

Idaho Board of Licensure of Professional Engineers And Professional Land Surveyors

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NEWS BULLETIN

48th EDITION

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.

PENDING CHANGES TO ADMINISTRATIVE RULES

Following public meetings and hearings, the Board has considered the comments received and promulgated Pending Rules to be presented to the upcoming session of the Idaho Legislature. Changes to the Rules of Procedure include (1) eliminate the need for engineer intern and land surveyor intern applicants to provide references on their examination application; (2) adopt national standards for the evaluation of non-accredited engineering programs; (3) allow individuals to select retired status at any time rather than waiting until their 60th birthday; and (4) amend the examination submittal deadlines to accommodate converting some examinations to computer-based format.

Changes to the Rules of Professional Responsibility include (1) reduce from 60 to 20 the number of days which a license holder has to respond to notification of discovery of a material discrepancy by another license holder; (2) provide for an exception to the rule requiring license holders to notify other license holders of the discovery of material discrepancy if the licensee is working in the employ of an attorney as an expert witness; (3) initiate a two-step (informal then formal) process for notification of the discovery of discrepancy and make notification of the Board optional; and (4) establish a limitation on the amount of time that can pass following discovery of an event for the Board to accept an affidavit of complaint.

Changes to the Rules of Continuing Professional Development include (1) allow newly licensed persons to carry forward professional development hours earned during the biennium prior to the first renewal following the issuance of the license; (2) allow professional development hours for peer review of published articles; (3) allow license holders who are residing outside the United States to earn the required professional development hours upon return to the United States; and (4) extend the same exemption from compliance to civilians deployed with the military as is extended to the military.

The detailed "strike-and-underscore" changes to the Rules of Procedure and the Rules of Continuing Professional Development are available on the internet in the September 2011 Bulletin and the detailed changes to the Rules of Professional Responsibility are available on the internet in the November 2011 Bulletin through the Department of Administration Administrative Bulletin publication at <http://adm.idaho.gov/adminrules/bulletin/mstrtoc.htm>

PROPOSED CHANGES TO STATUTES

The Board has drafted bills and will be asking the legislature to amend various statutes. The language of the amendments is presented below along with a rationale for the amendment in *italics*.

AMENDMENTS TO TITLE 54, CHAPTER 12, IDAHO CODE TO ASSIGN ONLY IDAHO RESIDENTS, FULL-TIME IDAHO EMPLOYEES, OR STUDENTS AT IDAHO COLLEGES OR UNIVERSITIES TO EXAMINATIONS FOR INITIAL CERTIFICATION OR LICENSURE

Rationale: The Board has experienced an increase in the number of inquiries from individuals who, for a number of reasons, cannot be assigned to examinations in their jurisdiction of residence. These individuals do not appear to have any intention of practicing in Idaho, and appear to intend to use the professional title in the other jurisdiction if they are assigned to the exam in Idaho and pass. Limiting those eligible for assignment to the examination will eliminate this problem. (Editorial Note: In the event this legislation passes, the Board would need to promulgate a rule amendment to eliminate IDAPA 10.01.01.016.04 in its entirety.)

54-1212. GENERAL REQUIREMENTS FOR EXAMINATION AND LICENSE. Except as herein otherwise expressly provided, no license as a professional engineer or professional land surveyor, or certification as an engineer intern or land surveyor intern, shall be issued until an applicant has successfully passed an examination given by or under the supervision of the board, nor shall a license as a professional engineer or professional land surveyor, or certification as an engineer intern or land surveyor intern, be issued to an applicant having habits or character that would justify revocation or suspension of his license or certificate, as provided in section 54-1220, Idaho Code. Except for military personnel stationed in Idaho or persons employed full-time in Idaho, only Idaho residents and students enrolled at Idaho universities and colleges will be assigned to examinations for initial certification or licensure. The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for assignment to an examination:

Editorial Note: Except as noted below, the remainder of this section would remain the same and is not duplicated here.

AMENDMENTS TO TITLE 54, CHAPTER 12, IDAHO CODE TO ALLOW THE BOARD TO POSTPONE ACTION FOR PENDING DISCIPLINARY ACTION OR EXAM IRREGULARITY

Rationale: The Board is hesitant to assign an applicant to an examination or issue a license to them if there are pending disciplinary actions in another jurisdiction which could result in the filing of a disciplinary action in Idaho that could result in action against the license or certificate. The Board seeks statutory authority to withhold score results if there is an examination irregularity involving the applicant. The Board also seeks statutory authority to investigate examination irregularities and invalidate an examination score if the irregularity is substantiated.

