

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 February 7 – 9, 2011 at the Board Office, 1510 E. Watertower St., Ste. 110, Meridian, Idaho to conduct Board business. The meeting convened at 8:15 a.m. on Monday, February 7, 2011 with the following Board members present: Gary L. Young, James H. Milligan, George Wagner and David Bennion. Also present was David L. Curtis, Executive Director, Jim Szatkowski, Deputy Director and Jennifer Rowe, Administrative Assistant.

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

Moved by Mr. Milligan, seconded by Mr. Bennion to accept the agenda as distributed. Motion passed with Mr. Howe absent.

I. READING OF MINUTES

1. Review Minutes of the November 8-10, 2010 meeting.

Moved by Mr. Milligan, seconded by Mr. Wagner to approve the November 8-10, 2010 meeting minutes as distributed. Motion passed with Mr. Howe absent.

2. Review Minutes of the December 6, 2010 telephone conference call.

Moved by Mr. Milligan, seconded by Mr. Wagner to approve the December 6, 2010 teleconference meeting minutes as distributed. Motion passed with Mr. Howe absent.

II. CONSENT AGENDA

1. The following items were continued from previous meetings and staff is unaware of any activity relating to these matters:

FY08.23a: Munio, Albert, unlicensed practice. An update on FY08.23 was received from the DPW Administrator, Tim Mason.

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.

FY10.09 Lund, Michael, Rules of Professional Responsibility. A preliminary investigation was authorized. On advice of Counsel, the investigation was halted pending the outcome of an investigation by the Office of the Attorney General. An ORDER

extending the time until 6 months after the end of litigation has been signed. The Attorney General scheduled a hearing for this matter in March.

- FY10.18 Forsgren Associates, Inc. Rules of Professional Responsibility. This matter was continued pending the outcome of civil litigation.
2. New legislation improves process for U.S. engineers seeking licensure as a professional engineer in Ontario, Canada.
 3. Mr. Hayhurst copied the Board on a letter regarding a survey.

Moved by Mr. Milligan, seconded by Mr. Wagner to take FY08.23 a, b and c off the Consent Agenda for discussion under Disciplinary Matters. Motion passed with Mr. Howe absent.

Moved by Mr. Milligan, seconded by Mr. Wagner to note the remaining items on Consent Agenda with no further action. Motion passed with Mr. Howe absent.

III. UNFINISHED BUSINESS

1. Review Strategic Plan Objectives.

Moved by Mr. Milligan, seconded by Mr. Bennion to note progress made on some areas of the Strategic Plan. Motion passed with Mr. Howe, absent.

Mr. Howe joined the meeting.

4. A subcommittee of Mr. Howe and Mr. Young reported to the Board on their review and evaluation of the new questions from the Item Writing Workshop. Staff was directed to obtain a reference for the key on each item and logic for the distractors. Mr. Young reported that he has responses from Mr. Howe and he will review them before the next meeting.

Moved by Mr. Milligan, seconded by Mr. Howe to note that progress is ongoing and the subcommittee with report back to the Board at the next Board meeting. Motion passed unanimously.

5. Access Idaho informed us that it "Looks like we have developer time scheduled for your agency beginning around June 1 to create a basic online license renewal application for all of your disciplines. Our project manager will be in touch with you in March or April to discuss your database and determine if your agency needs to make any changes/updates to it prior to project commencement."

Moved by Mr. Milligan, seconded by Mr. Wagner to note that progress is ongoing but this may not be completed until the next fiscal year. Staff will report any updates at the next Board meeting. Motion passed unanimously.

6. A subcommittee of Mr. Bennion, Mr. Milligan and Mr. Szatkowski met with representatives of ITD to review whether Storm Water Prevention Plans need to be stamped. This same subcommittee also met with Dave Butzier, URS, Jim Porter, JUB and Dick Jacobsen, CH2M, on January 24, 2011 regarding the content of the ITD SWPPP memo and current practices. Mr. Bennion followed-up with Ms. Hood after that meeting regarding the discussion prior to the Board meeting. Francis Hood, PE or ITD submitted a memo relating to the procedure for these plans and will meet with the Board to discuss the matter further.

Moved by Mr. Bennion, seconded by Mr. Milligan to table this item until Ms. Hood is present. Motion passed unanimously.

8. Staff drafted amendments to allow PDH's for Peer Review.

Moved by Mr. Milligan, seconded by Mr. Wagner to include changes in rule promulgation following adjournment of the legislature this year. Motion passed unanimously.

9. The community has raised some issues with the surveying "big picture" legislation and it may require some changes in the legislative package. Representative Patrick will be moving forward with a new RS incorporating some of these changes.

Moved by Mr. Bennion, seconded by Mr. Wagner to authorize Mr. Young, Mr. Howe and Mr. Curtis to call Mr. Clark and let him know the Board is not supportive of his changes. Motion passed unanimously.

IV. NEW BUSINESS

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

Mr. Curtis reported that he made a presentation on licensing and ethics to the senior Electrical Engineering students at the University of Idaho; attended the ACEC-Idaho December meeting; met with Mr. Young and Representative Patrick regarding surveying legislation; attended a Senate Rules Hearing; made a presentation to the University of Idaho PE review students; participated in two CBT Task Force teleconferences; attended a House Rules Hearing; attended a print hearing for RS 20003; attended a surveying legislation meeting with Joe Canning; attended the CBT Task Force meeting in Clemson, SC, and made a presentation to the EPE Committee.

