



Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors

Spring/Summer 2017 - NEWS BULLETIN 59th EDITION

Board Members

Glenn Bennett, P.L.S., Chair, Boise
Raymond J. Watkins, P.E., Vice Chair, Coeur d' Alene
Dusty Obermayer, P.L.S., Secretary, Coeur d' Alene
George L. Wagner, P.E., Member, Boise
John Elle, P.E., P.L.S., Member, Pocatello
John Tomkinson, Public Member, Star
George A. Murgel, P.E., Ph.D, Member, Kuna

Board Staff

Keith A. Simila, P.E., Executive Director
keith.simila@ipels.idaho.gov

James L. Szatkowski, P.E., Deputy Director
jim.szatkowski@ipels.idaho.gov

Jennifer Rowe, Administrative Assistant
jennifer.rowe@ipels.idaho.gov

Edith Williams, Technical Records Specialist
edith.williams.idaho.gov

Board Phone Number: (208) 373-7210

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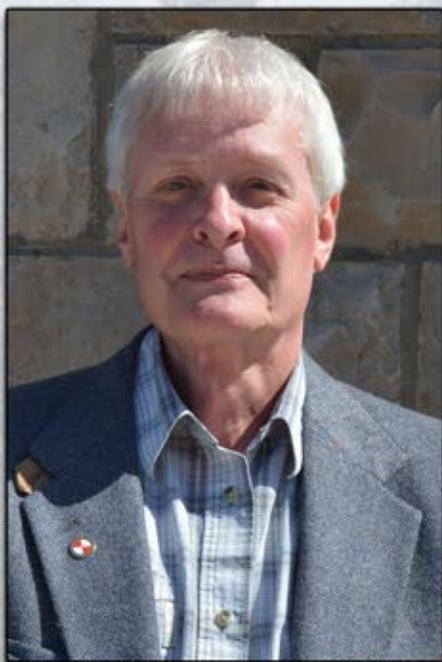
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This NEWS BULLETIN is distributed a minimum of twice per year by the Idaho State Board of Licensure of Professional Engineers and Professional Land Surveyors to inform the public and the State's Professional Engineers and Professional Land Surveyors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

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



Board Member Highlights



Board Votes to Elect Glenn Bennett, P.L.S. as Chair

The Board elected a new chairman to succeed George Murgel. Glenn will serve until new elections are held in June of 2018.



Board Member Highlights

Board Votes to Elect Raymond J. Watkins, P.E. as Vice Chair

The Board voted to elect Mr. Watkins to the office of Secretary. Mr. Watkins succeeds Glenn Bennett who is now chairman. Raymond will serve until new elections are held in June of 2018.





Board Votes to Elect Dusty Obermayer, P.L.S. as Secretary

The Board voted to elect Mr. Obermayer to the office of Secretary. Mr. Obermayer succeeds Raymond J. Watkins who is now vice chairman. Dusty will serve until new elections are held in June of 2018.



Message from the Chairman

A disturbing trend has been developing over the past few years with an increase in the number of complaints filed against surveyors, and it does not appear to be slowing. These complaints have come, primarily, from the public and many involve the establishment of monuments for the same land corner position ten's, if not hundreds of feet apart, and an unwillingness on the part of the surveyors involved to resolve the discrepancy. As a result, it has thrown neighborhoods into turmoil, pitting neighbor against neighbor and forcing them into expensive litigation in an attempt to resolve a problem created by surveyors.

Public dissatisfaction with surveyors has risen to a point that during the 2017 legislative session several constituents contacted all the legislators, both House and Senate, as well as the Governor's office with their complaints about surveyors. In order to address the concerns of the public, Governor and legislators, the Board would like to remind surveyors and other licensees practicing in the State of Idaho that a condition of retaining a professional license is certifying that they have read and agree to abide by the **Rules of Professional Responsibility**.

Message from the Chairman (Continued)

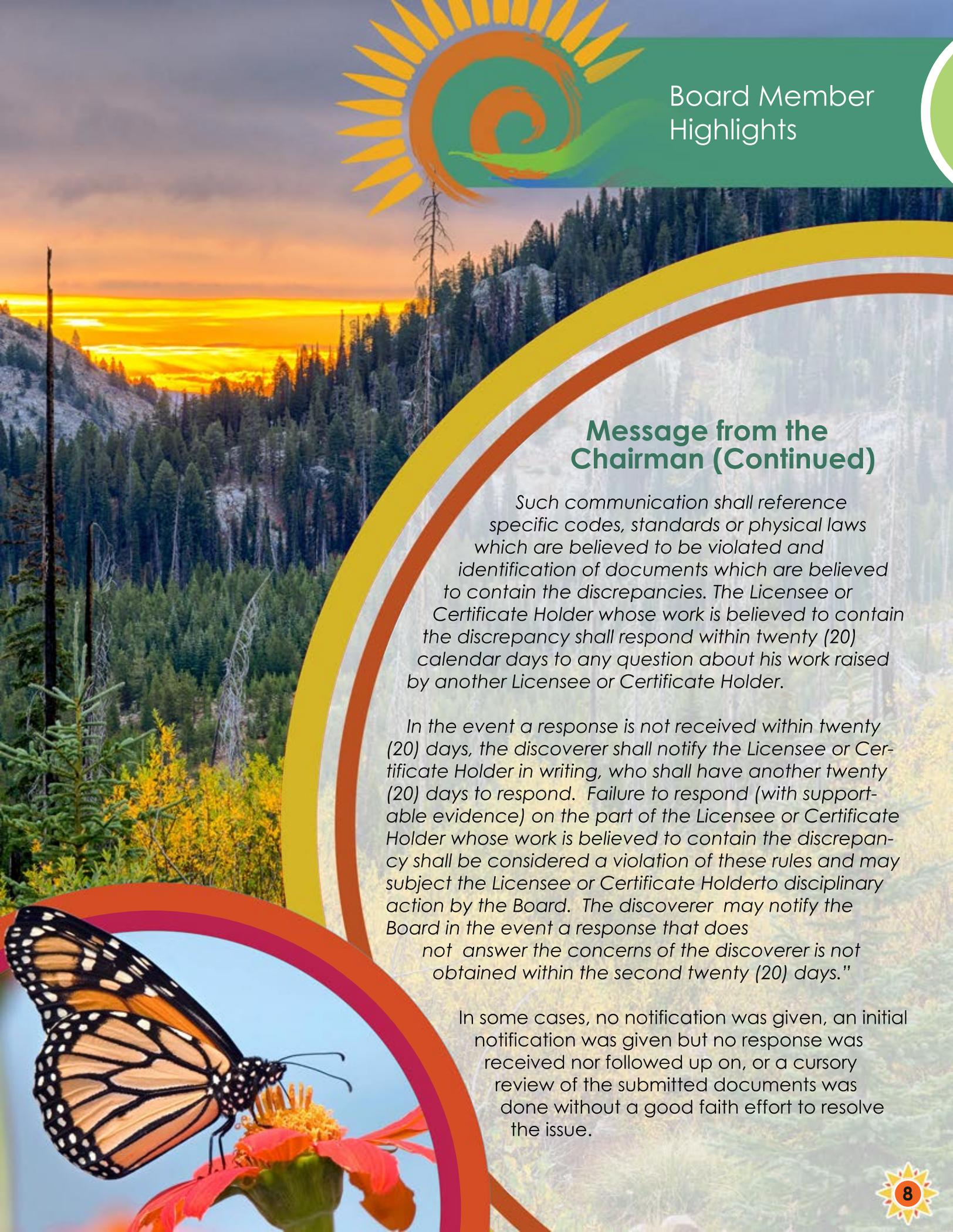
Whenever a licensee receives a license or signs a license renewal form they certify that they have read and agree to abide by those rules. Let's focus on a few of those Rules.

