Idaho Board of Licensure of Professional Engineers

And Professional Land Surveyors

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John Tomkinson, Chair, Star

John Elle, P.E., P.L.S., Vice Chair, Pocatello

Glenn Bennett, P.L.S. Secretary, Boise

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

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

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

Dusty Obermayer, P.L.S., Member, Rathdrum

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**Spring/Summer 2020 NEWS BULLETIN 65th EDITION**

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

**Board Member Highlights**

**Board Votes to Elect John Tomkinson, public member, as Chair**

The Board elected John Tomkinson as new chairman to succeed Dusty Obermayer. John will serve until new elections are held in 2021.

**Board Votes to Elect John Elle, P.E., P.L.S. as Vice Chair**

The Board voted to elect John Elle to the office of vice chair. Mr. Elle succeeds John Tomkinson who is now chairman. John Elle will serve until new elections are held in 2021.

**Board Votes Elect Glenn Bennett, P.L.S. as Secretary**

The Board voted to elect Glenn Bennett to the office of Secretary. Mr. Bennett succeeds John Elle. Glenn will serve until new elections are held in 2021.

**Introduction**

**Message from the Executive Director**

The times we live in are anything but normal. With the COVID-19 virus along with legislative actions and executive orders, the Board is adapting to the changes before us. We all know the virus changed many things. The Board responded by waiving the requirement for obtaining continuing professional development as a condition of renewal during the time period of the declared emergency by the governor. Those who renewed their license during that period will not receive an audit. To address the potential for revenue reductions, each agency was asked to plan for a 5% budget reduction in FY 2021. This means that we may defer printing and mailing publications such as the news bulletins and paper renewal notices this year. The news bulletin may be published and available only on the Board’s website during FY 2021. Renewal notices will be sent electronically via email to those with email addresses. Those without an email address will receive a paper renewal notice.

The legislature did not reauthorize rules again this year. As a result, our rules will again be temporary. The current temporary rules along with the updated laws are available on the Board’s website. This also means our rules will be promulgated as proposed permanent rules this summer and reviewed in the 2021 session of the legislature. The legislature enacted several bills related to licensure including one known as Senate Bill 1351E. This bill has provisions for comity licensure that allows the Board to issue a provisional limited scope of practice license to those lacking education, exams, or experience to qualify for an unrestricted license. It also addresses limiting criminal convictions as a barrier to licensure to only crimes of relevance.

Finally, after a hearing to reinstate a revoked license, the Board wanted to remind licensees of the importance of keeping your mailing address and email address current with the Board and not disregarding correspondence sent from the Board whether they are renewal notices, CPD audits or responses to complaints. The hearing was related to a person who did not respond to a CPD audit that resulted in a revoked license for being non-responsive. The person wanted his license reinstated after four years and could have avoided this adverse action had he been responsive to correspondence by the Board. If you retire or chose to let your license or COA expire, it is a good idea to send us notification of your status change. The same is true of those designated in responsible charge on the COA. When responsible charge changes occur, there is a statutory requirement for notifying the Board within 30 days. The consequence of not doing so may result in a refusal to renew a COA or other discipline. Changes to responsible charge and addresses can be done online.

**Board Decisions**

**Monuments and Easements Questions**

**Scenario:** An easement document is prepared wherein the description is subject to change. The easement is to be controlled (at least in part) by the constructed utility. The final easement location will be monumented and a record of survey will be recorded after construction is complete.

1. **Question:** “In the above situation, it appears appropriate to write an initial legal description for the easement agreement that both parties agree may change later.  Does this initial legal description need to be monumented and have a Record of Survey filed with the County, knowing it will change?  Please remember these alignments are miles long and would have a very high cost to perform the monumentation, only to do it again later.”

**Answer:** An easement controlled by an improvement would not be considered final until the construction of the improvement is complete. The final description (based on the surveyed location of the pipeline) would require monuments conforming to 54-1227 and a record of survey in accordance with 55-1906 (2) and (5).

