November 2015 newsletter, and don't see value in developing these needs, as they are temporary uses and the rights extinguish upon completion of the identified temporary need.

**Answer:** No. Refer to the answer to Question No. 1 above.





## Ada County Highway District Questions (Continued)

The following are questions with respect to monuments disturbed by construction activities:

**Question 5.** With respect to **Idaho Code 55-1613**, if an existing monument is identified through the survey process, the engineer is required to identify said monument on the proposed improvement plans. Regarding monuments that are not a PLSS corner, centerline geometry monuments (PC, PT, PI), benchmarks or governmental control monuments (for example, a pin marking the property corner of a property at the intersection of the old/former right-of-way boundary, identified prior to right-of-way acquisition) can the surveyor identify the location on the record of survey by reference, or is he or she required to physically reestablish that monument in its original location? For our purposes, we would prefer to identify those monuments that are not on the section line/control line of the road, in the record of survey by a station and offset from the section/control line. We do not see the benefit of physically resetting those monuments, as they would commonly fall within our travel lanes, curb and gutter, or sidewalk areas. If the location is properly identified on our record of survey, it can be perpetuated if ever needed in the future.

**Answer:** Using your example of an existing pin marking the corner of a property at the intersection of the old right-of-way and property line that will be destroyed during the construction of a roadway or other project and acquisition of new right-of-way has occurred, it is not necessary to reset that particular monument at the same position. Documenting its position by a method on the record of survey that allows that position to be reproduced in the future would suffice. (Continued)





## Ada County Highway District Questions (Continued)

However, the licensee should also keep in mind **IDAPA 10.01.02.005** and their duty to protect the safety, health and welfare of the public. For example, those property owners, or their predecessor, at some point in time has paid a considerable sum for a survey to monument their corners. Why shouldn't they expect to have monuments marking the location of those positions on the new right-of-way following the project since they had monuments prior to that event? The new positions have been determined as part of the process of deed preparation and right-of-way acquisition and it would be a very simple matter to set monuments at those new positions. That is not to say that every intersecting line needs to be monumented – only those that had existing monuments prior to the acquisition and construction.

**This last item is another requested clarification based on recent discussions with the Idaho Board of Professional Engineers and Professional Land Surveyors:**

**Question 6.** With respect to **Idaho Code 55 1202 (11.a.ii.4)**, technically every time we develop a legal description to establish a project need we are “subdividing” a tract of land per said code. Do we need to establish the new boundary by monumentation for each tract/lot/parcel, or are we able to apply **Idaho Code 40 209** – Highway Right of Way Plats? **Idaho Code 40-209** clearly indicates we only need to establish the angle points along the right of way with respect to our acquisition. There is a discrepancy between **Idaho Code 55-1202** and **Idaho Code 40-209** and we are requesting clarification for the specific needs of ACHD and other public agencies. We believe that **40-209** should apply, but the new **55-1202** section creates a potential conflict and requires clarification.

**Answer:** The reason for **Idaho Code 40-209** is for this circumstance. It is not necessary to monument every intersecting property line along the right-of-way, only the points that define your acquisition of right-of-way, i.e. angle points, PC's, PT's, etc. (Continued)



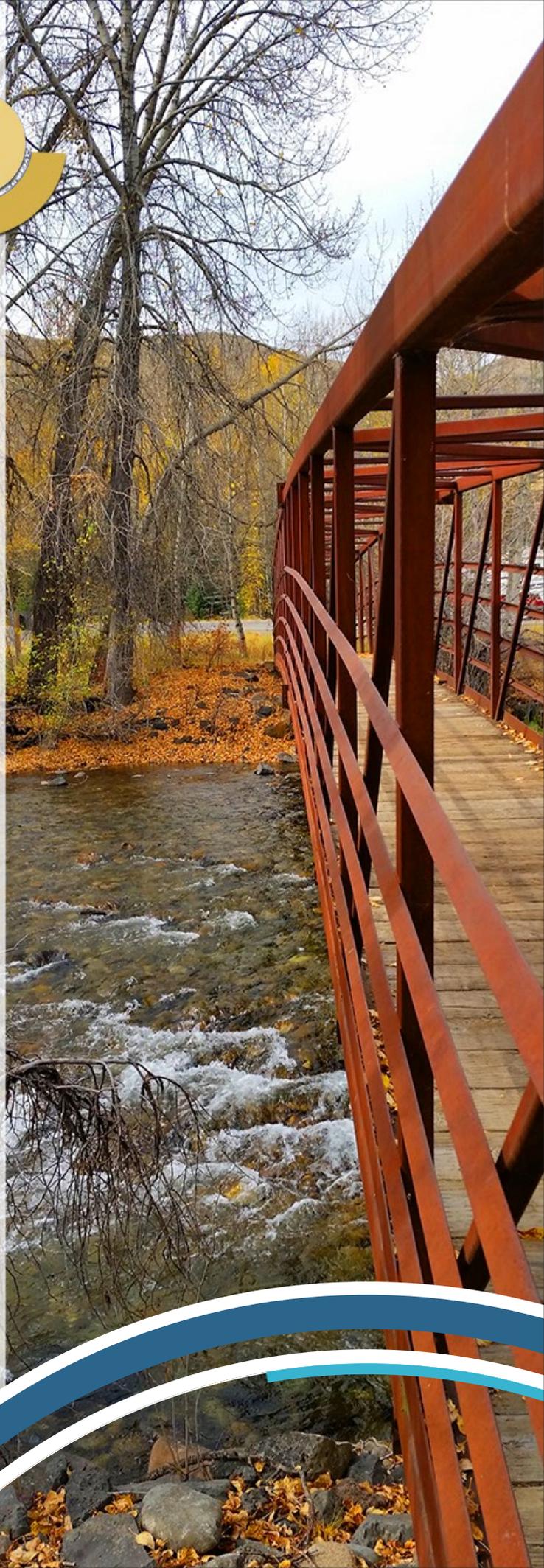
## Ada County Highway District Questions (Continued)

Think of the right-of-way as the parcel being surveyed. If a surveyor is hired to survey an individual's property, they are not obliged to also survey the adjoining properties because they abut. That would quickly create a snowball effect. However, again, we also recommend considering the Licensee's obligation to the public under **IDAPA 10.01.02.005** and monument new corner positions to replace monuments existing prior to acquisition and destruction caused by the project.

## Aerial Mapping Question 7: Relates to drones for aerial imaging and mapping

Our attorney has requested we contact you and get your opinion on a question she has. So I have a partner in another company "XYZ Imaging" which currently has FAA approval to operate small unmanned aerial vehicles (sUAS) "drones" within the continental United States. One of the services that we are capable of providing is aerial imaging and mapping. I have been speaking with another surveyor on the matter and he suggested I contact you to determine if the "mapping" portion of our company would require us to complete a Certificate of Authorization or not. Thank you for your time! Surveyor from North Idaho.

