

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 September 9, 2015 at the Board Office, 1510 E. Watertower St., Ste. 110, Meridian, ID 83642 to conduct Board business. The meeting convened at 8:00 a.m. (MST) on Wednesday, September 9, 2015 with the following Board members present: George Wagner, John Elle, George Murgel, David Bennion, Glenn Bennett, Dusty Obermayer and Raymond Watkins. Also present was Keith Simila, Executive Director and Jim Szatkowski, Deputy Director, Jennifer Rowe, Administrative Assistant and Mike Kane, Board Attorney.

- i. **AGENDA REVIEW** - Are there any new agenda items? A request for reinstatement of a license will be added as New Business #14. The Board received a letter from the Governor which will be discussed as New Business #15. A discussion of the voting process at the NCEES Annual meeting will be added as New Business #16.

I. READING OF MINUTES

1. Meeting Minutes for the June 10, 2015 meeting.

Moved by Mr. Bennett, seconded by Dr. Murgel to approve the minutes of the June 10, 2015 meeting as distributed. Motion passed unanimously.

2. Meeting Minutes for the August 3 & 4, 2015 Board Retreat.

Moved by Dr. Murgel, seconded by Mr. Bennett to approve the minutes of the August 3 & 4, 2015 retreat as distributed. Motion passed unanimously.

IV. NEW BUSINESS

4. Staff requested guidance on this type and level of 'non-engineering related' misconduct.

Moved by Mr. Bennett, seconded by Mr. Bennion to direct staff to investigate any action taken by the Montana Board and present finding for review at the next meeting. Motion passed unanimously.

Attorney Kirt Naylor joined the meeting.

III. UNFINISHED BUSINESS

3. The Board continued a discussion of the disciplinary process and procedures, specifically a new Table of Penalties policy for disciplinary actions and the cost recovery of attorney fees.

Moved by Mr. Bennion, seconded by Dr. Murgel to direct staff to update revisions and bring back at the next Board meeting for a final review. Motion passed unanimously.

VI. CONSIDERATION OF DISCIPLINARY MATTERS

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

FY13.10 Bartolome, Todd A., ROPR. This docket has been extended indefinitely.

Moved by Dr. Murgel, seconded by Mr. Bennett to approve the Stipulation and Consent Order as well as the Order of Dismissal as presented. Motion passed unanimously.

V. CONSIDERATION OF APPLICATIONS

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

NON-STANDARD – COMITY

The Board discussed the application of a PE from Illinois. Moved by Mr. Bennion, seconded by Dr. Murgel to direct prosecuting attorney to give notice to applicant of issue related to unlicensed practice as stated in his application. A hearing will be scheduled for November 4, 2015 at 9:00 a.m. Motion passed unanimously.

Attorney Naylor left the meeting.

IV. NEW BUSINESS

5. The City of Lewiston requires record drawings to be signed and sealed by an engineer prior to accepting dedicated streets as an assurance that they were built as designed. An engineer from a design firm is objecting as they were not utilized to observe all of the construction and doesn't believe they should have to sign and seal any record drawings. The city intends to continue this practice as they need assurance prior to accepting dedicated streets the roads were built properly. The Board noted the information.

6. The Mayor of St. Maries has issues with the QBS Process. An engineering firm that designed a water plant for the city developed problems. The Mayor requested assistance from a State Senator. The Board noted the information.

11. A Public Statements and Improper Conduct Rule Change is proposed.

Moved by Mr. Bennett, seconded by Dr. Murgel to approve proposed rule change.
Motion passed unanimously.

III. UNFINISHED BUSINESS

Tom Judge, PLS joined the meeting.

6. The Board continued a discussion of changes to 10.01.02.004, Obligation to Communicate Discovery of Discrepancy.

Moved by Mr. Bennett, seconded by Mr. Wagner to direct Mr. Simila and Mr. Kane to work on possible legislation to authorize the Board to require mediation of significant material disputes between professional licensees. Motion passed unanimously.

IV. NEW BUSINESS

9. A question was presented relating to the new definition in surveying code.

Moved by Mr. Bennett, seconded by Mr. Bennion to issue a Board opinion on what professional boundary surveying means per 54-1202 where monuments are required.
Motion passed unanimously.