Primary Obligation. What does that mean? Our Rules of Professional Responsibility **(IDAPA 10.01.02.005.01)** say that it means *"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."* How do we do that? There are Rules and Statutes that direct and guide us and ethical obligations we adhere to in performing our duties as professionals. One of those rules is **Standard of Care (IDAPA 10.01.02.005.02)** which states: *"Each Licensee and Certificate Holder shall exercise such care, skill and diligence as others in that profession ordinarily exercise under like circumstances."*

Message from the Chairman (Continued)

In the performance of their duties, licensees have a professional, ethical and legal obligation to protect the safety, health and welfare of the public. In fact, it is their primary obligation. Surveyors must be mindful of the fact that decisions they make during the course of a survey can have an impact that extends beyond their client's boundaries. They must recognize that in order to fulfill their obligation to protect the public they must perform as thorough and diligent a search of the record and other evidence as another surveyor would. When presented with evidence contradictory to their position they must be willing to consider that evidence and when necessary, amend their opinion, regardless of ego or possible financial impact, and take the steps necessary to correct the record.

A component in several of the complaints deals with surveyors not properly communicating with one another or not making a good faith effort to resolve the problem. Whenever a material discrepancy, error or omission is discovered in another's work, surveyors are required to communicate the problem as outlined in **Obligation to Communicate Discovery (IDAPA 10.01.02.005.04)** *"Except as provided in the Idaho Rules of Civil Procedure 26(b)(4)(B), if a Licensee or Certificate Holder, during the course of his work, discovers a material discrepancy, error, or omission in the work of another Licensee or Certificate Holder, which may impact the health, property and welfare of the public, the discoverer shall make a reasonable effort to inform the Licensee or Certificate Holder whose work is believed to contain the discrepancy, error or omission.*



Message from the Chairman (Continued)

Such communication shall reference specific codes, standards or physical laws which are believed to be violated and identification of documents which are believed to contain the discrepancies. The Licensee or Certificate Holder whose work is believed to contain the discrepancy shall respond within twenty (20) calendar days to any question about his work raised by another Licensee or Certificate Holder.

In the event a response is not received within twenty (20) days, the discoverer shall notify the Licensee or Certificate Holder in writing, who shall have another twenty (20) days to respond. Failure to respond (with supportable evidence) on the part of the Licensee or Certificate Holder whose work is believed to contain the discrepancy shall be considered a violation of these rules and may subject the Licensee or Certificate Holder to disciplinary action by the Board. The discoverer may notify the Board in the event a response that does not answer the concerns of the discoverer is not obtained within the second twenty (20) days."

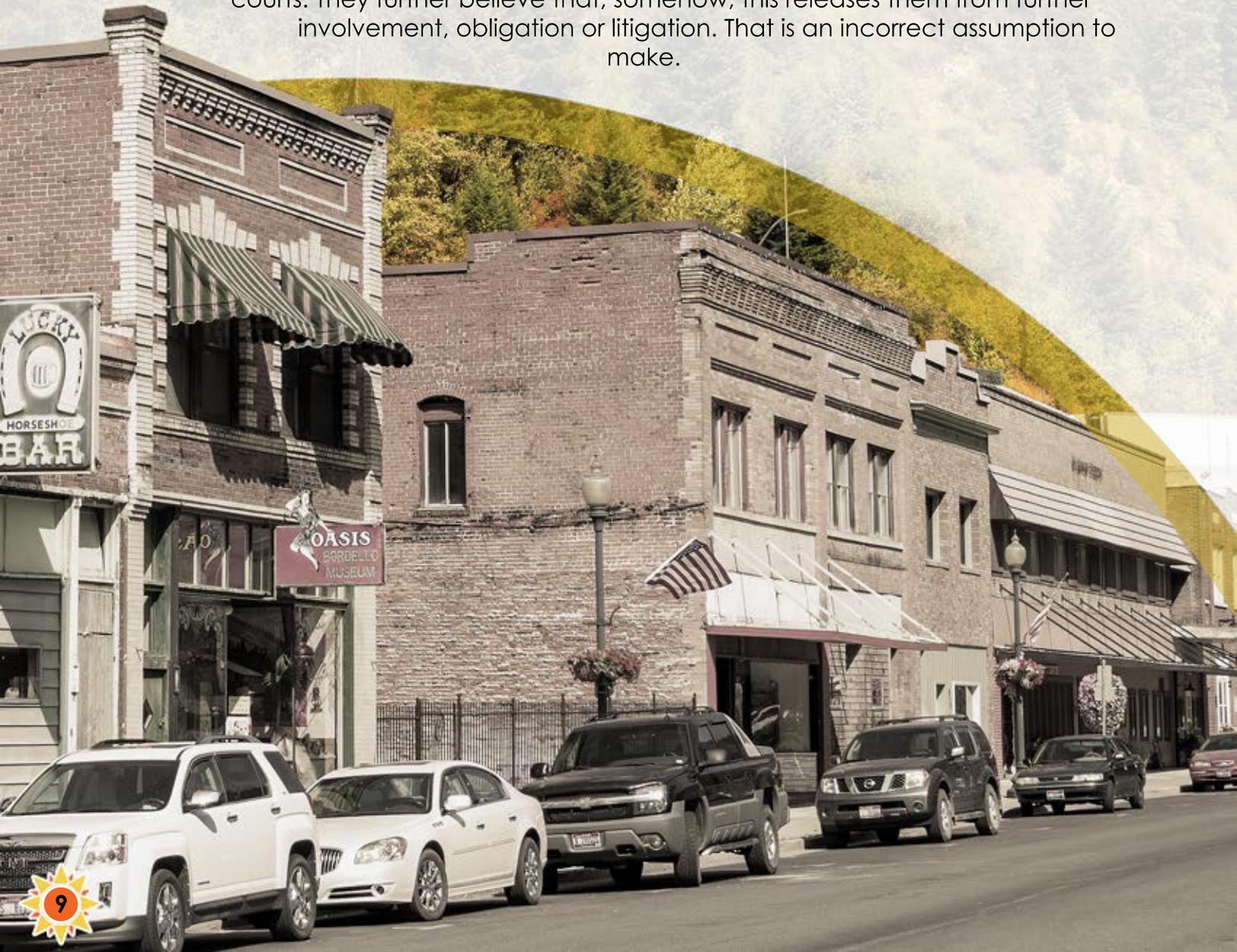
In some cases, no notification was given, an initial notification was given but no response was received nor followed up on, or a cursory review of the submitted documents was done without a good faith effort to resolve the issue.



