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 8, 9 & 10, 2006 at the Statehouse Inn, 981 Grove St., Boise, Idaho, to conduct Board business. The meeting convened at 1:00 p.m. on Thursday, June 8, 2006 with the following Board members present: Gary L. Young, Scott McClure, James H. Milligan, John Howe and William J. Ancell. Also present was David L. Curtis, Executive Director, and Jennifer Rowe, Administrative Assistant.

III. UNFINISHED BUSINESS

William Lillibridge and John Bilderback from the Dept. of Agriculture joined the meeting. Attorney Angela Richards and Attorney Woody Richards joined the meeting.

5. Engineers at the Dept. of Agriculture met with the Board to discuss various aspects of the One Plan software. The Board discussed the various scenarios presented by Mr. Lillibridge and Mr. Bilderback in regards to responsible charge and provided their opinions.

- Responsible Charge Scenario I – inadequate oversight for responsible charge.
- Responsible Charge Scenario II – adequate to provide responsible charge.
- Responsible Charge Scenario III – adequate to provide responsible charge.
- Responsible Charge Scenario IV – there is no exemption from licensure for state employees.
- Responsible Charge Scenario V – Title 54 Chapter 12 requires that engineering be done by engineers, but statutes and code typically allow discretion of the "Authority Having Jurisdiction", in this case, ISDA, as to when project plans must be prepared by a PE. Idaho Administrative Rules only require liquid waste systems be designed by a PE. Neither Idaho Code enforced by ISDA nor Administrative Rules administered by ISDA require that a PE prepare the type of plans referenced, so the issue is not clear. The Board would likely not seek discipline against an ISDA employed engineer reviewing and commenting on such plans prepared by an unlicensed person.
- Responsible Charge VI – If NRCS rules require the barn be designed by a PE or NRCS employee, a later analysis of the existing facility by a PE will not satisfy that requirement. A PE could render an opinion as to the adequacy of an existing design, but that does not make him or her the "designer", and so long as that PE

does not seal, sign and date the plans, we see no violation based on the limited information presented.

Moved by Mr. Milligan, seconded by Mr. Young to authorize the Chair to send a letter summarizing the above responses to the scenarios posed by Mr. Lilllibridge and Mr. Bilderback . Motion passed unanimously.

Moved by Mr. Howe, seconded by Mr. Young to authorize staff and counsel to conduct an inquiry into the background of the situations presented by Mr. Lillibridge and Mr. Bilderback related to the performance of work by unlicensed persons employed by ISCC and IASCD. Motion passed unanimously.

I. READING OF MINUTES

1. Approval of minutes of the May 10-12, 2006 Board meeting as distributed.

Moved by Mr. Milligan, seconded by Mr. Young to approve the minutes of the May 10-12, 2006 meeting as distributed. Motion passed unanimously.

II. REVIEW AND APPROVAL OF CONSENT AGENDA

1. ISPE submitted a recommendation to Governor Risch for Gary Young to serve a second term on the Board.

2. Staff shared some comments from applicants and registrants on our service.

Moved by Mr. Milligan, seconded by Mr. Young to note the items on the Consent Agenda with no further action. Motion passed unanimously.

III. UNFINISHED BUSINESS

1. Mitch Barreras was previously denied assignment to the LSIT exam for educational deficiencies. He requested that the Board clarify which of his college credits were considered acceptable education.

The Board voted by roll call vote to enter into executive session to discuss credentials not subject to disclosure as provided for the Idaho Code 67-2345(1)(d). Roll call vote results - Mr. Young, yes; Mr. McClure, yes; Mr. Milligan, yes; Mr. Howe, yes and Mr. Ancell, yes.

The Board exited executive session.

Moved by Mr. Young, seconded by Mr. Howe to authorize staff to send a letter to Mr. Barreras informing him that an evaluation of his transcripts indicates a total of 23 semester credit hours of college level academic education, 8 of which are surveying. Therefore, he would still need an additional 37 credits, 7 of which must be in surveying, to meet the educational requirements. Motion passed unanimously.

IV. NEW BUSINESS

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

Mr. McClure, Mr. Milligan, Mr. Young, Mr. Howe and Mr. Curtis all attended the NCEES Annual Meeting in Santa Fe, New Mexico. Mr. Howe also attended the ISPLS Board of Governors meeting in Worley, Idaho.

3. Staff requested that Edith Williams be authorized to review application files with Jennifer Rowe in the event of an extended absence of Mr. Curtis.

Moved by Mr. Young, seconded by Mr. Milligan to authorize Edith Williams to review applications in the event of Mr. Curtis' absence. Motion passed unanimously.

5. The Board set meeting dates for calendar year 2007.

Moved by Mr. Young, seconded by Mr. Milligan to approve meeting dates for 2007 as follows:

- February 22-24, 2007
- April 19-21, 2007
- June 14-16, 2007
- July 27-28, 2007 (Riggins)
- September 20-22, 2007
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Motion passed unanimously.

6. NCEES notified the Board that they will administer the FE in Japan.

Moved by Mr. Young, seconded by Mr. Howe to note the information.

11. Staff presented the Board with a financial summary of FY06 through May 31, 2006 as well as an update of the Board Member payroll expenses.

The Board noted the information.

