

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 April 10-12, 2008 at the Hilton Homewood Suites, 7899 Spectrum Way, Boise, Idaho, to conduct Board business. The meeting convened at 8:00 a.m. on Thursday, April 10, 2008 with the following Board members present: James H. Milligan, John W. Howe, William J. Ancell, Gary Young and Scott McClure. Also present was David L. Curtis, Executive Director, Jim Szatkowski, Deputy Director, and Jennifer Rowe, Administrative Assistant.

**I. READING OF MINUTES**

1. Approve minutes from February 26-28, 2008 and March 14, 2008 meeting as distributed.

Moved by Mr. Howe, seconded by Mr. Young to approve the minutes of the February 26-28, 2008 and March 14, 2008 meeting as distributed. Motion passed unanimously.

**II. REVIEW AND APPROVAL OF CONSENT AGENDA**

1. NCEES sponsored a "BEST SURVEYING PRACTICES AWARD" during Engineer's Week.
2. NCEES approved Jim Szatkowski as an Associate Member.

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

**III. UNFINISHED BUSINESS**

1. Review Strategic Plan Objectives. A subcommittee consisting of Mr. Milligan and Mr. Ancell will review the evaluation experience portfolios submitted by applicants to the Board.

Mr. Milligan suggested that the form be revised to allow a more extensive experience narrative as well as make available to candidates the NCEES Experience Guidelines. Mr. Milligan will work with Mr. Ancell and Ms. Rowe to develop a draft experience form for review by the entire Board at the June meeting.

2. Val Wynn wrote to the Board to request more clarification on Vacation of Plats so that he can use the information in his appeal to the County Commissioners in Fremont County. He specifically wanted a response to paragraph 4 of his November 30, 2007 letter.

Moved by Mr. Young, seconded by Mr. Howe to authorize the Chair to sign a letter to Mr. Wynn indicating that the Board cannot provide legal advice on such matters. The Board suggests that he retain an attorney to advise him on his specific situation relative to his issues with Fremont County regarding the status and future of the road in question. Motion passed unanimously with Mr. McClure recused.

3. As directed by the Board, a letter was sent to All Venture Drafting suggesting revised wording for the title block. A response was submitted by All Venture Drafting with a sample of a new title block.

Moved by Mr. McClure, seconded by Mr. Young to authorize the Chair to write to All Venture Drafting and indicate that the changes to the title block are acceptable and the matter is now closed. Motion passed unanimously.

6. The subcommittee appointed to work with the Board of Architectural Examiners to clarify the definitions of engineering and architecture reported their progress to the Board. Mr. Young and Mr. McClure will better define "R" building occupancy requirements and draft strike-and-underscore amendments to Idaho Code to allow incidental practice for architects and engineers. In order for Mr. Young to speak with building officials about the impact of these changes, this item will be continued until the June meeting.

Moved by Mr. McClure, seconded by Mr. Young to table this item until Friday, April 11, 2008. Motion passed unanimously.

7. Jerry Flatz of the Local Highway Technical Assistance Council submitted a yearly update to the Board concerning the certification of technicians to collect field data for speed studies.

Moved by Mr. Young, seconded by Mr. Ancell to authorize the Chair to send a thank you letter to Mr. Flatz and request that he provide an update again next year. Motion passed unanimously.

8. Rex Hansen, President of ACEC-Idaho, submitted some concerns to the Board relating to Performance Based Design Build. The Board invited Mr. Hansen to attend the April meeting but he did not respond.

Moved by Mr. McClure, seconded by Mr. Howe to continue this matter and have the Chair contact ACEC-Idaho to see if they want to attend the June meeting to discuss this issue. Motion passed unanimously.

## **V. CONSIDERATION OF APPLICATIONS**

Meiwen Guo joined the meeting.

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

The Board exited executive session.

Moved by Mr. Young, seconded by Mr. Howe to approve the application of Meiwen Guo for licensure as a professional engineer especially qualified in civil engineering on the basis of comity with his licensure in Kentucky. Motion passed unanimously.

### **III. UNFINISHED BUSINESS**

9. The subcommittee directed to work with ACEC-Idaho to assess the recent legislation brought by the Geologists reported their progress to the Board.

Moved by Mr. Howe, seconded by Mr. McClure to invite Jerry Peterson to attend the June meeting to discuss the geologist legislation. Motion passed unanimously.

4. A subcommittee of Mr. Howe and Mr. Young with the assistance of Mike Kane was formed to reevaluate the interpretation and interrelationships of Idaho Code Sections 54-1202(6), 54-1227, 55-1902(9), and 55-1904(2). The subcommittee reported on their progress.

Moved by Mr. Howe, seconded by Mr. Young to continue this matter and authorize Mr. Kane and staff to draft an analysis of situation, share that analysis with Mr. Young and Mr. Howe, and present a summary to the Board at the June meeting. Motion passed unanimously.

5. A letter was sent to Northwest Civil Design and Drafting directing them to cease operating under that name in Idaho. A response was requested by April 2, 2008 but was not received.

