

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 March 11-13, 2010 at the University Inn, Moscow, Idaho, to conduct Board business. The meeting convened at 8:12 a.m. on Thursday, March 11, 2010 with the following Board members present: William J. Ancell, Gary Young, James H. Milligan, John W. Howe and David Bennion. Also present was David L. Curtis, Executive Director and Jim Szatkowski, Deputy Director.

Attorney Mike Kane joined the meeting by via telephone.

**III. UNFINISHED BUSINESS**

5. Jim Baker of ISPE and URS-Washington Division, brought an issue to the Board regarding the QBS law and its applications regarding pricing requests from government entities. Mike Kane conducted additional research on this subject.

Moved by Mr. Bennion, seconded by Mr. Milligan to postpone until June due to technical difficulties. Motion passed unanimously.

4. Staff requested that the Board consider setting an internal policy for what services constitute the payment of Board Honorarium. A subcommittee was appointed to look into this matter and to create a draft policy for the Board to review.

Moved by Mr. Bennion, seconded by Mr. Milligan to add a minimum of 1 hour to conference calls, sub-committee and committee meetings (Board and NCEES); add “de minimus” language guidance at end; change “No” to “Yes” on Board and NCEES travel and add IC 54-1205 on Title line. Motion passed with Mr. Howe voting against the motion.

Moved by Mr. Young, seconded by Mr. Bennion to amend 1 hour to ½ hr minimum and delete “de minimus” language. Motion passed unanimously.

Mr. Kane left the meeting.

- i. **AGENDA REVIEW** - Are there any new agenda items?

Mr. Young requested a discussion relating to the Idaho State Specific PE questionnaire relative to Rule Changes that go into effect upon adjournment of the legislature. This item will be added as NEW BUSINESS 11.

Mr. Milligan would like the Board to discuss authorization for the Board members to attend the ISPE Annual meeting in Boise. This item will be added as NEW BUSINESS 12.

Mr. Curtis would like the Board to consider granting PDHs for those who prepare Test Items for the Idaho State Specific PLS Exam outside the recently conducted workshop. This item will be added as NEW BUSINESS 11.

Moved by Mr. Milligan, seconded by Mr. Bennion to add the mentioned items as New Business items. Motion passed unanimously.

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

1. The following items have been continued at previous meetings and staff is unaware of any activity relating to these matters:
  - a. 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. An ORDER extending the time until 6 months after the end of litigation has been signed.
  - b. FY09.25 Tikker, Robert, rules of professional responsibility. This matter is pending completion of civil litigation.
  - c. FY10.09 Lund, Michael, Rules of Professional Responsibility. A preliminary investigation has been authorized. On advice of Counsel, the investigation has been halted pending the outcome of an investigation by the Office of the Attorney General.
  - d. FY10.18 Forsgren Associates, Inc. Rules of Professional Responsibility
2. Comments were received by Mr. Magone, P.E. relating to the Masters or equivalent proposal.

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. Review Strategic Plan Objectives. The Board reviewed the Strategic Plan and made no changes.
2. Mr. Falk met with the Board on Friday, February 12<sup>th</sup> to discuss concerns about employee position descriptions listed by state government that imply the direct performance of duties typically associated with engineering services in terms of

education and experience; however, absent the minimum qualification(s) for professional licensure. He provided the employee position descriptions listed by state government that imply the direct performance of duties typically associated with engineering services in terms of education and experience; however, absent the minimum qualification(s) for professional licensure.

Mr. Ancell appointed Mr. Young as Chair and Mr. Bennion to a subcommittee to address the issue and report their progress and findings to the Board at the June meeting or the retreat in August.

3. Mr. Howe and Mr. Young in conjunction with ISPLS have worked to draft amendments to surveying laws which the Board edited & approved at the retreat. The subcommittee drafted additional changes to the survey laws.

Moved by Mr. Milligan, seconded by Mr. Bennion to accept revisions from the subcommittee and the ISPLS Board of Governors and incorporate those changes into the document. Staff directed to distribute to ACEC-Idaho and ISPE and post on web site with cover note regarding background of development (start with ISPLS subcommittee, then Board subcommittee, then to expanded ISPLS subcommittee). Suggest that people read the entire document before they form an opinion about specific changes. Comments will be appreciated and should be directed to [dave.curtis@ipels.idaho.gov](mailto:dave.curtis@ipels.idaho.gov). Motion passed unanimously.

