

BOARD OF PROFESSIONAL ENGINEERS
AND PROFESSIONAL LAND SURVEYORS

Minutes of Meeting

The Board of Professional Engineers and Professional Land Surveyors held a regular meeting on June 5 & 6, 2013 at the Coeur d'Alene Resort, 115 S. 2nd Street, Coeur d'Alene, Idaho 83814 to conduct Board business. The meeting convened at 8:10 a.m. (PST) on Wednesday, June 5, 2013 with the following Board members present: David Bennion, John Howe, George Wagner, John Elle and George Murgel. Also present was Keith Simila, Executive Director and Jim Szatkowski, Deputy Director.

i. AGENDA REVIEW

1. Are there any new agenda items? A complaint was recently received from Keller and Associates. The Board will add this item to the agenda as NEW BUSINESS #13. Christopher King requested the surrender of his license. The Board will add this item to the agenda as NEW BUSINESS #14. A complaint was received from Christina Mace. The Board will add this item to the agenda as NEW BUSINESS #15. A letter was received from Nihan Darnell's attorney relating to the exam location conditions of the April 2013 FE exam in Boise. The Board will add this item to the agenda as NEW BUSINESS #16.

Moved by Mr. Bennion, seconded by Dr. Murgel to add the above referenced items to the agenda for discussion. Motion passed unanimously.

I. READING OF MINUTES

1. Review Minutes of the April 25 & 26, 2013 Board meeting.
2. Review Minutes of the February 1, 2013 Board teleconference meeting.
3. Review Minutes of the March 8, 2013 Board teleconference meeting.
4. Review Minutes of the March 11, 2013 Board teleconference meeting.

Moved by Mr. Bennion, seconded by Mr. Wagner to accept the minutes of the above referenced meetings. Motion passed unanimously.

II. REVIEW AND APPROVAL OF CONSENT AGENDA

1. The following items have been continued at previous meetings and staff is unaware of any activity relating to these matters:
 - a. FY11.11 Erickson, Chad, Standard of Care. Mr. & Mrs. Badertscher submitted a complaint regarding the survey work of Chad R. Erickson. The work included locating a previous corner which was apparently incorrectly and previously located by Carl Edwards and others. The location of this corner affects a Badertscher's property line as well as several others. Mr. Erickson submitted a detailed response to the complaint. Staff notified the Badertschers that the complaint lacks the requirements for a formal complaint and will be considered a request for inquiry. Pending outcome of litigation.
 - b. FY11.09 Holladay Engineering, Conflict of interest, Standard of Care relating to Emmett Waste Water Treatment plant. Pending outcome of litigation.
 - c. FY13.06 Ruen, Darius, ROPR. Pending resolution of litigation and a determination of whether there are substantive matters to be further investigated. Pending outcome of litigation.
 - d. FY13.10 Bartolome, Todd A., ROPR. Pending decision to move forward from Mr. Ruen.

Moved by Mr. Elle, seconded by Dr. Murgel to note items on the consent agenda with no further action. Motion passed unanimously.

III. UNFINISHED BUSINESS

1. Review Strategic Plan Objectives. As part of the Zero Based Budgeting exercise, staff reviewed the Strategic Plan in relation to the agency needs, mandates and mission. The Board revised Goal 2 Objective B to indicate June 30, 2014 as the deadline to implement online applications for assignment to the exams.

Moved by Mr. Wagner, seconded by Mr. Elle to change the date of Strategic plan Goal 2, Objective B to June 1, 2014. Motion passed unanimously.

Moved by Mr. Bennion, seconded by Mr. Elle to add a review of the Strategic Plan to the Board Retreat agenda. Motion passed unanimously.

