

Idaho Board of Licensure of Professional Engineers And Professional Land Surveyors

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Board Home Page <http://www.ipels.idaho.gov>

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NEWS BULLETIN

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INTRODUCTION

This NEWS BULLETIN is distributed a minimum of twice per year by the Idaho State Board of Licensure 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.

SCOTT McCLURE, P.E. RETIRES FROM BOARD

Scott McClure, P.E. of Twin Falls retired from the Board after ten years of service. Scott was active in all aspects of the Board functions as well as serving at the Zone and National levels of the National Council of Examiners for Engineering and Surveying. Scott's willingness to explore and discuss topics of interest will be missed. Scott is President of McClure Engineering, Inc. in Twin Falls and he continues to provide engineering services to many clients.

DAVID K. BENNION, P.E. NAMED TO THE BOARD

David K. Bennion, P.E. of Boise was appointed to a five year term on the Board by Governor C.L. "Butch" Otter. David retired from CH2M-Hill as Boise Area Manager but still does consulting work for that firm on occasion. His practice area is primarily structural engineering. He is past president of the Idaho Society of Professional Engineers, the American Council of Engineering Companies – Idaho, and has been active in a number of other civic organizations. We look forward to his active participation on the Board.

BOARD EXPRESSES OPINION ON PE's SEALING LEGAL DESCRIPTIONS

In the last edition of this NEWS BULLETIN the Board expressed its opinion that professional land surveyors who prepare legal descriptions without having performed a survey in the field must seal, sign and date those descriptions, primarily because under Idaho Code Section 54-1215(3)(b), the description would be considered a "report" and must be sealed, signed and dated. The question has been asked of the Board whether or not professional engineers who prepare legal descriptions must seal, sign and date those descriptions. In its discussion of the matter the Board pointed out that an amendment to Idaho Code Section 54-1227 in House Bill 380 effective July 1, 2008 makes it clear that professional engineers are not licensed to perform boundary surveys. Since preparation of legal descriptions is not the exclusive privilege of any licensed profession, the Board concluded that it would not be improper for a professional engineer to prepare a legal description, however, as with professional land surveyors, professional engineers who prepare such descriptions must seal, sign and date those documents as "reports" under Idaho Code Section 54-1215(3)(b).

BOARD EXPRESSES OPINION OF STAKING OF DRAIN FIELD EASEMENTS

Some Public Health Districts now require that drain field easements be located and monumented by a professional land surveyor. The question has arisen as to whether or not a Record of Survey would be required. The Board is of the opinion that when such services are performed, the conditions specified in Idaho Code Sections 55-1904(2) and (3) exist and a Record of Survey must be filed.

BOARD SEEKS INPUT ON POSSIBLE LEGISLATION ON IDAHO COORDINATE SYSTEM

The Board is considering possible legislation for the 2010 session of the Idaho Legislature amending Title 55 Chapter 17 of Idaho Code relating to the use of coordinate systems. The law was last changed in 1995 and contains several obsolete references. In addition, there is support for one statewide zone rather than the three in the current law. For additional details on the possible changes, go to the Board web site a <http://www.ipels.idaho.gov>, click on "Law and Rules" and look for possible future legislation.

BOARD ISSUES OPINION ON DISCLAIMER FOR PRELIMINARY PLANS

House Bill No. 380 passed by the 2008 Session of the Idaho Legislature contained amendments to Idaho Code Section 55-1613 which require a professional engineer who prepares construction plans which may disturb land survey monuments to retain the services of a professional land surveyor to conduct a field search to determine whether monuments exist at the location of corners. If they exist, the monuments must be reference out by a professional land surveyor prior to construction and reestablished and remonumented by a professional land surveyor after construction.

In response to an inquiry from Bob Jones, P.L.S., the Board issued an opinion that it would be acceptable for a professional engineer who prepares preliminary road plans to place a note on those plans which states "The Professional Engineer who is in responsible charge of the preparation of these Preliminary Roadway Plans certifies that he has complied with Section 55-1613 of the Idaho Code as to the existence and location of found survey monuments. He is not responsible for the preparation of the Final Roadway Plans or the construction of the roadway."

The Board went on to state that before a professional engineer could sign such a statement, he would need to have adequate documentation from the professional land surveyor on the matter.