6. The subcommittee consisting of Mr. Bennion, Mr. Young, and Mr. Szatkowski are working with the Board of Architectural Examiners to clarify the definitions of engineering and architecture. Mr. Szatkowski reported that statewide, AIA appears to be supportive of the approach taken by the joint subcommittee of IPELS and the Board of Architectural Examiners. Mr. Szatkowski was directed to coordinate future meeting of joint subcommittee. The Board noted the information.
7. At the February Board meeting the Board discussed compiling additional pertinent code sections and adding these to our Laws and Rules.

Moved by Mr. Young, seconded by Mr. Howe to direct staff to add condominium property law to "Selected Laws and Rules . . ." document effective July 1, 2010. Motion passed unanimously.

8. ISPE's Annual Meeting will take place on June 10 – 11, 2010 at the Holiday Inn in Boise, Idaho. Lynn Olson provided a more detailed schedule. Lynn would like to know which Board Members will be attending and would appreciate it if a short bio for each of them could be provided.

Moved by Mr. Young, seconded by Mr. Bennion to direct staff to notify Lynn Olson that Mr. Young, Mr. Milligan, Mr. Ancell and possibly Mr. Bennion will be in attendance. Each attendee will submit a short bio to the staff so that it can be forwarded to ISPE. Motion passed unanimously.

9. Comments on the Discussion Paper on Board Composition. The Board responded to a letter from ACEC. The Board noted additional comments. Mr. Bennion and Mr. Ancell are willing to participate in future meetings with the societies.

Moved by Mr. Milligan, seconded by Mr. Young to authorize Mr. Bennion and Mr. Young to participate as Board representatives if a committee of societies is formed. Motion passed unanimously.

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

1. Reports by Board Members and Staff of activities since the February Board meeting. Mr. Howe worked with Mr. Young on Big Picture surveying legislation; attended an ISPLS Northern Chapter meeting; attended the ISPLS Board of Governor's meeting and general membership meeting. In addition to working on the Big Picture Legislation, Mr. Young attended the ISPLS Board of Governors meeting and general membership meeting. Mr. Bennion completed a final report for the UP&LG committee and participated in a telephone conference call with Mr. Milligan relating to Board Honorarium. Mr. Curtis attended a CBT Task Force meeting in Clemson; presented a CE seminar at Boise State University; and attended a meeting with the Department of Human Resources regarding PE/PLS responsibility. Mr. Ancell attended the Engineers Week Banquet at the ISPE Southwest Chapter.

2. Staff presented an Expense Reimbursement Summary for the Executive Director from February 1, 2010 to February 28, 2010 for the Board's review.

Moved by Mr. Milligan, seconded by Mr. Young to approve expense reimbursement as presented. Motion passed unanimously.

3. Board to discuss what information (Board opinions, precedence, etc.) should be compiled and published on the website.

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

4. The Board received an invitation to the APEGGA Annual Conference April 15-17, 2010 in Edmonton.

Moved by Mr. Milligan, seconded by Mr. Bennion to authorize Mr. Curtis and Mr. Young to attend the APEGGA Annual Conference. Motion passed unanimously with Mr. Howe absent.

5. Gary Munkelt requested that the Board add the Structural Designation to his current Idaho license.

Moved by Mr. Bennion, seconded by Mr. Milligan to authorize the Chair to sign a letter to Mr. Munkelt informing him that the Structural designation will be added pending receipt of a verification from another jurisdiction indicating that he has successfully taken 16 hours of structural exams. Motion passed unanimously.

6. The PNWER Annual Summit will be held on July 16-20, 2010 in Calgary, Alberta.

Moved by Mr. Young, seconded by Mr. Milligan to authorize Mr. Curtis and Mr. Bennion to attend the PNWER Annual Summit. If Mr. Bennion is unavailable, another Board member may be substituted. Motion passed unanimously.

7. David Kelly would like to obtain a license in Idaho based on comity with his Oregon license. He is licensed as a Traffic Engineer and took a State-Specific exam for licensure. Is this exam equivalent to a NCEES PE exam?

Moved by Mr. Young, seconded by Mr. Bennion to postpone a decision pending a review of an actual examination. Staff directed to try to obtain a copy of the exam most closely resembling the exam taken by Mr. Kelly. Motion passed unanimously.

8. Scott Ross submitted a few questions on CPD.

Moved by Mr. Howe, seconded by Mr. Milligan to authorize the Chair to sign a letter stating that the Board interprets the definition of an “activity” broadly, and they rely on the licensee to earn PDHs within the definition. Motion passed unanimously.

