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June 2003

NEWS BULLETIN

Thirty-fourth Edition

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INTRODUCTION

This News Bulletin is being distributed by the Idaho State Board of Registration of Professional Engineers and Professional Land Surveyors to inform the public and the State's Professional Engineers and Professional Land Surveyors of those events which significantly affect the professions. Future News Bulletins will be printed and distributed as the Board deems advisable.

LINDA BOWCUTT RETIRES

After serving as Administrative Secretary to the Board since July of 1988, Linda Bowcutt retired from State employment at the end of February, 2003. Prior to working for the Board, Linda was with the Department of Health and Welfare. She looks forward to being able to put in more AGrandma Time@ and having a quiet retirement with her husband, Jim. Current and past Board Members and Staff wish her well in her retirement. Jennifer Rowe, who previously held the Clerical Specialist position, has been hired to fill the Administrative Secretary position.

NEW STAFF PERSON

In March of 2003, Betsy Givens assumed the position of Clerical Specialist in the Board office. Betsy is our principal receptionist and is also responsible for maintenance of the database, issuance and processing of renewals, application processing and review, and a myriad of other duties. We welcome Betsy to the staff and look forward to her continued employment with the Board.

LEGISLATION PASSES

The Board asked the Legislature to amend Chapter 12 of Title 54 of Idaho Code to clarify some issues regarding qualification for assignment to examinations. In general, if an applicant does not have a degree in engineering or surveying, they must present evidence that they possess Aknowledge and skill approximating that@ attained upon graduation from an engineering or surveying program. The Board specifies in an Administrative Rule what specific academic courses must have been taken in order to meet the Aknowledge and skill@ requirement. Under the previous law, a person with a degree in a major other than engineering or surveying, but who met the Aknowledge and skill@ requirement, still had to present evidence of having more experience than a person who had completed the engineering or surveying degree. The Board felt, and the legislature agreed, that if an applicant demonstrated they had knowledge and skill approximating that attained upon graduation from an engineering or surveying program, their experience requirement should be the same as that for a graduate in an engineering or surveying program. The legislation also clarified that the Board may evaluate credentials for

equivalency with the requirements of Idaho Code when considering an application for a license by comity.

LEGISLATION PROPOSED

The Board will ask the Legislature to consider amendments to the licensing law in the upcoming session. The changes include the addition of definitions of Aemployee@ and Asubordinate@; clarification that qualifying experience for professional licensing must be obtained after graduation; require a minimum of 15 semester credit hours of college level surveying courses for licensing as a professional land surveyor; allow up to two years of qualifying experience for a candidate who has completed a doctoral degree; allow the Board to charge a candidate what the Board is charged for the preparation and administration of examinations plus an administrative fee; clarify that the Executive Director is considered an affected party in disciplinary matters and may be the one filing a complaint; and clarifying that only the Board can license persons to practice engineering or land surveying and prohibiting local jurisdictions from requiring additional licenses or fees for a license holder of the Board to practice the profession in which they have been licensed.

RULE AMENDMENTS GO INTO EFFECT

The Board promulgated Administrative Rules which were reviewed by the last session of the Legislature. The amendments revise the Board office hours to 7:00 a.m. to 4:00 p.m.; changed the age at which a license holder may elect ARetired Status@ from 65 to 60; clarified that an applicant for a professional engineer license by comity must provide the same evidence of equivalent education as those applicants who apply for certification as an Engineer-in-Training; and clarifying that the Board has the right to publish disciplinary action on the Internet for a period of up to ten (10) years. The Legislature took no exception to the Rule amendments and they went into effect May 3, 2003, the adjournment date of the session.

PROPOSED RULE AMENDMENTS

The Board is proposing amendments to the Administrative Rules which would result in graduates of technology programs being considered the same as graduates of related science programs; elimination of review of examinations by unsuccessful candidates for security reasons; and recognition of the equivalency of education in certain countries.

IN MEMORY OF THOSE RECENTLY DECEASED

Eugene S. Allen, 2300 MetE, Fallbrook, CA
Dale T. Bedell, 997 LS, Roseburg, OR
Kenneth J. Brown, 7319 LS, Las Vegas, NV
Virgil W. Carmichael, 917 MinE, Bismark, ND
Lawrence E. Crow, 4024 LS, Las Vegas, NV
Richard E. Fisher, 6058 ME, Mesa, AZ
Albert R. Kenney, Jr., 2130 CE, Wilsonville, OR
Frederick G. Kidston, 4657 EE, Salt Lake City, UT
Donald L. Koskie, 848 LS, McCall, ID

Robert R. Lee, 1823, CE, Rexburg, ID
M. Scott Mater, 6074 ME, Corvallis, OR
Orland C. Mayer, 560 EE, Boise, ID
John W. McConnell, Jr., 4259 ME, Idaho Falls, ID
Richard Perry, 5528 CE, Lake Oswego, OR
Donald J. Rohde, 1848 CE/LS, The Dalles, OR
Harry T. Sidell, 796 LS, Pocatello, ID
George E. Tracadas, 1884 CE, Boise, ID

ORLAND C. MAYER, P.E. PASSES AWAY

Orland C. Mayer, P.E., the longest serving member ever of the Idaho Board of Registration of Professional Engineers and Professional Land Surveyors died on November 14, 2002 in Boise at the age of 98. Orland was appointed to the Board in 1950 and served until 1975, many of those years as Chairman of the Board. He was Zone Vice President of the National Council of Engineering Examiners (later the National Council of Examiners for Engineering and Surveying) and President of NCEE 1974-75. A graduate of the University of Idaho, he worked for Idaho Power Company for 40 years and become Director of Industrial Relations for that company. He was devoted to his profession and to his family and our condolences go to his family.