Moved by Mr. Young, seconded by Mr. McClure to authorize Mr. Kane to draft and send an injunction to Northwest Civil Design and Drafting demanding that they comply with the Board's request to discontinue using that name. Motion passed unanimously.

11. David Short submitted questions relating to R/W plans signature and seal. David Short joined the meeting.

Moved by Mr. Young, seconded by Mr. Howe to authorize the Chair to sign a letter to Mr. Short answering his questions as follows:

1. Does the plan set require a signature and seal of both the engineer and land surveyor? *No*

2. Does the plan set require a signature and seal of the land surveyor only? *Yes*
- 2a. If so, is a note stating the preliminary nature of the engineering information required? Recommended? *Required to meet standards of 54-1215(3)(b) ("Not Final for Engineering Purposes" ) to relieve themselves from requirement of engineers stamp.*
3. Is the signature and seal of neither the engineer nor land surveyor required? As it stands, the signature/seal box states "For R/W Acquisition Only." Is this sufficient? *No and No (see 2a).*

Motion passed unanimously.

12. Engineered Products, A Pape Company was not approved as a company that could provide services in Idaho using the word "Engineered" in their business name. A response and explanation was received from Engineered Products and they requested that the Board reconsider their previous decision.

Moved by Mr. McClure, seconded by Mr. Young to authorize staff to write to the Secretary of State and notify them that the Board does not object to use of this business name. Chair to send a letter to Mr. Salman recognizing the changes in the website to clarify that engineering services are provided by outside consultants and all information provided to the customer reflect that fact. Motion passed unanimously.

10. Staff contacted Mr. Kane's recommendation for Board Prosecuting Attorney, Kirtland Naylor, and negotiated an hourly rate of \$125 per hour for his services. The Board noted the information.
13. Mr. Ancell, Mr. Young, Mr. Kane and Mr. Curtis reported to the Board their thoughts about what would be a good starting point for discussions at the Idaho Transportation Department. Staff was directed to contact the NCEES Western Zone Vice President and ask that the issue be put on the agenda for the Engineer's Forum at the upcoming zone meeting in North Dakota.
14. Mr. McClure discussed the procedures used to investigate complaints. Mr. McClure discussed his desire to explore the use of a screening committee of non-Board licensees to consider complaints before they go to hearing or negotiation of Stipulation and Consent Orders. He volunteered to write an article in support of his concept for the next NEWS BULLETIN.

#### **IV. NEW BUSINESS**

2. Mr. Yerion submitted some questions relating to Preliminary Plats.

Moved by Mr. Young, seconded by Mr. McClure to authorize the Chair to write to Mr. Yerion and answer his questions in the following manner:

- 1) Some surveyors prepare the Preliminary Road Plans showing horizontal and vertical alignments. Is that allowed according to the current definitions of surveying & engineering?

The current definition of land surveying relates only to boundaries, which would include the horizontal alignment, but not the vertical, which would fall in the realm of the licensed professional engineer. If prepared by an engineer or surveyor, preliminary road plans which include only horizontal alignment must be sealed and signed by either the surveyor or engineer, but if they contain both horizontal and vertical alignment they must be sealed, signed and dated by the engineer or both the surveyor and engineer.

- 2) Preliminary Plats are sometimes submitted by engineers and sometimes by surveyors. I don't recall that either the Preliminary Road Plans or the Preliminary Plats are ever sealed. The Planning and Zoning Commission uses those drawings to make a policy decision (i.e. subdivision and road approval). Should these preliminary drawings be sealed?

Under IC 54-1215(3)(b), effective July 1, 200X, if prepared by a PE or PLS, Preliminary Plats and Preliminary Road Plans that are relied upon . . . [quote statute] must be sealed, signed and dated. Staff directed to include this information in the next NEWS BULLETIN.

Motion passed unanimously.

## **V. CONSIDERATION OF APPLICATIONS**

Scott Rhinehart, Charles McDonald and Kevin Shoemaker joined the meeting to discuss BASIC Engineering and Mr. McDonald's application for licensure. Mr. Milligan informed Mr. McDonald that any discussion of his application was confidential and Mr. Rhinehart and Mr. Shoemaker would need his permission to remain in the meeting while the Board discussed his application with him. Mr. McDonald had no objections to allowing Mr. Rhinehart and Mr. Shoemaker to remain in the meeting.

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

The Board exited executive session.

Moved by Mr. Howe, seconded by Mr. Ancell to stay the decision on Mr. McDonald's comity application pending the outcome of the pending complaint involving BASIC Engineering. Motion withdrawn.

Moved by Mr. Young, seconded by Mr. Howe to approve the application of Charles McDonald for licensure as a professional engineer especially qualified in civil engineering on the basis of comity with his licensure in California. Motion passed with Mr. McClure voting against the motion.

#### **IV. NEW BUSINESS**

4. Mr. Howard requested the Board's opinion on submitting unsigned letters to a regulatory agency.

Moved by Mr. McClure, seconded by Mr. Young to authorize the Chair to write to Inland Northwest Consultants with concern that the letter involved the practice of engineering and should have been signed by a Professional Engineer. The Board directs Inland Northwest to respond with a narrative of the circumstances surrounding the letter and an explanation of why this happened. A copy of this letter will be sent to Mr. Howard and DEQ. Motion passed unanimously.