Moved by Mr. Young, seconded by Mr. Howe to include an article in the NEWS BULLETIN with an amendment to increase the Board per diem honorarium to $75.00 per day effective one year after passage. Motion passed unanimously.

12. Staff provided 2 draft resolutions for the PNWER Summit for review by the Board.

Moved by Mr. Ancell, seconded by Mr. Young to adopt the draft PNWER resolution with an 8 year provision for reciprocity as presented by staff. Motion passed with Mr. Howe voting against the motion.

13. Mr. Sadewic requested a response from the Chairman to his written request for a license in Idaho.

Moved by Mr. Howe, seconded by Mr. Young to authorize the Chair to send a letter to Mr. Sadewic directing him to complete the application forms as required. Motion passed unanimously.

V. CONSIDERATION OF APPLICATIONS

NON-STANDARD – COMITY

Stewart, Cary (Civil) – Mr. Stewart requested that the Board reconsider their previous denial of his application.

The Board voted by roll call vote to enter into executive session to discuss credentials not subject to disclosure as provided for the Idaho Code 67-2345(1)(d). Roll call vote results - Mr. Young, yes; Mr. McClure, yes; Mr. Milligan, yes; Mr. Howe, yes and Mr. Ancell, yes.

The Board exited executive session.

Moved by Mr. Milligan, seconded by Mr. Young to reconsider the Board's previous decision in this matter. Motion passed unanimously.

Moved by Mr. Milligan, seconded by Mr. Young to approve the application of Cary Stewart for licensure as a professional engineer especially qualified in civil engineering on the basis of comity with his licensure in California. Motion passed unanimously.

NON-STANDARD – EXAMINATIONS

Reichard, Jonathan (Civil) - At the May meeting, the Board took no action on this application and authorized staff to refund his application fee so that he could reapply in the future. Mr. Reichard received the Board's correspondence and requested that the Board review his application for the October 2007 exam period.

Moved by Mr. Milligan, seconded by Mr. Young to assign Jonathan Reichard to the October 2007 Principles and Practice of Engineering examination in the civil discipline. Motion passed unanimously.

III. UNFINISHED BUSINESS

4. House Bill 300, passed by the legislature during the last session, necessitated the review and restructuring of the Board Strategic Plan. The Board worked with Representative Jana Kemp Friday, June 9, 2006 to develop a strategic plan that encompasses the requirements of House Bill 300.

2. Staff drafted a NEWS BULLETIN of proposed changes to the laws and rules for 2007 for the Board's review. Staff requested authorization to publish the NEWS BULLETIN upon the Board's approval.

Moved by Mr. Howe, seconded by Mr. Young to modify Idaho Code Section 54-1220(2) as follows:

"All ~~charges~~ formal complaints, unless dismissed by the board as unfounded or trivial, or unless settled informally, shall be heard by the board within ~~six (6)~~ twelve (12) months after the date they were received at the board office unless such time is extended by the board for justifiable cause."

Motion passed unanimously.

Moved by Mr. Young, seconded by Mr. Milligan to approve the NEWS BULLETIN as modified by the Board and authorize staff to publish it. Motion passed unanimously.

IV. NEW BUSINESS

2. John Howe discussed the responses he has heard from ISPLS in regard to the right-of-entry legislation and the monumentation standards in 50-1303. He will notify the ISPLS membership that comments on the right-of-entry legislation must be received by August 1, 2006.

   Mr. Howe informed the Board that ISPLS proposed changes to the monumentation standards in 50-1303. Chairman McClure appointed Mr. Howe and Mr. Young to further investigate the necessity of legislative changes of the monumentation standards in 50-1303. Mr. Howe and Mr. Young will report back to the Board at the August meeting.

VI. CONSIDERATION OF DISCIPLINARY MATTERS

FY06.09 McKinney, Earl F., action taken by Kentucky Board. An Administrative Hearing was held on June 9, 2006 at 3:00 p.m. at the Statehouse Inn to resolve this matter.

Moved by Mr. McClure, seconded by Mr. Ancell to revoke Mr. McKinney's Professional Engineer's Licensure in Idaho. Motion passed unanimously.

III. UNFINISHED BUSINESS

6. Steve Walker requested that the Board review his concerns about the Marathon Cheese Bid Documents proposed by H+M Architects/Engineers. Mr. Curtis contacted the individuals in responsible charge of the work in question and a response was received in regards to Mr. Walker's concerns. Mr. McClure will review Mr. Walker's comments and the Marathon Cheese documents and report his findings at the next meeting.

   Moved by Mr. Milligan, seconded by Mr. Young to continue this matter to a later meeting. Motion passed unanimously.

VI. CONSIDERATION OF DISCIPLINARY MATTERS

FY05.23 Soderling, Alan R., P.E., violations of the rules of professional responsibility. A Motion for Reconsideration was filed in this matter. Counsel drafted a final order for the Board's review.

The Board voted by roll call vote to enter into executive session to discuss disciplinary matters as provided for the Idaho Code 67-2345(1)(d). Roll call vote results - Mr. Young, yes; Mr. McClure, yes; Mr. Milligan, yes; Mr. Howe, yes and Mr. Ancell, yes.

The Board exited this executive session.

Moved by Mr. Young, seconded by Mr. Howe to reconsider this issue based on the request for reconsideration submitted by Mr. Erickson. Motion passed unanimously.