Mr. Szatkowski made a presentation to Idaho Power Company on CPD requirements; attended the NCEES Sustainable Building Task Force meeting in Denver; attended the NCEES Law Enforcement Committee meeting in San Diego.

Mr. Milligan attended an AgE Cut Score meeting; participated in the AgE teleconference for cut score decision; attended the Civil PE exam committee meeting; participated in a teleconference for SWPPP matter; attended the CBT Task Force meeting, and attended an EPE Committee meeting.

Mr. Bennion participated in the SWPPP teleconference; attended the QBS subcommittee meeting and had contact from ISPE regarding administering oath to new engineers.

Mr. Howe attended an EPS Committee meeting; attended the ISPLS Northern Section meeting; attended the ISPLS Board of Governors meeting; and participated in a teleconference regarding surveying legislation.

Mr. Young attended a meeting with Representative Patrick and Mr. Curtis regarding surveying legislation and participated in a teleconference regarding surveying legislation.

2. Staff presented an Expense Reimbursement Summary for the Executive Director from November 1, 2010 through January 31, 2011 for the Board's review.

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

6. Staff would like the Board to consider an Administrative Rule change to allow license holders to take "Retired Status" at the beginning of the renewal period in which they will turn 60.

Moved by Mr. Milligan, seconded by Mr. Howe to authorize staff to promulgate rule as outlined. Motion passed with Mr. Bennion abstained.

7. The Board previously voted against allowing NCEES notify our exam candidates of whether or not they pass the exam, preferring for that notification to come from the Board, since the Board is the one that certifies or licenses them. NCEES now posts on their website when scores are released to the Board with a link to let them know how the Board has chosen to notify. This has resulted in a large number of anxiety-filled calls from our candidates while we are processing the scores and entering the license/certificate information into our database. Staff would like the Board to reconsider allowing NCEES to notify the candidates of pass/fail as soon as that information is available, with the notification of certification/licensure to come from the Board as in the past.

Moved by Mr. Howe, seconded by Mr. Milligan to authorize NCEES to notify candidates of pass/fail status. Motion passed unanimously.

Mr. Bennion left the meeting.

8. Dave Curtis would appreciate it if the Board would nominate him for a second two-year term as Secretary/Treasurer of the Western Zone of NCEES.

Moved by Mr. Milligan, seconded by Mr. Howe to authorize the Chair to nominate Mr. Curtis on behalf of the Idaho Board. Motion passed with Mr. Bennion absent.

9. The Board needs to select a funded delegate for the 2011 Western Zone Meeting in Spokane, WA.

Moved by Mr. Milligan, seconded by Mr. Howe to authorize Mr. Young to be the funded delegate for the 2011 NCEES Western Zone meeting. Motion passed with Mr. Bennion absent.

14. Staff provided an update on the Board's financial status as of January 31, 2011.

Moved by Mr. Milligan, seconded by Mr. Wagner to note this item. Motion passed with Mr. Bennion absent.

21. Mr. Milligan has a conflict for the April Board meeting dates and asks that the Board reschedule the meeting to March 31-April 2. Mr. Milligan informed the Board that this conflict was eliminated. The meeting dates will remain April 7-9, 2011.

Mr. Bennion returned to the meeting.

22. In anticipation of an invitation to attend the APEGGA meeting in Calgary, Staff seeks authorization for a Board Member and Mr. Curtis to attend.

Moved by Mr. Milligan, seconded by Mr. Howe to authorize Mr. Young and Mr. Curtis to attend the meeting. Motion passed unanimously.

23. Mr. Curtis received an email on the MBA forum about the Master's or Equivalent. The Board discussed the survey and prepared answers to be submitted to Nevada.

Moved by Mr. Howe, seconded by Mr. Bennion to approve the responses as drafted by Board. Motion passed unanimously.

11. A license holder requested clarification on Title 55-1613 Disturbed Monuments. Mr. Howe and Mr. Young drafted responses to Mr. Ruiz and the Board discussed the responses.

Moved by Mr. Milligan, seconded by Mr. Howe to authorize the Chair to send a letter to Mr. Ruiz with the responses drafted by Mr. Howe and Mr. Young, as discussed by the

Board. Also incorporate Mr. Elle's response as appropriate. Motion passed unanimously.

Moved by Mr. Milligan, seconded by Mr. Howe to include this topic on the agenda of the joint meeting with ISPE in June and include in next NEWS BULLETIN. Motion passed unanimously.

Moved by Mr. Milligan, seconded by Mr. Howe to authorize the Chair to write to Mr. Thomason with the responses reviewed and discussed by the Board. Motion passed unanimously.

Moved by Mr. Milligan, seconded by Mr. Howe to include this topic on the agenda of the joint meeting with ISPE in June and include in next NEWS BULLETIN. Motion passed unanimously.

III. UNFINISHED BUSINESS

Frances Hood joined the meeting.

6. A subcommittee of Mr. Bennion, Mr. Milligan and Mr. Szatkowski met with representatives of ITD to review whether Storm Water Prevention Plans need to be stamped. This same subcommittee also met with Dave Butzier, URS, Jim Porter, JUB and Dick Jacobsen, CH2M, on January 24, 2011 regarding the content of the ITD SWPPP memo and current practices. Mr. Bennion was to have followed-up with Ms. Hood after that meeting regarding the discussion prior to the Board meeting. Frances Hood, PE or ITD submitted a memo relating to the procedure for these plans and met with the Board to discuss the matter further.

