

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 March 3 & 4, 2014 at the Red Lion Hotel, Pocatello, 1555 Pocatello Creek Road, Pocatello, ID 83201 to conduct Board business. The meeting convened at 1:25 p.m. on Monday, March 3, 2014 with the following Board members present: John Howe, George Wagner, John Elle, David Bennion and George Murgel. Also present was Keith Simila, Executive Director, and Jim Szatkowski, Deputy Director.

- i. **AGENDA REVIEW** - Are there any new agenda items? There were no new agenda items.

I. READING OF MINUTES

None

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.

Moved by Mr. Elle, seconded by Mr. Bennion to note the Consent Agenda with no further action. Motion passed unanimously.

III. UNFINISHED BUSINESS

- 1. Review the Strategic Plan Objectives. This item will be continued to the next meeting.
- 2. Subcommittee Updates
 - a. Item Writing (Mr. Howe, Mr. Elle and Mr. Young): The subcommittee needs to come up with an additional 19 items for item bank. Mr.

Szatkowski contacted TEST, Inc. to find out what content is needed for test questions and sent to subcommittee members. The subcommittee has about 1/3 of those items completed. The Board noted the information.

- b. Structural Engineers Subcommittee (Mr. Bennion and Mr. Elle): The subcommittee will explore if there is a need, or is it helpful to have some components of structures requiring a structural specific license. All stakeholders names have been acquired. Mr. Bennion and Mr. Elle will coordinate a meeting with those stakeholders. The Board noted the information.
- 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.
- 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. The subcommittee held a meeting at the Board office on February 19, 2014. The subcommittee discussed the history of the model law, rationale and professional organizations. A committee is now formed to move forward with this effort.

Moved by Mr. Bennion, seconded by Mr. Elle to continue this effort and dialog with interested stakeholders. Motion passed unanimously.

- f. Legislative Idea for Surveying (Mr. Howe and Mr. Elle): Work with ISPLS on changes to the statute regarding the Board's ruling that "any" means "all" with regard to corner records that must be identified. Subcommittee will work with ISPLS to bring law change back to board in September, if needed. This legislative idea has been tabled until next year. The subcommittee will present a proposal at the ISPLS Board of Governors March meeting. The subcommittee and ISPLS now have partial consensus. ISPLS will continue discussion. Mr. Howe will report at the June meeting if there is buy in from ISPLS.
3. Mr. Simila worked with a communications specialist to refine the draft communications plan that was presented at the February meeting. The Board noted the information.

V. CONSIDERATION OF APPLICATIONS

NON-STANDARD – COMITY

Ethan Talbot joined the meeting to discuss his application for Professional Land Surveyor based on successful passage of the PS exam in Arizona.

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. Howe, yes; Mr. Wagner, yes; Dr. Murgel, yes; Mr. Bennion, yes, and Mr. Elle, yes. After meeting in executive session, the Chairman directed the Board to return to regular session.

Moved by Mr. Bennion, seconded by Dr. Murgel to assign Mr. Talbot to the Idaho State Specific examination and approve issuance of his license upon passage of that exam. Motion passed unanimously.

III. UNFINISHED BUSINESS

4. At the last meeting, Chris Renaldo requested the Board's opinion on whether or not the new rule regarding conflict of interest preclude engineers and surveyors, who occasionally do work for the County, from holding a volunteer position on the County Planning Commission? Attorney Kane provided his response.

Moved by Mr. Elle, seconded by Dr. Murgel to send the letter drafted by Mr. Kane to Mr. Renaldo and direct staff to prepare article for NEWS BULLETIN. Motion passed unanimously.

5. Discuss the Board composition. Mr. Simila discussed term length for Board members.

Moved by Mr. Bennion, seconded by Mr. Wagner to form a subcommittee to vet the proposed legislation with the stakeholders. Motion passed with Mr. Elle voting against the motion.

Mr. Howe appointed Mr. Wagner and Mr. Elle to subcommittee.

IV. NEW BUSINESS

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

Mr. Elle worked on draft ROS and CP&F changes. Mr. Simila and Mr. Bennion attended the ISPE Engineers Southwest Chapter awards lunch. Mr. Szatkowski attended the ISPE Engineers Southwest Chapter awards lunch and made a presentation at the Kuna Middle School career day. Dr. Murgel attended the ISPE Engineers Southwest Chapter awards lunch and the MOE subcommittee meeting on February 19, 2014. Mr. Wagner attended

the ISPE Engineers Southwest Chapter awards lunch where he presented certificates to newly licensed PEs. He also attended the MOE subcommittee meeting on February 19, 2014.