**Answer:** Dear Mr. Surveyor: I am the attorney for the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors (Board). The Board took up the question you posed in your email of October 23, 2015, at its last Board meeting. You have asked whether a company that uses drones for aerial imaging and mapping would be required to obtain a certificate of authorization. (Continued)





## Aerial Imaging and Mapping Question (Continued)

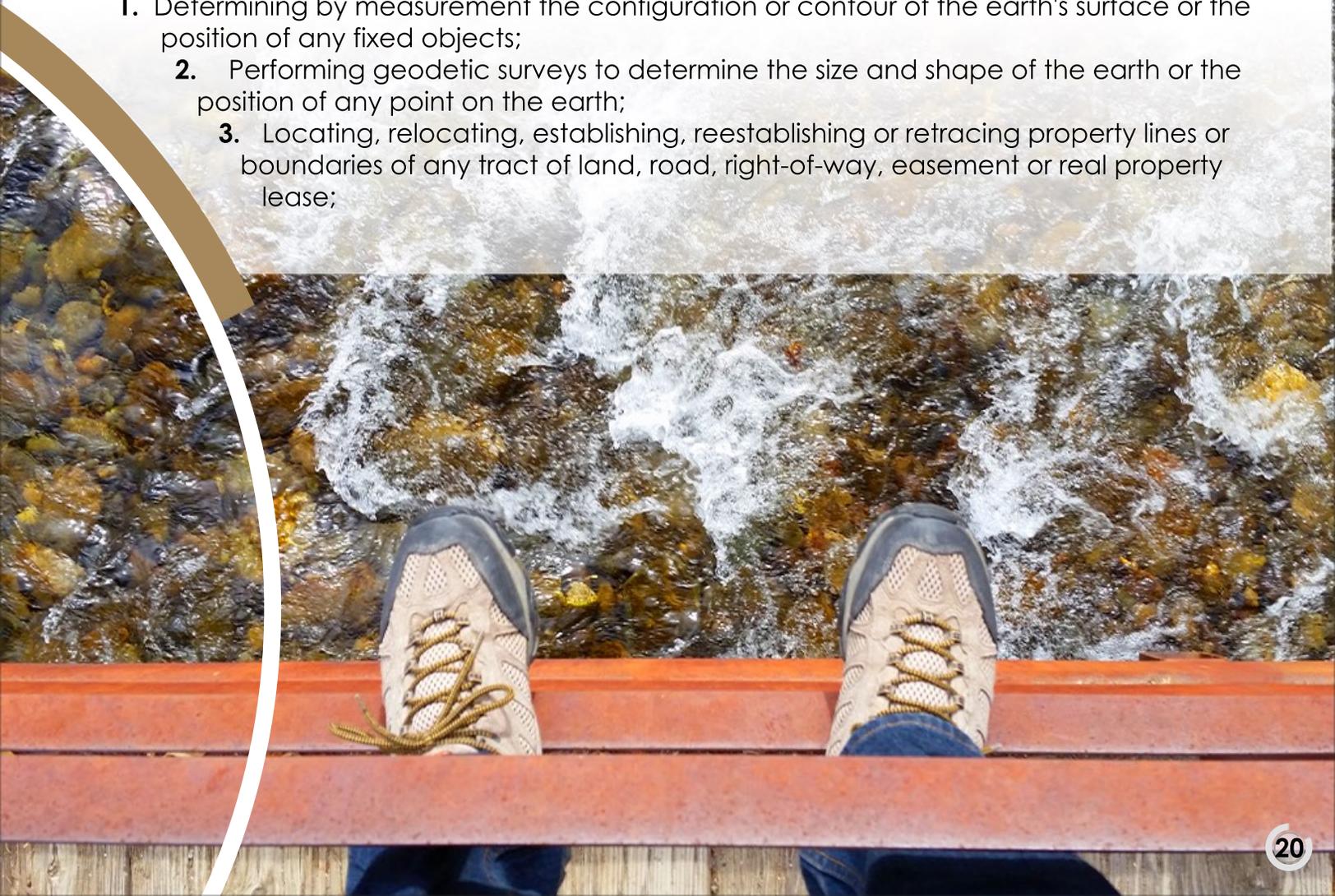
The answer to your question turns on whether or not the individuals using the drones are doing so for authoritative purposes or not, and if the drones are capable of obtaining information and used for that which is defined as professional land surveying in the Idaho Code.

**Idaho Code § 54-1202(11)(a)** defines professional land surveying to include the use of mathematics, geodesy and photogrammetry involving:

**(i)** The making of geometric measurements and gathering related information pertaining to the physical or legal features of the earth, improvement on the earth, and the space above, on or below the earth; and

**(ii)** Providing, utilizing or developing the same into survey products such as graphics, data, maps, plans, reports, descriptions or projects. Professional services include acts of consultation, investigation, testimony, planning, mapping, assembling and interpreting and gathering measurements and information related to any one (1) or more of the following:

1. Determining by measurement the configuration or contour of the earth's surface or the position of any fixed objects;
2. Performing geodetic surveys to determine the size and shape of the earth or the position of any point on the earth;
3. Locating, relocating, establishing, reestablishing or retracing property lines or boundaries of any tract of land, road, right-of-way, easement or real property lease;





## Aerial Imaging and Mapping Question (Continued)

4. Making any survey for a division or subdivision or a consolidation of any tracts of land;
5. Locating or laying out of alignments, positions or elevations in the field for the construction of fixed works;
6. Determining, by the use of principles of surveying, the position for any boundary or nonboundary survey monument or reference point or for establishing or replacing any such monument or reference point;
7. Certifying elevation information;
8. Preparing narrative land descriptions; or
9. Creating, preparing or modifying electronic or other data necessary for the performance of activities in subparagraphs 1 through 8 of this paragraph.

Assuming that the drones are being used for the purposes described above, the next question is whether the drones are being used for authoritative purposes. The word authoritative means “certified by a professional land surveyor in accordance with established principles of professional land surveying when used to describe products, processes, applications or data resulting from the practice of professional land surveying.” **Idaho Code § 54-1202(1).**

Conversely, the practice of professional land surveying does not include: **(i)** Mapping or geographic information system work that is for nonauthoritative boundaries and nonauthoritative elevations; **(ii)** Construction survey work that is unrelated to establishing vertical and horizontal project control; or (continued)



## Aerial Imaging and Mapping Question (Continued)

(iii) Construction staking of fixed works or the development and use of electronic models for machine-controlled construction that by design are unrelated to determining boundaries described in paragraph (a)(ii)3. of this subsection." **Idaho Code § 54-1202(11)(b).**

So, by definition, if the drones are not being used to create maps or other geographic information that is authoritative, then no certificate of authorization is required as the practice of professional land surveying is not occurring. On the other hand, if maps or other geographic information is being used for authoritative purposes, and the drones are capable of fulfilling that which is described in **subsections 1 through 9 of Idaho Code § 54-1202(11)(a)(ii)**, this would be the practice of professional land surveying and a certificate of authorization would be required. Thank you. Michael J. Kane

## SWPP Plans

**Question 8:** A P.E. from the Idaho Transportation Department asks: are Storm Water Pollution Prevention Plans (SWPPP) required to be signed and sealed by a P.E.?

As we discussed, The Idaho Transportation Department's current practice is to have all plan sheets in the final PS&E bid document sealed by a licensed engineer. We have recently been approached with the question as to whether or not Storm Water Pollution Prevention Plans (SWPPPs) are required to be sealed by an engineer.

Per **IC 54-1202(10)** it appears SWPPPs may not require an engineer's seal if they don't affect public welfare or the safety of life, health, or property. However **IC 54-1218(1)** indicates that the PS&E documents of any public works projects that affect public health or safety must be prepared by a professional engineer. My question is do SWPPPs included in the PS&E bid documents need to be sealed by an engineer? As read these two sections of code, I think the answer is yes, but I would like to request some clarification and guidance from the PE/PLS Board.

Respectfully, P. E.  
Idaho Transportation Department



## SWPP Plans (Continued)

**IC 54-1202(10)**, "Professional engineering" and "practice of professional engineering" mean any service or creative work offered to or performed for the public...wherein the public welfare or the safeguarding of life, health, or property is concerned or involved, when such service requires the application of engineering principles and data.