Moved by Mr. Young, seconded by Mr. Milligan to affirm the previous decision to dismiss this matter. Motion passed unanimously.

IV. NEW BUSINESS

4. The Idaho State Board of Water and Waste Water Operators has expressed a concern that engineers may be acting as operators in charge of water and waste water facilities though they are not licensed operators.

Moved by Mr. Ancell, seconded by Mr. Milligan to authorize the Chair to write to Mr. Hales and quote the exemption for engineering in their law, the definition of practice of engineering, and the definition of responsible charge from 54-1202. The argument can be made that engineers are licensed to operate engineering works provided they are competent to do so. If this issue merits more consideration, perhaps representatives from each Board should meet at a later date. Motion passed unanimously.

7. John Kirkpatrick from DEQ emailed concerns about documents submitted for the Wild Horse Subdivision.

Moved by Mr. Young, seconded by Mr. Ancell to authorize staff to investigate circumstances surrounding the use of the title "Environmental Engineer" and the stamping of letter by J. Mitchell Greer. Staff will respond to Mr. Kirkpatrick's additional inquiry by indicating that pump testing work can be done by either Professional Geologists or Professional Engineers. Motion passed unanimously.

8. Joel Petty, P.E. expressed concern over services provided by Pierre Bordenave on Storm Water Management and Erosion Control Plans in Bonner County.

Moved by Mr. Milligan, seconded by Mr. Ancell to authorize the Chair to write a letter to Mr. Petty indicating that the Board concurs with Mr. Curtis' initial response to his inquiry. Counsel is directed to write to Mr. Bordenave telling him to cease and desist the practice engineering. Motion passed unanimously.

9. NCEES reported an irregularity with the results of 2 examinees in Idaho on the April 2006 Fundamentals of Surveying examination.

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

The Board exited executive session.

Moved by Mr. Young, seconded by Mr. Howe to authorize Attorney Kane to conduct an investigation into this matter. Staff will request all pertinent exam materials from NCEES. Staff will release scores to those candidates not involved in the investigation. Staff will notify the two candidates in question of the investigation and that Attorney Kane will be contacting them. Motion passed unanimously.

10. The Board participated in an annual review of the Idaho Code requirements regarding Ethics in Government. Mr. Richards discussed the requirements of Idaho Code with the Board.

The Board noted the information.

VI. CONSIDERATION OF DISCIPLINARY MATTERS

FY05.07 Balance Engineering, LLC, unlicensed practice. Balance Engineering had a Certificate of Authorization that expired on July 31, 2003. The matter has been investigated further and Counsel filed a complaint with the 4th District Court on May 8th and Mr. Farthing has been served. A court date in this matter has not yet been set. Mr. Farthing submitted an application for a Certificate of Authorization for Balance Mechanical Services, LLC.

Moved by Mr. Milligan, seconded by Mr. Ancell to invite Mr. Pearson and Mr. Farthing to meet with the Board regarding the Certificate of Authorization and their proposed working arrangement. Motion passed unanimously.

V. CONSIDERATION OF APPLICATIONS

NON-STANDARD – CERTIFICATE OF AUTHORIZATION

Balance Mechanical Services, LLC

Moved by Mr. Milligan, seconded by Mr. Young to continue the application for Certificate of Authorization for Balance Mechanical Services, LLC. Motion passed unanimously.

VI. CONSIDERATION OF DISCIPLINARY MATTERS

FY05.18 Leavitt, Darren R., surveying practices. Mr. Leavitt submitted the $1,000.00 administrative penalty as ordered by the Board. He contacted Glen Bennett and requested that Mr. Bennett review his next five plats and next 5 records of survey. There has been no indication that Mr. Leavitt informed his current clients that his work is being reviewed by another surveyor as required by the ORDER.

Moved by Mr. Young, seconded by Mr. Milligan to authorize Mike Kane to contact Mr. Leavitt and inquire as to whether he has complied with the ORDER in regard to contacting his clients and sending a copy of that communication to the Board. Motion passed unanimously.

FY06.04 Mickelson, Richard, P.L.S. Surveying Practices. Mr. Curtis completed a preliminary investigation into this matter. The Board directed Mr. Mickelson to submit copies of his last 5 surveys as well as documentation substantiating his compliance with the continuing education requirement. Mr. Howe was directed by the Board to review the surveys submitted by Mickelson and report back to the Board.

Moved by Mr. Young, seconded by Mr. Ancell to continue this docket. Motion passed unanimously.

FY06.06 Idaho Rural Water Assoc., non-certificated business entity. Counsel sent a cautionary letter to Idaho Rural Water Association directing them to obtain a Certificate of Authorization in order to continue their current business practices. Idaho Rural Water Association responded to Counsel's second letter by requesting more time to comply in order for the newly hired attorney to review the background of the matter.

Moved by Mr. Young, seconded by Mr. Milligan to continue this docket for further information from the Idaho Rural Water Association's counsel, Mr. Litteneker. Motion passed unanimously.

FY06.07 Coeur d'Alene Builders Supply, unlicensed practice. Attorney Richards sent a letter to CDA Building Supply regarding an advertisement for employment submitted by Greg Brands to conclude whether or not a professional engineer is involved. Mr. Curtis completed a preliminary investigation into this matter and was directed to clarify with Coeur 'd Alene Builders Supply whether MiTek engineers review the output before it is sent to the building officials and whether MiTek engineers stamp only truss design or the structural design as well. Mr. Curtis spoke with Steve Parham at CdA Builders Supply and in response to that conversation, the Board directed Mr. Curtis to contact the City of Post Falls and the City of Coeur d'Alene to research what is required by the code officials in those cities.