Moved by Mr. Bennion, seconded by Mr. Wagner to authorize the Board subcommittee to collaborate with ITD and other stakeholders through a Rapid Action Team to work toward a resolution of this matter. Motion passed unanimously.

Frances Hood left the meeting.

IV. NEW BUSINESS

Board Attorney Mike Kane and Board Prosecuting Attorney Kirt Naylor joined the meeting

12. The staff and attorneys wish to discuss the disciplinary process and issues surrounding an investigator that later becomes an expert witness for the prosecution. Attorneys Kane and Naylor discussed why investigators should be allowed to provide opinions in the Preliminary Investigation Reports.

Moved by Mr. Wagner, seconded by Mr. Milligan to direct staff to no longer include the prohibition on conclusions, recommendations and judgments imposed in contracts for investigators on preliminary investigations for disciplinary matters. Staff to draft new contract and present to the Board for their review. Motion passed unanimously.

Moved by Mr. Bennion, seconded by Mr. Wagner to reconsider the previous motion. Motion passed unanimously.

Moved by Mr. Bennion, seconded by Mr. Wagner to amend the previous motion to state “direct staff to no longer include the prohibition on conclusions, recommendations and judgments imposed in contracts and directions to staff on preliminary investigations for disciplinary matters. Staff to draft new contract and present to the Board for their review. Motion passed unanimously.

Attorney Naylor left the meeting.

III. UNFINISHED BUSINESS

2. A subcommittee of Mr. Bennion and Mr. Wagner was formed to discuss possible amendments relating to the “Obligation to Communicate Discovery of Discrepancy” with members of ACEC-Idaho, ISPLS and ISPE. The subcommittee will report on their progress. At the last meeting, staff was directed to contact Arthur Schwarz at NSPE to see if they have addressed the issue before and whether any professional or technical societies, in particular the Society of Forensic Engineers, have published guidelines for this situation. Staff attached the NSPE Code of Ethics, the NCEES Model Rule and the NAFE-NSPE joint statement. None of which specifically addresses the issue but some of it is covered in NSPE Code of Ethics #7a. That coverage though is ended when the work of the other engineer is terminated.

Moved by Mr. Bennion, seconded by Mr. Wagner to authorize the subcommittee to meet with stakeholders and attorneys and attempt to bring a resolution and suggested legislative language back to the Board for review at the April Board meeting. Motion passed unanimously.

3. At the last meeting, a subcommittee of Mr. Bennion and Mr. Wagner was formed to address concerns relating to QBS. The subcommittee will invite ISPLS and ACEC-Idaho to participate in their discussions.

Moved by Mr. Wagner, seconded by Mr. Bennion to authorize the subcommittee to meet with stakeholders and attorneys and attempt to bring a resolution and suggested legislative language back to the Board for review at the April Board meeting. Motion passed unanimously.

7. The Bureau of Occupational Licenses (BOL) received a request for an opinion from an attorney. The request cites a portion of the engineers and surveyors

licensure chapter, and the BOL copied the Board with their response. Mr. Kane discussed the status of this matter.

Moved by Mr. Howe, seconded by Mr. Bennion to authorize Counsel to draft a response for review by the Board at their April meeting. Motion passed unanimously.

IV. NEW BUSINESS

3. Mr. Milligan requested that the Board discuss procedures for sending out the Preliminary Agenda.

Moved by Mr. Bennion, seconded by Mr. Wagner to consider this matter resolved through the use of the remote access key. Motion passed unanimously.

4. An applicant that failed the PE twice requested that the Board waive the additional 1 year of experience and 8 semester credits requirement.

Moved by Mr. Wagner, seconded by Mr. Bennion to deny the waiver citing that the language in 54-1214(3) does not allow for a waiver. Motion passed unanimously.

5. An Engineer Intern requested that his contact information be purged from the Board Minutes on the website.

Moved by Mr. Wagner, seconded by Mr. Milligan to deny request to purge information from the minutes. Motion passed unanimously.

10. If an Engineer Intern obtains PDH's prior to obtaining a license, will those be carried over to the next renewal period?

Moved by Mr. Bennion, seconded by Mr. Howe to authorize the staff to draft a rule amendment to address this issue for consideration by the Board at the April meeting. Motion passed unanimously.

Moved by Mr. Milligan, seconded by Mr. Howe to authorize staff to send a letter to this individual and let him know that the Board is considering a rule change to incorporate his suggestion. Motion passed unanimously.

13. Idaho Code 33-356 allows School Districts to seek to qualify for a reduction in building replacement value calculations for qualified, newly constructed public school buildings... and requires that these buildings be designed with an Integrated Design process and have Fundamental Building Commissioning performed. The code also directs the Division of Building Safety to assist schools in accessing the technical and educational support needed to implement the processes of integrated design and fundamental commissioning. They've promulgated Rule 07-03-01 to provide this information. It states that DBS

maintains a list of qualified Cx Agents who are certified by the BCA. The BCA's Certification Program does not require the individual to be a PE, but PEs are able to become certified. The Board previously addressed this commissioning issue in response to an inquiry by DPW in 2001. The following information was found in NEWS BULLETIN 31:

“In response to an inquiry from Larry V. Osgood, P.E., Administrator of the State Department of Administration, Division of Public Works, the Board expressed an opinion regarding services provided by a Commissioning Authority or Commissioning Agent or Commissioning Consultant. Services performed include participation in design, installation and start-up. The Board opinion stated, in pertinent part, “After reviewing the services performed by the Commissioning Agents, the Board concluded that persons performing those services would be practicing professional engineering as defined in Idaho Code and that those services could only be performed under the responsible charge of a person licensed as a professional engineer.”

