

BOARD OF PROFESSIONAL ENGINEERS
AND PROFESSIONAL LAND SURVEYORS

Minutes of Meeting

The Board of Professional Engineers and Professional Land Surveyors held a telephone conference call meeting beginning at 10:00 a.m. Mountain Standard Time on January 4, 2006 with the following Board members present: Gary Young, Scott McClure, James Milligan, John Howe and William Ancell. Also present were David L. Curtis, Executive Director, Morgan W. Richards, Jr., Board Attorney, Angela Richards, Attorney, and Jennifer Rowe, Administrative Assistant.

I. READING OF MINUTES

1. Approval of the minutes of the December 8-10, 2005 email correspondence as distributed.

Moved by Mr. Milligan, seconded by Mr. Howe to approve the minutes as distributed. Motion passed unanimously.

II. REVIEW AND APPROVAL OF CONSENT AGENDA

None

III. UNFINISHED BUSINESS

1. Mr. Wixson requested that the Board reverse their decision in regards to the results of his October 2005 Principles and Practice of Engineering examination.

Moved by Mr. McClure, seconded by Mr. Howe to enter into executive session as provided for the Idaho Code 67-2345(1)(d). Roll call vote results - Mr. Young, yes; Mr. McClure, yes; Mr. Milligan, yes; Mr. Ancell, yes and Mr. Howe, yes.

The Board exited executive session.

Moved by Mr. McClure, seconded by Mr. Howe to deny the request for a reversal of the Board's previous decision in this matter. Mr. Wixson will be allowed reassignment to the October 2006 examination administration upon receipt of the exam fee. Motion passed unanimously.

2. At the November 2005 meeting, the Board authorized Attorney Richards to send a letter to Coeur d'Alene Building Supply regarding their questionable advertisement. A response was received from Coeur d'Alene Building Supply in this matter.

Moved by Mr. Milligan, seconded by Mr. McClure to authorize staff to conduct a Preliminary Investigation into this matter. Motion passed unanimously.

IV. NEW BUSINESS

1. House Bill No. 300, passed by the legislature during the last session, necessitates the review and possible restructuring of the Board Strategic Plan. Staff summarized the new requirements and suggested a timetable for compliance with these requirements and requested Board approval to proceed with development of the new Strategic Plan.

Moved by Mr. Milligan, seconded by Mr. Howe to approve the timetable and authorize staff to layout future Board agendas with this timetable in mind. Motion passed unanimously.

V. CONSIDERATION OF APPLICATIONS

None

VI. CONSIDERATION OF DISCIPLINARY MATTERS

FY05.18 Leavitt, Darren R., P.L.S., surveying practices. At the June meeting, the Board requested that Mr. Curtis investigate this matter further in regards to Mr. Leavitt's activities, and Mr. Waite's involvement. Mr. Curtis has completed further investigation and a signed Stipulation and Consent Order has been received. Mr. Howe reminded the Board and Attorney Richards that his employer has a contract to use Mr. Leavitt's firm on certain projects and he was unsure if this would constitute a conflict of interest. Attorney Richards indicated that there did not appear to be a conflict of interest in this matter. The Board discussed the wording of Item (4) and suggested that item (4) be amended to state "Respondent will receive written notification of deficiencies from the reviewing surveyor which written notification shall not be the same as the report given to the Board in subsections (2) and (3) above. Respondent shall not record or submit for review to any government agency any record of survey or plat related to the five plats referenced above without first obtaining the reviewing surveyors written statement that the document generally complies with all applicable statutes and rules and sending a copy of such statement to the Board."

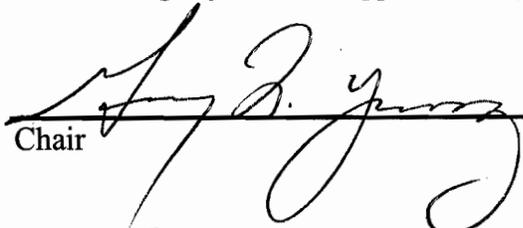
Moved by Mr. McClure, seconded by Mr. Milligan to approve Stipulation and Consent Order as amended and authorize the Chair to sign the Order pending acceptance by respondent. Motion passed unanimously.

Moved by Mr. McClure, seconded by Mr. Howe to approve Glen Bennett and Joe Canning as reviewing surveyors for Mr. Leavitt. Motion passed unanimously.

FY06.04 Mickelson, Richard, P.L.S. Surveying Practices. At the November 2005 meeting, the Board reviewed a request for inquiry submitted by Ms. Elizabeth Lind concerning the surveying practices of Richard Mickelson, P.L.S. Mr. Mickelson had not had the opportunity to respond prior to that meeting, but has now done so. Does the Board want Mr. Curtis to conduct a preliminary investigation into the matter?

Moved by Mr. Howe, seconded by Mr. Milligan to authorize staff to conduct a Preliminary Investigation in this matter. Motion passed unanimously.

The meeting adjourned at approximately 12:00p.m. on Wednesday, January 4, 2006.


Chair


Secretary