Moved by Mr. Bennion, seconded by Dr. Murgel to send a letter from the Chair thanking ISPE for sponsoring the Engineers week luncheon. Motion passed unanimously.

Moved by Mr. Elle, seconded by Mr. Bennion to recess the meeting at 5:45 p.m. on March 3, 2014. Motion passed unanimously.

The meeting reconvened at 8:00 a.m. on March 4, 2014.

V. CONSIDERATION OF APPLICATIONS

NON-STANDARD – COMITY

Tracy Bono joined the meeting to discuss his application for Professional Engineer by comity.

Moved by Mr. Wagner, 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. Howe, yes; Mr. Wagner, yes; Dr. Murgel, yes; Mr. Bennion, yes, and Mr. Elle, yes. After meeting in executive session, the Chairman directed the Board to return to regular session.

Mr. Bono left the meeting.

Moved by Dr. Murgel, seconded by Mr. Elle to approve Tracy Bono for comity licensure as a Professional Engineer especially qualified in civil engineering pending evidence of successful completion of a 3 credit upper division engineering course. Motion passed with Mr. Bennion voting against the motion.

Moved by Mr. Bennion, seconded by Dr. Murgel to approve the following applications for comity licensure:

- David M. Banke for licensure as a professional engineer especially qualified in civil engineering on the basis of comity with his licensure in California.
- Robert P. Trifunovic for licensure as a professional engineer especially qualified in electrical engineering on the basis of comity with his licensure in California.
- Raymond Joseph Turenne for licensure as a professional engineer especially qualified in electrical engineering on the basis of comity with his licensure in Washington.

Motion passed unanimously.

NON-STANDARD – EXAMINATIONS

Moved by Dr. Murgel, seconded by Mr. Bennion to approve the application of Nicholas Guy Krasselt for assignment to the Fundamentals of Surveying. Motion passed unanimously.

NON-STANDARD – COMITY

Moved by Mr. Bennion, seconded by Mr. Elle to table the application of James M. Brown pending further information. Motion passed unanimously.

Moved by Mr. Bennion to approve the application of Camden Kirkpatrick for licensure as a professional engineer especially qualified in civil engineering on the basis of comity with his license in Iowa pending completion of 8 years of experience. Motion died for lack of a second.

Moved by Mr. Elle, seconded by Dr. Murgel to continue the application of Camden Kirkpatrick for licensure as a professional engineer especially qualified in civil engineering on the basis of comity with his license in Iowa pending additional documentation. Motion passed unanimously.

VI. CONSIDERATION OF DISCIPLINARY ACTIONS

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.

FY13.10 Bartolome, Todd A., ROPR. Pending decision to move forward from Mr. Ruen. The Board has extended the time for hearing this matter an additional six months and staff will clarify whether claims or litigation is either pending or resolved.

Moved by Mr. Elle, seconded by Dr. Murgel to approve extension of time for FY13.06 and FY13.10. Motion passed unanimously.

FY14.04 Brown & Caldwell, ROPR. The Board authorized a preliminary investigation into this matter. Holladay Engineering, Inc. sent a letter informing the Board of an agreement that they entered into regarding the City of Middleton. Attorney for Brown & Caldwell asked for an extension of time to the end of February, 2014 to file response. Attorney for Brown & Caldwell and Attorney Naylor requested a 6 month extension on this docket. *FY14.04-FY14.07 is one disciplinary matter.* Attorney Kane has provided an order to extend the time for the Board's review and signature.

FY14.05 Ayers, Daniel, ROPR. The Board has authorized a preliminary

investigation into this matter. *FY14.04-FY14.07 is one disciplinary matter.*

FY14.06 Kelly, Rick, ROPR. The Board has authorized a preliminary investigation into this matter. *FY14.04-FY14.07 is one disciplinary matter.*

FY14.07 Melcer, Henryk, ROPR, Unlicensed practice. The Board has authorized a preliminary investigation into this matter. *FY14.04-FY14.07 is one disciplinary matter.*

Moved by Mr. Elle, seconded by Mr. Bennion to approve the extension of time for FY14.04-14.07. Motion passed with Mr. Wagner recused.

FY14.10 Partner Engineering and Science, Inc., Unlicensed practice. Attorney Kane will provide a copy of the cease and desist letter for the Board. The Board noted the information.

FY14.12 Roland, Kurtis James, ROPR

Moved by Mr. Bennion, seconded by Mr. Wagner 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. Bennion, yes, and Mr. Elle, 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 approve Stipulation and Consent Order. Motion passed with Mr. Wagner recused.