Message from the Chairman (Continued)

As a result, the affected property owners have hired surveyors, paid for surveys that do not agree on common elements and now have a much larger and expensive problem to deal with than when they started.

A recurrent theme that Board staff has noted while conducting investigations have been statements from surveyors that they are only expressing a professional opinion, and that if their opinion differs from another surveyor, it is up to the land owners to litigate the dispute in the courts. They further believe that, somehow, this releases them from further involvement, obligation or litigation. That is an incorrect assumption to make.





Message from the Chairman (Continued)

Standard of care means that their opinion and work product will be evaluated and relied on by their peers and others and, if found lacking, may be subject to disciplinary action.

Merriam-Webster Dictionary defines "Opinion" as - a formal expression of judgment or advice by an expert. IDAPA 10.01.02.007.02 Opinions Based on Adequate Knowledge states "A Licensee or Certificate Holder, when serving as an expert or technical witness before any court, commission or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of his testimony."

When a surveyor is presented with information that is contrary to their opinion, they must keep an open mind and evaluate that information objectively and honestly while keeping the best interests of the public in mind.



Message from the Chairman (Continued)

They should not simply be offering an “opinion” and walking away, hoping to avoid any perceived consequences associated with changing their opinion. Clients hire surveyors because they hold themselves out as experts in what they do. As professionals we are obligated to assist our clients in resolving boundary issues or disputes and counsel them on how best to achieve that resolution. Because decisions made by surveyors can and will impact others, they must remain cognizant of the fact that they are, in essence, working for everyone in the area, not just one specific client.

Who is better suited to help property owners in resolving boundary disputes or issues than a surveyor? Surveyors should strive to be part of the solution by working with the affected land owners, dealing in good faith with other surveyors involved, assisting all parties in reaching a resolution that avoids costly and time consuming litigation and then documenting that agreement by whatever means necessary to perpetuate the result.

Again, remember our primary obligation to the public: **“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.”**



Keith Simola

Board Member Highlights

Message from the Executive Director

As Idaho's economy continues to grow, employers face shortages of skilled workers to fill available positions. This is true especially in the surveying and engineering technician professions. The Idaho Department of Labor (DOL) is willing to help solve this problem using an apprentice program. Many of us think of apprenticeships as applicable to trades. This tool has proven to be useful for many professions and trades where employers recognize a shortage and are willing to partner with DOL to establish apprenticeships unique to their company, government organization or industry. The key is it must be initiated by employers. Once employers contact DOL, a plan is built using five core components – business involvement, structured on-the-job-training, related instruction, rewards for skills gained, and a recognized credential such as a license or certificate. DOL is willing to work with individual employers or whole industries to craft an apprentice program that works for all involved. It doesn't matter if you only need one apprentice or a dozen. They will also bring funding to the bear in some situations.

The apprentice concept is a perfect fit for the surveying and engineering technician professions. The National Society of Professional Surveyors (NSPS) already offers a Certified Surveying Technician (CST) program complete with examinations and certificates. It is approved by DOL and is a good way to get new surveyors interested in the profession and through their first two years of education. There a minimum work hour requirement with the outcome that a person can be certified (four levels) up to the survey or office manager level. Those seeking full licensure can continue as an apprentice to obtain the final two years of education and additional work experience needed to become certified surveying interns and licensed professional land surveyors.



Message from the Executive Director (Continued)

DOL offers financial incentives for employers - up to \$2,500 for every 640 hours of training each apprentice receives. They can also offer to pay education costs for apprentices in limited circumstances such as those workers who are dislocated, individuals receiving financial assistance such as welfare or food stamps, and 16-24 year old individuals who have limited work experience or difficulty in finding a job. For students to receive aid, they must be hired by an employer as an apprentice.

Another benefit is that DOL will assist in recruiting candidates. DOL will use their database and go into high schools to recruit. Employers can interview and select the candidates of their choice.

There is no long-term obligation if the candidate is not a good fit or doesn't work out.

The Board office has received calls from individuals who want to become licensed professional land surveyors. Some are working for existing surveying or engineering companies as technicians and need to know how to advance their career by obtaining the education and training required for licensure. Others are high school or college students or parents of students who seek career options in surveying.



Message from the Executive Director (Continued)

There are many pathways to becoming a licensed professional land surveyor. The Board continues to pursue a plan to work with employers and the Idaho Society of Professional Land Surveyors to establish a structured apprentice program. Employers do not need to wait for this to happen. Any employer can individually work with DOL to obtain apprentices. Given the aging workforce and shortage of new surveyors entering the profession and the need to increase surveying and engineering technician enrollment at ISU in Pocatello and LCSC in Lewiston, now is the time for employers to seek apprentices. Online options for obtaining most of the education are available for those willing to seek degrees from ISU or out-of-state colleges. The number of licensed professional land surveyors in Idaho has decreased. Idaho is not growing enough of our own professional land surveyors even though we have the need.

Apprenticeships are a way to change this and find local candidates to fill this need.

Employers, it is up to you start this process.

Contact John Russ today and get the workers you need for the skilled workforce of the future

john.russ@labor.idaho.gov.

or (208) 364-7785,
ext. 3303



Acting Governor Little Signs Executive Order Licensing Freedom Act - Review of State Licensing Requirements

The Executive Order is established to review licensing and assess the effect of licensure requirements on Idaho employment opportunities. Public and licensee comments can be made to Jim Szatkowski whose email link is posted on the Board's web site. The E.O. can be found at:
<https://gov.idaho.gov/mediacenter/execorders/eo17/EO%202017-06.pdf>.

Online Application Process Planned for 2017

Currently applications can only be submitted by hard copy and be sent to the Board. The plan is to develop and implement an online application process sometime in 2017.