8. ISPLS Board of Governors update on the law and rule change proposals.

Moved by Mr. Wagner, seconded by Mr. Bennion to change permissive language from "may" to "shall" in the proposed rule 10.0101.15.07 related to the minimum 2-year boundary surveying experience to qualify for land surveying licensure. Motion passed unanimously.

Mr. Judge left the meeting.

15. The Board received a letter from the Governor's office requesting a contact to work with them on the implementation of active state supervision of Boards.

Moved by Dr. Murgel, seconded by Mr. Bennett to direct Attorney Kane to work with the Governor's office on this matter. Motion passed unanimously.

3. The Board continued a discussion of the disciplinary process and procedures, specifically a new Table of Penalties policy for disciplinary actions and the cost recovery of attorney fees.

Moved by Mr. Bennion, seconded by Dr. Murgel to discontinue the proposal to collect attorney's fees. Motion passed unanimously.

Board Chair appoints Mr. Bennett, Mr. Watkins and Mr. Elle to a subcommittee to work on refining the table of penalties and bring back for review at the next Board meeting.

4. The Board continued a discussion regarding old stone monuments not preserved – do we want requirements similar to Wyoming? Mr. Bennett was directed to re-write the Corner Record statute so that it will better preserve the public record documents and monuments for non-GLO monuments and 1/16th corner monuments. This matter will be discussed at the next meeting.

II. REVIEW AND APPROVAL OF CONSENT AGENDA

1. A voluntary license retirement was received from David Michael Honan.

The Board noted the item on the Consent Agenda with no further action.

III. UNFINISHED BUSINESS

1. Review the Strategic Plan Objectives. The Board noted the information.
2. Subcommittee Updates
 - a. Item Writing (Mr. Elle, Mr. Bennett and Mr. Obermayer): The subcommittee is up to date on questions for the exam. The subcommittee will review the State Specific exam for any necessary changes due to recent law and rule changes. The Board noted the information.
 - b. Surveying FAQ (Frequently Asked Questions) Page Subcommittee (Mr. Obermayer, Mr. Bennett and Mr. Elle): The subcommittee reviews changes to the surveying laws and assists staff with updating the Surveying FAQ web page. Mr. Bennett and Mr. Elle are working with Mr. Szatkowski to keep the FAQ current. The Board noted the information.
 - c. Boundary Experience Requirements (Mr. Bennett and Mr. Elle): The subcommittee proposed issuance of a temporary rule to require 2 years minimum boundary experience. The Board Chair dissolved this subcommittee as it is no longer necessary.
5. Staff contacted the UK Chartered Engineers to find out more about the licensure system.

Moved by Dr. Murgel, seconded by Mr. Bennett to accept the UK Licensing System for Chartered Engineers as substantially equivalent to the Idaho licensure system. Motion passed unanimously.

IV. NEW BUSINESS

1. Reports by Board Members and Staff of activities since the June meeting. Mr. Bennett attended the NCEES Annual Meeting in Williamsburg, VA; attended the Board retreat in Riggins, ID and attended the ISPLS Board of Governors meeting. Mr. Wagner attended the NCEES Annual Meeting in Williamsburg, VA and the Board retreat in Riggins, ID. Mr. Szatkowski attended the NCEES Annual Meeting in Williamsburg, VA and attended the Board retreat in Riggins, ID. Mr. Simila attended the NCEES Annual Meeting in Williamsburg, VA; attended the Board retreat in Riggins, ID; attended an ACEC-Idaho meeting; attended an ISPLS chapter meeting; travelled to BYU to meet with faculty and students and made a presentation at NNU on ABET accreditation. Dr. Murgel attended the NCEES Annual Meeting in Williamsburg, VA; attended the Board retreat in Riggins, ID; attended an FE exam committee meeting in Clemson, SC and attended the NNU accreditation celebration. Mr. Elle attended the NCEES Annual Meeting in Williamsburg, VA; attended the Board retreat in Riggins, ID; participated in the investigation team for the FY11.11 complaint docket and attended an ISPLS chapter meeting. Mr. Bennion attended the NCEES Annual Meeting in Williamsburg, VA and the Board retreat in Riggins, ID.
2. Staff provided an update on the Board's financial status as of August 31, 2015. The Board noted the information.
3. Staff prepared an Expense Reimbursement Summary for the Executive Director for June 1, 2015 through August 31, 2015 for the Board's review.