**IC54-1218(1)**, It shall be unlawful for this state...to engage in the construction of any public works when the public health or safety is involved unless the plans and specifications and estimates have been prepared by, and the construction reviewed by, a professional engineer.

### Answer:

The Board responded that SWPPPs that contain engineering work are required to be signed and sealed by an Idaho P.E. for all projects physically located in Idaho

## Records of Survey

**Question 9:** If a PLS writes legal descriptions to be used for a boundary line adjustment that will create new parcels or lots, but uses only record information (deeds and ROS) and does no field work, is he (or her) required to set pins and file a record of survey? I see the requirement to file a record of survey in current code "After making a land survey in conformity....." in **55-1904** and the definition of "land survey" as "measuring the field location of corners..." in **55-1902**. My personal interpretation would be that if a legal description is written using only record information and no field work, no pins are required to be set and a record of survey would not be required. However, if any field work is performed to assist in the writing of the legal description it would seem that pins do need to be set and a record of survey filed. In 2008, I asked the board to answer some questions I had concerning the sealing of legal descriptions and they responded in the June, 2008 Board News Bulletin. Some aspects of the board decision expressed in that news bulletin may be applicable to my current question.

**Professional Land Surveyor  
in North Idaho**



## Records of Survey (Continued)

**Answer:** The applicable laws are:

### **Title 54, Chapter 12 – Definitions**

**(11) (a)** "Professional land surveying" and "practice of professional land surveying" mean responsible charge of authoritative land surveying services using sciences such as mathematics, geodesy and photogrammetry and involving: **(i)** The making of geometric measurements and gathering related information pertaining to the physical or legal features of the earth, improvement on the earth, and the space above, on or below the earth; and **(ii)** Providing, utilizing or developing the same into survey products such as graphics, data, maps, plans, reports, descriptions or projects. Professional services include acts of consultation, investigation, testimony, planning, mapping, assembling and interpreting and gathering measurements and information related to any one (1) or more of the following:

#### **8. Preparing narrative land descriptions;**

Descriptions could be prepared using existing record information such as deeds, subdivision plats and/or Records of Survey if the description is based entirely on the record information and contains appropriate references to prior surveys, ad joiners, lot lines, etc. However, it depends on how the new boundary line positions were determined. If the surveyor measured from monuments existing on the ground or any other readily definable position to an existing fence or other defining feature that delineates the new boundary or boundaries, then they have made a geometric measurement and gathered information pertaining to the physical and legal features of the earth and improvement on the earth. If they then use that information and develop the same into a survey product such as a map (sketch) and/or description, then they have performed a professional boundary land survey under the definition, regardless of whether or not they have set up an instrument or done a "survey" in the traditional sense of what many consider to define a survey.

If this threshold had been reached then the surveyor must set monuments in conformity with **54-1227 Surveys – Authority and Duties of Professional Land Surveyors and Professional Engineers**. Every licensed professional land surveyor is hereby authorized to make land surveys and it shall be the duty of each licensed professional land surveyor, whenever making any professional boundary land survey as defined in section **54-1202, Idaho Code**, that is not preliminary in nature, (Continued)



## Records of Survey and Monuments (Continued)

to set permanent and reliable magnetically detectable monuments at all unmonumented corners field located, the minimum size of which shall be one-half (1/2) inch in least dimension and two (2) feet long iron or steel rod unless special circumstances preclude use of such monument; and such monuments must be permanently marked with the license number of the professional land surveyor responsible for placing the monument.

Also, having reached that threshold, then the surveyor must also file a Record of Survey in compliance with 55-1904. Records of Survey – When Filing Required. After making a land survey in conformity with established principles of land surveying, a surveyor shall file a record of survey with the county recorder in the county or counties wherein the lands surveyed are situated. A record of survey shall be filed within ninety (90) days after completing any survey which:

- (1) Discloses a material discrepancy with previous surveys of record;
  - (2) Establishes boundary lines and/or corners not previously existing or of record;
  - (3) Results in the setting of monuments at corners of record which were not previously monumented;
- The Rules of Professional Responsibility also apply to this circumstance.

### **IDAPA 10.01.02.005. Responsibility To The Public.**

**01. Primary Obligation.** All Licensees and Certificate Holders shall 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. The term “public” applies not just to the client, but also to the adjoining property owners and the future owners of those properties. Surveyors should not focus entirely on the cost to their client and disregard their obligation to the public at large in the performance of their duties as Land Surveyors. Cost is not a justification to cut corners or provide less than desirable services in order to accommodate the client’s desire for a “cheap or inexpensive” survey.



## Records of Survey (Continued)

Preparing boundary descriptions for two or more parcels that adjust existing boundary lines without doing a field survey to locate features such as structures, wells, drainfields, etc. may create problems for the client, the neighbor or future owners of the properties at some point later. As an example, Mr. Brown may dig up the end of Mr. Green's drainfield because part of it is now on his property following the boundary adjustment. Or, Mr. Green decides to add onto his garage and discovers that he not only cannot get a building permit because his garage is now located inside the setback line - he must now go through a lengthy and possibly expensive process to get a variance to keep his garage as it is within the setback.

Also, how do the parties involved know for sure that what they received in the descriptions accurately reflects their wishes without benefit of a survey that shows monuments marking the new line? If no monuments were set and a Record of Survey filed, what happens when Mr. Black, who has bought the property from Mr. Brown, decides to have his property surveyed and it is discovered that the fence Mr. Green and Mr. Brown thought they were agreeing to doesn't match what their deeds show. Mr. Brown has moved on or possibly passed away so now Mr. Black and Mr. Green are arguing over something that could have been avoided if a surveyor had done his job properly and professionally.

In conclusion, under certain circumstances it would be possible to prepare boundary descriptions for a boundary line adjustment without setting monuments or filing a Record of Survey. In many situations, this may not be advisable as it may not adequately protect the health, safety or welfare of the public. That is why in some jurisdictions the cities and counties have written requirements into their ordinances dealing specifically with boundary line adjustments. They have encountered all and more of similar scenarios described above.





## Law changes approved by the legislature in 2016

There were four (4) sections of Idaho Code the Board approved to modify this session but only two were enacted.

**Senate Bill 1286** adds a definition for “retired” in **54-1202, Idaho Code** which clarifies that licensees that elect retired status cannot subsequently practice the profession without reinstating their license to active status.

The current statute requires a PE license for all faculty members teaching upper division engineering design coursework. **Senate Bill 1285** authorizes an alternate pathway to a PE license for engineering PhD faculty under **54-1214, Idaho Code**. Some faculty received their education in technical specialties that have no written technical PE examinations. The law change will authorize the Board to structure a process for an alternate pathway to be established by rule. The original Bill was amended in the Senate and changed the terminology from a “contingent” license to a “restricted” the license. It also added “teaching” as the restriction due to objections presented by the Ada County Highway District.

**Senate Bill 1287** would have enforced unlicensed practice with a civil penalty but it was not enacted due to objections of Representatives to decriminalizing the violation. The current law considers unlicensed practice a criminal misdemeanor. **SB 1287** would have added a civil penalty and \$1,500 fine as a lesser penalty in lieu of a criminal charge.

**Senate Bill 1284** to authorize rules for plats and records of survey was tabled in committee and not enacted due to objections by the Ada County Highway District. The law was intended to address legibility issues for plats and records of survey that are uploaded to county assessor web sites. The Board had intended to write rules that would allow land surveyors to provide a digital file instead of a paper copy for uploading.  
(Continued)



### Law changes approved by the legislature in 2016

The Board will continue to work with Idaho Association of Counties and other stakeholders to address the electronic filing and recording issue and may propose legislation in future years.