54-1212.GENERAL REQUIREMENTS FOR EXAMINATION AND LICENSE.

Editorial Note: The following paragraph would be added at the end of Idaho Code Section 54-1212. Except as noted above, the remainder of the section would remain unchanged.

The Board may postpone acting on an application for assignment to any examination if disciplinary or criminal action related to the applicants practice has been taken or is pending in any other jurisdiction. The Board may postpone release of scores to applicants on any examination if there is any unresolved examination irregularity involving the applicant. The Board may investigate and adjudicate the validity of examination irregularities and if the examination irregularities are substantiated, the board may invalidate the score of the applicant.

54-1219.COMITY LICENSURE -- FEE. The board, upon application therefor and the payment of a fee of not to exceed a maximum of one hundred fifty dollars (\$150), may issue a license as a professional engineer or professional land surveyor to any person who holds a license issued to the applicant by the proper authority of any state, territory or possession of the United States, the District of Columbia, or of a foreign country, provided that, in the opinion of the board, the applicant possesses the education, experience and examination credentials, or their equivalents, that were specified in the applicable licensing chapter in effect in this state at the time such license was issued, provided that a professional land surveyor applicant must successfully pass a land surveying examination as prepared and administered by the board, and provided such state, territory, possession or country will license, without examination and upon substantially the same condition, to applicants holding licenses issued by the board under this chapter. In the event the applicant has been licensed and has practiced as a professional engineer or professional land surveyor in another jurisdiction for a minimum of eight (8) years, has no outstanding disciplinary action, and is in good standing under a licensing system which, in the opinion of the board, maintains substantially equivalent professional standards as required under this chapter, the board may, in its discretion, waive the requirement for satisfaction of prescriptive credentials in education and examination. The Board may postpone acting on an application for a license by comity if disciplinary or criminal action related to the applicants practice has been taken or is pending in any other jurisdiction.

AMENDMENTS TO TITLE 54, CHAPTER 12, IDAHO CODE TO ELIMINATE THE REQUIREMENT THAT APPLICATIONS BE SUBMITTED UNDER OATH

Rationale: The Board ultimately wants to allow digital submittal of applications. Submitting applications "under oath" is complicated, and unnecessary, for such applications and the Board wants to eliminate the statutory requirement.

54-1213. APPLICATIONS AND FEES. Applications for licensure as a professional engineer or professional land surveyor, or certification as an engineer intern or land surveyor intern, shall be on forms prescribed and furnished by the board. The application ~~shall be made under oath, and~~ shall show the applicant's education and a detailed summary of his engineering or land surveying experience.

Editorial Note: The remainder of this section would remain the same and is not duplicated here.

**AMENDMENTS TO TITLE 50, CHAPTER 13, IDAHO CODE TO ALLOW A PROFESSIONAL
LAND SURVEYOR IN THE SAME BUSINESS ENTITY TO PLACE INTERIOR MONUMENTS
AFTER RECORDING OF PLAT**

Rationale: Current Idaho Code would require the governing body to have the County Surveyor or a contracted Professional Land Surveyor set the interior monuments if the original surveyor is not available or refuses to set them. This amendment would allow the original contracted business entity to designate another of its licensed employees to complete the work, thus eliminating the need for the governing body to undertake extraordinary steps to assure that the monuments are set.

50-1332.SETTING INTERIOR MONUMENTS AFTER RECORDING OF PLAT -- BOND OR CASH DEPOSIT REQUIRED -- RELEASE OF BOND -- RETURN OF CASH DEPOSIT -- PAYMENT FOR SURVEY WORK -- COUNTY SURVEYOR PERFORMING SURVEY WORK. (1) If the interior monuments for a subdivision are to be set on or before a specified date after the recording of the plat of the subdivision, the person subdividing the land described in the plat shall furnish, prior to recording the plat, to the governing body of the city or county which approved the plat, either a bond or cash deposit, at the option of the governing body, in an amount equal to one hundred twenty percent (120%) of the estimated cost of performing the work for the interior monumentation. The estimated cost of performing such work will be determined by the professional land surveyor signing the plat.