1. **Question:** “It is very common to have a temporary construction easement and a permanent easement for a utility.  The construction easement is larger, encompassing the permanent easement.  If the permanent utility easement is monumented prior to construction, these permanent monuments will be substantially damaged during construction.  Is it acceptable to monument and file the ROS for the permanent easement after the utility installation takes place?”

**Answer:** The previous opinion of the Board is that a survey is complete when monuments are set. Setting monuments after construction is completed is a reasonable practice.

1. **Question:** “It is very common for buried utilities to be placed in cultivated fields that the landowner will continue to farm.  Please confirm it is not required to monument and file a ROS for an easement within a cultivated field. “

**Answer:** An easement must be monumented and a survey recorded, whether in a cultivated field or not. Cultivation may or may not preclude the use of monuments described in 54-1227 at some corners. It does not prevent the use of recessed monuments, witness corners, or reference monuments. Professional Land Surveyors are given latitude to make professional judgments as it relates to the conditions at a particular corner or corners, but the statute does not allow eliminating the record of survey and all monuments.

**Agency Guidance Documents Available on Board’s Website**

There are many prior opinions and guidance documents provided by the Board over the years. Most of these were published in prior news bulletins or legal opinions. A recent executive order directed agencies to make documents considered as guidance documents available on agency websites. The Board has done this and will continuously update the guidance documents as new or revised opinions are made. Not all previous news bulletin opinions are currently relevant. Those posted on the website are considered relevant and useful.

**Board Adopts Guidance on Authoritative Professional Land Surveying**

The Board adopted a guidance document that describes the activities considered authoritative, requiring a PLS license and those that are not authoritative. The document is on the Board’s website under agency guidance documents.

**Board Adopts Guidance on Credit for CFedS Completion**

The Board adopted a guidance document that describes the Certified Federal Surveyor completion as equivalent to four (4) college semester credits. This is useful for obtaining professional development hours for CPD compliance. It is also useful for obtaining the thirty (30) semester credits of surveying courses for meeting the survey education component for those with a related four-year degree and seek PLS licensure. This document is found on the Board’s website under agency guidance documents.

**Statute and Rule Changes**

**Rule Changes Adopted by the Legislature in 2020**

Substantial changes to the rules of the Board occurred in the last session of the legislature. The Board consolidated four rule chapters into one chapter and removed several sections of the rule that were no longer needed. This was done in response to the governor’s executive order known as the Red Tape Reduction Act which directed all state agencies to remove unneeded rules and restrictions. There were only two removed sections of substance. One removed the time limitation on the Board to hear complaints; the other removed a 10-year time limit on publishing disciplinary cases. The Board added a provision to allow mentoring of students as an eligible activity for earning continuing professional development.

**Law Changes Adopted by the Legislature in 2020**

The legislature adopted and the governor signed Senate Bill 1261. This bill implemented the changes described in the last news bulletin. The substantial changes relate to surveying laws and monuments. Changes to Title 55, Chapter 16 – the corner record statute were made. Specifically, all professional land surveyors are now required to monument the center ¼ of a section and file a corner record on it when subdividing a section. Existing C ¼ corners recovered, used as control or perpetuated will require a corner record from now on. Calculating a position for the C ¼ without setting a monument is no longer allowed. Off-line closing corners will require the true on-line position of the corner to be monumented and a corner record filed as well. Surveyors will have more options regarding the type of monument to use but all must be magnetically detectible. Other substantial changes should be reviewed by licensees. The new law and rule book is available on the Board’s website.

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

The governor issued executive order EO 2020-01 Zero Based Regulation that places a moratorium on new rules in 2020. It also implements a review process whereby all rules will be reviewed once in the next five years using a process that repeals existing rules and re-evaluates whether to reauthorize new rules going forward. Future rule changes will be made once in the next five years as part of this effort instead of annually as had been the Board’s practice. The Board’s rules are proposed to be evaluated in fiscal year 2022 or beyond.