The Governor proposed and the legislature adopted **House Bills 480 and 482** that made changes to our Board to align with the manner other Boards function in the state. This was in response to a Supreme Court decision in the North Carolina Dental Board versus the Federal Trade Commission. The case addressed the Dental Board's action against teeth whiteners, where the Dental Board basically issued cease and desist orders and put them out of business as they considered teeth whitening the practice of dentistry.

The Federal Trade Commission filed suit claiming the action of the Dental Board was anti-competitive and motivated to protect the profession versus protect the public. The court said that for licensing boards to enjoy the protections of state immunity, boards that are made up of market participants (licensees) must be actively supervised by the state and must have protections to ensure the public interest versus market interests are considered when enforcing unlicensed practice. Effective July 1, 2016, the new laws accomplish the following:

1. The Board composition is changed. One engineering board member is replaced with a public member. The Board is now comprised of seven (7) members, with two (2) land surveyors, one (1) public member, and four (4) engineers.
2. The law change allows any person residing in Idaho to be considered for Board nominations by the governor as long as they meet the minimum qualifications. This means the professional societies lose exclusive authority to nominate Board members to the governor for Board appointments. Previously only professional engineering and land surveying societies could nominate Board members. The governor's office web site has a standard application for Board positions and any Idaho resident may fill out an application and send it in directly to the governor to be considered for a Board position. Board positions expire in late May of each year and nominations are usually received between March and May. (Continued)



## Law changes approved by the legislature in 2016 (Continued)

3. Board members will serve at the pleasure of the governor. Previously Board members could only be removed for cause.
4. The requirement that the executive director be a licensee is removed. Now either a licensee or non-licensee may serve as the executive director.

## Rule changes approved by the legislature in 2016

The Board identified two (2) rules to update. The Rules of Procedure have many technical corrections but the changes of substance include:

1. A new section on Minimum Boundary Survey Experience – which establishes two (2) years as the minimum required for obtaining a PLS license or for being assigned to the PLS examination.
2. An update to the minimum coursework requirements for non-accredited engineering or related science degrees to align with the NCEES engineering education standard adopted this year. The minimum coursework requirements must be met to be eligible for assignment to the PE examination. The changes add the biological sciences, reduce the mathematics courses, and increase the general education course options.
3. The survey education section is updated to include any 4-year degree accredited by any commission of ABET, Inc. (Engineering Accrediting Commission, Applied Science Accreditation Commission, or the Engineering Technology Accreditation Commission), as being unconditionally approved by the Board. This means surveyors who obtain a 4-year degree in surveying accredited by any commission of ABET will have their education credential unconditionally approved by the Board. Having this degree, applicants who also meet the minimum experience requirements are eligible for assignment to the PLS examination or a PLS license by comity (for those who have passed the FS and PS examinations).
4. A new section on Retired and Expired Licenses – which expands on existing language that clarifies the process for reinstating licenses, the CPD requirements that must be met to reinstate a license and fees associated with reinstating a license.  
(Continued)



### Rule changes approved by the legislature in 2016 (Continued)

The Rules of Continuing Professional Development are changed to clarify the professional development hours required to reinstate a retired or expired license and to allow licensees to comply with either Idaho's CPD requirements or those published by NCEES policy. The intent is to make it easier for licensees in multiple states to comply with CPD as they should only need to comply with the NCEES model CPC standard, and not the requirements of individual states. Each state must adopt a rule change as Idaho has done for this to work as intended.

### Legislative ideas considered by the board for future action (2017 or beyond)

**Title 54 Chapter 12, Idaho Code** relate to **Section 1208 Board – Powers**, adds a phrase “or require mediation of disputes between professional land surveyors” that will authorized to Board to direct mediation for unresolved disputes between PLS licensees.

The following law change proposal was attempted in the last legislative session but had a civil penalty clause that was not approved. The civil penalty clause is removed and the remaining additions are now proposed again for the 2017 legislative session. (Continued)





## Legislative Ideas Considered by the Board for Future Action (2017 and beyond) (Continued)

### **Title 54 Chapter 12, Idaho Code related to Section 1222. Violations and penalties -- Prosecution of offenses.**

Any person who shall practice, or offer to practice, as defined in **Idaho Code §54-1202(10) and (11)**, professional engineering or professional land surveying in this state without being licensed in accordance with the provisions of this chapter, **or any person who by verbal claim, sign, advertisement, letterhead, card or in any other way represents that such person employs professional engineers or professional land surveyors when such persons are not licensed under this chapter,** or any person presenting or attempting to use as his own the license or the seal of another, or any person who shall give any false or forged evidence of any kind to the board or to any member thereof in obtaining a license or certificate, or any person who shall falsely impersonate any other licensee of like or different name, or any person who shall attempt to use an expired or revoked license or practice at any time during a period the board has suspended or revoked his license, or any person who shall violate any of the provisions of this chapter, shall be guilty of a misdemeanor.

**Title 55 Chapter 19, Idaho Code related to Records of Survey:** amends **Section 1902 Definitions** to clarify that a Basis of Bearing is between two (2) monumented corners, and amends the definition of a public land survey corner; **Section 1904 Records of Survey – When Filing is Required** is amended to better define when a Record of Survey is required; **Section 1906 Records of Survey - Contents** is amended to add a requirement for a survey narrative; and **Section 1908 When a Record of Survey is Not Required** is removed (because it was added to **Section 1904**). Note that the Idaho Society of Professional Land Surveyors has requested the Board postpone these change until 2018 or beyond to provide more time for discussion with members. The Board agreed to defer these changes except for the Basis of Bearing Provision.

**Title 55 Chapter 16, Idaho Code related to Corner Perpetuation and Filing:** amends **Section 1603 Definitions** to better define a Public Land Survey Corner; amends **Section 1604 Filing requirements** to add the center one-quarter corner and one-sixteenth corner to the requirement to file a corner record; and amends **Section 1608 Professional Land Surveyor to Reconstruct or Establish Monuments** adds a new section that updates the definition of a GLO corner and the requirement for setting monuments on those corners. (Continued)





## Legislative Ideas Considered by the Board for Future Action (2017 and beyond) (Continued)

*Note that the Idaho Society of Professional Land Surveyors has requested the Board postpone these changes until 2018 or beyond to provide more time for discussion with members.*

### Rule Changes Considered by the Board for Negotiation for Future Approval by the Legislature (2017 or beyond).

**IDAPA 10.0101 Rules of Procedure** proposed for negotiation this summer include changes to **Section 017 & 019** – that updates the education requirements for land surveyor applicants with related program degrees who want to be licensed by examination or comity. The updates amend the college courses needed and align with the NCEES model survey education standards used by most states.

**IDAPA 10.0101 Rules of Procedure** has a new **Section 023** added that outlines the process the Board intends to follow to license Ph.D. faculty members.

**IDAPA 10.0102 Rules of Professional Responsibility** proposed for negotiation this summer include changes to **Section 007.01 Reports, Statements or Testimony** – that will clarify that opinions expressed in reports, statements or testimony are to be in accordance with the standard of care. (Continued)





## Rule Changes (2017 and Beyond)

A new rule related to **Authoritative Surveying** that better defines Inclusions and Exclusions to the Practice of Surveying is under consideration. This new rule proposal is a Model Rule adopted by NCEES and is intended to clarify activities that are authoritative and require a licensed professional land surveyor from those activities that are non-authoritative and do not. This rule is intended to supplement the law change enacted last year that updated the definition of land surveying. The Idaho Society of Professional Land Surveyors requested this rule proposal be deferred until 2018 or later to give more time to consider the change. The term "authoritative" defined in the law has created ambiguity regarding the types of survey work that should require a licensed professional from those that do not. This rule change is intended to clarify the meaning of "authoritative."