5. Mr. Degutis requested that the Board review his background for licensure as a Professional Engineer in Idaho. He will be a resident of Idaho upon his release.

Moved by Mr. Young, seconded by Mr. McClure to authorize the Chair to write to Mr. Degutis and inform him that if he is a resident of Idaho, he will be able to apply for assignment to the examination. Motion passed unanimously.

#### **VI. CONSIDERATION OF DISCIPLINARY MATTERS**

FY05.23 Soderling, Alan R., P.E. violations of the rules of professional responsibility. Soderling and J-U-B appealed the District Court ruling to the Idaho Supreme Court. Mr. Erickson re-filed this complaint with the Board office and the Board extended the 6 month time frame in order to allow the Supreme Court decision to be heard.

Moved by Mr. McClure, seconded by Mr. Young to continue this matter. Motion passed unanimously.

FY07.09 Dreyer, Robert P., violations of the rules of professional responsibility. The Board granted Mr. Dreyer an extension until July 31, 2008 to submit a draft amended ROS and Corner Records.

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

FY07.16 Bybee, Scott, unlicensed practice of land surveying. The Board granted Mr. Bybee an extension until June 30, 2008 to complete the requirements of the Stipulation and Consent Agreement.

Moved by Mr. Young, seconded by Mr. Ancell to continue this matter. Motion passed unanimously with Mr. McClure recused.

FY07.20 Slaughter, George, unlicensed practice. The Board closed this docket pending receipt of revised letterhead. The letterhead was not received.

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

The Board exited executive session.

Moved by Mr. Howe, seconded by Mr. Young to authorize counsel to write a cease and desist letter to Mr. Slaughter and include a draft injunction. Motion passed unanimously.

FY08.01 McDonald, Charles S., unlicensed practice. Mr. McDonald and his supervisor Mr. Rhinehart met with the Board to discuss this matter.

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

The Board exited executive session.

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

FY08.03 Idaho Transportation Dept., failure to sign and seal engineering report. The issues brought forth in this inquiry are more thoroughly addressed in the formal complaints FY08.17, 08.18, and 08.19.

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

FY08.05 Brewer, Timothy W., failure to complete CPD units. Staff filed a complaint in this matter and a hearing is scheduled in conjunction with the June Board meeting. Mr. Brewer submitted a response for the Board's review.

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

The Board exited executive session.

Moved by Mr. McClure, seconded by Mr. Young to continue this matter. Motion passed unanimously.

FY08.06 Dawson, Robert John, failure to complete CPD units. Mr. Dawson let his license lapse, then brought it current, but staff failed to require that he make up deficient CPD's. Staff notified him that he has 180 days in which to make up the deficiency.

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

The Board exited executive session.

Moved by Mr. Young, seconded by Mr. McClure to continue this matter. Motion passed unanimously.

FY08.08 Hosac, Steven W., failure to complete CPD units. Staff filed a complaint in this matter and a hearing is scheduled in conjunction with the June Board meeting.

Moved by Mr. McClure, seconded by Mr. Young to continue this matter. Motion passed unanimously.

FY08.09 Jordan, Frederick E., failure to complete CPD units. Staff filed a complaint in this matter and a hearing is scheduled in conjunction with the June Board meeting.

Moved by Mr. McClure, seconded by Mr. Young to continue this matter. Motion passed unanimously.

FY08.13 McDaniel, Jon S., failure to complete CPD units. Mr. McDaniel has met the requirements of the Stipulation and Consent Order.

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

FY08.14 Millar, John Wayne, failure to complete CPD units. Staff filed a complaint in this matter and a hearing is scheduled in conjunction with the June Board meeting.

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

- FY08.17 Lowe, Pamela, violations of Rules of Professional Responsibility. A preliminary investigation was authorized for this docket but not completed. Staff recently learned that the matter is in litigation.
- FY08.18 Storjohann, Andrea, violations of Rules of Professional Responsibility. A preliminary investigation was authorized for this docket but not completed. Staff recently learned that the matter is in litigation.
- FY08.19 Allen, Damon, violations of Rules of Professional Responsibility. A preliminary investigation was authorized for this docket but not completed. Staff recently learned that the matter is in litigation.

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

The Board exited executive session.

Moved by Mr. Young, seconded by Mr. Howe to authorize Counsel to draft an ORDER for signature by the Chair extending to time on FY08.17, FY08.18 and FY08.19 until 6 months after the conclusion of litigation. Motion passed unanimously.

- FY08.21 ABC Drafting & Design Services, unlicensed practice. The Board directed Counsel to send a letter to ABC Drafting requesting an explanation of the business relationship with their partner.

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

The Board exited executive session.

Moved by Mr. McClure, seconded by Mr. Young to continue this matter. The Board authorizes Mr. Kane to send an additional letter to ABC Drafting & Design if a response is not received by May 15th. Motion passed unanimously.

- FY08.22 Killingsworth, Leslie, actions taken by OR and WA Boards. A preliminary investigation has been authorized for his docket but it has not yet been completed.

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

The Board exited executive session.