Moved by Mr. Milligan, seconded by Mr. Wagner to authorize the Chair to write to Director Kelly Pearce at the Division of Building Safety and express our concern that many aspects of Building Commissioning involve the practice of engineering. The Board would like a meeting with Director Pearce and his and our legal counsel to discuss our position and work toward a resolution of our concerns to assure that the elements of commissioning that involve professional engineering are performed by professional engineers. The Board directs Mr. Bennion, Attorney Kane, and Mr. Szatkowski to attend the meeting. Mr. Bennion to review draft letter before mailing. Motion passed unanimously.

15. Customer Engineering Services, LLC requested the Board’s permission to use the business name in Idaho.

Moved by Mr. Milligan, seconded by Mr. Bennion to authorize Attorney Kane to send a letter to Customer Engineering Services, LLC denying their request. Motion passed unanimously.

16. 7ENG, LLC requested the Board’s permission to use the business name in Idaho.

Moved by Mr. Milligan, seconded by Mr. Howe to authorize the Chair to sign a letter to the Secretary of State waiving the requirement for issuance of a Certificate of Authorization and approving their use of 7ENG, LLC. Motion passed with George Wagner absent.

17. Quadrant Consulting, Inc. is interested in pursuing work associated with changes in the boundaries of school districts as well as trustee zones within the districts for voting on school board members by zone. There are some irregularities in the existing boundary descriptions and Quadrant is concerned that if they prepare a description for the area to be annexed or excised they might be held responsible

for the entire description, even though they did not prepare it. Staff suggested that they could clearly identify the portion of the overall legal description which they prepared and comfortably seal, sign and date the document. Quadrant is concerned that the standard of care in this situation is not clear and would like the Board to provide guidance.

Moved by Mr. Milligan, seconded by Mr. Howe to postpone this item and have the Chair send a letter to Quadrant Consulting asking for additional information on which to base an answer. Motion passed with Mr. Wagner voting against the motion.

18. Frank Peterson requested the Board review his background as it relates to professional licensure.

Moved by Mr. Bennion, seconded by Mr. Milligan to inform Mr. Peterson that we are willing to consider his application. Motion passed unanimously.

19. Mr. Huntley requested that the Board consider waiving continuing education requirements for those that are at or near retirement age.

Moved by Mr. Bennion, seconded by Mr. Howe to note his request. Motion passed unanimously.

20. The Board was notified by Scott Stanfield of Mason-Stanfield that ITD was advertising a project that was designed by an out of state engineer and sealed by him. Staff contacted Joe Schacher, PE, of ITD. Schacher explained it was a US Forest Service project and a Forest Service Engineer had it designed with federal money under their rules and they passed it to ITD to accomplish. Schacher said after Staff raised the issue with him, and after discussion with ITD management, that since state money was involved it is clear in Idaho Code that the project needs to be designed by an Idaho engineer. ITD would pull the project and hand it back to the Forest Service and tell them if ITD was going to do it, it needed to be designed by an Idaho engineer. Mr. Schacher called back and explained it was all federal money, no state money, but it is passed through the state treasury. Mr. Curnutt is employed by the USFS Clearwater National Forest as a Staff Officer for "Technical Services and Recreation." Staff notified Mr. Stanfield by email that ITD is no longer pursuing the project and thanked him for notifying the Board. ITD subsequently held on to the project, but put it on hold pending the Board's review of the issue.

Moved by Mr. Wagner, seconded by Mr. Bennion to authorize the chair to sign a letter to Mr. Stanfield with a copy to ITD stating that on this project it appears that the practice of engineering is involved, it is being contracted through the ITD, it is on a State Highway physically located in Idaho, and Idaho Code 54-1218 requires the work be done by a PE licensed in Idaho. Motion passed unanimously.

VI. CONSIDERATION OF DISCIPLINARY ACTIONS

FY09.25 Tikker, Robert, rules of professional responsibility. This is not a formal complaint so no ORDER has been issued to extend the time. Staff completed a Preliminary Investigation in this matter. Mr. Tikker submitted a letter to the Board that was discussed by teleconference and it referred to sample sealed reports.

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

Moved by Mr Bennion, seconded by Mr. Howe to table this matter until we can contact Attorney Naylor. Motion passed unanimously.

FY10.08 Spaulding, Scott, Standard of Care. Mr. Spaulding completed the requirements of the Stipulation and Consent Agreement and this matter is ready to be closed.

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

FY10.28 Allen, Brian J., Surveying Practices Standard of Care. Mr. Bennett completed a preliminary investigation in this matter. The Administrative Hearing previously scheduled for February 15 & 16, 2011 has been continued to an unspecified date.

The Board noted this item.

FY11.02 Kofoed, Daryl, standard of care. At the last meeting, the Board directed staff to obtain additional information on what standards he referenced in his "certification", why his "certification" was so limited in scope, and why he did not point out the discrepancies in culverts called for in the design versus culverts installed, etc.

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

Moved by Mr. Milligan, seconded by Mr. Bennion to authorize a letter by the Chair to the homeowners that the Board dismissed this matter as unfounded. Motion passed unanimously.