(2) If the person subdividing the land described in subsection (1) of this section pays the professional land surveyor for performing the interior monumentation work and notifies the governing body of such payment, the governing body, within two (2) months after such notice, shall release the bond or return the cash deposit upon a finding that such payment has been made. Upon written request from the person subdividing the land, the governing body may pay the professional land surveyor from moneys within a cash deposit or bond held by it for such purpose and return the excess amount of the cash deposit, if any, to such person.

(3) ~~In the event of the death, disability, or retirement from practice of the surveyor charged with the responsibility for setting interior monuments for a subdivision or upon the inability, refusal, or failure of such professional land surveyor to set such the interior monuments for a subdivision,~~ the governing body may direct the county surveyor in his official capacity or contract with a professional land surveyor in private practice to set such monuments and reference such monuments for recording as provided in section 50-1333, Idaho Code. Payment of the fees of a county surveyor or professional land surveyor in private practice performing such work shall be made as otherwise provided in this section. In the event the professional land surveyor signing the plat performed his services through a contract between the person subdividing the land and a business entity possessing a certificate of authorization as required in this chapter, and the professional land surveyor is unable, refuses, or fails to set the interior monuments for a subdivision, a substitute professional land surveyor employed by the same business entity may assume responsible charge for the remainder of the project and set the monuments as provided in this chapter, and the governing body shall not direct the county surveyor or contract with a professional land surveyor in private practice to set such monuments.

(4) In the event any interior monument cannot be placed at the location shown on the plat, the professional land surveyor shall place a witness corner or reference monument and he shall file a record of survey as provided in chapter 19, title 55, Idaho Code, to show the location of any witness corner or reference monument in relation to the platted location of the corner. In the event the professional land surveyor signing the

plat does not set the interior monuments for a subdivision, the substitute professional land surveyor shall file a record of survey as provided in chapter 19, title 55, Idaho Code to show which monuments were set by which professional land surveyor.

BOARD FORMS SUBCOMMITTEE TO STUDY STRUCTURAL ENGINEER REQUIREMENT

The Board is concerned that a number of disciplinary matters in the recent past relate to the practice of structural engineering. As a result, the Board has formed a subcommittee to work with stakeholders to determine if it would be in the best interest of the public to define what type of structures should be designed by a licensee who has taken and passed the structural engineering examinations. A number of states, notably Oregon, Washington, California, and Illinois, have gone this route, and the Board will explore it. If you have comments or thoughts, please contact the Board office.

BOARD TO WAIVE CPD AUDIT FOR THOSE WHO CHOOSE TO RETIRE

The Board voted to waive an audit of continuing professional development if a licensee chooses to retire during the period for which they may or are being audited unless there is a disciplinary matter pending or in progress.

BOARD EXPRESSES OPINION THAT “FINDER’S FEE” FOR WORK IS INAPPROPRIATE

A licensee inquired of the Board whether or not a “Finder’s Fee” violates the Rules of Professional Responsibility. A real estate agent directed a client to the licensee and then asked that the licensee include a surplus in their fee to the client in order to pay the real estate agent a “finder’s fee.” The Board concluded that such an arrangement would be in violation of IDAPA 10.01.02.009.01.

BOARD ADDRESSES ISSUE OF TITLE “ENGINEER” FOR SOFTWARE DEVELOPERS

A licensee inquired whether or not the Board has a policy on software developers being called “engineers”. The Board responded that it has no control over what titles a company uses for their positions. If the position involves the practice of engineering as defined in Idaho Codes Section 54-1202 and those services are being offered to the public, then they must be licensed. The Board also said it would continue to better define what constitutes the practice of engineering.

BOARD URGES ENGINEERS TO COOPERATE WITH BUILDING OFFICIALS

Robert Ankersmit, the Kootenai County Building Official, asked the Board some questions relating to the authority of building code plan examiners and building inspectors who are not licensed engineers. The Board responded as follows:

Question 1. Is it acceptable and allowable for an unlicensed plans examiner or building inspector to require an engineer’s supporting calculations for any specific design, even though the licensed engineer may say that the design is based on their “best judgment”?

Board opinion: The 2006 International Building Code (106.1.1) authorizes the Building Official to require submittal of calculations to substantiate the design. The engineer must follow the laws and rules adopted by the state and local jurisdictions, and therefore should cooperate with the legitimate requirements of the plans examiner or building inspector.

Question 2. Is it acceptable and allowable for an unlicensed plans examiner to review these calculations and make requirement comments for:

- a) Compliance with specific requirements of the adopted building codes and referenced standards.
- b) That the design addresses complete load paths as required in the adopted building codes.
- c) That the design uses the correct design criteria as adopted by the jurisdiction.