9. Dennis Keierleber submitted a question relating to legislation passed since 2002 on code adoption and enforcement.

Moved by Mr. Young, seconded by Mr. Milligan to authorize the Chair to sign a letter to Mr. Keierleber stating that the Board interprets the statutes quoted as restricting government inspectors (from the Authority Having Jurisdiction or Division of Building Safety) to only those certified by the ICC. The Board saw no restriction in these statutes on licensed engineers working for owners in conducting their own engineering inspections. Motion passed unanimously.

10. Dustin Shenk submitted a question relating to A.L.T.A. surveys.

Moved by Mr. Young, seconded by Mr. Howe to authorize the Chair to sign a letter to Mr. Shenk stating that yes, the ALTA survey is a report. The Board does not have any jurisdiction or responsibility for the contents of the ALTA survey checklist or its requirements. If a surveyor makes a survey in conformity with established principles of land surveying, they must file a Record of Survey if that survey results in any of the conditions listed in Idaho Code 55-1904. Motion passed unanimously.

11. Mr. Young would like to discuss the State Specific PE questionnaire relative to Rule changes that go into effect upon adjournment of the legislature.

Moved by Mr. Young, seconded by Mr. Milligan to direct staff to review the PE Questionnaire in light of current rules and statutes. Motion passed unanimously.

12. Mr. Milligan would like the Board to discuss authorization for the Board members to attend the ISPE Annual meeting in Boise.

Moved by Mr. Milligan, seconded by Mr. Young to authorize the attendance of Mr. Ancell, Mr. Young, Mr. Milligan and Mr. Bennion at the ISPE annual meeting and allow one day of stipend for attendance. Motion passed unanimously.

13. Mr. Curtis would like the Board to consider granting PDHs for those who have completed acceptable training who prepare Test Items for the State Specific PLS exam outside the recently conducted workshop.

Moved by Mr. Howe, seconded by Mr. Young to authorize granting of ½ PDH per item written and accepted and ¼ PDH per item reviewed and accepted with a maximum of 5 PDHs per year for work completed outside a Board sponsored workshop. Item writers and reviewers must have undergone acceptable item writing training to qualify. Motion passed unanimously.

## **V. CONSIDERATION OF APPLICATIONS**

Moved by Mr. Young, seconded by Mr. Milligan to enter into executive session to consider records that are exempt from disclosure as provided for by Idaho Code 67-2345(1)(d). Roll call vote results; Mr. Milligan, yes; Mr. Young, yes; Mr. Bennion, yes; Mr. Howe, yes and Mr. Ancell, yes. The Chairman directed the Board to return to regular session.

### **NON-STANDARD – COMITY**

Moved by Mr. Milligan, seconded by Mr. Young to approve the application of Abdelouahab Abrous for licensure as a professional engineer especially qualified in mechanical engineering on the basis of comity with his licensure in Washington. Motion passed unanimously.

Moved by Mr. Milligan, seconded by Mr. Howe to continue the application of Peter D. Bastien for licensure as a professional engineer especially qualified in civil engineering on the basis of comity with his licensure in Maine pending additional documentation. Motion passed unanimously.

Moved by Mr. Howe, seconded by Mr. Bennion to continue the application of Patrick Matthew Harris for licensure as a professional land surveyor on the basis of comity with his licensure in Utah for additional documentation. Motion passed unanimously.

Moved by Mr. Young, seconded by Mr. Bennion to deny the application of Hans Joseph Kast for licensure as a professional engineer especially qualified in mechanical engineering on the basis of comity with his licensure in Texas. Motion passed unanimously.

Moved by Mr. Milligan, seconded by Mr. Bennion to approve the application of James Allan Lane for licensure as a professional engineer especially qualified in structural engineering on the basis of comity with his licensure in Wisconsin. Motion passed unanimously.

Moved by Mr. Bennion, seconded by Mr. Milligan to continue the application of Ryan James Laughy for licensure as a professional engineer especially qualified in electrical engineering on the basis of comity with his licensure in Alberta, Canada pending additional documentation. Motion passed unanimously.

Moved by Mr. Young, seconded by Mr. Howe to deny the application of John R. Pariani for licensure as a professional land surveyor on the basis of comity with his licensure in Oregon. Motion passed unanimously.

Moved by Mr. Young, seconded by Mr. Bennion to continue the application of David Bingham Porter for licensure as a professional engineer especially qualified in civil engineering on the basis of the passage of the Principles and Practice of Engineering examination in Arizona for additional documentation. Motion passed with Mr. Howe and Mr. Ancell voting against the motion.