BOARD CONSIDERS LEGISLATION TO CLARIFY TRANSFER OF RESPONSIBLE CHARGE

Projects often encounter changes in the person who is in responsible charge of them. The change might come about due to promotions, layoffs, change in employment, retirement, or even death. Idaho Code states "The seal, signature and date shall be placed on all final specifications, land surveys, reports, plats, drawings, plans, design information and calculations, whenever presented to a client or any public or governmental agency." Idaho Code also states "The application of the licensee's seal and signature and the date shall constitute certification that the work thereon was done by him or under his responsible charge." The potential conflict between these two sections of Idaho Code is that the final documents might contain the work product of persons who were previously in responsible charge of the project, yet they are unavailable, for whatever reason, to seal, sign and date those portions of the work for which they were responsible. For additional details on the possible changes, go to the Board web site at:

http://www.ipels.idaho.gov/forms_pubs/Draft54-1223withengrossedBoardinputfromFeb09meetingforNEWSBULLETIN.doc.

DISCIPLINARY ACTIONS

The following final formal actions have been taken by the Board since publication of NEWS BULLETIN no. 41 in June of 2008

Docket No. 08.08 – IN THE MATTER OF STEVEN W. HOSAC, P.E./L.S. Following a hearing, the Board found that Hosac failed to maintain records of Continuing Professional Development and failed to make a Complete, Objective and Truthful Statement in that he signed a renewal form to the Board stating he had complied with the Rules including the Rules for Continuing Professional Competency. Hosac was ordered to pay an Administrative Penalty of \$2,000 on or before November 4, 2008, his license to practice professional land surveying was suspended for a period of one (1) year, he was ordered to successfully complete at least two (2) credit hours of coursework on ethics within one year from the date of the ORDER, he was ordered to successfully complete at least six (6) credit hours of coursework on surveying within one year from the date of the ORDER. He failed to pay the Administrative Penalty, and on November 20, 2008 the Board issued an ORDER revoking Hosac's license to practice land surveying in Idaho.

Docket No. 08.09 – IN THE MATTER OF FREDERICK E. JORDAN, P.L.S. Following a hearing, the Board found that Jordan failed to maintain records of Continuing Professional Development and failed to make a Complete, Objective and Truthful Statement in that he signed a renewal form to the Board stating he had complied with the Rules including the Rules for Continuing Professional Competency. Jordan was ordered to pay an Administrative Penalty of \$2,000 on or before August 15, 2008, his license was suspended for a period of one (1) year, he was ordered to successfully complete at least two (2) credit hours of coursework on ethics within one year from the date of the ORDER, he was ordered to successfully complete at least six (6) credit hours of coursework on surveying within one year from the date of the ORDER. He failed to pay the Administrative Penalty, and on September 4, 2008 the Board issued an ORDER revoking Jordan's license to practice land surveying in Idaho.

Docket No. 08.14 – IN THE MATTER OF JOHN WAYNE MILLAR, P.E./L.S. Following a hearing, the Board found that Millar failed to maintain records of Continuing Professional Development and failed to make a Complete, Objective and Truthful Statement in that he signed a renewal form to the Board stating he had complied with the Rules including the Rules for Continuing Professional Competency. Millar was ordered to pay an Administrative Penalty of \$2000 on or before August 15, 2008, his license was suspended for a period of one (1) year, he was ordered to successfully complete at least two (2) credit hours of coursework on ethics within one year from the date of the ORDER, he was ordered to successfully complete at least six (6) credit hours of coursework on surveying within one year from the date of the ORDER. He failed to pay the Administrative Penalty, and on September 4, 2008 the Board issued an ORDER revoking Millar's license to practice land surveying in Idaho.

IN MEMORY OF THOSE RECENTLY DECEASED

Theodore J. Cross, EE 12926, Tacoma, WA
Stanley Hansen, CE/SE 3790, Las Vegas, NV
James H. Clayton CE/LS 1415, Lewiston, ID
James H. Hardcastle, CE 2954, Moscow, ID
P.I. Conley, MinE 1066, W. Vancouver, BC, Canada
R.J. Scarano, CE 11976, Loudonville, NY
Keith Allen Bithel, CE/SE/LS 976, Pocatello, ID
Alexander Allen Hudson, CE/LS 4735, Preston, ID
Gordon B. Gear, CE 6413, Boise, ID
William W. Briggs, PLS 664, CE 832, Boise, ID
Joseph K. Haynes, CE/LS 2427, Boise, ID

Raymond J. Heida, ME 8997, Boise, ID