Moved by Mr. Milligan, seconded by Mr. Young to continue this docket for further information. Motion passed unanimously.

FY06.10 Spaulding, Scott, responsible charge. Staff has not completed a preliminary investigation into this matter.

Moved by Mr. Howe, seconded by Mr. Young to continue this docket. Motion passed unanimously.

FY06.11 Reeder, Shawn, responsible charge. Staff has not completed a preliminary investigation into this matter.

Moved by Mr. Young, seconded by Mr. Milligan to continue this docket. Motion passed unanimously.

FY06.16 Vermeer, Louis, engineering practices. Staff has not completed a preliminary investigation into this matter.

Moved by Mr. Milligan, seconded by Mr. Young to continue this docket. Motion passed unanimously.

FY06.17 Stubbs, David, unlicensed practice. At the May meeting, staff was directed to find out who the relevant parties are and better define the issues involved.

Moved by Mr. Milligan, seconded by Mr. Howe to continue this docket for further information. Motion passed unanimously.

FY06.18 Landmark Surveying, Inc., Brad Wallace, P.E. responsible charge.

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

V. CONSIDERATION OF APPLICATIONS

INTERVIEWS

Ron Harwell interviewed with the Board regarding his request for reassignment to Principles and Practice of Engineering examination.

Moved by Mr. Young, seconded by Mr. Ancell to assign Ron Harwell to the October 2006 Principles and Practice of Engineering examination in the civil discipline. Motion passed with Mr. Milligan voting against the motion.

VI. CONSIDERATION OF DISCIPLINARY MATTERS

FY06.19 J-U-B Engineers, Inc., Rules of Professional Responsibility. Mr. Howe discussed his past business relations with J-U-B and counsel advised him that this would not constitute a conflict of interest. Mr. Curtis informed the Board that he will not be able to perform any investigation of this matter due to a conflict of interest. Mr. Curtis is recused from this matter.

Moved by Mr. Milligan, seconded by Mr. Young to authorize a Preliminary Investigation into this matter. Staff will contact Wendell Higgins as a possible investigator. Upon agreement from Mr. Higgins, he will be appointed as an Emeritus member of the Board. Alternative investigators include Jerry Peterson, Dave Bennion and Jerry Eggelson. Staff will report any progress on this matter at the August meeting. Motion passed unanimously.

FY06.20 Brooks, Brent L., & Russell, William, Rules of Professional Responsibility. Staff will send copies of Mr. Vickers communication to respondent.

Moved by Mr. Young, seconded by Mr. Ancell to send a letter from the Chair to Mr. Russell and Mr. Brooks directing them to respond to Mr. Vickers' letter of March 8, 2006 as required by the Rules of Professional Responsibility. A copy of this letter will be sent to Mr. Vickers. Motion passed with Mr. McClure abstained.

III. UNFINISHED BUSINESS

7. Mr. Young has continued his efforts to organize a task force in conjunction with the Board of Architectural Examiners to clarify the definitions of engineering and architecture. Mr. Young drafted a letter to the Board of Architectural Examiners

requesting the formation of a task force consisting of two members from each Board charged with working towards formulating a flyer similar to Montana's "Professional Use of Seals" document. Mr. Young and Mr. McClure will be the two members from this Board.

Moved by Mr. Milligan, seconded by Mr. Ancell to authorize the Chair to sign a letter to the Board of Architectural Examiners inviting them to meet with members of this Board to discuss the possible creation of a joint brochure. 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:

Ali Abolhassani (Civil) Structural Concepts Engineering, Inc. 1729 S. Douglas Road, Suite B Anaheim, CA 92806	California
Thomas Michael Ashley (Chemical) 12306 N. Griffin Road Prosser, WA 99350	Washington
Katherine F. Baad (Civil) 3520 Maricopa Street, #15 Torrance, CA 90503	California
Robert J. Bushmaker (Civil) MSE-TA, Inc. 200 TEchonolgy Way, P.O. Box 4078 Butte, MT 59702	Wisconsin
Bradley James Crookston (Civil) 2755 N. 2150 E. North Logan, UT 84341	Utah
Karl A. Hamon (Civil) 7099 W. Senequoteen Trail Spirit Lake, ID 83869	California
Joseph Allen Hiblar (Electrical) 10416 Ne 339th Street Lacenter, WA 98629	Oregon

John H. Huber (Mechanical) Los Alamos Technical Associates, Inc. 309 Bradley Blvd., Suite 205 Richland, WA 99352	Washington
John Harold Hunt (Civil) Ayres Associates, Inc. 3665 JFK Pkwy., Bldg. 2, Ste. 200 Fort Collins, CO 80525	California
Bryan Kazin (Electrical) Kazin & Associates, Inc. 5031 S. Ulster St., Suite 160 Denver, CO 80327	Colorado
Jeanne K. Mecham (Civil) Keller Associates 131 SW 5th Ave. Meridian, ID 83642	Colorado
Daniel Mejdell (Mechanical) 5061 SW 26th Drive Portland, OR 97239	Oregon
Kevin Dan Milgrim (Mechanical) 10470 Ridgewater Lane San Diego, CA 92131	California
Theodore E. Neuendorf (Electrical) Farnsworth Group, Inc. 7707 N. Knoxville Ave., Suite 200 Peoria, IL 61614	Illinois
Ryan S. Pack (Electrical) 1125 North 640 West West Bountiful, UT 84010	Utah
C. Mark Penrod (Mechanical) Balzhiser & Hubbard Engineers 100 West 13th Avenue Eugene, OR 97401	Alaska