NCEES to offer Record for Licensure by Examination

NCEES has changed the records system. An NCEES record is used to save applicants time and effort by providing a record of an applicant's work history, education credentials, references and verifications of licensure and examinations. Those licensees seeking a license in multiple states will often use the NCEES record system to expedite their application. Until recently, the NCEES record was only available to comity applicants. NCEES has recently made available the record for initial license applicants. This means that those seeking licensure by examination can also use the NCEES record. The only difference is that a verification of prior licensure is not available.

There is a \$100 fee for this service that NCEES will charge to transmit to the Board. There is no fee to build this record. Usually, the first contact an applicant has with NCEES is registering to take the FE or FS examination. Once an NCEES profile is established, updating the record with college transcripts, work history and references is easy to do and easy to update. Events such as employment and supervisory changes can be modified and kept current in the record, and used for initial and comity applications in the future.



Board Opinion on Emergency Services

Question

As you are aware the County and several cities have declared a state of emergency due to the localized flooding of the Boise River and concerns of significant property damage. One of the purposes of the declarations is that the entities may suspend normal contracting and acquisition requirements of the Idaho Code. My concern is our rules of professional responsibility.

We have been asked, along with perhaps three or four other firms, to provide a cost proposal to assist the county engineer's office during this time. Our effort would not be directly related to the flood emergency, but to perform some of the normal duties ordinarily provided by the county engineer that Angie now does not have the time to perform.

The request from the county requires that we provide a fee based proposal.

My reading of all this is that this service would fall under the umbrella of the emergency declaration as a peripheral necessary activity. As our rules of professional responsibility acknowledge QBS selection as required by Idaho Code, the emergency declaration removes that same obligation under our rules.



Board Opinion on Emergency Services (Continued)

Therefore our office could provide a proposal based upon cost.

My reading of all this is that this service would fall under the umbrella of the emergency declaration as a peripheral necessary activity. As our rules of professional responsibility acknowledge QBS selection as required by Idaho Code, the emergency declaration removes that same obligation under our rules. Therefore our office could provide a proposal based upon cost.

If you believe my assessment is incorrect, please let me know. The county is hoping to receive proposals by Friday.

Thank You,
PE/PLS from Southern Idaho

Answer from the Board Attorney

Here is my take on the question. You are correct that there is no question that a county may suspend formal bidding in its entirety in cases of emergency to deal with the emergency. Idaho Code § 67-2320 seems to indicate (although rather awkwardly) that QBS policy should be followed unless the "expenditure is otherwise exempt from the bidding process provided by law." Your rule of professional responsibility 009.05 indicates that professionals should follow QBS in those circumstances "required pursuant to § 67-2320." So it seems that bidding is not required in declared emergencies at all, hence it follows that niceties of QBS should not be required.





Board Opinion on Emergency Services (Continued)

Ergo, you should not be looking to discipline a professional for responding to an emergency offer of contract.

Mr. Engineer/surveyor's scenario seems to be that he and others are being asked what it will cost to help the county engineer deal with a declared emergency. Given what appears to be the intent of the statutes and rule, it is my opinion that an attempted prosecution of a responding engineer would be outside the law, and subject to dismissal. I recognize that someone may parse the wording of the statutes and rules differently, but I believe the intent of the statutory scheme is clear.

Michael J. Kane

Rule Changes Pending with the Legislature in 2017

Three rule change proposals were adopted by the Board and are pending legislative review and approval. They can be found at:

<https://ipels.idaho.gov/2017Rulemaking.html>.

Rule Changes proposed for adoption by the Legislature in 2018

Docket 10-0101-1701 Rules of Procedure. This is mostly a housekeeping rule change with the exception that a change is proposed to remove the "Washington Accord." This accord is an international agreement whose signatories agree to recognize the engineering education credential of each country.

Rule Changes Pending with the Legislature in 2017 (Continued)

The Board has determined, based on information provided by NCEES, that the engineering credentials are often do not meet the NCEES Engineering Education standard. As a result, the only two countries the Board will unconditionally recognize the engineering education credentials are the U.K. and Canada. Educational credentials from other Washington Accord countries may still be approved, but they must first be evaluated for equivalency with the NCEES engineering education standard.

Docket 10-0102-1701 Solicitation of Work – adds a new provision that clarifies an existing Board opinion. This means the Qualification Based Selections statute apply to sub-consultants as well as consultants.

Docket 10-0104-1701 Continuing Professional Development – repeals a rule provision. This relates to licensees residing outside the United States. Except for military personnel and military contractors, licensees residing outside the U.S. will no longer be exempt from obtaining continuing professional development.

No law changes are proposed by the Board for the 2018 legislative session.

Out-year Law and Rule Changes Considered by the Board

The Board is considering updates to existing laws in the coming years (2018 or later) and is interested in comments by interested stakeholders before deciding to proceed. The proposals are posted to the Board's web site. A summary is as follows:

1. Decoupling of the professional examinations from the requirement of first obtaining 4-years of work experience. NCEES has adopted a model law that effectively allows Engineering Interns or Land Surveying Interns to sit for professional examinations after they have graduated with a 4-year degree and passed the fundamentals examination (qualified as an intern). Most states have adopted similar provisions including states that surround Idaho.
2. Housekeeping law changes that make minor updates for improved administration of licensure.
3. Corner Filing and Recording – for land surveyors that clarifies which corners are Public Land Survey corners and adds the center of section and 1/16th corners to those that require a CP&F form to be filed when subdividing a section.
4. Records of Survey – changes on when recording is required and the addition of a narrative. A narrative for plats is also being considered.
5. Authoritative Surveying – considering a new rule that describes the types of land surveying products and services that are considered “authoritative” from those that are not. The rule is the NCEES model and is designed to complement the NCEES model law change that was adopted by the legislature in 2015.

Survey Education Subcommittee

The Board continues to look for ways to increase the educational options for students seeking to become land surveyors. Currently Idaho State University (ISU) in Pocatello offers the only Board approved and ABET accredited surveying program including the 2nd two years in an online format that can be taken in lieu of relocating to ISU. The need for new surveyors entering the profession is increasing as more surveyors are retiring each year and few new surveyors are entering the profession.

The Board, working with industry and the Idaho Society of Professional Land Surveyors wants to see more survey educational options in the future. Surveying Board members Glenn Bennett and John Elle along with Keith Simila, the executive director recently met with the Dean of Career Technical Education and his staff at ISU in Pocatello to explore options that may increase enrollment and expand program offerings across the state.

One change being considered is to make the surveying a 2 + 2 program where students will enroll for two years and receive an Associates of Applied Science degree and then enroll in the final two year program for a Bachelors degree.