2. Subcommittee Updates

- a. Item Writing (Mr. Howe, Mr. Elle and Mr. Young): The subcommittee needs to come up with an additional 15 items for item bank.
- b. Structural Engineers Subcommittee (Mr. Bennion and Mr. Elle): The subcommittee will explore what type of projects should be restricted to structural engineers. Mr. Bennion and Mr. Elle will coordinate a meeting with the stakeholders.
- c. International Mobility Subcommittee (Mr. Wagner and Mr. Elle): The subcommittee will study (1) NCEES administering and selling exams internationally the result of which may be outsourcing of engineering jobs. (2) Foreign engineering students gain their education in the US and then cannot stay. (3) Foreign engineering students gain their education outside the US but come to the US to practice. (4) Foreign engineering students gain their education outside the US, pass the NCEES exams, but do not reside in the US but request licensure in the US. The subcommittee, staff and Board Counsel will further study the existing statutes and rules and see how they apply to consideration of applicants who have been educated and/or licensed in a foreign country and/or obtained their experience outside the United States. Mr. Curtis created an analysis for the subcommittee and Mr. Wagner, Mr. Elle, Attorney Kane and the staff will review how existing statutes apply. This item will be discussed at the Board Retreat.
- d. Surveying FAQ (Frequently Asked Questions) Page Subcommittee (Mr. Howe and Mr. Elle): The subcommittee reviews changes to the surveying laws and assists staff with updating the Surveying FAQ web page. Mr. Howe and Mr. Elle are working with Mr. Szatkowski to keep the FAQ's current. The Board noted the information.
- e. MOE (Master's or Equivalent) for Engineers Subcommittee (Mr. Wagner and Dr. Murgel): The subcommittee will form a task force of interested and affected professional and technical societies to review potential legislation focused on MOE for engineers. Mr. Wagner and Dr. Murgel to pursue the issue and see if a coalition of stakeholders (all disciplines and societies) can be developed. Mr. Wagner has a list of professional organizations that are stakeholders. Mr. Curtis conducted a survey of NCEES Member Board Administrators regarding discipline versus generic licensing and whether there were variable requirements for licensure in different disciplines. Mr. Wagner will coordinate a meeting with the

stakeholders. A contact list has been created and the subcommittee will set up a meeting with the stakeholders.

3. Tim Haener submitted questions relating to the position of Project Manager. The Board directed Attorney Kane to work with Mr. Szatkowski, Mr. Bennion and Mr. Haener to go over this information. This item will be added to the Subcommittee Updates for future review. The Board noted the information with no action at this time.
4. A Public Meeting on Negotiated Rulemaking was held on May 20, 2013.

Moved by Mr. Bennion, seconded by Dr. Murgel to table this item. Motion passed unanimously.

5. Staff was directed to develop a guideline for the use of digital signatures for the Board's review. Mr. Szatkowski presented the Board with a draft White Paper.

Moved by Dr. Murgel, seconded by Mr. Elle to take white paper under advisement until the next Board meeting. Motion passed unanimously.

IV. NEW BUSINESS

1. Reports by Board Members and Staff of activities since the April Board meeting.

Mr. Szatkowski made a presentation for Half Moon, LLC and attended the Board Open House. Mr. Howe attended the ISPLS Board of Governors meeting on June 15, 2013. Mr. Simila met with a complainant and attended the Board Open House. Dr. Murgel attended the Board Open House and the NCEES FE Exam committee meeting in Clemson, SC. Mr. Bennion met with DFM regarding salaries for the Executive and Deputy Director positions. Mr. Elle attended the May ISPLS chapter meeting. Mr. Wagner attended the Board Open House.

2. Staff presented an Expense Reimbursement Summary for the Executive Director for April 2013 through May 2013 for the Board's review.

Moved by Mr. Elle, seconded by Dr. Murgel to accept the expense reimbursement summary as presented. Motion passed unanimously.

3. Staff provided an update on the Board's financial status as of April 30, 2013. The Board noted the information.
4. The Board set meeting dates for calendar year 2014.

Moved by Dr. Murgel, seconded by Mr. Bennion to approve calendar dates for 2014 as presented. Motion passed unanimously.

5. Staff requested that the Board authorize Mr. Simila to attend the CLEAR National Certified Investigator/Inspector Basic Training conference August 12-14, 2013 in Minneapolis, MN.