Board Opinion: The 2006 International Building Code (106.1.1) authorizes the Building Official to require submittal of construction documents (as described in IBC 1603 and 1604). The plans examiner or building inspector may comment on anything contained in the construction documents, but is not allowed to practice engineering unless duly licensed. The engineer must follow the laws and rules adopted by the state and local jurisdictions, and therefore should cooperate with the legitimate requirements of the plans examiner or building inspector.

Question 3. Is it acceptable and allowable for an unlicensed plans examiner or building inspector to ask for justification by calculation for use of prescriptive methods of construction on the building code that are beyond the design limits set forth in the code?

Board Opinion: It is appropriate for engineers to provide documentation of their use of prescriptive methods of construction when they are beyond the design limits set forth in the code.

Question 4. Is it acceptable and allowable for an unlicensed plans examiner to perform calculations for verification purposes as long as the results are not provided to others as a design or requirement? This scenario historically may result in a request for the licensed engineer to review their calculations and make any changes they determine to be necessary.

Board Opinion: Performing calculations for verification purposes (i.e. to check the math on a calculation) is not the practice of engineering.

In addition, the Board suggested that if the Building Official does not have the expertise to do a thorough and appropriate review of the construction documents, they should seek assistance from a person who possesses that expertise.

BOARD WRITES TO CONGRESSMEN REGARDING POTENTIAL INTERFERENCE WITH GPS

The Board has written to each member of the Idaho Congressional delegation expressing concern over potential interference with precision Global Positioning System hardware used by engineers, land surveyors, and others. The body of the letter is as follows:

Dear Idaho Senators and Representatives:

I am writing on behalf of the Idaho Board of Professional Engineers and Professional Land Surveyors to express our concern with LightSquared's proposed "solution" to the harm its wireless broadband initiative would do to the national GPS. We have serious misgivings about the FCC granting LightSquared conditional approval (FCC File No. SAT-MOD-20101118-00239) to push forward with their initiative to build a nationwide 4G-LTE wireless broadband network. According to LightSquared's own report, most High Precision GPS devices would be rendered useless by LightSquared's actions. These

are the very devices that surveyors, engineers, contractors and farmers around the country use and rely on every day.

Land Surveying and Engineering professionals as well as the Department of Defense, FAA, DHS, NASA, DOI, DOT, DOC, and the Professional Land Surveying and Engineering professions, have all expressed serious reservations in regards to this plan by LightSquared LLC company to build 40,000 ground stations in the U.S. that could cause widespread interference to GPS signals. This network of ground stations will transmit signals within the L-band frequency immediately adjacent to the GPS L1 frequency at more than one billion times the strength of the low-power GPS signal from satellites in space. Furthermore, each mobile phone using LightSquared's wireless service would potentially become a portable GPS jamming device by jamming GPS receivers in its immediate vicinity.

As you may know, a Technical Working Group (TWG) comprised of LightSquared representatives and GPS industry experts conducted several tests on the affect that LightSquared's signals will have on high precision GPS devices. The tests conclude that: (1) the LightSquared Base Station 4G LTE signals harmfully interfere with High Precision GPS receivers over long ranges; (2) the LightSquared Base Station signals cause harmful co-channel interferences with the FCC licensed StarFire and OmniSTAR augmentation systems; (3) LightSquared handsets, when operating close to a GPS receiver, harmfully interfere with it; (4) current GPS receivers using other GNSS constellations and augmentations systems with signals in the GPS L1 band will suffer harmful interference from the LightSquared signals for the same reason as do the GPS signals; (5) in the lower 10 MHz channel configuration, 31 of 33 High Precision and Network GPS receivers tested experienced harmful interference within the range of power levels that would be seen inside the network. High Precision receivers would experience harmful interference at up to 5 km from a single LightSquared base station.

We know of nothing feasible that can be done to make the high precision GPS receivers that surveying and mapping professionals, engineers, contractors and farmers use work properly when in the vicinity of a LightSquared base station. Additionally, we know of no currently available receiver, filter, antenna or other mitigation technology that would enable the construction of future High Precision GPS receivers and augmentation systems that are compatible with LightSquared's rollout plans. Finally, we believe that the most straightforward mitigation would be for LightSquared to use a different frequency band for their terrestrial network.