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

FY11.04 TCGroup, Inc., unlicensed – no COA. TCGroup applied for a Certificate of Authorization. TCGroup, Inc., had two engineers apply for licensure and agreed to get a COA when they have an engineer obtain an Idaho license.

Moved by Mr. Milligan, seconded by Mr. Bennion to continue this matter pending issuance of a Certificate of Authorization. Motion passed unanimously.

FY11.06 Holzhey, Darin, PLS Standard of Care. Mr. Russell completed a preliminary investigation in this matter.

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

Moved by Mr. Howe, seconded by Mr. Wagner to authorize the chair to write to the complainant and notify him that the Board does not find a violation of the standard of care and this matter has been dismissed. Motion passed unanimously.

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

FY11.07 Flynn, Donald, suspended in North Carolina. Mr. Flynn was suspended in North Carolina for failure to pay an agreed administrative fine in conjunction with a matter there. He has since been reinstated and shows on the NC Board website as current with an expiration of 12/31/2011. Staff recommends the matter be closed.

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

FY11.08 McGinnis, Larry R., Engineering Standard of Care. Mr. McGinnis said that his electronic design files on the project were not kept. He provided a copy of a print out that showed another “version” of the design using Pocatello as the design city in Trane Trace700. He sent an email to his insurance agent with a copy to the Board indicating he will no longer practice in Idaho.

Moved by Mr. Wagner, 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. Bennion, yes; Mr. Howe, yes; Mr. Young, yes; Mr.

Milligan, yes and Mr. Wagner, 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 authorize the staff to negotiate a Stipulation and Consent Order in this matter. Motion passed unanimously.

FY08.23a: Munio, Albert, unlicensed practice. A status update on FY08.23A was received from DPW administrator, Tim Mason. Mr. Wagner is recused in this matter.

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.

Moved by Mr. Milligan, seconded by Mr. Bennion to authorize the staff to resume a preliminary investigation into the allegations and report back to the Board at the April meeting. Motion passed unanimously with Mr. Wagner recused.

V. CONSIDERATION OF APPLICATIONS

NON-STANDARD COMITY

Moved by Mr. Milligan, seconded by Mr. Wagner to approve the following applications for comity licensure:

- Josephus Cline for licensure as a professional engineer especially qualified in civil engineering on the basis of comity with his licensure in Washington D.C.
- David Hetrick McDowell for licensure as a professional engineer especially qualified in mechanical engineering on the basis of comity with his licensure in Missouri.
- Stephen P. Olsen for licensure as a professional engineer especially qualified in electrical engineering on the basis of comity with his licensure in Utah.
- Isabel Cristina Rincon for licensure as a professional engineer especially qualified in electrical engineering on the basis of comity with her licensure in Washington.

Motion passed unanimously.

NON-STANDARD EXAMS

Moved by Mr. Milligan, seconded by Mr. Wagner to approve the following applications for assignment to the referenced exams:

- Osama Zuhair Al-Hamdan to the Principles and Practice of Engineering examination in the civil engineering discipline.
- Neil Thomas Fox to the Fundamentals of Engineering examination.
- Pushkar Gokhale to the Principles and Practice of Engineering examination in the civil engineering discipline.
- Sebastien Foisy to the Principles and Practice of Engineering examination in the mechanical engineering discipline.

Motion passed unanimously.

NON-STANDARD COMITY

Moved by Mr. Milligan to approve the application of Robert Wayne Anderson for licensure as a professional engineer especially qualified in civil engineering on the basis of comity with his licensure in California. Motion died for lack of a second.

Moved by Mr. Bennion, seconded by Mr. Howe to deny the application of Robert Wayne Anderson for licensure as a professional engineer especially qualified in civil engineering on the basis of comity with his licensure in California. Motion failed with Mr. Howe and Mr. Bennion voting in favor of the motion.

Moved by Mr. Wagner, seconded by Mr. Bennion to reconsider the previous motion. Motion passed unanimously.

Moved by Mr. Bennion, seconded by Mr. Howe to deny the application of Robert Wayne Anderson 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. Milligan and Mr. Young voting against the motion.

Moved by Mr. Milligan, seconded by Mr. Howe to continue the application of Edward J. David for licensure as a professional engineer especially qualified in electrical engineering on the basis of comity with his licensure in Washington pending receipt of additional documentation. Motion passed unanimously.

Moved by Mr. Milligan, seconded by Mr. Wagner to continue the application of Jeffery Michael Groshek for licensure as a professional engineer especially qualified in mechanical engineering on the basis of comity with his licensure in Wisconsin pending receipt of additional documentation. Motion passed unanimously.

Moved by Mr. Milligan, seconded by Mr. Bennion to deny the application of Edward George Robison for licensure as a professional engineer especially qualified in civil engineering on the basis of comity with his licensure in Oregon. Motion passed unanimously.

Moved by Mr. Milligan, seconded by Mr. Bennion to deny the application of Scott H. Shurtliff for licensure as a professional engineer especially qualified in civil engineering on the basis of comity with his licensure in Arizona. Motion passed unanimously.

Moved by Mr. Milligan, seconded by Mr. Howe to deny the application of Jason Ellis Borum for licensure as a professional engineer especially qualified in mechanical engineering on the basis of comity with his licensure in California. Motion passed unanimously.

NON-STANDARD – EXAMS

Moved by Mr. Milligan, seconded by Mr. Wagner to continue Azad Salim Abdulhafedh's request for assignment to the Fundamentals of Engineering examination pending additional documentation. Motion passed with Mr. Bennion and Mr Young voting against the motion.