Moved by Mr. Elle, seconded by Mr. Bennion to authorize Mr. Simila to attend the CLEAR training conference. Motion passed unanimously.

6. The Board of Architectural Examiners proposed a yearly joint meeting with the Board of Engineers and Land Surveyors and Code Officials. They have proposed a ½ day joint meeting in Boise each year and a joint subcommittee to discuss the agenda for it on a regular/annual basis.

Moved by Mr. Elle, seconded by Dr. Murgel to direct staff to arrange a meeting in conjunction with the Board of Architectural Examiners. Motion passed unanimously.

Attorney Mike Kane joined the meeting via telephone.

VI. CONSIDERATION OF DISCIPLINARY ACTIONS

Mr. Simila is recused from this matter.

FY10.28 Allen, Brian J., Surveying Practices Standard of Care. Attorney Kane reviewed the District Court decision with the Board.

Moved by Mr. Bennion, seconded by Dr. Murgel to enter into executive session to consider records that are exempt from disclosure as provided for by Idaho Code 67-2345(1)(d). Roll call vote results; Mr. Elle, yes; Mr. Howe, yes; Mr. Wagner, yes; Dr. Murgel, yes and Mr. Bennion, yes. After meeting in executive session, the Chairman directed the Board to return to regular session.

Moved by Mr. Bennion, seconded by Mr. Elle to accept the Stipulation and Consent Order and authorize the Chair to signature. Motion passed unanimously.

IV. NEW BUSINESS

13. A complaint has been filed by Keller & Associates. Attorney Kane suggested that staff get in touch with complainants and explain what information needs to be included for a formal complaint.

Moved by Dr. Murgel, seconded by Mr. Bennion to request that the formal complaint process be followed. Once formal complaint is received, staff will refer to the Chair for direction. Motion passed unanimously.

The Board recessed at 1:00 p.m. to meet with ISPE. The Board reconvened at 2:00 p.m.

7. Mr. Crane submitted questions relating to the Board's previous Final Order on the Design of the Fire Alarm and Sprinkler Systems found in News Bulletin 39. Mr. Simila and Mr. Szatkowski reviewed the questions and proposed answers for the Board to consider later in the meeting.
8. The Board office received a letter noting possible misconduct of a licensee and certificate holder. An employee of ITD allegedly used his position within ITD to direct work to a firm for whom he worked previously and for whom he left ITD and went back to. Attorney Kane recommended no action as this was an anonymous filing.

Moved by Mr. Elle, seconded by Dr. Murgel to take no action in this matter. Motion passed unanimously.

9. Usage of Drones in Surveying.

Moved by Mr. Wagner, seconded by Mr. Elle to direct Attorney Kane to write to Sawtooth Aerial regarding the use of drone for land surveying. Motion passed unanimously.

10. CPD Update on Audits and Submission of Logs. The Board reviewed the policy on CPD submissions and audits. Requested changes to the policy will be incorporated as staff time allows.
11. Mr. Bennion discussed his conversation with the Division of Financial Management regarding the distribution of ongoing salary savings for Fiscal Year 2014.

Moved by Mr. Bennion, seconded by Dr. Murgel to enter into executive session to consider records that are exempt from disclosure as provided for by Idaho Code 67-2345(1)(d). Roll call vote results; Mr. Elle, yes; Mr. Howe, yes; Mr. Wagner, yes; Dr. Murgel, yes and Mr. Bennion, yes. After meeting in executive session, the Chairman directed the Board to return to regular session.

Moved by Mr. Elle, seconded by Dr. Murgel to recess at 4:45 p.m. The Board reconvened at 8:30 a.m. on June 6, 2013.

V. CONSIDERATION OF APPLICATIONS

Moved by Mr. Elle, seconded by Mr. Bennion to enter into executive session to consider records that are exempt from disclosure as provided for by Idaho Code 67-2345(1)(d). Roll call vote results; Mr. Howe, yes; Mr. Wagner, yes; Dr. Murgel, yes; Mr. Elle, yes and Mr. Bennion, yes. After meeting in executive session, the Chairman directed the Board to return to regular session.