Barbra A. Resnik (Civil) — Nevada
Brockway Engineering
2016 Washington North, Suite 4
Twin Falls, ID 83301

Shawn W. Robnett (Civil) — Oregon
676 Sarah Avenue
Twin Falls, ID 83301

Mark A. Smith (Civil) — Arkansas
Tatum-Smith Engineers, Inc.
P.O. Box 756
Rogers, AR 72757-0756

James Phillip Solaro (Electrical) — Nevada
5600 Madras Street
Carson City, NV 89704

Nathan Daniel Wayne Stark (Civil) — California
LDC Design Group
20085 NW Tanasbourne Drive
Hillsboro, OR 97124

Palmer Stuart Tingey (Civil, Mechanical) — Utah
MiTek Industries, Inc.
7777 Greenback Lane, Suite 109
Citrus Heights, CA 95610

Jeffrey L. Wylie (Electrical) — Indiana
Circle Design Group, Inc.
5510 S. East St., Sutie F
Indianapolis, IN 46227

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

David A. Cooper — Colorado
P.O. Box 2585
Glenwood Springs, CO 81602

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

Scott C. Bolduc
Pierson Land Surveys, PC
P.O. Box 1143, 180 S. Willow St.
Jackson, WY 83001

Jeremiah B. Fielding
463 W. 4th St., N.
Middleton, ID 83644

Jim L. Puthoff Jr.
302 Dearborn St.
Sandpoint, ID 83864

Shane C. Remer
581 West 200 South
Blackfoot, ID 83221

David D. Romrell
448 West 100 North
Blackfoot, ID 83221

Chris G. Street
659 Falls Dr.
Idaho Falls, ID 83401

The following business entities were issued a Certificate of Authorization:

Business Entities offering Professional Engineering Services Only
Circle Design Group, Inc.
5510 S. East St., Suite F
Indianapolis, IN 46227

Evergreen Engineering, LLC
20827 NW Cornell Rd., #200
Hillsboro, OR 97124

Integrated Mechanical Systems, Inc.
5161 E. Arapahoe Road, #300
Centennial, CO 80122

JP Engineering, LLC
16640 Wedge Parkway
Reno, NV 89511

Kazin & Associates
5031 Ulster St., Suite 160
Denver, CO 80237

MS2EE, PLLC
4943 N. 29th E., Suite A
Idaho Falls, ID 83401

Paragon Consulting, Inc.
2153 Turnberry Way
Meridian, ID 83642

Prairie Electric, Inc.
6000 NE 88th Street
Vancouver, WA 98665

SKM Incorporated
533 West 2600 South, Suite 250
Bountiful, UT 84010

Structural Concepts Engineering, Inc.
1729 S. Douglass Road, Suite B
Anaheim, CA 92806

The meeting adjourned at approximately 12:30 p.m. on Saturday, June 10, 2006.

Chair

Secretary

BOARD OF PROFESSIONAL ENGINEERS
AND PROFESSIONAL LAND SURVEYORS

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NON-STANDARD – EXAMINATIONS

Reichard, Jonathan (Civil) - At the May meeting, the Board took no action on this application and authorized staff to refund his application fee so that he could reapply in the future. Mr. Reichard received the Board's correspondence and requested that the Board review his application for the October 2007 exam period.

Moved by Mr. Milligan, seconded by Mr. Young to assign Jonathan Reichard to the October 2007 Principles and Practice of Engineering examination in the civil discipline. Motion passed unanimously.

III. UNFINISHED BUSINESS

4. House Bill 300, passed by the legislature during the last session, necessitated the review and restructuring of the Board Strategic Plan. The Board worked with Representative Jana Kemp Friday, June 9, 2006 to develop a strategic plan that encompasses the requirements of House Bill 300.

2. Staff drafted a NEWS BULLETIN of proposed changes to the laws and rules for 2007 for the Board's review. Staff requested authorization to publish the NEWS BULLETIN upon the Board's approval.

Moved by Mr. Howe, seconded by Mr. Young to modify Idaho Code Section 54-1220(2) as follows:

"All ~~charges~~ formal complaints, unless dismissed by the board as unfounded or trivial, or unless settled informally, shall be heard by the board within ~~six (6)~~ twelve (12) months after the date they were received at the board office unless such time is extended by the board for justifiable cause."

Motion passed unanimously.

Moved by Mr. Young, seconded by Mr. Milligan to approve the NEWS BULLETIN as modified by the Board and authorize staff to publish it. Motion passed unanimously.

IV. NEW BUSINESS

2. John Howe discussed the responses he has heard from ISPLS in regard to the right-of-entry legislation and the monumentation standards in 50-1303. He will notify the ISPLS membership that comments on the right-of-entry legislation must be received by August 1, 2006.