Moved by Mr. Milligan, seconded by Mr. Wagner to deny Mark W. Borland's request to waive the Fundamentals of Engineering examination based on exceptional status. The Board approves assignment to the Fundamentals of Engineering examination. Motion passed with Mr. Bennion and Mr. Young voting against the motion.

Moved by Mr. Milligan, seconded by Mr. Bennion to deny William J. Custer's request for assignment to the Fundamentals of Engineering examination. Motion passed unanimously.

Moved by Mr. Milligan, seconded by Mr. Wagner to deny Roy McGlothin's request for assignment to the Principles and Practice of Engineering examination in the civil discipline. Motion passed unanimously.

Moved by Mr. Milligan, seconded by Mr. Bennion to assign Darrell Harvey Richardson to the Principles and Practice of Engineering examination. Motion passed unanimously.

VI. CONSIDERATION OF DISCIPLINARY ACTIONS

FY09.25 Tikker, Robert, rules of professional responsibility. This is not a formal complaint so no ORDER has been issued to extend the time. Staff has completed a Preliminary Investigation in this matter. Mr. Tikker submitted a letter to the Board that was discussed by teleconference and it referred to sample sealed reports.

Moved by Mr. Milligan, seconded by Mr. Bennion to continue this docket to the next meeting. 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:

Robert B. Altum (Chemical)
Kinetics
2136 Rutland Dr. Ste. C
Austin, TX 78758

Texas

Paxton K. Anderson (Civil)
1702 Prairie Hill Drive
Bluffdale, UT 84065

Montana

Denis L. Atwood (Civil)
8408 Viceroy Lane
Las Vegas, NV 89117

Nevada

Terry G. Autry (Mechanical)
RMH Group, Inc. The
12600 W. Colfax Ave. #A-400
Lakewood, CO 80215

Colorado

John D. Axford (Civil)
108 W. 40th Street
Vancouver, WA 98660

Washington

Curtis D. Barlage (Electrical)
2733 Vernon Ave. S
St. Louis Park, MN 55416

Minnesota

Simon C. Bellemare (Metallurgical)
Simpson Gumpertz & Heger
41 Seyon St., Bldg.1, Ste. 500
Waltham, MA 02453

Massachusetts

Dustin E. Bennetts (Civil)
8463 Chase Drive
Arvada, CO 80003

Colorado

William M. Brose (Civil)
JJR, LLC
625 Williamson Street
Madison, WI 53703

Wisconsin

David O. Brown (Civil)
Paul-Koehler-Brown Cons. Engrs.
8217 Shoal Creek Blvd. Ste. 106
Austin, TX 78757

Texas

Jaron W. Burnside (Civil) 3230 Cove Lake Road Owens Cross Roads, AL 35763	Alabama
John W. Clausen (Electrical) D.C. Engineering P.C. 440 E. Corporate Dr. Ste. 103 Meridian, ID 83642	Oregon
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Alan Frank Yates Jr. (Civil) Michael Baker Jr. Inc. 6955 S. Union Park Ctr. #370 Midvale, UT 84047	California
Kevin Stephen Zalec (Civil) Stork Twin City Testing Corp. 662 Cromwell Ave. St. Paul, MN 55114	Minnesota

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

Ford J. Baker
USDA Forest Service
1405 Hollipark Drive
Idaho Falls, ID 83401

Tennessee

Mike Beale
US Forest Service
3815 Schreiber Way
Coeur d'Alene, ID 83815

California

Ryan G. Cook
Summit Engineering Corporation
5405 Mae Anne Avenue
Reno, NV 89523

Nevada

Scott D. Fein
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Oregon

Dodd Meikle Greer
1634 E. 400 S.
Springville, UT 84663

Utah

T. Jason Nakamura
9028 229th Pl. N. E.
Redmond, WA 98053

Washington

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

Bakie, Eric Brandon (Electrical) - 10595 W. Snow Wolf Drive, Star, ID 83669
Charles, Nicholas T. (Civil) - Keller Associates, Inc., 305 N. 3rd Ave. Ste. A, Pocatello, ID 83201
Crawford, Anthony Louis (Mechanical) - 205 N. 3700 E., Rigby, ID 83442
Curtis, Christopher Lee (Electrical) - 2401 West Hill Road, Boise, ID 83702-0681
Dees, Craig (Mechanical) - 63 Douglas Drive, Rexburg, ID 83440
Drayton, Brad (Mechanical) - K & F Engineers, P.A., 645 W. Clark Street, Pocatello, ID 83204
Drennen, Jesse Allen (Civil) - 7724 W. War Bonnet Dr., Boise, ID 83709