The proposed law and rule changes are posted on the Board's web site. Please send written comments to Keith Simila, Executive Director at [keith.simila@jpels.idaho.gov](mailto:keith.simila@jpels.idaho.gov), or contact one of the Board members.

## CWI to Offer Associates in Engineering

CWI in Nampa, Idaho is the latest to add a program that will offer students a chance to get their first two years of a 4-year engineering degree completed at a community college. They are developing the program and offer most of the courses required in the first two years. By 2018 they will be offering Associate Degrees. The other colleges include North Idaho College in Coeur d'Alene, College of Southern Idaho in Twin Falls, and Lewis Clark State College in Lewiston. Students in the Treasure Valley should contact Willard Pack at [WillardPack@cwidaho.cc](mailto:WillardPack@cwidaho.cc).

Steve Staab to retire as surveying instructor at LCSC. After many dedicated years of service, Steve is retiring from teaching. LCSC plans to continue the surveying program and hire a new instructor soon. Surveying students received their Associate Degree in Engineering Technology – Surveying with Steve as the primary instructor. Students also received the remaining required courses by video instruction from ISU and received a Bachelor of Applied Science degree from LCSC.

## Professional Examinations Convert to Computer Based Tests

NCEES offered the last pencil and paper Professional Land Surveying (PLS or PS) examination in April of 2016. All future PS examinations will be in computer based test (CBT) format and offered at Pearson-Vue Test Centers. The first CBT PS examination is anticipated in October of 2016. Applicants must also apply to and be assigned by the Board before taking the PS or PE examination.

General transition timelines for the PS exam are:

- Exam format will be linear-on-the-fly testing (LOFT), in which each examinee has a unique exam form similar in difficulty. This is what we use for the FE and FS exams.
- Supplied references are available electronically with the exam (similar to FS and FE).
- Results will be available in 7–10 days (similar to FE and FS).
- PS exam to use alternative item types in addition to the standard multiple choice/one answer.
- Starting with the PS exam in October and following with the FE and FS exams in July 2017, the following alternative item types (AITs) will be introduced to the exams:
  - Multiple choice, multiple correct answers
  - Drag and drop (i.e., sorting/ordering, matching)
  - Hot spot (i.e., identify a location on a drawing or picture)
  - Fill in the blank (excellent for calculation questions)
- AITs will be scored dichotomously (i.e., right or wrong—no partial credit).
- AITs will be on all PE exams as they are transitioned.

General transition timelines for the PE exams are:

- Transition the PE exams to CBT beginning in 2018.
  - PE Chemical exam on January 2, 2018
  - PE Nuclear exam on October 1, 2018
- Other exams will follow—two to three per year until all have transitioned (approximately 2022).

(Continued)



## Professional Examinations Convert to Computer Based Tests (Continued)

### PE CBT Exam Format

References for the PE exams will be handled in two ways and will vary as needed by each discipline:

- Supplied reference—Attached to the exam similar to the existing FE and FS exams. All exams will have this.
- Supplemental references (codes and standards)—In addition to the supplied reference, examinees will see an additional tab and will be able to switch between supplied reference and supplemental references.

There will be two formats for the PE exams due to the difference in examinee volume, LOFT and LFF. LOFT is what we currently use for the FE exams. Each examinee has a unique exam but is similar in difficulty. The unique exam allows examinees to schedule their appointments throughout the year (instead of once or twice per year).

The following exams are planned to be LOFT:

- PE Chemical
- PE Civil (continue as a breadth-and-depth exam)
- PE Electrical and Computer–Power
- PE Environmental
- PE Mechanical (will become three separate exams)
- Exams will continue to have 80 questions (70 contributing to their result and 10 pretest).
- Exam appointments will be 9 hours long, with 8 hours of exam time.
- Signing of nondisclosure agreement, tutorial, and a break make up one hour.
- Results will be available in 7–10 days (similar to FE and FS).

Linear fixed form (LFF) is the format for the remaining exams. This is similar to how paper exams are currently administered. All examinees are given the same questions for their discipline. The examinee volumes do not justify year-round testing. The current plan is to offer these exams as one-day testing events once... (Continued)



## Professional Examinations Convert to Computer Based Tests (Continued)

...or twice per year. Items will be evaluated and scored post-exam, which means results will be released approximately four weeks after administration. Linear fixed form (LFF) is the format for the remaining exams. This is similar to how paper exams are currently administered. All examinees are given the same questions for their discipline. The examinee volumes do not justify year-round testing. The current plan is to offer these exams as one-day testing events once or twice per year. Items will be evaluated and scored post-exam, which means results will be released approximately four weeks after administration.

The following exams are planned to be LFF:

- PE Agricultural and Biological
- PE Architectural
- PE Controls Systems
- PE Electrical and Computer: Computer
- PE Electrical and Computer: Electrical/Electronics
- PE Fire Protection
- PE Industrial and Systems Engineering
- PE Metallurgical and Materials
- PE Mining and Mineral Processing
- PE Naval Architecture and Marine
- PE Nuclear
- PE Petroleum
- PE Software