Moved by Mr. Wagner, seconded by Mr. Bennett to approve the expense summary as presented. Motion passed unanimously.

7. Does the Board want to assign someone to work with ISU and ISPLS to modify the survey education rule requirements?

Moved by Mr. Wagner, seconded by Mr. Bennett to direct Mr. Simila to work with ISPLS and Idaho State University to update the survey education rule. Motion passed unanimously.

10. Staff provided a copy of the Performance Report that will be given to the Legislature. The Board noted the information.
12. A request for a waiver of the CPD requirement due to extenuating circumstances was received.

Moved by Dr. Murgel, seconded by Mr. Obermayer to waive the previous period CPD requirements due to hardship. Motion passed unanimously.

13. A licensed PE requested a waiver of the CPD requirements since the CPD requirement was not in place when he let his license lapse.

Moved by Mr. Bennion, seconded by Mr. Bennett to deny the CPD waiver and require the \$500 late fee per requirements of the law. Motion passed unanimously.

14. A licensee had his license revoked for non-response to a CPD request. He is requesting reinstatement of his license.

Moved by Mr. Bennion, seconded by Mr. Bennett to authorize Attorney Naylor to draft a Stipulation and Consent Order for the matter. The Chair to approve a reinstatement of his license upon proof of completion of 60 PDH's, signed renewal form, and payment of \$500 late fee. Motion passed unanimously.

16. The Board discussed NCEES not counting Idaho's split vote at the Annual Meeting.

Moved by Mr. Wagner, seconded by Mr. Bennion to direct staff to send a letter to NCEES requesting they rectify the voting process. Motion passed unanimously.

VI. CONSIDERATION OF DISCIPLINARY MATTERS

FY11.11 Erickson, Chad, Standard of Care. Mr. & Mrs. Badertscher submitted a complaint regarding the survey work of Chad R. Erickson. This docket has been extended indefinitely. Mr. Elle has been assigned to the investigative team for this docket.

FY15.04 Meckel Engineering & Surveying. An individual raised an issue regarding Meckel Engineering and Surveying's business practices on a project in Sagle, ID. This docket has been extended indefinitely.

FY15.06 Edwards, Et. Al. – ROPR. This docket has been extended indefinitely. Mr. Elle has been assigned to the investigative team for this docket.

V. CONSIDERATION OF APPLICATIONS

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. Bennett, yes; Mr. Wagner, yes; Dr. Murgel, yes; Mr. Elle, yes; Mr. Bennion, yes; Mr. Watkins, yes and Mr. Obermayer, 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 Dr. Murgel to continue the application of Jingjuan Li for licensure as a professional engineer especially qualified in civil and structural

engineering on the basis of comity with her license in Washington pending additional documentation. Motion passed unanimously.

NON-STANDARD – SPECIAL

Moved by Mr. Bennett, seconded by Dr. Murgel to approve the application of J J. James Peterson for licensure as a professional engineer especially qualified in civil engineering on the basis of successful passage of the PE exam in Utah. 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:

Bennie Allen (Mechanical)
A2H, Inc.
3009 Davies Plantation Rd.
Lakeland, TN 38002

Arkansas

Sean C. Battle (Civil)
KPF Consulting Engineers
1601 Fifth Ave, Ste. 1600
Seattle, WA 98101

Washington

Jesse L. Beaver (Civil)
Simpson Gumpertz & Heger, Inc.
41 Seyon St. Ste. 500
Waltham, MA 02453

Massachusetts

Steve E. Berry (Mechanical)
345 Riverview Ste. 200
Wichita, KS 67203

Missouri

Ryan H. Boogaard (Mechanical)
Spectrum Engineers Mechanical
324 S. State St. Ste. 400
Salt Lake City, UT 84111