Durand, Christopher Louis (Mechanical) - 1212 E. State Street, Boise, ID 83712
Elgethun, Leif Eric (Civil) - 3602 W. Taft St., Boise, ID 83703
Espindola, James C. (Mechanical) - 3601 Vaughn Ave. Unit A, Pocatello, ID 83204
Exon, Blaise (Civil) - 6462 S. Mistyglen Ave., Boise, ID 83709
Greer, Shaun C. (Mechanical) - 8438 W. Sundisk Street, Boise, ID 83714
Hunter, Paul H. (Mechanical) - 2000 Stevens Drive, #213, Richland, WA 99354
Johnson, Timothy Philip (Mechanical) - 2018 S. Kimball Pl., Boise, ID 83709
Kaufman, Joseph Frederick (Agricultural) - IDWR, 900 N. Skyline Rd. Ste. A, Idaho Falls, ID 83402-1718
Kraft, Aaron J. (Electrical) - 924 N. 8th St. Apt. 2, Boise, ID 83702
Lemmon, Jacob Russell George (Control Systems) - 2354 E. Meadowgrass St., Meridian, ID 83646
Leraris, Justin Philip (Civil) - 6508 W. Baron Drive, Boise, ID 83714
Lim, Young S. (Electrical) - 2000 E. Mackay Dr., Meridian, ID 83642
McKim, Benjamin Menzie (Control Systems) - 7963 W. Galileo St., Boise, ID 83709
Mizer, James D. (Mechanical) - Sawtooth Welding And Design, Inc., P.O. Box 3889, Hailey, ID 83333
Norris, Brent D. (Civil) - 7815 W. Amity, Boise, ID 83709
Pappas, Jonathan W. (Chemical) - 2007 Westgate Drive, Boise, ID 83704
Plaisted, Matthew K. (Environmental) - 14563 Nixon Loop, Rathdrum, ID 83858
Russell, Daniel C. (Mechanical) - Engineering Incorporated, 2222 S. Broadway Avenue, Boise, ID 83706
Ryan, Kevin P. (Civil) - 11830 Violet Drive, Boise, ID 83713
Sandor Jr., Petru (Electrical) - 428 E. Sunrise Rim Rd., Nampa, ID 83686
Skoro, Emily K. (Civil) - 2574 S. Sumac Lane, Boise, ID 83706
Tovey, Matthew L. (Civil) - 1438 Stoneridge Drive, Pocatello, ID 83201
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Zhai, Huachun (Civil) - 13221 W. Satinleaf Drive, Boise, ID 83713

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

Baek, Seung Il - 333 Lander Ave. Apt. 1102, Moscow, ID 83843
Baird, Aaron Jentry - P.O. Box 57, Inkom, ID 83245
Barnes, Lance - 1313 Jena Dr., Chubbuck, ID 83202
Barnes, Chad - 173 Commons Circle, Saline, MI 48176
Bennett, Kyle Davis - 110 Ridgeview Drive, Bellevue, ID 83313
Best, Shelley - 609 N. Almon #3028, Moscow, ID 83843
Bloch, Hunter J. - 1720 Daves Ave., Moscow, ID 83843
Bowen, Kacey - 1273 Willow Wood Way, Eagle, ID 83616
Cook, Michael J. - 817 Third Ave., Haure, MT 59501
Cooper, Lonny William - 1791 N. Water Heights Way, Star, ID 83669-5778
Delatore, Jeff - 707 S. 5th W. Apt. 4003, Rexburg, ID 83440
Denton, Jared Brock - 3431 (B) N 2700 E, Twin Falls, ID 83301
Dowhanycz, Edward - 777 Hoopes Ave., Apt. H107, Idaho Falls, ID 83401
Eisenbeis, Derrick T. - 1329 E. Star Dr., Meridian, ID 83646

Eld, David - 2157 Lasher Ct., Meridian, ID 83646
Esplin, Arthur - 4462 Sandhollow Rd, New Plymouth, ID 83655
Evensen, Ethan Lee - 85 West 300 North, Rupert, ID 83350
Flamm, Jason Kenneth - 2002 Battlecreek Dr. Apt. 5106, Fort Collins, CO 80528
Frank, Gabriel H. - PO Box 14, Paul, ID 83347
Ghosh, Bipasha - 2819 E. Red Fir Court, Boise, ID 83716
Glunt, Andrew - 412 Violet St., Rexburg, ID 83440
Gould, Samantha - 402 S. Lilly St. #6, Moscow, ID 83843
Grasmick, Crystal - 3961 Alameda Ave., Albany, OR 97322
Hamberlin, Lewis - 325 W. 2nd S., Rigby, ID 83442
Hanson, Garrett C. - 8202 E. 18th, Spokane, WA 99212
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Hell, Vincent Lee - 1902 E. Meadow Lane, Post Falls, ID 83854
Hildebrandt, Timothy J. - 414 Sw 191st St., Normandy Park, WA 98166
Hunter, Travis B. - 4986-B Casberg Burroughs Rd., Deer Park, WA 99006
Hyde, Bryan Ross - 310 S. Leatha Ln, Spokane, WA 99216
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Kimani, Peter - 1438 N. Bluff Pl. #202, Boise, ID 83706
Kincella, Kelly Rose - 1631 E Remington Rd., Athol, ID 83801
King, Darian Best - 1215 Hammerstone Dr., Idaho Falls, ID 83401
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Lootens, Zach - 4637 Jumpcreek Rd, Homedale, ID 83628
Luckose, Leo - P.O. Box 2138, Hailey, ID 83333
Luedeman, Matt - 31 South Lavaside Road, Blackfoot, ID 83221
Luper, Cody W. - 217 West 500 North, Jerome, ID 83338
Maccheyne, Cayla J. - 340 Mountain View Ave., Soda Springs, ID 83276
Manickam, Vijaymaran - 4613 Olympia Avenue, Beltsville, MD 20705
Marshall, Dustin - 158 S. 725 W., Blackfoot, ID 83221
Maughan, Nathan - 4801 S. 3100 W., Roy, UT 84067
Mellick, Dave - 7516 W. Sunrise St., Rathdrum, ID 83858
Miles, Daniel - 169 Park, Pocatello, ID 83201
Miller, Andrew Dee - Rt. 1 Box 1130, Fairfield, ID 83327
Minor, Grant M.W. - 6560 Snowberry St., Dalton Gardens, ID 83815
Mustoe, Eric - 207 N. 22nd Street, Boise, ID 83702
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Park, Jaeheung - 334 East E St., #5, Moscow, ID 83843
Petersen, Jonathan J. - 836 N. Eisenhower, Moscow, ID 83843
Peterson, Matthew Ross - 1010 E. Poplar St. #8, Pocatello, ID 83201
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Rosenau, William Shawn - 419 W. Main #322, Rexburg, ID 83440
Rosenmeyer, Kyle Stephen - 5938 Ellens Ferry Dr. #202, Boise, ID 83703
Saxton, Tyler - 1798 Lanark Road, Ovid, ID 83254
Shih, Wen-Yi - 2519 Stewart Ave., Boise, ID 83702
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Skifton, Richard S. - 327 Energy Dr., Idaho Falls, ID 83401
Smythe, Steven - 4723 S. Perry, Spokane, WA 99223
Stein, Mathew - 339 S. 100 W., Jerome, ID 83338
Tang, Yi - 1051 S. 4th Ave. Apt. 32, Pocatello, ID 83201
Tanner, Jeff - 2134 Mink Creek Road, Pocatello, ID 83204
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Tsendjav, Purevjamts - 1880 S. Joliet St., Aurora, CO 80012
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Voss, Jeremiah R. - 454 E. Center St. #B15, Shelley, ID 83274
Wiley, Kathryn W. - 3309 E. Rivernest Ln., Boise, ID 83706
Wilson, Kelby Jon - 802 Smith Street, Cottonwood, ID 83522
Wood, Jacob D. - 11100 Burywood Ln, Reston, VA 20194
Wos, Samuel Harrison - 720 South Deakin Ave., P.O. Box 3035, Moscow, ID 83843
Young, Kevin Larry - 2843 Newman Dr., Idaho Falls, ID 83402