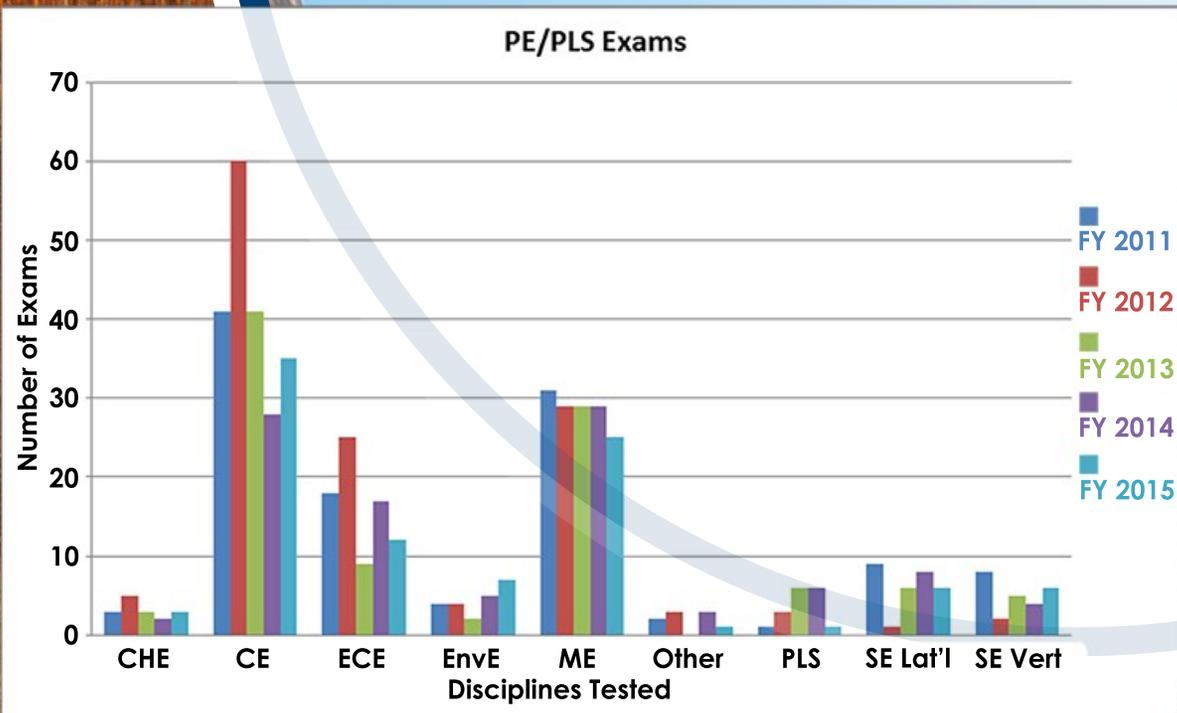
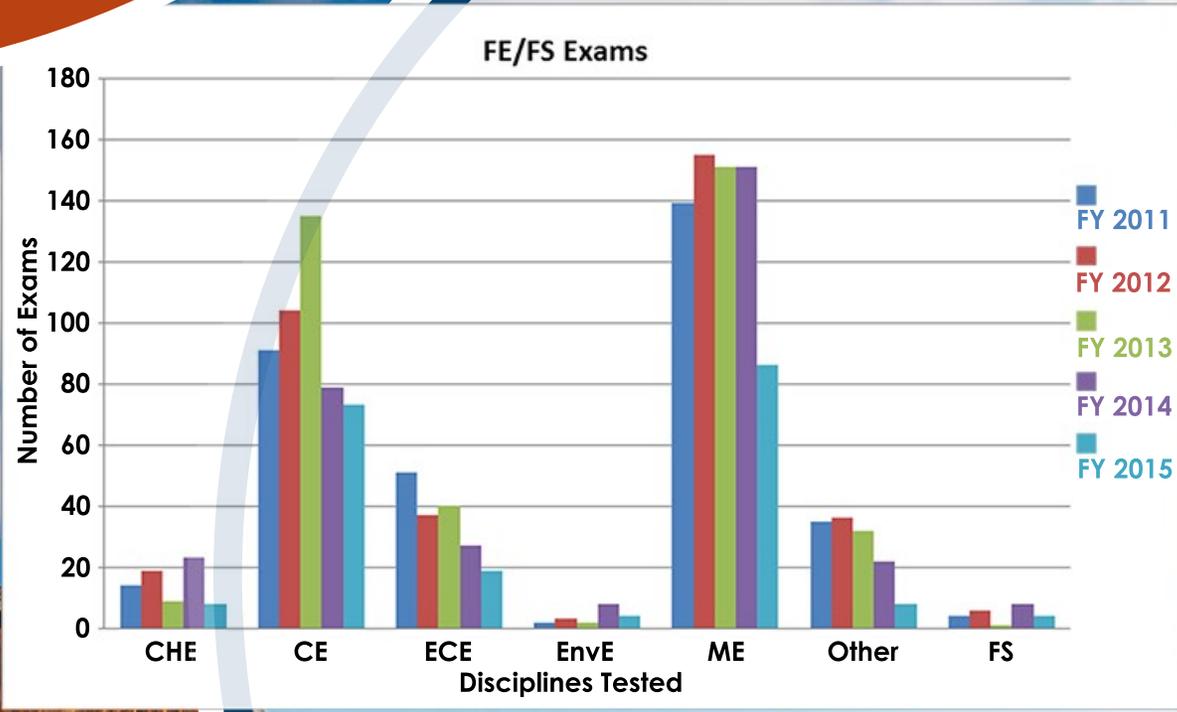
SE 16-hour Structural—has not been evaluated at this time.





# Examinations

## History of Idaho Examinations Assigned





## Idaho Society of Professional Engineers



### **ISPE Southwest Chapter Commissions New PE's**

The SW Chapter of the Idaho Society of Professional Engineers commissioned new PE's at the annual award ceremony. Shown above are (front L-R) Brad Casch, Duke Bulanon, Olga Cuzmanov, Ladonne Harris, Jason King, and Greg Taddicken. Back row (L-R) Neil Fox, David Freistaedter, Michael Slegers.



## **New Idaho Professional Engineers and Land Surveyors Licensed by Examination Winter 2015**

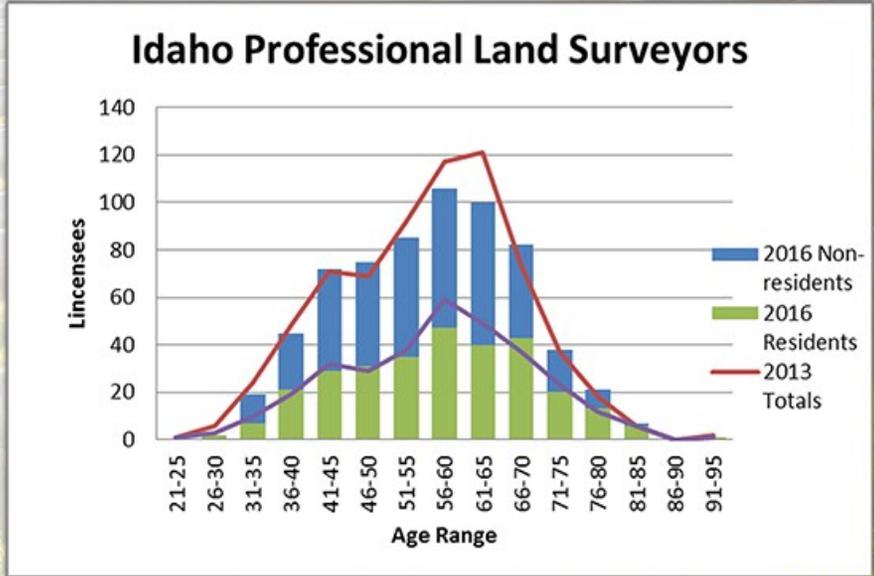
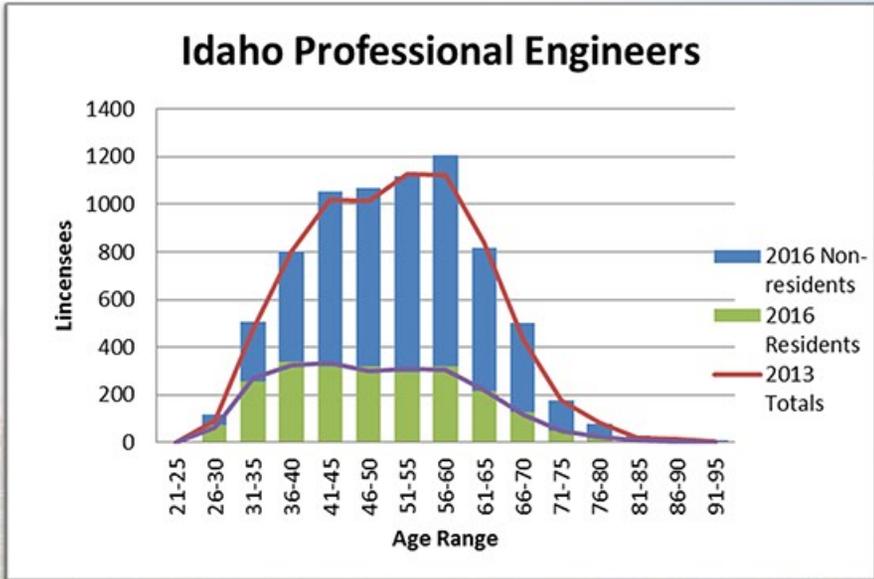
Jason P. Andrus (Nuclear), Idaho Falls, ID  
Aaron Jentry Baird (Civil), Pocatello, ID  
David K. Boyter (Civil), Idaho Falls, ID  
Robert D Carlson (Mechanical), Boise, ID  
Bradley W. Casch (Control Systems), Boise, ID  
John W. Christiansen (Mechanical), Meridian, ID  
Tyler David Crumpley (Fire Protection), Idaho Falls, ID  
Olga Cuzmanov (Mechanical), Boise, ID  
Sean Patrick Drake (Mechanical), Boise, ID  
Christopher Jeremiah Dyke (Mechanical), Boise, ID  
Ryan Eastman (Civil), Idaho Falls, ID  
Duane J Elgan (Environmental), American Falls, ID  
David Freistaedter (Civil), Nampa, ID  
Brooke Nicole Kenned Fowler (Civil), Meridian, ID  
Christopher D. Guedes (Civil), Soda Springs, ID  
Ross Hays (Nuclear), Idaho Falls, ID  
Christopher R. Hazelton (Mechanical), Coeur d'Alene, ID  
Colter L. Hollingshead (Civil), Pocatello, ID  
Eric William Howe (Civil), Boise, ID  
W. Scott Hyer (Chemical), Nampa, ID  
Darin N Johnson (Mechanical), Boise, ID  
Jason Michael King (Civil), Meridian, ID