NON-STANDARD – COMITY

Moved by Mr. Bennion, seconded by Mr. Wagner to approve the application of Mir Hadi Ali for licensure as a professional engineer especially qualified in civil engineering on the basis of comity with his licensure in Massachusetts. Motion passed with Mr. Howe voting against the motion.

Moved by Mr. Bennion, seconded by Dr. Murgel to approve the application of Hernan Hirsch for licensure as a professional engineer especially qualified in mechanical engineering on the basis of comity with his licensure in California. Motion passed unanimously.

Moved by Mr. Elle, seconded by Dr. Murgel to continue the application of Christopher Ryan Moerhl for licensure as a professional land surveyor on the basis of comity with his licensure in Minnesota pending additional documentation. Motion passed unanimously.

Moved by Dr. Murgel, seconded by Mr. Bennion to approve the application of Michael Ernst Myers for licensure as a professional engineer especially qualified in mechanical engineering on the basis of comity with his licensure in Ohio. Motion passed unanimously.

Moved by Mr. Elle, seconded by Dr. Murgel to deny the application of Ed Spears for licensure as a professional land surveyor on the basis of comity with his licensure in Washington. Motion passed unanimously.

Moved by Dr. Murgel, seconded by Mr. Wagner to approve the application of Robert F. Taylor for licensure as a professional engineer especially qualified in civil and structural engineering on the basis of comity with his licensure in Oregon. Motion passed unanimously.

Moved by Mr. Elle, seconded by Mr. Bennion to approve the application of Scott Woolsey for licensure as a professional land surveyor on the basis of comity with his licensure in Utah. Motion passed unanimously.

NON-STANDARD - EXAMS

Moved by Mr. Wagner, seconded by Dr. Murgel to approve waiver of the FE exam and assign Indrajit Charit to the Principles and Practice of Engineering exam in the Metallurgical discipline. Motion passed unanimously.

TERMINATIONS

The following applications have been in a "pending" status for well over a year. All have not responded to multiple attempts to gather additional information to complete their application file. All applicants have also been informed that if they did not contact the Board office regarding their application, that application may be terminated by the Board.

Darveshi, Prashant V. (FE exam)

Pachauri, Naresh (FE Exam)

Thomas III, David (PLS exam)

Moved by Mr. Wagner, seconded by Dr. Murgel to terminate the applications referenced above. Motion passed unanimously.

IV. NEW BUSINESS

12. Prior to the Board meeting, Mr. Curtis and Mr. Simila discussed the proposed change to the NCEES education standard for FS and PS exams and comity. This standard is more stringent than the current rule requires, mostly in regard to general education and math/science credits. The last time the rule changed the education standard was 2007, but the rule specifically said it wouldn't be effective until July 1, 2010. We presume the 3-year delay in implementation was to allow students in the pipeline to complete their degrees and not be required to take extra classes to take the FS exam. Mr. Curtis said that there hasn't been any discussion by the Board on a timeline to implement the new NCEES education requirement for surveyors in our proposed rule. Does the Board want another 3-year delay or should this rule be effective July 1, 2014 (earliest possible date)? The Board discussed the rationale for a date change.

Moved by Mr. Elle, seconded by Mr. Bennion to change the effective date of the rule change to July, 1, 2014. Motion passed unanimously.

Moved by Mr. Wagner, seconded by Mr. Elle to include new rule for surveying education according to John Howe's additions per attachment. Motion passed unanimously.

14. Christopher King requested the surrender of his LS license.

Moved by Mr. Elle, seconded by Mr. Wagner to accept the surrender of Mr. King's license. Motion passed unanimously.

15. Christina Mace submitted an inquiry involving Randy Knight, PE.

Moved by Mr. Elle, seconded by Mr. Bennion to authorize staff to conduct a preliminary investigation in this matter. Motion passed unanimously.