High-precision GPS equipment used by land surveyors, civil engineers, and other geomatics professionals costing thousands of dollars per receiver would be more adversely affected than the consumer GPS devices given their inherent design. Literally, tens of thousands of high-precision GPS receivers are used in the United States. GPS technology has transformed the way American's have built and managed our infrastructure, adding a tremendous level of efficiency to the design, construction, and

maintenance of roads, bridges, commercial properties, residential subdivisions, parks, farms, golf courses, etc.

Across the country, High Precision GPS has become an essential tool for most land surveyors and geomatic professionals today and it is imperative that these GPS signals are not jeopardized by broadband technology. The FCC must make clear, and the NTIA (National Telecommunications and Information Administration) must ensure, that LightSquared's license modification is contingent on a finding of no interference by LightSquared's signals on High Precision GPS usage. The findings of no interference must contain a high degree of certainty, because public welfare and safety depends on accurate systems. It will be too late to worry about fixing the problem when LightSquared's system is already up and running.

Thank you for your concern and attention to this very important matter. I am available to meet with you to discuss this issue in more detail.

For the Board,
[Signed]
James H. Milligan, Ph.D., P.E.
Board Chair

BOARD EXPRESSES OPINION ON NEED TO MONUMENT "POINTS ON LINE"

Michael Hathaway, P.L.S. inquired of the Board whether or not "points on a line" that a client has asked by identified need to be monumented under the amendments incorporated in House Bill No. 132 passed by the 2011 session of the Idaho Legislature. The Board expressed an opinion that the law does not require monumentation of points on a line unless that point is a corner as defined in Idaho Code.

BOARD SUBMITS ANNUAL REPORT TO GOVERNOR OTTER

The Board has submitted the Fiscal Year 2011 Annual Report to Governor C.L. "Butch" Otter. Excerpts from the report are below.

Dear Governor Otter:

Pursuant to Section 54-1210(3) of the Idaho Code, the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors has the honor of transmitting to you the following Annual Report of the Board covering activities from July 1, 2010 through June 30, 2011.

Please contact us if you have any questions.

Respectfully submitted,
BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS

BOARD ACTIVITIES

During the 2011 fiscal year, the Board met for five regular meetings and two special meetings to conduct Board business, review applications, grant licenses and consider complaints.

As of the end of the fiscal year, there were: 7,293 Professional Engineers of which 2,385 were Idaho residents; 667 Professional Land Surveyors of which 301 were residents; 82 combined Professional Engineer/Professional Land Surveyors of which 53 were residents; 1,241 Engineer Interns of which 797 were residents; 49 Land Surveyor Interns of which 44 were residents; 1,587 engineering and/or land surveying business entities of which 397 were physically located in Idaho and 553 persons who had elected to take Retired Status of which 242 were residents. All renewals, except business entities, are on a biennial basis. Business entities renew annually.

Licenses were issued to 347 engineers by comity with other states and to 70 who successfully completed the examination process; 21 land surveyors by comity with other states and there were no individuals that successfully completed the examination process. There were 215 Engineer Intern certificates issued to successful examinees in the Fundamentals of Engineering examination and 7 Land Surveyor Intern certificates were issued to successful examinees in the Fundamentals of Surveying examination. In addition, Certificates of Authorization were issued to 164 business entities to perform professional engineering or professional land surveying or both in the State of Idaho.

The Board received a total of 19 complaints against engineers, land surveyors, business entities and unlicensed persons in fiscal year 2011 and 13 were carried over from previous years. Of these 32 complaints, 17 were dismissed or terminated without consent agreements or formal hearings and 11 were pending resolution at the end of the fiscal year. 4 complaints were closed following issuance of Final Orders of the Board accepting Consent Agreements which resulted in the admonishment or reprimand of 4 license holders and the deposit of \$1,000.00 in Administrative Penalties to the General Fund of the State of Idaho.

In fulfilling its Strategic Plan, the Board published two quality News Bulletins on the website and notified all license and certificate holders as well as a number of public officials of their availability. The Board Members and staff made 26 presentations to groups or organizations to explain the function of the Board or further the mission of the agency. The Legislature passed and the Governor signed House Bill No. 132 which clarified ambiguities in several chapters of Idaho Code relating to land surveying and provided for consistent terminology throughout various chapters of Idaho Code relating to land surveying. The results of a Satisfaction Survey indicates that while 92.1 percent of those to whom we provide applications are satisfied with the services they receive, this is a decline of over two percent from the previous year, so we will address that dissatisfaction. The Board and staff remain active in regional and national activities with Dr. Milligan chairing the national Examinations for Professional Engineers Committee and consultant to several others, Mr. Curtis chairing the national Computer-Based Testing Task Force and serving as Secretary/Treasurer of the Western Zone, Mr. Howe serving on the Examinations for Professional Surveyors Committee and Mr. Szatkowski serving on the Law Enforcement Committee and the Sustainable Buildings Task Force. This level of activity results in the recognition of Idaho as a leader in the engineering and surveying regulatory arena.