   Mr. Howe informed the Board that ISPLS proposed changes to the monumentation standards in 50-1303. Chairman McClure appointed Mr. Howe and Mr. Young to further investigate the necessity of legislative changes of the monumentation standards in 50-1303. Mr. Howe and Mr. Young will report back to the Board at the August meeting.

VI. CONSIDERATION OF DISCIPLINARY MATTERS

FY06.09 McKinney, Earl F., action taken by Kentucky Board. An Administrative Hearing was held on June 9, 2006 at 3:00 p.m. at the Statehouse Inn to resolve this matter.

Moved by Mr. McClure, seconded by Mr. Ancell to revoke Mr. McKinney's Professional Engineer's Licensure in Idaho. Motion passed unanimously.

III. UNFINISHED BUSINESS

6. Steve Walker requested that the Board review his concerns about the Marathon Cheese Bid Documents proposed by H+M Architects/Engineers. Mr. Curtis contacted the individuals in responsible charge of the work in question and a response was received in regards to Mr. Walker's concerns. Mr. McClure will review Mr. Walker's comments and the Marathon Cheese documents and report his findings at the next meeting.

   Moved by Mr. Milligan, seconded by Mr. Young to continue this matter to a later meeting. Motion passed unanimously.

VI. CONSIDERATION OF DISCIPLINARY MATTERS

FY05.23 Soderling, Alan R., P.E., violations of the rules of professional responsibility. A Motion for Reconsideration was filed in this matter. Counsel drafted a final order for the Board's review.

The Board voted by roll call vote to enter into executive session to discuss disciplinary matters as provided for the Idaho Code 67-2345(1)(d). Roll call vote results - Mr. Young, yes; Mr. McClure, yes; Mr. Milligan, yes; Mr. Howe, yes and Mr. Ancell, yes.

The Board exited this executive session.

Moved by Mr. Young, seconded by Mr. Howe to reconsider this issue based on the request for reconsideration submitted by Mr. Erickson. Motion passed unanimously.

Moved by Mr. Young, seconded by Mr. Milligan to affirm the previous decision to dismiss this matter. Motion passed unanimously.

IV. NEW BUSINESS

4. The Idaho State Board of Water and Waste Water Operators has expressed a concern that engineers may be acting as operators in charge of water and waste water facilities though they are not licensed operators.

Moved by Mr. Ancell, seconded by Mr. Milligan to authorize the Chair to write to Mr. Hales and quote the exemption for engineering in their law, the definition of practice of engineering, and the definition of responsible charge from 54-1202. The argument can be made that engineers are licensed to operate engineering works provided they are competent to do so. If this issue merits more consideration, perhaps representatives from each Board should meet at a later date. Motion passed unanimously.

7. John Kirkpatrick from DEQ emailed concerns about documents submitted for the Wild Horse Subdivision.

Moved by Mr. Young, seconded by Mr. Ancell to authorize staff to investigate circumstances surrounding the use of the title "Environmental Engineer" and the stamping of letter by J. Mitchell Greer. Staff will respond to Mr. Kirkpatrick's additional inquiry by indicating that pump testing work can be done by either Professional Geologists or Professional Engineers. Motion passed unanimously.

8. Joel Petty, P.E. expressed concern over services provided by Pierre Bordenave on Storm Water Management and Erosion Control Plans in Bonner County.

Moved by Mr. Milligan, seconded by Mr. Ancell to authorize the Chair to write a letter to Mr. Petty indicating that the Board concurs with Mr. Curtis' initial response to his inquiry. Counsel is directed to write to Mr. Bordenave telling him to cease and desist the practice engineering. Motion passed unanimously.

9. NCEES reported an irregularity with the results of 2 examinees in Idaho on the April 2006 Fundamentals of Surveying examination.

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

The Board exited executive session.

Moved by Mr. Young, seconded by Mr. Howe to authorize Attorney Kane to conduct an investigation into this matter. Staff will request all pertinent exam materials from NCEES. Staff will release scores to those candidates not involved in the investigation. Staff will notify the two candidates in question of the investigation and that Attorney Kane will be contacting them. Motion passed unanimously.

10. The Board participated in an annual review of the Idaho Code requirements regarding Ethics in Government. Mr. Richards discussed the requirements of Idaho Code with the Board.

The Board noted the information.

VI. CONSIDERATION OF DISCIPLINARY MATTERS

FY05.07 Balance Engineering, LLC, unlicensed practice. Balance Engineering had a Certificate of Authorization that expired on July 31, 2003. The matter has been investigated further and Counsel filed a complaint with the 4th District Court on May 8th and Mr. Farthing has been served. A court date in this matter has not yet been set. Mr. Farthing submitted an application for a Certificate of Authorization for Balance Mechanical Services, LLC.

Moved by Mr. Milligan, seconded by Mr. Ancell to invite Mr. Pearson and Mr. Farthing to meet with the Board regarding the Certificate of Authorization and their proposed working arrangement. Motion passed unanimously.

V. CONSIDERATION OF APPLICATIONS

NON-STANDARD – CERTIFICATE OF AUTHORIZATION

Balance Mechanical Services, LLC

Moved by Mr. Milligan, seconded by Mr. Young to continue the application for Certificate of Authorization for Balance Mechanical Services, LLC. Motion passed unanimously.