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

Beebe, Cole D. - 515 Northland Street, Pocatello, ID 83201

The following business entities were issued a Certificate of Authorization:

Business Entities offering Professional Engineering Services Only

Arcvision, Inc.
1950 Craig Rd. Ste. 300
St. Louis, MO 63146

BGC Engineering Inc.
Suite 500 - 1045 Howe Street
Vancouver, BC V6Z 2A9
Canada

Caldera Engineering & Project Management PLLC
115 Kerr Lane
Blackfoot, ID 83221

CDI-Infrastructure, LLC
dba L.R. Kimball
615 W. Highland Avenue
Ebensburg, PA 15931

Cementation Usa, Inc.
11075 S. State St. Unit 33
Sandy, UT 84070

CHS Consulting Group
130 Sutter Str. Ste. 468
San Francisco, CA 94104

Clark Nexsen Owen Barbieri & Gibson P.C.
dba Clark Nexsen PC
6160 Kempsville Cir. Ste. 200a
Norfolk, VA 23502

Consolidated Engineers & Materials Testing, Inc.
2698 S. Redwood Rd. Ste. "J"
West Valley City, UT 84119

The Dennis Engineering Group LLC
1537 Main Street
Springfield, MA 01103

DMC Design Group Inc
140 N. Maple, Ste. 104
Corona, CA 92880

Doppelmayr Usa, Inc.
3160 W. 500 S.
Salt Lake City, UT 84104

Duncanson Company, Inc.
145 S.W. 155th Street, #102
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Engineering System Solutions, LLC
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Idaho Falls, ID 83401

Exponent, Inc.
15375 S.E. 30th Pl. Ste. 250
Everett, WA 98007

Feuerborn Associates Engineering, P.A.
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Pocatello, ID 83204-0070

Form Factor Design, LLC
5092 Wildrye
Boise, ID 83703

G-10 Engineering, LLC
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Pocatello, ID 83204

Hintze Engineering PLLC
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Northwest Investigative Engineering, Inc.
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Eagle, ID 83616

P & E Engineering Co.
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Carlisle, IA 50047

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PK Associates LLC
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Fairway, KS 66205

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Project Solutions Engineering, Inc.
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Columbia, MO 65203

PSF Mechanical Inc.
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Rahe Engineering Inc.
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WCA Structural Engineering Inc.
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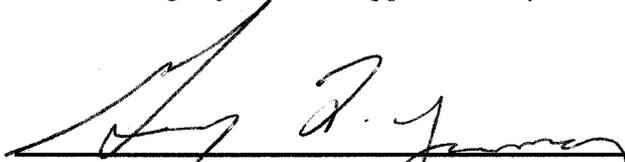
Wilbur Smith Associates, Inc.
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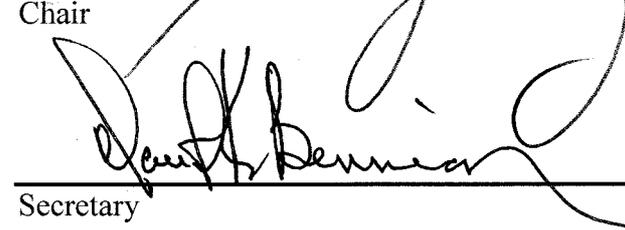
Wiley Land Surveying, LLC
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Ponderay, ID 83852

Business Entities offering Professional Land Surveying Services Only

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Courtyard One
Albuquerque, NM 87109

The meeting adjourned at approximately 10:15 a.m. on February 9, 2011.


Chair


Secretary