## **New Idaho Professional Engineers and Land Surveyors Licensed by Examination Winter 2015 (Continued)**

Nicolas J. Lehman (Civil), Greenleaf, ID  
Charley Wilburn Lester (Electrical), Meridian, ID  
Jason Daniel Maulin (Mechanical), Boise, ID  
David A McLenna III (Civil), Hayden, ID  
Terry Drew Meppen (Civil), Idaho Falls, ID  
Andrew Scott Morgan (Civil), Nampa, ID  
Brandon Nicholls (Mechanical), Boise, ID  
Donald William Mackay (Control Systems), Idaho Falls, ID  
John Robert Eldred (Land Surveying), Lewiston, ID  
Kade Dallas Raymond (Civil), Idaho Falls, ID  
Scott B. Reynolds (Mechanical), Idaho Falls, ID  
Justin Ormsby Roberts (Mechanical), Laclede, ID  
Mark Francis Roll (Mechanical), Moscow, ID  
Michael G. Slegers (Civil), Boise, ID  
Lauren Elizabeth Stocker (Civil), Boise, ID  
Matthew Q. Stockinger (Electrical), Meridian, ID  
Gregory James Taddicken (Civil), Boise, ID  
Bradley Tensen (Mechanical), Star, ID  
Carl Alexander Weber (Mechanical), Boise, ID  
Mitchell Jacob Woodbury (Civil), Boise, ID  
Hattie Raeann Zobott (Civil), Buhl, ID  
Kelly Kehrer (Land Surveying), Boise, ID

## Age Demographics of Idaho Licensees



Idaho Professional Land Surveyors continue to decline in number. The average age is 57 years. The Board and the Idaho Society of Professional Land Surveyors is working address this issue with the Survey Education Task Force including efforts with the Idaho Department of Labor to address the low number of young surveyors entering the profession.

## Disciplinary Actions

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

### **Docket No. FY15.21 In The Matter Of Brian H. Gallea, P.E., P-15245**

This matter involves Respondent's recent criminal Judgement and Sentence in Montana - Driving under the Influence and Criminal Endangerment. (These actions were not associated with the practice of engineering). Upon this Stipulation and Consent order and the record, the Staff and Respondent agree that the Board may enter an Order to Respondent and require the following: a) That the Board admonishes the Respondent for the criminal conduct specified; b) Any future conviction will result in additional action up to or including suspension or revocation; c) Respondent shall notify Staff in writing any action on probation or felony convictions within 30 days of such action.

### **Docket No. FY15.06 In The Matter of Hunter J. Edwards, P.L.S., L-9166**

This matter involves work performed by the Respondent in connection with services provided in Sections 23-26, T30N, R3E, B.M. Idaho County, ID, focused on the boundaries of Section 24 of that township. With regard to survey S-3204 Instrument Number 493471 filed February 7, 2014, and survey S-1920 Instrument Number 419888 filed November 29, 2001, you found or re-established controlling corners but failed to set or reset a monument for the following corners: West 16th corner of Section 25 (re-established, set in 2001); South QTR corner of Section 24 (re-established, not set); North QTR of Section 25 (re-established, set in 2001); East 16th Corner of Section 25 (re-established, set in 2001); and West QTR of Section 25 (re-established, not set); Northeast corner of Section 25 (re-established, not set); Northwest corner of Section 24 (re-established, not set); and you failed to record as a corner record the locations of the West QTR of Section 25; Northeast corner of Section 25; South QTR of Section 24; Northwest corner of Section 24; and the existing BLM angle point corner monument on the range line, all in violation of **Idaho Code section 55-1604 and 54-1227.**  
(Continued)



## Disciplinary Actions (Continued)

You also identified the incorrect location for the West QTR of Section 24 in violation of the Standard of Care IDAPA 10.0102 Section 005.02. This conduct indicates a failure to perform necessary statutory obligations as a land surveyor.

Respondent has had an opportunity to review this matter, and agrees there is sufficient evidence of the factual allegations stated above, such that the Board could find that Respondent committed the violations set forth therein. Respondent acknowledges that the facts stated above could be found by the Board to be sufficient grounds for the remedies specified in the paragraph below, and that proof at hearing of one or more of the allegations set forth would empower the Board to take disciplinary action against the Respondent's license. Approval of this stipulation by the Board shall not be construed as a finding or determination by the Board that any such violations actually occurred.

The Respondent is agreeing to the facts and violations of state law set forth in this Stipulation, expressly for the purpose of resolving this disciplinary action, and the parties further agree that this Stipulation is to be entered into for use in this proceeding before the Board, and not be admissible in any other court or administrative proceeding by agreement and pursuant to Idaho Rule of Evidence 408.

This Stipulation and Consent Order shall not in any way or manner limit or affect the authority of the Board to proceed against Respondent by initiating a contested case hearing or by other appropriate means on the basis of any act, omission, conduct, or admission of Respondents justifying disciplinary action which occurred before or after the date of this Stipulation and Consent Order and which is not directly related to the specific facts and circumstances set forth herein. (Continued)

## Disciplinary Actions (Continued)

That the Respondent, has at all relevant times been licensed in Idaho as a professional land surveyor License No. L-9166.

Upon this Stipulation and Consent Order and the record, the Staff and Respondent agree that the Board may enter an Order to Respondent and require the following: a. That the Board admonishes Respondent for the conduct specified (above); b. That the Respondent shall set or reset the monuments that were identified above that were not set and identified as a violation; c. That the Respondent shall file corner records on all GLO monuments set or missing identified above; d. That the Respondent shall record a corrected record of survey showing set monuments and corner records and corrections identified above; e. That the Respondent shall reset monuments set in 2001 as described in survey S-1920 and the Respondent shall record a new record of survey for all corner positions that require adjustment due to relocated QTR corners described above; f. That the Respondent shall complete all survey work described above within one year of the date the Board approves this order; g. That within thirty (30) days after the date of the Certificate of Service of the Final Order, after it is accepted by the Board, Respondent shall tender to the Board a check in the amount of \$500, payable to the General Fund of the State of Idaho, as an administrative penalty; h. That failure to comply with the above within the required time periods shall result, without any further hearing, in the immediate suspension of Respondent's licenses to practice professional land surveying until such time as the requirements are met. Notice of such action sent to the most current address provided by the Respondent to Staff shall be deemed sufficient.