IV. NEW BUSINESS

4. The Board will elect Officers for the upcoming year.

Moved by Mr. Bennion, seconded by Mr. Elle to nominate Mr. Wagner as Chairman, Mr. Elle as Vice Chairman and Dr. Murgel as Secretary effective May 24, 2014. Motion passed unanimously.

5. NCEES requested nominations for the Western Zone Distinguished Service Award. Mr. Howe would like to nominate Dr. Murgel for the award. Mr. Szatkowski will draft the nomination information.

6. George Yerion, PLS submitted comments on the guidelines for "Selection on the Basis of Qualifications.

Moved by Mr. Elle, seconded by Dr. Murgel to direct staff to work with Attorney Kane to correct the rule so that it applies to both section 2 and 3 or get a board attorney opinion on whether both section 2 & 3 apply. Send a letter to Mr. Yerion informing him that all licensees are required to follow the entire QBS law. Motion passed unanimously.

John Katselby and Bruce Anderson, PLS joined the meeting.

11. Do survey monuments have to be set as shown on the record of survey (ROS) as recorded, or can they be set after the record of survey is recorded?

Moved by Dr. Murgel, seconded by Mr. Wagner to indicate that Idaho Code 55-1904 & 1906 require monuments to be set as shown on the ROS prior to recording the ROS. Add response to website Q & A and to NEWS BULLETIN. Motion passed unanimously.

12. Mr. Anderson requested old correspondence related to board opinions and Q&A's. The board agreed to release information except those documents that are not releasable under the Open Records Act requirements.

Mr. Katselby and Mr. Anderson left the meeting.

7. Will the Board be attending the APEGA Annual Conference in Edmonton, April 24-26, 2014?

Moved by Mr. Wagner, seconded by Mr. Elle to authorize Mr. Simila and the Board Secretary to attend the APEGA Annual Conference. Motion passed unanimously.

8. Draft NEWS BULLETIN content has been prepared for the Board's review.

Moved by Mr. Bennion, seconded by Dr. Murgel to accept the NEWS BULLETIN as modified by the Board. Motion passed unanimously.

9. BYU-Idaho requested that the Board approve the BSCE program so that their students may sit for the FE exam during their senior year.

Moved by Mr. Wagner, seconded by Mr. Elle to approve the BSCE program contingent on review by staff or an Emeritus Board member indicating the program is substantially equivalent to an EAC/ABET program. Motion passed unanimously.

10. The Board discussed appointing Mr. Howe as an Emeritus Board member at the end of his term.

Moved by Mr. Elle, seconded by Mr. Wagner to appoint Mr. Howe as an Emeritus member at the end of his term. Motion passed unanimously.

III. UNFINISHED BUSINESS

4. At the last meeting, Chris Renaldo requested the Board's opinion on whether or not the new rule regarding conflict of interest preclude engineers and surveyors, who occasionally do work for the County, from holding a volunteer position on the County Planning Commission? Staff drafted an article for the NEWS BULLETIN.

Moved by Mr. Bennion, seconded by Mr. Wagner to accept the article as presented and add it to the NEWS BULLETIN.

2. Subcommittee Updates

- 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. The subcommittee concluded that requiring 2 years of US experience would be an acceptable policy. Staff directed to draft proposals on US experience requirement. The subcommittee held a meeting on February 12, 2014 and drafted language for a rule change.

Moved by Mr. Wagner, seconded by Mr. Elle to proceed with rulemaking and vet with stakeholders per revised rule as written. Motion passed unanimously.

IV. NEW BUSINESS

2. Staff provide an update on the Board's financial status as of January 31, 2014. The Board noted the information.
3. Staff prepared an Expense Reimbursement Summary for the Executive Director for January 2014 for the Board's review.

Moved by Mr. Wagner, seconded by Mr. Elle to approve expense reimbursement as presented. Motion passed unanimously.

V. CONSIDERATION OF APPLICATIONS

NON-STANDARD – COMITY

Moved by Mr. Wagner, seconded by Mr. Elle 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. Bennion, yes, and Mr. Elle, 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 continue the application of James M. Brown for Professional Land Surveyor based on comity with his licensure in Washington pending additional documentation. Motion passed unanimously.