Survey Education Subcommittee (Continued)

To make this work in locations outside Pocatello, an apprenticeship model that aligns with the National Society of Professional Land Surveyors (NSPS) Certified Survey Technician (CST) offerings will be explored where students can apprentice to receive specific survey coursework and enroll in a local community college for other course requirements as part of their education. They can also obtain certification as a CST during and after completing their first two years of education. Finally, to meet the survey education requirements for those with a related science degree, ISU will explore the option of issuing a “certificate” for those completing ISU surveying courses that meet the minimum requirements in the Board’s rule.

Individuals interested in professional surveying licensure, who also hold a related science 4-year degree, must obtain an additional 30 semester credits of surveying courses that include courses in basic surveying, route surveying, public land surveying, survey law, global positioning systems, and geodetic surveying. ISU offers all of those courses.





Survey Education Subcommittee (Continued)

All upper division courses use a distance learning format which can be taken anywhere in the state where students have access to a good internet connection. Obtaining a certificate from ISU demonstrates the survey educational requirements are met, which enables a clear pathway to licensure.

ACEC Sponsors Continuing Professional Development Offerings

The Registered Continuing Education Program (RCEP) is used by 82,000 engineers and other design professionals. RCEP provides a one-stop online shop for all educational activities, which includes easily accessible CE record keeping, uniform and reliable transcripts for state licensing boards, up-to-date CE and licensure requirements by state/jurisdiction, and a master calendar of more than 148 Registered Education Providers.





ACEC Sponsors Continuing Professional Development Offerings (Continued)

Originally developed in 2008 by the National Council of Examiners for Engineering and Surveying (NCEES) and American Council of Engineering Companies (ACEC), RCEP is now administered by ACEC with the support of the American Society of Civil Engineers (ASCE). If you have an interest in RCEP, visit their website at www.rcep.net.

Fee Tutoring for FE Exam and Engineering Coursework

A recent retiree has offered free services to engineering students and those interested in studying for the fundamentals of engineering examination located anywhere in the state. Check out his webpage at www.engineeringtutor.biz.



Professional Engineering Examinations for Chemical and Nuclear Engineering Converted to Computer Based Test Starting in 2018

NCEES is offering the first Professional Engineering (PE) examination in Computer Based Test (CBT) format beginning with the Chemical Engineering examination in January of 2018, followed by the Nuclear Engineering examination in October of 2018. All future NCEES PE examinations will eventually be converted to CBT format over the next five years. The Professional Land Surveyor examination is now only offered in CBT format. Tests are offered at any Pearson-VUE operated test centers such as those in Boise, Spokane, WA and Ogden, UT. They are not offered at university campus test centers. Applicants must first apply to and be assigned by the Board before taking the PE and PLS examination.



New Idaho Professional Engineers and Land Surveyors Licensed by Examination Winter 2016

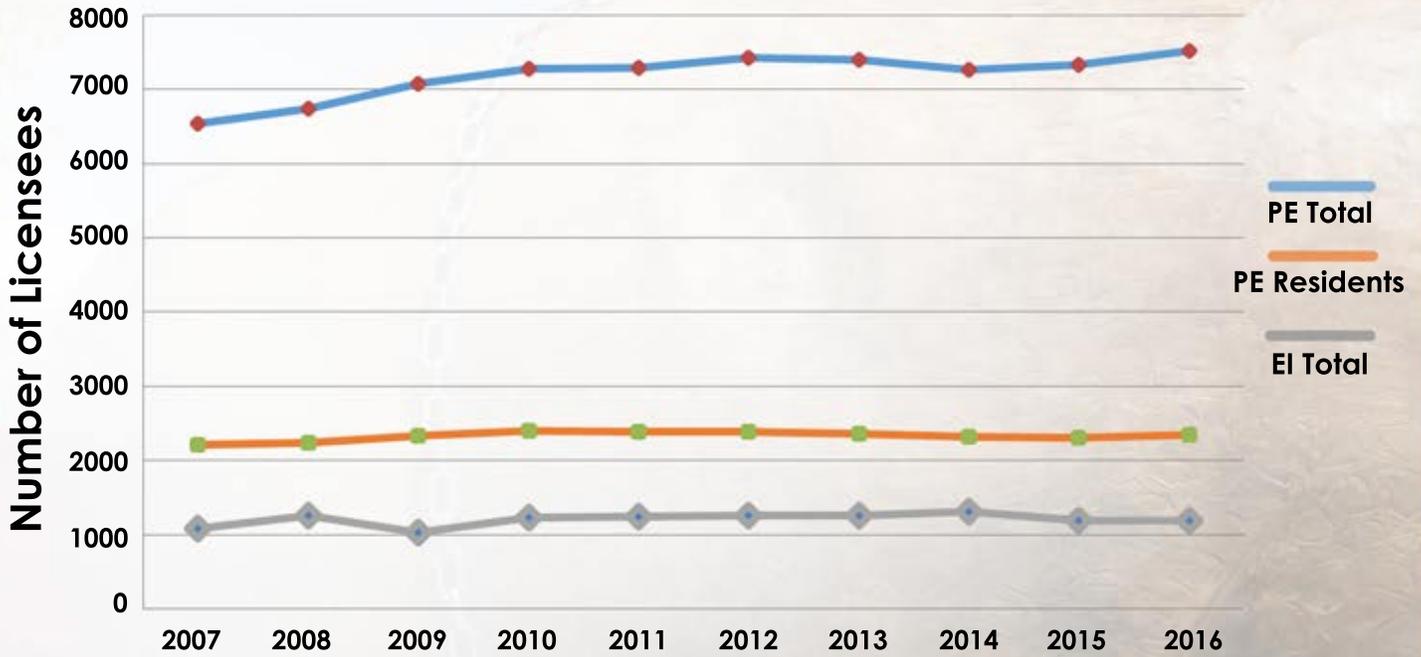
First Name	Last Name	City	State	Discipline
Benjamin	Armstrong	Pulman	WA	Control System
Abgail	Ballou	Hailey	ID	Civil Structural
Zachary	Briggs	Boise	ID	Electrical and Computer: Power
James	Burdick	Chubbuck	ID	Electrical and Computer: Power
Lynn	Catlin	Meridian	ID	Mechanical Systems and Materials
Brian	Coughlin	Boise	ID	Civil Geotechnical
Kathryn	Marron	Boise	ID	Fire Protection
Jerimiah	Fenton	Hazelton	ID	Civil Water Resources and Environmental
Mauro	Ferrando	Boise	ID	Electrical and Copmuter: Power
Seth	Feuerborn	Pocatello	ID	Mechanical Systems and Materials
Kyle	Hausam	Sandpoint	ID	Electrical and Computer: Power
Richard	Hedrick	Boise	ID	Control Systems
Scott	Hillis	Pocatello	ID	Electrical and Computer: Power
Pamila	Jaszkwowiak	Meridian	ID	Electrical and Computer: Power