Moved by Mr. Young, seconded by Mr. Howe to authorize Mr. Curtis to file a formal complaint and direct Mr. Naylor to draft documents for a hearing which will be scheduled for June 11, 2008. Motion passed unanimously.

## **V. CONSIDERATION OF APPLICATIONS**

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

The Board exited executive session.

### **NON-STANDARD – COMITY**

Moved by Mr. McClure, seconded by Mr. Howe to deny the application of Robert John Anderson for licensure as a professional engineer especially qualified in civil engineering on the basis of comity with his licensure in Colorado. Motion passed unanimously.

Moved by Mr. McClure, seconded by Mr. Howe to approve the application of Luay Subhi Esho for licensure as a professional engineer especially qualified in civil engineering on the basis of comity with his licensure in Michigan. Motion passed unanimously.

Moved by Mr. Young, seconded by Mr. Howe to deny the application of Robert P. Finnegan for licensure as a professional engineer especially qualified in mechanical engineering on the basis of comity with his licensure in Nevada. Motion passed unanimously.

Moved by Mr. McClure, seconded by Mr. Young to continue the application of Jason Christopher McCool for licensure as a professional engineer especially qualified in civil engineering on the basis of comity with his licensure in California for additional documentation. Motion passed unanimously.

Moved by Mr. Young, seconded by Mr. Howe to approve the application of Thomas Joseph McCormack for licensure as a professional engineer especially qualified in fire protection engineering on the basis of comity with his licensure in Illinois. Motion passed unanimously.

Moved by Mr. McClure, seconded by Mr. Young to approve the application of Joseph H. Talbert for licensure as a professional engineer especially qualified in fire protection engineering on the basis of comity with his licensure in Illinois. Motion passed unanimously.

Moved by Mr. Young, seconded by Mr. McClure to approve the application of Stephen J. Vamosi for licensure as a professional engineer especially qualified in mechanical

engineering on the basis of comity with his licensure in Ohio. Motion passed unanimously.

Moved by Mr. Young, seconded by Mr. Howe to approve the application of William G. Van Horn for licensure as a professional land surveyor on the basis of comity with his licensure in Colorado. Motion passed unanimously.

Moved by Mr. Young, seconded by Mr. Howe to deny the application of Stephen F. Zabriskie for licensure as a professional land surveyor on the basis of comity with his licensure in Montana. Motion passed unanimously.

### **NON-STANDARD – EXAMINATION**

Moved by Mr. Young, seconded by Mr. Howe to assign Niraj M. Ghag to the Fundamentals of Engineering examination. Motion passed unanimously.

Moved by Mr. McClure, seconded by Mr. Young to assign Sergio T. Mendez to the Fundamentals of Engineering examination. Motion passed unanimously.

Moved by Mr. McClure, seconded by Mr. Young to continue the application of Thane Keith Mills for assignment to the Principles and Practice of Engineering examination in the electrical discipline pending additional information as requested for by the Board. Motion passed unanimously.

Moved by Mr. Young, seconded by Mr. McClure to assign Mark Edward Phillips to the Fundamentals of Surveying examination. Motion passed unanimously.

Moved by Mr. Young, seconded by Mr. McClure to assign Darryl F. Witter to the Idaho State-Specific Land Surveying examination. Motion passed unanimously with Mr. Howe recused.

### **INTERVIEWS**

Moved by Mr. Young, seconded by Mr. McClure to continue Justin Bonnell's request for assignment to the Fundamentals of Surveying examination for the third time pending an additional interview with Mr. Young prior to the June meeting. Motion passed unanimously.

Moved by Mr. Young, seconded by Mr. McClure to continue Olga Cuzmanov's request for assignment to the Principles and Practice of Engineering examination in the mechanical discipline for the third time pending an additional interview with Mr. Young prior to the June meeting. Motion passed unanimously.

Moved by Mr. Young, seconded by Mr. McClure to continue Kevin Clyde Poole's request for assignment to the Principles and Practice of Engineering examination in the

civil discipline for the third time pending an additional interview with Mr. Milligan prior to the June meeting. Motion passed unanimously.

Moved by Mr. Ancell, seconded by Mr. Young to assign Sajonara Tipuric to the October 2008 Fundamentals of Engineering examination. Motion passed unanimously.

#### **IV. NEW BUSINESS**

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

Mr. McClure attended the ISPLS Annual Conference in Pocatello, Idaho. Mr. Ancell attended the ISPLS Annual Conference in Pocatello, Idaho and the ISPE Southwest Chapter meeting. Mr. Young attended the ISPLS Annual Conference in Pocatello, Idaho; an ISPE meeting in Twin Falls and the North Idaho Building Officials meeting in Post Falls. Mr. Howe attended the ACSM meeting in Spokane, WA; spoke with Ron Hodge regarding the opinion on condominiums; met with an instructor of surveying classes at Great Basin College; attended the NSPS Board Members Forum; attended the ISPLS Annual Conference and attended the ISPLS Northern Chapter meeting. Mr. Milligan attended the ISPLS Annual Conference and worked with Jerry Peterson on assessing the geologist legislation. Mr. Curtis met with Wayne Hammon, Administrator of DFM about Zero-Based Budgeting; was interviewed for an article in PE magazine for NSPE and made a presentation for the University of Idaho electrical engineering sophomore students about licensing. Mr. Szatkowski attended the ISPLS Annual Conference; attended the North Idaho Building Officials meeting in Post Falls and made a presentation to the Meridian Rotary on Board activities.