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

New law changes proposed in 2021 or beyond include:

* **State Plane Coordinates** – updates to incorporate the new datums from NGS and to modernize Title 55, Chapter 17
* **Monument Definition** – updates the definition of a monument
* **Basis of Bearing** – updates to allow for use of alternative (GPS friendly) reporting

**Education**

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

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

**Examinations and Licensure**

The cancelation of the April 2020 paper-and-pencil exam administration impacted approximately 16,000 examinees nationwide. To accommodate these examinees, the format of the October 2020 exam administration will be modified as shown below.

**Exam administration format**

The October 2020 paper-and-pencil exam administration will be administered over two days – Thursday, October 22 and Friday, October 23 in Boise. Please note that exams usually offered once a year during the April administration will be offered in October. Exams must be administered on the day assigned as follows:

**Thursday, October 22, 2020**

Civil: Geotechnical; Transportation; Water Resources and Environmental

SE Vertical Forces: Bridges; Buildings

**Friday, October 23, 2020**

Agricultural and Biological Engineering,

Architectural Engineering

Civil: Construction; Structural

Control Systems

Electrical and Computer: Computer Engineering; Electronics, Controls, and Communications; Power Metallurgical and Materials

Mining and Mineral Processing

Naval Architecture and Marine

SE Lateral Forces: Bridges; Buildings

Examinees who were approved to take an exam during the April 2020 administration will be automatically approved by NCEES Exam Administration Services (EAS) for the October 2020 administration if they register

for the same exam through the same board. **If you were registered for the April 2020 exam, you need to register again for the October 2020 exam**. Registration is open from June 1 through August 20, 2020.

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

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| ELIASIB | APODACA | HAYDEN | ID |  CE |
| JESSE | BAGGENSTOS | MERIDIAN | ID |  ME |
| SIKHA  | BHUSAL | BOISE | ID |  CE |
| LAURA  | BOND | NAMPA | ID |  CE |
| ROBERT  | BORRELLI | IDAHO FALLS | ID |  FACULTY |
| HARVEY | BURCH | IDAHO FALLS | ID |  CE |
| CURTIS | CALDERWOOD | RIGBY | ID |  CE |
| SPENCE  | CARTER | IDAHO FALLS | ID |  FPE |
| JESSE  | CHRISTENSEN | PAYETTE | ID |  CE |
| JOHN | CORONADO | CALDWELL | ID |  EE |
| KYLE | GAGNON | IDAHO FALLS | ID |  CE |
| JOSHUA  | GRIFFIN | NAMPA | ID |  EE |
| CHARLES  | GUTHRIE | BOISE | ID |  CE |
| STEPHANIE  | HALLOCK | COEUR D'ALENE | ID |  CE |
| MARK | HAYES | SHELLEY | ID |  CE |
| MATT | HOWELL | BOISE | ID |  ME |
| NATHAN  | JOHNSON | IDAHO FALLS | ID |  ME |
| NICHOLAS | JORDAN | BOISE | ID |  ME |
| KAMAL | KUMAR | MOSCOW | ID |  FACULTY |
| THOMAS  | LABRECQUE | BOISE | ID |  ME |
| JOSHUA  | LARAMIE | BLOOMINGTON | IN |  CE |
| MILES  | LAWRENCE | NAMPA | ID |  FACULTY |
| VANCE | LEAVITT | NAMPA | ID |  CE |
| SHAUN  | LEHOSIT | MERIDIAN | ID |  EE |
| BREANNA DEE | LOGERWELL | SPOKANE VALLEY | WA |  CE |
| JOSE  | LOPEZ | BOISE | ID |  CE |
| SARAH | LYNN | IDAHO FALLS | ID |  ME |
| BRYCE | MARSH | IDAHO FALLS | ID |  CE |
| ERIC  | MEURLOTT | COEUR D'ALENE | ID |  LS |
| JOHN  | MILLER | MERIDIAN | ID |  CE |
| ALI | NAZARIDAFTARI | BOISE | ID |  CE |
| TIRAS  | NEWMAN | TWIN FALLS | ID |  EE |
| JACOB  | NORRIS | COEUR D'ALENE | ID |  CE |
| LAUREN  | NUXOLL | BOISE | ID |  CE |
| SEAN | O'BRIEN | POCATELLO | ID |  LS |
| KYLE  | PERRY | HAILEY | ID |  EE |
| MARSHALL  | PIERCE | MERIDIAN | ID |  CE |
| JUSTIN | POSTMA | GOODING | ID |  EE |
| BEHNAZ | REZAIE | PULLMAN | WA |  FACULTY |
| FRANK  | RIOS | IDAHO FALLS | ID |  ME |
| THOMAS | SIMENC | BOISE | ID |  ME |
| BRENDAN | SINES | MERIDIAN | ID |  CE |
| KANDACE | STEWART | BUHL | ID |  CE |
| MIR MD | TAMIM | MERIDIAN | ID |  CE |
| THOMAS  | TAYLOR | HAILEY | ID |  EE |
| JASON  | TOOMER | AMMON | ID |  CE |
| ROBERT  | VOWELL III | BOISE | ID |  ME |
| DARREN  | WOOD | BOISE | ID |  CE |
| JONATHAN | ZACARIAS | BOISE | ID |  CE |
| RIANNON | ZENDER | COEUR D'ALENE | ID |  CE |