New Idaho Professional Engineers and Land Surveyors Licensed by Examination Winter 2016 (Continued)

First Name	Last Name	City	State	Discipline
Caleb	Kenyon	Nampa	WA	Civil Contract
Ryan	Lewis	Coeur d'Alene	ID	Civil Geotechnical
Aimee	Loudenslager	Eagle	ID	Civil Transportation
Hilary	Martin	Rexburg	ID	Mechanical Systems and Materials
Cooper	McBride	Hailey	ID	Electrical and Computer: Power
Don	MacDonale	Chubbuck	ID	Environmental
Steven	Norris	Twin Falls	ID	Mechanical Thermal and Fluids Systems
Stacey	Page	Meridian	ID	Electrical and Computer: Power
Juliet	Petersen	Boise	ID	Electrical and Computer: Power
Jeffery	Price	Coeur d'Alene	ID	Civil Water Resources and Environmental
Joseph	Runyan	Boise	ID	Civil Construction
Bryce	Simpson	Nampa	ID	Electrical and Computer: Power
Samuel	Thompson	McCall	ID	Civil Structural
Florence	Webster	Meridian	ID	Electrical and Computer: Power
Jeremy	Wilson	Meridian	ID	Civil Water Resources and Environmental
Roger	Zimmer	Palatine	IL	Civil Structural

