

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 on Monday, December 6, 2010 at 2:00 p.m. MST with the following Board members present: John Howe, George Wagner, Gary Young and Jim Milligan. Also present were David L. Curtis, Executive Director, James L. Szatkowski, Deputy Director, Mike Kane, Board Attorney, Kirtland Naylor, Board Prosecuting Attorney.

**CONSIDERATION OF DISCIPLINARY MATTERS**

FY09.25 Tikker, Robert, rules of professional responsibility. This is not a formal complaint so no ORDER has been issued to extend the time.

Moved by Mr. Milligan, 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. Wagner, yes; Mr. Young, yes and Mr. Howe, yes. After meeting in executive session, the Chairman directed the Board to return to regular session.

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

Moved by Mr. Milligan, seconded by Mr. Howe to continue this matter to the next regularly scheduled Board meeting. Motion passed unanimously.

Mr. Curtis and Mr. Naylor left the meeting.

FY10.28 Allen, Brian J., Surveying Practices Standard of Care. Mr. Bennett completed a preliminary investigation in this matter.

Moved by Mr. Milligan, 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. Wagner, yes; Mr. Young, yes and Mr. Howe, yes. After meeting in executive session, the Chairman directed the Board to return to regular session.

Moved by Mr. Milligan, seconded by Mr. Wagner to accept the amended complaint. Motion passed unanimously.

Moved by Mr. Milligan, seconded by Mr. Howe to deny the privilege of making oral arguments on basis that the positions of each side are well stated and clear and do not need further clarification. Motion passed unanimously.

Moved by Mr. Wagner, seconded by Mr. Milligan to deny the Motion to Dismiss that the complaint on its face is vague. Motion passed unanimously.

Moved by Mr. Milligan, seconded by Mr. Wagner to deny Motion to Dismiss argument that Standard of Care is unconstitutionally vague. Motion passed unanimously.

Moved by Mr. Wagner, seconded by Mr. Milligan to authorize the Chair to sign the Order. Motion passed unanimously.

The meeting adjourned at approximately 4:15 p.m. on Monday, December 6, 2010.

  
Chair

 P.E.  
Secretary