VI. CONSIDERATION OF DISCIPLINARY MATTERS

FY05.18 Leavitt, Darren R., surveying practices. Mr. Leavitt submitted the $1,000.00 administrative penalty as ordered by the Board. He contacted Glen Bennett and requested that Mr. Bennett review his next five plats and next 5 records of survey. There has been no indication that Mr. Leavitt informed his current clients that his work is being reviewed by another surveyor as required by the ORDER.

Moved by Mr. Young, seconded by Mr. Milligan to authorize Mike Kane to contact Mr. Leavitt and inquire as to whether he has complied with the ORDER in regard to contacting his clients and sending a copy of that communication to the Board. Motion passed unanimously.

FY06.04 Mickelson, Richard, P.L.S. Surveying Practices. Mr. Curtis completed a preliminary investigation into this matter. The Board directed Mr. Mickelson to submit copies of his last 5 surveys as well as documentation substantiating his compliance with the continuing education requirement. Mr. Howe was directed by the Board to review the surveys submitted by Mickelson and report back to the Board.

Moved by Mr. Young, seconded by Mr. Ancell to continue this docket. Motion passed unanimously.

FY06.06 Idaho Rural Water Assoc., non-certificated business entity. Counsel sent a cautionary letter to Idaho Rural Water Association directing them to obtain a Certificate of Authorization in order to continue their current business practices. Idaho Rural Water Association responded to Counsel's second letter by requesting more time to comply in order for the newly hired attorney to review the background of the matter.

Moved by Mr. Young, seconded by Mr. Milligan to continue this docket for further information from the Idaho Rural Water Association's counsel, Mr. Litteneker. Motion passed unanimously.

FY06.07 Coeur d'Alene Builders Supply, unlicensed practice. Attorney Richards sent a letter to CDA Building Supply regarding an advertisement for employment submitted by Greg Brands to conclude whether or not a professional engineer is involved. Mr. Curtis completed a preliminary investigation into this matter and was directed to clarify with Coeur 'd Alene Builders Supply whether MiTek engineers review the output before it is sent to the building officials and whether MiTek engineers stamp only truss design or the structural design as well. Mr. Curtis spoke with Steve Parham at CdA Builders Supply and in response to that conversation, the Board directed Mr. Curtis to contact the City of Post Falls and the City of Coeur d'Alene to research what is required by the code officials in those cities.

Moved by Mr. Milligan, seconded by Mr. Young to continue this docket for further information. Motion passed unanimously.

FY06.10 Spaulding, Scott, responsible charge. Staff has not completed a preliminary investigation into this matter.

Moved by Mr. Howe, seconded by Mr. Young to continue this docket. Motion passed unanimously.

FY06.11 Reeder, Shawn, responsible charge. Staff has not completed a preliminary investigation into this matter.

Moved by Mr. Young, seconded by Mr. Milligan to continue this docket. Motion passed unanimously.

FY06.16 Vermeer, Louis, engineering practices. Staff has not completed a preliminary investigation into this matter.

Moved by Mr. Milligan, seconded by Mr. Young to continue this docket. Motion passed unanimously.

FY06.17 Stubbs, David, unlicensed practice. At the May meeting, staff was directed to find out who the relevant parties are and better define the issues involved.

Moved by Mr. Milligan, seconded by Mr. Howe to continue this docket for further information. Motion passed unanimously.

FY06.18 Landmark Surveying, Inc., Brad Wallace, P.E. responsible charge.

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

V. CONSIDERATION OF APPLICATIONS

INTERVIEWS

Ron Harwell interviewed with the Board regarding his request for reassignment to Principles and Practice of Engineering examination.

Moved by Mr. Young, seconded by Mr. Ancell to assign Ron Harwell to the October 2006 Principles and Practice of Engineering examination in the civil discipline. Motion passed with Mr. Milligan voting against the motion.

VI. CONSIDERATION OF DISCIPLINARY MATTERS

FY06.19 J-U-B Engineers, Inc., Rules of Professional Responsibility. Mr. Howe discussed his past business relations with J-U-B and counsel advised him that this would not constitute a conflict of interest. Mr. Curtis informed the Board that he will not be able to perform any investigation of this matter due to a conflict of interest. Mr. Curtis is recused from this matter.

Moved by Mr. Milligan, seconded by Mr. Young to authorize a Preliminary Investigation into this matter. Staff will contact Wendell Higgins as a possible investigator. Upon agreement from Mr. Higgins, he will be appointed as an Emeritus member of the Board. Alternative investigators include Jerry Peterson, Dave Bennion and Jerry Eggelson. Staff will report any progress on this matter at the August meeting. Motion passed unanimously.

FY06.20 Brooks, Brent L., & Russell, William, Rules of Professional Responsibility. Staff will send copies of Mr. Vickers communication to respondent.

Moved by Mr. Young, seconded by Mr. Ancell to send a letter from the Chair to Mr. Russell and Mr. Brooks directing them to respond to Mr. Vickers' letter of March 8, 2006 as required by the Rules of Professional Responsibility. A copy of this letter will be sent to Mr. Vickers. Motion passed with Mr. McClure abstained.

III. UNFINISHED BUSINESS

7. Mr. Young has continued his efforts to organize a task force in conjunction with the Board of Architectural Examiners to clarify the definitions of engineering and architecture. Mr. Young drafted a letter to the Board of Architectural Examiners

requesting the formation of a task force consisting of two members from each Board charged with working towards formulating a flyer similar to Montana's "Professional Use of Seals" document. Mr. Young and Mr. McClure will be the two members from this Board.