Utah

Michael John Cipriano (Electrical)
18281 SW Florendo Ln.
Beaverton, OR 97007

California

Alan F. Davis (Control Systems)
5615 Popo Dr. NW
Albuquerque, NM 87120

Illinois

Gregory S. Fischer (Civil)
CH2M Hill
322 E Front St. Ste. 200
Boise, ID 83702

Oregon

Wade M. Gelhausen (Civil)
DCI Engineers
707 W. 2nd Avenue
Spokane, WA 99201

Washington

Leo John Gilbride (Civil)
Agapito Associates, Inc.
715 Horizon Dr. Ste. 340
Grand Junction, CO 81506

Colorado

Michael Phillip Goodman (Civil)
Parsons Brinckerhoff
488 E. Winchester St #400
Murray, UT 84107

California

Dan F. Grant (Civil)
Kimley-Horn and Associates, Inc.
12750 Merit Dr. Ste. 1000
Dallas, TX 75251

Texas

Chad Headings (Mechanical)
GPD Group, P.C.
520 S. Main St. Ste. 2531
Akron, OH 44311

Ohio

Zack Heim (Civil)
Digioia Gray And Associates
325 E. Southern Ave. Ste. 109
Tempe, AZ 85282

Arizona

Patrik Erik Johansson (Civil)
KPFF Consulting Engineers
412 E Parkcenter Blvd, Ste. 204
Boise, ID 83702

California

Steven W. Kingsley (Civil)
5052 NE North Tolo Rd.
Bainbridge Island, WA 98110

Washington

James P. Looby (Civil)
Aegis Metal Framing A Div. Of Mitek
14515 N. Outer 40 Rd. Ste. 110
Chesterfield, MO 63017

Missouri

Joshua D. McCall (Mechanical)
PB2 Architecture + Engineering PLLC
PO Box 2076
Rogers, AR 72757

Arkansas

Brandon Dean McDougald (Civil)
410 E Eagle River Dr.
North Salt Lake, UT 84054

Utah

Christopher Stephen Megahey (Chemical)
53 Brookhaven Lane
Glenmont, NY 12077

New York

David T. Mustonen (Environmental)
4710 NW Nessskowin Ave
Portland, OR 97229

Oregon

James L. Nelson (Architectural)
Nelson Engineering Construction, Inc.
2610 Dakota Avenue
S. Sioux City, NE 68776

Iowa

Timothy Robison (Civil)
Shaffer Wilson Sarver and Gray, PC
555 Herndon Parkway #260
Herndon, VA 20170

Virginia

Joseph Gavieres Sarmiento (Civil, Structural)
14625 S. Mountainview Pkwy. #2068
Phoenix, AZ 85044

California

Jared Jeffrey Schrempp (Civil)
605 East 11th St
Yankton, SD 57078

South Dakota

Sushil B Shenoy (Civil)
Eclipse Engineering, Inc.
421 Riverside Ave. Ste. 421
Spokane, WA 99201

Washington

Richard W Smith (Civil)
McMillen Jacobs Associates
1109 1st Ave. Ste. 501
Seattle, WA 98101

Washington

Mark H. Stemmer (Civil, Structural)
Tri-Tech Associates, Inc.
4076 E Patterson Rd.
Beavercreek, OH 45430

Ohio

Charles Nininger Sturdivant (Mechanical)
5120 Pine Hill Rd.
Nashville, TN 37221

Tennessee

Samuel Travis Swinbank (Mechanical)
Imes Engineering, PC
6601 Vaught Ranch Rd., Ste 101
Austin, TX 78730

Texas

Bryan Templeton (Metallurgical)
Case Forensic Corporation
23109 55th Ave. W.
Mountlake Terrace, WA 98043-4711

Colorado

Tony Ray Tramel (Civil)
Tony Tramel Consulting, LLC
112 Dayna Dr.
Carencro, LA 70520

Louisiana

Carlos Valenzuela, Jr. (Civil)
C/O MOBILITIE, LLC
2955 Redhill Ave. Ste. 200
Costa Mesa, CA 92626-1205

California

Jacob P. Vesotski (Civil)
2731 Northview Dr.
Hagerman, ID 83332

Alaska

Geoff Webster (Civil)
24 Baxter Street
Melrose, MA 02176

Florida

Jeremy Welch (Civil)
5553 Pine Ridge Rd
Golden, CO 80403

Colorado

Brent Layton Whitcomb (Civil) Colorado
1150 Golden Cir. Apt. 207
Golden, CO 80401