STATE OF IDAHO
 BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND
 SURVEYORS

July 1, 2010 through June 30, 2011 (Fiscal Year 2011)

Summary of Receipts

CERTIFICATE, APPLICATION, COMITY AND RENEWAL FEES	\$494,980.41
PENALTIES (INCLUDING \$1,000 DEPOSITED TO THE GENERAL FUND)	<u>24,545.71</u>
TOTAL REVENUE	519,526.12

Expenditures Including Encumbrances from Previous Year

PERSONNEL COSTS Salaries and Wages, Personnel Benefits	318,783.98
OPERATING EXPENSES Travel, Professional Services, Other Services Communications, Materials and Supplies, Rentals, Repairs and Maintenance, Misc. Operating	162,997.20
CAPITAL OUTLAY	<u>1,389.99</u>
TOTAL EXPENDITURES	\$483,171.17

Summary of Operations

Free Fund Cash Balance as of July 1, 2010	\$479,792.06
Add: Revenues	519,526.12
Less Amount Deposited to General Fund	1,000.00
Total to account for	998,318.18
Less: Expenditures Including Encumbrances from Previous Year	483,171.17
Fund Balance as of June 30, 2011	515,147.01
Less: Encumbrances Carried Forward to FY 2011	0.00
Free Fund Cash Balance as of June 30, 2011	\$515,147.01

BOARD FORMS SUBCOMMITTEE TO STUDY ADMINISTRATION OF EXAMS IN FOREIGN COUNTRIES

For a number of years the National Council of Examiners for Engineering and Surveying has administered the Fundamentals of Engineering and the Principles and Practice of Engineering examinations in countries outside the United States. Those countries currently include Canada, Japan, Korea, Egypt, Saudi Arabia, United Arab Emirates, and Turkey. Members of the Board have expressed a concern that these administrations may result in the outsourcing of engineering jobs. The Board has formed a subcommittee to further study this issue and how we might take the concerns to NCEES and address them in Idaho statute. The Board will be working toward an action item that can be presented to the Western Zone meeting of NCEES in 2012.

UPCOMING CHANGES IN FORMAT OF NCEES EXAMINATIONS

Beginning in January of 2014 the National Council of Engineering and Surveying (NCEES) Fundamentals of Engineering examination and the Fundamentals of Surveying examination will be administered in a computer-based testing (CBT) format. NCEES has negotiated a contract with Pearson VUE to assist in the conversion of the current paper-and-pencil examinations to the new format and administer them in Pearson VUE test centers throughout the United States and the world. The new format provides for significant security enhancements as well as being more convenient for candidates. Rather than being available only two days a year, the exams will be administered the first two months of each calendar quarter. The exams may be shorter than their current eight hour duration, although that has yet to be determined. In addition, score reporting should take significantly less time and exam item writers will be provided with valuable information regarding the performance of exam items. At its meeting in August of this year NCEES approved an increase in cost of the exam to \$250 per candidate. Idaho candidates currently pay \$125 for the examination. David L. Curtis, P.E., Executive Director of the Idaho Board chaired the NCEES Computer-Based Testing Task Force for four years during the study phase of this process and James H. Milligan, Ph.D., P.E. served on the NCEES Examinations for Professional Engineers Committee during that time, most recently serving the second year of a two year Chairmanship of that Committee.

IS A "PAVED OVER" LAND SURVEY MONUMENT "DISTURBED"?

In response to an inquiry of "Does the board consider monuments that are paved over 'disturbed'?", the Board expressed an opinion that paving over monuments with an overlay or chip seal does not disturb them as "disturbed" is used in Idaho Code Section 55-1613, nor is the monument "defaced," "injured," or "removed" as those terms are used in Idaho Code Section 54-1234. Prior to a "rotomilling" operation or other construction, monuments should be located by a professional land surveyor so they can be reestablished if they are "disturbed," as required under Idaho Code Section 55-1613.