Moved by Mr. Young, seconded by Mr. Howe to deny the application of Keith R. Russell for licensure as a professional land surveyor on the basis of comity with his licensure in Utah. Motion passed unanimously.

#### **NON-STANDARD – EXAMINATION**

Moved by Mr. Young, seconded by Mr. Howe to deny the application of Stewart Kennard Ward for assignment to the Principles and Practice of Surveying examination. Motion passed unanimously.

#### **VI. DISCIPLINARY ACTIONS**

FY09.06 Petty, Joel, violations of Rules of Professional Responsibility. A preliminary investigation was completed. Staff is negotiated a Stipulation and Consent Order for the Board's review.

Moved by Mr. Milligan, seconded by Mr. Bennion to enter into executive session to consider records that are exempt from disclosure as provided for by Idaho Code 67-2345(1)(d). Roll call vote results; Mr. Milligan, yes; Mr. Young, yes; Mr. Bennion, yes; Mr. Howe, yes and Mr. Ancell, yes. The Chairman directed the Board to return to regular session.

Moved by Mr. Young, seconded by Mr. Milligan to authorize the Chair to sign the Stipulation and Consent Order once a signed document is received from Mr. Petty. Motion passed unanimously.

FY10.10 Edwards, Carl V. CPD deficiencies. Mr. Edwards submitted proof of completing an ethics course and an administrative fine of \$500 as required in the Stipulation and Consent Order.

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

FY10.20 Busby, Byron D., unlicensed practice as a surveyor, setting pin. Staff had not received a response from Mr. Busby.

Moved by Mr. Young, seconded by Mr. Milligan to continue this docket. 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:

Alannah M Bailey (Civil) 1549 8th Street Clarkston, WA 99403	Washington
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Henry M. Bellagamba (Civil) Fullerton Engineering Consultants, Inc. 9600 W. Bryn Mawr, Ste. 200 Rosemont, IL 60018	Illinois
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Robert James Bosek Jr. (Civil) 2253 Turner Falls St. Henderson, NV 89044	Washington
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Jason Paul Carey (Civil) Riverrestoration.Org, LLC P.O. Box 2123 Glenwood Springs, CO 81602	California
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Thomas Allen Castle (Civil, Structural) Ficcadenti Waggoner & Castle 3100 Oak Rd. Ste 390 Walnut Creek, CA 94597	California
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Jayant P. Desai (Civil , Structural) Desai/Nasr Cons. Engineers, Inc. 6765 Daly Road West Bloomfield, MI 48331	Michigan
Ava Dorn (Civil) Lyntek, Inc. 1550 Dover Street Lakewood, CO 80215	Colorado
Patrick Brian Ebner (Civil) 3501 Alpine Avenue Sioux City, IA 51106	Kansas
John F. Empkey (Mechanical) Kiewit Power Engineers 9401 Renner Blvd. Lenexa, KS 66219	Kansas
Dennis Ray Gathard (Civil, Structural) Gathard Engineering Consultant 4003 1st Ave. N.W. Seattle, WA 98107	Oregon
Michael J. Greenheck (Mechanical) 29661 57th Pl. S. Auburn, WA 98001	Washington
Dewain William Hodge (Mechanical) HP Engineering, Inc. 1800 S. 52nd St. #400 Rogers, AR 72758	Arkansas
Joshua M. Hollon (Civil) PBS&J 4601 DTC Blvd., Ste. 700 Denver, CO 80237	Texas
Thomas D. Honer (Electrical) Karges-Faulconbridge, Inc. 670 W. County Rd. B St. Paul, MN 55113-4527	North Dakota

Wayne Boyd Howell (Mechanical) 171 Sunset View Drive Doylestown, PA 18901	Texas
Sandra Hyde (Civil) 12028 W Blueberry Boise, ID 83709	California
David A. Jenkins (Civil) Ensign Engineering & L. Surveying Inc. 90 E. Ft. Union Blvd. Ste. 100 Midvale, UT 84047	Utah
Peter B. Larson (Civil) Raymond L. Goodson Jr. Inc. 5445 La Sierra Ste. 300 Dallas, TX 75231	Missouri
Michael Wayne Luersen (Electrical) 2225 W. Steed Ridge Phoenix, AZ 85085	Texas
Peter E. Nelson (Civil) 11 Leland Road Westford, MA 01886	New Hampshire
Jeffrey Karl Olsson (Civil) DOWL HKM P.O. Box 1009 Helena, MT 59624	Montana
Jon C. Osborn (Civil) Black & Veatch 201 S. Orange Ave. Ste. 500 Orlando, FL 32801	Florida
Tanarat Potisuk (Civil) 7157 Ridgemont Dr. North Keizer, OR 97303	California
Sohail A. Shah (Civil) Shah & Associates, Inc. dba PDC Corporation 13225 Danielson St. Ste. 200 Poway, CA 92064	California

