

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 9:00 a.m. Mountain Standard Time on October 16, 2007 with the following Board members present: James Milligan, John Howe, William Ancell, Gary Young and Scott McClure. Also present were David L. Curtis, Executive Director, James Szatkowski, Deputy Director, Jennifer Rowe, Administrative Assistant, Woody Richards, Board Attorney, Angela Richards, Board Attorney, Mike Kane, Board Prosecuting Attorney, John Finney, Attorney for Louis Vermeer, and Louis Vermeer.

VI. CONSIDERATION OF DISCIPLINARY MATTERS

FY06.16 Vermeer, Louis, engineering practices. A Motion for Reconsideration was filed in this matter. A written argument was received from Attorney Kane and a letter proposing a resolution was received from Mr. Vermeer. Mr. Finney proposed that the ORDER be modified to provide that Mr. Vermeer's license would expire on December 31, 2007 and that he would not be able to renew through normal methods. In order to renew, he would need to meet the conditions of the Board's original ORDER. An Appeal has been filed in this matter but the appeal will be dropped if the Board accepts the proposal.

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

The Board exited executive session.

Moved by Mr. McClure, seconded by Mr. Howe to reconsider the previous FINAL ORDER. Roll call vote results - Mr. Milligan, yes; Mr. McClure, yes; Mr. Young, yes, Mr. Ancell, yes, and Mr. Howe, yes. Motion passed unanimously.

The board discussed reconsideration of the previous ORDER. Mr. Young brought up concerns about how many projects Mr. Vermeer is currently involved in and that any work he does will need to be reviewed by another professional engineer before submittal. Mr. Vermeer will need to provide a complete listing of all ongoing projects to the Board and no new projects will be entered into during this period. Mr. Kane inquired about additional violations that may occur during this period. What would be the Board's recourse?

Moved by Mr. McClure, seconded by Mr. Howe to enter into executive session to discuss disciplinary matters as provided for by Idaho Code 67-2345(1)(d). Roll call vote results -

Mr. Ancell, yes; Mr. McClure, yes; Mr. Milligan, yes, Mr. Howe, yes, and Mr. Young, yes. Motion passed unanimously.

The Board exited executive session.

Ms. Richards provided Mr. Finney and Mr. Vermeer with a revised ORDER for their review. Mr. Finney voiced concerns about the wording "suspension". Hearing Officer Milligan explained that the only mechanism the Board has to take action is through suspension or revocation.

Mr. Finney suggested that Mr. Vermeer voluntarily surrender his license on January 1, 2008. If it is not surrendered at this time, his license would be revoked based on the ORDER. Mr. Kane stated that the Board has no authority to enforce a voluntary surrender.

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

The Board exited executive session.

The Board reviewed the revised ORDER and provided a copy to Mr. Finney and Mr. Vermeer for their review. The revision was acceptable to all parties. Mr. Young wanted Mr. Vermeer's assurance that he fully understands what he is signing. Mr. Finney stated that Mr. Vermeer fully understands the consequences of signing the document.

Moved by Mr. McClure, seconded by Mr. Young to approve the amended ORDER AND AUTHORIZE THE Chair to sign it. Roll call vote results - Mr. Ancell, yes; Mr. Howe, yes; Mr. McClure, yes, Mr. Milligan, yes, and Mr. Young, yes. Motion passed unanimously.

The meeting adjourned at approximately 4:00 p.m. on Tuesday, October, 16, 2007.


Chair


Secretary