DISCIPLINARY ACTIONS

The following final formal actions have been taken by the Board since publication of NEWS BULLETIN No. 47 in June of 2011.

Docket No. FY 08.23b and FY 08.23c – JOHN W. BESSAW, P.E. AND WASHINGTON GROUP INTERNATIONAL, INC. Mr. Bessaw signed a Stipulation and Consent Order in which he stipulated to violating Idaho Code Section 54-1215(3)(b) and IDAPA 10.01.02.006.03, failing to seal documents prepared under his responsible charge. WGI stipulated to violating IDAPA 10.01.02.006.01, failure to assign competent Idaho licensees to a project. Both Bessaw and WGI were admonished for their conduct. Bessaw was ordered to pay an Administrative Penalty of \$250 to the General Fund of the State of Idaho and WGI was ordered to pay an Administrative Penalty of \$1,000 to the General Fund of the State of Idaho.

Docket No. FY 11.10 – IN THE MATTER OF ANNA M. JONES, P.E. Ms. Jones signed a Stipulation and Consent Order in which she admitted to making two significant errors on building projects in Boise, Idaho. She reversed the seismic values of SDS and SD1 in her calculations on one project and she failed to account for the gravity loads in removing the beam on one side of a room in another project, in violation of IDAPA 10.01.02.005.02, “Standard of Care.” She was admonished by the Board, paid an Administrative Penalty of \$500 to the General Fund of the State of Idaho, and agreed to complete within 300 days, at her own expense, a preapproved college course in design of wood structures. She also agreed, at her own expense, to have another professional engineer review her next two (2) structural projects and submit a certification to the Board when completed.

Docket No. FY 11.13 – IN THE MATTER OF DAVID KINZER, P.E./L.S. Mr. Kinzer signed a Stipulation and Consent Order in which he agreed that there was sufficient evidence to support a finding that he failed to file a Record of Survey in a timely manner in violation of Idaho Code Section 55-1904, and that he placed his seal, signature and date on documents for which he was not in responsible charge in violation of Idaho Code Section 54-1213(3)(d) and IDAPA 10.01.02.006.03 “Use of Seal on Documents.” He was admonished by the Board and paid an Administrative Penalty of \$500 to the General Fund of the State of Idaho.

Docket No. FY 11.16 – IN THE MATTER OF JAMES B. GUTHRIE, P.E. Mr. Guthrie signed a Stipulation and Consent Order in which he agreed that there was sufficient evidence to support a finding that he failed to sign and/or seal published reports in violation of Idaho Code Section 54-1215(3)(b). He was admonished by the Board and paid an Administrative Penalty of \$500 to the General Fund of the State of Idaho.

Docket No. FY 11.17 – IN THE MATTER OF LAWRENCE FISCHER, P.E. Mr. Fischer signed a Stipulation and Consent Order in which he agreed that the voluntary surrender of his professional engineer license in Arkansas raised sufficient issues that rather than defend any action by the Idaho Board, he chose to voluntarily surrender his current Idaho license. Approval of the Stipulation and Consent Order by the Board shall not be construed as a finding or determination by the Board that any violations actually occurred. He agreed not to renew or seek reinstatement of his license to practice as a professional engineer in the state of Idaho and he agreed that he would not offer or perform any activities that fall within the definition of engineering in the state of Idaho as defined in Idaho Code Section 54-1202(3), (4) and (8). He assumed all costs of his complying with the Stipulation and Consent Order.

Docket No. FY 12.05 – IN THE MATTER OF F. GREG ANDERSON, P.E. Mr. Anderson signed a Stipulation and Consent Order in which he agreed there was sufficient evidence to support a finding that he failed to obtain the Continuing Professional Development (CPD) in the form of Professional Development Hours to satisfy the Administrative Rules adopted by the Board. Mr. Anderson has voluntarily not paid the renewal fee so as to not renew the license without first complying with the CPD rules. This has resulted in the license being in an expired state. He was admonished by the Board and was ordered to pay an Administrative Penalty of \$200 to the General Fund of the State of Idaho.

IN MEMORY OF THOSE RECENTLY DECEASED

Clifford E. Bissell, EE 1047, Meridian, ID
William Howell Branum, CE 5678, San Antonio, TX
Richard F. Clements, Jr., CE/LS 780, Boise, ID
John Cady Eisinger, EE 6380, San Antonio, TX
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