16. Nihan Darnall submitted a complaint about the FE exam location and conditions.

Moved by Mr. Elle, seconded by Mr. Bennion to authorize Attorney Kane to write a letter to Ms. Darnall offering her the opportunity to retake the exam without meeting the requirements for a 2nd failure. Authorize staff to send a letter to NCEES regarding the exam conditions. Motion passed unanimously.

VI. CONSIDERATION OF DISCIPLINARY ACTIONS

FY13.12 Elgee, Tim, Unlicensed Practice. As directed by the Board, Attorney Kane sent a letter to Mr. Elgee. The Board noted the information.

FY13.13 Mountain West Transformer, unlicensed practice. The Board noted the information.

The Board noted the issuance of professional engineer licenses to the following individuals since the last meeting of the Board. They are listed by name, discipline and the comity state as indicated:

Guido Inoa Alvarez (Electrical) Florida
417 Tenth St., Apt. #4
Atlanta, GA 30309

Erik Iver Bakkom (Civil) Oregon
Maul Foster & Alongi, Inc.
2001 N.W. 19th Ave. Ste. 200
Portland, OR 97209

Aaron Michael Beutler (Civil) Utah
Beutler Irrigation, Inc.
74 S. Hwy. 36
Weston, ID 83286

Jon R. Burks (Civil) Oregon
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PT&C Forensic Consulting Services, P.A.
2727 Paces Ferry Rd., Ste. 1-1200
Atlanta, GA 30339

Orlena W. Chiu (Civil)
David Evans & Associates, Inc.
2100 S.W. River Pkwy.
Portland, OR 97201

Oregon

Shawn Daniel Cook (Civil)
920 Altaville Ct.
Las Vegas, NV 89138

Arkansas

Scott M. Denney (Civil)
7613 211th Ave. E
Bonney Lake, WA 98391

Washington

Thomas F. Deter (Electrical)
H. F. Lenz Company
1407 Scalp Avenue
Johnstown, PA 15904

Pennsylvania

Thomas V. Dupuis (Civil)
HDR Engineering, Inc.
412 E. Parkcenter Blvd., Ste. 100
Boise, ID 83704

North Carolina

Jeffrey M. Eberly (Mechanical)
American Crane & Equipment Corp.
531 Old Swede Road
Douglassville, PA 19518

Pennsylvania

Jon J. Eldridge (Civil)
1733 Williams St. Apt. 8
Denver, CO 80218

Colorado

Susan L. Fenhaus (Civil)
5940 Terrace View Ln., Apt. J204
Auburn, WA 98092

Utah

Walter H. Flood (Civil)
Flood Testing Laboratories
1945 E. 87th Street

Indiana

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4750

Chicago, IL 60617

Jonathan Matthew Gellings (Civil)
3996 N. Eiguren Dr.
Boise, ID 83703

Washington

Brett Hart (Civil)
Sideplate Systems, Inc.
23332 Mill Creek Dr. Ste. 225
Laguna Hills, CA 92653

Nebraska

Robert Scott Haslam (Civil)
565 S. 3040 W.
Lehi, UT 84043

Utah

Redge R. Hudson (Civil)
18945 Spring Valley Road
Monument, CO 80132

California

Sarah L. Johnston (Civil)
Y2 Consultants
P.O. Box 2647
Jackson, WY 83001

Wyoming

Aaron Theodore Jones (Civil)
4005 Evergreen Ave.
Depoe Bay, OR 97341

Ohio

Aaron John Kopp (Civil)
717 NW 70th St., Apt. 203
Seattle, WA 98117

Washington

Mark I. Lachmund (Civil)
1201 Calico Avenue
Billings, MT 59105

Montana

Kiva Lints (Civil, Structural)
HNTB
600 N.E. 108th Ave. N.E., #900
Bellevue, WA 98004

Washington

Mark P. McCarty (Civil)
MM Engineering, LLC

Arizona

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2022 E. Blacklidge Dr.
Tucson, AZ 85719

Michael T. McGough (Mechanical)
Buro Happold
100 Broadway
New York, NY 10005

New York

Dennis Charles McKale (Mechanical)
39251 Worthington Ct.
Harrison Township, MI 48045