3. David Whitman would like the Board to provide an estimate number of those that will attend the NCEES Western Zone meeting in Alberta in 2009.

Moved by Mr. Young, seconded by Mr. Ancell to authorize staff to report that five Board members and two staff will likely attend each day. Motion passed unanimously.

6. NCEES provided an update on the recommendations of the Engineering Practice Exam Task Force and the NCEES Board of Directors decision. The Board noted the information.
7. Election of Officers.

Moved by Mr. McClure, seconded by Mr. Young to nominate Mr. Howe as Chairman, Mr. Ancell as Vice Chairman, and Mr. Young as Secretary for the upcoming year. Motion passed unanimously.

8. New Mexico nominated Gilbert Chavez for NCEES Western Zone Vice President. The California Board nominated Pat Tami, PLS for Western Zone Vice President. The Board noted the information.

9. A Hearing Officer must be appointed for the June CPD hearings.

Moved by Mr. Young, seconded by Mr. McClure to appoint Mr. Howe as Hearing Officer for the June 11, 2008 CPD hearings. Motion passed unanimously.

10. Staff requested guidance from the Board on the importance of quality as it relates to scanning the photographs of applicants. Depending on the type of paper and quality of the original photograph, the scan may not come out identifiable. The storage cost of scanning applications in grayscale (which creates a better image) is very high in comparison to black and white.

Moved by Mr. Young, seconded by Mr. Howe to authorize the staff to use a black and white scan for the photograph. Motion passed unanimously.

11. ISPE invited the Board to participate in their annual meeting in Boise on Friday, June 6, 2008.

Moved by Mr. Young, seconded by Mr. McClure to authorize the Chair to write to ISPE and indicate that there will be at least 3 Board members present. Staff directed to post as an official meeting. Motion passed unanimously.

## **VI. CONSIDERATION OF DISCIPLINARY MATTERS**

FY07.07 Hoj Engineering & Sales Co., Inc., unlicensed practice. Mr. Hoj requested the Board reconsider the decision to not allow his company to use that name in Idaho. Mr. Hoj joined the meeting to discuss how his business operates.

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

The Board exited executive session.

Moved by Mr. McClure, seconded by Mr. Young to close this docket upon issuance of a license to Professional Engineer in responsible charge of the engineering and issuance of the Certificate of Authorization to the company. Motion passed unanimously.

FY08.23a Munio, Albert, unlicensed practice

FY08.23b Bessaw, John W., P.E., violations of statutes and Rules of Professional Responsibility

FY08.23c Washington Group International, violations of statutes and Rules of Professional Responsibility.

A preliminary investigation was authorized for FY08.23a, b, and c. The Board directed staff to continue FY08.23 a, b, and c until such time as the civil litigation is complete.

#### **IV. NEW BUSINESS**

12. Jeff Hansen submitted questions to the Board relating to subdivision monuments and reviewers.

Moved by Mr. Young, seconded by Mr. Howe to authorize the Chair to send a letter to Mr. Hansen quoting sections of Title 50 Chapter 13 relating to setting interior monuments after filing of the plat. Answers to general questions relating to review comments, disagreement over boundary location and authority of reviewing surveyor to require mathematical information cannot be answered without knowing more specifics. Motion passed unanimously.

13. The Division of Financial Management will hold informational meetings with the agencies in late April regarding the Change in Employee Compensation (CEC) procedures. The legislature funded the Personnel Costs portion of our budget beyond the current salaries with the intent to allow the Board to raise salaries. The Board will need to act between the April meeting and the June meeting on the final recommendations. Staff directed to distribute detailed information to the Board prior to May 5th for consideration at the NCEES Western Zone Meeting in North Dakota.
14. Mr. Maresca requested a waiver of the FE exam and was denied. He submitted a request to the Board for a refund of the application fee.

Moved by Mr. Young, seconded by Mr. Howe to deny the request and authorize the Chair to write to Mr. Maresca quoting the statute, rule and application wording relating to non-refundable application fees. Motion passed unanimously.

15. Staff provided an update on the Board's financial status as of March 31, 2008. The Board noted the information.
16. Dennis Brittain requested the Board's opinion on accepting engineered plans based solely on photographs.

Moved by Mr. Young, seconded by Mr. McClure to authorize a preliminary investigation into this matter. Motion passed unanimously.

#### **VI. CONSIDERATION OF DISCIPLINARY MATTERS**

- FY05.07 Balance Engineering, unlicensed practice. The Board issued a COA to Balance Mechanical Services, LLC but they are doing business under the assumed name "Balance Engineering" for which the Board has not issued

a COA. The Board authorized a limited preliminary investigation to be conducted into this matter but the limited investigation was not completed.

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

The Board exited executive session.