**Enforcement**

**Disciplinary Actions**

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

Allen Johnson, P.L.S.

**Retirement of License in Lieu of Discipline**

Andrew Adams, P.E., Wasilla, AK.

**Cases Dismissed by the Board**

PE in South central Idaho – Allegations were made regarding violations of ethics rules such as confidentiality, criminal felony unrelated to licensed practice, and other moral standing violations. The complainant later withdrew the complaint. The Board dismissed the complaint as unfounded.

**IN MEMORY OF THOSE RECENTLY DECEASED**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Scott John | Smith | P-11671 (ME) | Phelan | CA | 8/10/19 |
| Carl Roy | Ballantyne | P-17563 (CE) | Modesto | CA | 6/28/18 |
| Joseph Robert | Stimac | E-4292 (EIT) | Marsing | ID | 11/10/19 |
| Richard T | Jacobsen | P-2012 (ME) | Idaho Falls | ID | 8/20/19 |
| Donald H | Morse | P-1547 (CE) | Eagle | ID | 10/29/19 |
| Bryce E | Bay | P-5595 (EE) | Rock Springs | WY | 11/16/19 |
| William Richard | Petty | P-7696 (ME) | Sparks | NV | 11/30/19 |
| Dennis L | Jones | L-760 (LS) | Rigby | ID | 1/13/20 |
| Brent R | Helm | P-3761 (ME) | Idaho Falls | ID | 8/29/2019 |
| Donald L | Mecham | P-1480 (CE) | Ammon | ID | 1/23/20 |
| Melvin Clarke | Taggart | PL-1768 (PE/LS) | Potlatch | ID | 6/16/19 |
| Fredrick D | Ringel | L-986 (LS) | Cascade | ID | 4/22/20 |

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**CALENDAR OF UPCOMING EVENTS**

August 3-4, 2020 Board Retreat in Riggins, Idaho

August 20, 2020 Deadline for Registering with NCEES for Fall PE Exams

August 27-28, 2020 NCEES Annual Meeting, Virtual

September 10-11, 2020 Board Meeting in Meridian, Idaho

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

November 16-17, 2020 Board Meeting with Deans in Meridian, Idaho

February 4-5, 2021 Board Meeting in Meridian, Idaho

April 23-24, 2021 PE & SE Examinations in Boise, Idaho

April 1-2, 2021 Board Meeting in Meridian, Idaho

April 23-25, 2021 NCEES Western Zone Meeting in Bozeman, MT

June 8-9, 2021 Board & ISPE Meeting in Coeur d’Alene, Idaho

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