## Retirement of Licenses

### Chose to retire their license:

Allison, Chris M., P-3240, Idaho Falls, ID  
Anderson, L. Kent, P-9386, Nampa, ID  
Basolo, Scott Lane, P-6662, Canyon Country, CA  
Eisinger, William Gordon, P-3911, Meridian, ID  
Finup, Timothy G. P-7174, Idaho Falls, ID  
Frank, Dan C., P-11782, Chandler, AZ  
Gaul, Kerry J., P-8994, Meridian, ID  
Herold, David J., L-8794, Council, ID  
Merrill, Kevin L., PE/PLS -14165, San Dimas, CA  
Spencer, Andrew P-13928, Tucson, AZ  
Vanderau, Scott M., P-12614, Denver, CO

## Surrender of Licenses

McNaught, William Baird, P-5411, Idaho Falls, ID chose to surrender his license in Lieu of Discipline

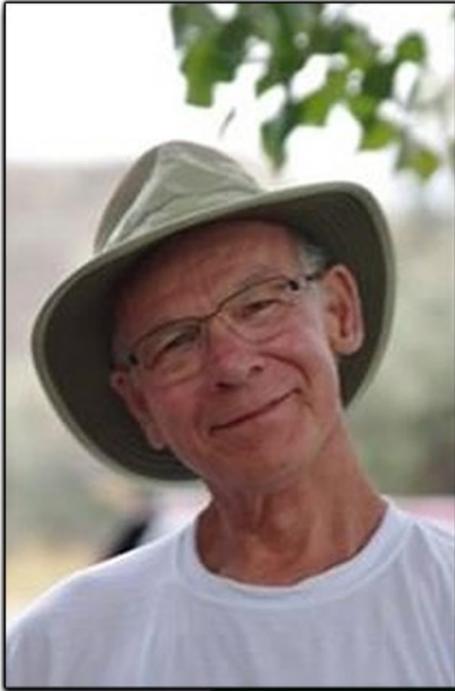
## Cease and Desist

Snyder, Edward Troy, L-13699, Lewiston, ID issued for practicing or attempting to practice on an expired license

# In Memory of those Recently Deceased



<b>Paul N. Scherbel L-3990 (LS) Big Piney WY</b>	<b>10/22/2015</b>
<b>Patrick A Pilling P-12327 (CE) Reno NV</b>	<b>12/7/2014</b>
<b>Jack V Palmer P-5123 (AgE) KIHEI HI</b>	<b>1/18/2015</b>
<b>Bryant Lynn Bench P-8317 (CE) Boise ID</b>	<b>11/16/2015</b>
<b>John Tobias See P-14268 (CE) Boise ID</b>	<b>7/11/2015</b>
<b>Leslie M. Walker P-1734 (EE) Pocatello ID</b>	<b>12/11/2015</b>
<b>Gary L Young PL-3187 (PE/LS) Twin Falls ID</b>	<b>1/2/2016</b>
<b>Terence O'Rouark P-912 (EE) Boise ID</b>	<b>1/2/2016</b>
<b>Zimri E Mills P-984 (AgE) Boise ID</b>	<b>1/1/2015</b>
<b>Phillip Andrew Marsh PL-694 (PE/LS) Livingston MT</b>	<b>1/23/2016</b>
<b>Steven John Strang L-5645/S-33 Casper WY</b>	<b>8/17/2014</b>
<b>Donald J Parks P-8889 (ME) Boise ID</b>	<b>1/23/2016</b>
<b>Kay Lynne Prickett L-912 Clarkston WA</b>	<b>2/16/2016</b>
<b>Frank W Leonard P-929 (CE) Marsing ID</b>	<b>2/23/2016</b>
<b>Philip George Rumsey PL-2364 (CE/LS) Downey ID</b>	<b>1/27/2016</b>
<b>Wayne L Brown P-4493 (CE) Portland OR</b>	<b>8/1/2016</b>
<b>Robert "Bob" Hofmann P-806 (CE) Boise ID</b>	<b>4/21/2016</b>
<b>Donald J Watts PL-1923 (CE/SE/LS) Boise ID</b>	<b>4/26/2016</b>



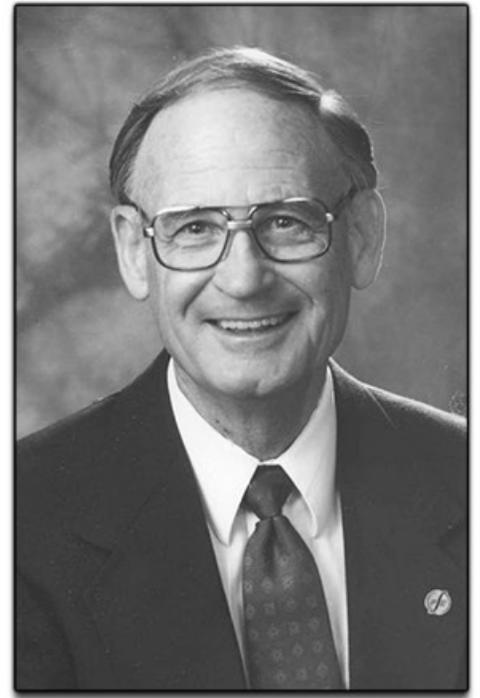
## Former Board Member Gary L. Young Passed Away

Gary L. Young of Twin Falls passed away January 2, 2016. Gary served on the Idaho Board from 2001 to 2011. He was a tremendous asset to the Board and to the surveyors and engineers of Idaho. He was instrumental in writing the major legislation for revisions to the surveying laws which went into effect in 2011. Soft spoken and always very insightful, Gary's calm thinking helped the Board make the right decisions - when he spoke, everyone listened. Some of Gary's other passions were fast cars and the design of cardboard canoes for the Twin Falls canoe races. He tackled both of these endeavors using engineering skills and his quest for perfection. He will be missed by all that knew him.



## Former Board Member Les Walker Passed Away

Leslie M. Walker passed away December 11, 2015. Les and his wife Verna owned and operated Walker Engineering in Pocatello. In 1976, Les served as President and National Director of the Idaho Society of Professional Engineers. Les was a founding member of the advisory council for ISU College of Engineering and was an emeritus member. He was honored as the Executive of the year by the Professional Secretaries International, Teepee Chapter. Les was the President of the Consulting Engineers of Idaho from 1988 until 1989. From 1997 until 2000 he was a chairman for Idaho Section of IEEE. The College of Engineering at ISU presented Les with the Outstanding Engineers award. From 1995 until 2005 he was a member and chairman of the Idaho State Board of Professional Engineers and Professional Land Surveyors. He loved Idaho and the outdoors and enjoyed skiing, camping, hunting and was an avid fly fisherman. He was a member of the Good Shephard Lutheran Church and a member of the Masonic Lodge.





## Calendar Of Up Coming Events

August 8-9, 2016

August 25-26, 2016

September 19-20, 2016

October 28-29, 2016

November 7-8, 2016

January 23-24, 2017

February 27-28, 2017

March 1-3, 2017

April 21-22, 2017

May 18-20, 2017

June 6-9, 2017

Board Retreat in Riggins, Idaho

NCEES Annual Meeting in Indianapolis, IN

Board Meeting in Boise, Idaho

PE/PLS Examinations in Boise, Idaho

Board Meeting with Deans in Boise, Idaho

Board Meeting in Boise, Idaho

Board Meeting in Boise, Idaho

ISLPS Annual Meeting in Boise, Idaho

PE/PLS Examinations in Boise, Idaho

NCEES Western Zone Meeting in Denver, CO

ISPE and Board Meeting in Coeur d'Alene, Idaho



### Board Staff

**Keith Simila, PE Executive Director**

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**James L. Szatkowski, PE Deputy Director**

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