Moved by Mr. Young, seconded by Mr. Howe to continue this matter. Staff directed to issue a new docket number for this investigation separate from previous issues relating to Balance Engineering, Balance Mechanical Services, etc. Motion passed unanimously.

FY06.16 Vermeer, Louis, engineering practices. Mr. Vermeer surrendered his pocket card. The Board wrote to Mr. Vermeer notifying him that he will need to return his wall certificate. The certificate was not been received.

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

The Board exited executive session.

Moved by Mr. McClure, seconded by Mr. Young to continue this matter. Motion passed unanimously.

FY08.35 Cummings, Dan K., PLS, failure to complete CPD units. Mr. Cummings submitted a summary of his CPD's.

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

The Board exited executive session.

Moved by Mr. Young, seconded by Mr. Howe to authorize staff to negotiate a Stipulation and Consent Agreement, failing that, authorize Executive Director to file a complaint and schedule a hearing. Motion passed unanimously.

FY08.34 RC Worst and John Smetana, unlicensed practice

Moved by Mr. Young, seconded by Mr. McClure to authorize a preliminary investigation into this matter. Motion passed unanimously with Mr. Howe absent.

FY08.25 Golding, Terry, violations of Rules of Professional Responsibility. Staff conducted interviews on this matter and a preliminary investigation was completed.

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

The Board exited executive session.

Moved by Mr. Young, seconded by Mr. Howe to dismiss this matter as unfounded. The Board authorizes the Chair to write to Mr. Golding and the complainants and inform them of decision. Mr. Kane to review draft of letter prior to sending. Motion passed with Mr. McClure voting against the motion.

FY08.26a Shoemaker, Kevin, PE, practicing outside area of competence. Staff has conducted interviews on this matter and a preliminary investigation was completed.

FY08.26b BASIC Engineering, practicing outside area of competence. Staff has conducted interviews on this matter and a preliminary investigation was completed.

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

The Board exited executive session.

Moved by Mr. McClure, seconded by Mr. Ancell to dismiss these matters as unfounded and authorize the Chair to write to the complainant and respondent and inform them of decision. Mr. Kane to review draft of letter prior to sending. Motion passed unanimously.

Moved by Mr. Young, seconded by Mr. McClure to authorize staff to conduct an investigation into the services provided by Garry Pace, P.E. on this project. Motion passed unanimously.

Moved by Mr. Young, seconded by Mr. Howe to reopen the dismissal motion in this matter for amendment. Motion passed unanimously.

Moved by Mr. Young, seconded by Mr. Howe to amend the content of the letter to the complainants indicating that an additional investigation pertaining to another individual has been opened in this matter. Motion passed unanimously.

FY08.27 Aach, Roy Lee, disciplinary action taken in Oklahoma. Staff requested copies of action taken in other jurisdictions and documents have been received from Florida.

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

The Board exited executive session.

Moved by Mr. McClure, seconded by Mr. Young to authorize the Executive Director to file a complaint and schedule a hearing for this docket. Motion passed unanimously.

FY08.28 Flynn, Donald E., disciplinary action taken in Oklahoma. Staff requested copies of action taken in other jurisdictions and documents have been received from Florida.

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

The Board exited executive session.

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

FY08.29 Boling, Robert, disciplinary action taken in Oklahoma

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

The Board exited executive session.

Moved by Mr. Howe, seconded by Mr. Young to authorize the Executive Director to file a complaint and schedule a hearing for this docket. Motion passed unanimously.

FY08.30 Geary, Timothy C., disciplinary action taken in Oklahoma

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

FY08.31 Paul, Clifford R., disciplinary action taken in Oklahoma

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

FY08.33 Droulard, Joel, violations of the ROPR

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

The Board exited executive session.

Moved by Mr. McClure, seconded by Mr. Ancell to dismiss this matter as unfounded. The Board authorizes the Chair to sign a letter to the complainant and respondent explaining the decision and encouraging resolution. Motion passed unanimously.

#### **IV. NEW BUSINESS**

17. Mr. Curtis discussed the receipt of an anonymous complaint with the Board. Does the Board want to review anonymous complaints? The Board directed the staff to review the information contained in the complaint and report to them at the June meeting about the level of severity.

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:

Bradley A. Adcock (Electrical) AWA Electrical Cons., Inc. 19015 36th Ave. W. Ste. E Lynnwood, WA 98036	Washington
Spencer J. Allen (Mechanical) CCI Mechanical, Inc. P.O. Box 25788 Salt Lake City, UT 84125	Utah
Robert Michael Beattie (Civil) 2875 Split Oak Court Oviedo, FL 32766	Florida
Frederick Pierson Behrmann (Civil) Behrmann Design & Consulting, PLLC 326 North Forest Drive Coeur D'Alene, ID 83814	Oregon
Trent E. Beighle (Electrical) PE Services, LLC 3100 Presidential Dr. Ste. 129 Fairborn, OH 45324	Ohio
Christopher J. Burgess (Civil) Figg Bridge Engineers	Colorado

1873 S. Bellaire St. Ste. 1500  
Denver, CO 80222

John Charles Chapman (Civil)  
4 Yorkshire Terrace  
Clifton Park, NY 12065

New York

J Norman Coleman (Civil)  
Foothills Bridge Company  
3035 47th St. Ste. C4  
Boulder, CO 80301