Michigan

Christopher Michael Melander (Civil)
HDR, Inc.
412 E. Parkcenter Blvd.
Boise, ID 83706-6659

Arkansas

Troy L. Meyer (Civil)
Tetra Tech, Inc.
120 W. Park Dr., Ste. 204
Grand Junction, CO 81505

Colorado

Matthew Allen Moore (Electrical)
2801 S.W. Troy Street
Portland, OR 97219

Oregon

Karen Jesse Osterdock (Civil)
Welch Comer & Associates, Inc.
350 E. Kathleen Ave.
Coeur d'Alene, ID 83816

Washington

Matthew S. Pease (Civil)
Staheli Tenchless Consultants, Inc.
1725 220th St. S.E. #C200
Bothell, WA 98021

Oregon

Steven P. Schaub (Electrical)
Glaus Pyle Schomer Burns & DeHaven
520 S. Main St. Ste.2531
Akron, OH 44311-1073

Ohio

John B. Stitt (Civil)
P.O. Box 3657

California

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Hailey, ID 83333

Chad Ian Tomlinson (Civil)
3750 E. 3800 S.
Salt Lake City, UT 84109

Utah

F. Thomas Young (Civil)
1472 S. Loggers Pond Pl. Apt. 31
Boise, ID 83706

Virginia

Comity licenses were granted to the following Professional Land Surveyors with the state as indicated:

John J. Shea
4003 S. Fisher Street
Kennewick, WA 99337

Oregon

Based on passage of the Principles and Practice of Engineering examination, a license was issued to the following:

Craig Michael Borrenpohl (Civil): 140 S. 13th Ave., Pocatello, ID 83201
Jayson Buchholz (Civil): 2919 N. Elisha Ave., Meridian, ID 83646
Molly Burrell (Mechanical): 1402 S. Owyhee, Boise, ID 83705
Brady Alan Calvert (Mechanical): 990 E. Vestige Dr., Meridian, ID 83646
Kyle E. Carpenter (Civil): 1518 North 6th Street, Boise, ID 83702
Brandon W. Christoffersen (Mechanical): 6514 S. Constellation Way, Boise, ID 83709
Christopher O. Cuhacyan (Civil): 1456 E. Falcon Rim Ct., Eagle, ID 83616
Tyson Dietz (Mechanical): 12075 W. Bluberry Dr., Boise, ID 83709
Timothy D. Eddy (Mechanical): 3216 S. Avondale Ave., Nampa, ID 83686
Haley R.W. Falconer (Civil): 2389 S. Eagleson Rd, Boise, ID 83705
Ryan L. Flamm (Civil): G & S Structural Engineers, 1600 John Adams Pkwy., Ste. 200,
Idaho Falls, ID 83401
Jackson D. Gray (Mechanical): 4737 N. Nystrom Pl., Boise, ID 83713
Todd Alan Haynes (Mechanical): 310 S. Garden St., Boise, ID 83705
Dennis H. Heitmann (Electrical): P.O. Box 175, Tensed, ID 83870
Jared M. Hopkins (Civil): ITD, P.O. Box 837, Lewiston, ID 83501
Mona Hoang Hunt (Civil): 7413 Waverly Dr., Boise, ID 83704
Raoul Arnophia Brown Johnson (Civil): 3437 E. Sandyford Ave., Nampa, ID 83686
Jack Brion Kettler (Mechanical): Walker Engineering, P.O. Box 2153, Pocatello, ID
83206
Michael B. Lowry (Civil): University Of Idaho, P.O. Box 4410222, Moscow, ID 83844
Jay McCormack (Mechanical): 1254 Wiltshire Drive, Moscow, ID 83843

Wright Consulting Group, Inc.
1635 Vilalge Ctr. Circ. #200
Las Vegas, NV 89134

The Board adjourned the meeting at 1:00 p.m. on June 6, 2013.

A handwritten signature in cursive script, appearing to read "John Ham", written above a horizontal line.

Chair

A handwritten signature in cursive script, appearing to read "John Ell", written above a horizontal line.

Secretary