E. Robin Smyth (Electrical) Montana  
Gillespie, Prudhon & Associates, Inc.  
16111 S.E. 106th Ave. Ste. 100  
Clackamas, OR 97015

Ricky N. Terrell (Fire Protection) Arkansas  
Ricky N. Terrell P.E.  
1805 N. 2nd St. Ste. 5543  
Rogers, AR 72756

Frazer Grahame Thompson (Mechanical) California  
30209 June Rose Court  
Castaic, CA 91384

Justin R. Vander Werff (Civil) Indiana  
Dordt College  
498 4th Ave. N.E.  
Sioux Center, IA 51250

Christopher D. Wolffong (Civil) Arizona  
Nez Perce National Forest  
104 Airport Road  
Grangeville, ID 83530

Craig William Young (Environmental) Arizona  
4470 N. Placita Del Paisano  
Tucson, AZ 85745

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

James Jacob Coutts California  
5716 S 3975 W  
Roy, UT 84067

Matthew J. Faulkner Oregon  
Mackay & Sposito, Inc.  
1325 S.E. Tech Ctr. Dr. Ste. 140  
Vancouver, WA 98683

Von Robert Hill Utah  
1009 N. 725 E.  
Bountiful, UT 84010

James Refsdal  
1934 Larson Road  
Cook, MN 55723

Minnesota

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

Nicholas Todd McAteer: 79 Davis Drive, Pocatello, ID 83201  
Greydon Wright: 1105 Falls Avenue, American Falls, ID 83211

The following business entities were issued a Certificate of Authorization:

Business Entities offering Professional Engineering Services Only

Fluor Federal Services, Inc.  
C/O P.Riggs E31  
6700 Las Colinas Blvd  
Irving, TX 75039

Haines, Gipson & Associates, Inc.  
1550 N. Brown Rd., Ste. 100  
Lawrenceville, GA 30043

Sitts & Hill Engineers, Inc.  
4815 Center Street  
Tacoma, WA 98409

Ficcadenti & Waggoner  
3100 Oak Rd. Ste. 390  
Walnut Creek, CA 94597

Fullerton Engineering Consultants, Inc.  
9600 W. Bryn Mawr Ste. 200  
Rosemont, IL 60018

Cellxion, PLLC  
5031 Hazel Jones Rd.  
Bossier City, LA 71111

Fraze Engineering, PLLC  
11 Stargazer Trail  
Salmon, ID 83467

Holiday Parks, Inc.  
4600 S. 134th Pl.  
Seattle, WA 98168

PMH Associates, Inc.  
1217 B N. Church Street  
Moorestown, NJ 08057

Vander Boegh Engineering, PLLC  
17447 Batt Corner Rd.  
Wilder, ID 83676

Astec, Inc.  
4101 Jerome Avenue  
Chattanooga, TN 37407

APD, LLC Architecture & Engineering  
110 110th Ave. N.E. Ste 550  
Bellevue, WA 98004

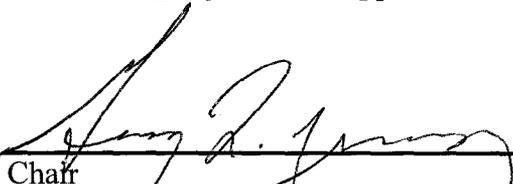
Gillespie, Prudhon & Associates, Inc.  
16111 S.E. 106th Ave. Ste. 100  
Clackamas, OR 97015

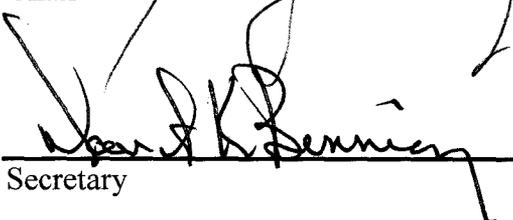
Younglove Construction L.L.C.  
P.O. Box 8800  
Sioux City, IA 51102-8800

Business Entities offering Professional Land Surveying Services Only

Pierson Land Works, LLC  
P.O. Box 680  
Driggs, ID 83422

The meeting adjourned at approximately 2:15 p.m. on February 13, 2010.

  
Chair

  
Secretary