California

Willis R. Conner (Civil)  
American Structurepoint, Inc.  
7260 Shadeland Station  
Indianapolis, IN 46256

Indiana

Barry L. Corsiatto (Electrical)  
BLC Engineering, Inc.  
1975 Greenrock Place  
North Vancouver, B.C. V7J 2Z8  
Canada

Florida

Daniel R. Cunningham (Civil)  
4011 Sand Myrtle Drive  
Houston, TX 77059

Pennsylvania

Stanley Joseph Demster (Electrical)  
GPW & Associates  
1001 New Hampshire Street  
Lawrence, KS 66044

Illinois

Thomas Maxwell Doyle (Civil and Structural)  
Korda/Nemeth Engineering, Inc.  
1650 Watermark Dr. Ste. 200  
Columbus, OH 43215-7010

Ohio, Illinois

Ghassan F. Elkhatab (Mechanical)  
GPW & Associates  
1001 New Hampshire Street  
Lawrence, KS 66044

Kansas

Rick M. Everson (Civil)  
9078 Jordan Oaks Drive  
Sandy, UT 84070

Utah

Dustin Clarence Forsmann (Civi)  
1643 4th Avenue

Washington

Clarkston, WA 99403

Fred C. Gailey (Electrical)  
Communications Controls & Electrical Engr.  
1849 W. North Temple, Bldg. A  
Salt Lake City, UT 84116

Utah

Ali A. Gharamti (Civil)  
McClure Engineering Associates, Inc.  
4700 Kennedy Drive  
East Moline, IL 61244

Indiana

William Barrie Gorlin (Civil)  
100 Central Drive  
Briarcliff Manor, NY 10510

Utah, Nevada

Paul F. Greco (Civil)  
7664 Umber Court  
Arvada, CO 80007

Colorado

Robert Jared Haight (Civil)  
Nolte Associates, Inc.  
5217 S. State St. Ste. 300  
Murray, UT 84107

Utah

Stephen M. Hall (Electrical)  
Finnegan Erickson Associates  
2821 W. Horizon Ridge Pkwy #200  
Henderson, NV 89052

Nevada

Jeffrey E. Harper (Fire Protection)  
Rolf Jensen & Associates, Inc.  
600 W. Fulton St., 5th Floor  
Chicago, IL 60102

California

Philip M. Hartsfield (Civil)  
Corven Engineering, Inc.  
2882 Remington Green Circle  
Tallahassee, FL 32308

Florida

Paul William Hayman (Electrical)  
Hayman Residential Engineering Services  
2404 Jackson Blvd.  
Rapid City, SD 57702

Colorado

Reggie Darrell Headrick (Electrical)  
382 Ellis Bingham Road  
Oakdale, TN 37829

Tennessee

Steven S. Hobbs (Civil)  
Nucor - Vulcraft Group  
P.O. Box 637  
Brigham City, UT 84302

Utah

David J. Houghton (Mechanical)  
Resource Engineering Group  
P.O. Box 3725  
Crested Butte, CO 81224-3725

California

Thomas Michael Kreutz (Civil)  
7668 S. Ammons Court  
Littleton, CO 80128

Colorado

Bradley Arthur Legg (Civil)  
21711 N. 39th Place  
Phoenix, AZ 85050

Arizona

Trevor R. Lindley (Civil)  
J-U-B Engineers, Inc.  
466 N. 900 W.  
Kaysville, UT 84037

Arizona

Shane A. Litzenberger (Mechanical)  
Musgrove Nginneering, P.A.  
410 S. Orchard St. Ste. 184  
Boise, ID 83705

California

Kenneth W. Montgomery (Electrical)  
Kiewit Power Engineers  
8455 Lenexa Drive  
Lenexa, KS 66214

Kansas

William Troy Moore (Electrical)  
20327 E. Briarwood Avenue  
Centennial, CO 80016

Colorado

David L. Nemeth (Civil, Structural)  
Thorson Baker & Associates, Inc.  
3030 W. Streetsboro Road  
Richfield, OH 44286

Ohio

Serge Parent (Civil)  
Mega Building Systems, Ltd.  
5080 Timberlea Blvd, Ste 206  
Missisauga, Ontario L6M 4P7

Iowa

Canada

Dominic M. Parmantier (Civil)  
3928 S.W. Arroyo Drive  
Seattle, WA 98146

California

Mike Martinez Porras, Jr. (Civil)  
1058 S. Osceola Street  
Denver, CO 80219

Colorado

Frank L. Roberts (Civil)  
2365 N. Raelyn Way  
Layton, UT 84040

Utah

Sheila L. Saul (Civil)  
10866 N. Strahorn Road  
Hayden, ID 83835

Oklahoma

Charles B. Schwartze (Electrical)  
7717 W. 145th Street  
Overland Park, KS 66214

Missouri

Tim L. Scott (Electrical)  
Gibbens Drake Scott, Inc.  
9201 63rd St. Ste. 100  
Raytown, MO 64133