DISCIPLINARY ACTIONS

The following actions on complaints have been taken by the Board since publication of NEWS BULLETIN No. 33 in October of 2002. In addition to those listed below, the Board received numerous complaints against individuals or companies who were inappropriately advertising under headings or names that could be interpreted to indicate that they were professional engineers or professional land surveyors, when in fact, they were not. The companies or individuals agreed to discontinue or revise the advertising or title.

Docket No. 03.02 - IN THE MATTER OF Jon P. Reimann, P.E. Reimann accepted an admonishment from the Board for authorizing someone else to sign his professional engineer seal in violation of Idaho Code Section 54-1215(3)(a).

Docket No. 03.03 - IN THE MATTER OF Gerald Martens, P.E./L.S. Martens signed a STIPULATION AND CONSENT ORDER which stated that while contesting the allegations of the amended complaint, Martens acknowledged that there were facts, although contested facts, from which the Board could conclude that a technical violation of Administrative Rule 10.01.02.008.01 (Conflict of Interest To Be Avoided) may have occurred. The Board admonished Martens and fined him \$500 which was deposited to the General Fund of the State of Idaho.

Docket No. 03.04 - IN THE MATTER OF Jack Hammond, P.E./L.S. Hammond signed a STIPULATION AND CONSENT ORDER which stated that without admitting a violation of the Rules of Professional Responsibility (Rule 10.01.02.004.04, Misconduct), and for the purposes of settlement and buying his peace, Hammond agreed not to contest the allegations of fraud in the Amended Complain. The Board admonished Hammond and fined him \$500 which was deposited to the General Fund of the State of Idaho.

Docket No. 03.07 - IN THE MATTER OF Forrest J. Keirnes, P.L.S. Keirnes signed a STIPULATION AND CONSENT ORDER in which he admitted to violating Idaho Code Sections 55-1904 and 55-1604 by failing to timely file a Corner Record and a Record of Survey for property located in Gem County in 1999. He agreed to file the Corner Record and Record of Survey, was admonished by the Board, and was fined \$500 which was deposited to the General Fund of the State of Idaho.

Docket No. 03.09 - IN THE MATTER OF Joel W. Droulard, P.L.S. Droulard signed a STIPULATION AND CONSENT ORDER in which he admitted to violating Idaho Code Section 55-1906 by failing to tie to at least two public land survey corner monuments and for failing to provide evidence of compliance with Chapter 16, Title 55, Idaho Code with regard to a Record of Survey in Gem County in 2002. He corrected the survey and filed it with the Gem County Recorder, was admonished by the Board, and was fined \$500 which was deposited to the General Fund of the State of Idaho.

Docket No. 03.10 - IN THE MATTER OF Wesley F. Watson, an unlicensed person. Watson signed a STIPULATION AND CONSENT AGREEMENT in which he admitted that he was not a registered professional land surveyor; he disclosed a list of clients for whom professional land surveying services had been performed; he reviewed the statutes and agreed that there was sufficient evidence to support the allegations finding that he had illegally practiced professional land surveying in Idaho; he stipulated to immediately cease and desist all such activity; and he shall comply with the licensing law and all of its particulars. Watson agreed to refund all charges and fees received from all persons whom he had charged for professional land surveying services and agreed to refund all charges and fees received from any persons subsequently discovered to have paid Watson for professional land surveying services.

Docket No. 03.11 - IN THE MATTER OF Carlyle W. Briggs, P.E./L.S. Briggs signed a STIPULATION AND CONSENT ORDER in which he admitted to violating Idaho Code Section 55-1904 by failing to timely file a

Record of Survey performed in 1995 until 2003. Briggs was admonished by the Board and was fined \$500 which was deposited to the General Fund of the State of Idaho.

Calendar of Upcoming Events

August 1, 2003..... Application Deadline for Fall Examinations
August 13-16, 2003..... NCEES Annual Meeting, Baltimore, Maryland
September 12 & 13, 2003..... Board Meeting, Boise, Idaho
October 24, 2003..... PE and PLS Examinations, Boise, Idaho
October 25, 2003..... FLS (aka LSIT) Examination, Boise, Idaho
October 25, 2003..... FE (aka EIT) Examinations, Boise, Pocatello, Moscow
November 14 & 15, 2003..... Board Meeting, Boise, Idaho
January 10, 2004..... Application Deadline for Spring Examinations

**IDAHO BOARD OF REGISTRATION OF
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