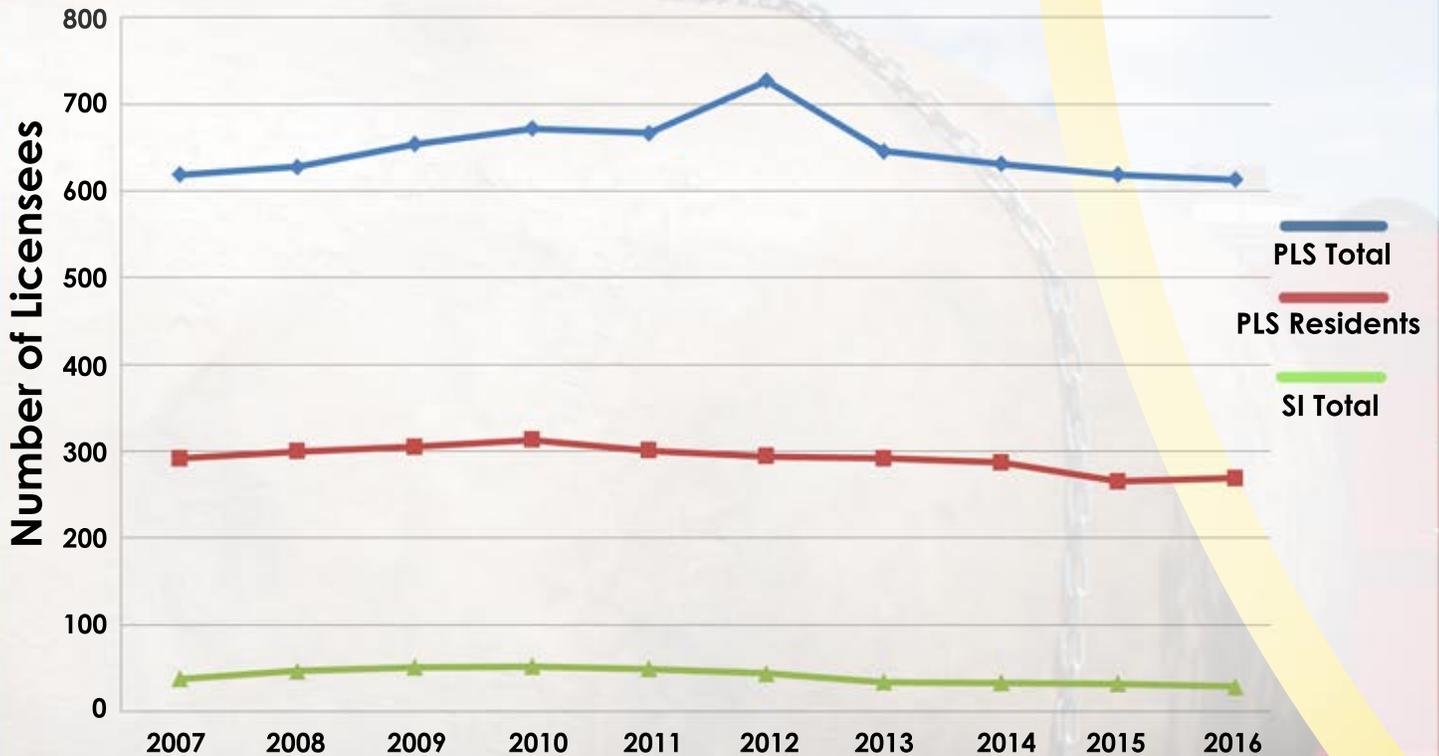


PE Licensure Trends



The Famous

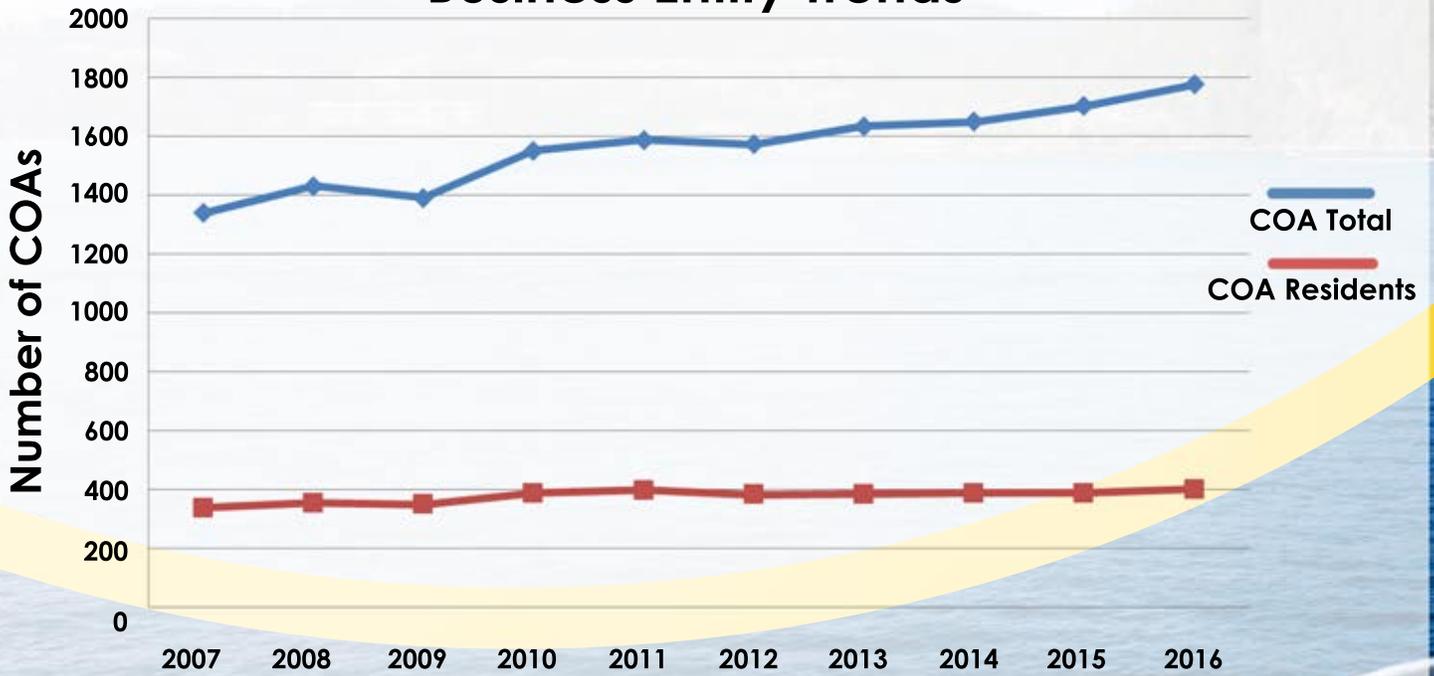
PLS Licensure Trends



Idaho Potato Tour



Business Entity Trends





Disciplinary Actions

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

Docket No. FY 17.07 In the Matter of Dean Briggs, P.L.S. L-3619.

The matter involves work performed by Respondent in connection with a record of survey (ROS) completed as part of a Sporting Clay Facility in Gem and Boise Counties, Idaho. A number of calculated positions of GLO corners, the failure to meet minimum standards required for ROS and standard of care comprise the issues. The Respondent acknowledges that his work on this project was inferior to the acceptable standard of care of the profession for not furnishing the required written calculations.

Respondent has had an opportunity to review this matter and agrees that there is sufficient evidence to support a finding that Respondent failed to perform in accordance with the standard of care of the profession in violation of IDAPA 10.01.02.005.02. Further, Respondent's conduct in this matter constitutes a violation of IDAPA 10.0102.005.01; violation of Idaho Code section 55-1604, filing requirements, violations of Idaho Code section 55-1608, surveyor required to reconstruct monuments, violations of IDAPA 10.01.03 rules for corner perpetuation and filing, and violation of Idaho Code section 55-1906(1)(2) and (4) records of survey, contents.



Disciplinary Actions (Continued)

The Board reprimands the Respondent. That within thirty days, Respondent shall tender to the Board a check of \$2,500 payable to the General Fund of the State of Idaho.

That respondent shall complete at his own expense, the following within nine months after the date of the Certificate of Service of the Final Order, and provide a Certificate of Completion to Board Staff no later than 5:00 p.m., Mountain Time, on that deadline date.

1. File the CP&Fs identified
2. Construct or reconstruct the monuments identified
3. Refile CP&Fs as indicated below
 - a. Refile and list record of original corner on CPF instrument numbers identified
 - b. Refile and list subsequent history of the corners described
 - c. Refile and list instrument numbers of previously recorded CPFs on corner records
 - d. Show evidence of how the positions for the corners listed were calculated
 - e. Show the evidence of how the positions were calculated for the corners where new monuments were set
 - f. Refile and list the 1917 GLO survey by Mans Coffin as a reference document, and use the information shown on that survey to properly calculate the proportioned corner positions identified
 - g. Refile and give evidence or information showing the properly researched and retracted prior surveys before the calculated section and $\frac{1}{4}$ section corners required for control in the survey



Disciplinary Actions (Continued)

4. Amend and record the Record of Survey correcting the deficiencies identified

- a. Re-establish a new monument
- b. Show CPF instrument numbers
- c. Place a "Certificate of Survey" on the ROS

Docket No. FY 17.01 In the Matter of Alan V. Kiebert, P.L.S. L-974.

The matter involves Staff's investigation into the work performed by Respondent in connection with the survey for re-plot of the Van Scravendyk's Lakeview Terrace II in Hope, Idaho. The respondent acknowledges there is sufficient evidence to establish a violation of **IDAPA 10.01.02.004.06**, Failure to Respond to Staff in a timely manner. The Board reprimands the Respondent. That within thirty days, Respondent shall tender to the Board a check of \$500 payable to the General Fund of the State of Idaho. Respondent acknowledges that his practice has been affected by his current circumstances. While he is not intending to retire presently, he has adjusted his work load to ensure that he timely responds to clients and completes jobs for which he has been retained. Respondent agrees to limit his practice attached as Exhibit A in his letter to Staff.

Docket No. FY 17.04 In the Matter of Forrest Keirnes, P.L.S. L-6373.

The matter involves work performed by Respondent in connection with a survey conducted in Camas County, Idaho. The Respondent acknowledges that his work on this project was inferior related to compliance with the laws and rules required of the profession.

Disciplinary Actions (Continued)

Respondent has had an opportunity to review the matter and agrees that there is sufficient evidence to support a finding that Respondent failed to perform in accordance with the rules of professional responsibility in violation of **IDAPA 10.01.02.005.04** Obligation to Communicate the Discovery of Discrepancy. Further, Respondent's conduct in this matter constitutes violations of **IDAPA 10.01.03.005** correct CP&F form, **IDAPA 10.01.03.006** Completion of CP&F Form, and **IDAPA 10.01.03.007** Record of Original Corner and Subsequent History, rules for corner perpetuation and filing; **Idaho Code Section 55-1904(1)**, records of survey, **Idaho Code Section 55-1604**, (corner record) filing requirements.

Respondent has had an opportunity to review the matter, and agrees that there is sufficient evidence of the factual allegations stated above, such that the Board could find that Respondent committed the violations set forth therein.



Disciplinary Actions (Continued)

Respondent admits that the facts stated above could be found by the Board to be sufficient grounds for the remedies specified below, and that proof at hearing of one or more of the allegations set forth would empower the Board to take disciplinary action against Respondent's license. Upon this Stipulation and Consent Order and the record, the Staff and Respondent agree that the Board may enter an Order to Respondent for the conduct specified above. That the Board reprimands the Respondent for the conduct specified above. That Respondent shall tender to the Board a check in the amount of \$2,500, payable to the general fund of the state of Idaho. That the Respondent shall complete, at his own expense, the following items within three months after the date of the Certificate of Service of the Final Order, and provide a Certificate of Completion to Board Staff no later than 5:00 p.m., Mountain Time, on that deadline date.