Missouri

Vic A. Sibilla (Mechanical)  
Finnegan Erickson Associates  
2821 W. Horizon Ridge Pkwy #200  
Henderson, NV 89052

California

David M. Sigler (Civil)  
1320 Cherry Drive  
Bozeman, MT 59715

Washington

Herbert Valeriu Sorell (Mechanical)  
8923 Abrell Walk Court  
Charlotte, NC 28226

California

Christopher M. Strom (Civil)  
TEC Design, Inc.  
5828 Arndt Lane  
Eau Claire, WI 54701

Wisconsin

Nabil M. Taha (Civil, Structural)

Kansas

Precision Structural Engr.  
250 Main Street  
Klamath Falls, OR 97601

James R. Tauby (Mechanical)  
Mason Industries, Inc.  
350 Rabro Drive  
Hauppauge, NY 11788

New York

Ramesh Verma (Electrical)  
Shaw Group  
4005 Port Chicago Highway  
Concord, CA 94520-1120

California

Dwaine Jerold Voboril (Civil)  
6931 Benton St.  
Lincoln, NE 68507

Nebraska

Brian D. Westfall (Agriculture)  
960 E. 2650 N.  
North Logan, UT 84341

California

Vern Wiltse (Civil)  
311 Rambling Court  
Eules, TX 76039

Michigan

Timothy Earl Wintle (Civil)  
13561 W. Elmspring St.  
Boise, ID 83713

California

Gary L. Wylie (Mechanical)  
Wylie & Associates, Inc.  
6161 Savoy, Ste. 700  
Houston, TX 77036

Texas

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

Megan McKenna, 8236 N. Sunbelt Ave., Boise, ID 83714  
Jamen Dean Underwood, 8529 W. Fairview, Apt. 208, Boise, ID 83704  
Roy D. Woodvine, 241 Sunset Dr., Idaho Falls, ID 83402

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

Timothy Lynn Christensen  
695 E. 500 N.  
Richmond, UT 84333

Utah

Tyler G. Trujillo  
P.O. Box 1073  
Driggs, ID 83422

Utah

The following business entities were issued a Certificate of Authorization:

Business Entities offering Professional Engineering Services Only

American Structurepoint, Inc.  
Attn: Michelle Collins  
7260 Shadeland Station  
Indianapolis, IN 46256

ATC Group Services, Inc.  
dba ATC Associates Inc.  
Attn: Brad Legg  
9185 S. Farmer Ave. Ste. 107  
Tempe, AZ 85284

Behrmann Design & Consulting, PLLC  
326 North Forest Drive  
Coeur D'Alene, ID 83814

Boundaries Unlimited LLC  
1770 W. State St. #347  
Boise, ID 83702

Core Engineering, PLLC  
3501 W. Elder St. Ste. 100  
Boise, ID 83705

Corven Engineering, Inc.  
2882 Remington Green Circle  
Tallahassee, FL 32308

DaVinci Engineering, Inc.  
P.O. Box 1966  
Santa Maria, CA 93456

Devita & Associates, Inc.  
P.O. Box 1596

Greenville, SC 29602

Gibbens Drake Scott, Inc.  
9201 E. 63rd St. Ste. 100  
Raytown, MO 64133

GN Northern, Inc.  
722 N. 16th Ave. Ste. #31  
Yakima, WA 98902

Gordon Spiker Huber Geotech. Cons., Inc.  
4426 S. Century Dr., Ste. 100  
Salt Lake City, UT 84123

Hayman Residential Engr. Services, LLC

2404 Jackson Blvd.  
Rapid City, SD 57702

Heyer Engineering, P.C.  
1020 36th St. S.W.  
Fargo, ND 58103

Jacobs Consulting, Inc.  
8076 W. Sahara, Suite B  
Las Vegas, NV 89117

Keller Associates, Inc.  
131 S.W. 5th Ave., Ste. A  
Meridian, ID 83642

Keller-Bliesner Engineering, LLC  
78 East Center  
Logan, UT 84321

KEPCO+  
Attn: Dana Giles  
Knauphus Exterior Panel Company  
1987 Sout 700 West  
Salt Lake City, UT 84104

Kiewit Power Engineers Co.  
8455 Lenexa Drive  
Lenexa, KS 66214

Korda/Nemeth Engineering, Inc.

1650 Watermark Drive, Ste. 200  
Columbus, OH 43215-7010

M. G. McLaren, P.C.  
100 Snake Hill Road  
West Nyack, NY 10994

MCE Structural Consultants, Inc.  
53 Wagon Trail Road  
Columbus, MT 59019

McLaughlin Water Engineers, Ltd.  
2300 15th Street, Ste. 220  
Denver, CO 80202

Oasis Environmental, Inc.  
P.O. Box 582  
Livingston, MT 59047  
TEC Design, Inc.  
5828 Arndt Lane  
Eau Claire, WI 54701

WSP Environment & Energy, LLC  
11190 Sunrise Valley Drive, Suite 300  
Reston, VA 20191

Wylie & Associates  
6161 Savoy, Ste. 700  
Houston, TX 77036

The meeting adjourned at approximately 10:30a.m. on Saturday, April 12, 2008.

  
Chair

  
Secretary