Moved by Mr. Milligan, seconded by Mr. Ancell to authorize the Chair to sign a letter to the Board of Architectural Examiners inviting them to meet with members of this Board to discuss the possible creation of a joint brochure. 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:

Ali Abolhassani (Civil) Structural Concepts Engineering, Inc. 1729 S. Douglas Road, Suite B Anaheim, CA 92806	California
Thomas Michael Ashley (Chemical) 12306 N. Griffin Road Prosser, WA 99350	Washington
Katherine F. Baad (Civil) 3520 Maricopa Street, #15 Torrance, CA 90503	California
Robert J. Bushmaker (Civil) MSE-TA, Inc. 200 TEchonolgy Way, P.O. Box 4078 Butte, MT 59702	Wisconsin
Bradley James Crookston (Civil) 2755 N. 2150 E. North Logan, UT 84341	Utah
Karl A. Hamon (Civil) 7099 W. Senequoteen Trail Spirit Lake, ID 83869	California
Joseph Allen Hiblar (Electrical) 10416 Ne 339th Street Lacenter, WA 98629	Oregon

John H. Huber (Mechanical) Los Alamos Technical Associates, Inc. 309 Bradley Blvd., Suite 205 Richland, WA 99352	Washington
John Harold Hunt (Civil) Ayres Associates, Inc. 3665 JFK Pkwy., Bldg. 2, Ste. 200 Fort Collins, CO 80525	California
Bryan Kazin (Electrical) Kazin & Associates, Inc. 5031 S. Ulster St., Suite 160 Denver, CO 80327	Colorado
Jeanne K. Mecham (Civil) Keller Associates 131 SW 5th Ave. Meridian, ID 83642	Colorado
Daniel Mejdell (Mechanical) 5061 SW 26th Drive Portland, OR 97239	Oregon
Kevin Dan Milgrim (Mechanical) 10470 Ridgewater Lane San Diego, CA 92131	California
Theodore E. Neuendorf (Electrical) Farnsworth Group, Inc. 7707 N. Knoxville Ave., Suite 200 Peoria, IL 61614	Illinois
Ryan S. Pack (Electrical) 1125 North 640 West West Bountiful, UT 84010	Utah
C. Mark Penrod (Mechanical) Balzhiser & Hubbard Engineers 100 West 13th Avenue Eugene, OR 97401	Alaska

Barbra A. Resnik (Civil) Brockway Engineering 2016 Washington North, Suite 4 Twin Falls, ID 83301	Nevada
Shawn W. Robnett (Civil) 676 Sarah Avenue Twin Falls, ID 83301	Oregon
Mark A. Smith (Civil) Tatum-Smith Engineers, Inc. P.O. Box 756 Rogers, AR 72757-0756	Arkansas
James Phillip Solaro (Electrical) 5600 Madras Street Carson City, NV 89704	Nevada
Nathan Daniel Wayne Stark (Civil) LDC Design Group 20085 NW Tanasbourne Drive Hillsboro, OR 97124	California
Palmer Stuart Tingey (Civil, Mechanical) MiTek Industries, Inc. 7777 Greenback Lane, Suite 109 Citrus Heights, CA 95610	Utah
Jeffrey L. Wylie (Electrical) Circle Design Group, Inc. 5510 S. East St., Sutie F Indianapolis, IN 46227	Indiana

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

David A. Cooper P.O. Box 2585 Glenwood Springs, CO 81602	Colorado

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

Scott C. Bolduc
Pierson Land Surveys, PC
P.O. Box 1143, 180 S. Willow St.
Jackson, WY 83001

Jeremiah B. Fielding
463 W. 4th St., N.
Middleton, ID 83644

Jim L. Puthoff Jr.
302 Dearborn St.
Sandpoint, ID 83864

Shane C. Remer
581 West 200 South
Blackfoot, ID 83221

David D. Romrell
448 West 100 North
Blackfoot, ID 83221

Chris G. Street
659 Falls Dr.
Idaho Falls, ID 83401

The following business entities were issued a Certificate of Authorization:

Business Entities offering Professional Engineering Services Only
Circle Design Group, Inc.
5510 S. East St., Suite F
Indianapolis, IN 46227

Evergreen Engineering, LLC
20827 NW Cornell Rd., #200
Hillsboro, OR 97124

Integrated Mechanical Systems, Inc.
5161 E. Arapahoe Road, #300
Centennial, CO 80122

JP Engineering, LLC
16640 Wedge Parkway
Reno, NV 89511

Kazin & Associates
5031 Ulster St., Suite 160
Denver, CO 80237

MS2EE, PLLC
4943 N. 29th E., Suite A
Idaho Falls, ID 83401

Paragon Consulting, Inc.
2153 Turnberry Way
Meridian, ID 83642

Prairie Electric, Inc.
6000 NE 88th Street
Vancouver, WA 98665

SKM Incorporated
533 West 2600 South, Suite 250
Bountiful, UT 84010

Structural Concepts Engineering, Inc.
1729 S. Douglass Road, Suite B
Anaheim, CA 92806

The meeting adjourned at approximately 12:30 p.m. on Saturday, June 10, 2006.

Scott T. McClure
Chair

John W. Howe
Secretary