1. Communicate the discovery of discrepancies and make attempts to resolve them. Mediation or arbitration may be recommended if not resolved.
2. File a record of survey to include all corners where a material discrepancy is found.
3. File the correct CP&F forms for all monuments set in this

Docket No. FY 17.05 In the Matter of Jared Leavitt, P.L.S. L-13552.

This matter involves work performed by Respondent in connection with a Jerome County plat development.





Disciplinary Actions (Continued)

Respondent has had an opportunity to review this matter and agrees that there is sufficient evidence to support a finding that Respondent violated the Rules and Statutes set forth herein. Respondent's conduct in this matter constitute violations of **IDAPA 10-**

0102-007.01, Public Statements, Reports, Statements or Testimony. A licensee shall not commit fraud, violate the standard of care or engage in deceit or misconduct in professional reports, statements or testimony. Respondent identified on the plat that the interior and exterior monuments were set when in fact they were not set. Respondent should not have indicated the monuments exist when they do not exist. The title block of the plat drafted by Respondent used a company name no longer in existence.

Idaho Code §50-1331 says that interior monuments may be deferred, but surveyor performing the work must certify on the plat that they will be set on or before a specified date. This certification does not exist on this plat. **Idaho Code §55-1608** says "In every case where a corner record of a survey corner is required to be filed or recorded under the provisions of this chapter, the professional land surveyor must reconstruct or rehabilitate the monument of such corner, and accessories to such corner."





Disciplinary Actions (Continued)

Respondent did not reconstruct the NE corner of Sec. 14. A corner record for this corner was identified on the plat. Although, the CP&F instrument number is incorrect. Respondent did not reconstruct the N $\frac{1}{4}$ of Sec. 14 or set a reference monument. Respondent was reprimanded fined \$750 as an administrative penalty. Respondent stipulated to complete the following:

- (1) Revise the plat, show interior monuments as not being set, and provide the required certification. Set all exterior monuments.
- (2) Set the monuments for the N $\frac{1}{4}$ or a reference monument or witness corner for the same, and the NE corner of Sec. 14. File CP&F's for those monuments. Show these monuments and correct corner record instrument numbers on the revised plat.
- (3) Revise the title block to be the correct company or surveyor on the amended plat; and provide a cost estimate to the developer for setting the interior monuments on or before the specified future date.

Docket No. FY 11.11 In the Matter of Chad Erickson, P.L.S. L-7157

The Board's final order revoking Mr. Erickson's license was remanded back to the Board. The court order can be viewed on the Board's web site.

Retirement of Licenses in Lieu of Discipline or Compliance with CPD

Loren Erich Euhus, P.E.,
Moscow, Idaho



Disciplinary Actions (Continued)

Surrender of License in Lieu of Discipline or Compliance with CPD

Kenneth Elwin Gardner, P.L.S., Washington Terrace, UT
Dale L. Handy, P.E., Idaho Falls, Idaho
Peter M. Kruse, P.E., P.L.S., Spokane, WA

The disciplinary action below relate to noncompliance with continuing professional development requirements – Count 1; and failure to answer a Board inquiry in a timely manner – Count 2. Each count resulted in an admonishment and a \$500 administrative penalty

In the matter of John G. Ronan, P.E., P-8412, Boise, ID Count 1 and 2

Default Hearings and Finding of Default

The disciplinary actions below relate to licensees not responding to a Board inquiry

Jerry D. Gager, P.E., Orinda, CA



In Memory of Those Recently Deceased



Jared Ralph Thomas P-11449 (CE) Salt Lake City, UT	8/27/16
William Walter (Bill) Sacht PL-935 (CE/LS) Boise, ID	1/21/17
James W. Hill PL-1350 (CE/LS) Boise, ID	5/22/16
Sumner M. Johnson P-777/L-777 (CE/LS) Nampa, ID	2/4/17
Daniel Charles Winberg P-7198 (CE) Garden City, ID	12/6/16
Ralph Crawford Byxbee Jr P-2620 Coeur d'Alene, ID	3/5/17

In Memory of Those Recently Deceased



Former Board Member Sumner Johnson Passed Away

Sumner M. Johnson, 92, died February 4, 2017, at a local care facility from pneumonia. Born October 11, 1924, in Nampa, Idaho, to Ambrose and Leta (Firkins) Johnson; he was the 4th child, following Wayne, Wanda, and Eugene. Sumner studied at the University of Idaho where he developed a lifelong love of the Vandals. He was a member of the Kappa Sigma fraternity and the Vandal baseball team, graduating with a Bachelor of Science degree in civil engineering in 1948. After graduation, Sumner returned to Nampa to work as an engineer. He was employed as assistant city engineer for Nampa from 1949 to 1951. Sumner worked with the engineering firm Briggs and Associates from 1951 to 1954. He then partnered in the firm Johnson and Underkofler, a relationship that continued until 1962 when the firm Johnson, Underkofler, and Briggs was formed. J-U-B Engineers, the second love of Sumner's life, was incorporated in 1969 with Sumner serving as president until 1979 when he became chairman of the board until his semi-retirement in 1983. Sumner resumed an active role as chairman of the board in 1986 until his full retirement in 1992. Sumner was an active member of several professional engineering organizations and a past officer of the Idaho State Board of Professional Engineers and Land Surveyors. Sumner served on the licensing Board from 1977 to 1987.



Calendar Of Up Coming Events

July 31-August 1, 2017

August 23-26, 2017

September 7-8, 2017

October 27-28, 2017

November 16-17, 2017

January 25-26, 2018

March 5-6, 2018

April 5-7, 2018

April 20-21, 2018

MAY 17-18, 2018

Board Retreat in Riggins, Idaho

NCEES Annual Meeting in Miami, Florida

Board Meeting in Boise, Idaho

PE Examinations in Boise, Idaho

Board Meeting with Deans in Boise, Idaho

Board Meeting in Boise, Idaho

ISPLS & Board Meeting in Nampa, Idaho

NCEES Western Zone Meeting in Honolulu, Hawaii

PE Examinations in Boise, Idaho

Board & ISPE Meeting in Boise, Idaho

Board Staff

Keith Simila, PE Executive Director

keith.simila@ipels.idaho.gov

James L. Szatkowski, PE Deputy Director

jim.szatkowski@ipels.idaho.gov

Jennifer Rowe, Administrative Assistant

jennifer.rowe@ipels.idaho.gov

Edith Williams, Technical Records Specialist

edith.williams@ipels.idaho.gov

Office Phone (208) 373-7210