Joseph Wilson (Chemical) Alabama
7207 Wynnridge Drive
Mobile, AL 36695

Blake L. Winter (Mechanical) Colorado
Cator, Ruma & Associates, Co.
896 Tabor St.
Lakewood, CO 80401

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

John Biewend: 6787 Stayto Rd., SE, Turner, OR 97392
Tausha Maree Burfeind: 3180 N. 9th St., Coeur d'Alene, ID 83815
John Coronado: 16765 Old Friendship Way, Caldwell, ID 83607
Jordan William Dyk: 4719 Georgina Dr., Billings, MT 59106
Alexander Luke Hanson: 1000 Holly Street, Nampa, ID 83686
Steven Lamar Heath: 2175 Kearney St., Idaho Falls, ID 83401
Darrell Leber: 1367 E Sharons Lp #102, Nampa, ID 83686
Tyler Marsh: 724 10th Ave. South, Nampa, ID 83651
Craig Martin: 992 NE High St., Issaquah, WA 98029
Ahmed Milad A. Muftah: 1204 S. Main St., Apt. 301, Moscow, ID 83843
Lukas Rieke: 7109 W. Wernett Rd., Pasco, WA 99301
Brenden Staab: PO Box 14, Basin, WY 82410
Wesley Stanfill: 1627 W. Elder Ct., Boise, ID 83705
Garrett Steinfeldt: 724 E. 3225 N., North Ogden, UT 84414
Zach Thomas: 15225 Labrador Ln SW, Rochester, WA 98579
Craig Woodruff: 1518 W. Harvard Avenue, Shelton, WA 98584

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

Audubon Engineering Company, L.P.
10205 Westheimer Rd., Ste. 100
Houston, TX 77042

CKR Engineers, Inc.
1295 N. State St.
Orem, UT 84057

Ehresmann Engineering, Inc.
4400 W. 31st St.
Yankton, SD 57078

Engineered Conveyor Systems
1324 1st St., South
Nampa, ID 83651

Engineering Associates, LLC
1220 Old Alpharetta Rd., #390
Alpharetta, GA 30005

Hamman Engineering Analysis & Training, PLLC
1806 Burlwood Dr.
Idaho Falls, ID 83402

JM Engineering, PLLC
815 E Front St., Ste. 4B
Missoula, MT 59802

Nelson Engineering Construction, Inc.
2610 Dakota Ave.
S. Sioux City, NE 68776

Northern Engineering & Consulting, Inc.
1301 Division St.
Billings, MT 59101

PPS Engineers, Inc.
3100 Smoketree Ct., Ste. 800
Raleigh, NC 27604

Shaffer Wilson Sarver and Gray
555 Herndon Pkwy., #260
Herndon, VA 20170

Shreeve & Associates, Pllc
2655 Meadowview Rd.
Kuna, ID 83634

Tony Tramel Consulting, LLC
112 Dayna Dr.
Carencro, LA 70520

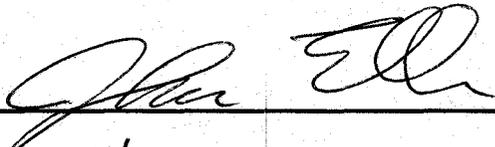
Trail Creek Engineering, PLLC
5130 Canterbury
Chubbuck, ID 83202

Tri-Tech Associates, Inc.
4076 E. Patterson Rd.
Beavercreek, OH 45430

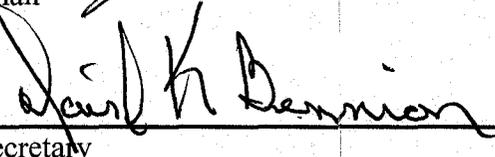
Wasatch Surveying Associates, LLC
906 Main Street
Evanston, WY 82930

YOY, Inc.
PO Box 580
Coeur d'Alene, ID 83816

Moved by Mr. Bennion, seconded by Dr. Murgel to adjourn the meeting at 6:10 p.m. (MST) on September 9, 2015. Motion passed unanimously.



Chair



Secretary