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:

Dorian Lee Adams (Civil, Structural) Reaveley Engineers & Associates, Inc. 675 E. 500 S., Ste. 400 Salt Lake City, Ut 84102	Utah
Andrew R. Depperschmidt (Mechanical) URS 7800 E. Union Ave., Ste.100 Denver, Co 80237	Colorado
Alex Fisher (Civil) FMG, Inc. 3700 Sturgis Rd. Rapid City, Sd 57702	South Dakota
John A. Jacobson (Civil, Structural) Chicago Bridge & Iron 14105 S. Route 59 Plainfield, Il 60544	Texas
Craig K. Jensen (Civil) Engineering Design & Testing Corp. P.O. Box 1830 Milton, Wa 98354	Washington
Joshua Jeremiah Jimenez (Mechanical) Alliantgroup, LP 5400 Westheimer Ct., Ste. 700 Houston, Tx 77056	New York
Michael W. Kelso (Structural) Professional Engineering Consultants, P.A. 303 S. Topeka Wichita, Ks 67202	Kansas

<p>Thomas T. Kendrick (Civil) McFarland-Johnson, Inc. 53 Regional Dr. Concord, Nh 03301</p>	<p>Connecticut</p>
<p>Richard L. Lucio (Mechanical) Hallberg Engineering, Inc. 1750 Commerce Court White Bear Lake, Mn 55110 Usa</p>	<p>Minnesota</p>
<p>Harold P. McCutcheon (Civil) KU Resources, Inc. 22 S. Linden St. Duquesne, Pa 15110</p>	<p>Pennsylvania</p>
<p>Matthew Michael Moertl (Mechanical) 3830 E. Heather Ct. Gilbert, Az 85234</p>	<p>Arizona</p>
<p>Franz Mutis (Civil, Structural) 11614 Inwood Drive Houston, Tx 77077</p>	<p>Oklahoma, California</p>
<p>Garrett R. Perdick (Civil) H.W. Lochner 941 S. Industry Way Meridian, Id 83642</p>	<p>Delaware</p>
<p>Matthew Everette Phillips (Civil) OBEC Consulting Engineers 5000 Meadows Rd., Ste. 420 Lake Oswego, Or 97035</p>	<p>Arizona</p>
<p>Ian Daniel Romain (Civil) 342 6th Ave. West Kalispell, Mt 59901</p>	<p>Montana</p>
<p>Nicholas J. Schmitt (Civil, Structural) SGS Engineering, LLC 14301 First National Bank Pkwy., Ste. 100 Omaha, Ne 68154</p>	<p>California, Nebraska</p>
<p>Dustin A. Turnquist (Mechanical) 5025 Buena Vista Blvd. Castle Rock, Co 80109</p>	<p>Colorado</p>

Eric K. Vander Mey (Mechanical)
Rushing
1725 Westlake Ave. N., Ste. 300
Seattle, Wa 98109

Washington

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

Michael W. Nadeau
Meridian Engineering, Inc.
9217 S. Redwood Rd. Ste. A
West Jordan, Ut 84088

Utah

Based on passage of the Fundamentals of Engineering examination, a certificate was issued to the following:

Sherief Elbassuoni: 225 N.W. Anthony St. Apt. 1, Pullman, Wa 99163
Stefani D. Mason: 604 Shoreline Ct., Post Falls, Id 83854
Taylor Eugene Nufer: 5500 Windsong Cir., Palmer, Ak 99645
Vincent Craig Olsen: 1618 Lenz Lane, Boise, Id 83712
Jason Toomer: 7230 E. Rimrock, Idaho Falls, Id 83401

The following business entities were issued a Certificate of Authorization for Professional Engineering Services and/or Professional Land Surveying Services.

DeClark Welding Engineering, PLLC
2962 Tipperary Lane
Idaho Falls, Id 83404

Flad & Associates, Inc.
dba Flad Architects
P.O. Box 5620
Madison, Wi 53705

FLSmith Usa, Inc.
7158 S. Flsmith Dr.
Midvale, Ut 84047-5559

FMG, Inc.
dba FMG Engineering
3700 Sturgis Rd.
Rapid City, Sd 57702

Hargrove and Associates, Inc.
20 S. Royal St.
Mobile, Al 36602

Recon Survey, PLLC
216 Wolverine Dr.
Cocolalla, Id 83813

Schiess & Associates, P.C.
7103 S. 45th W.
Idaho Falls, Id 83402

SGS Engineering, LLC
14301 First National Bank Pkwy., Ste. 100
Omaha, Ne 68154

Vanderpool Pipeline Engineers Inc.
P.O. Box 590
Littleton, Co 80160

The Board adjourned the meeting at 3:00 p.m. on March 4, 2014 to meet with the ISPLS Board of Governors.

Chair

Secretary